FILED
MAR 23 1982
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

390

JAMES Q. BLOMGREN and MICHAEL P. BRICE,

Plaintiffs,

vs.

THE IOWA DISTRICT COURT FOR WAPELLO COUNTY,

Defendant.

Filed March 23, 1982

2-3
2-65584

Appeal from Wapello District Court - Richard Vogel, Judge.

The plaintiffs, two attorneys who represented two indigent criminal defendants in a joint trial, brought an original certiorari proceeding to challenge the trial court order awarding them smaller fees than they had requested. Plaintiffs contend that the trial court employed improper standards in determining the hourly rate of compensation, and that the trial court erred in determining the number of compensable hours. WRIT SUSTAINED.

M. H. Pothoven of Williams, Clements, Blomgren & Pothoven, Oskaloosa, for plaintiffs.

Greg A. Life, Mahaska County Attorney, for defendant.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter, and Johnson, JJ.

DONIELSON, J.

The plaintiffs, two attorneys who represented two indigent criminal defendants in a joint trial, brought an original certiorari proceeding to challenge the trial court order awarding them smaller fees than they had requested. Plaintiffs contend that the trial court employed improper standards in determining the hourly rate of compensation, and that the trial court erred in determining the number of compensable hours. We sustain plaintiffs' writ and remand for a hearing.

Our scope of review is limited to correction of errors at law. Iowa R. App. P. 4.

I.

Plaintiffs are attorneys who represented two indigent criminal defendants in a joint trial. A third attorney also represented a third indigent defendant in the same trial and is not a party to this proceeding. After trial, all three attorneys submitted claims for their services. The third attorney requested compensation of $30 per hour for 228.8 hours of work and he settled with the county for an amount very close to his request. However, the plaintiffs each requested compensation of $50 per hour. Plaintiff Brice sought this rate of pay for 289.25 hours, for a total request of $14,462.50. Plaintiff Blomgren sought this rate of pay for 274.3 hours, for a total request of $13,715. Blomgren also requested reimbursement for expenses of $182.19.

After a hearing, the trial court awarded each plaintiff fees of $7500. The court also awarded Blomgren the expenses he sought. The trial court stated only the final amount of its awards; it did not state either a specific hourly rate or a specific number of compensable hours.

In explaining its awards, the trial court expressed the view that the plaintiffs had charged for more time than was reasonably necessary for the

services in question. The court stated that the plaintiffs had taken unnecessary depositions, and that the plaintiffs had engaged in more duplication of effort than was warranted, in light of the joint trial and the similarity of the issues raised by the various defendants. With regard to rates of compensation, the trial court noted only that within the preceding year the fees awarded locally for the representation of indigent criminal defendants had ranged from a low of $20 to a high of $50.

II.

We find the recent case of Hulse v. Wifvat, 306 N.W.2d 707 (Iowa 1981) to be despositive of the issues in this case. In order to determine the proper compensation for attorneys representing indigent criminal defendants, the court must look to see whether the services are reasonably necessary and whether the valuation of the services is reasonable in amount. Id. at 709.

The trial court's order in this case did generally discuss both the number of hours the attorneys submitted and the rate per hour which the attorneys requested. However, the trial judge's order did not specify either the number of hours which he considered to be reasonably necessary for an adequate defense in this case or what he found to be "the ordinary and customary charges for like services in the community." Section 815.7, The Code 1981.

It is impossible to determine how the $7500 amount awarded by the trial judge was calculated. We cannot tell whether the judge reduced the number of hours requested, reduced the requested charge per hour, or did both to arrive at the $7500 award of fees.

We therefore remand this case for an evidentiary hearing under the guidelines of Hulse v. Wifvat, where the trial court is to determine both the number of hours which were reasonably necessary for effective representation and the rate of reasonable compensation on a per hour basis.

WRIT SUSTAINED.