

Type of case	Sixth Judicial Circuit Article V Indigent Services Committee Standards adopted April 7, 2004, ratified July 1, 2004, and amended October 8, 2004, July 14, 2005, February 27, 2006, July 19, 2006, and November 2, 2006.	Comments
<b>All court appointed attorneys--</b>	<p>All conflict counsel must:</p> <ol style="list-style-type: none"> <li>1. Agree to comply with the Justice Administrative Commission and the Administrative Office of the Courts requirements for billing;</li> <li>2. Not solicit compensation from the defendant or other client the attorney is appointed to represent (this does not apply where the court has appointed an attorney but directed that the client shall pay);</li> <li>3. Notify the Chief Judge of: any formal complaint filed by The Florida Bar against the attorney; any non-confidential consent agreements entered into between attorney and The Florida Bar; any finding of ineffective assistance of counsel by a judge or magistrate; and any suspension or prohibition of the practice of law or of the acceptance of court-appointments ordered by a judge or magistrate.</li> </ol> <p>Failure to comply with these professional requirements may result in the attorney being removed from all court-appointed lists for up to three years.</p>	
<b>CRIME</b>		
<b>All Criminal &amp; Jimmy Ryce Trial and Appellate Counsel.</b>	<ol style="list-style-type: none"> <li>1. Member in good standing of The Florida Bar.</li> <li>2. Have attended within the last 12 months a minimum of 10 hours of CLE approved by The Florida Bar and devoted to criminal law.</li> <li>3. Be familiar with the practice &amp; procedure of the criminal courts in the 6<sup>th</sup> Circuit.</li> <li>4. Have familiarity &amp; experience in the utilization of expert witnesses and evidence, including but not limited to psychiatric and forensic evidence.</li> <li>5. –Other experience requirements as stated below applicable to the level alleged offense/event.</li> </ol>	
<b>Non-capital felony and misdemeanor trials.</b> <b>1<sup>st</sup> degree felony trials</b>  <b>2<sup>nd</sup> degree felony trials</b>  <b>3<sup>rd</sup> degree felony trials</b>  <b>Misdemeanor trials</b>	<u>Non-cap felony &amp; misdemeanor list:</u> <ol style="list-style-type: none"> <li>a. Member in good standing of The Florida Bar for at least the previous 3 years or any greater number of years established by the Florida legislature.</li> <li>b. Experienced and active trial practitioner with no fewer than ten state or federal jury trials.</li> <li>c. Served as lead counsel or co-counsel in ten felony cases, including five jury trials that were tried to completion.</li> </ol>	

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<p><b>Attorneys on this list may also be appointed to represent defendants in the following proceedings:</b></p> <p><b>Criminal Contempt</b></p> <p><b>Involuntary Commitment</b></p> <p><b>Criminal postconviction</b></p> <p><b>Interstate Extradition</b></p> <p><b>Post Sentencing DNA testing</b></p> <p><b>Withdrawal of Plea</b></p> <p><b>Parole Revocation</b></p> <p><b>Probation Revocation</b></p>		
<p><b>Juvenile Delinquency trials</b></p>	<p><u>Juvenile Delinquency List:</u></p> <p>a. Member in good standing with the Florida Bar for at least the previous one-year.</p> <p>b. Familiar with practice and procedure of delinquency proceedings in Unified Family Court.</p> <p>c. Experienced trial practitioner with no fewer than 3 delinquency dispositions or 3 state or federal jury or non-jury trials.</p> <p>d. Annually complete at least three (3) hours of Florida Bar approved CLE in delinquency law. This CLE may be part of the ten hours criminal law CLE required for all criminal conflict trial counsel.</p>	
<p><b>Criminal &amp; Jimmy Ryce Appeals</b></p> <p><b>Non-capital felony, misdemeanor, juvenile delinquency and Jimmy</b></p>	<p><u>Criminal Appeals List:</u></p> <p>a. Member in good standing of The Florida Bar for at least the previous three years;</p> <p>b. Attended within the last 12 months a minimum of ten hours of Florida Bar approved CLE devoted to appellate law;</p> <p>c. An experienced and active practitioner in the field of appellate criminal law or have experience in the appeal of at least five criminal cases.</p>	

