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## RULES

### *Administrative Rules of the Unified Court System & Uniform Rules of the Trial Courts*

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#### Rules of the Chief Administrative Judge

#### PART 127. Assignment And Compensation Of Counsel, Psychiatrists, Psychologists And Physicians

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#### **Section 127.1 Assignment and Compensation of Counsel, Psychiatrists, Psychologists, Physicians and Social Workers**

(a) Assignments and appointments of counsel, psychiatrists, psychologists, physicians and social workers shall be made by the court in accordance with such rules as may be adopted by each Appellate Division. Each Appellate Division may compile and maintain such lists of attorneys, psychiatrists, psychologists, physicians and social workers as it shall deem appropriate for the implementation of its rules. Such rules may provide that the appointment of psychiatrists, psychologists, physicians and social workers shall be made after consultation with the Mental Hygiene Legal Service.

(b) Each claim by assigned counsel, psychiatrist, psychologist, physician or social worker payable from State funds for services rendered to indigent persons, pursuant to section 35 of the Judiciary Law, shall be submitted on forms authorized by the Chief Administrator of the Courts for approval within 45 days after completion of service to the court which made the assignment. Upon approval, the court shall thereupon, within 15 days after receipt, forward such claims to the appropriate Appellate Division for certification to the Comptroller for payment.

#### Historical Note

Sec. filed Nov. 1, 1985; amd. filed May 6, 1991 eff. April 30, 1991.

Amended (a) & (b) on [Nov 18, 2008](#)



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**Section 127.2 Compensation of counsel and other providers in extraordinary circumstances.**

(a) Whenever an attorney, psychiatrist, psychologist, physician or social worker, or a person providing investigative, expert or other services, seeks compensation in excess of the statutory limits prescribed by Article 18-B of the County Law or section 35 of the Judiciary Law, because of extraordinary circumstances, he or she shall submit with his or her claim a detailed affidavit stating the nature of the proceeding, the manner in which the time was expended, the necessity therefor, and all other facts that demonstrate extraordinary circumstances. If the claim is by an attorney, the attorney shall state the disposition of the matter.

(b) The order of the trial judge with respect to a claim for compensation in excess of the statutory limits may be reviewed by the appropriate administrative judge, with or without application, who may modify the award if it is found that the award reflects an abuse of discretion by the trial judge. Any order modifying a trial judge's award shall be in writing.

(c) An application for review may be made by any person or governmental body affected by the order.

**Historical Note**

Sec. filed May 6, 1991; amd. filed March 22, 2001 eff. April 16, 2001. Amended (b)-(c).

Amended (a) on [Nov 18, 2008](#)



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**Section 127.3 Compensation of counsel and other providers in capital cases.**

(a) Each claim for compensation and reimbursement submitted to the court pursuant to section 35-b(9) of the Judiciary Law by an attorney or by a provider of investigative, expert or other services shall be supported by a sworn statement specifying the time expended, services rendered, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source.

(b) Attorneys eligible for awards of compensation by the trial court pursuant to section 35-b(9) may submit vouchers for the court's approval at such times before the case is completed as the court in its discretion may permit.

(c) Requests for reconsideration of any order of the trial court fixing compensation pursuant to section 35-b(9) may be made pursuant to the procedure set forth in section 127.2 of this Part.

**Historical Note**

Sec. filed Aug. 20, 1996 eff. Aug. 14, 1996.



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**Section 127.4 Compensation of attorneys for children.**

Claims by attorneys for children for compensation, expenses and disbursements pursuant to section 245 of the Family Court Act and section 35 of the Judiciary Law shall be determined pursuant to the rules of the appropriate Appellate Division.

Historical Note

Sec. filed March 22, 2001 eff. April 16, 2001.

Amended 127.4 on [Oct. 5, 2010](#) ([old version](#))



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### **Section 127.5 Workload of the Attorney for the Child**

(a) Subject to adjustment based on the factors set forth in subdivision (b), the number of children represented at any given time by an attorney appointed pursuant to section 249 of the Family Court Act shall not exceed 150.

