

Clarence M. Darrow
Chief Judge

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**Office of the Chief Judge
14th Judicial Circuit
State of Illinois**

To: Members of Henry, Mercer, Rock Island, Whiteside Bar Associations

From: Chief Judge Clarence M. Darrow 

Date: April 4, 2024

Re: Conflicts Counsel Application/Reapplication

Last year we observed the 60th anniversary of *Gideon v. Wainwright*, which guaranteed indigent defendants the right to appointed counsel in state court proceedings. While the public defender's offices in our circuit do an outstanding job in this role, they occasionally have conflicts of interest requiring appointment of conflicts counsel. I'd like to extend my appreciation to those attorneys who have accepted these appointments and the professional and responsive manner in which they serve their clients. We need more of you.

I write to invite and encourage attorneys at all stages of their careers to accept appointments on criminal, juvenile delinquency and juvenile abuse cases. Whether you are starting your career and want courtroom experience, you want to expand your established practice, or you simply want to contribute to indigent defense, there are opportunities for all levels of interest. If you are on the fence, please consider a few of points that might tip the scales. First, you will not be alone. Members of the criminal defense bar have a well-earned reputation for being exceptionally welcoming and generous with mentorship, insight on the law and simply acting as a sounding board. Second, you can ignore the urban legends. If you are getting your criminal defense practice up and running, you should not fear being thrown into a complex felony case. Judges take care to appoint attorneys to cases that suit their skill and experience and judges endeavor to take care that an attorney won't be overloaded. Third, in keeping with the spirit of *Gideon*, the Illinois Supreme Court recently mandated a raise in the hourly rate to \$150.00 for appointed counsel. For your convenience, attached is a copy of the administrative order setting out how you will get paid for your service.

We are in the process of updating our list of conflicts counsel. Whether you are currently taking appointments or you wish to start, kindly contact Vicki Bluedorn, Court Administrator, at (309) 558-3289 or vbluedorn@co.rock-island.il.us by April 30, 2024. Let her know the counties in which you are able to accept appointments and whether you wish to be on the appointment list for any or all of the case types that need conflicts attorneys: felony, misdemeanor, traffic, and/or juvenile. Of course, don't hesitate to ask her or any judge presiding over these case types, any questions that you may have. We look forward to hearing from you.

IN THE CIRCUIT COURT
OF THE FOURTEENTH JUDICIAL CIRCUIT
STATE OF ILLINOIS

FEB 18 2024

Jenny D. Lusk
Clerk of the Circuit Court

ADMINISTRATIVE ORDER NO. 2024 CA 4

**ORDER RE: COMPENSATION OF ATTORNEYS APPOINTED TO REPRESENT
INDIGENT PARTIES**

1. Hourly Rate.

Pursuant to Supreme Court Rule 299 attorneys who are appointed by the court to represent indigent parties shall be entitled to receive a reasonable fee for their service at the rate of \$150.00 per hour.

2. Fee Petition Requirements.

A petition for fees shall include, at a minimum the following:

- a. The precise date that the service was rendered and an accurate description of the service;
- b. Time entries that reflect the actual amount of time spent on each service rendered in increments of .1 hour. For example, if one hour is spent in court on four different cases then that one hour shall be apportioned between the four cases; flat rate/task billing is not permitted;
- c. The name of the judge assigned to the case. For unassigned cases the name of the judge who entered the final order disposing of the case or the most recent order on the merits of the case shall be included; and,
- d. An accurate total of time spent and the total dollar amount of the bill.

3. Disallowed Charges.

- a. Expenses for service of process is disallowed unless otherwise granted upon leave of court prior to incurring the expense. (Indigent defendants are entitled to service of process by the Sheriff's Department without charge.)
- b. Administrative/secretarial activities typically performed by non-attorneys (e.g. photocopying, file creation, coordination with vendors, etc.) shall not be billed.

4. Travel.

Attorneys who have neither a residence nor an office in a county in which they are appointed to represent an indigent defendant may bill for travel time at the rate of \$125.00 per hour, with the exception of travel between Scott County, Iowa and Rock Island County, Illinois.

5. Maximum Compensation.

- a. For representation of an indigent defendant charged with a misdemeanor, \$750.
- b. For indigent persons: (1) charged with one or more felonies; (2) whose parental rights are sought to be terminated pursuant to the Adoption Act (750 ILCS 50/8) or the Juvenile Court Act (705 ILCS 405/1 through 5); (3) whom the State is seeking to commit as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act (725 ILCS 205/0.01 et seq.) or as a sexually violent person pursuant to the Sexually Violent Persons Commitment Act (725 ILCS 207/1 et seq.); (4) who have an absolute right to appeal from determinations concerning categories (1), (2) and (3) above, the compensation to be paid to an attorney shall not exceed \$10,000.
- c. Waiving Maximum Amounts. Payment in excess of any maximum amount provided above may be made for extended or complex representation only when the court making the appointment makes an express, written finding that good cause and exceptional circumstances exist and that the amount of the excess payment is necessary to provide fair compensation and the chief judge of the circuit or the presiding judge of the applicable division of the circuit court approves the excess payment. All petitions to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded.

6. Monthly Filing.

Separate petitions for fees shall be submitted monthly on each case to which an attorney is appointed. In no case shall a petition for fees be submitted later than the 20th day of the month following the month in which services were rendered.

SO ORDERED and entered this 13th day of February, 2024.



CLARENCE M. DARROW, CHIEF JUDGE
FOURTEENTH JUDICIAL CIRCUIT