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<p><b>Ryce civil confinement appeals.</b></p>		
<p><b>Capital death penalty trials</b></p> <p><b>Attorneys on this list that are also on the list of capital attorneys with the Florida Commission on Capital Cases may be appointed to represent defendants in capital postconviction motions in the Sixth Circuit.</b></p>	<p><u>Capital list:</u> Meet the requirements of Florida Rule of Criminal Procedure Rule 3.112(f) for <b>Lead Counsel</b>, and 3.112(g) for <b>Co-Counsel</b>, plus:</p> <p>a. Membership in good standing in The Florida Bar for the previous five years; and b. In addition to the continuing legal education requirements of 3.112(f)(7) &amp; 3.112(g)(2)(E), respectively, require: During any year that counsel does not attend a continuing legal education program of at least twelve hours' duration devoted specifically to the defense of capital cases, counsel is required to obtain the case law update materials from the Public Defender's Office, and to advise the Chief Judge by letter that they have reviewed said materials.</p> <p>Florida Rule of Criminal Procedure 3.112(f-g). 3.112(f) <b>Lead Counsel.</b> Lead trial counsel assignments should be given to attorneys who:</p> <p>(1) are members of the bar admitted to practice in the jurisdiction or admitted to practice <i>pro hac vice</i>; and (2) are experienced and active trial practitioners with at least five years of litigation experience in the field of criminal law; and (3) have prior experience as lead counsel in no fewer than nine state or federal jury trials of serious and complex cases which were tried to completion, as well as prior experience as lead defense counsel or cocounsel in at least two state or federal cases tried to completion in which the death penalty was sought. In addition, of the nine jury trials which were tried to completion, the attorney should have been lead counsel in at least three cases in which the charge was murder; or alternatively, of the nine jury trials, at least one was a murder trial and an additional five were felony jury trials; and (4) are familiar with the practice and procedure of the criminal courts of the jurisdiction; and (5) are familiar with and experienced in the utilization of expert witnesses and evidence, including but not limited to psychiatric and forensic evidence; and (6) have demonstrated the necessary proficiency and commitment which exemplify the quality of representation appropriate to capital cases, including but not limited to the investigation and presentation of evidence in mitigation of the death penalty; and (7) have attended within the last two years a continuing legal education program of at least twelve hours' duration devoted specifically to the defense of capital cases. Attorneys who do not meet the continuing legal education requirement on July 1, 2002, shall have until March 1, 2003, in which to satisfy the continuing legal education</p>	

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	<p>requirement.</p> <p>3.112(g) <b>Cocounsel.</b> Trial cocounsel assignments should be given to attorneys who:          (1) are members of the bar admitted to practice in the jurisdiction or admitted to practice <i>pro hac vice</i>; and          (2) qualify as lead counsel under paragraph (f) of these standards or meet the following requirements: (A) are experienced and active trial practitioners with at least three years of litigation experience in the field of criminal law; and (B) have prior experience as lead counsel or cocounsel in no fewer than three state or federal jury trials of serious and complex cases which were tried to completion, at least two of which were trials in which the charge was murder; or alternatively, of the three jury trials, at least one was a murder trial and one was a felony jury trial; and (C) are familiar with the practice and procedure of the criminal courts of the jurisdiction; and (D) have demonstrated the necessary proficiency and commitment which exemplify the quality of representation appropriate to capital cases, and (E) have attended within the last two years a continuing legal education program of at least twelve hours' duration devoted specifically to the defense of capital cases. Attorneys who do not meet the continuing legal education requirement on July 1, 2002, shall have until March 1, 2003, in which to satisfy the requirement.</p>	
<p><b>Capital death penalty Appeals</b></p>	<p><u>Capital Appeals List:</u>          Meet Florida Rule of Criminal Procedure Rule 3.112(h), plus:          a. Membership in good standing in The Florida Bar for the previous five years; and          b. In addition to the continuing legal education requirements of 3.112(h)(6), require:          During any year that counsel does not attend a continuing legal education program of at least twelve hours' duration devoted specifically to the defense of capital cases, counsel is required to obtain the case law update materials from the Public Defender's Office, and to advise the Chief Judge by letter that they have reviewed said materials.</p> <p>Florida Rule of Criminal Procedure 3.112(h).  <b>(h) Appellate Counsel.</b> Appellate counsel assignments should be given to attorneys who: (1) are members of the bar admitted to practice in the jurisdiction or admitted to practice <i>pro hac vice</i>; and (2) are experienced and active trial or appellate practitioners with at least five years of experience in the field of criminal law; and (3) have prior experience in the appeal of at least one case where a sentence of death was imposed, as well as prior experience as lead counsel in the appeal of no fewer than three felony convictions in federal or state court, at least one of which was an appeal of a murder conviction; or alternatively, have prior experience as lead counsel in the appeal of no fewer than six felony convictions in federal or state court, at least two of which were appeals of a murder conviction; and</p>	

