

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER NO.: 2019-005
(Supersedes Administrative Order No.: 2007-008)

COURT-APPOINTED ATTORNEY STANDARDS AND PROCEDURES

WHEREAS, pursuant to section 27.40, Florida Statutes, which provides for court-appointed counsel in cases that the Office of the Public Defender and the Office of Criminal Conflict and Civil Regional Counsel are unable to provide representation due to conflict of interest or otherwise;

WHEREAS, it is necessary to establish a registry that is to be provided to the Clerk of Courts for appointment of counsel as authorized by law in cases in which the Office of the Public Defender and the Office of Criminal Conflict and Civil Regional Counsel are unable to provide representation due to conflict of interest or otherwise; and

WHEREAS, by the authority vested in me as the Chief Judge of the Third Judicial Circuit, specifically, Florida Rule of Judicial Administration 2.215;

It is therefore **ORDERED**:

REGISTRY

1. The Chief Judge of the Third Judicial Circuit shall compile a list of attorneys in private practice, designated by county and category of cases, and provide the list to the Clerk of Court in each county. § 27.40(3)(a), Fla. Stat.
2. The registry will be used only when representation cannot be legally or ethically provided by the Office of the Public Defender and the Office of Criminal Conflict and Civil Regional Counsel. § 27.40(2), Fla. Stat.
3. When necessary, the court shall appoint attorneys in rotating order as their names appear on the registry, unless the court makes a finding of good cause on the record for appointing an attorney out of order. § 27.40(3)(b), Fla. Stat. The Clerk's Office is responsible for maintaining the registry and providing the court with the name of the next attorney for appointment.
4. Where court-appointed counsel is appointed to a defendant who has multiple pending cases, that attorney will be cross-appointed to represent the defendant in all cases the defendant has pending at the time of the appointment.

APPOINTMENT TO THE REGISTRY

1. To be considered for placement on the court's registry, an attorney must be a member in good standing of The Florida Bar and submit a completed application to Court Administration. At any time, the Chief Judge may limit the number of attorneys to a

specific registry. Applicants may be denied admission to the registry with or without cause. Applicants must disclose any active Florida Bar complaints or investigations in writing to the Chief Judge. The Chief Judge has the authority to deny applicants with active Bar complaints pending the outcome of the investigation.

2. The Justice Administrative Commission (“JAC”) requires a new contract to be signed each fiscal year, which runs from July 1st through June 30th. There will be an annual open-enrollment period, from May 1st to May 30th of each year, for attorneys seeking admission to the Third Circuit Court’s registry. Applications for the registry will be accepted by Court Administration only during the open-enrollment period. Applications received outside of the open-enrollment period may be accepted, subject to the Chief Judge’s approval, and qualified attorneys will be added to the registry the month following the date the application is received.

REGISTRY STANDARDS

All registry attorneys must:

1. Meet any minimum requirements established in general law for court appointment;
2. Be available to represent indigent defendants in cases requiring court appointment of conflict private counsel;
3. Certify that they will be available to appear in court whenever required by the presiding judge in any case in which they are appointed, and accept appointments within their category list(s) without regard to the type of crime or proceeding involved;
4. Abide by the terms of the contract for services with JAC and this Administrative Order; and
5. In addition to the Clerk of Court and JAC, immediately notify Court Administration of any change in their status or contact information.

ATTORNEY’S FEES

1. Attorneys shall be compensated in accordance with the schedule of fees prescribed by Florida Statutes and the General Appropriations Act in effect at the time of attorney’s date of appointment.
2. Attorneys seeking compensation for extraordinary and unusual effort must comply with § 27.5304(12), Fla. Stat.

RESIGNATION FROM THE REGISTRY

1. An attorney may resign from the registry upon written request to the Chief Judge and JAC. The notice shall state whether the attorney is resigning from all or only some of the categories to which the attorney is currently appointed. The attorney must still complete work on all cases assigned prior to the resignation date.
2. If an attorney later seeks to be reinstated to the registry, the attorney must file a new application during the open-enrollment period to be considered by the Chief Judge.

REGISTRY COMPLAINTS

If a written complaint is received by the Chief Judge or Court Administration regarding a registry attorney, a copy of the written complaint must be immediately forwarded to the attorney to whom the written complaint concerns. The attorney will then have up to 30 days to respond to the written complaint, if he or she chooses. The Chief Judge will make a determination as to whether the complaint contains merit and whether action, including removal from the registry, is warranted.

REMOVAL FROM THE REGISTRY

An attorney may be removed from the registry for any of the following:

1. Failure to remain in good standing with The Florida Bar.
2. Failure to comply with all terms of the JAC contract and this Administrative Order.
3. Failure to renew or maintain his or her JAC contract.
4. Failure to attend hearings, except for good cause as determined by the presiding judge or general magistrate.
5. Reassigning or subcontracting an assigned case to another attorney.
6. Failure to report an active Bar complaint, investigation, or disciplinary action.

The terms outlined in this Administrative Order take effect immediately.

DONE AND ORDERED in Columbia County, Florida, on September 27, 2019.



Mark E. Feagle, Chief Judge

Original: Clerk of Court

Copies to:

All Third Circuit Judges
State Attorney
Public Defender
Bar Association
Justice Administrative Commission