

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
**COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**  
**TRIAL DIVISION**

**General Court Regulation No. 2012-02**

*In re: Capital Case Counsel Qualification*

AND NOW, this 27<sup>th</sup> day of February, 2012, it is hereby ORDERED, ADJUDGED AND DECREED that the operation of this Court's Homicide Appointment System Committee (HAS Committee) is temporarily suspended. This action is taken in order to immediately increase the number of qualified criminal defense lawyers willing to accept court appointment to represent indigent defendants in capital cases in the First Judicial District. The HAS Committee's approved panel for this representation consists of a total of twelve lawyers, a number which is insufficient to meet the immediate needs of the Court. Reliance solely on the approved panel would exhaust the list after the first six new capital cases requiring court appointed private counsel. Inevitably, this would lead to multiple capital case appointments for attorneys on the panel, which is a major part of the problem this Court is working to correct.

Presently, the Supreme Court of Pennsylvania is considering a Report and Recommendations intended to substantially reduce the unacceptable delay in the trial of homicide cases, particularly capital cases, in the First Judicial District. As an interim step in support of this effort, the Administrative Governing Board has increased the fees for indigent capital case representation by the private bar pursuant to a Notice issued on February 22, 2012. However, the HAS Committee's present application and review process and 25 page application will not allow for an increase in the number of attorneys available for appointment in these cases within the time frame necessary to deal promptly and effectively with this issue which is of such great concern to the Supreme Court and, indeed, to everyone interested in the effective functioning of the Criminal Justice System in these most important cases.

Accordingly, until further Order by the Administrative Judge, applications from any attorney who wishes to be considered for a court appointment in a First Judicial District capital case will be available in Courtroom 1105, C.J.C. The homicide calendar judge, with such assistance as he may request, will consider these applications and determine which lawyers are qualified for addition to the currently existing HAS approved capital trial panel. Attorneys added to the capital trial panel through this process will be expected to be available for appointment through December 31, 2012. It is anticipated that no attorneys added to the panel through this process will be asked to accept appointment in more than two capital cases during this calendar year, and attorneys may limit their acceptance of appointments to one capital case per year.

During this period the HAS Committee will review its procedures and notify the Bar when it is prepared to accept new applications for court appointments to be made beginning on January 1, 2013.

This General Court Regulation is promulgated in accordance with Pa.R.Crim.P. No. 105 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. This General Court Regulation shall be filed with the Prothonotary and the Clerk of Courts in a docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, Court of Common Pleas, Philadelphia County, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this General Court Regulation and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. As required by Pa.R.Crim.P. No. 105 (F) one certified copy of this General Court Regulation shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in The Legal Intelligencer and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

BY THE COURT:

*/s/ John W. Herron*

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HONORABLE JOHN W. HERRON  
Administrative Judge, Trial Division