

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2013-24

IN RE: REGISTRY COUNSEL

WHEREAS, section 27.40, *Florida Statutes*, requires the Chief Judge to compile a registry of qualified attorneys available for appointment to represent persons in those cases in which the Office of the Public Defender and the Office of Criminal Conflict and Civil Regional Counsel are unable to provide representation due to conflicts of interest; and

WHEREAS, section 27.40(3), *Florida Statutes*, authorizes the Chief Judge of each circuit to establish general registry lists, and, to create limited registry lists which include those attorneys willing to accept the flat fees prescribed in section 27.5304, *Florida Statutes*, and

WHEREAS, in order to provide for the efficient maintenance of the registry lists, and for the orderly appointment of qualified registry counsel, and pursuant to the authority vested in the Chief Judge by Article V, section 2, of the Florida Constitution, Rule 2.215, *Florida Rules of Judicial Administration*, and section 43.26, *Florida Statutes*, it is

ORDERED:

QUALIFICATIONS AND CERTIFICATION

1. **Application:**

In order to be court-appointed to represent any litigant entitled to the appointment of counsel, an attorney must be on either a limited registry or a general registry. To be included on the First Judicial Circuit Appointed Attorney Registries, an attorney must complete and submit an application to the Chief Judge. *See* Attachment A, application. The application is available on the Court's website at www.FirstJudicialCircuit.org. All completed applications must be mailed or hand-delivered. No electronic documents will

be accepted.

2. Limited Registry:

To be included on the court's limited registry, attorneys shall certify that they:

- a) meet any minimum requirements established by the Chief Judge and by general law for court appointment;
- b) are available to represent indigent defendants in cases requiring court appointment of conflict counsel and are willing to abide by the terms of the contract for services with the Judicial Administrative Commission (JAC); and
- c) are willing to accept as full compensation the flat fees prescribed in section 27.5304, *Florida Statutes*, except for cases brought under the Racketeer Influences and Corrupt Organizations (RICO) Act and capital cases.

3. General Registry:

To be included on the general registry, attorneys shall certify that they:

- a) meet any minimum requirements established by the Chief Judge and by general law for court appointment; and
- b) are available to represent indigent defendants in cases requiring court appointment of conflict counsel and are willing to abide by the terms of the contract for services with the JAC.

4. Registry attorneys have a continuing duty to maintain the qualifications applicable to any registries in which they are included.

5. The Chief Judge may consult with the Trial Court Administrator, and any other party or parties whom the Chief Judge deems appropriate, in decisions regarding registry design, the number of attorneys included on any registry, the qualifications of applicants, and other matters pertaining to the registries. The Chief Judge retains the right and responsibility to accept or reject applications to either registry.

APPOINTMENTS

6. The limited registry is comprised of attorneys who have agreed to accept as full payment the flat fees prescribed in section 27.5304, *Florida Statutes*, notwithstanding the provisions of section 27.5304(12), except for cases brought under the RICO Act and capital cases as defined in section 27.5304(5)(a)4, *Florida Statutes*. In compliance with section 27.40(3)(b), *Florida Statutes*, the court will first appoint attorneys from the limited registry unless and until no attorney is available from the limited registry.

7. Each registry will be maintained by county and category of cases. Each registry will

further be bifurcated in two sections, with those attorneys maintaining offices within the four counties of the First Judicial Circuit comprising the first section, and those attorneys who do not have an office within the Circuit comprising the second section. Per section 27.40(3)(b), *Florida Statutes*, attorneys will be appointed in rotating order in the order in which names appear on the applicable registry, unless the court makes a finding of good cause on the record for appointing an attorney out of order. However, attorneys not having an office within the First Judicial Circuit will not be appointed unless and until no attorneys from within the circuit are available. The Chief Judge, after consultation with the Administrative Judge within a particular county of the First Judicial Circuit, may implement a procedure by which the rotation of registry counsel within that county may be designated by specific division assignment.

8. The Clerk of the Court in each county is to maintain the registry lists and provide to the court the name of the next attorney for appointment from the appropriate list.

FEES

9. Attorneys shall be compensated in accordance with the schedule of fees prescribed by the Florida Statutes and the General Appropriations Act in effect at the time of the attorney's date of appointment.
10. The First Judicial Circuit shall have one judge who is responsible for hearing all motions for attorney fees in excess of the limits prescribed by section 27.5304, *Florida Statutes*. That judge shall be the Chief Judge or the Chief Judge's designee.

REMOVAL

11. An attorney may be removed from the registry upon request if he or she resigns in writing by immediately notifying the Chief Judge and the JAC. In order to be reinstated to the registry following a resignation, the attorney must file a new application to be considered by the Chief Judge.
12. Failure to maintain a JAC contract or to comply with the terms of the JAC contract for services may result in removal from the registry. Each attorney on the registry shall be responsible for notifying the Chief Judge, the clerk of the court and the JAC of any change in status.
13. Failure to attend hearings (except for good cause as determined by the presiding judge) or to maintain the qualifications as outlined and certified in the registry counsel application or as established by general law, may result in removal from the registry.
14. If an attorney is disbarred, suspended, has surrendered his/her law license, or is not a member in good standing with The Florida Bar, the attorney must promptly notify the

Chief Judge in writing. The Chief Judge has the authority to remove an attorney who is not in good standing with The Florida Bar from the registry. If the attorney is reinstated by the Bar, the attorney must submit a new application for reinstatement to the registry.

15. If a written complaint is received by the Chief Judge or Court Administration regarding a court-appointed registry attorney, a copy of the complaint shall be forwarded to the attorney. The attorney will then have thirty (30) days to respond, if desired. The Chief Judge will then make a decision as to whether the complaint contains merit, and if so, whether removal from the registry or other remedial action is appropriate.

DONE AND ORDERED in Pensacola, Escambia County, Florida this 15th day of May, 2013.

/S/ TERRY D. TERRELL

TERRY D. TERRELL
CHIEF JUDGE

Copies furnished to:

All Judges, First Judicial Circuit
All Clerks of Court, First Judicial Circuit
For publication: Escambia Santa Rosa Bar Association
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