

## **EXECUTIVE ORDER**

Pursuant to the authority vested in the Chief Justice of the Rhode Island Supreme Court by G.L. § 8-15-2 and in order to provide competent legal representation, to ensure that the distribution of court appointments (for indigent defense services or certain civil panels) is made in a fair and equitable fashion, to provide a uniform and efficient system for making such appointments, to provide a uniform and efficient system for payment of services by the Rhode Island Judiciary to counsel when applicable, and to serve the public interest, it is hereby ordered that the Supreme, Superior, Family, District, and Workers' Compensation Courts establish and supervise a rotating list of qualified attorneys available for court appointments in those cases that fall within their respective jurisdictions, as set forth herein. With the assistance of the courts, the lists of qualified attorneys shall be monitored and maintained by the Administrative Office of State Courts through the Rhode Island Supreme Court Attorney Portal.

***Judges and magistrates are not authorized to appoint indigent defense counsel to a case unless counsel is certified on the respective indigent defense services panel. Absent certification, counsel shall not be entitled to payment for services rendered.***

### **A. APPLICATION FOR COURT APPOINTMENT PANELS**

#### **Certification**

In order to provide a uniform and efficient system for court appointments, counsel shall submit the Court Appointment Certification application to the Chief Justice, Presiding Justice, or Chief Judge of the respective court. Counsel may be certified for rotating court appointments on a case-by-case basis or as a duty attorney based upon:

- (1) The general requirements listed in Section B;
- (2) Continuing legal education related to the panel(s) listed in Section C;
- (3) Experience in the panel area; and
- (4) Any other relevant experience.

Indigent defense services may also be provided by contractual agreement with a state agency, state or local bar association, non-profit organization, bar advocate group, or any other affiliated group of attorneys organized to afford representation to indigent defendants.

The chief justice, presiding justice, or chief judge of each court, in his or her discretion, shall assign counsel to the panels as requested if said counsel is deemed qualified for court appointments. Appointments from the indigent defense service panels shall be made only after the filing of written certification by the Office of the Public Defender of the person's inability to pay for counsel and the existence of a conflict of interest on the part of that office in accepting the individual as a client. Appointments from the Family Court guardian ad litem for child protection and wayward/delinquency panels shall be made only after written certification of a conflict of interest by

the Office of the Court Appointed Special Advocate. Written certifications shall be placed in the case file. ***No payments shall be made for any indigent defense services performed in the absence of a written certification of conflict in accordance with this paragraph.***

### **Recertification**

In order for counsel to remain on a court appointment panel, counsel shall submit a Court Appointment Recertification application by August 15 of each year. Counsel may be recertified for court appointments based upon the general requirements and continuing legal education related to the panel(s) listed in Sections B and C, respectively. If counsel fails to obtain recertification by August 15 of each year, counsel shall have to complete the original certification process to be appointed to the panels.

***The acceptance or denial of a certification or recertification application or the removal of any attorney for any proper reason from a court appointment panel(s) is confided to the sound discretion of the chief justice, the presiding justice, or the chief judge of each court, and counsel shall be provided with notice and reason if applicable.***

The chief justice, presiding justice, or chief judge shall conduct an annual review of the court's recertification list of counsel for his or her court and shall file a report by August 31 of each year with the Administrative Office of State Courts. The Office of Disciplinary Counsel shall also review the recertification list of counsel for each court and shall file a report by August 31 of each year with the Administrative Office of State Courts.

### **Court Appointment Panels**

Court appointment panels shall be structured to include as large a list of qualified and willing attorneys as is feasible. Such panels may be subdivided by geographical areas relevant to court jurisdictions, including county courts and divisions, if appropriate. Appointments from the respective panels shall be made in accordance with a rotating system. However, in the discretion of the chief justice, the presiding justice, or the chief judge of each court, an attorney who has been previously appointed to represent a party may be appointed out of rotation to represent that party in any matter arising out of the same transaction or in other circumstances where economies of time and expense may be achieved. Any other deviation from the rotating system shall be occasioned only when specialized expertise, conflict of interest, emergency need, or counsel court excusal are factors. When deviations do occur, such reasons shall be noted by the judge, magistrate, or clerk in the case file and/or case management system.

