

**IN THE COURT OF APPEALS OF IOWA**

No. 8-660 / 07-1661  
Filed August 27, 2008

**STATE PUBLIC DEFENDER,**  
Plaintiff,

**vs.**

**IOWA DISTRICT COURT  
FOR FLOYD COUNTY,**  
Defendant.

---

Appeal from the Iowa District Court for Floyd County, Gerald W. Magee,  
Associate Juvenile Judge.

The State Public Defender was granted certiorari review from the district  
court order requiring the State Public Defender to pay court-appointed counsel  
for travel time. **WRIT SUSTAINED.**

Mark C. Smith, First Assistant State Public Defender, and Rebecca  
Hanson, Assistant State Public Defender, for appellant.

Christopher O'Donohoe and Richard Stochl, New Hampton, for appellee.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

**PER CURIAM**

The State Public Defender was granted certiorari review from the district court order requiring the State Public Defender to pay court-appointed counsel, Richard Stochl, for travel time. We sustain the writ.

**I. Background Facts and Proceedings.**

Attorney Stochl filed a claim with the State Public Defender seeking payment of court-appointed attorney fees for representing a father in a termination of parental rights case then pending in Floyd County. Stochl's claim included travel time and expenses to meet with his client, who was incarcerated in Pekin, Illinois. After requesting further travel specifics, on May 10, 2007, the State Public Defender sent a "Notice of Action" letter to Stochl reducing his claim. Stochl requested judicial review of the State Public Defender's reduction of his compensation. The resulting ruling states:

The Court FINDS that the father in this matter . . . was required to have legal counsel to represent him in this termination of parental rights case [Iowa Rule of Civil Procedure 1.211]. The Court further FINDS that [the father] was in federal custody and subject to their supervision and control and contact. Mr. Stochl was required to consult with him about trial in this matter, sought and received prior approval from this Court to travel to Pekin, Illinois for that purpose. The Court FINDS that the Public Defender's action in denying that travel was unreasonable and in conflict with Iowa law that requires defense against judgment of one who is incarcerated and with court order that authorized travel for that purpose.

The trial court accordingly ordered the State Public Defender to reimburse Stochl for travel time related to Stochl's meeting with his client at his place of confinement in Pekin, Illinois

On September 21, 2007, the State Public Defender filed a petition for writ of certiorari and requested a stay, claiming the district court acted illegally and in excess of its authority by granting an order allowing travel and mandating the State Public Defender to pay the claim submitted by Stochl. This case is now before us pursuant to the State Public Defender's petition for writ of certiorari.

## **II. Standard of Review**

"Relief through certiorari is strictly limited to questions of jurisdiction or illegality of the challenged acts." *French v. Iowa Dist. Ct.*, 546 N.W.2d 911, 913 (Iowa 1996). In a certiorari case, we review the trial court's ruling for correction of errors at law. *State Pub. Defender v. Iowa Dist. Ct.*, 731 N.W.2d 680, 683 (Iowa 2007).

## **III. Merits**

Iowa Code section 13B.4(3) (2007) allows the public defender to contract with attorneys for the provision of legal services to indigent persons. The public defender is authorized to review all claims for payment of indigent-defense costs and may deny such a claim if, among other things, the claim "is not payable under the contract between the claimant and the state public defender." Iowa Code § 13B.4(4)(c)(2)(c). Compensation for attorneys under contract with the public defender, including those appointed to represent indigent parties in juvenile court, is governed by the rules adopted by the public defender. Iowa Admin. Code r. 493-11.5(6). As noted earlier, the trial court's reimbursement order was premised on the father's right to a guardian ad litem under rule 1.211. The court, however, has no authority to order public compensation of an attorney

for services provided pursuant to rule 1.211. See *State Pub. Defender v. Iowa Dist. Ct.*, 721 N.W.2d 570, 575 (Iowa 2006); see also *Garcia v. Wibholm*, 461 N.W.2d 166, 170 (Iowa 1990). We accordingly sustain the writ.

**WRIT SUSTAINED.**