

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 18-10**

**Fixed Fee Voucher Program Pilot for
Court-appointed Panel Members in Probate**

WHEREAS, research was conducted by the Probate Division and the Strategic Management Division of the Superior Court to establish a fixed rate of payment of fees for the services of Court-appointed counsel for the subject or ward, guardians *ad-litem*, and examiners in initial intervention proceedings that qualify for payment from the Guardianship Fund under the Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1989; and

WHEREAS, D.C. Code § 21-2060 provides in pertinent part that counsel for the subject, examiners, and guardians *ad litem* are entitled to reasonable compensation for services rendered, and that the Guardianship Fund is the source of such payment upon determination by the Court that certain criteria have been met pursuant to D.C. Code § 21-2060(a-1); and

WHEREAS, the Probate Education Committee and Presiding Judge of the Probate Division have reviewed the research and fixed fee proposal of the Probate Division and find that this pilot program would benefit the wards of the Court and the Probate fiduciary and examiner panel members by facilitating and simplifying the administrative process for the filing of fee petitions;

NOW, THEREFORE, it is hereby

ORDERED, that a pilot fixed fee voucher program shall commence in the Probate Division on a voluntary basis on September 17, 2018 for Court-appointed fiduciary and examiner panel members; and it is further

ORDERED, that the Probate Division, along with the Presiding Probate Division Judge, shall conduct a pilot of the fixed fee voucher program for at least a 12-month duration and report the results of said pilot program to the Chief Judge of the Superior Court no later than November 15, 2019; and it is further

ORDERED, that Probate fiduciary and examiner panel members who are serving as either counsel for the ward or subject, guardian *ad litem*, or examiner in one time initial hearings on the appointment of a guardian or one time mandatory periodic review hearings are hereby eligible, at the discretion of the appointing judge, to receive complete fixed fee vouchers when the subject qualifies under D.C. Code § 21-2060 and Super. Ct. Prob. R. 308 for payment for services from the Guardianship Fund; and it is further

ORDERED, that each participating fiduciary panel member and examiner shall receive a set fee, depending on the role he/she served. The fee for services is as follows: examiners - \$850.00 per case, guardians *ad litem* - \$900.00 per case, and counsel for the subject - \$1,100.00 per case; and it is further

ORDERED, that members of the Probate Fiduciary Panel and Examiners List may participate in the Fixed Fee Voucher Pilot Program consistent with the following requirements:

1. The following cases are not eligible for this pilot program:
 - a) Cases where conservators are appointed,
 - b) Cases that were dismissed/closed prior to hearing,
 - c) Cases in which the petition was withdrawn,
 - d) Cases in which the subject has died prior to the initial hearing,
 - e) Cases in which the filer served only in a proceeding before Judge-in-Chambers,
 - f) Cases that do not statutorily qualify for payment from the Guardianship Fund; and
2. Each participant who has agreed to accept the fixed fee shall provide a standard form in which he/she certifies that the case is eligible for the fixed fee program, that the participant has met the minimum performance requirements for his/her role based upon the Probate Practice Standards, and that the participant has agreed to accept the fixed fee for all work performed up to and including the initial or periodic review hearing; and
3. The certification shall serve as the filing of a fee petition in accordance with Super. Ct. Prob. R. 308 and shall be filed on the docket. Each participant who has agreed to accept the fixed fee will submit a completed certification form and proposed order to the courtroom clerk at the initial hearing; and
4. Any objections to the fixed fee or certification by parties in the case shall be heard at the Court's discretion either in open court immediately following the hearing or, if the Court deems it necessary, at a hearing on the certification within 30 days to allow the filing of written objections; and it is further

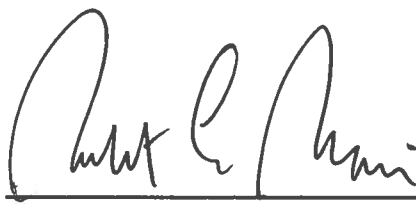
ORDERED, that the Probate Division shall submit a report and any recommendations to the Presiding Judge 60 days after the anniversary date of the commencement of this pilot program; and it is further

ORDERED, that the Fixed Fee Voucher Pilot Program shall terminate 18 months from the date of this Administrative Order, unless otherwise extended by the Court.

SO ORDERED.

BY THE COURT

Date: August 30, 2018



Chief Judge Robert E. Morin

Copies to:

Judicial Officers
Executive Officer
Clerk of the Court
Division Directors
Library
Superior Court Trial Lawyers Association
Family Court Trial Lawyers Association
District of Columbia Bar
Daily Washington Law Reporter