

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN FLORIDA

**ADMINISTRATIVE ORDER NO. :  
05-07  
SUPERSEDES 04-26 AMENDED**

**IN RE: ATTORNEYS - COMPENSATION FOR COURT-APPOINTED ATTORNEYS -  
GUARDIANSHIP & MARCHMAN ACT (JULY 20, 2004 - JUNE 30, 2005)**

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WHEREAS, it is necessary to provide for the orderly appointment and compensation of court-appointed counsel in guardianship cases in the Eighteenth Judicial Circuit for the period of July 1, 2004 until June 30, 2005, and to disseminate the fee schedule adopted by the Eighteenth Judicial Circuit's Article V Indigent Services Committee for court-appointed counsel and experts in guardianship cases;

WHEREAS, sections 27.40, 27.42, and 27.5304, Florida Statutes, effective July 1, 2004, provide that the Article V Indigent Services Committee shall establish a registry of attorneys in private practice to represent clients in cases requiring court appointment of counsel and shall develop a schedule of standard fees for court-appointed attorneys in various categories of cases; and

WHEREAS, in accordance with the July 20, 2004, September 29, 2004 decisions, and December 7, 2004 of the Article V Indigent Services Committee for the Eighteenth Judicial Circuit;

NOW, THEREFORE, it is ORDERED:

1. For purposes of this Order:

A. The term "guardianship cases" shall include cases brought under section 394.4598, chapter 415, or chapter 744, Florida Statutes; and any cases brought under any other provision of law in which appointed counsel is required for due process purposes and which are required to proceed in the same manner as a guardianship proceeding.

- B. The term "ward" shall mean a person who is the object of a guardianship case and for whom an attorney must be provided or appointed under the law applicable in the case.
  - C. The term "Marchman Act" shall include cases brought under chapter 397, Florida Statutes; and any cases brought under any other provision of law in which appointed counsel is required for due process purposes and which are required to proceed in the same manner as a Marchman Act proceeding.
  - D. The term "indigent" as applied to guardianship cases shall mean that the ward or prospective ward is without sufficient assets and his or her estate to pay attorney's fees and court costs. The term "indigent" as applied to Marchman Act cases shall mean the person who is the subject of the proceeding is without sufficient funds in his or her estate to pay attorney's fees.
2. From July 1, 2004 until June 30, 2005, or unless unilaterally amended by the Article V Indigent Services Committee, whichever occurs first, attorneys appointed as counsel for indigent prospective wards in guardianship cases, shall receive up to \$175 per hour, with a maximum fee of \$1,400 per case, unless the court determines in an evidentiary hearing that extraordinary circumstances exist which require the maximum fee to be exceeded in that specific case. However, even in those cases where the court finds extraordinary circumstances exist which require exceeding the \$1,400 presumptive maximum, the attorney's fee shall not exceed \$5,000. An attorney's travel within the Eighteenth Judicial Circuit shall not be compensable.
3. The following maximum fee schedule for the examination committee in guardianship cases shall apply:
- A. \$400 for the physician committee member;
  - B. \$300 for the coordinating committee member;
  - C. \$250 for the remaining committee member.
- If additional experts are required to be retained in extraordinary cases, advance approval from the court shall be obtained, and there shall be a maximum fee of \$1,000 for each such additional expert. If any expert or committee member is required to testify in court, he/she shall receive an additional fee of up to 40% of the foregoing maximum if such testimony is given in person or up to 20%

of the foregoing maximum if such testimony is given by telephone.

4. Attorneys on the Eighteenth Judicial Circuit's Article V Indigent Services Committee Registry for appointment to guardianship cases shall be selected by the Committee based on each attorney's qualifications, service preferences, and geographic preferences. Attorneys shall be on the Registry in order to receive appointments in guardianship cases. To be considered for placement on the Registry, an attorney must first complete and submit an application. This application must be returned to Court Administration in the Eighteenth Judicial Circuit. In order to qualify for placement on the Registry, an attorney shall have:
  - A. represented a party in at least five guardianship cases in the past three years; or
  - B. completed no less than eight hours of a guardianship education class or six-hours of credit in one or more Florida Bar CLE guardianship courses.
5. Attorneys on the Eighteenth Judicial Circuit's Article V Indigent Services Committee Registry for appointment to guardianship cases shall be eligible for appointment in Marchman Act cases. Court-appointed attorneys in Marchman Act cases shall receive a maximum of \$65.00 per hour, for services rendered prior to December 7, 2004, and a maximum of \$175.00 per hour for services rendered on and after December 7, 2004, provided however, that nothing in this Order shall prohibit any attorney from serving as counsel for an indigent subject of a Marchman Act case on a pro bono basis.

DONE AND ORDERED this 28th day of January, 2005.

JAMES E.C. PERRY  
JAMES E.C. PERRY  
CHIEF JUDGE

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