

## **Chapter 6 – Counsel Issues**

### **Rule 6.01 – Appointed Counsel**

#### **A. Appointments and Qualifications**

Appointment of either the Public Defender Office or a private attorney shall be made by the Court. When the Public Defender's Office cannot represent a particular defendant, the Court will appoint a private attorney. The Court maintains a list of private attorneys who wish to serve on the appointed counsel list.

The Court will conduct a periodic review to ensure an equitable distribution of appointments among the attorneys on the list. The selection of a private attorney will be from the alphabetic list, in order, unless there are special circumstances that dictate a different selection, e.g., prior appointment to represent a defendant in a municipal or county court proceeding involving the same or related matter, limitations related to jurisdiction, or felony level.

The qualifications of appointed counsel shall conform to Ohio Adm. Code 120-1-10.

#### **B. Affidavit of Indigency**

Before counsel is appointed, each alleged indigent defendant must file an affidavit of indigency setting forth the facts in support. The affidavit must disclose whether or not there has been counsel retained in the matter to date, including whether any payments have been made to that counsel. No counsel who has received compensation or has been promised compensation from any source shall be appointed to represent that indigent defendant.

#### **C. Compensation and Expenses**

All requests for compensation for payment shall be made by completing the prescribed Ohio Public Defender forms and submitting them to the Court within 30 days after filing of the termination entry of the case for which reimbursement is requested.

The rate of compensation shall be commensurate with the applicable Tuscarawas County Board of Commissioners' Resolution. Current rates of compensation can be obtained by contacting the Court.

### **Rule 6.02 – Pro Hac Vice**

Attorneys who wish to appear pro hac vice must comply with Gov. Bar R. XII regarding pro hac vice certification and familiarize themselves with these Local Rules.

### **Rule 6.03 – Withdrawal of Counsel**

An attorney may not withdraw from representation without the permission of the Court. An attorney who desires to withdraw from representation of a party shall file a written motion with the Court. An attorney is not deemed to have withdrawn from the representation until it is reflected in a judgment entry.