

The Hamilton County Juvenile Court has drafted the below amendments to the Hamilton County Juvenile Court's local rules of practice. Changes from the rules adopted on October 3, 2024 are highlighted below. Pursuant to Ohio Sup.R. 5(A)(2), the Court will be accepting comments on the proposed changes beginning today, Thursday, October 10, 2024 through Thursday, November 7, 2024.

Please submit any comments to Administrative Magistrate Sarah Henry via e-mail at shenry@juvcourt.hamilton-co.org by the end of business Thursday, November 7th.

Thank you for your assistance from all of us at the Hamilton County Juvenile Court.

RULE 15. Counsel of Record

A. Appearance of Counsel; appearance *pro hac vice*

1. An attorney licensed to practice in Ohio shall file a notice of appearance of counsel within seven (7) days of being retained. An entry appointing counsel shall serve as a notice of appearance of counsel.
2. Beginning Jan. 1, 2011, out-of-state attorneys seeking permission to appear *pro hac vice* in an Ohio proceeding, including proceedings in the Hamilton County Juvenile Court, must first register with the Supreme Court Office of Attorney Services. Online *pro hac vice* registration is available.

B. Appointment of Counsel/GAL

1. Right to Counsel

- a. An attorney shall be appointed to represent any indigent party entitled to representation under Juv.R. 4 and R.C. 2151.352. An Affidavit of Indigency shall be completed to assist with the determination of indigency.
- b. Once counsel is appointed, the party is required to maintain contact with that appointed entity.

2. Attorney/GAL Appointments

- a. The Court shall maintain a list of private attorneys willing to accept appointments in Juvenile Court cases to serve as attorney for a party or as a GAL.
- b. All attorney and GAL appointments shall be on a rotating basis unless a conflict exists or otherwise determined by the presiding Judge or Magistrate. A review of case distribution shall be conducted from time to time.
- c. Day One Hearings are scheduled every business day and they will be held in person. These appointments are made from attorneys who are approved and have indicated that they desire to be assigned to this hearing type. Dates for attorneys are assigned on a random rotating basis through the appointment list data base. An annual schedule is issued, however, is subject to change as additional attorneys are added and other needs arise. Available appointments depend on the number and type of cases set each day and there is no guarantee that an attorney will receive an appointment on any given day.

- d. Except for Day One Hearings, or when a Judge or Magistrate appoints an individual directly from the bench, appointments are generally made on a rotating basis from the attorneys on each list. You will be notified by email or phone of the availability of a new appointment. You are expected to reply within 30 minutes or the case will be offered to another attorney.
- e. New attorneys on any panel rotation managed by the Court for Dependency cases shall annually attend an orientation session in order to be eligible for placement on the lists. The orientation sessions are scheduled quarterly. The current schedule is posted on the court's website at <https://juvenile-court.org>. Additional sessions may be available in addition to this schedule, upon request.

3. Attorney/GAL Application and Panel Requirements

- a. You must be a licensed attorney in good standing with the Ohio Supreme Court;
- b. You must inform the Court of any prior disciplinary complaints which resulted in any sanction(s) and any criminal charges that resulted in conviction;
- c. You must maintain a working telephone number and email address and be able to respond to communications from the Court or client;
- d. You must maintain professional liability insurance in an amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct;
- e. You must successfully complete any and all training and certifications as required by rule and law;
- f. You must comply with the requirements of OAC 120-1-10;
- g. You must complete an application available from the Court specifying the types of cases that you are willing to accept and certifying that you are otherwise qualified by education, training and certification to be appointed as an attorney or GAL in this Court;
- h. You must submit to the Court a new application for continued consideration for inclusion on attorney and gal panels for the following calendar year on an annual basis. To receive priority consideration for Day One assignments your application must be submitted no later than November 1st each year.

4. Appointed Attorney Fees and Expenses

- a. Appointed attorneys seeking to be reimbursed for fees and expenses incurred during service to the Court as an attorney or GAL shall complete the Motion, Entry, and Certification for fees as well as Itemized Fee Statements, as proscribed by the Ohio Public Defender.
- b. Appointed attorneys shall include the completed Affidavit of Indigency to the Court with their motion for fees if the Affidavit is not already recorded in the Court's case management system at that time.
- c. Motions for entry of payment and accompanying documents shall be filed timely in compliance with the court's posted policy for reimbursement.

5. Extraordinary Fees. An attorney or attorney GAL may apply for extraordinary fees by motion to Judge overseeing the case where appropriate due to special circumstances such as extraordinarily complex issues, multiple offenses, especially lengthy trials or other valid reasons.

C. Substitution of Counsel. Counsel may be substituted by the filing of a notice of substitution with the Clerk's Office and service upon all parties. Original counsel is withdrawn upon the filing of such notice.

D. Withdrawal of Counsel

1. An attorney seeking to withdraw as counsel of record shall timely file a written motion stating the grounds for withdrawing from the case; that the attorney has notified or made every possible attempt to notify the client of the intended action, the subsequent hearing dates, and the necessity of the client's appearance at such hearings; and that the attorney has notified opposing counsel of the intended action. An attorney shall not be considered withdrawn as counsel of record unless approved by the Court in a written order.
2. A party and/or opposing counsel has seven (7) days within which to respond in opposition and to request a hearing on the matter. If no response is received by the Court, the presiding judge or magistrate may proceed to consider the request.
3. An attorney of record shall not be permitted to withdraw less than fourteen (14) days prior to a scheduled hearing except for good cause shown and a finding that the action is not the fault of the party or made for purposes of delay.
4. For good cause shown, the Court may permit an oral motion to withdraw as counsel of record if no party is prejudiced thereby.

E. Discharge of Counsel: An attorney shall be considered discharged as counsel of record when a final judgment has been rendered and no subsequent hearings are scheduled.

F. Opposing Counsel: When counsel is aware that an adverse party is represented, counsel shall attempt, upon the filing of an action or at any other appropriate time, to select a mutually accommodating date.