

## **Rule 14. Assistance of Counsel**

### **(A) When Appointed**

The Court shall appoint counsel whenever the Court determines a child, the child's parents or custodian, or any other person *in loco parentis* of the child desires counsel, is determined to be indigent, and the Court is required to do so by statute. The cost of assigned counsel appointed for a child may be assessed to the child's parent(s), guardian(s), or legal custodian(s) when appropriate. Upon arraignment or subsequent thereto, where it appears to the Court that a party desires to have counsel appointed for him/her, the Court, before doing so, shall require the party to execute an affidavit of indigency and a financial disclosure form and to pay a twenty-five dollar application fee unless the Court determines that it is an undue burden on the party to pay the application fee.

### **(B) Qualifications**

- (1) Assigned counsel for unruly and delinquency cases shall have the required training and experience outlined in Ohio Administrative Code Section 120-1-10.
- (2) Assigned counsel for abuse, neglect, and dependency cases shall have completed the Court-sponsored New Guardian ad Litem training and must have served as guardian ad litem for any party on a minimum of seven juvenile court cases.
- (3) Assigned counsel for judicial bypass ("Jane Doe") cases must have completed training in representation of Jane Does in judicial bypass cases.
- (4) Assigned counsel for all other cases must meet the qualifications under subsection (A)(2)(a) or (A)(2)(b) above.

### **(C) How Appointed**

The court shall maintain an alphabetical listing of qualified assigned counsel. When a jurist appoints an attorney, the jurist shall select the next available individual from the assigned counsel list.

When the assigned jurist determines that unique circumstances exist, or to facilitate the expeditious management of the docket, the jurist may appoint any individual from the assigned counsel list.

### **(D) Compensation**

- (1) Assigned counsel shall be compensated in accordance with the Fee Bill Policy and Fee Schedule in effect at the time the attorney was appointed upon the filing of a Motion for Appointed Counsel Fees (Form OPD-206R), and shall be compensated at the authorized rate for in-court and out-of-court time not to exceed the maximum fee cap in effect at the time of acceptance of the assignment.

Assigned counsel is entitled to one maximum fee when one proceeding is held for a single subject on multiple charges or counts arising out of a single

incident of criminal conduct or a series of related incidents. On cases involving multiple charges in which one fee is payable, the maximum fee shall be set corresponding to the highest degree of offense charged.

- (2) It shall be the responsibility of the assigned counsel to file in triplicate (an original plus two copies) an itemized and signed fee bill application detailing the services rendered and the time spent in connection with such services and to meet all requirements of the Assigned Counsel Fee Bill Policy as amended.
- (3) If an assigned counsel files a motion for extraordinary fees with the Clerk of Court, it shall be referred to the assigned judge for review. If approved by the assigned judge, the motion shall then be forwarded to the Administrative Judge for final approval of payment.

(E) Periodic Review

The Court shall periodically review all assigned counsel appointments and assignment practices to ensure the equitable distribution of appointments among the attorneys for the list maintained by the court in section (3) of this rule.

(F) Quality Control

The Court requires quality representation by members of the bar who are appointed as assigned counsel. The Court may remove an assigned counsel from the case assigned in the interest of justice and for good cause shown. From time to time, the Court may develop procedures for quality control for assigned counsel. The Court may remove assigned counsel from the approved assigned counsel list pursuant to the procedure in effect at the time.

(G) Duration of Assignment

An attorney's role as assigned counsel shall terminate upon entry of a final appealable order or the expiration of the time for appeals in the matter for which the attorney is assigned except for the following:

- (1) When an attorney has been appointed counsel to represent a defendant in a support hearing when a Motion to Show Cause has been filed, the attorney will continue to represent the defendant through the Review of the Purge hearing.
- (2) When an attorney has been appointed to represent a party in an abuse, neglect, or dependency case, the attorney will continue to represent the party until a final disposition is entered. For this purpose, a final disposition is: termination of Protective Supervision; termination of Temporary Custody without Protective Supervision; Termination of Planned Permanent Living Arrangement without Protective Supervision; Legal Custody without Protective Supervision; Permanent Custody; or any order which terminates the court case or Cuyahoga County Division of Children and Family Services involvement or the party's involvement in the case.

When the assigned jurist determines that unique circumstances exist, or to facilitate the expeditious management of the docket, the jurist may appoint any individual from the assigned counsel list.

(H) Process: Notice

Absent a prohibiting disability, in conformity with Local Rule 39, an attorney assigned to represent a party before the Court shall provide a current email address to the Court's Clerk's Office. Unless the Court determines otherwise, notice of all upcoming hearings will be provided to counsel via the email address they have provided.

12/21/2017