

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

No. 11 of 2022

President Judge General Court Regulation

*In re: Adoption of Philadelphia Rules of Judicial Administration *122, *122-11, and *122-12*

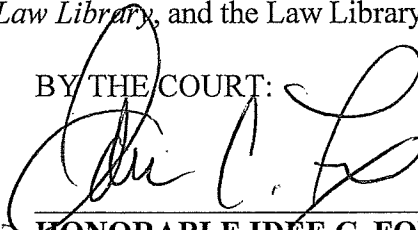
ORDER

AND NOW, this 28th day of June, 2022, the proposed Philadelphia Rules of Judicial Administration *122, *122-11, and *122-12, 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 rule, has determined that Rules *122, *122-11, and *122-12 are not inconsistent with applicable statewide rules, and has authorized its promulgation.

NOW, therefore, it is hereby ORDERED and DECREED that Philadelphia Rules of Judicial Administration *122, *122-11, and *122-12 are adopted, as attached, effective thirty days from this date and after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was 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 rule is not inconsistent with any general rule of the Supreme Court. This Order and the attached local rule 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 rule, as well as one copy of the Administrative Order and local rule 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 rule 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:

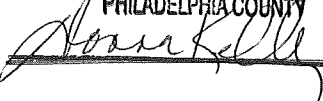


HONORABLE IDEE C. FOX

President Judge, Court of Common Pleas
Philadelphia County

CERTIFIED FROM THE RECORD OF 6-28-22
ERIC FEDER
DIRECTOR, OFFICE OF JUDICIAL RECORDS
PHILADELPHIA COUNTY

BY



NEW RULE

Philadelphia Rule of Judicial Administration

Rule *122. Appointment of Counsel in the First Judicial District of Pennsylvania

- (A) Counsel must be provided for eligible persons who are without financial resources, persons who are otherwise unable to employ counsel when there is a likelihood that imprisonment will be imposed, or when the interests of justice require it. The Defender Association of Philadelphia (“Defender Association”) is contracted by the City of Philadelphia to represent individuals who, in each county other than Philadelphia County, are represented by the Public Defender. See the Public Defender Act, Act of December 2, 1968, P.L. 1144, No. 358, 16 P.S. § 9960.1 et seq., 16 P.S. § 9960.6. In Philadelphia County, when the Defender Association is unable to represent persons eligible for court-appointed counsel, an appointment is made by the Court as provided in these rules.
- (B) At the preliminary arraignment, the Defender Association shall represent all persons charged with a criminal offense who are not represented by privately retained counsel. At the conclusion of the preliminary arraignment, the Arraignment Court Magistrate or issuing authority shall appoint the Defender Association to continue to represent eligible persons. In cases involving multiple persons eligible for court-appointed counsel, the Defender Association may only be appointed to represent one person and shall be appointed to represent the first eligible person. The Arraignment Court Magistrate or issuing authority shall thereafter order the appointment of counsel for the remaining person(s) eligible for court-appointed counsel. Only those attorneys who have been designated as qualified, as provided in Phila R.J.A. No. *122-1, and whose names are on the applicable Lists of Qualified Attorneys are eligible to be appointed by the Court.
- (C) Upon receipt of an appointment order, the court-appointed counsel must notify the court as soon as practicable if a conflict prevents the attorney from representing the person eligible for court-appointed counsel. When notification of a conflict is given before any services are rendered by the court-appointed counsel, the appointment order will be administratively vacated, another eligible attorney will be appointed, and the initial court-appointed counsel will be eligible to receive a substitute appointment. When a conflict is discovered or arises after a court-appointed counsel has provided any services on behalf of the person eligible for court-appointed counsel, the court-appointed counsel may only be permitted to withdraw as provided in Pa.R.Crim.P. 120(B), Pa.R.J.C.P. 150(C), Pa.R.J.C.P. 1150(C), or other applicable rule or legal authority.
- (D) All court-appointed counsel must maintain a principal office in Philadelphia County to be eligible to receive court appointments. To be considered, the attorney must complete an Application for Court-Appointment Certification, must meet the required standards, and must be selected as provided in Phila R.J.A. No. *122-1 et seq. Upon being added to the court-appointment list, and as may be required by the court from time to time, the attorney