In the Family Court, court appointed counsel shall provide representation in a case throughout all stages of adjudication in the Family Court. This shall include representation in any termination of parental right actions arising out of a petition for dependency/neglect/abuse where a continuing conflict of interest occurs with the public defender or other contract legal services.

### **General Requirements for Court Appointment Panels**

The general requirements for counsel to be certified or recertified to a court appointment panel(s) are as follows:

- (1) Counsel shall be a member of the Rhode Island Bar in good standing;

(2) Counsel shall have in effect legal malpractice insurance in a minimum amount of \$100,000 per claim/\$300,000 aggregate with a carrier licensed to issue insurance policies in the State of Rhode Island and shall provide proof of same;

(3) In matters that may involve the handling and managing of funds, counsel shall acquire bonding by a surety bond in an amount equal to the total funds being managed;

(4) Counsel shall be available to provide sufficient training, such training to be determined by the chief judge, the presiding justice, or the chief judge of each court, for attorneys seeking to qualify for court appointment;

(5) Only certified counsel on a panel shall provide representation in the appointed cases. Counsel may not send an associate in his or her firm or any other individual in his or her place to represent a party; and

(6) Counsel may be removed from a panel by the chief justice, the presiding justice, and the chief judge of each court if he or she refuses to accept an appointment without good cause or fails to meet any of the general requirements listed above.

## **B. QUALIFICATIONS FOR COURT APPOINTMENT PANELS**

In addition to the general requirements listed above, the categories of cases for which separate court appointment panels shall be created and maintained and the specific qualifications for certification and recertification to each, shall be as follows:

<b>SUPREME COURT</b>		
<b>Indigent Defense Services</b>	<b>Certification</b>	<b>Recertification</b>
Criminal Appeal	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous mandatory continuing legal education (MCLE) reporting year.
	2. Service as a law clerk to a justice of the Supreme Court, <u>or</u> Prior experience as a staff attorney with the Supreme Court, <u>or</u> Prior experience in the argument of at least two (2) appeals, whether civil or criminal.	
	3. Completion of six (6) hours in criminal law and/or procedure in the previous mandatory continuing legal education (MCLE) reporting year.	

Miscellaneous Appeals and Petitions <sup>1</sup>	1. Member of the Rhode Island Bar for at least five (5) years.	1. Recertified in the specific Supreme Court indigent defense services panel.
	2. Service as a law clerk to a justice of the Supreme Court, <b><u>or</u></b> Prior experience as a staff attorney with the Supreme Court, <b><u>or</u></b> Prior experience in the argument of at least two (2) appeals, whether civil or criminal.	
	3. Certified in the specific Supreme Court indigent defense services panel.	
Post-conviction Relief Appeal	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Service as a law clerk to a justice of the Supreme Court, <b><u>or</u></b> Prior experience as a staff attorney with the Supreme Court, <b><u>or</u></b> Prior experience in the argument of at least two (2) appeals, whether civil or criminal.	
	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Termination of Parental Rights Appeal	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Service as a law clerk to a justice of the Supreme Court, <b><u>or</u></b> Prior experience as a staff attorney with the Supreme Court, <b><u>or</u></b> Prior experience in the argument of at least two (2) appeals, whether civil or criminal.	
	3. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.	

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<sup>1</sup> The Supreme Court, in its discretion, may appoint counsel to handle Miscellaneous Appeals and Petitions including those seeking the issuance of an extraordinary writ provided that the underlying case qualifies for indigent defense services.

