

## NOTICE

To all Capital Defense Counsel and Members of the Criminal Defense Bar:

Yesterday's Report and Recommendation by Judge Lerner called for increasing fees to appointed counsel in capital cases and noted that the Guaranteed Fee System fee had not been reviewed or increased since adoption in 1997. It is anticipated that the Supreme Court will thoughtfully consider the Report and many changes recommended by Judge Lerner, however, in the interim the following modifications to the GFS fee will be made immediately and will be effective as to all capital cases in which counsel file appearances on or after this date, February 22, 2012:

**Private counsel appointed in capital cases shall be paid a flat fee of \$10,000 (lead counsel) and \$7,500 (penalty phase counsel), irrespective of whether the case is tried to verdict or otherwise disposed and resolved.**

The Supreme Court has decisively addressed the capital case backlog by requiring the assignment of a tenth judge to the Homicide Program and this occurred January 1, 2012. The District Attorney has responsibly undertaken a review of the cases designated as "capital" and projects a reduction in these cases from 60 to 70 per year to no more than 15 to 24 per year. The Court has undertaken to review and qualify as many attorneys as possible for appointment to these cases. This Court will be able to reduce the time to trial of these cases, but only if the pool of available and interested counsel is expanded. As Judge Lerner noted, the scheduling of these cases is hampered not by a lack of trial judges but rather by the lack of qualified counsel interested and available to take such assignments; presently only twelve (12) in number. Recognizing that these capital cases are a community nightmare involving the most horrific murders and the killing of police officers in the line of duty, the Court takes this interim action in order to more expeditiously address the devastating consequences of these crimes to the victim's family and the other parties involved.

Applications for the capital defense panel are available in Courtroom 1105 CJC and when completed they should be returned and filed in Courtroom 1105.

ADMINISTRATIVE GOVERNING BOARD

By: Honorable John W. Herron, Chair