

JUVENILE RULE 4. Appointed counsel and Guardians ad Litem

(A) Right to Counsel

Every party shall have the right to be represented by counsel, and as provided in R.C.2151.352, the right to appointed counsel, if indigent. Appointments may be made to the Franklin County Public Defender, Court Appointed Special Advocates, Legal Clinics and attorneys in private practice. The court shall maintain a list of private attorneys willing to accept appointments for Juvenile Court cases. The following lists shall comprise the court appointment list for private attorneys:

- List 1. Attorneys who will serve in a dual capacity as attorney and guardian ad litem, or if a conflict exists between those roles solely as guardian ad litem for children in delinquency, unruly, abuse, neglect and dependency cases, and for adults, or solely as attorney for children in abuse, neglect and dependency cases.
- List 2. Attorneys who will represent children in delinquency and unruly cases, and adults in criminal matters and contempt actions other than those specified in List 4.
- List 3. Attorneys who will serve as counsel for parties in abuse, neglect and dependency cases.
- List 4. Attorneys who will represent parties in parentage cases initiated by the state, and contempt actions related to custody, child support or visitation.
- List 5. Attorneys who will represent children charged with delinquency offenses when: A) the offense is a category one or category two offense, as defined in R.C.2152.02; B) relinquishment of jurisdiction for purposes of prosecution as an adult is requested; or C) the child is charged as a serious youthful offender.
- List 6. Attorneys who will serve in a dual capacity as attorney and guardian ad litem, or if a conflict exists between those roles solely as attorney or guardian ad litem, for children who file a complaint pursuant to O.R.C. 2151.85.

(B) Application and List Requirements

- (1) In order to be approved and maintain placement on any of the court's list of attorneys or guardians ad litem, an attorney must meet the following standards:
 - (a) Licensed Ohio attorney in good standing;
 - (b) Inform the court of any prior disciplinary complaints against the attorney which resulted in sanctions;
 - (c) Maintain a working telephone with a local telephone number or toll free long distance number, with a secretary and/or working answering machine/service to be able to respond to calls from the court or client;
 - (d) Either maintain professional liability (malpractice) insurance in an amount equal to the minimum coverages required by the Code of Professional Responsibility, or comply with DR1-104 at the time of the appointment.
 - (e) Attorneys are under an ongoing duty to notify the court of changes in their status, address, or telephone number.

(2) Attorneys desiring to be placed on the appointment list shall apply in writing on a form promulgated by the court, to the assistant court director for legal services, specifying the list(s) from which (s)he is willing to accept appointments. The application shall be accompanied by a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of an attorney or guardian ad litem, a copy of the applicant's criminal background check, and the applicant's background disclosure statement.

(3) Prior to being placed on the appointment list attorneys shall attend an orientation session. Orientation sessions will be conducted, and applications processed, quarterly. In addition to the orientation session, attorneys must fulfill the following requirements:

(a) **Guardians ad Litem - Lists 1 and 6**

In order to serve as a guardian ad litem, an applicant shall have, at a minimum, the following training:

(1) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.

(2) The pre-service training course must be the six hour guardian ad litem pre-service course provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association's pre-service training program, or with prior approval of a majority of the judges, be a course at least six hours in length that covers the topic areas in Ohio Rule of Superintendence 48(E)(3).

(3) An attorney who is serving as a guardian ad litem on March 1, 2009, shall by February 28, 2010, complete the required six hour pre-service training in order to avoid removal from the court's list of approved guardians ad litem.

(b) **Attorneys - Lists 2, 3 and 4**

Case Observation: Applicants to be placed on lists 2, 3 or 4 must observe two (2) cases from preliminary hearing through dismissal or disposition, for each list from which (s)he requests appointments with a court appointed attorney, public defender, or other approved attorney. The observation requirements, or a portion thereof, may be waived upon application and approval of the assistant court director.