must attend a Philadelphia Bar Association or court-sponsored CLE which provides training on the court-appointment process and billing procedures. Attorneys who are currently on any of the Lists of Qualified Attorneys who wish to continue to be eligible to receive court-appointments after the effective date of this Rule must obtain and maintain Professional Liability Insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year. Counsel appointed after the effective date of this Rule must certify, upon filing the required Payment Order/Voucher, that they maintain Professional Liability Insurance as required by this Rule.

NEW RULE

Rule *122-11. Payment Authorization Process for First Judicial District of Pennsylvania Court-Appointed Counsel

(A) General Provisions.

- (1) An appointment order will be issued appointing counsel to represent persons eligible for court-appointed counsel. The court-appointed counsel must appear in all court proceedings to represent the client. However, in the event the court-appointed counsel is unavailable for a dispositive hearing, in lieu of continuing the matter, the court-appointed counsel may make arrangements for a well-informed alternate counsel to appear to represent the client provided that the client is notified before the proceedings and does not object.
- (2) When counsel is appointed by the Judge at the bar of the court, an order shall be issued and sent to the Court's Quality Assurance Unit ("QAU"). QAU will determine if counsel is on the List of Qualified Attorneys. If counsel is on the List, the QAU shall process the appointment. If counsel is not on the List, then QAU will contact the judge, who can direct appointment of another attorney or can request the QAU assign the matter to court-appointed counsel already on the List of Qualified Attorneys.
- (3) When a person eligible for court-appointed counsel is charged with multiple offenses arising from the same incident or from the same act or transaction, one order of appointment will be issued appointing one attorney to represent the person, and the court-appointed counsel will be compensated in accordance with the fee provision of the highest graded offense.

Note: See Pa.R.Crim.P. Nos. 453 (B) and 505 (B).

- (4) When offenses charged separately are joined for a hearing or trial as provided in Pa.R.Crim.P. 582 and 701, the court-appointed counsel shall be compensated for each case the attorney had been appointed by the Court to represent the person unless the trial judge, at the conclusion of the case, determines otherwise.

- (5) When multiple offenses are severed for hearing or trial as provided in Pa.R.Crim.P. 583, the assigned judicial authority shall issue an order. Court-appointed counsel must notify the QAU as soon as practicable so additional appointment order(s) can be generated. Court-appointed counsel will be compensated for each severed case.
- (6) The court-appointed counsel must file a motion seeking approval to obtain investigative, expert or other services necessary for an adequate defense in accordance with Rule *122-12 (E). After determination that such services are necessary, the Court may set forth the maximum amount that may be expended as a fixed amount or on an hourly basis. When more than one investigator and/or expert has been retained during the pendency of a case, the judge shall determine the appropriate fee to be paid for each investigator and/or expert.
- (7) All requests for compensation and payment of allowed expenses must be made by the court-appointed counsel utilizing the applicable Payment Voucher/Order as provided in this Rule. Any requests for compensation filed directly by investigators, expert witnesses or otherwise, will be rejected or denied.
- (8) When requesting payment for court-appointment services and compensation for court approved experts, investigators and expenses, the court-appointed counsel shall utilize the Payment Voucher/Order applicable as of the date of counsel's appointment as identified on the appointment order. If the wrong Payment Voucher/Order is used, it may be rejected or denied by the court without prejudice to resubmit utilizing the appropriate Payment Voucher/Order. Counsel shall attach receipts for all expenses for which reimbursement is sought. Counsel will not be reimbursed for ordinary and reasonable business expenses, such as postage, copies, secretarial services, and legal research subscription services or resources. Expenses related to travel for purposes of interviewing the person eligible for court-appointed counsel or witnesses, provided that the required travel exceeds 50 miles from the City of Philadelphia, will be authorized at the IRS approved mileage rate in effect at the time of travel. Moreover, all airfare expenses and travel expense exceeding \$100 must be authorized in advance by the Court.
- (9) A Payment Voucher/Order form must be used for fixed fee cases and for hourly fee cases, including appellate and PCRA cases. A Chronological List of Services Rendered must be attached as required by Rule *122-12 for Payment Voucher/Orders on appellate and PCRA cases as well as for investigator, expert or other services. All requests for reimbursement of expenses must be accompanied by a receipt. Payment for fixed-fee cases will be made upon conclusion of the payable event.
- (10) All Payment Vouchers/Orders must be submitted together with the appointment order, a Chronological List of Services Rendered required by Rule *122-12, if applicable, receipts for all expenses for which reimbursement is sought, and other required attachments.
- (11) The court-appointed counsel will receive a trial preparation fee as provided in Rule *122-12. Preparation fees for cases will be the same whether the case is resolved by non-trial disposition or by trial.

