

120-1-10 QUALIFICATIONS FOR ASSIGNED/APPOINTED COUNSEL AND PUBLIC DEFENDERS IN CASES WHERE REIMBURSEMENT FOR DEFENSE COSTS IS SOUGHT BY A COUNTY FROM THE OHIO PUBLIC DEFENDER

(A) A county shall not receive reimbursement for defense costs from the state public defender unless the assigned/appointed counsel and/or public defender representing the indigent applicant meets the following minimum qualifications:

(1) Where the defendant is charged with aggravated murder with death penalty specifications, or has been convicted and sentenced to death, any attorney appointed for trial or appellate representation must meet the qualifications set forth in rule 20 of the Ohio supreme court "Rules of Superintendence" and appear on the list of attorneys qualified to accept appointments in capital cases promulgated by the rule 20 committee or have a waiver issued by the rule 20 committee.

(2) Where the defendant is charged with murder or aggravated murder without specifications, appointed counsel shall possess:

- (a) Prior experience as trial counsel or co-counsel in one prior murder trial; or
- (b) Prior experience as trial counsel in two first degree felony or aggravated felony trials; or
- (c) Prior experience as trial counsel in ten or more jury trials.

(3) Where the defendant is charged with a felony of the first, second, or third degree, appointed counsel shall possess:

- (a) Prior experience as trial counsel in two or more first, second, or third degree felony, at least one of which was a jury trial; or
- (b) Prior experience as trial counsel in any four jury trials at least one of which was a jury trial in a first, second, or third degree felony; or
- (c) Prior experience as trial counsel in any two criminal trials; and
 - (i) Co-counsel in at least one criminal jury trial;
 - (ii) Trial counsel or co-counsel in two jury trials.

(4) Where the defendant is charged with a fourth degree or fifth degree felony, appointed counsel shall possess:

- (a) Prior experience as trial counsel or co-counsel in at least one jury trial; or
- (b) Prior completion of a training program on criminal practice or procedure which is certified for continuing legal education credit by the Ohio supreme court commission on continuing legal education.