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	<p>(4) are familiar with the practice and procedure of the appellate courts of the jurisdiction; and  (5) have demonstrated the necessary proficiency and commitment which exemplify the quality of representation appropriate to capital cases; and  (6) have attended within the last two years a continuing legal education program of at least twelve hours' duration devoted specifically to the defense of capital cases.  Attorneys who do not meet the continuing legal education requirement on July 1, 2002, shall have until March 1, 2003, in which to satisfy the requirement.</p>	
<b>CRIME-related</b>		
<p><b>Jimmy Ryce  Involuntary Civil  Confinement Trials</b></p>	<p><u>Jimmy Ryce Trial list:</u>  a. Member of The Florida Bar for at least the previous 3 years or any greater number of years established by the Florida legislature.  b. Be familiar with the practice &amp; procedure of the civil courts in the 6<sup>th</sup> Circuit.  c. Experienced and active trial practitioner with no fewer than ten state or federal jury trials.  d. Served as lead counsel or co-counsel in ten felony cases, including five jury trials that were tried to completion.</p>	

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<b>DEPENDENCY LISTS</b>		
<p><b>Dependency Proceedings. Attorneys on this list may be appointed to represent clients in the following proceedings:</b></p> <p><b>Dependency Shelter hearings</b></p> <p><b>Dependency adjudication</b></p> <p><b>Judicial Review</b></p> <p><b>Children in Need of Services/Families in Need of Services</b> --Attorney for Parent</p> <p><b>Termination of Parental Rights trials (see note in far right column)</b> --Chapter 39 --Chapter 63</p>	<p><u>Dependency Attorney List:</u></p> <ol style="list-style-type: none"> <li>1. Member in good standing with the Florida Bar for at least the previous 3 years.</li> <li>2. Familiar with practice and procedure of dependency proceedings in Unified Family Court including the application of the Juvenile Rules of Procedure and the Family Law Rules of Procedure.</li> <li>3. Familiar with and experience in the utilization of expert witnesses and evidence, including but not limited to, psychiatric and forensic evidence.</li> <li>4. Observation of at least 30 hours of hearings, including 6 shelter hearings, 3 dependency hearings, and 1 TPR hearing.</li> <li>5. Annually complete at least three (3) hours of continuing legal education in dependency law.</li> </ol>	
<p><b>Attorney for the Child Attorneys on this list may be appointed to represent clients in the following proceedings:</b></p> <p><b>Children in Need of Services/Families in Need of Services</b> --Attorney for Child</p>	<p><u>Attorney for Child List:</u></p> <p>Meet requirements for Dependency List, plus complete three-hour training course offered by the Guardian Ad Litem program.</p>	

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<p><b>Dependency w/mental health (residential treatment)</b></p> <p><b>Emancipation</b></p> <p><b>Attorney Ad Litem for child</b></p> <p><b>Parental Notice of Abortion Act</b></p>		
<p><b>Appeals of Dependency proceedings conducted by Dependency Attorneys and Attorneys for the Child.</b></p>	<p><u>Dependency Appellate Attorney List:</u></p> <ol style="list-style-type: none"> <li>1. Member in good standing with The Florida Bar for at least the previous 3 years.</li> <li>2. Familiar with practice and procedure of dependency proceedings in the Sixth Judicial Circuit Unified Family Court.</li> <li>3. Familiar with and experience in the utilization of expert witnesses and evidence, including but not limited to, psychiatric and forensic evidence.</li> <li>4. Appellate practitioner with at least three years of experience in dependency or appellate law.</li> <li>5. An experienced and active practitioner in the field of appellate law or have experience in the appeal of at least five cases not limited to dependency or termination of parental rights cases.</li> <li>6. Annually complete at least three (3) hours of continuing legal education in dependency law.</li> </ol>	

