

FROM: Lisa Deters, Court Administrator

TO: Attorneys Accepting Court Appointments in Traffic and Criminal Cases, Misdemeanor/Appeals and Preliminary Hearings

RE: New Public Defender Guidelines for Appointment of Counsel

Effective March 1, 2017 the Office of the Ohio Public Defender has adopted new guidelines for the partial representation to participating counties of the assigned counsel fees incurred in representation provided in cases before the Municipal Court. Those new guidelines may be found in the Ohio Administrative Code at 120-1-10(B), (C) and K(1). According to these new provisions, the County may not receive reimbursement from the State Public Defender's Office for appointed counsel fees unless the attorney appointed in each case meets the training and experience standards set forth in those sections. **In order to assure that the Lima Municipal Court remains in compliance with these Administrative Code provisions, the Court is implementing a system in which any attorney seeking indigent appointments in traffic and criminal cases, misdemeanor/appeals or preliminary hearings must certify to the Court that he or she has met the training and experience standards established by the State Public Defender.**

To that end, the Court has developed a form by which each attorney 1) designates the types and degree of traffic and criminal cases, misdemeanor/appeals and preliminary hearings for which that attorney will accept appointment, and 2) certifies to the Court that the attorney meets the requirements established by the State Public Defender for appointment to those cases. A copy of that form is enclosed. Also enclosed are the relevant charts prepared by the Office of the State Public Defender summarizing the training and experience requirements for each type of case.

The Court asks that each attorney seeking appointment as counsel in traffic and criminal cases, misdemeanor/appeals and preliminary hearings complete the enclosed form and return the form to the Court, **designated to the attention of Lisa Deters, Court Administrator. We are asking that the completed forms be returned to the Court not later than February 24, 2017.** After that date, the Court will compile a listing of all attorneys who have certified their qualifications to handle each type of case and make appointments based on that compilation. **The forms must be completed and returned by that date in order for the attorney to be included in that initial compilation and attorneys who have not completed and returned the forms will not receive court appointments until the completed form has been submitted.** It will also be the responsibility of each attorney to update the attorney's certification as changes in experience and training occur over time. This can be effectuated by simply completing and submitting a new form with the updated information and signed certification. We expect in the future to formulate a Local Rule governing the entire process for the appointment of counsel for indigents, from the application for appointment through the payment of fees.

If there are questions regarding completion and submission of the form, please contact Lisa Deters, Court Administrator. Thank you for your attention and cooperation.

**Attorney Qualifications for County Reimbursement, Misdemeanors**

<p>Pursuant to Ohio Administrative Code section 120-1-10, appointed counsel must meet these requirements in order to qualify for state reimbursement. The state public defender may refuse to reimburse the county for cases on which appointed counsel do not meet these requirements.</p>		
<b>Misdemeanors</b>	<b>Training</b>	<b>Experience</b>
All misdemeanors	Minimum six hours CLE in criminal practice or procedure OR successful completion of a clinical education program focusing on criminal defense	In lieu of required training, at least one year experience as an attorney.
Misdemeanor OVI	Minimum six hours CLE focused on OVI practice and procedure	
All misdemeanor appeals	Minimum six hours CLE in criminal or appellate practice and procedure OR successful completion of a clinical education program focusing on appellate practice	In lieu of required training, at least one year experience as an attorney.
Misdemeanor OVI appeals	Minimum six hours CLE focused on OVI practice and procedure	

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

IN THE LIMA MUNICIPAL COURT, ALLEN COUNTY, OHIO

COURT APPOINTED COUNSEL LIST FORM  
MISDEMEANOR TRAFFIC AND CRIMINAL CASES, APPEALS AND PRELIMINARY HEARINGS

Please include my name on the court-appointed counsel list. I will accept appointments in the following areas:

- Misdemeanor Criminal
- Misdemeanor OVI/Traffic
- Misdemeanor Appeals
- Felony Preliminary Hearings

NAME: \_\_\_\_\_

SUPREME COURT IDENTIFICATION NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NO.: \_\_\_\_\_ FAX NO.: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**CERTIFICATION:**

I hereby certify that I have reviewed the Ohio Administrative Code 120-1-10 and I am qualified and willing to accept appointments as provided by this section, in the categories indicated hereinabove. I further agree to immediately inform the Court if I am not qualified or should become unqualified within OAC 120-1-10 to accept a certain category of appointments. I also agree to update the Court, on a yearly basis, of my status and desire to accept appointments, in compliance of the OAC 120-1-10 requirements.

\_\_\_\_\_  
Attorney Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

State of Ohio                    )  
  )ss:  
County of \_\_\_\_\_)

Subscribed, sworn to, and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public  
My commission expires on \_\_\_\_\_

Please return to Lisa Deters, Court Administrator