(c) **Attorneys - List 5**

Applicants wishing to receive List 5 appointments must have served as lead counsel or co-counsel on three cases involving offenses which currently constitute category 1 or 2 offenses, as defined in R.C.2152.02, and which culminated in a trial, whether in juvenile or adult court, including probable cause hearings in Juvenile Court proceedings to relinquish jurisdiction for prosecution as an adult. Counsel must submit an affidavit listing the case names and numbers of the three cases which meet this requirement to the assistant court director.

(C) Appointments

(1) Private attorneys who are qualified to receive appointments may, during an enrollment period determined by the court, volunteer to be present for preliminary hearing dockets to receive available appointments. Attorneys volunteering to be present will receive confirmation of the date(s) the attorney is assigned to be present for preliminary hearings. Absent an emergency, attorneys who fail to appear for an assigned preliminary hearing docket will not be eligible to volunteer to be present for preliminary hearings during the subsequent enrollment period. Appearing for a preliminary hearing docket does not guarantee that an attorney will receive an appointment.

(2) To maximize efficiency of the appointed counsel clerk and equalize appointments among attorneys on the various appointment lists, all appointments to attorneys on lists 1 through 4 which are not assigned at preliminary hearing will be assigned on a rotating basis. Excluded from the rotating appointments are companion cases, cases that are dismissed and refiled, multiple cases involving the same client, appointments made from the bench, appointments made at preliminary hearing, and reappointment of an attorney for a probation violation. Attorneys who will be unavailable for designated periods of time may notify the appointment clerk of the dates of their unavailability. Once such notification is received, the attorney will not be appointed to any cases during the specified period of unavailability.

The appointed counsel clerk will notify the appointed attorney of the availability of an appointment by telephone, speaking with the attorney personally, or by leaving a message with the attorney's staff or on the attorney's answering machine/voice mail. The appointed attorney shall contact the appointed counsel clerk within 48 hours to confirm that he/she will accept the appointment. If the appointed attorney fails to contact the appointed attorney clerk within the 48 hour period, the appointment will be offered to the next attorney on the list.

(3) The appointment entry will be signed by the judge or magistrate and filed with the Clerk of Courts. A copy of the appointment entry will be placed in the mailbox of the appointed attorney as soon as practicable. Once appointed, counsel must either continue the hearing if the case is scheduled on a date or time the attorney is unavailable, or withdraw from the case if he/she is unable to fulfill the appointment.

(D) Duties and Responsibilities of Appointed Counsel and Guardians Ad Litem

Attorneys accepting appointments to serve as guardian ad litem, court appointed counsel, or in the dual capacity of both attorney and guardian ad litem, shall initiate and maintain reasonable contact with their client, which should be no less than once per month. The attorney/guardian ad litem shall advise his / her client / ward of the client's / ward's rights and the possible consequences of the pending action. Attorneys shall personally represent the client for which (s)he was appointed, and shall not, absent an emergency, allow substitute counsel to represent the client. Repeated failure to personally represent the client will result in removal from the guardian ad litem/appointed counsel list(s).

The court shall maintain an individual file for each appointed counsel for the purpose of providing appointments, notices and other matters as may be necessary. It will be the responsibility of appointed counsel to inspect said file not less than weekly.

(1) Upon appointment the attorney, guardian ad litem, or attorney appointed in the dual capacity of both attorney and guardian ad litem, shall make reasonable efforts to become informed about the facts of the case and to contact all relevant persons. The attorney, guardian ad litem, or attorney appointed in the dual capacity of both attorney and guardian ad litem shall, at a minimum, perform certain basic duties, as warranted by the facts of the case, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case.

(a) When the child is of sufficient age to have communicative ability, meet with and interview the child(ren) and ascertain the child's wishes. Observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present. Be aware of the interaction between the parent and child, and the appropriateness of discipline, conversations, and activities. Interview both parents if permitted by their counsel. If only one parent is known, attempt to ascertain the identity and whereabouts of the other parent.

(b) Review pleadings and other relevant court documents, and consult with each attorney as to position and issues. File pleadings, motions and other documents as appropriate under the applicable rules of procedure. Review the court file, and request discovery.