SUPERIOR COURT		
Indigent Defense Services	Certification	Recertification
Murder	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Prior representation of any party in a murder trial to verdict, <u><b>or</b></u> Prior representation of any party in at least two (2) murder trials to verdict as associate counsel under the supervision of an attorney, <u><b>or</b></u> Demonstrate commensurate experience to the satisfaction of the Presiding Justice.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
Murder – Post-conviction Relief	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Prior representation of any party in a murder trial to verdict, <u><b>or</b></u> Prior representation of any party in at least two (2) murder trials to verdict as associate counsel under the supervision of an attorney, <u><b>or</b></u> Prior representation of any party in at least three (3) class 1 felony trials to verdict, <u><b>or</b></u> Prior representation of any party in at least three (3) class 1 felony trials to verdict as associate counsel under the supervision of an attorney, <u><b>or</b></u> Demonstrate commensurate experience to the satisfaction of the Presiding Justice.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
Class 1 Felony – Carries a penalty of more than ten (10) years' imprisonment	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or
	<p>2. Prior representation of any party in at least three (3) class 1 felony trials to verdict, <u><b>or</b></u> Prior representation of any party in at least three (3) class 1 felony trials to verdict as associate counsel under the supervision of an attorney.</p>	procedure in the previous MCLE reporting year.

	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Class 1 Felony – Post-conviction Relief	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) class 1 felony trials to verdict, <u><b>or</b></u> Prior representation of any party in at least three (3) class 1 felony trials to verdict as associate counsel under the supervision of an attorney, <u><b>or</b></u> Demonstrate commensurate experience to the satisfaction of the Presiding Justice.	
	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Extreme Risk Protection Orders	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) class 1 felony trials to verdict, <u><b>or</b></u> Prior representation of any party in at least three (3) class 1 felony trials to verdict as associate counsel under the supervision of an attorney, <u><b>or</b></u> Demonstrate commensurate experience to the satisfaction of the Presiding Justice.	
	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Class 2 Felony – Carries a penalty of imprisonment of ten (10) years or less	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) felony trials to verdict, <u><b>or</b></u> Prior representation of any party in at least three (3) felony trials to verdict as associate counsel under the supervision of an attorney.	
	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	

Class 2 Felony – Post-conviction Relief	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) felony trials to verdict, <u>or</u> Prior representation of any party in at least three (3) felony trials to verdict as associate counsel under the supervision of an attorney, <u>or</u> Demonstrate commensurate experience to the satisfaction of the Presiding Justice.	
	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Misdemeanor	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <u>or</u> Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as associate counsel under the supervision of an attorney.	
	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Misdemeanor – Post-conviction Relief	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <u>or</u> Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as associate counsel under the supervision of an attorney, <u>or</u> Demonstrate commensurate experience to the satisfaction of the Presiding Justice.	
	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Sexual Violent Predator	1. Member of the Rhode Island Bar for at least one (1) year.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. One (1) year of general criminal litigation experience.	

	3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Violation of Court Order for payment of Fines, Costs, and/or Restitution or Courtroom 14 (Fines, Costs, and/or Restitution Calendar), Licht Judicial Complex	1. Member of the Rhode Island Bar for at least one (1) year. 2. One (1) year of general criminal litigation experience. 3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
Courtrooms 5-G (Pre-arraignment Calendar) and 9 (Daily Criminal Calendar), Providence/Bristol County	1. Member of the Rhode Island Bar for at least one (1) year. 2. One (1) year of general criminal litigation experience. 3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
<b>Civil Panels</b>	<b>Certification</b>	<b>Recertification</b>
Attorney Appointed Pursuant to Servicemembers Civil Relief Act (50 U.S.C.A. App. § 520, et seq.)	1. Member of the Rhode Island Bar for at least three (3) years. 2. Experience in real estate law, municipal tax law, and title searches. 3. Completion of six (6) hours in civil litigation in the previous MCLE reporting year.	1. Completion of six (6) hours in civil litigation in the previous MCLE reporting year.
Guardian Ad Litem – Partition Action	1. Member of the Rhode Island Bar for at least five (5) years. 2. Concentration of the attorney’s law practice in the field of real estate, tax law, and title searches. 3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
Guardian Ad Litem – Personal Injury	1. Member of the Rhode Island Bar for at least five (5) years. 2. Concentration of the attorney’s law practice in the field of personal injury law. 3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
Guardian Ad Litem – Probate	1. Member of the Rhode Island Bar for at least five (5) years. 2. Concentration of the attorney’s law practice must involve probate matters.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.



