

Attorney Qualifications for County Reimbursement, Felonies

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.

| Felonies | Training* | Experience |
|-----------------------|--|--|
| Felony OVI | Minimum six hours CLE in OVI practice and procedure | |
| 4th and 5th degree | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure | At least one year experience in criminal law |
| 3rd degree | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure | At least one year experience in criminal law AND Within six years preceding appointment, experience as lead trial counsel in at least one criminal jury trial OR as co-counsel in at least two jury trials |
| 1st and 2nd degree | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure | At least three years' experience in criminal law AND Within 10 years preceding appointment, experience as lead trial counsel in two criminal jury trials, at least one of which involved felony charges OR as lead counsel in one felony jury trial and as co-counsel in two additional jury trials |
| Life-sentence cases** | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure | At least five years' experience in criminal law AND Within 10 years preceding appointment, experience as lead trial counsel in five felony jury trials, at least three of which involved felony charges of the 1st or 2nd degree OR as lead counsel in three jury trials, at least one of which was a 3rd degree felony and as co-counsel in five additional jury trials, at least three of which were 1st or 2nd degree felonies |

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

**Any case where the defendant is charged with any felony that carries a potential sentence of life imprisonment, whether eligible or ineligible for parole

Attorney Qualifications for County Reimbursement, Capital Cases

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.

| Death specification* | Training** | Experience |
|----------------------|--|--|
| Lead trial counsel | <p>Must meet qualifications of Supreme Court Rules for Appointment of Counsel in Capital Cases (formerly Rule 20)</p> <p style="text-align: center;">AND</p> <p>Must appear on list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)</p> <p style="text-align: center;">OR</p> <p>Must have a waiver of pre-qualification issued by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)</p> | <p>At least five years' criminal litigation experience</p> <p style="text-align: center;">AND</p> <p>Experience as lead counsel for the defense in jury trial of at least one capital case OR experience as co-counsel for the defense in jury trial of at least two capital cases</p> <p style="text-align: center;">AND</p> <p>Within ten years preceding appointment, experience as lead counsel in jury trial of at least one murder or aggravated murder case OR within five years preceding appointment, experience as lead counsel in three aggravated or first or second degree felony jury trials</p> |
| Trial co-counsel | <p>Must meet qualifications of Supreme Court Rules for Appointment of Counsel in Capital Cases (formerly Rule 20)</p> <p style="text-align: center;">AND</p> <p>Must appear on list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)</p> <p style="text-align: center;">OR</p> <p>Must have a waiver of pre-qualification issued by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)</p> | <p>At least three years' of criminal litigation experience</p> <p style="text-align: center;">AND</p> <p>Within 10 years preceding appointment, experience as co-counsel in one murder or aggravated murder jury trial OR within five years preceding appointment, experience as lead counsel in one first or second degree felony jury trial OR within five years preceding appointment, experience as lead or co-counsel in at least two felony jury or civil jury trials</p> |

*These requirements apply in any case in which a defendant is charged with aggravated murder with a death penalty specification, including cases in which the defendant is a juvenile or is otherwise precluded from being sentenced to death.

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

Attorney Qualifications for County Reimbursement, Adult Appeals

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.

| Adult cases | Training* | Experience** |
|--|---|--|
| Misdemeanors and 4th and 5th degree felonies | Minimum six hours CLE in criminal or appellate practice and procedure OR Successful completion of clinical education program focusing on appellate practice | In lieu of required training, at least one year experience as an attorney |
| 3rd degree felonies | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in appellate practice | At least one year experience as attorney practicing in appellate law AND Within six years preceding appointment, filed appeals in three cases resolved by plea OR one appeal of a case resolved by trial |
| 1st and 2nd degree felonies | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in appellate practice | At least two years' experience as attorney practicing in appellate law AND Within 10 years preceding appointment, filed appeals in three cases resolved by trial |
| Cumulative sentences of 25 years or more | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in appellate practice | At least five years' experience as an attorney practicing in appellate law AND Within 10 years preceding the appointment, filed appeals in five cases resolved by trial |

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

**A case in which an *Anders* brief was filed may not be counted as prior experience.