

**FRANKLIN COUNTY COMMON PLEAS – GENERAL DIVISION
APPOINTED COUNSEL PACKET**



DOCUMENTS INCLUDED IN THIS PACKET

- Master Appointment List Application
- OAC 120-1-10 Appointment Systems and Attorney Qualifications

PROCESS

Once your application is submitted:

- It will be reviewed for completeness (you will be contacted if incomplete)
- Once completed, the application will be placed on the agenda for the next available judges' meeting
- Following the judge's meeting, you will be notified via email of the case types for which you have been approved for appointment

Please visit our website at www.fccourts.org under Services/Assigned Counsel for additional information and forms.

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MASTER APPOINTMENT LIST APPLICATION

Court of Common Pleas - General Division
 Franklin County, Ohio
 345 S. High St., 2nd Floor
 Columbus, Ohio 43215

APPLICATION STATUS

NEW APPLICANT **OR** REQUEST FOR ADDITIONAL CASE TYPES

NAME AND ADDRESS

| | |
|------------------------------|-------------------------|
| NAME: | PHONE: |
| STREET: | |
| CITY, STATE: | ZIP: |
| EMAIL ADDRESS: | SUPREME COURT REG. NO.: |
| EFLEX USER NAME (MANDATORY): | |

QUALIFICATIONS

Please check mark the sections for which you qualify and wish to receive appointments.

| FELONIES | | | |
|------------|--|--|---|
| Check Mark | Felony | Training* | Experience |
| | 1 st Degree felonies, aggravated murder without death penalty specs. and murder | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure | At least three years' experience in criminal law AND Within 10 years preceding appointment, experience as lead trial counsel in two criminal jury trials, at least one of which involved felony charges OR as lead counsel in one felony jury trial and as co-counsel in two additional jury trials |
| | 2 nd Degree | Same as 1st Degree | Same as 1st Degree |
| | 3 rd Degree | Same as 1st Degree | At least one year experience in criminal law AND Within six years preceding appointment, experience as lead trial counsel in at least one criminal jury trial OR as co-counsel in at least two jury trials |
| | 4 th Degree and unclassified felonies | Same as 1st Degree | At least one year experience in criminal law |
| | 5 th Degree | Same as 1st Degree | Same as 4 th Degree |
| | Felony OVI or felony in which OVI is an element | Same as 1st Degree PLUS minimum six hours CLE in OVI practice and procedure | No additional experience |
| | Life-sentence cases** | Same as 1st Degree | At least five years' experience in criminal law AND Within 10 years preceding appointment, experience as lead trial counsel in five felony jury trials, at least three of which involved felony charges of the 1 st or 2 nd degree OR as lead counsel in three jury trials, at least one of which was a 3 rd degree felony and as co-counsel in five additional jury trials, at least three of which were 1 st or 2 nd degree felonies |

*CLE hours must be certified by the Ohio Supreme Court commission on continuing legal education.

**Unclassified felonies other than aggravated murder and murder.

***Any case where the defendant is charged with any felony that carries a potential sentence of life imprisonment, whether eligible or ineligible for parole

| QUALIFICATIONS CONTINUED | | | |
|--|----------------------|---|--|
| CAPITAL CASES | | | |
| Check Mark | Death Specification* | Training** | Experience |
| | Lead Trial Counsel | Must be certified by the Ohio Supreme Court Commission on Appointment of Counsel in Capital Cases | <p>At least five years' criminal litigation experience</p> <p>AND</p> <p>Experience as lead counsel for the defense in jury trial of at least one capital case OR experience as co-counsel for the defense in jury trial of at least two capital cases</p> <p>AND</p> <p>Within ten years preceding appointment, experience as lead counsel in jury trial of at least one murder or aggravated murder case OR within five years preceding appointment, experience as lead counsel in three aggravated or first or second degree felony jury trials</p> |
| | Trial Co-Counsel | Must be certified by the Ohio Supreme Court Commission on Appointment of Counsel in Capital Cases | <p>At least three years' of criminal litigation experience</p> <p>AND</p> <p>Within 10 years preceding appointment, experience as co-counsel in one murder or aggravated murder jury trial OR within five years preceding appointment, experience as lead counsel in one first or second degree felony jury trial OR within five years preceding appointment, experience as lead or co-counsel in at least two felony jury or civil jury trials</p> |
| <p>*These requirements apply in any case in which a defendant is charged with aggravated murder with a death penalty specification, including cases in which the defendant is a juvenile or is otherwise precluded from being sentenced to death.</p> <p>**CLE hours must be certified by the Ohio Supreme Court commission on continuing legal education.</p> | | | |

