

First Judicial District Court Appointed Counsel

The below is a summary of the current procedures and payment amounts for the for First Judicial District (FJD) assigned counsel representing indigent defendants. This information is only meant to familiarize and review all aspects of payments for court appointments.

Effective March 10, 1997 changes were made in the manner in which court-appointed counsel are compensated for various types of appointments. These changes were promulgated in Directive No. 1 of 1997 by the Administrative Governing Board of the First Judicial District. The changes in the rates for representation of indigent clients will affect cases assigned in the Court of Common Pleas Trial & Family Division and the Municipal Court. Table 1 summarizes the new rates and how they apply to various case types. Section 1: **Overview of Court-appointment Payment Systems** addresses the three payment systems in place for court-appointments, the Modified Guaranteed Fee System, the Guaranteed Fee System, hereafter known as MGFS and GFS respectively, and the Hourly Fee System. Section 2: **Payments of Court-appointments by Case Type** defines payments based on case type and/or duration of in-court time. Section 3: **Payment Method** provides a summary of what is required of appointed counsel to receive payment for their court appointments.

Table 1: Summary of New Fees for Court Appointments

Case Type	Applicable Rate¹
Municipal Court: Misdemeanor	\$350 Flat Fee
Municipal Court: Appeal	\$150 for 3 hrs or less court-time & \$300 for 3 hrs or more
Family Division: Delinquency Hearing Disposition	\$150 per case
Family Division: Assignment as Conflict Counsel	\$250 per day
Family Division: Juvenile Misdemeanor	\$300 Flat Fee
Family Division: Juvenile Felony or Adult Certification	\$400 Flat Fee
Family Division: Dependency Appointment	\$300 Flat Fee for 1 st year
Family Division: Dependency Disposition Subsequent to First Year	\$150 Flat Fee
Family Division: Abuse	\$350 Flat Fee

Section 1: Overview of Court-appointment Payment Systems

¹Directive No.1 of 1997 issued by the Administrative Governing Board of the First Judicial District.

This section provides a brief description of each payment method and the criteria for its use. Municipal Court misdemeanors and Family Division appointments on or after March 10, 1997 will be subject to the MGFS. Appointments of counsel in all cases from July 1, 1993 to March 9, 1997 will be processed and paid at the applicable rate of the original GFS. Appointments made prior to July 1, 1993 will be compensated at hourly rates established under the GFS.

Modified Guaranteed Fee System (MGFS)

This payment system modifies the GFS but specifically applies to court appointments made on or after March 10, 1997 for all Municipal Court misdemeanor cases and all Court of Common Pleas, Family Division cases (delinquency, dependency, & abuse). For these case types flat fees have been established. Fee payment amounts for Court of Common Pleas Trial Division criminal cases will remain unchanged with the following exceptions: In non-homicide felony cases and homicide cases, compensation cannot exceed two half days per calendar day, regardless of the number of daily court appearances. Continuances are **not** payable for any reason. To receive compensation for a full day, appointed counsel must be physically present in the courtroom for more than three hours, otherwise it is billed as a half-day which is three hours or less of in-court time. A detailed description of the new fee structure is listed in the *Section 2: Payments of Court-appointments by Case Type*.

Guaranteed Fee System (GFS)²

This payment system applies for court appointments made on or after July 1, 1993 through March 9, 1997 for all Municipal Court, Court of Common Pleas, Trial and Family Division cases, with the exception of Appeals, Post Conviction Relief Act (PCRA's), Dependency cases, and Post Trial Motions all of which are billed under the Hourly Fee System.

The GFS was created to streamline the payment process and establish set fees for particular case types. Under the GFS, a voucher form was prepared that enables counsel to obtain judicial approval of in-court trial time and upon submission to the Counsel Fee Unit, payment was made within 30 days. Per diems³ were established for full-day and half-day in-court time, along for set amounts for preparation fees. For delinquency and non-homicide cases the per diem amounts were \$150.00 per half-day and \$300.00 per full-day, homicide per diems were \$200.00 per half day and \$400.00 per full-day. The remaining case types were billable on an hourly basis but were increased over the original amounts set in the Hourly Fee System.

Hourly Fee System⁴

This payment system applies for all court appointments and case types made prior to July

² Guaranteed Fee System for the Timely and Adequate Payment of Appointed Private Indigent Defense Counsel.

³ Table 1.. Page 1 in the GFS Summary.

⁴ Philadelphia Criminal Rule 424 and 425 can be found at the Jenkins Law Library.