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<b>GUARDIANSHIP LISTS</b>		
<p><b>Standard Guardianship Proceedings including:</b></p> <p><b>Developmental Disabilities</b></p> <p><b>Guardianship (for alleged incapacitated persons)</b></p> <p><b>Guardianship (for protection of a ward)</b></p> <p><b>Attorney Ad Litem for estate</b></p>	<p><u>Standard Guardianship List:</u></p> <ol style="list-style-type: none"> <li>1. Member in good standing with the Florida Bar for at least the previous 3 years.</li> <li>2. Familiar with practice and procedure of guardianship proceedings in the Sixth Judicial Circuit.</li> <li>3. Familiar with and experience in the utilization of expert witnesses and evidence, including but not limited to, psychiatric and forensic evidence.</li> <li>4. Experienced trial practitioner who has represented clients in no fewer than fifteen (15) guardianship proceedings.</li> <li>5. Annually complete at least three (3) hours of continuing legal education in guardianship law.</li> <li>6. Effective January 1, 2007: Have completed eight (8) hours of continuing legal education in guardianship law or have served as an attorney of record for guardians for three or more years.</li> </ol>	
<p><b>Emergency Guardianship proceedings, including:</b></p> <p><b>Adult Protective Services</b></p> <p><b>Substance abuse assessment (Marchman Act)</b></p> <p><b>Mental Health (Baker Act)</b></p> <p><b>Tuberculosis Victims</b></p> <p><b>Healthcare Advance Directives</b></p> <p><b>Sexually Transmissible</b></p>	<p><u>Emergency Guardianship List:</u></p> <p>Meet the requirements for the Standard Guardianship List, plus:</p> <p>Certify familiarity with statutory and case law for the following proceedings and certify competency to provide representation in the following proceedings: Chapter 415 for Adult Protective Services; the Marchman Act; the Baker Act; Chapter 392 for victims of tuberculosis; Chapter 744 &amp; 765 and Fla. R. Prob. 5.900 Health Care Advance Directives; and Chapter 384 for victims of sexually transmitted diseases.</p>	

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<b>Disease Victims</b>		
<b>Guardianship Appeals</b>	<p><u>Guardianship Appellate List:</u></p> <ol style="list-style-type: none"> <li>1. Member in good standing with the Florida Bar for at least the previous 3 years.</li> <li>2. Familiar with practice and procedure of guardianship proceedings in the Sixth Judicial Circuit.</li> <li>3. Familiar with and experience in the utilization of expert witnesses and evidence, including but not limited to, psychiatric and forensic evidence.</li> <li>4. Experienced appellate practitioner who has represented clients in no fewer than five (5) appeals.</li> <li>5. Annually complete at least three (3) hours of continuing legal education in guardianship law.</li> <li>6. Effective January 1, 2007: Have completed eight (8) hours of continuing legal education in guardianship law or have served as an attorney of record for guardians for three or more years.</li> </ol>	

<b>OTHER</b>		
<p><b>City actions to enforce county and municipal ordinances</b></p> <p>§ 162.30, Fla. Stat. (effective July 1, 2004) (Counties and municipalities are authorized and required to pay any counsel appointed by the court to represent a private party in such action if the provision of counsel at public expense is required by the Constitution of the United States or the Constitution of the State of Florida and if the party is indigent).</p>	<p>No standards set.</p>	<p>Use counsel from list most appropriate to the underlying action or revisit standards as needed.</p>

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<p><b>Servicemembers Civil Relief Act</b></p> <p>50 App. U.S.C.A. § 521 (b)(2) Appointment of attorney to represent defendant in military service: If in an action covered by this section it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed under this section to represent a servicemember cannot locate the servicemember, actions by the attorney in the case shall not waive any defense of the servicemember or otherwise bind the servicemember.</p>	<p>No standards set. Chief Judge will analyze type of case involved and use exigent circumstance authority to appoint appropriately qualified member of The Florida Bar.</p>	<p>Require plaintiff to pay \$300.00 fee. If plaintiff indigent, JAC to pay.</p>