| QUALIFICATIONS CONTINUED | | | |
|--------------------------|--|----------|--|
| JUVENILE BINDOVER CASES | | | |
| Check Mark | Case | Training | Experience |
| | Where a case originated in juvenile court and was transferred to adult court | | <p>The requisite experience under this rule to be appointed to a juvenile case based upon the highest degree of the charge in the case</p> <p>AND</p> <p>The requisite experience under this rule to be appointed to an adult case based upon the highest degree felony charged</p> <p>OR</p> <p>Co-counsel who meets the adult-case training and experience requirements must also be appointed</p> |

| QUALIFICATIONS CONTINUED | | | |
|--|--|--|---|
| APPEALS | | | |
| Check mark | Adult Cases | Training* | Experience** |
| | 1 st Degree | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in appellate practice | At least two years' experience as attorney practicing in appellate law AND Within 10 years preceding appointment, filed appeals in three cases resolved by trial |
| | 2 nd Degree | Same as 1 st Degree | Same as 1 st Degree |
| | 3 rd Degree | Same as 1 st Degree | At least one year experience as attorney practicing in appellate law AND Within six years preceding appointment, filed appeals in three cases resolved by plea OR one appeal of a case resolved by trial |
| | 4 th Degree | Within two years prior to appointment, minimum six hours CLE in criminal or appellate practice and procedure OR Successful completion of clinical education program focusing on appellate practice | In lieu of required training, at least one year experience as an attorney |
| | 5 th Degree | Same as 4 th Degree | Same as 4 th Degree |
| | Misdemeanors | Same as 4 th Degree | Same as 4 th Degree |
| | Cumulative sentences of 25 years or more | Same as 1 st Degree | At least five years' experience as an attorney practicing in appellate law AND Within 10 years preceding the appointment, filed appeals in five cases resolved by trial |
| | Bindover - where the case involves the appeal of a juvenile case transferred to Common Pleas Court | | The requisite experience under this rule to handle the appeal of a juvenile case based upon the highest degree of the charge in the case AND The requisite experience under this rule to handle the appeal of an adult case based upon the highest degree felony charged OR Co-counsel who meets the adult-case training and experience requirements must also be appointed |
| <p>*CLE hours must be certified by the Ohio Supreme Court commission on continuing legal education. **A case in which an <i>Anders</i> brief was filed may not be counted as prior experience.</p> | | | |

DOCUMENTS TO BE ATTACHED TO APPLICATION

ONE (1) COPY OF COUNSEL'S RESUME

TAXPAYER IDENTIFICATION WORKSHEET (W-9)

INDEPENDENT CONTRACTOR ACKNOWLEDGEMENT
(Only required if utilizing social security number instead of tax ID number for payment)

By my signature, I certify that I have read and understand the requirements contained in this application and set forth in OAC 120-1-10 for appointment of counsel. I have check marked only the categories for which I meet all eligibility requirements for appointment under these standards. I will notify the Court if an appointment is made in a category where I have not been approved by the Court or do not meet the above requirements. I understand I may be requested to document my qualifications for appointment. I will notify the Court of any disciplinary proceedings against me where probable cause has been certified, unless otherwise excepted from disclosure pursuant to Gov. Bar R. V, Section 8.

Signature

Date

Please return this completed application by mail, email, or fax to:

Sheila Brown
Franklin County Common Pleas
Court 345 S. High Street, 2nd Floor
Columbus, Ohio 43215
Fax: 614.525.4480
Email: Sheila_Brown@fccourts.org
Phone: 614.525.7294

OAC 120-1-10 Appointment Systems and Attorney Qualifications.