(c) Meet with and interview all significant individuals who may have relevant knowledge regarding the issues of the case.

(d) Determine the physical and mental health of the child. Interview medical and mental health providers, and obtain copies of relevant records, including medical and hospital records.

(e) Interview school personnel. Obtain information regarding the child's behavior in school and interaction with parents. Review and obtain copies of the child's school records.

(f) Perform home visits (this may be combined with the interview process). Observe the living conditions of each parent and the child's sleeping arrangements.

(g) Evaluate the necessity, if any, of psychological evaluations or counseling, mental health and / or substance abuse assessments, or other evaluations or tests of the parties and file a motion requesting the same.

(h) Communicate with the Court Family Assessment caseworker or probation officer. Obtain the case history. If the worker has the family file, schedule a time to review it.

(i) Communicate with the Franklin County Children Services worker, and other direct service providers. Obtain the case history. Confirm whether the child has been removed from home and the child's adjustment to his/her current placement. Confirm the names, addresses, and telephone numbers of parents and care providers. Determine what services are being provided the parents.

(j) Call the FCCS Regional Records Room and schedule a time to view their file. Identify the pages you need copied and request FCCS send the copies to your office.

(k) Ask the care providers for their perceptions of the child's adjustment. Assess the child's

developmental level. If the child relates a new allegation of abuse or neglect, immediately call FCCS intake, the caseworker, and the Family Assessment caseworker.

(l) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case.

(m) Be cognizant that the duty of an attorney to his/her client and the duty of a guardian ad litem to his/her ward are not always identical and, in fact, may conflict. The role of the guardian ad litem is to investigate the ward's situation and then to ask the court to do what the guardian ad litem feels is in the ward's best interest. The role of the attorney is to zealously represent his/her client within the bounds of the law. The first and highest duty of an attorney appointed in a dual capacity is to zealously represent his client within the bounds of the law and to champion his client's cause.

(1) When appointed in the dual capacity of attorney and guardian ad litem for the child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of Professional Conduct and act accordingly. The attorney appointed in the dual capacity shall notify the court and counsel if the child's wishes are in opposition to the guardian ad litem's recommendation and request leave to withdraw as guardian ad litem. Once granted, the appointed attorney is relieved of his/her role as guardian ad litem and remains solely as attorney for the child. A new guardian ad litem will be appointed.

(2) A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents. When appointed solely as guardian ad litem for the child, at the earliest practical time notify the court and counsel if the child's wishes are in opposition to the guardian ad litem's recommendation and request in writing that the court appoint an attorney to represent the child or promptly resolve the conflict by entering appropriate orders.

(3) Appointed attorneys and guardians ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. Attorneys and guardians ad litem shall avoid self-dealing or associations from which the attorney / guardian ad litem might benefit, directly or indirectly, except from compensation for services as attorney or guardian ad litem.

(4) Upon becoming aware of any actual or apparent conflict of interest, an attorney or guardian ad litem shall immediately take action to resolve the conflict, shall advise the court and the parties of the action taken and may resign from the matter with leave of court, or seek court direction as necessary. Because a conflict of interest may arise at any time, an attorney / guardian ad litem has an ongoing duty to comply with this division.

(n) Immediately identify himself or herself as an attorney or guardian ad litem when contacting individuals in the course of a particular case and inform these individuals

about the attorney's / guardian ad litem's role and that documents and information obtained may become part of court proceedings.

(o) Perform any other investigation necessary and appear and participate in any hearing for which the duties of the attorney or guardian ad litem or any issues substantially within an attorney's or guardian ad litem's duties and scope of appointment are to be addressed.

(p) Maintain independence, objectivity and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and have no ex parte communications with the court regarding the merits of the case.

