

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
17-18
SUPERSEDES 15-39

**IN RE: ATTORNEYS - COURT APPOINTED ATTORNEY PROCEDURE FOR
APPOINTMENT OF COUNSEL IN CRIMINAL AND CIVIL PROCEEDINGS**

WHEREAS, pursuant to Section 27.40, Florida Statutes, and in accordance with Florida Rule of Judicial Administration 2.215 setting forth the duties and responsibilities of the Chief Judge in establishing a registry of attorneys, 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 Regional Conflict Counsel are unable to provide representation due to conflict of interest or otherwise, the terms outline herein are in effect in the Eighteenth Judicial Circuit for services performed on or after July 1, 2014.

NOW, THEREFORE, it is ORDERED:

REGISTRY:

1. 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 Regional Conflict Counsel. § 27.40(2), Fla. Stat. Where a conflict precludes representation by the Office of the Public Defender and the Office of Regional Conflict Counsel, of a Defendant having multiple pending cases, a single registry attorney will be cross appointed to represent the Defendant in all cases the Defendant has pending at the time of the appointment.
2. The Chief Judge of the Eighteenth 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. 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 of Court is responsible for maintaining the registry and providing the court with the name of the attorney for appointment.
3. There will be an annual open enrollment period for attorneys seeking initial admission to the court's Registry. Applications for the Registry will only be accepted by Court Administration during the open enrollment period which will begin May 1 and run through May 31 of each

year. Should the Chief Judge determine there is a need for additional attorneys on one or more specific Registry lists, the Chief Judge may appoint qualified attorneys outside the open enrollment period.

APPOINTMENT TO THE REGISTRY:

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 in the county in which the attorney is seeking inclusion. 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.

REGISTRY STANDARDS: All registry attorneys must:

1. Meet any minimum requirements established in general law for court appointment.
2. Be available to vigorously represent indigent defendants in cases requiring court appointment of conflict private counsel. Certify that they will be available to appear in Court whenever required by the presiding judge in any case in which they are appointed.
3. 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 the Justice Administrative Commission, herein after referred to as "JAC", and this Administrative Order.
5. Maintain an office to meet with clients in the county in which the attorney is seeking inclusion. For purposes of meeting this requirement, the address listed with the Florida Bar shall be the sole criteria. Attorneys on the capital case registry must maintain an office within fifty (50) miles of the county correctional facility in which the Defendant is incarcerated.
6. In addition to the Clerk of Court and JAC, immediately notify Court Administration of any change in his or her status or contact information.

CATEGORY-SPECIFIC STANDARDS: In addition to the qualifications stated above, any attorney requesting to be placed on the Court's Registry must certify they meet the following category-specific standards:

1. Capital Cases:
 - a. Must meet the requirements for lead counsel set forth in rule 3.112(f), Florida Rules of Criminal Procedure; or
 - b. Must meet the requirements for co-counsel set forth in rule 3.112(g), Florida Rules of Criminal Procedure.
2. Felony Cases (excluding capital cases):
 - a. Must be a member in good standing with The Florida Bar for no less than three years.
 - b. Must meet the requirements set forth in rule 3.113, Florida Rules of Criminal Procedure.
 - c. Must be familiar with the practice and procedures of the criminal courts in the Eighteenth Circuit.

- d. Must be an experienced and active trial practitioner with no fewer than 5 criminal jury trials.
- 3. Misdemeanor Cases
 - a. Must be a member in good standing with The Florida Bar for the previous 12 months.
 - b. Must be familiar with the practice and procedures of the criminal courts in the Eighteenth Circuit.
- 4. Criminal Appeals Cases:
 - a. Must be a member in good standing with The Florida Bar for no less than two years.
 - b. Must have completed a minimum of 10 hours of CLE devoted to appellate law.
 - c. Must meet the requirements for appellate counsel set forth in rule 3.112(h), Florida Rules of Criminal Procedure for appointment on a capital appeal.
- 5. Juvenile Delinquency Cases:
 - a. Must be a member in good standing with The Florida Bar for the previous 12 months.
 - b. Must be familiar with the practice and procedure of delinquency proceedings.
 - c. Must be experienced trial practitioner with no fewer than three delinquency dispositions or three state or federal non-jury trials.
 - d. Must have completed a minimum of 10 hours of CLE devoted to delinquency law or legal advocacy for children within the last 3 years.
- 6. Guardianship Cases:
 - a. Must be familiar with the practice and procedure of guardianship proceedings.
 - b. Must have represented a party in a guardianship case in the past three years.
 - c. Must have completed no less than eight hours of a guardianship education class or six hours of credit in one or more Florida Bar CLE guardianship cases.
- 7. Marchman Act /Baker Act Cases:
 - a. Must be a member in good standing with The Florida Bar for no less than two years.
 - b. Must be familiar with the practice and procedures of Marchman Act and Baker Act proceedings.
- 8. Jimmy Ryce Cases:
 - a. Must be a member in good standing with The Florida Bar for no less than two years.
 - b. Must have acted as lead or co-counsel in at least one Jimmy Ryce/Sexually Violent Predator Act commitment trial.
- 9. Termination of Parental Right/Dependency Cases:
 - a. Must be familiar with the practice and procedure of juvenile dependency and termination of parental rights proceedings.
 - b. Must have represented a party in a dependency case in the past three years.

- c. Must appear at any shelter hearings that he or she is scheduled to attend by the Clerk of Court for the Circuit Court. An attorney that does not appear at shelter or other hearings as scheduled may be removed from the list.
10. Juvenile Dependency and TPR Appeals:
- a. Must have represented a party as lead counsel or secondary counsel in two different appellate cases over the last five years, including the preparation and filing of a brief with the District Court of Appeal or with the Supreme Court of Florida.

ATTORNEY'S FEES:

1. Attorneys shall be compensated in accordance with the schedule of fees prescribed by the 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 pursuant to section 27.5304(12), Florida Statutes, must motion the Court for an evidentiary hearing. The hearing must be conducted by the Chief Judge or his or her single designee for Brevard and Seminole cases.

RESIGNATION FROM REGISTRY:

1. An attorney may resign from the registry upon request if he or she submits the resignation in writing to the Chief Judge and the Justice Administrative Commission. The notice shall state if the attorney is resigning from all categories to which the attorney is entitled to receive appointments or only some categories to which the attorney is entitled to receive appointments. The attorney shall 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 shall be immediately forwarded to the attorney to whom the written complaint concerns. The attorney will then have up to thirty (30) days to respond to the written complaint, if he/she so chooses. The Chief Judge will make a determination as to whether or not the complaint contains merit and should be considered.

REMOVAL FROM 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.

DONE AND ORDERED this 17 day of April, 2017.



JOHN D. GALLUZZO
CHIEF JUDGE

DISTRIBUTION:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)
County Attorney (Brevard County)
Justice Administrative Commission