LAW OFFICE OF THE HAMILTON COUNTY PUBLIC DEFENDER
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STANDARDS, GUIDELINES, AND REGULATIONS

Standards, guidelines, and regulations for the counsel who are appointed to represent indigent persons in criminal cases under Section 120.06 of the Ohio Revised Code shall be as follows:

I. STANDARDS

(1) Personally interview clients without delay and confer as often as necessary to elicit matters pertinent to their defense, and in criminal cases meet with clients 48 hours after appointment and no less than once every 20 days while the case is pending

(2) In those instances where the client is incarcerated and you have been assigned the case in Room A you must personally interview the client prior to their arraignment and maintain personal contact with the client both prior to and subsequent to an indictment being returned;

(3) Appear on behalf of each client at the Report of the Grand Jury and at each scheduled court appearance after Common Pleas Arraignment prepared to represent each client's interests;

a. Be responsible for all matters of representation, whether pre-trial, trial, or **post** sentencing proceedings, in Hamilton County Municipal and Common Pleas Courts, and protect and preserve the clients right to an appeal taken to the First District Court of Appeals, unless permitted to withdraw as attorney of record by the appropriate court;

b. Withdraw as counsel only for good cause shown by written motion and upon entry by the Court, immediately notify the Law Office of Hamilton County Public Defender as to same, and confer with succeeding counsel regarding the client's defense within ethical limits;

c. Do not solicit or accept compensation from any source other than as provided by the Hamilton County Board of Commissioners' fee schedule, nor accept private employment as retained counsel in any proceeding in which you were originally appointed as attorney of record. Ohio Admin. Code 120-1-16.

(4) In all cases:

a. Promptly advise clients of their rights and take all necessary actions to preserve them;

b. Diligently and actively participate in the full and effective preparation of each client's case;

c. Carefully investigate all defenses of fact and of law that may be available to your client, and be prepared to file all motions, such as suppression of evidence, psychiatric evaluation, expert witness, deposition or other motion appropriate to your client's case;

d. Be concerned with your client's right to reasonable bail pending case resolution.

e. Immediately notify the Law Office of the Hamilton County Public Defenders of any case in which the seriousness of the alleged offense requires the appointment of counsel having the experience required pursuant to the qualifications set forth by the Ohio Supreme Court, the Ohio Public Defender or the Hamilton County Public Defender.

f. Utilize the resources available to counsel at the Law Office of the Hamilton County Public Defender, including investigative services and mentoring by supervising attorneys or by experienced panel attorneys.

g. Advise client of all collateral consequences of conviction. If the client is facing immigration consequences, provide advice or seek an opinion from an attorney that specializes in this area.

II. GUIDELINES:

All counsel shall**:**

(1) a. Counsel on the Felony Panel are required to arrive in Room A for Panel Assignments prior to 8:00 AM to give the Room A Assignment Attorney the opportunity to both assign the cases and to ensure that the client is interviewed. If you are not there by 8:00 AM you may not receive any cases. If you know in advance that you will be unavailable on a particular day, call the Assignment Supervisor scheduled to be in Room A on your day and advise him of your status.

b. Counsel on the misdemeanor panel are required to arrive in Room by 8:00 a.m. for the morning docket and at by 11:30 a.m. for the afternoon docket.

(2) Be responsible for obtaining a copy of the Affidavit of Indigency to upload and submit via CABS with your time record for payment. This is required by the Ohio Public Defender and replaces the 'Certification of Indigency' on the last page of the obsolete paper voucher.

(3) Be responsible for completing the top portion of the client's interview sheet with your name and telephone number and complete those items related to the next action in the case (i.e., Grand Jury report date). Please include the bond set to allow us to maintain the file current and up-to-date. Lastly, you must turn in the white copy of the interview sheet to the Public Defender staff in Room A before you leave.

(4) Trading of assigned days will not be permitted without prior approval from the Deputy Public Defender.

(5) When appointed in a capital case make sure the trial court files the appropriate Supreme Court form.

(6) If the circumstance arises where an attorney must leave the panel and withdraw from active cases, promptly notify the Division Director or the Deputy Public Defender for case reassignments.

