IN THE COURT OF APPEALS OF IOWA

No. 2-568 / 92-586

FILED
SEP 2 1993
CLERK SUPREME COURT

DOROTHY L. DAKIN,
Plaintiff,

vs.

IOWA DISTRICT COURT FOR
BOONE COUNTY,
Defendant.

000159

Appeal from the Iowa District Court for Boone County, David R. Danilson, Judge.

Attorney Dakin was given permission to file a writ of certiorari action in which she challenges the district court's award of attorney fees to her in two separate actions wherein she was court-appointed to represent indigent persons. **WRIT DENIED.**

Dorothy L. Dakin of Dakin Law Office, Boone, for plaintiff.

Bonnie J. Campbell, Attorney General, Thomas G. Fisher, Jr., Assistant Attorney General, Steven J. Oeth, County Attorney, and Jim P. Robbins, Assistant County Attorney, for defendant.

Considered by Oxberger, C.J., and Donielson and Habhab, JJ.

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OXBERGER, C.J.

On June 9, 1991, attorney Dorothy L. Dakin was appointed to represent defendant Jack Eugene Beadle in a criminal matter wherein Beadle was charged with operating a vehicle while intoxicated. Dakin filed a motion to suppress on behalf of Beadle on the theory that the arresting officer had no probable cause to justify stopping Beadle's vehicle or to arrest him. Prior to the hearing on the motion, Dakin made an application to exceed attorney fee limitations which the court approved. After a hearing, the court granted Beadle's suppression motion and the county attorney moved to dismiss the action.

Dakin then filed a claim for attorney fees and attached an itemized time statement. The statement showed a total of 13.8 hours at $60 per hour plus $1.50 out-of-pocket expenses making a total claim of $829.50. The county attorney waived hearing and the district court entered an order approving an award for fees to Dakin of $709.50. Dakin requested a hearing to challenge the reduction of her fees by $120 which the court denied.

In February 1992, Dakin was appointed to represent Bryan Weatherly in an action for involuntary hospitalization. Dakin negotiated to have the matter regarding Weatherby's hospitalization continued on the condition that he attend AA and NA meetings and undergo counseling. Dakin did not file a request for authority to exceed the guidelines for cost of court-appointed counsel.

On March 17, 1992, Dakin filed her claim for attorney fees requesting compensation at $60 per hour for 4.1 hours plus $19.54 in telephone expenses for a total of $265.54. Again, the county attorney waived hearing on Dakin's claim. The court entered an order granting Dakin $150 for attorney fees noting the supreme court guidelines. Dakin filed a request for a hearing to reconsider her fee application which the court denied.

Following the court's refusal to reconsider her fees, Dakin filed a petition for writ of certiorari which Senior Judge Reynoldson granted on May 4, 1992.

We review for an abuse of discretion. Hulse v. Wifvat, 306 N.W.2d 707, 710 (Iowa 1981). Unless an abuse of discretion is demonstrated, we are bound by the trial court's determination. Id.

We hold Green v. Iowa Dist. Court, 415 N.W.2d 606 (Iowa 1987) is dispositive on this issue. We find no abuse of discretion in reducing the attorney fees and affirm the district court.

WRIT DENIED.