

## **Internal Operating Policy 05-05**

Submitted by Director to the Georgia Public Defender Standards Council: 5/27/05

Approved by Standards Council: 9/16/2005

Effective: 9/16/2005

Authority: O.C.G.A. § 17-12-5(c) (2)<sup>1</sup>

Subject: Protocol for the assignment of conflict cases

---

The following is the Standards Council's system for appointing counsel in conflict cases:

The procedure will involve the use of two (2) forms. The first is a Conflict Case Appointment Request and Application for a Vendor Number. The second form is a Conflict Public Defender Fee Claim form.

The Conflict Case Appointment Request and Application for Vendor Number must be completed by all attorneys who wish to accept conflict case appointments. This is a one time application and each attorney will be given a vendor number to use on all future billings.

The Conflict Public Defender Fee Claim Form is used by the appointing entity to assign the case to a Conflict Public Defender. The second part of the form is the actual billing statement that the attorney will complete upon the conclusion of the case. The original will then be forwarded to the Central Office for payment.

The procedure that we will use is as follows:

- 1) All attorneys who wish to receive appointments will complete and submit a Conflict Case Appointment Request and Application for a Vendor Number to you, the Circuit Defender. An exception will occur in those areas where there is a Conflict Case Management Supervisor. Currently, those areas are the Atlanta, Atlantic, Augusta, Chattahoochee and Southern Circuits. After the Circuit Defender or the Conflict Case Management Supervisor has reviewed the application and made an assessment that the attorney is qualified to represent the class of defendants named in the application, it will be forwarded to Paul H. Kehir, Deputy Director for Conflict Case Management in our Central Office.
- 2) Deputy Director Kehir will have the attorney's information entered into our system and will assign each a vendor number which the Conflict Public Defender

---

<sup>1</sup> O.C.G.A. § 17-12-5 (c) (2) provides as follows: "(c) The director shall... (2) Develop such rules, policies, procedures, regulations, and standards as may be necessary to carry out the provisions of this chapter and comply with all applicable laws, standards, and regulations, and submit these to the council for approval".

will use in all future billings. They will be notified of their respective vendor number and the fact that they have been included on the appointing list for the requested circuit(s).

- 3) When a conflict case is identified, the entity assigning conflict counsel will appoint from the list for that particular jurisdiction. In those jurisdictions where an entity other than the Circuit Defender or the Conflict Case Management Supervisor makes the appointment, it will be the responsibility of the Conflict Public Defender to contact the Circuit Defender or Conflict Case Management Supervisor and advise the office of his or her appointment. The appointment will be formalized by the Circuit Defender or Conflict Case Management Supervisor completing items 1 thru 10 of the Conflict Public Defender Fee Claim Form and forwarding it to the Conflict Public Defender along with whatever paperwork is available, such as police reports, indictments, etc. The Circuit or Conflict Case Management Supervisor will enter appropriate information into the JCATS system recording the appointment.
- 4) The Conflict Public Defender will complete the form at the conclusion of the case. The use of this form is mandatory and counsel needs to maintain appropriate documentation to support the billing entry, such as copies of motions filed in the case and receipts for claimed expenditures.
- 5) The Conflict Public Defender will keep track of time and expenditures on a regular basis, billing in increments of 1/10 of an hour at the rate of \$45 for out of court work and \$60 an hour for in court work. Counsel will submit the time sheet as a final statement for services rendered. This form will be in triplicate with the Conflict Public Defender keeping the third copy for association with the file, the second copy is to be forwarded to the Circuit Defender or Conflict Case Management Supervisor for entry into the JCATS system, and the original will be forwarded to:  

Tracy Atcheson  
Data Collection Coordinator  
Georgia Public Defender Standards Council  
104 Marietta Street, Suite 200  
Atlanta, Georgia 30303
- 6) The statement will be reviewed and payment will be made directly to the Conflict Public Defender either by mail or via electronic payment into an account. GPDSC staff will also contact the Conflict Public Defender if there is any question concerning the statement.
- 7) Please note that we will not authorize payment until the case is closed in the JCATS system.

If you have any questions about the forms or procedure, please call Deputy Director Kehir at (404) 232-8900.