

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.604-5/15\*

IN RE: COURT APPOINTED COUNSEL

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Florida Statute §27.40 sets forth the duties and responsibilities of the Chief Judge in establishing a registry of attorneys for appointment to represent defendants in criminal and juvenile delinquency cases in which both the Office of the Public Defender and the Office of Criminal Conflict and Civil Regional Counsel are unable to provide representation due to a conflict of interest. Florida Statute §27.40 further sets forth the duties and responsibilities of the Chief Judge in establishing a registry of attorneys for appointment to represent parents in dependency actions and alleged incapacitated wards in guardianship cases when the Office of Criminal Conflict and Civil Regional Counsel is unable to provide representation due to a conflict of interest.

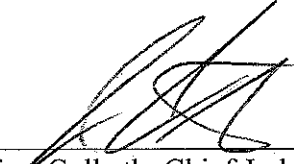
**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. In order to be eligible to receive **court** appointments, attorneys must apply with the Administrative Office of the Court ("AOC") and be approved in accordance with the AOC's procedures. The AOC's procedures may include convening a committee to review the applications and interview the attorneys applying to be on the **Court Appointed** Registry ("Committee"). A copy of the AOC's application procedures can be found on the Circuit's website at [www.15thcircuit.com](http://www.15thcircuit.com).
3. All **court appointed** attorneys must execute a yearly contract with the Justice Administrative Commission ("JAC") to receive compensation. The annual JAC contract must be signed no later than July 15 of each fiscal year. Failure to annually execute the JAC contract by July 15 of each fiscal year may result in the automatic removal from the limited and general registries. Newly approved attorneys will have **until July 15**, or thirty (30) days from the date of approval to sign a contract, **whichever is later**.
4. Rates of compensation are set forth by the JAC **except for those guardianship/mental health cases which do not involve indigent persons**.

5. Once approved by the AOC and after the execution of a contract with the JAC, the attorney's name will be placed on an electronic wheel (for qualifying categories) which wheel is maintained by the Clerk of Court.
6. Registry Applications:
  - a. Attorneys must complete an AOC application. Applications will be accepted from **May 1-May 15**.
  - b. All attorneys must complete an Attorney Certification Form, **which is included in the application packet**, to certify that they meet certain requirements and to specify whether they are willing to accept as full payment the flat fees as required by Florida Statute §27.5304 for certain categories of cases.
7. Capital Cases:
  - a. Except upon special motion or order, no lawyer shall be appointed to more than two pending capital trial cases (where the state has not waived the death penalty), either as lead counsel or co-counsel or a combination thereof. A lawyer shall notify the court when an order of appointment would be in violation of this Administrative Order.
  - b. Attorneys qualified for capital appeal counsel under the Rule shall be placed on a separate list. Except upon special motion or order, no attorney shall be appointed to more than two pending capital appeals.
  - c. Members of the bar have no right to appointment as conflict attorneys in capital cases and those appointed are expected to provide representation commensurate with the seriousness of the charge.
  - d. When in the opinion of the trial judge a capital case list attorney has failed to provide representation to a defendant commensurate with the seriousness of the offense, the trial judge may inform Court Administration that the attorney does not meet the qualifications to receive capital appointments.
8. Removal from the Conflict Attorney Limited and General Registries:
  - a. Where there are compelling circumstances, the trial judge (or magistrate hearing the matter) may recommend to the Chief Judge that the attorney be removed from the **Court Appointed** Attorney Registry (collectively the "Conflict Attorney Registry").
  - b. Upon receipt of the information indicating that compelling circumstances exist to remove an attorney from the Conflict Attorney Registry, the Chief Judge may request a

meeting with the attorney to discuss the circumstances or refer the matter to the Committee for review and a recommendation as to whether the attorney should remain on the registry. After meeting with the attorney or after review of the Committee's recommendation, the Chief Judge will determine whether or not the attorney should remain on the Conflict Attorney Registry.

**DONE** and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 8 day of May, 2015.

  
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Jeffrey Colbath, Chief Judge

\*supersedes admin. order no. 2.604-5/4/15