- (12) Court-appointed counsel will be paid a second preparation fee for retrials. Counsel may file a Payment Voucher/Order following a mistrial, and a subsequent Payment Voucher/Order following the retrial.
- (13) Court-appointed counsel will be paid a full felony first degree preparation fee for successful decertification motions. In addition, time spent litigating the motion will be compensated at the in-court rate.
- (14) When a court-appointed counsel seeks leave to withdraw to enable a privately retained attorney to enter an appearance, the court-appointed counsel may file a Payment Voucher/Order which contains all required information regarding services rendered to date. The judge can determine the appropriate compensation, if any, to be awarded to the withdrawing court-appointed counsel, including authorizing payment of the entire preparation fee. The judge may make this determination when they deem appropriate.
- (15) When a court-appointed counsel seeks permission to withdraw or is removed by the court and replaced by another court-appointed counsel, the judge who approves the withdrawal or orders the removal must also determine the appropriate compensation to be awarded to the court-appointed counsel, if any. The judge shall require the filing of a Payment Voucher/Order which contains all required information regarding services rendered until the court-appointed counsel withdrew or was removed and shall determine whether the withdrawing or removed court-appointed counsel shall be paid any, all or part of any preparation fee as may be fair and equitable in light of the timing of the withdrawal or removal. The judge may make this determination when he/she deems appropriate.
- (16) When a court appointed counsel seeks permission to withdraw or is removed by the court and is not replaced, the judge who approves the withdrawal or orders the removal may also determine the appropriate compensation to be awarded to the court appointed counsel, if any, if different than the Payment Voucher compensation/order.
- (17) Court-appointed counsel will receive a case-appropriate per diem fee as provided in Rule *122-12 for pre-trial motions that are litigated and for all days spent in court, including jury selection and deliberations, provided that the court-appointed counsel is required to be present in court. In-court and out-of-court time expended by court-appointed counsel seeking a defense continuance is not compensable.
- (18) Upon the conclusion of an interim compensable proceeding as specifically set forth in Rule *122-12 and until final judgment, including any proceedings on direct appeal, the court-appointed counsel may seek compensation for services rendered and for any court approved investigative and expert expenses by completing the applicable Payment Voucher/Order and submitting it as provided in subsection (B) below.

(B) Submission Process

- (1) **Time to Submit.** Payment Vouchers/Orders must be submitted (together with a copy of the appointment order) as soon as practicable after the compensable services rendered are

deemed payable, as provided in Rule *122-12. Payment Vouchers/Orders submitted more than ninety (90) days after the payable event may be denied by the Court.

- (2) **Place to Submit.** Court-appointed counsel shall submit Payment Vouchers/Orders as follows:

(a) Trial Division-Criminal and Municipal Court Criminal Division: by email at: CriminalVouchers@courts.phila.gov, or by mail or hand-delivery to: The Justice Juanita Kidd Stout Center for Criminal Justice, Information Counter, Second Floor, 1301 Filbert Street, Philadelphia, PA 19107, or as may otherwise be provided from time to time.