(q) Perform all duties and responsibilities in a prompt and timely manner, and, if necessary, request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

(r) Appointed attorneys and guardians ad litem are officers of the court and shall act with respect and courtesy to the parties at all times. As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform his or her duties. An attorney or guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Ohio Rule of Superintendence 44, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. An attorney or guardian ad litem may recommend that the court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the attorney or guardian ad litem was appointed in accordance with Ohio Rule of Superintendence 45. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(s) Maintain a log documenting all work performed, all contact with the child, parties, witnesses, etc., and all telephone calls. Keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court.

(2) **Powers:** The powers of the attorney/guardian ad litem shall be wide ranging, including but not limited to, the right to file motions and to review all confidential records involving their client(s) by request, through deposition, and by subpoena. The attorney / guardian ad litem shall have reasonable access to the child at school or in placement.

Appointed attorneys and guardians ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case.

(3) **Reports and Court Appearances:** A guardian ad litem shall be present at all hearings pertaining to the child(ren), and shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the guardian ad litem in reaching the guardian ad

litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment. In addition, the following provisions shall apply to guardian ad litem reports:

- (a) In juvenile abuse, neglect, and dependency cases and actions to terminate parental rights:
 - (1) All reports, written or oral, shall be used by the court to ensure that the guardian ad litem has performed those responsibilities required by Ohio Revised Code 2151.281.
 - (2) Oral and written reports may address the substantive allegations before the court, but shall not be considered as conclusive on the issues.
 - (3) Unless waived by all parties or unless the due date is extended by the court, the final report shall be filed with the court and made available to the parties for inspection no less than seven days before the dispositional hearing. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy shall be provided to the court at the hearing.
 - (4) A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.
 - (5) A guardian ad litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.
 - (6) Any written interim report shall be filed with the court and made available to the parties for inspection no less than seven days before a hearing, unless the due date is extended by the court. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the interim report shall be provided to the court at the hearing.

The attorney/guardian ad litem may subpoena and examine independent witnesses. The lay guardian ad litem may be represented by counsel who may subpoena and examine independent witnesses presented by other parties.

(4) Duration of Appointment: guardians ad litem shall continue to serve until the guardian ad litem's duties terminate in accordance with R.C.2151.281(G), or until discharged by order of the court. Whenever feasible, the same guardian ad litem shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.

Attorneys representing parents whose children have been removed from their custody shall continue to serve until the complaint is dismissed, all dispositional orders relative to the child have terminated, legal custody of the child is granted to a relative or another person, parental rights are terminated, or the attorney withdraws or is removed by the court. Court appointed counsel and guardians ad litem shall advise their clients of the client's right to objection and appeal. The appointment of counsel continues through objections and shall terminate upon the filing of an entry disposing of all pending matters, or counsel filing a notice of appeal, whichever is later. It is the duty of appointed counsel to consult with his or her client

regarding the possibility of appeal and to file the notice of appeal, if any, in accordance with section (5) below.

(5) **Notice of Appeal:** When filing a notice of appeal, appointed counsel shall file a motion with the Clerk of this court requesting preparation of the transcript at state expense. Counsel shall present a time stamped copy of the motion and a proposed journal entry granting the motion to the judge assigned to the case. Following journalization of the entry by the clerk, counsel shall deliver a copy of the entry to the court reporter or stenographer. Thereafter, appointed counsel shall file a motion with the Clerk of the Court of Appeals seeking either leave to withdraw and appointment of new counsel or an appointment to prosecute the appeal.

(6) **Fees and Costs:** All filing fees and court costs are waived as to court appointed attorneys and guardians ad litem.

(7) **Application:** Local Juvenile Rule 4 shall not apply to actions to determine the allocation of parental rights and responsibilities, where counsel/guardian ad litem has been appointed pursuant to Local Juvenile Rule 27.