1, 1993. Appeals, PCRA's, Dependency cases and Post Trial Motions appointed on or after July 1, 1993 through March 9, 1997 will also be compensated under this system. As of March 10, 1997 Appeals, PCRA's and Post-Trial Motions will be compensated under the Hourly Fee System. The rates applicable for the cases are found in ***Section 2: Payments of Court Appointments by Case Types***. Dependency cases are now a flat fee. For compensation under the Hourly Fee System, a fee petition must be submitted. This consists of a blank order sheet, appointment letter, chronology, and a notarized affidavit. This petition is then filed with the FJD Procurement Unit, who require an original and two copies.

Any attorney found falsifying fee petitions in the Modified Guaranteed Fee System, Guaranteed Fee System or Hourly Fee System will result in automatic removal from all court appointed lists, referral to the Disciplinary Board of the Pennsylvania Supreme Court and prosecution to the fullest extent of the law.⁵

Section 2: Payments of Court-appointments by Case Type

Municipal Court⁶

Misdemeanor Appointments

Appointments of counsel in misdemeanor cases are payable a flat fee of \$350.00 per case, regardless of when or how long is needed to dispose the matter. Appeals of cases disposed in Municipal Court will be paid on a per diem basis. The per diem amounts are \$150.00 per half day (3 hours or less) and \$300.00 (3 hours or more) per full-day. If you feel your case is extraordinary, you may petition the President Judge of the Municipal Court or his designee to receive compensation in excess of the \$350.00 flat fee.

Family Division⁷

Juvenile Delinquency Appointments:

Court-appointments for delinquency cases (misdemeanor or felony) disposed at pre-trial hearings, the Youth Study Center, and in the courtrooms will receive \$150.00 per case (e.g. Bench appointments).

Court-appointments as conflict counsel at the List Room in A-court or at the Youth Study Center will receive \$250.00 per day.

Court-appointments for delinquent juveniles who are tried on a misdemeanor charge will receive a flat fee of \$300.00 per case.

⁵Administrative Governing Board Directive No.1 of 1997, Page 3.

⁶Administrative Governing Board Directive No. 1 of 1997, Page 1, Section I.

⁷Administrative Governing Board Directive No. 1 of 1997, Page 2, Section 2A

Court-appointments for delinquent juveniles who are tried on a felony charge or Adult Certification is payable a flat fee of \$400.00 per case.

Dependency Appointments:

The first year of appointment is payable at disposition a flat fee of \$300.00. If the case is disposed after the first year, compensation will be a flat fee of \$150.00.

Abuse Appointments

Court appointments for these cases will be compensated a flat fee of \$350.00 per case payable after the matter is disposed.

If you feel your case is extraordinary, you may petition the Administrative Judge of Family Division or his designee to receive compensation in excess of the fee listed for your type of appointment.

Trial Division⁸

Non-Homicide Felony Appointments

Court appointments in felony non-homicide cases that are disposed at a preliminary hearing will be compensated \$200.00.

Court appointments in felony non-homicide cases that are disposed during or after arraignment in the Court of Common Pleas will be compensated \$400.00.

Court appointments in felony non-homicide cases that are disposed at the first day of trial that lasts less than three hours will be compensated \$600.00.

Court appointments in felony non-homicide cases that require one trial day that lasts more than three hours will be compensated on per diem basis. This includes a preparation fee of \$600.00 and \$150.00 for the in-court time that lasts more than three hours.

Court appointments in felony non-homicide cases that last more than one day through duration will also be paid on a per diem basis. This includes a \$750.00 fee for the first day of trial (\$600.00 prep fee and \$150.00 for more than three hours in-court time) and an additional per diem of \$150.00 for each half day (three hours or less) and \$300.00 for each full day (three hours or more) of trial.

In cases of extreme complexity, you may petition the Administrative Judge of the Trial Division or his designee to apply for hourly compensation. In instances where appointed counsel is relieved of his services, they will be compensated in the same manner as stated above.

⁸GFS Summary Pages 6-8, Sections 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 3.4. Also, Page 12, No. 8.

Homicide Appointments

Court appointed counsel to homicide cases will be compensated as set forth in the Guaranteed Fee System. If the complexity of the case deems extraordinary representation, counsel can make an application for billing under the Hourly Fee System. If the case is assigned to a trial judge, appointed counsel may apply for hourly billing to that judge. In either instance, the homicide calendar judge or the trial judge will make a recommendation to the Administrative Judge of the Trial Division and/or the President Judge for determination. In all instances the President Judge will make the final determination for payment method.

For cases paid through the Guaranteed Fee System, compensation is based on the duration of their representation. Below is a schedule of compensation for trial time:

Court appointments in homicide cases that are disposed at a preliminary hearing will be compensated \$567.00.

