

STATE OF VERMONT
SUPREME COURT
JULY TERM 2023

Order Amending Administrative Order No. 4 § 6(a)

Pursuant to the Vermont Constitution, Chapter II, §§ 30, 37, it is hereby ordered:

1. That Administrative Order No. 4, § 6(a) be amended as follows (new matter underlined; deleted matter struck through):

**RULES GOVERNING THE ASSIGNMENT OF COUNSEL AND PAYMENT
THEREFOR BY THE DEFENDER GENERAL**

§ 6. Compensation for Assigned Counsel and Reimbursement for Expenses.

(a) Compensation for services of counsel assigned by court, and not under contract with the Defender General, shall be based on an hourly rate of ~~forty~~ one hundred dollars (~~\$50.00~~ 100.00) per hour. In the trial courts where a misdemeanor is charged, or more than one misdemeanor arising out of a single incident is charged, the maximum compensation shall not exceed a limit of one thousand (\$1,000.00). Where a major felony, not involving imprisonment for life or the death penalty is charged, or more than one major felony arising out of a single incident is charged, or for proceedings to terminate parental rights in juvenile court, compensation shall not exceed a limit of five thousand dollars (\$5,000.00). For felonies involving possible life imprisonment or death penalty, compensation shall not exceed a limit of twenty-five thousand dollars (\$25,000.00). For minor felonies or juvenile matters compensation shall not exceed a limit of two thousand dollars (\$2,000.00). In all other proceedings the same hourly rate shall apply and the maximum amount shall not exceed a limit of the amount prescribed for misdemeanors. Compensation for assigned representation in the Supreme Court shall not exceed a limit of two thousand dollars (\$2,000.00) in all appeals.

For purposes of the specified maxima, major felonies include assault and robbery, larceny from a person, aggravated assault, first degree domestic violence, lewd and lascivious conduct, lewd and lascivious conduct with a child, manslaughter, sexual assault, careless and negligent operation with death resulting, leaving the scene of a fatal accident, driving under the influence with death resulting, and any drug offense with a maximum prison term of five years or more. Minor felonies include all others not involving imprisonment for life or the death penalty.

Reporter's Notes—2023 Amendment

Administrative Order 4, § 6(a) is amended to increase the hourly compensation for assigned counsel. Pursuant to 13 V.S.A. § 5205(a), the Supreme Court sets “reasonable rates of compensation” for assigned counsel. The compensation of \$50 per hour was established in 1993 and has not been increased. Both the Vermont Bar Association and the Office of the Defender General support an increase in compensation.

2. That this Order, as amended, is effective for services rendered after July 1, 2023. The Reporter's Notes are advisory.

3. That the Chief Justice is authorized to report this amendment to the General Assembly in accordance with the provisions of 12 V.S.A. §1, as amended.

Done in chambers at Montpelier, Vermont this 13th day of July, 2023.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice