



Office of the Ohio Public Defender

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TIMOTHY YOUNG

State Public Defender

Attorney one name and address

Attorney two name and address

**RE: State v. [CLIENT'S NAME],-----County case no. -----
Terms of engagement as defense team members**

Dear [ATTORNEY ONE NAME and ATTORNEY TWO NAME]:

The Office of the Ohio Public Defender (OPD) will provide [CLIENT'S NAME] defense team with an investigator and/or a mitigation specialist. By accepting the assignment of an investigator and/or mitigation specialist, you are agreeing that the principles in this letter will govern the approach you take in guiding the defense team.

OPD embraces the principles and standards set forth in the *American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases* and the *Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases*. The *ABA Guidelines* govern the best practices for how the members of a capital client's defense team should work together. These guidelines require frequent defense team meetings and communication to ensure that all team members are unified in their efforts to develop matters relevant to each individual client.

When the ABA standards are not met, the defense team no longer functions effectively. When this occurs, OPD's investigators and mitigation specialists are unable to communicate with counsel, and unable to effectively bring their expertise to bear on behalf of the client. When the attorneys do not adhere to the *ABA Guidelines* and do not communicate regularly and effectively with all members of the defense team, OPD must withdraw from the case to avoid false claims by the State that the client was effectively represented by a defense team merely because funds were granted.

By accepting the assignment of [INSERT INVESTIGATOR'S NAME] and/or [INSERT MITIGATION SPECIALIST'S NAME] to your defense team, you are agreeing to abide by the principles and expectations referred to in this letter. We ask that you use the enclosed motions and proposed entries to move the Court to authorize funding for you to engage the services of [NAME(S) OF INVESTIGATOR AND/OR MITIGATION SPECIALIST]. The defense team must request the appointment rather than asking the court to directly appoint to avoid the risk of prosecutors claiming they have a right to access their work product in the same way they get access to a court-appointed expert's competency or insanity evaluation. OPD will not join a defense team on those terms. If the defense team falls short of the principles and standards set forth in the

ABA Guidelines, the assistance of OPD's investigator and/or mitigation specialist will be terminated.

Along with [INVESTIGATOR'S NAME] and/or [MITIGATION SPECIALIST'S NAME], I look forward to the best possible outcome for [CLIENT'S NAME].

Sincerely,

Timothy Young
Ohio Public Defender

enclosure(s)

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