	3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Commissioner for Real Estate	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Concentration of the attorney's practice must be in real estate, including the handling of title searches and closings, as well as familiarity with the requirements for title insurance policies, marketability of title for insurance purposes, and proof of errors and omissions coverage with real estate riders.	
	3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Receiver/Trustee	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Substantial experience and practice in receivership, creditors' rights, insolvency, and/or bankruptcy matters.	
	3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Title Attorney/Tax Case – Petition to Foreclose Equities of Redemption	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Two (2) years' experience in examining titles incident to real estate conveyances or in examining titles for petitions to foreclose equities of redemption.	
	3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	

FAMILY COURT		
Indigent Defense Services	Certification	Recertification
Arraignment – Wayward/Delinquency, Dependency/Neglect/Abuse, and Termination of Parental Rights	1. Certified in the specific Family Court indigent defense services panel.	1. Recertified in the specific Family Court indigent defense services panel.
Dependency/Neglect/Abuse	<p>1. Member of the Rhode Island Bar in good standing.</p> <p>2. Prior representation of any party in at least three (3) neglect or abuse cases from initiation to completion of the action, <u><b>or</b></u>  Prior representation of any party in at least three (3) dependency/neglect/abuse cases from initiation to completion of the action as an associate counsel under the supervision of an attorney, <u><b>or</b></u>  Satisfactory completion of an in-house training program established by the Family Court and representation of any party in at least one (1) neglect or abuse case from initiation to completion of the action, <u><b>or</b></u>  Satisfactory completion of an in-house training program established by the Family Court and representation of any party in at least one (1) dependency/neglect/abuse case from initiation to completion of the action as an associate counsel under the supervision of an attorney, <u><b>or</b></u>  Demonstrated commensurate experience in the area of child welfare and/or juvenile law to the satisfaction of the Chief Judge.</p> <p>3. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.

Felony (Adult)	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) felony trials to verdict, <u>or</u> Prior representation of any party in at least three (3) felony trials to verdict as an associate counsel under the supervision of an attorney.	
	3. Prior representation of any party in at least three (3) Family Court trials involving either a child abuse or neglect case to verdict or decision.	
	4. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Felony (Adult) Post Conviction Relief	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) felony trials to verdict, <u>or</u> Prior representation of any party in at least three (3) felony trials to verdict as an associate counsel under the supervision of an attorney.	
	3. Prior representation of any party in at least three (3) Family Court trials involving either a child abuse or neglect case to verdict or decision.	
	4. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Guardian Ad Litem for Child Protection and Wayward/Delinquency	1. Member of the Rhode Island Bar in good standing.	1. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Review – Wayward/Delinquency, Dependency/Neglect/Abuse, and Termination of Parental Rights	1. Certified in the specific Family Court indigent defense services panel.	1. Recertified in the specific Family Court indigent defense services panel.

Misdemeanor (Adult)	1. Member of the Rhode Island Bar in good standing.	1. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) family court cases involving child abuse, neglect, or juvenile justice to dispositions, <u>or</u> Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney.	
	3. Prior representation of any party in at least three (3) Family Court cases to decision, involving either a child abuse or neglect case.	
	4. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Misdemeanor (Adult) – Post-conviction Relief	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <u>or</u> Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney.	
	3. Prior representation of any party in at least three (3) Family Court trials involving either a child abuse or neglect case to verdict or decision.	
	4. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.	

