

**IN THE CIRCUIT COURT OF THE THIRD JUDICIAL
CIRCUIT IN AND FOR THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. 2007-008
(Amended as to paragraph 4)**

COURT-APPOINTED ATTORNEY STANDARDS AND COMPENSATION

Whereas, sections 27.40(3)(a) and 27.42(2)(c), Florida Statutes, provide that the Article V Indigent Services Committee shall establish a registry of attorneys and develop a schedule of standard fees for court-appointed attorneys in various categories of cases; and

Whereas, the Article V Indigent Services Committee has established a procedure for contracting with attorneys for conflict cases and due process cases and has developed a registry of attorneys which is maintained by the Office of the Court Administrator; and

Whereas, court-appointed counsel are entitled to reasonable compensation, White v. Board of County Commissioners, 537 So. 2d 1376 (Fla. 1989); Makemson v. Martin County, 491 So. 2d 1109 (Fla. 1986), cert. denied, 479 U.S. 1043, 107 S. Ct. 908, 93 L.Ed.2d 857) (1987); Sheppard and White v. City of Jacksonville, 827 So. 2d 925 (Fla. 2002); and

Whereas, the Justice Administrative Commissioner (“J.A.C.”) is now responsible for the payment of appointed counsel; and

Whereas, it is in the best interests of the Third Judicial Circuit to establish a comprehensive policy for the regulation and compensation of court-appointed attorneys who have been approved by the Third Judicial Circuit Indigent Services Committee; it is therefore

ORDERED:

1. Attorneys who wish to receive conflict or due process appointments must first obtain and submit an application to the Indigent Services Committee, through the Public Defender’s Office, and be approved by the Indigent Services Committee prior to being listed on the Third Judicial Circuit’s Indigent Services Committee Registry.

2. All attorneys who are approved by the Indigent Services Committee must

then enter a contract with the J.A.C. Court-appointed counsel shall be compensated by the J.A.C. as outlined in section 27.5304(2), Florida Statutes.

3. It is the responsibility of appointed counsel to comply with the rules and procedures of the J.A.C., related to receipt of compensation, in order to receive compensation. The attorney must have a signed contract for each issue area, *e.g.*, criminal, dependency, *etc.*, in which he or she wishes to accept appointments.

4. Court appointed counsel in the Third Judicial Circuit who attended the January 16, 2007 Indigent Services Committee meeting received notice of the flat fee rate schedule on that date. As such, those attorneys who attended the meeting and who were appointed to cases on or after January 16, 2007, that are ongoing, shall be compensated at a flat rate per case according to the attached schedule. The remaining Court appointed counsel received notice of the January 16, 2007 flat fee rate change by Administrative Order 2007-08 entered and distributed May 8, 2007. As such, those attorneys who received notice of the flat fee rate schedule on May 8, 2007, shall be compensated at the hourly rate of pay for cases appointed to them prior to May 8, 2007 and shall be compensated at a flat rate per case for any appointments after May 8, 2007, according to the attached schedule.

5. If a compensation level referenced in the attachment is manifestly insufficient to compensate an individual attorney for required legal services in an individual case, the attorney may file a motion with the presiding judge of that case for additional compensation. The motion shall include a detailed listing of services provided to date and an estimate of the number of additional hours reasonably required to conclude representation. Such additional hourly compensation shall be permitted only upon order of the court and only for hours deemed reasonable and necessary. Attorneys receiving such additional compensation shall be entitled to compensation at the rate of \$85 per hour for the additional hours of service.

6. Payment of reimbursement for due process services incurred by court appointed attorneys will be handled in the following manner:

- A. Foreign Language and Sign Language Interpreters: Court-appointed attorneys may use an interpreter from the list of providers maintained

by the Third Judicial Circuit Administrative Office of the Court. Interpreter invoices shall be submitted by the attorney directly to the J.A.C.

- B. Experts: The hiring of expert witnesses must first be approved by the Court. In the event that it is necessary to hire an expert who will charge for consultation or testimony at deposition or trial, such as a physician, psychiatrist, psychologist or private investigator, the attorney shall petition the court for approval of fees, to be paid by the J.A.C., prior to engaging the services of the professional. The petition shall state the necessity of hiring the professional and must reflect, to the degree practicable, the maximum fee that the professional will charge for services. Compensation for professional services will be controlled by Administrative Order. In no event shall professional fees awarded exceed the limits specified by law except in exceptional circumstances and upon appropriate motion and as authorized by order of the presiding judge.
- C. Travel Expenses: Out-of-circuit or out-of-state travel expenses will be paid only with prior written approval of the court, except that prior approval is not necessary to take the deposition of a state witness within the State of Florida. Payment for any approved out-of-state or out-of-circuit travel or mileage and/or per diem paid for travel within this circuit, is limited to mileage rates or state per diem as set forth in section 112.061(6), Florida Statutes. Attorneys will not be reimbursed for travel time.
- D. Other Due Process Costs: Expenses other than those listed above will not be paid unless prior approval is obtained by court order or unless the expenses are allowed by the J.A.C. contract.


7. Unless otherwise indicated herein, or unless otherwise ordered by the presiding judge in a particular case, compensation for legal services rendered is payable at the conclusion of the case or proceeding for which the attorney was appointed to provide legal representation.

8. Attorneys appointed to represent clients, pursuant to this order, shall render legal services to their clients from the time they are appointed through the conclusion of the case. Attorneys shall remain attorneys of record until the court terminates jurisdiction, or until the court relieves the attorney from further representation of their clients.

9. Attorneys appointed to represent clients, pursuant to this order, are deemed to be independent contractors and are wholly responsible for the manner in which he/she performs legal services. Attorneys also assume responsibility for the acts of their employees as they relate to the provision of services included herein.

10. This Administrative Order rescinds and supersedes Administrative Order No.: 2004-023, dated September 30, 2004.

DONE AND ORDERED in Lake City, Columbia County, Florida, June 20, 2007, *nunc pro tunc* to January 16, 2007.



JULIAN E. COLLINS, CHIEF JUDGE