(b) Municipal Court Traffic Division: by mail or hand-delivery to: The Philadelphia Municipal Court Traffic Division, Attorney Filing Unit, 800 Spring Garden Street, Philadelphia, PA 19123.

(c) Family Court: by mail or hand-delivery to the Philadelphia Family Court, Legal Liaison Payment Unit, 11th Floor, 1501 Arch Street, Philadelphia, PA 19102.

(C) Criminal Vouchers. Review by the Court's Quality Assurance Unit. Judicial Approval.

- (1) Court-appointed counsel shall complete the Payment Voucher/Order correctly and completely and submit it, together with all attachments and supporting documents as required by Rule *122-11, to the trial and/or supervising judge for review.
- (2) Judicial Review and Approval: In determining the appropriate compensation to be paid to the court-appointed counsel consistent with Rule *122-12, the court may exercise its discretion when reviewing the reasonableness of the in-court and out-of-court time expended (in applicable cases) and may modify the sums requested as deemed appropriate.
- (3) The trial judge and/or supervising judge will complete the Order portion of the Payment Voucher/Order and shall enter the approved compensation that the City of Philadelphia must pay to the court-appointed counsel.
- (4) Once the Payment Voucher/Order has been signed by the trial judge and/or supervising judge, court-appointed counsel will submit the completed Payment Order/Voucher to the Court's Quality Assurance Unit ("QAU"). The QAU will review all criminal Payment Vouchers/Orders for compliance with the requirements of this Rule and Rule *122-12. Payment Vouchers/Orders which do not contain the date of the appointment, do not include a copy of the appointment order and other required attachments, or have not been correctly and fully completed will be rejected and must be re-submitted as directed.
- (5) The QAU may make authorized adjustments to the amount payable to the court-appointed counsel. The Payment Voucher/Order will thereafter be transmitted to the City of Philadelphia for payment as noted below.

(D) Family Division Vouchers. Judicial Approval. Review by the Court's Legal Liaison Payment Unit.

- (1) Court-appointed counsel shall complete the Payment Voucher/Order correctly and completely and submit it, together with all attachments and supporting documents as required by Rule *122-11, to the trial and/or supervising judge for review.
- (2) Judicial Review and Approval: In determining the appropriate compensation to be paid to the court-appointed counsel consistent with Rule *122-12, the court may exercise its discretion when reviewing the reasonableness of the in-court and out-of-court time expended (in applicable cases) and may modify the sums requested as deemed appropriate.
- (3) The trial judge and/or supervising judge will complete the Order portion of the Payment Voucher/Order and shall enter the approved compensation that the City of Philadelphia must pay to the court-appointed counsel.
- (4) Once the Payment Voucher/Order has been signed by the trial judge and/or supervising judge, court-appointed counsel will submit the completed Payment Order/Voucher to the Court's Legal Liaison Unit ("LLU"). The LLU will review all criminal Payment Vouchers/Orders for compliance with the requirements of this Rule and Rule *122-12. Payment Vouchers/Orders which do not contain the date of the appointment, do not include a copy of the appointment order and other required attachments, or have not been correctly and fully completed will be rejected and must be re-submitted as directed.
- (5) The Court's Legal Liaison Payment Unit (LLU) will review all Payment Vouchers/Orders, may make authorized adjustments to the amount payable to the court-appointed counsel, and will transmit the Payment Voucher/Order to the City of Philadelphia for payment as noted below.

(E) Review by the City of Philadelphia's Managing Director's Office

- (1) Designated staff of the Managing Director's Office ("MDO") will review and process the Payment Vouchers/Orders for payment as provided in this Rule and in Rule *122-12. The court-ordered compensation amount may not be modified without court approval. In the event the MDO staff believes that the information contained in the Payment Voucher/Order is incomplete or incorrect, they shall, within 10 days of receipt of the Payment Voucher/Order, submit their reasoning in writing to the Administrative Judge of the Division to which the matter pertains, and in the Municipal Court by the President Judge for disputes regarding Philadelphia Municipal Court criminal cases, and to the Administrative Judge of the Traffic Division for Traffic Division cases, or to their respective designees for determination.

