

**WOOD COUNTY COMMON PLEAS COURT
GENERAL DIVISION
ONE COURTHOUSE SQUARE
BOWLING GREEN OH 43402**

MATTHEW L. REGER
Judge
MARY "MOLLY" L. MACK
Judge
ALAN R. MAYBERRY
Judge

Mary M. Bodey
Court Administrator
(419) 354-9042
(419) 354-0331 (fax)

TO: APPOINTED COUNSEL IN THE GENERAL DIVISION OF THE
WOOD COUNTY COMMON PLEAS COURT

FROM: JUDGE MATTHEW L. REGER
JUDGE MARY "MOLLY" L. MACK
JUDGE ALAN R. MAYBERRY

DATE: JANUARY 18, 2019

RE: ANNUAL APPLICATION AND CERTIFICATION FOR APPOINTMENT AS
ASSIGNED COUNSEL

On December 2, 2015 several amendments to Ohio Administrative Code Chapter 120-1 became effective. On July 22, 2016, the Ohio Public Defender Commission adopted rules pursuant to ORC 120.03 and established standards for the appointment of assigned counsel, setting forth the minimum qualifications of appointed counsel.

In response to these changes governing the qualification of appointed counsel, our Court will be requiring attorneys seeking appointed counsel work to complete the enclosed Application and Certification for Appointment as Assigned Counsel. Specific training and experience-based qualifications are outlined for attorneys being appointed. Charts summarizing these requirements accompany this memo.

The Court will be compiling and maintaining a list from which all appointments are made. If you wish to be considered for appointment, please complete the Application and return it to the Court Administration Office.

Should you have any questions, please contact the Court Administration Office at 419-354-9042.

**APPLICATION MUST BE MADE ANNUALLY
IN ADDITION, IF YOUR QUALIFICATION STATUS CHANGES,
A NEW APPLICATION SHOULD ALSO BE MADE**

**Application and Certification for Appointment as Assigned Counsel
(Attorney Qualifications pursuant to OAC 120-1-10)**

Attorney Name: _____

Address: _____

Telephone # _____ Fax # _____

Email Address: _____

Supreme Court # _____ Date of Admission: _____

Multilingual _____ yes _____ no. If yes, language(s) spoken: _____

Please complete the sections for which you qualify and wish to receive appointment.

Please provide the following information if you would like to accept appointment to provide representation in **adult felony cases**:

Number of hours of CLE in criminal practice and procedure completed in the past two years	
Number of hours of CLE focused on OVI practice and procedure	
Number of years practicing in criminal law	
In the past six years, how many criminal jury trials have you handled: a. As lead counsel? b. As co-counsel?	a. _____ b. _____
In the past 10 years, how many: a. Criminal jury trials as lead counsel? b. Felony jury trials as lead counsel? c. Criminal jury trials as co-counsel? d. Felony jury trials of the 1st or 2nd degree as lead counsel? e. Felony jury trials of the 3rd degree as lead counsel? f. Felony jury trials of the 1st or 2nd degree as co-counsel?	a. _____ b. _____ c. _____ d. _____ e. _____ f. _____

Please provide the following information if you would like to accept appointment to provide representation in **capital cases**:

Do you meet the qualifications of the Supreme Court Rules for the Appointment of Counsel in Capital Cases (formerly Rule 20)?	
Does your name appear on the list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on the Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)?	
Do you have a waiver of pre-qualification issued by the Commission on the Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission)?	
Number of years of criminal litigation experience	
Have you previously served as lead counsel for the defense in the jury trial of a capital case?	
Number of capital case jury trials as co-counsel	
Number of murder or aggravated murder jury trials as lead counsel in past 10 years	
Number of 1st or 2nd degree aggravated felony jury trials as lead counsel in past five years	
Number of murder or aggravated murder jury trials as co-counsel in past 10 years	
In the past five years, how many:	
a. Felony jury trials of the 1st or 2nd degree as lead counsel?	a. _____
b. Felony jury trials or civil jury trials as lead or co-counsel?	b. _____

Please provide the following information if you would like to accept appointment to provide representation in **adult appeals**:

Number of hours of CLE in criminal or appellate practice and procedure	
Have you successfully completed a clinical education program on appellate practice?	
Number of years licensed as an attorney	
Number of hours of CLE in the past two years in:	
a. Criminal practice and procedure	a. _____
b. Appellate practice	b. _____
Number of years practicing in appellate law	
In the past six years, how many appeals* filed:	
a. In cases resolved by plea	a. _____
b. In cases resolved by trial	b. _____
In the past 10 years, how many appeals* filed in cases resolved by trial?	

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

The Court reserves the right at any time, for appointment in sections where trial experience is necessary, to require you to provide a list of trial experience, including the county, court, defendant's name, case number, charge code and degree of the case, whether the case was a jury trial or bench trial, and whether you sat first chair (lead counsel) or second chair (co-counsel).

I certify the above information is true and correct and that I am qualified to accept appointments in the above requested sections. I understand that any appointment by the Court to represent indigent defendants in criminal cases in the Court of Common Pleas of Wood County, Ohio, will be at the rate of compensation as set forth in the schedule adopted by the Board of Wood County Commissioners for appointed counsel.

Attorney Signature

Date

Please return this completed form to:

Mary M. Bodey
Court Administrator
Wood County Common Pleas Court
1 Courthouse Square
Bowling Green, OH 43402
mbodey@co.wood.oh.us

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	
1st and 2nd degree	Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure			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	
Life-sentence cases**	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	
				AND	
				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
<p>Lead trial counsel</p>	<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>
<p>Trial co-counsel</p>	<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.