

15-184

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

FILED
SUMMIT COUNTY
JUVENILE COURT

2015 JAN -5 AM 11: 27

LINDA TUCCI TEODOSIO
JUDGE

IN RE: LOCAL RULES OF)
PRACTICE AND)
PROCEDURE FOR)
SUMMIT COUNTY) JUDGE LINDA TUCCI TEODOSIO
JUVENILE COURT)
) JUDGMENT ENTRY
)

It is hereby ordered and decreed that effective January 5, 2015, the Local Rules of Practice and Procedure for the Summit County Court of Common Pleas, Juvenile Division, are amended as set forth and attached hereto.

IT IS SO ORDERED.

Linda Tucci Teodosio

JUDGE LINDA TUCCI TEODOSIO

1-4-15

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RULE 8: ATTORNEYS

8.01 IN GENERAL

(A) Notice of Appearance

- (1) An attorney representing a party in any matter before this court, unless the attorney has been appointed by the Court, shall file a Notice of Appearance within seven days of being retained by the client.
- (2) The Court may not recognize an attorney as the Attorney of Record if the attorney fails to file a Notice of Appearance.

(B) Withdrawal

- (1) An attorney who has either been appointed by the Court or has been retained by a party may request the Court's permission to withdraw as counsel for a party by filing a Motion to Withdraw, stating with particularity the grounds for the motion accompanied by a proposed Order in accordance with Local Rule of Practice and Procedure 5.01(C).
- (2) An attorney who requests the Court's permission to withdraw as counsel for a party must do the following:
 - (a) Notify the client and opposing counsel of the attorney's request to withdraw as counsel.
 - (b) Notify the client of all scheduled hearing dates and that the client's attendance at the hearings is mandatory.
 - (c) When appropriate, file a Notice of Appeal, Objection, or Motion to Set Aside a Magistrate's Order on behalf of client to preserve the client's rights.
- (3) An attorney is not withdrawn as counsel for a party unless and until the Court grants the attorney's Motion to Withdraw.

(C) Substitution of Counsel

- (1) If an attorney has been retained to represent a party who was previously represented by another attorney, the current attorney shall file a Notice of Substitution of counsel within seven days of being retained by the client or appointed by the Court.

(D) Change of Address

- (1) An attorney of record for a party, or a party who is not represented by an attorney, who has a case pending before this Court must notify the Court, in writing, opposing counsel and any party not represented

by counsel, of any change of address of the attorney or party as soon as the change is known to the attorney or party.

8.02 APPOINTED COUNSEL

- (A) An attorney will be appointed to represent any party or person designated by a magistrate or the Judge if he/she makes a request in person to the Judge's Bailiff, 650 Dan Street, Akron, Ohio 44310, completes the financial affidavit under oath, and qualifies under Court guidelines as indigent. Each person applying for counsel shall pay a non-refundable application fee to the Clerk upon application or within seven days thereafter. In the event an applicant fails to pay the application fee, the amount of the fee will be taxed as costs against the applicant at the close of the case.
- (B) If a minor child in a delinquency case is requesting appointed counsel, the parent(s), guardian, or legal custodian of the child must complete the affidavit(s) of indigency in order to determine whether the child qualifies for court appointed counsel through the Legal Defender's Office or by private counsel, unless the child is in the custody of a Children Services Agency. If the parent(s), guardian, or legal custodian either does not qualify for court appointed counsel or fails to complete the required affidavit and the child fails to make a knowing, intelligent and voluntary waiver of his or her right to counsel, the Court will appoint counsel for the juvenile and charge the attorney's fees as costs to be taxed to the parent(s), guardian or legal custodian at the close of the case.
- (C) Paternity must be established before an alleged father is eligible for court appointed counsel.
- (D) Fees and Expenses
 - (1) An appointed attorney must submit a Fee Application no later than sixty days after the case is docketed as closed by the Court or an entry granting permanent custody or planned permanent living arrangement is docketed. Attorney fee applications may be submitted following any hearing in the matter. The Clerk will submit the application to the Fiscal Office so that payment can be made within the ninety day period of reimbursement by the State.
 - (2) Fee applications not submitted in a timely manner will result in the denial of the application of attorney's fees.
 - (3) Pursuant to O.R.C. §120.33(A)(4), each request for reimbursement for expenditures on indigent cases must contain the following:
 - (a) A Motion, Entry and Certification Form;
 - (b) A completed Ohio Public Defender Form OPD 206R, financial Disclosure/Affidavit of Indigency (Attorney Guardian ad Litem should attach form, but completion of the financial information is not necessary); and

- (c) A copy of the Appointment Order.
 - (4) Reimbursement for representation in juvenile proceedings will be made based on the current county maximum rate for out-of-court services and in-court services.
 - (5) The prescribed maximum fee per case permitted in juvenile proceedings is one thousand dollars. Fees in excess of this amount will only be considered upon completion of the requirements outlined in subsection (E) below.
 - (6) Attorney Guardian ad Litem fees on Judicial Bypass cases will be paid as a flat fee of one hundred dollars.
- (E) Extraordinary Fees
- (1) Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds maximums established by the Juvenile Court.
 - (2) Reimbursement by the County for extraordinary fees is subject to the following requirements:
 - (a) Extraordinary fees must be requested by Motion with Supporting Memorandum and proposed Order; and
 - (b) Extraordinary fees must be clearly documented in the appropriate sections on the Motion, Entry and Certification Form.
- (F) Extraordinary expenses incurred by counsel in the representation of an indigent client in a case for which the attorney is appointed will be reimbursed only if the expenditure is approved by the Court prior to the time the expense is incurred. A copy of the order allowing the expenditure must be attached to the fee application.
- (G) The Order appointing counsel will expire upon the closure of the case or upon the placement of a child in permanent custody, legal custody, or in a planned permanent living arrangement unless otherwise ordered by the Court. A party requesting counsel for contempt proceedings, matters before the Citizen's Review Board, or in connection with matters relating to children in a planned permanent living arrangement, must make a new request for court appointed counsel and file an affidavit of indigency with the Court.

Index