

## LOCAL RULE 8.05

### **8.05 COURT APPOINTMENTS**

#### (A) IMPLEMENTATION

When it appears to the satisfaction of the Court that a criminal defendant is indigent, or for any other reason is unable to retain counsel to represent him, the Court shall appoint a defense attorney from the Court Appointed List.

#### (B) COURT APPOINTED ATTORNEY LIST

- (1) Attorneys who wish to be on the Court Appointed List shall make application in writing. The application shall be reviewed by the judges and a decision will be made by a majority of the General Division judges to approve or disapprove applications.
- (2) Attorneys must meet the following requirements to be added to the Court Appointed List:
  - (a) Licensed Ohio attorney in good standing;
  - (b) Experience as lead counsel or co-counsel on three or more criminal/traffic or delinquency cases;
  - (c) Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Code of Professional Responsibility; and
  - (d) A local office suitable for client conferences including clients with disabilities.
- (3) Appointments will be approved for one calendar year and, thereafter, performance will be reviewed a minimum of once per year by judges of the Court.
- (4) Attorneys may be removed from the list upon a concurrence of the majority of the General Division judges for reasons such as tardiness, failure to meet with the client prior to pretrial, or failure to meet the professional standards of representation.

#### (C) MANNER OF APPOINTMENT

- (1) Appointment of counsel shall be made from the Court Appointed List in such a manner that ensures an equitable distribution of appointments among all persons on the appointment list.
- (2) The Court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload.
- (3) The administrative judge shall review the Court Appointed List no less than annually to make sure it is updated and to ensure the equitable distribution of appointments among persons on the list.
- (4) Court appointments shall be made without regard to race, national origin, religion, age, gender, citizenship, marital status, sexual orientation, veteran's status, disability, or socioeconomic status.

(D) GENERAL REQUIREMENTS

- (1) Court appointed counsel shall perform basic duties as warranted by the facts of the case and shall act in a professional manner.
- (2) Court appointed counsel shall personally represent the client for whom he or she was appointed and shall not, absent an emergency, allow substitute counsel to represent the client.
- (3) Court appointed counsel must be present at all dispositive hearings. Repeated failures to personally represent the client will result in removal from the Court Appointed List.
- (4) Court appointed counsel shall have a working phone with a secretary and/or voicemail to be able to respond to calls from the Court or clients. The attorney shall inform the Court promptly of a change of address or phone number.
- (5) Except in extraordinary cases, court appointed counsel shall meet with the client prior to the pretrial conference or violation hearing.

(E) MOTION FOR COMPENSATION

- (1) At the conclusion of the case, court appointed counsel shall file a proper motion for compensation. Counsel shall attach to the motion a properly executed affidavit of indigency (OPD-206R rev. 07/2021) regarding his or her client. Counsel shall either use his or her federal tax identification number on the motion, or he or she shall attach a tax identification number verification form to the motion.
- (2) A motion for compensation shall be filed within 30 days after the Court's final judgment or entry in the case has been journalized.
  - (a) Failure to timely submit a motion for payment will result in a 50% reduction in the compensation.
- (3) Compensation shall be allowed by the Court in accordance with the schedule of fees established and approved for such purposes.
- (4) In the event a criminal case is resolved without a trial, an appointed attorney seeking compensation for more than ten (10) hours of work (approximately \$750.00) shall provide a separate, written explanation for the reason for the requested fee amount.
- (5) Court appointed counsel shall not accept compensation from any other source than the Court on an appointed case.

(F) EXTRAORDINARY FEE REQUEST

- (1) A request for compensation that exceeds the established fee schedule may be granted in extraordinary cases. Compensation in an amount that exceeds the limit set by the established fee schedule is considered an extraordinary fee.
- (2) Extraordinary fees may only be approved as follows:
  - (a) Where the extraordinary fees requested are less than 50% of the amount set as the limit on the established fee schedule, the extraordinary fees may be approved by the assigned trial judge.
  - (b) Where the extraordinary fees requested are greater than an additional 50% or more than the limit on the established fee schedule, the extraordinary fees may only be approved by a majority vote of all the general division judges.