(E) Requirements to Remain on Guardian ad Litem or Court Appointed Counsel List(s):

Attorneys wishing to remain on the guardian ad litem or court appointed counsel list shall complete the following requirements:

1. Attend six (6) hours of qualifying continuing legal education per Supreme Court reporting period. Excess hours, not to exceed six (6) hours, may be carried over and applied to the following reporting period. To qualify for credit pursuant to this rule, continuing legal education courses must be related to the appointments the attorney accepts. Continuing legal education courses regarding the death penalty, ethics, substance abuse or professionalism will not qualify for credit pursuant to this rule unless specifically related to appointments in juvenile court. Pre-service guardian ad litem training cannot be used to both obtain eligibility to receive guardian ad litem appointments and to satisfy the requirement to remain on the court appointed list.

2. Attend six (6) meetings of the C. B. A. Juvenile Law Committee and/or the Central Ohio Association of Juvenile Lawyers per Supreme Court reporting period. If an attorney accepts appointments from list 4, attendance at six (6) C. B. A. Family Law Committee meetings may be substituted for C.B.A. Juvenile Law Committee/C.O.A.J.L. meetings. Membership in the Columbus Bar Association, the C.B.A. Juvenile Law Committee, the C.B.A. Family Law Committee, and C.O.A.J.L. is encouraged but not required. One hour of continuing legal education related to his/her Juvenile Court appointments may be substituted for attendance at one meeting of the C.B.A. Juvenile Law Committee or Family Law Committee, or C.O.A.J.L., up to a maximum of six hours. Said six hours of CLE shall be in addition to the six seminar hours required in section 1 above.

3. No later than January 31 of the applicable reporting year established for the attorney pursuant to Rule X of the Supreme Court Rules for the Government of the Bar, complete an eligibility report certifying compliance with the requirements of Local Rule 4, on a form provided by the Court. If an attorney does not complete and return the annual report certifying compliance timely, (s)he will be removed from eligibility.

Attorneys added to the appointment list during the attorney's biennial reporting period, including attorneys newly admitted to the practice of law, shall not be exempt from the educational and meeting requirements of sections (E)(1) and(2) of this rule, and said requirements shall not be prorated, except if the attorney is added to the appointment list on or after July 1 of the second year of the attorney's reporting period, the attorney shall be exempt for that biennial reporting period.

4. To remain eligible to receive guardian ad litem appointments, each calendar year attorneys accepting guardians ad litem appointments must successfully complete a continuing education training which must be at least three hours in length and be provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of a majority of the judges, be a training that complies with Ohio Rule of Superintendence 48(E)(5).

If a guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve. Additionally, section (F) of this rule shall apply to guardians ad litem losing eligibility.

5. Attorneys and guardians ad litem shall promptly advise the court of any grounds for disqualification or unavailability to serve, and shall certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with division (E)(4) of this rule.

6. An individual who is serving as an appointed attorney or guardian ad litem on March 1, 2009, shall by February 28, 2010, submit an application to remain on the appointment list to the assistant court director for legal services, specifying the list(s) from which (s)he is willing to accept appointments. The application shall be accompanied by a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of an attorney or guardian ad litem, a copy of the applicant's criminal background check, the applicant's background disclosure statement, and if the individual wishes to be appointed as a guardian ad litem, a certificate of completion on the required six hour pre-service training.

(F) Removal and Reinstatement

Attorneys / guardians ad litem may be removed from the court appointment list(s) with the approval of a majority of the judges of the Domestic Relations Court. Attorneys / guardians ad litem failing to comply with the requirements of this rule, will be removed from the court appointment list. After losing eligibility for any reason, an attorney / guardian ad litem may not seek reinstatement of eligibility for six months and thereafter must submit a new application requesting reinstatement. Attorneys / guardians ad litem losing eligibility may also be required to complete the orientation, continuing education training, and meeting requirements.

(G) Annual Review and Evaluation

At least annually, the court shall conduct a review of its list to determine that all individuals are in compliance with the training and education requirements of this rule, that they have performed

satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

(H) Written Complaints

The assistant court director for legal services or his designee shall accept and consider written comments and complaints regarding the performance of attorneys and guardians ad litem practicing before that court. A copy of comments and complaints submitted to the court shall be provided to the attorney or guardian ad litem who is the subject of the complaint or comment. The assistant court director may forward any comments and complaints to the administrative judge of the court for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the attorney's / guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject attorney / guardian ad litem of the disposition.

