

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

President Judge General Court Regulation

No. 43 of 2021

***In re: Amendment of Philadelphia Court of Common Pleas
Criminal Rules *122-1 and *122-8***

ORDER

AND NOW, this 30th day of November 2021, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on November 18, 2021, to amend Philadelphia Court of Common Pleas Criminal Rules *122-1 and *122-8 as attached to this Order and, as required by Pa.R.J.A. 103, the Supreme Court Criminal Procedural Rules Committee has reviewed the attached local rules, has determined that Rules *122-1 and *122-8 are not inconsistent with applicable statewide rules, and has authorized its promulgation,

NOW, therefore, it is hereby ORDERED and DECREED that Philadelphia Court of Common Pleas Criminal Rules *122-1 and *122-8 are amended, as attached, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rules which are attached to this Order were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rules are not inconsistent with any general rules of the Supreme Court. This Order and the attached local rules shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rules, as well as one copy of the Administrative Order and local rules, shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rules shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also 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/ *Idee C. Fox*

HONORABLE IDEE C. FOX
President Judge, Court of Common Pleas
Philadelphia County

Proposed Amendments to Philadelphia Rules of Criminal Procedures
Court of Common Pleas, Trial Division, Criminal

Note: deleted text is in brackets and strikethrough font; proposed text is bolded and underlined

Rule *122-1. Standards for Appointment of Counsel

(B) Selection of Attorneys

(1) Each attorney who desires appointment in each of the above categories of cases must fill out the appropriate *Application for Court Appointment Certification* which shall be updated from time to time by the ~~[President Judge and the]~~ Administrative Judge of the Trial Division, shall reference the necessary qualifications, and shall be posted on the websites of the First Judicial District and the Philadelphia Bar Association. The *Application* will be submitted to a Screening Committee of the Philadelphia Bar Association. The Screening Committee shall consist of members appointed by the ~~[Board of Judges of Philadelphia County]~~ **Administrative Judge of the Trial Division**. Neither the Chief Defender, nor any attorney from the Defender Association of Philadelphia, nor any attorney from the District Attorney's Office shall be eligible for appointment to the Screening Committee. **The Administrative Judge of the Trial Division shall appoint no fewer than three members as the Screening Committee.** ~~[In making such appointments, the Board of Judges shall consider the recommendation of the Criminal Justice Section of the Philadelphia Bar Association, which shall submit to the Board of Judges a list of not less than fifteen names. Each member of the Screening Committee must be familiar with the practice of criminal law in Philadelphia].~~

(2) The Screening Committee will periodically review all *Applications* submitted, and will designate attorneys who are qualified for handling each category of case; the Screening Committee will maintain such lists of attorneys. It will be the duty of the Screening Committee to review these lists regularly, to add new applicants who meet the qualifications.- No member of the Screening Committee will be permitted to accept an appointment during the member's term on the Screening Committee.

(3) ~~[The Criminal Justice Section of the Philadelphia Bar Association is authorized to adopt rules of procedure governing: the recommendation of the members for the Screening Committee, the frequency of meetings, and the methods for establishing and maintaining lists of qualified attorneys.]~~

(4) From time-to-time, the lists of approved attorneys will be made available to the judges authorized to make appointments.

*Note: Amended September 20, 2019, effective December 2, 2019. Amended on
, 2021; effective on , 2022.*

Clean version

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(2) The Screening Committee will periodically review all *Applications* submitted, and will designate attorneys who are qualified for handling each category of case; the Screening Committee will maintain such lists of attorneys. It will be the duty of the Screening Committee to review these lists regularly, to add new applicants who meet the qualifications.- No member of the Screening Committee will be permitted to accept an appointment during the member's term on the Screening Committee.

(3) From time-to-time, the lists of approved attorneys will be made available to the judges authorized to make appointments.

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Rule *122–8. Performance Standards; Processing Complaints

(A) General: The Screening Committee may refuse to approve applicants as provided in Rule *122-7 ~~[(B), or may impose remedial measures, if the applicant fails to meet the performance standards set forth in this Rule].~~

(B) Processing Complaints.

Any complaint about the performance of any court-appointed counsel shall be submitted~~[-as applicable,]~~ to ~~[the President Judge, the Trial Division Administrative Judge,]~~ the Supervising Judge of the **Criminal** Trial Division~~[-or their designees,]~~ for ~~[their]~~ review and appropriate disposition, **which may include the removal of the attorney from the applicable court-appointment list in the Court of Common Pleas, Criminal Trial Division.** Copies ~~may, at the discretion of the President Judge, Administrative Judge, Supervising Judge or their designees, be sent to the Screening Committee, or its designee, for its review, recommendation or other disposition as may be requested by the applicable Judge. All information provided to the Screening Committee shall remain confidential.~~

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(B) Processing Complaints.

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