

Chapter 12 - Court-Appointed Counsel

Rule 12.01 - General

- (A) The Court shall determine the amount of compensation an appointed attorney will receive based upon the rates of compensation as determined from time to time by the Medina County Board of Commissioners.
- (B) By accepting court appointments, attorneys agree to be bound by the rules set forth below.

Rule 12.02 - Request for Appointment

- (A) A request/motion for appointment shall attach the Affidavit of Indigency Form.
- (B) When it appears to the Court that a party to a contempt case is indigent and seeks to have the Court assign counsel, the party must execute an Affidavit of Indigency upon the form provided by the Ohio Public Defender (see OPD-206R).
- (C) Within seven days of submitting the affidavit to the Court, the party shall pay a \$25 non-refundable application fee to the Clerk of Court.
- (D) The Court shall appoint an attorney at bond hearing or initial hearing, or as soon as possible thereafter, to represent an indigent party.

Rule 12.03 - Selection

- (A) The Court will maintain a list of qualified attorneys who have been approved upon application to serve as appointed counsel in domestic cases. The Court, in its discretion, may also solicit applications to serve as appointed counsel, from qualified attorneys.
- (B) Attorneys accepting assignments for indigent representation are responsible for ensuring that they meet the qualifications set forth in Ohio Administrative Code 120-1-10. Failure to maintain qualifications or acceptance of cases without sufficient qualification may result in non-payment of fees and removal from assigned counsel list.
- (C) In selecting counsel, the Court may consider the experience and expertise of counsel and counsel's management of his/her current caseload.
- (D) The Court will keep a record of all counsel appointments made in a given calendar year and shall review the record periodically to ensure that appointments are equitably distributed among counsel on the appointment list.

Rule 12.04 - Compensation

- (A) **Commissioner Maximum Fees.** The maximum fees is set by the Medina County Commissioners Resolution Number 20-0596 (or subsequently adopted county resolution).
- (B) **Requests at or under Maximum.** For fees at or under the maximum fees allowable, counsel shall file Motion-Entry-Certification form ODP-1026R (rev 04/24) attesting to the number of hours expended, the work performed, and the actual expenses incurred. The Court, after due consideration, shall determine the amount of compensation within the scheduled limits.

- (C) **Extraordinary Fees.** Requests for attorney fees and expenses which exceed the scheduled limits shall only be granted upon written motion by the assigned counsel which shall include all the following:
1. a written description supporting the reason for the request;
 2. a separate, itemized log clearly reflecting the dates of service, nature of services rendered, and hours worked; and,
 3. any prior requests for extraordinary fees on the same case or cases, to include date of request, amount granted, and filing date of the Motion, Entry and Certification for Appointed Counsel Fees form (OPD-1026R)

Counsel shall provide a proposed order granting the motion for extraordinary fees.

- (D) The Court, after due consideration, shall determine the amount of compensation and may either approve, modify, or deny the requested compensation.
- (E) **Concurrent *pro bono publico* Representation.** Any motion or pleading filed by counsel in a case in which counsel is appointed and which is outside the scope of the appointment, shall include an affirmative statement that the work is not included in the time represented in the motion for appointed counsel fee.

Rule 12.05 - Payment

- (A) To receive compensation, appointed counsel shall submit to the County Auditor's office the time stamped Motion, Entry and Certification for Appointed Counsel Fees form approved by the Court, a time stamped copy of the order appointing counsel, and a time stamped copy of the indigent party's Financial Disclosure Form.
- (B) In the event the Court awards extraordinary fees, counsel shall attach a copy of the Motion for Extraordinary Fees and the order granting same to the Motion, Entry and Certification for Appointed Counsel Fees form and submit it to the County Auditor's Office.