

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.604-5/19*

IN RE: COURT APPOINTED COUNSEL

_____ :

Florida Statute §27.40 sets forth the duties and responsibilities of the Chief Judge in establishing a registry of attorneys for appointment to represent defendants in criminal and juvenile delinquency cases in which both the Office of the Public Defender and the Office of Criminal Conflict and Civil Regional Counsel are unable to provide representation due to a conflict of interest. Florida Statute §27.40 further sets forth the duties and responsibilities of the Chief Judge in establishing a registry of attorneys for appointment to represent parents in dependency actions and alleged incapacitated wards in guardianship cases when the Office of Criminal Conflict and Civil Regional Counsel is unable to provide representation due to a conflict of interest.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. In order to **be included on the Court Appointed Attorney Registry for a category of cases (collectively referred to as the “Conflict Attorney Registry”)**, attorneys must apply with the Administrative Office of the Court ("AOC") and be approved in accordance with the AOC's procedures **as set forth below**.
 - a. **Attorneys must complete an AOC application for the Court Appointed Attorney Registry(ies) on which they wish to be included.**
 - i. **A copy of the AOC's application procedures can be found on the Circuit's website at www.15thcircuit.com.**
 - ii. **Applications will be accepted from May 1-May 15.**
 - iii. **All attorneys must complete an Attorney Certification Form, which is included in the application packet, to certify that they meet certain requirements and to specify whether they are willing to accept as full payment the flat fees as required by Florida Statute §27.5304 for certain categories of cases.**

- b. At the close of the application period, the AOC will convene a Court Appointed Registry Committee (“Committee”) to review applications for compliance with the AOC application procedures. The AOC will then evaluate all sufficient applications and make an approval recommendation to the Chief Judge after considering: the Court’s need for appointed attorneys based on the prior year’s data, the strength of the applicant’s qualifications, and input, if any, from persons with knowledge of circumstances affecting the quality of the applicant’s representation.**
2. All court appointed attorneys must execute a yearly contract with the Justice Administrative Commission ("JAC") to receive compensation. The annual JAC contract must be signed no later than July 15 of each fiscal year. Failure to annually execute the JAC contract by July 15 of each fiscal year may result in the automatic removal from the limited and general registries. Newly approved attorneys will have until July 15, or thirty (30) days from the date of approval to sign a contract, whichever is later.
3. Rates of compensation are set forth by the JAC except for those guardianship/mental health cases which do not involve indigent persons.
4. Once approved by the AOC and after the execution of a contract with the JAC, the attorney’s name will be placed on **the Court Appointed Attorney Registry** (for the qualifying category) which is maintained by the Clerk of Court. **Attorneys on each Court Appointed Attorney Registry will be appointed in rotating order in the order in which names appear on the registry.**
5. **An attorney on the Conflict Attorney Registry must notify Court Administration, in writing, of any formal complaint filed by The Florida Bar; any non-confidential consent agreements entered with The Florida Bar; the filing of any legal malpractice case against him/her; any finding of ineffective assistance of counsel by a judge or magistrate; any suspension or prohibition on the practice of law; and any suspension or prohibition on accepting court appointments within seven (7) days of the filing of the complaint, order, or other charging document. In addition, any attorney on the Conflict Attorney Registry who is under criminal investigation or has pending criminal charges against him/her must immediately notify Court Administration. Failure to provide such information may result in the attorney’s immediate removal from the Conflict Attorney Registry.**
6. Capital Cases:
 - a. Except upon special motion or order, no lawyer shall be appointed to more than two pending capital trial cases (where the state has not waived the death penalty), either as lead counsel or co-counsel or a combination thereof. A lawyer shall notify the court when an order of appointment would be in violation of this Administrative Order.
 - b. Attorneys qualified for capital appeal counsel under **Florida Rule of Criminal Procedure 3.112** shall be placed on a separate list. Except upon special motion or order, no attorney

shall be appointed to more than two pending capital appeals.

- c. Members of the bar have no right to appointment as conflict attorneys in capital cases and those appointed are expected to provide representation commensurate with the seriousness of the charge.
- d. When in the opinion of the trial judge a capital case list attorney has failed to provide representation to a defendant commensurate with the seriousness of the offense, the trial judge may inform Court Administration that the attorney does not meet the qualifications to receive capital appointments.

6. Removal from the Conflict Attorney Registry:

- a. Where there are compelling circumstances, the trial judge (or magistrate hearing the matter) may recommend to the Chief Judge that the attorney be removed from the Conflict Attorney Registry.
- b. Upon receipt of the information indicating that compelling circumstances exist to remove an attorney from the Conflict Attorney Registry, the Chief Judge may request a meeting with the attorney to discuss the circumstances or refer the matter to the Committee for review and a recommendation as to whether the attorney should remain on the registry. After meeting with the attorney or after review of the Committee's recommendation, the Chief Judge will determine whether or not the attorney should remain on the Conflict Attorney Registry.

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida, this 9 day of **May, 2019**.



Krista Marx, Chief Judge

*supersedes admin. order no. 2.604-5/15