III. REGULATIONS:

All counsel shall:

(1) Comply with all qualifications, regulations, and standards of the State of Ohio, Ohio Supreme Court, Ohio Public Defenders Commission, and the Hamilton County Public Defenders Commission;

(2) Maintain active status registration with the Ohio Supreme Court;

(3) Maintain active status of private practice of law;

(4) Maintain private law office within the 275 loop not connected with any other business, wherein you have the ability to meet with clients;

(5) Secure and maintain professional liability insurance and annually furnish the Office your Insurance Declarations page;

(6) Maintain professional status that is not in conflict with Section 120.39(A) of the Ohio Revised Code;

(7) Immediately advise the Law Office of Hamilton County Public Defender of any change in status that would result in conflict with these regulations.

(8) Maintain an active e-mail address and keep the office advised of any changes.

(9) Every two years on your reporting date have completed at least 12 hours of CLE devoted to criminal law and provide the office written verification of same.

(10) Engaging Expert Services- Prior to engaging any expert, you must present to the Deputy Director or the Director of Administration a Motion and Entry for endorsement prior to seeking any authorization from the Court if said authorization is sought.

(11) I have read and understand the Attorney Qualifications established for appointed counsel as set out O.A.C. 120-1-10 and agree that I am in compliance with the training and experience listed therein.

IV. CABS BILLING

(1) Due to the loss of State reimbursement, any billing submitted 30 days or more after case resolution will be reduced by 50% or at the discretion of the Public Defender payment may be withheld. Anything submitted beyond 6 months will not be paid.

(2) An appointed counsel is entitled to one fee when one complete proceeding or trial is held in one court (e.g. Municipal, Common Pleas, Juvenile, etc.) for a single client. For example, you should submit a separate voucher for each court. If there were misdemeanors related to felonies, there should be a voucher for Common Pleas and a voucher for Municipal Court.

(3) In cases involving multiple charges where only one fee is payable, the fee maximum shall be based on the highest degree of offense charged.

(4) An attorney representing multiple clients who are charged with conduct arising out of a single incident shall submit only one Motion, Entry, and Certification form for the case. The attorney shall list all clients and their respective case numbers on one Motion, Entry, and Certification form.

(5) Time billed on one for case cannot be billed on any other case for which payment is being requested. The CABS system does not allow for this to occur.

(6) When one client is charged with multiple offenses that are assigned throughout the court and proceedings are dealt with simultaneously, the attorney shall submit only for only one payment.

(7) **Periodic Billings**

a. In cases where proceedings are carried out over an extended period of time, or where multiple trials are held for one case, an attorney may submit more than one bill over the duration of the case.

b. To determine the maximum amount payable, the totals of all such billings will be added together. Once the maximum has been reached, no additional payment will be paid unless the billing is accompanied by an order granting extraordinary fees via CABS.

(8) **Motions for Extraordinary Fees**

Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds the maximums established by the Hamilton County Board of County Commissioners. Requests for Extraordinary Fees will be reviewed by the assigned Judge. If Extraordinary Fees are granted, an entry granting those fees must be submitted via CABS.

(0) **Independent contractors / Panel Attorneys**

An OPERS retiree cannot continue to receive benefits and work as a panel attorney or an independent contractor under a contract for any period of time for the employer from which they retired. This prohibition is applicable regardless of the number of hours or days you actually worked. A retiree who performs services as an independent contractor or panel attorney for the public employer from which they retired will forfeit the pension portion of their retirement benefit and the annuity portion of their retirement benefit will be suspended for the term of the contract. The annuity portion of the retirement benefit will be paid in a lump sum to the retiree following termination of the contract. You may

continue to receive benefits under a contract for services as an independent contractor for another public employer. However, if this occurs within the first two months of retirement, you will forfeit the pension portion of your retirement benefit and the annuity portion of the benefit will be suspended for the term of the contract. Independent contractors are not eligible for membership in OPERS. The employer is liable for any pension overpayment resulting from lack of notice to OPERS of re-employment if the individual is determined to be a public employee. For further information, you may contact OPERS at (1-866-673-7748).