Termination of Parental Rights	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) trials, one of which must involve a termination of parental rights, <u><i>or</i></u>  Prior representation of any party in at least three (3) trials, one of which must involve a termination of parental rights as an associate counsel under the supervision of an attorney; <u><i>or</i></u>  Satisfactory completion of an in-house training program established by the Family Court and representation of any party in at least one (1) dependency/neglect/abuse case from initiation to completion of the action, <u><i>or</i></u>  Satisfactory completion of an in-house training program established by the Family Court and representation of any party in at least one (1) dependency/neglect/abuse case from initiation to completion of the action as an associate counsel under the supervision of an attorney, <u><i>or</i></u>  Demonstrated commensurate experience and practice in the area of child welfare and/or juvenile law to the satisfaction of the Chief Judge.</p> <p>3. Completion of six (6) hours in child welfare and/or juvenile justice law in the previous MCLE reporting year.</p>	<p>1. Completion of six (6) hours in child welfare and/or juvenile justice law in the previous MCLE reporting year.</p>
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Violation of Court Order for Child and/or Spousal Support	1. Member of the Rhode Island Bar for at least one (1) year.	1. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. One (1) year litigation experience in the Family Court.	
	3. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Waiver of Jurisdiction and Certification Hearing	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in juvenile justice and/or criminal law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Demonstrated experience including prior representation of any party in at least three (3) juvenile justice and/or criminal law cases, <u>or</u> Demonstrated experience including prior representation of any party in at least three (3) juvenile justice or criminal law cases as an associate counsel under the supervision of an attorney, <u>or</u> Commensurate experience in juvenile justice or criminal law to the satisfaction of the Chief Judge.	
	3. Completion of three (3) hours in juvenile justice and/or criminal law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Wayward	1. Member of the Rhode Island Bar in good standing.	1. Completion of three (3) hours in family law, juvenile justice, or criminal law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) wayward/delinquency cases from initiation to completion of the action, <u>or</u> Prior representation of any party in at least three (3) wayward/delinquency cases from initiation to completion of the action as an associate counsel under the supervision of an attorney, <u>or</u> commensurate experience in juvenile justice or criminal law to the satisfaction of the Chief Judge.	

	3. Completion of three (3) hours in family law, juvenile justice, or criminal law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Delinquency	<p>1. Member of the Rhode Island Bar in good standing.</p> <p>2. Prior representation of any party in at least three (3) wayward/delinquency cases from initiation to completion of the action, <u>or</u> Prior representation of any party in at least three (3) wayward/delinquency cases from initiation to completion of the action as an associate counsel under the supervision of an attorney, <u>or</u> commensurate experience in juvenile justice or criminal law to the satisfaction of the Chief Judge.</p> <p>3. Completion of three (3) hours in family law, juvenile justice, or criminal law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. Completion of three (3) hours in family law, juvenile justice, or criminal law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.
<b>Civil Panels</b>	<b>Certification</b>	<b>Recertification</b>
Attorney Appointed Pursuant to Service Members Civil Relief Act (50 U.S.C.A. App. § 520, et seq.)	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Three (3) years of litigation experience in Family Court.</p> <p>3. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.
Commissioner for Real Estate	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of three (3) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.

	2. Concentration of attorney's practice in real estate, including the handling of title searches and closings, as well as familiarity with the requirements for title insurance policies, marketability of title for insurance purposes, and proof of errors and omissions coverage with real estate riders.	
	3. Completion of three (3) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Guardian Ad Litem for Domestic Relations Case Receiver	See Rhode Island Family Court Administrative Order 2018-03, Guardian Ad Litem Standards for Domestic Relations Cases.	
Receiver	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of three (3) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Substantial experience and practice in receivership, creditors' rights, insolvency, and/or bankruptcy matters.	
	3. Completion of three (3) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	

DISTRICT COURT		
Indigent Defense Services	Certification	Recertification
Class 1 Felony – Carries a penalty of more than ten (10) years imprisonment. <sup>2</sup>	1. Certified in the Superior Court indigent defense services panel.	1. Recertified in the Superior Court indigent defense services panel.
Class 2 Felony – Carries a penalty of imprisonment of ten (10) years or less	1. Certified in the Superior Court indigent defense services panel.	1. Recertified in the Superior Court indigent defense services panel.

<sup>2</sup> Appointments made by the District Court in Class 1 and Class 2 felonies shall be from the corresponding indigent defense services panels in the Superior Court.



