

# APPOINTED COUNSEL CERTIFICATION FORM

The courts within Summit County frequently rely on the Akron Bar Association list of attorneys willing to take appointments for the representation of indigent criminal defendants.

This form should be filled out by attorneys currently on the list as well as attorneys wishing to be placed on the list. The forms should be returned to the Bar Association, Attention: Pat

## 120-1-10 QUALIFICATIONS FOR ASSIGNED COUNSEL AND PUBLIC DEFENDERS: (Ohio Revised Code- 2nd Edition-Revised 15, 1996)

- (A) A county shall not receive reimbursement for defense costs from the Ohio public defender commission unless the assigned counsel or public defender representing the indigent defendant meets the following minimum qualifications:
- (1) Where the defendant is charged with aggravated murder with death penalty specifications, or has been convicted and sentenced to death, any attorney appointed for trial or appellate representation must meet the qualifications set forth in rule 65 of the Ohio supreme court "Rules of Superintendence" and appear on the list of attorneys qualified to accept appointments in capital cases promulgated by the rule 65 committee.
  - (2) Where the defendant is charged with murder or aggravated murder without specifications, appointed counsel shall possess:
    - (a) Prior experience as trial counsel or co-counsel in one prior murder trial; or
    - (b) Prior experience as trial counsel in two first-degree felony or aggravated felony trials; or
    - (c) Prior experience as trial counsel in ten or more jury trials.
  - (3) Where the defendant is charged with a felony or aggravated felony of a first, second or third degree, appointed counsel shall possess:
    - (a) Prior experience as trial counsel in two more first-, second-, or third-degree felony or aggravated felony trials, at least one of which was a jury trial; or
    - (b) Prior experience as trial counsel in any four jury trials at least one of which was a jury trial in a first, second- or third-degree felony or aggravated felony, or
    - (c) Prior experience as trial counsel in any two criminal trials; and
- (i) Co-counsel in at least one criminal jury trial;
  - (ii) Trial counsel or co-counsel in two jury trials.
- (4) Where the defendant is charged with a fourth-degree felony, appointed counsel shall possess:
    - (a) Prior experience as trial counsel or co-counsel in at least one jury trial ; or
    - (b) Prior completion of a training program on criminal practice or procedure which is certified for continuing legal education credit by the Ohio supreme court commission on continuing legal education.
  - (B) Assignment should be distributed as widely as possible among members of the bar who meet the qualifications for assignment.
  - (C) If appointed counsel fails to follow stated qualifications, the Ohio public defender commission may refuse to approve reimbursement for the appointment of particular counsel pursuant to division (B) of section 120.28 and sections 120.33 and 2941.51 of the Revised Code. Prior to the appointment, the court may submit the appropriate qualification information pertaining to counsel to the Ohio public defender for determination of whether counsel qualifies for reimbursement pursuant to division (B) of section 12.18, division (B) of section 120.28, and sections 120.33 and 2941.51 of the Revised Code.
  - (D) The respective courts and county and joint county public defender commissions shall be free to adopt local rules requiring qualifications in addition to the minimum standards established by this rule.