(I) Compensation and Expenses

Rules governing billing procedures are set forth on the court's website, and hard copies are available upon request. By accepting court appointments, attorneys agree to be bound by said rules.

The court shall determine the amount of compensation an appointed attorney will receive based upon the rates of compensation as determined from time to time by the Franklin County Board of Commissioners.

(1) Prescribed Forms

Appointed attorneys and guardians ad litem seeking to be paid for fees and/or expenses shall correctly complete the forms prescribed in the Ohio Public Defender's STANDARDS AND GUIDELINES FOR APPOINTED COUNSEL REIMBURSEMENT, current edition. Appointed counsel shall use the software program provided by the Ohio Public Defender when submitting fee applications. Appointed counsel shall submit the original fee application, a time stamped entry appointing the attorney, a time stamped copy of the dispositional entry, and the financial disclosure affidavit.

Appointed attorneys and guardians ad litem shall obtain the signature of the indigent client, or parent / guardian / custodian when applicable, on the financial disclosure / affidavit of indigency form required by the Ohio Public Defender. If the indigent client or parent / guardian / custodian is unavailable to sign the form, the appointed counsel / guardian ad litem shall obtain the signature from the assigned judge or magistrate, certifying the indigency of the defendant.

(2) Expenses

Necessary and reasonable expenses may be allowed for such items as expert witness fees, polygraph costs, long distance phone calls and photocopying. Attorneys seeking reimbursement for expenses must provide receipts for all expenses in excess of one dollar. Court approval is not required for expenses up to \$100.00. However, attorneys may not fractionalize expenses to circumvent the \$100.00 cap. Prior approval by the Assigned Judge is required before incurring expenses exceeding \$100.00. When determining whether to grant expenses the Assigned Judge

shall consider the value added to the proper representation at trial, and whether there is another available alternative which would fulfill the same function at a lesser cost.

(3) Non-reimbursable expenses

Attorneys and guardians ad litem will not be reimbursed for the following expenses:

- mileage and parking incurred between the attorney's home and office, the attorney's home and court, or the attorney's office and court.
- any fixed office overhead expenses.
- Court transcripts or depositions, except as provided by law.
- lodging, meals, mileage, and travel by common carrier for the client, the client's family, the client's friends, or for the attorney's employees.

(J) Extraordinary Fees

Requests for extraordinary fees must be made by written motion submitted with supporting information, including all regular billing documents, within 30 days of the date of the journal entry disposing of the complaint or motion, or date of the journal entry approving the case plan, whichever is later. Requests for extraordinary fees will not be considered prior to disposition. If the court receives requests for extraordinary fees late, payment to the attorney will be reduced by the reimbursement rate currently being used by the Ohio Public Defender. All requests for extraordinary fees shall be submitted within sixty days of the date of the journal entry disposing of the complaint or motion, or date of the journal entry approving the case plan, whichever is later. Applications submitted beyond sixty days will not be paid.

An award for extraordinary fees will be made only with the approval of a majority of all the Judges of the Domestic Relations Court. Extraordinary fees will be granted only in complex cases involving multiple counts dealing with multiple separate incidents which require an extraordinary amount of trial preparation time, cases that involve unique legal issues, cases that require multiple types of hearings (e.g., motion to relinquish jurisdiction denied and SYO subsequently filed), or cases requiring extended days of trial. Motions for extraordinary fees must be accompanied by an itemized time log clearly reflecting the date of service, nature of services rendered and hours worked.

(K) Mentors: Experienced juvenile attorneys will be available to mentor new applicants. All communications between an attorney mentor and his client in the presence of an attorney applicant participating in the orientation, shall be deemed confidential and the attorney/client privilege shall apply.

(Amended Effective 7/1/95; 2/10/97; 2/9/98; 1/1/00; 8/1/00; 10/1/04; 4/1/06; 3/23/09)