Driving Under Influence of Liquor or Drugs	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <b><i>or</i></b> Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney.	
	3. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Driving Under Influence of Liquor or Drugs – Post-conviction Relief	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <b><i>or</i></b> Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney.	
	3. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Misdemeanor	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <b><i>or</i></b> Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney.	
	3. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Misdemeanor – Post-conviction Relief	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <b><i>or</i></b> Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney.	

	3. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.	
Violation of Court Order for payment of Fines, Costs, and/or Restitution	1. Member of the Rhode Island Bar for at least one (1) year.	1. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.
	2. One (1) year of general criminal litigation experience.	
	3. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.	
<b>Civil Panels</b>	<b>Certification</b>	<b>Recertification</b>
Attorney Appointed Pursuant to Servicemembers Civil Relief Act (50 U.S.C.A. App. § 520, et seq.)	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in civil litigation in the previous MCLE reporting year.
	2. Concentration of the attorney's law practice in general litigation.	
	3. Completion of six (6) hours in civil litigation in the previous MCLE reporting year.	
Commissioner for Real Estate	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Concentration of the attorney's practice must be in real estate, including the handling of title searches and closings, as well as familiarity with the requirements for title insurance policies, marketability of title for insurance purposes, and proof of errors and omissions coverage with real estate riders.	
	3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Guardian Ad Litem	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Concentration of the attorney's law practice in general litigation.	
	3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	

Receiver/Trustee	1. Member of the Rhode Island Bar for at least five (5) years.	1. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.
	2. Substantial experience and practice in receivership, creditors' rights, insolvency, and/or bankruptcy matters.	
	3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.	
Mental Health Civil Certification	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of six (6) hours in mental health or criminal law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of any party in at least three civil certification hearings and/or criminal defense litigation, <b><u>or</u></b> Prior representation of any party in at least three (3) civil certification hearings and/or criminal defense litigation as an associate counsel under the supervision of an attorney, <b><u>or</u></b> Demonstrated commensurate experience to the satisfaction of the Chief Judge.	
	3. Completion of six (6) hours in mental health or criminal law and/or procedure in the previous MCLE reporting year.	

<b>WORKERS' COMPENSATION COURT</b>		
<b>Civil Panels</b>	<b>Certification</b>	<b>Recertification</b>
Guardian	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in workers' compensation law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of petitioners or respondents in at least five (5) workers' compensation cases from pretrial dispositions through trial decision and decree within the past twelve (12) months.	
	3. Completion of three (3) hours in workers' compensation law and/or procedure in the previous MCLE reporting year.	
Unrepresented Employee in Settled Case	1. Member of the Rhode Island Bar for at least three (3) years.	1. Completion of three (3) hours in workers' compensation law and/or procedure in the previous MCLE reporting year.
	2. Prior representation of petitioners or respondents in at least five (5) workers' compensation cases from pretrial dispositions through trial decision and decree within the past twelve (12) months.	
	3. Completion of three (3) hours in workers' compensation law and/or procedure in the previous MCLE reporting year.	

### **C. FEE SCHEDULE**

The rates of compensation to be paid by the Rhode Island Judiciary to court appointed counsel shall not differentiate between in-court and out-of-court time spent by counsel on a matter. In addition to the fees set forth below, counsel shall be entitled to all reasonable expenses of litigation including cost of transcripts, expert witness fees, investigators' fees, and fees for service of subpoenas in those instances where subpoenas have not been served by court order without cost. Application for expert witness authorization may be made ex parte without notification to the Attorney General or other adverse parties. Notwithstanding, all witness travel and travel expenses must be approved by the judicial officer hearing the case in accordance with the applicable Rhode Island General Laws.

If a case requires an investigator, counsel shall first obtain a court order allowing the expense with a threshold amount not to exceed \$500.00 initially. If the investigator fees exceed the threshold amount, counsel shall submit another court order approving any overage. When submitting reimbursement for the investigator fees, counsel shall upload the court order(s) and investigator invoice(s) with his or her timesheet.'