- (2) Upon review by the Managing Director's Office, the Payment Vouchers/Orders will be transmitted to the Finance Department and to the Controller's Office for their review and approval.

(F) Payment by the City of Philadelphia

- (1) The City of Philadelphia must issue payment to court-appointed counsel within sixty (60) days of the date the Payment Voucher/Order was submitted by the Court to the Managing Director's Office. Any delay in processing and payment resulting from an existing tax lien against a court-appointed counsel in accordance with 53 P.S. §§ 16082 and 16083, or incorrect or incomplete information contained in the Payment Voucher/Order shall not be included in the sixty (60) days.
- (2) Consistent with Philadelphia Code § 17-1702 (1) (b), if payment is not issued as provided in subsection (1) above, the City of Philadelphia shall pay interest on the unpaid amount of compensation at the rate of one and one-half percent (1.5%) per month or part of a month until payment is made. However, payments delayed due to a declaration of a national, state, or local emergency shall not give rise to this provision unless exercised in bad faith.

NEW RULE

Philadelphia Rule of Judicial Administration

Rule *122-12. Compensation Rates for Court-Appointed Counsel

This rule sets forth the schedule of compensation applicable to court-appointed counsel appointed to represent any person eligible for county-paid representation who cannot be represented by the Philadelphia Defender Association and who, for lack of sufficient funds, is unable to obtain legal counsel.

(A) Compensation Rates for Attorneys Appointed between March 10, 1997, and June 30, 2017, Compensation rates for attorneys appointed between March 10, 1997, and June 30, 2017, are set forth in the Directive Concerning Court Appointed Counsel Fees issued by the Administrative Governing Board of the First Judicial District of Pennsylvania on February 5, 1997. See AGB Directive No. 01 of 1997.

(B) Compensation Rates for Attorneys Appointed Between July 1, 2017, and June 30, 2018, Compensation rates for attorneys appointed between July 1, 2017, and June 30, 2018, are set forth in the June 26, 2017, Order issued by the Administrative Governing Board of the First Judicial District of Pennsylvania, as modified by order issued on September 18, 2017. See AGB Order No. 01 of 2017, as amended.

(C) Compensation Rates for Court-Appointed Counsel Appointed On and After July 1, 2018, Compensation for attorneys appointed on and after July 1, 2018, in each Court or Division of the First Judicial District of Pennsylvania is set forth below.

(1) COURT OF COMMON PLEAS – TRIAL DIVISION, CRIMINAL

(a) Preparation Fees

(i) Homicide Trial Preparation Fee. Payable after verdict.

(1) Capital-Lead Counsel	\$10,000
(2) Capital-Penalty Phase Counsel	\$7,500
(3) Non-Capital	\$3,500

(4) In order to provide homicide trial experience to attorneys interested in being appointed as counsel in homicide cases, and at the request of the court-appointed counsel, the court may appoint a “Second Chair Non-capital court-appointed counsel” to assist court-appointed counsel in non-capital homicide cases.

The Second Chair Non-capital court-appointed counsel shall be entitled to a fee in the sum of \$600 provided that Second-Chair counsel was present in the courtroom for the duration of the trial, and so certifies on the Payment Voucher/Order.

(5) Court-appointed counsel who tried the case shall be entitled to the applicable preparation fee. In the event prior court-appointed counsel was removed or permitted to withdraw, the trial judge determines the amount payable to such previously appointed counsel as provided in Phila. R.J.A. No. *122-11 (A)(14) and (15). The judge may make this determination when he/she deems appropriate.

(6) Retrial Preparation Fee is to be determined by the assigned judge.

(ii) Felony Trial Preparation Fee. Payable after verdict.

(1) First Degree Felony	\$1,200
(2) Other Felonies	\$ 750

(3) Court-appointed counsel who tried the case shall be entitled to the applicable preparation fee. In the event prior court-appointed counsel was removed or permitted to withdraw, the trial judge determines the amount payable to such previously appointed counsel as provided in Phila. R.J.A. No. *122-11 (A)(14) and (15). The judge may make this determination when he/she deems appropriate.