(In pertinent part)

To qualify for reimbursement, attorneys and the systems used to appoint attorneys must meet the requirements of this rule.

(A) Appointment systems. Pursuant to Rule 8 of the Rules of Superintendence for the Courts, courts must adopt a local rule for the appointment of counsel that ensures the equitable distribution of appointments among persons on each list. Such appointment systems must also:

(1) Be independent from individual influence by a member of the judiciary, anyone involved in prosecuting criminal cases, or any elected official.

(2) Ensure that appointments are distributed as widely as possible among members of the bar who qualify to be on an assignment list, by utilizing a rotary system designed to pair the seriousness and complexity of a case with attorneys who meet qualifications outlined below for appointment to such a case. On rare occasion it may be in the interest of justice for a court to select an individual attorney whose expertise or experience is particularly well suited to a given case or client.

(3) Have a written application process for inclusion, review, advancement in qualifications, and removal from the appointed counsel list.

(4) Not require an attorney to join or pay a fee to any organization as a condition of inclusion in the appointment system.

(5) Maintain a record of all appointments of counsel, the qualification of counsel to accept cases based upon degree and severity of the charge, and a record of attorneys' refusals to accept appointments.

* * *

(D) Training requirements for all felony cases. Attorneys appointed to represent indigent clients in felony cases must meet the following training requirements:

(1) Within two years prior to the appointment, completion of a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure.

(2) Within two years prior to the appointment to a felony OVI case or a felony in which OVI is an element, completion of a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, focused on OVI practice and procedure.

(E) Felonies of the fourth and fifth degree and unclassified felonies other than aggravated murder and murder. Where the defendant is charged with a felony of the fourth or fifth degree, or an unclassified felony other than aggravated murder or murder, counsel must have at least one year of experience as an attorney practicing in the area of criminal law.

(F) Felonies of third degree. Where the defendant is charged with a felony of the third degree, counsel must have:

(1) At least one year of experience as an attorney practicing in the area of criminal law; and

(2) Within six years preceding the appointment, prior experience as lead trial counsel in at least one criminal jury trial, or as co-counsel in at least two jury trials.

(3) The experience required by paragraph (G) of this rule. (Note: This was an error in the last amendment)

(G) Aggravated murder without death penalty specifications, murder, and felonies of the first and second degree. Where the defendant is charged with a aggravated murder without a death penalty specification, murder, or a felony of the first or second degree, counsel must have:

(1) At least three years of experience as an attorney practicing in the area of criminal law; and

(2) Within ten years preceding the appointment, prior experience as lead trial counsel in two criminal jury trials, at least one of which involved felony charges, or as lead counsel in one felony jury trial and as co-counsel in two additional jury trials.

(H) Life sentence cases. Where the defendant is charged with any felony that carries a potential sentence of life imprisonment, whether eligible or ineligible for parole, counsel must have:

(1) At least five years of experience as an attorney practicing in the area of criminal law; and

(2) Within ten years preceding the appointment, prior jury trial experience as lead counsel in five felony jury trials, at least three of which were felonies of the first or second degree; or lead counsel in three jury trials, at least one of which was a felony of third degree, and co-counsel in an additional five jury trials, at least three of which were felonies of the first or second degree.

(I) Death specification cases.

(1) Where the juvenile or adult defendant is charged with aggravated murder with death penalty specifications, or has been convicted and sentenced to death, any attorney appointed for trial, appellate, post-conviction, or habeas corpus representation must be certified by the Ohio supreme court commission on appointment of counsel in capital cases.

(2) Lead trial counsel must have:

(a) At least five years of criminal litigation experience; and

(b) Experience as lead counsel for the defense in the jury trial of at least one capital case, or experience as co-counsel for the defense in the jury trial of at least two capital cases; and

(c) Within ten years preceding the appointment, experience as lead counsel in the jury trial of at least one murder or aggravated murder case; or within five years preceding the appointment, experience as lead counsel in three aggravated or first or second degree felony jury trials.

