

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 1.12

**APPOINTMENT OF THE OFFICE OF CRIMINAL CONFLICT
AND CIVIL REGIONAL COUNSEL, REGION 1**

In order to provide for the requirements of the Eighth Judicial Circuit, for the appointment of the Office of Criminal Conflict and Civil Regional Counsel, Region I; and

WHEREAS, pursuant to Chapter 2007-62, Laws of Florida, the Office of Criminal Conflict and Civil Regional Counsel, Region 1 (RCC1) shall be appointed to represent persons in certain criminal and civil cases within the Eighth Judicial Circuit, effective 1 January 2008.

WHEREAS, section 31(2) of Chapter 2007-62, Laws of Florida, states that if a court finds that a regional counsel office is not sufficiently operational to assume representation in a particular case, it is the intent of the Legislature that the court appoint private counsel for that case; and

WHEREAS, the interests of justice and due process of law require that this court insure the continued appointment of counsel to assist the indigent citizens of the Eighth Judicial Circuit; now, therefore, it is hereby

ORDERED:

I. APPOINTMENTS OF RCC1

In cases where statutory requirements direct that RCC1 is to be appointed the courts shall appoint RCC1.

II. APPOINTMENTS OF PRIVATE COUNSEL

In cases where statutory requirements direct that RCC1 is to be appointed and RCC1 has indicated that RCC1 is not able to accept appointments, and in cases where RCC1 can not

accept an appointment because of a conflict of interest, the courts shall appoint qualified counsel from the registry of attorneys maintained in the Eighth Judicial Circuit pursuant to section 27.40, Florida Statutes (the Registry).

III. APPOINTMENTS OF COUNSEL IN CHAPTER 39 CASES

Pursuant to section 27.511(6)(a), Florida Statutes, RCC1 has primary responsibility for representing persons entitled to court-appointed counsel under Chapter 39, Florida Statutes. In counties where RCC1 is able to accept appointments in Chapter 39 cases, the courts shall appoint RCC1 to represent the parent who is the first parent to appear before the court in the case and who is entitled to court-appointed counsel. The courts shall appoint qualified counsel from the Registry to represent all other parents in the case who are entitled to court-appointed counsel.

However, when the first parent is already represented by an attorney, other than RCC1, and another unrepresented parent in the case is entitled to court-appointed counsel, RCC1 shall be appointed to represent that parent.

IV. APPOINTMENTS OF COUNSEL FOR ALLEGED INCAPACITATED PERSONS

Pursuant to section 744.331(2)(b), Florida Statutes, the courts shall appoint an attorney for each person alleged to be incapacitated in every case involving a petition for adjudication of incapacity. If the alleged incapacitated person (AIP) is indigent, the court must appoint RCC1 as prescribed in section 27.511(6)(c), Florida Statutes. If the AIP is not indigent, or if RCC1 has a conflict of interest, the court shall appoint a private attorney from the Registry. See § 744.331(2)(a), Fla. Stat.

When an attorney for an AIP must be appointed for an incapacity proceeding, the attorney for the petitioner shall contact the Clerk of Court to obtain the name of an attorney who is listed on the Registry. Appointments of private attorneys must be made on a rotating basis, taking into consideration any conflicts that may arise. The attorney for the petitioner is

responsible for contacting the proposed attorney for the AIP, determining whether the attorney is available, and inquiring as to whether the attorney has a conflict of interest. If the attorney is not available or has a conflict of interest, the attorney for the petitioner shall contact the Clerk of Court to obtain the name of the next attorney listed on the Registry. The attorney for the petitioner is responsible for preparing and filing the proposed Order Appointing Attorney and Elisor for the Alleged Incapacitated Person.

Attorneys who are representing AIPs who are not indigent shall submit a petition for approval of attorney's fees to the court. Where the AIP is not indigent and a guardianship is established, the attorney's fees for the attorney for the AIP shall be paid from the property of the ward. See § 744.108, Fla. Stat.; Cf. § 27.511(6)(c)2, Fla. Stat.

V. PROCEDURES FOR APPOINTMENTS

An outline of the procedures of appointment of RCC1 or private counsel is available on the Eighth Judicial Circuit website.

VI. CLERKS OF COURT

The Clerks of Court in each county throughout the Eighth Judicial Circuit shall provide to RCC1 or to the court the name of the next attorney available for appointment to a conflict case or civil case. A list of the respective Clerks of Court contact persons with e-mail addresses, in each of the six counties, will be maintained on the Eighth Judicial Circuit website.

VII. ORDERS OF APPOINTMENT

The approved order of appointment with docket codes to be used by RCC1 and the courts when appointing RCC1 or private counsel pursuant to this order will be maintained on the Eighth Judicial Circuit website.

VIII. REGISTRY

The Chief Judge shall be responsible for compiling the Registry with the assistance of the

Administrative Judges and members of the private bar as determined to be appropriate. The Court Administrator, on behalf of the Chief Judge, will maintain the Registry of private attorneys pursuant to section 27.40, Florida Statutes, and will provide the list of private attorneys on the Registry quarterly (or as often as necessary) to the Clerks of Court in each county.

This order rescinds Administrative Order No. 1.472(F), titled Appointment of the Office of Criminal Conflict and Civil Regional Counsel, Region 1, dated 12 May 2008.

This order renumbers and reformats prior Administrative Order No. 1.472(G) entitled "Appointment of the Office of Criminal Conflict and Civil Regional Counsel, Region 1."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* September 25, 2009.



Robert E. Roundtree, Jr., Chief Judge