(b) For representation provided under an agreement pursuant to section 243(a) and (b) of the Family Court Act, the workload standards set forth in subdivision (a) may be adjusted based on such factors as:

- (1) Differences among categories of cases that comprise the workload of the office covered by the agreement;
- (2) The level of activity required at different phases of the proceeding;
- (3) The weighting of different categories and phases of cases;
- (4) Availability and use of support staff;
- (5) The representation of multiple children in a case;
- (6) Local court practice, including the duration of a case;
- (7) Other relevant considerations.

(c) The administrators of offices pursuant to such agreements shall be responsible for managing resources and for allocating cases among staff attorneys to promote the effective representation of children and to ensure that the average workload of the attorneys for children in the office complies with the standards set forth in subdivision (a) as modified by subdivision (b).

(d) For representation provided by a panel of attorneys for children pursuant to section 243 (c) of the Family Court Act, the Appellate Division may adjust the workload standards of subdivision (a) to ensure the effective representation of children.

(e) The Chief Administrator of the Courts, with respect to representation pursuant to section 243(a) of the Family Court Act, and the Appellate Divisions, with respect to representation pursuant to section 243 (b) and (c) of the Family Court Act, shall annually, at the time of the preparation and submission of the judiciary budget, review the workload of such offices and panels, and shall take action to assure compliance with this rule.

Added 127.5 on [April 01, 2008](#)



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### **Section 127.6 Training of Attorneys for Children on Domestic Violence**

(a) Attorneys for children appointed pursuant to section 249 of the Family Court shall receive initial and ongoing training on domestic violence, including the dynamics of domestic violence, its effect on victims and on children, and the relationship between such dynamics and the issues considered by the court, including, but not limited to, custody, visitation and child support.

(b) For representation provided under an agreement pursuant to section 243(a) of the Family Court Act, the Chief Administrator of the Courts shall provide for development of training programs with the input of and in consultation with the state office for the prevention of domestic violence, and such training programs, along with the providers of such training, shall be approved by the Chief Administrator of the Courts.

(c) For representation provided under an agreement pursuant to section 243(b) of the Family Court Act or by a panel of attorneys for children pursuant to section 243(c) of the Family Court Act, the Appellate Divisions shall provide for development of training programs with the input of and in consultation with the state office for the prevention of domestic violence, and such training programs, along with the providers of such training, shall be approved by the Appellate Divisions.

(d) The Chief Administrator of the Courts, with respect to representation pursuant to section 243(a) of the Family Court Act, and the Appellate Divisions, with respect to representation pursuant to section 243(b) and (c) of the Family Court Act, shall establish procedures to assure compliance with subdivision (a) of this rule.

Added 127.6 on [Nov 18, 2009](#)



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### **127.7 Workload of Attorneys and Law Offices Providing Representation to Indigent Clients in Criminal Matters in New York City**

(a) The number of matters assigned in a calendar year to an attorney appointed to represent indigent clients in criminal matters pursuant to Article 18-B of the County Law in New York City shall not exceed 150 felony cases; or 400 misdemeanor cases; or a proportionate combination of felony and misdemeanor cases (at a ratio of 1:2.66). Where staff attorneys employed by an indigent defense organization within the City of New York are appointed to represent clients in criminal matters pursuant to Article 18-B of the County Law, these limits shall apply as an average per staff attorney within the organization, so that the organization may assign individual staff attorneys cases in excess of the limits to promote the effective representation of clients.

(b) The Chief Administrator of the Courts shall annually, at the time of the preparation and submission of the judiciary budget, review the workload of such organizations and attorneys, and shall take action to promote compliance with this rule. In undertaking such review, the Chief Administrator may consider: (1) differences among categories of cases that comprise the workload of the defense organization; (2) the level of activity required at different phases of the proceeding; (3) local court practice, including the duration of a case; and (4) any other factor the Chief Administrator deems relevant.

(c) These workload standards shall constitute non-binding guidelines between April 1, 2010 and March 31, 2014, and shall be binding effective April 1, 2014.

Added 127.7 on [Apr 1, 2010](#)