(4) Retrial Preparation Fee is to be determined by the assigned judge.

(b) Per Diem Fees

(i) ***Homicide Case. Per Diem Trial Fee.*** Payable after disposition of the case (after verdict).

(1) Capital - Each Full Day (more than 3 hours)	\$700
(2) Capital - Each Half Day (3 hours or less)	\$400
(3) Non-capital - Each Full Day (more than 3 hours)	\$600
(4) Non-capital - Each Half Day (3 hours or less)	\$300

(ii) ***Homicide Case. Mitigation Per Diem Trial Fee.*** Payable after disposition of the case (after verdict).

(1) Each Full Day (more than 3 hours)	\$200
(2) Each Half Day (3 hours or less)	\$100

(iii) ***Felony Case. Per Diem Trial Fee.*** Payable after disposition of the case (after verdict).

(1) Each Full Day (more than 3 hours)	\$450
(2) Each Half Day (3 hours or less)	\$225

(c) Homicide Appellate/PCRA Fee. Payable upon completion of the compensable event, at the discretion of the Judge.

- (i) Payable on an hourly basis at the rate of (in-court and out of Court) \$85 per hour
- (ii) Maximum Fee \$6,000
- (iii) A Chronological List of Services Rendered must be attached to the Payment Voucher/Order

(d) Felony Appellate/PCRA Fee. Payable upon completion of the compensable event, at the discretion of the Judge.

- (i) Payable on an hourly basis at the rate of (in-court and out of Court) \$65 per hour
- (ii) Maximum Fee \$2,400
- (iii) A Chronological List of Services Rendered must be attached to the Payment Voucher/Order

(f) Violation of Probation Hearing Fee. Payable upon disposition of the hearing. \$150

(g) Fifth Amendment Witness Fee.

- (i) Criminal Case. Payable after services are rendered \$150
- (ii) Investigating Grand Jury. Payable at the conclusion of the witness' appearance before the Investigating Grand Jury Payable on an hourly basis at the rate of \$65 per hour

(h) Contempt Hearing Fee. Payable at the conclusion of the contempt hearing \$150

<u>(i) Early Parole Petition Fee.</u> Payable after the disposition of the petition	\$250
<u>(j) Extradition.</u> Payable after the disposition of Extradition hearing	\$200
<u>(k) Bench Warrant Hearing.</u> Payable at the conclusion of the hearing	\$100
<u>(l) Specialty Court Hearing.</u> Payable at the conclusion of the hearing	\$100
<u>(m) Status of Compliance.</u>	\$100
<u>(n) Motion for Reconsideration.</u>	\$100
<u>(o) Resentencing (Post-Trial complete).</u>	\$175
<u>(p) Refile of charges – Case disposed.</u>	\$225

(2) COURT OF COMMON PLEAS – FAMILY DIVISION-DELINQUENT

<u>(a) Felony.</u> Payable after disposition of the case	\$550
<u>(b) Misdemeanor.</u> Payable after disposition of the case	\$450
<u>(c) Consent Decree.</u> Payable upon entry of Consent Decree at JJSC	\$225
<u>(d) Delinquent Review.</u> Per Hearing. Payable after each Review Hearing	\$75
<u>(e) On Call Counsel.</u> (No Appointment) Payable after the date of service	\$350
<u>(f) Private Counsel Retained.</u> Payable after disposition of the case	\$225
(i) Fifth Amendment Witness. Payable after disposition of the case	\$225
(ii) Bench Warrant. Payable after disposition of the hearing (BW lifted)	\$225
<u>(g) Rape, IDSI & Juvenile Felony Sex Case.</u> Payable after disposition of the case	
(Requires 3 annual CLE credits & court certification)	\$750
<u>(h) Protection from Abuse D.R.</u>	\$350

(3) COURT OF COMMON PLEAS – FAMILY DIVISION-DEPENDENT

(a) First Year. Amount payable after the:

(i) First Hearing	\$200
(ii) Second Hearing	\$200
(iii) Third Hearing	\$175
(iv) Fourth Hearing	\$175

(v) The total annual fee shall not exceed \$750. If dismissed during the first year, court-appointed counsel shall be paid the outstanding balance of \$750

(b) Second Year. Amount payable after the:

(i) First Hearing \$125

(ii) Second Hearing \$125

(iii) Third Hearing \$100

(iv) Fourth Hearing \$100

(v) The total annual fee shall not exceed \$450. If dismissed during the second year, court-appointed counsel shall be paid the outstanding balance of \$450

(c) Third Year and Subsequent Years. Amount payable after the:

(i) First Hearing \$75

(ii) Second Hearing \$75

(iii) Third Hearing \$75

(iv) Fourth Hearing \$75

(d) On-Call Counsel Fee. (No Appointment) Payable after the date of service \$350

(e) Appeal. Payable at disposition of the Appeal

(i) Payable on an hourly basis at the rate of \$65, out of Court

(ii) Payable on an hourly basis at the rate of \$75, in Court

(iii) Maximum Fee \$2,400

(iv) A Chronological List of Services Rendered must be attached to the Payment Voucher/Order

(f) Adoption. AP matter only-Payable at conclusion of proceedings

(i) Payable on an hourly basis at the rate of \$65, out of Court

(ii) Payable on an hourly basis at the rate of \$75, in Court

(iii) Maximum Fee \$2,400

(iv) A Chronological List of Services Rendered must be attached to the Payment Voucher/Order

**(4) COURT OF COMMON PLEAS – FAMILY DIVISION, DOMESTIC RELATIONS
BRANCH**

(a) Contempt On-Call Counsel. Payable after the date of service

(i) All Day Assignment \$350

(5) PHILADELPHIA MUNICIPAL COURT CRIMINAL DIVISION

(a) Municipal Court Trial. Payable after disposition of the case (after verdict) \$450

(b) Private Criminal Complaint.

(i) Summary \$150

(ii) Misdemeanor \$450

(c) Status Hearing. Payable after the conclusion of the Status hearing

(i) Mental Health Court \$100

(ii) Treatment Court \$100

(iii) Diversion \$100

(iv) Early Bail Review Hearings \$100

(v) Bench Warrant Hearing \$100

(vi) Other Status Hearing \$100

(d) Preliminary Hearing. Payable after the conclusion of the preliminary hearing \$225

(e) Violation of Probation Hearing.

(i) Payable after the hearing. \$150

(ii) Payable if Continued Until Further Notice (Open Bills) or if Continued to Date Certain
\$100

(f) Fifth Amendment Witness. Payable after services are rendered \$150

(g) Contempt. Payable after the conclusion of the contempt proceedings \$150

(h) Early Parole Petition. Payable after disposition of the Parole Petition \$250

(i) Non-Traffic Summary Offenses. Payable after disposition \$150

(j) Refile of charges – Case disposed. \$225

(6) PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

(a) On-Call Counsel. Payable after the date of service \$350

(b) Traffic Division Appeal. *Payable after disposition of the appeal.* \$450

(i) Should the defendant/appellant fail to appear for the de novo hearing, a bench warrant may be issued for the defendant's/appellant's arrest, and court-appointed counsel shall be entitled to bill the sum of \$100 provided court-appointed counsel was ready to proceed on the date of the de novo hearing.

(ii) Upon defendant's arrest, court-appointed counsel shall be entitled to bill the sum of \$100 for the bench warrant hearing or the sum of \$450 if the de novo hearing is held on the same date as the bench warrant hearing date.

(D) Expenses Incurred by Court-Appointed Counsel in Representation of Persons Eligible for Court-Appointed Counsel

(1) Investigators. *Payable after services are rendered.*

(a) Criminal.

(i) Payable on an hourly fee basis at the rate of \$40 per hour

(ii) Maximum Fee without prior court approval-Homicide \$750

(iii) Maximum Fee without prior court approval-Felony \$500

(iv) Amounts in excess of the above Maximum Fee amounts must be approved, upon petition, by the presiding judge and, as applicable, the President Judge, Administrative Judge, Supervising Judge or their designees before services are rendered.