Court appointments in homicide cases that are disposed after arraignment in the Court of Common Pleas but before trial, will be compensated \$1,133.00.

Court appointments in homicide cases that are disposed at the first day of trial lasting less than three hours will be compensated \$1,700.00.

Court appointments in homicide cases that require one trial day lasting more than three hours will be compensated on per diem basis. This includes a preparation fee of \$1,700.00 and \$200.00 for the in-court time that lasts more than three hours.

Court Appointments in homicide cases lasting more than one day through the duration of trial will also be paid on a per diem basis. This includes a \$1,900.00 fee for the first day of trial (\$1,700.00 prep fee and \$200.00 for more than three hours in-court time) and an additional per diem of \$200.00 for each half day (three hours or less) and \$400 for each full day (three hours or more) of trial.

At the conclusion of a homicide trial, counsel can submit a Guaranteed Fee voucher form for compensation based on the duration of the trial. This voucher form must be approved by the trial judge and forwarded to the Counsel Fee Unit. For post-verdict representation through sentencing, compensation is governed by the Hourly Fee System.

Associate or backup counsel may be requested by counsel. They will be compensated at the lesser rate than lead counsel of \$650.00⁹ with no per diem.

Non-Homicide - Appeals, Post Conviction Relief Act (PCRA)

Appointed counsel in a non-homicide appeal or PCRA case must submit billing under the Hourly Fee System. For appointments after July 1, 1993 the in-court rate is \$50 /hr and out-of-

⁹Issued by memorandum from Joseph Cairone, Deputy Court Administrator and Alan Yatvin, Esq. Chair, Bar Assoc. Screening Committee on Aug. 17, 1995

court rate is \$40 /hour.

Homicide - Appeal, Post Conviction Relief Act

Appointed counsel in a homicide appeal or PCRA case must submit billing under the Hourly Fee System. For appointments after July 1, 1993 the in-court rate is \$60 /hr and out-of-court rate is \$50 /hour.

Post-Trial Appointments

Billings for a violation of probation/parole for all case types, a review and status hearings in delinquency matters, and representation of witnesses in any case type must submit billing under the Hourly Fee System. The type of case will determine the applicable hourly rate as set forth above.

For all the above case types, appointed counsel may obtain the services of experts and investigators. These services are most frequently used in homicide, non-homicide and delinquency matters. Once an investigator or expert is retained, it is their responsibility to seek payment.

Investigators

When an investigator submits a voucher for the initial fee only, the fee payable for a homicide case is \$300.00. In non-homicide cases and juvenile cases the fee payable is \$100.00. Payment for the initial fee does not require a judicial signature. Also, a copy of the attorney's appointment letter must be attached to the voucher in order to assure proper processing of the investigator's payment.

When the investigator submits a voucher for payment of services that exceed those payable by the initial fee, the applicable rate is \$35 /hr. The trial judge's signature is required, a copy of the attorney's appointment letter and an itemized bill of the work completed by the investigator must be included for proper processing of the investigator's payment.

Expert Witness

When an expert witness submits a voucher for the initial fee and/or the per diems for trial time, the voucher must have a judicial signature, a copy of the attorney's appointment letter is to be attached to the voucher to assure proper processing. The initial fee payable for homicide cases is \$500.00. In non-homicide cases and juvenile cases the fee payable is \$350.00. The per diem rate payable for all case types are \$350.00 for 3 hours or less and \$600.00 for three hours or more. If the expert witness requests an initial fee greater than those stated above; the attorney must then petition the trial judge for approval in order to submit the voucher under the hourly billing system.

Section 3: Payment Method

For GFS or MGFS appointments, after disposition (hearing, trial, sentencing) appointed counsel must seek judicial approval of their Guaranteed Payment Voucher. The completed form is then submitted to the FJD Procurement Unit, Room 370 City Hall. The Counsel Fee Unit then reviews the form for accuracy and errors. This form is to be submitted within 30 days from the date of disposition. Payment will be mailed within 30 days after submission to the Counsel Fee Unit.

When submitting the hourly fee petition, provide an original and two copies. Included with this petition must be a blank order for judicial approval, appointment letter, chronology, and a notarized affidavit. The petition is then checked for accuracy, computation errors and/or missing documents. Once checked, a cover memorandum is attached and forwarded to the judge for approval. After approved by the judge the petition is processed for payment. From the time the petition is submitted to the Counsel Fee Unit to when the payment is mailed payment is approximately six to eight weeks.

Questions concerning the payment of court-appointments should be directed to the FJD Procurement Unit at 683-6983 voice and 683-7942 fax.