

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

ADMINISTRATIVE GOVERNING BOARD

DIRECTIVE No. 1 OF 1997

In Re: Directive Concerning Court Appointed Counsel Fees

Pursuant to a resolution adopted on November 21, 1996, by the Board of Judges of the Court of Common Pleas, a further extension of the Guaranteed Fee System was declined, and the issue of counsel fees to court appointed counsel was referred to the Administrative Governing Board of the First Judicial District for determination.

On December 9, 1996, the Administrative Governing Board decided to continue the lapsed Guaranteed Fee System until the Administrative Governing Board adopted a new process.

Upon a comprehensive review of the underlying issue, the Administrative Governing Board at a regularly scheduled meeting held on January 14, 1997, determined that the Guaranteed Fee System shall continue to operate as amended hereunder. From time to time, the Administrative Governing Board may further amend or modify the Guaranteed Fee System as necessary.

Effective for Court appointments made on or after March 10, 1997, the Guaranteed Fee System shall be amended as follows:

I. PHILADELPHIA MUNICIPAL COURT

Compensation shall be a flat fee of \$350.00 per case. In extraordinary cases, the

attorney may receive compensation in excess of \$350.0 upon petition and approval of the Municipal Court President Judge or his designee.

In appeals from the Municipal Court to the Court of Common Pleas of Philadelphia County, compensation shall be at the prevailing per diem rate in the Court of Common Pleas.

II. COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

A. FAMILY COURT

1. In delinquency cases, the maximum amounts payable at disposition are as follows:

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|----|---|----------|
| a. | Pre-trial disposition
(misdemeanor or felony): | \$150.00 |
| b. | Pre-trial list room conflict counsel
per diem (misdemeanor or felony): | \$250.00 |
| c. | Misdemeanor: | \$300.00 |
| d. | Felony or adult certification: | \$400.00 |

2. In dependency cases, the maximum amounts payable at disposition are as follows:

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|----|---|----------|
| a. | First year of proceedings per
appointment: | \$300.00 |
| b. | Disposition subsequent to first
year (i.e., adoption, long-term
foster care, return home/supervision,
placement with relative, independent
living): | \$150.00 |

3. In abuse cases, compensation shall be a flat fee of \$350.00 per case, payable at disposition.

4. In extraordinary cases, court appointed counsel may receive compensation in excess of the above rates upon petition and approval of the Administrative Judge of the Family Court Division or his designee.

B. TRIAL DIVISION

The maximum per diem compensation that any attorney shall receive in any given day regardless of the number of cases in which the attorney attends court shall be reduced from three half-days to two half-days.

In the event of a continuance, an attorney shall not receive any per diem compensation regardless of the reason for the continuance.

An attorney shall receive per diem compensation for a full day only when the attorney is physically present in the courtroom for more than three hours.

III. ALL CASES (COMMON PLEAS COURT AND MUNICIPAL COURT)

No Court appointed attorney shall receive compensation without first receiving mandatory training and certification from the Philadelphia Bar Association with regard to proper billing procedures in Guaranteed Fee System and non-Guaranteed Fee System cases.


Falsification of fee petitions in Guaranteed Fee System cases or non-Guaranteed Fee System cases (i.e. submission of multiple fee petitions for the same time period) shall result in automatic removal from all court appointment lists, referral to the Disciplinary Board of the Pennsylvania Supreme Court and prosecution to the full extent of the law.

Any question concerning the interpretation of these amendments shall be decided by the Administrative Judge of the division to which the question pertains, or, in case the question pertains to the Municipal Court, by the Municipal Court President Judge.

This directive is issued consistent with the Order of the Supreme Court dated March 26, 1996, at No. 164 Judicial Administration Docket No. 1, and at the request of the Board of Judges of the Court of Common Pleas of Philadelphia County and Pa. R. Crim. P. No. 6, and shall become effective March 10, 1997. As required by Pa. R. Crim. P. No. 6, the original Directive shall be filed with the Prothonotary in a docket maintained for Directives issued by the Administrative Governing Board of the First Judicial District of Pennsylvania, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Criminal Procedure Rules Committee. Copies of the Directive shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Library, and the Law Library for the First Judicial District.

ADMINISTRATIVE GOVERNING BOARD,

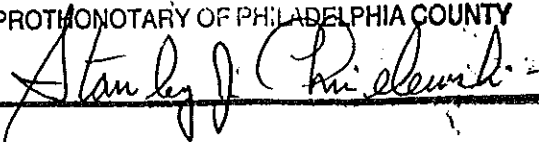
DATE: 2-5-97

BY: 
ALEX BONA VITACOLA
CHAIRPERSON,
ADMINISTRATIVE GOVERNING BOARD
PRESIDENT JUDGE, COURT OF COMMON PLEAS

CERTIFIED FROM THE RECORD ON FEB - 6 1997

JOSEPH H. EVERS

PROTHONOTARY OF PHILADELPHIA COUNTY

BY:  - Deputy