Superior Court Of California
County Of Imperial

Administrative Policy Memorandum	Date Issued: May 22, 2005 Revised: March 7, 2008 Revised: January 15, 2013	Page 1 OF 3
Subject: Criteria for Court Appointment of Indigent Defense Counsel	**Approved by:** William D. Lehman, Presiding Judge	

Purpose: To establish criteria and a list for court appointed indigent defense counsel in cases pending before the courts and to implement a process for the ongoing review of court appointment lists.

Policy: The following minimum experience is established for attorney seeking appointment by court.

TYPE OF CASE	MINIMUM EXPERIENCE	TRIAL EXPERIENCE	OTHER EXPERIENCE REQUIRED
Misdemeanors	6 months criminal practice		
Felonies	2 years criminal practice	At least 3 misdemeanor trials to completion	
Death Penalty	10 years criminal practice	Per CRC 4.117(d)	
Associate Counsel for Death Penalty	3 years criminal practice	Per CRC 4.117(e)	
Appellate Counsel	3 years civil and general practice		Subject matter expertise (i.e. misdemeanor, writs, habeas corpus, etc)
Juvenile Delinquency	1 year of criminal and juvenile delinquency practice		At least 6 months of specialized 602 representation
Juvenile Dependency	6 months of general practice		Local Rule 14.07
Conservatorship/3150 FC/ Guardian Ad-Litem	2 years of general practice		Subject matter expertise (Family, Dependency, probate)

Appointment Overview: Counsel for indigent defense will be appointed by the Court generally in the following manner:

a) Level 1: appointment of Public Defender

b) Level 2: appointment of overflow flat rate contract attorneys

c) Level 3: appointment of overflow hourly contract attorneys

Court appointments for Level 2 and 3 will be made from the approved Court Indigent Defense Counsel Appointment List on a rotating basis at the sole discretion of the Judicial Officer. Attorney may be removed from appointment list with or without cause at any time. The currently approved attorney list for appointments will be posted on the websites for the County of Imperial and the Court (www.imperial.courts.ca.gov and www.co.imperial.ca.us).

Other Requirements and Criteria:

1. All attorneys approved to be included on the appointment list must execute a contract with the County of Imperial satisfactory to County Counsel (see #7 below) and shall agree to follow these rules.

2. Attorneys shall submit an application to be added to the appointment list and shall submit with their application to be added to the appointment list, a current résumé and Proof of Liability Insurance with a minimum amount of $300,000. Such résumé and proof of insurance shall be submitted to the Office of County Counsel.

3. Attorneys seeking Court appointment must submit an updated résumé describing total years of experience by type of litigation; number and type of trials completed; and mandatory continuing education courses completed to date.

4. The Court will review and consider all applications and résumés submitted by counsel for inclusion to the attorney appointment lists on an as-needed basis, provided all requirements have been met.

5. Effective immediately, Court appointed counsel pursuant to Penal Code Section 987.2 may continue to have another attorney stand-in for him/her to make special appearances for brief or non-substantive matters due to unavailability, but wholesale delegation or subcontracting of a case previously assigned to an individual attorney will not be authorized. All appearances by stand-in attorneys will not be reimbursed by the Court or County.

6. Effective immediately, all applications for approval for expenses for all ancillary services by Level 2 and Level 3 attorneys shall follow the following procedure:
   a) *Initial Request to County Counsel Staff*. All requests, except for capital cases, shall be initially be submitted to the Office of County Counsel on the Ancillary Expense Form.

   b) *Review Procedure*. If Counsel disagrees with the determination of County Counsel staff regarding the request, Counsel may request review by County Counsel.

c) *Requests to Court*. Applications for approval of ancillary services expenses made directly to the Court, except for capital cases, shall only be made after compliance with steps a and b above.

7. All attorneys on the Level 2 and Level 3 appointment list shall enter into a contract with the County of Imperial and shall agree to the following:
   a) Level 3 shall be compensated according to the official fee schedule posted on the County of Imperial's and the Court's Internet websites (www.imperial.courts.ca.gov and www.co.imperial.ca.us). Requests for compensation of Level 2 and Level 3 attorneys and ancillary services shall be handled by County Counsel's office and attorneys shall comply with County Counsel billing procedures.

   b) Attorneys shall defend and indemnify the County and its employees, to include claims by third parties of legal malpractice. Counsel shall hold the County harmless with respect to administration of the Program, including but not limited to case, level, and panel assignments.

   c) Attorneys shall provide County with the address of an active e-mail account for the attorney that County may use for all communications with the attorney regarding panel matters, including confidential communications, approvals and denials of requests, and legal notices about changes in the program such as changes to Rules and Contracts.