

LOCAL RULE 5.04

COURT APPOINTMENTS. 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 Attorney List.

a) 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. Attorneys must meet the following requirements:

- 1) Licensed Ohio attorney in good standing.
- 2) Experience as lead counsel or co-counsel on three (3) or more criminal/traffic or delinquency cases.
- 3) Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Code of Professional Responsibility.
- 4) A local office suitable for client conferences including clients with disabilities.

b) Appointment will be approved for one calendar year and, thereafter, performance will be reviewed a minimum of once per year.

c) Attorneys can 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.

d) 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.

- 1) 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.
- 2) The Administrative Judge shall review the Court Appointed List no less than quarterly to make sure it is updated and to ensure the equitable distribution of appointments among persons on the list.

e) The appointed attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner. 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. Appointed Counsel must be present at all dispositive hearings. Repeated failure to personally represent the client will result in removal from the appointed counsel list.

f) The appointed attorney shall have a working phone with a secretary and/or voice mail 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.

g) At the conclusion of the case, the appointed attorney shall file with the Court a motion for compensation on forms provided by the Court. Counsel shall attach to the motion a properly executed affidavit of indigency. Counsel shall either use his federal tax identification number on the motion, or he shall attach a tax identification number verification form, available from the Court, to his motion.

h) Compensation shall be allowed by the Court in accordance with the schedule of fees established and approved for such purposes. Said motion for compensation shall be filed within thirty (30) days after the Court's final judgment or entry in the case has been journalized.

i) 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 \$500.00) shall provide a separate, written explanation for the reason for the requested fee amount.

j) Failure to timely submit a motion for payment will result in a fifty (50) percent reduction in the compensation.

k) Court appointed counsel shall not accept compensation from any other source than the Court for an appointed case.

l) Except in extraordinary cases, court appointed counsel shall meet with the client prior to the pretrial conference.