

**STANDARDS AND PROCEDURES FOR THE APPOINTMENT OF
INDEPENDENT, COMPETENT AND EFFICIENT COUNSEL FOR
REPRESENTATION IN BOTH THE TRIAL AND APPELLATE COURTS OF
INDIGENT PERSONS WHOSE CASES PRESENT CONFLICTS OF INTEREST
IN NON DEATH PENALTY CASES
Standard #5**

Authority: OCGA § 17-12-22

Identification of Conflict of Interest

Consistent with the Georgia Rules of Professional Conduct and applicable legal authority, the circuit public defender should determine at the earliest opportunity whether a conflict of interest exists at the trial and/or appellate level.

Procedures for the Appointment of Conflict Counsel

In handling the conflict of interest cases, there are different options depending upon the needs of the individual circuit. The Standards Council will consider recommendations made by the Standards Council staff and the local circuit public defender based on the following options:

- (1) One or more separate conflict defender offices;
- (2) A panel of qualified attorneys who will receive appointments to handle conflict cases in each circuit.
- (3) One or more contract conflict defender attorneys who will be monitored by the Standards Council for compliance with its standards and paid in accordance with the compensation standards established by the Standards Council.
- (4) By such other method as is suggested by the local circuit public defender and agreed upon by the Standards Council and the local circuit public defender to provide effective representation in conflict cases, with compensation to be paid in accordance with the compensation standards established by the Standards Council.

The Standards Council shall adopt such policies as may be necessary to effectuate this standard.