

Attorney Qualifications for County Reimbursement, Capital Cases

Pursuant to Ohio Administrative Code section 120-1-10, appointed counsel must meet these requirements in order to qualify for state reimbursement.
The state public defender may refuse to reimburse the county for cases on which appointed counsel do not meet these requirements.

| Death specification* | Training** | Experience |
|----------------------|---|--|
| Lead trial counsel | Must meet qualifications of Supreme Court Rules for Appointment of Counsel in Capital Cases (formerly Rule 20) AND Must appear on list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission) OR must have a waiver of pre-qualification issued by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission) | At least five years of criminal litigation experience AND Experience as lead counsel for the defense in jury trial of at least one capital case OR experience as co-counsel for the defense in jury trial of at least two capital cases AND Within 10 years preceding appointment, experience as lead counsel in jury trial of at least one murder or aggravated murder case OR within five years preceding appointment, experience as lead counsel in three aggravated or first or second degree felony jury trials |
| Trial co-counsel | Must meet qualifications of Supreme Court Rules for Appointment of Counsel in Capital Cases (formerly Rule 20) AND Must appear on list of attorneys qualified to accept appointments in capital cases promulgated by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission) OR must have a waiver of pre-qualification issued by the Commission on Appointment of Counsel in Capital Cases (formerly the Rule 20 Commission) | At least three years of criminal litigation experience AND Within 10 years preceding appointment, experience as co-counsel in one murder or aggravated murder jury trial OR within five years preceding appointment, experience as lead counsel in one first or second degree felony jury trial OR within five years preceding appointment, experience as lead or co-counsel in at least two felony jury or civil jury trials |

*These requirements apply in any case in which a defendant is charged with aggravated murder with death penalty specifications, including cases in which the defendant is a juvenile or is otherwise precluded from being sentenced to death.

**CLE hours must be certified by the Ohio Supreme Court commission on continuing legal education.