M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered August 28, 2025.

(Deleted material is struck through, and new material is underscored.)

On February 10, 2006, the committee comment for Rule 299 was adopted but contained a clerical error, which is corrected *nunc pro tunc*.

Corrected Rule 299

Rule 299. Compensation for Attorneys Appointed to Represent Indigent Parties

(a) Attorneys who are appointed by the courts of this state to represent indigent parties shall be entitled to receive a reasonable fee for their services. In arriving at a reasonable fee for appointed counsel's services, the appointing court should consider: (1) the time spent and the services rendered; (2) the attorney's skill and experience; (3) the complexity of the case; (4) the overhead costs and the burden on the attorney's practice; (5) the rate of compensation for comparable services in the locality; (6) the reduction of the comparable fee by a *pro bono* factor; (7) the number of appointments given to the attorney; and (8) the availability of public funds. No single factor is determinative in establishing a reasonable fee.

(b) Hourly Rate. An attorney appointed by a court in this state to represent an indigent party may be compensated at a rate set by local rule, but not less than $150 per hour for time expended in court and the same amount for time reasonably expended out of court.

(c) Maximum Amount. Maximum compensation is limited as follows:

For representation of an indigent defendant charged with a misdemeanor, $750.

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.

(d) Waiving Maximum Amounts. Payment in excess of any maximum amount provided in paragraph (c) 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 of Cook County approves the excess payment. All petitions to exceed the maximum fee guidelines

FILED

AUG 28 2025

SUPREME COURT
CLERK

must be approved prior to the guidelines being exceeded.

(e) The Illinois Supreme Court Committee on Juvenile Courts shall review the fee amounts listed above on a biennial basis and make recommendations regarding compensation as necessary.

Adopted February 10, 2006, effective July 1, 2006; amended Nov. 1, 2023, eff. Jan. 1, 2024.

Committee Comments

(February 10, 2006; corrected Aug. 28, 2025)

Section 113-3 of the Code of Criminal Procedure of 1963~~Civil Procedure~~ (725 ILCS 5/113-3) provides: "In all cases, except where the penalty is a fine only, if the court determines that the defendant is indigent and desires counsel, the Public Defender shall be appointed as counsel." Section 113-3 also provides under which circumstances counsel other than a public defender may be appointed.

The Juvenile Court Act provides for counsel to be appointed to all indigent parents threatened with the loss of parental rights (705 ILCS 405/1-5(1)). In *In re Adoption of L.T.M.*, 214 Ill. 2d 60 (2005), the supreme court held that the equal protection clause of the fourteenth amendment to the United States Constitution mandated that indigent parents threatened with the loss of parental rights under the Adoption Act (750 ILCS 50/8) are also entitled to appointed counsel.

Section 5 of the Sexually Dangerous Persons Act (725 ILCS 205/5) provides that persons whom the State seeks to confine pursuant to the Act are entitled to be represented by counsel. Section 30(e) of the Sexually Violent Persons Commitment Act (725 ILCS 207/30(e)) provides that the court shall appoint counsel if the person named in the petition claims or appears to be indigent.

In setting the hourly rate and total compensation, the Committee took into consideration the fact that section 113-3(c)'s provisions of $40 for time spent in court and $30 for all other time, applicable only to Cook County, had not been changed in more than 20 years. Section 10(b) of the Capital Crimes Litigation Act (725 ILCS 124/10(b)) provides that trial counsel appointed to represent indigents who are charged in capital cases may be paid a "reasonable rate not to exceed $125 per hour." The Committee also considered 18 U.S.C. §3006A ("Adequate Representation of Defendants"), which gives the federal Judicial Conference the authority to set a rate of $90 per hour for time expended in court or for time expended out of court. Section 3006A also sets $7,000 as a maximum fee in felony cases, $2,000 in misdemeanor cases and $5,000 in appellate cases.