



# Commonwealth of Virginia

**Walter J. Kucharski, Auditor**

**Auditor of Public Accounts  
P.O. Box 1295  
Richmond, Virginia 23218**

November 1, 2010

The Honorable Robert S. Brewbaker, Jr.  
Chief Judge  
City of Suffolk Juvenile and Domestic Relations Court  
150 N. Main Street 2nd Floor  
Suffolk, VA 23434-4552

Audit Period: July 1, 2009 through June 30, 2010  
Court System: City of Suffolk  
Judicial District: Fifth

We are performing a statewide audit of the Juvenile and Domestic Relations Courts. During our review of this court, we conducted certain audit procedures, as we deemed appropriate.

Management of this court is an important part of the court's accountability, since you are responsible for establishing and maintaining internal controls and complying with applicable laws and regulations. During our review, we noted certain matters that required management's attention and corrective action. These matters included:

## Recover Costs for Court Appointed Attorneys

The Clerk did not recoup from the locality the state funds used to pay court appointed attorneys and public defenders when they represented defendants charged with local offenses as required by Section 19.2-163 of the Code of Virginia. In our review of five cases, the Clerk failed to bill the locality for \$600 in Court Appointed Attorney and Public Defenders fees paid by the Commonwealth.

We recommend the Clerk research all similar cases, make the appropriate corrections to case paperwork, and where appropriate, bill the localities for the applicable court appointed attorney and public defender fees. Further, we recommend the Clerk work with the Office of the Executive Secretary to receive training in these billing practices.

## Properly Review and Retain Court Appointed Attorney Documents

The Clerk did not properly review and retain the List of Allowances (form DC-40), Application and Authorization for Waiver Fee Cap (form DC-40A), and the required Attorney Timesheet per Section 19.2-163 et.al. of the Code of Virginia. Auditor tested 32 invoices and noted the following errors.

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- In one instance, the Chief Judge did not approve a request for additional compensation above the supplemental statutory waiver resulting in an overpayment by the Commonwealth of \$291.
- For seven invoices, there was no Waiver Fee Cap request, resulting in \$960 paid by the Commonwealth for which we could not verify the review and approval of these payments.
- In three instances, there was no Attorney Timesheet supporting the payment of fees totaling \$651.

We recommend the Clerk review and retain all required paperwork pertaining to Court Appointed Attorneys.

We acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK: clj

cc: The Honorable Alfreda Talton-Harris, Judge  
Brenda A. Rountree, Clerk  
Paul F. DeLosh, Director of Judicial Services  
Supreme Court of Virginia