(3) Trial co-counsel must have:

(a) At least three years of criminal litigation experience; and

(b) Within ten years preceding the appointment, experience as co-counsel in one murder or aggravated murder jury trial; or within five years preceding the appointment, experience as lead counsel in one first or second degree felony jury trial; or within five years preceding the appointment, experience as lead or co-counsel in at least two felony jury or civil jury trials.

(J) Juvenile Bindover cases. Where a case originated in juvenile court and was transferred to adult court, counsel must have:

(1) The requisite experience under this rule to be appointed to a juvenile case based upon the highest degree of the charge in the case; and

(2) The requisite experience under this rule to be appointed to an adult case based upon the highest degree felony charged; or

(3) Co-counsel who meets the adult-case training and experience requirements must also be appointed.

* * *

(L) Adult appellate cases. For purposes of this section, a case in which an Anders brief was filed may not be counted as prior experience.

(1) All misdemeanors, and felonies of the fourth and fifth degree. Where the defendant is appealing a conviction of a misdemeanor or of a felony of the fourth or fifth degree, counsel must have:

- (a)** Within two years prior to the appointment, completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal or appellate practice and procedure; or
- (b)** Successfully completed a clinical education program focusing on appellate practice; or
- (c)** At least one year of experience as an attorney.

(2) Training requirements for felonies of the first, second, or third degree. Where the defendant is appealing a conviction of a felony of the first, second, or third degree, within two years prior to the appointment, counsel must have completed a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure, at least six of which must be in the area of appellate practice.

(3) Felonies of the third degree. Where the defendant is appealing a conviction of a felony of the third degree, counsel must have:

- (a)** At least one year of experience as an attorney practicing in the area of appellate law; and
- (b)** Within six years preceding the appointment, filed appeals in three cases resolved by plea, or one appeal of a case that was resolved by trial.

(4) Felonies of the first and second degree. Where the defendant is appealing a conviction of a felony of a first or second degree, counsel must have:

- (a)** At least two years of experience as an attorney practicing in the area of appellate law; and
- (b)** Within ten years preceding the appointment, filed appeals in three cases that were resolved by trial.

(5) Cumulative sentences of twenty-five years or more. Where the defendant is appealing a cumulative sentence of twenty-five years or more, whether eligible or ineligible for parole, counsel must have:

- (a)** At least five years of experience as an attorney practicing in the area of appellate law; and
- (b)** Within ten years preceding the appointment, filed appeals in five cases resolved by trial.

(6) Bindover and serious youthful offender cases. Where the case involves the appeal of a juvenile case transferred to common pleas court or a serious youthful offender proceeding, counsel must have:

- (a)** The requisite experience under this rule to handle the appeal of a juvenile case based upon the highest degree of the charge in the case; and
- (b)** The requisite experience under this rule to handle the appeal of an adult case based upon the highest degree of felony charged; or

(c) Co-counsel who meets the adult-case training and experience requirements must also be appointed.

* * *

(N) For purposes of this rule, co-counsel is defined as an attorney who is assisting lead counsel assigned to represent the defendant, who has entered an appearance in the matter, and who has actively participated in the presentation of the case up to and during trial. Co-counsel qualify for reimbursement only in cases where two attorneys are required to be appointed, as in death penalty, bindover, and serious youthful offender cases.

(O) Prior to or at the time of appointment, and prior to the submission of a bill, a court may submit an attorney's qualification information to the Ohio public defender, in order to ascertain whether counsel qualifies under this rule and is in compliance with the Ohio public defender standards and guidelines for reimbursement.

(P) Exceptional circumstances. An attorney who does not meet the requirements of this rule may request an exemption for exceptional circumstances and, if approved, may proceed as being qualified. An attorney requesting such an exemption must submit to the Ohio public defender commission materials that demonstrate that high quality, competent representation will be provided. The request and all supporting materials must be submitted at least two weeks prior to a regularly scheduled quarterly meeting of the Ohio public defender commission. Applicants will be notified of the commission's decision within two weeks after the commission's meeting.

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