(v) If more than one investigator is retained through the course of the case, the judge may grant the guaranteed initial fees to each investigator.

(b) Family Division- Delinquent and Dependent.

(i) Payable on an hourly fee basis (in and out of court) at the rate of \$40 per hour

(ii) Initial Fee Payable at appointment- Delinquent \$100

(iii) Maximum Fee \$500

(iv) Additional fee must be approval by the trial judge and the Administrative Judge or Supervising Judge

(c) A Chronological List of Services Rendered must be attached to the Payment Voucher/Order, together with all receipts for any expenses for which reimbursement is requested.

(2) Expert Witnesses. Payable after services are rendered.

(a) All expert witnesses may only be retained upon petition to the presiding judge who must determine the necessity for the expert, the indigency of the defendant or other person eligible for court-appointed counsel, the hourly rate that the expert is authorized to charge, and, subject to subsection (c) below, the maximum amount that the expert witness is authorized to charge.

(b) Amounts in excess of \$7,500 must be approved by the presiding judge and, as applicable, the President Judge, Administrative Judge, Supervising Judge or their designees.

(c) A Chronological List of Services Rendered must be attached to the Payment Voucher/Order.

(3) Other expenses. Payable after services are rendered or after disposition of the case.

Other expenses incurred by court-appointed counsel will not be reimbursed unless before they are incurred, court-appointed counsel has petitioned the court, and established the need for such expenses, which are approved by the court. As part of such pre-approval, the court may set forth the hourly rate and/or the maximum amount payable in connection with such expenses, which shall be paid by the City of Philadelphia after the services are rendered or upon conclusion of the case, as provided by the court.

(E) Expenses incurred by or on behalf of indigent persons represented by pro bono counsel or by privately retained counsel.

Indigent persons who are represented by pro bono counsel or by privately retained counsel may be entitled to the award of public funds to hire experts or to incur other expenses to assist in the defense of criminal charges. Approval must be sought by motion filed with the court, and upon an affidavit from counsel or hearing establishing the need for the expert or other expenditure as well as the person's inability to pay. If approved, provisions of Rule 122-12(D) shall apply.

Explanatory Note: See Commonwealth v. Cannon, 954A.2d 1222 (Pa. Super 2008) and Commonwealth v. Konias, 136 A. 3d 1014 (Pa. Super. 2016).

(F) Payment to Court Appointed Counsel in Extraordinarily Complex Cases

Notwithstanding any of the above fee provisions, the Court of Common Pleas judge before whom a case is being tried or was tried, shall have the discretion, in extraordinarily complex cases requiring court-appointed conflict counsel, to request that counsel be compensated at a rate to be determined by applicable Supervising Judge, Administrative Judge or President Judge.

(G) The City of Philadelphia shall compensate court-appointed counsel as provided in this Rule and in Phila. R.J.A. No. *122-11. The award of compensation and expenses under this Rule shall be a charge upon the City and County of Philadelphia, to be paid by the City Treasurer, upon the order of the appropriate Judge as provided in this Rule and in Phila. R.J.A. No. *122-11.

(H) Any disputes concerning the interpretation of any of the provisions of this Rule and Phila. R.J.A. No. *122-11 shall be determined in the Court of Common Pleas by the Administrative Judge of the Division to which the matter pertains, and in the Municipal Court by the President Judge for disputes regarding Philadelphia Municipal Court criminal cases, and by the Administrative Judge of the Traffic Division for Traffic Division cases, or by their respective designees.

(I) To the extent any local rule, administrative order or memoranda governing payment of court-appointment counsel is in conflict with any provision of this order, the provisions contained in this order prevail and the conflicting local rule, order or memoranda are deemed to have been rescinded.

Note: Adopted on June 28, 2022, effective July 28, 2022. See *President Judge General Court Regulation No. 2022 - 11*. Published in the *Pennsylvania Bulletin* on July 16, 2022