The thresholds and flat fees set by this schedule shall apply to all time spent and all the hearings required in a particular case to reach adjudication and shall include all post disposition efforts unless noted otherwise. In cases wherein the fees or expenses sought are less than the threshold, approval shall be automatic, and your payment status will be noted online in the Payment for Indigent Defense Services section on the Rhode Island

Supreme Court Attorney Portal. Where the fees or expenses sought exceed the threshold in the Supreme Court, counsel shall file a Motion to Exceed Threshold Payment (see the Supreme Court forms on the Judiciary's website) and the Timesheet Exception Approval form (the Finance and Budget Office will email the document to counsel upon request) with the Administrative Assistant to Chief Justice within thirty (30) days from disposition of the case. Final determination of payment shall be made by the Supreme Court in conference. Where the fees or expenses sought exceed the threshold in the Superior, Family, or District Courts, the trial justice or judge at disposition shall make a recommendation regarding the advisability of exceeding the threshold amount, but the final determination of payment shall be made by the presiding justice or by the chief judge of the respective court.

The fee schedule shall be as follows:

<b>SUPREME COURT</b>		
<b>Indigent Defense Services</b>		
Criminal Appeal	\$85/hour	\$5,200 threshold
Miscellaneous Appeals and Petitions	\$85/hour	\$5,200 threshold
Post-conviction Relief Appeal	\$85/hour	\$5,200 threshold
Termination of Parental Rights Appeals	\$85/hour	\$5,200 threshold
Expenses		\$500 threshold

<b>SUPERIOR COURT</b>		
<b>Indigent Defense Services</b>		
Murder	\$100/hour	\$30,000 threshold
Murder - Post-conviction Relief	\$100/hour	\$7,500 threshold
Class 1 Felony	\$90/hour	\$10,000 threshold
Class 1 Felony - Post-conviction Relief	\$90/hour	\$5,500 threshold
Extreme Risk Protection Orders	\$90/hour	\$3,000 threshold
Class 2 Felony	\$60/hour	\$5,000 threshold
Class 2 - Post-conviction Relief	\$60/hour	\$3,500 threshold
Misdemeanor	\$50/hour	\$1,500 threshold
Misdemeanor - Post-conviction Relief	\$50/hour	\$750 threshold
Sexual Violent Predator	\$50/hour	\$1,500 threshold
Violation of Court Order for Payment of Fines, Costs, and/or Restitution	\$30/hour	\$1,500 threshold
Courtroom 14 (Fines, Costs, and/or Restitution Calendar), Licht Judicial Complex		\$200/day - 10:30 a.m. to 12:30 p.m. and from 2:00 p.m. to 4:00 p.m.
Courtrooms 5-G (Pre-arraignment Calendar), Providence/Bristol County and 9 (Daily Criminal Calendar), Providence/Bristol County		\$300/day - 9:00 a.m. to 12:30 p.m. and from 2:00 p.m. to 4:30 p.m.
Expenses		\$500 threshold
<b>Civil Panels</b>		
Attorney Appointed Pursuant to Servicemembers Civil Relief Act <sup>3</sup> (50 U.S.C.A. App. § 520, et seq.)		

<sup>3</sup> Attorneys appointed under this panel are viewed as serving in the capacity similar to a guardian ad litem.

Guardian Ad Litem – Partition Action
Guardian Ad Litem – Personal Injury
Guardian Ad Litem – Probate
Commissioner for Real Estate
Receiver/Trustee
Title Attorney/Tax Case – Petition to Foreclose Equities of Redemption

<b>FAMILY COURT</b>		
Indigent Defense Services		
Dependency/Neglect/ Abuse	\$90/hour	\$2,500 threshold
Arrestment	\$30/hour	In the event of multiple arrestments, no more than a total of \$100 for all arrestments \$1,000 threshold
Review	\$60 flat fee per review, to include preparation, waiting, and court time	
Felony (Adult)	\$60/hour	\$5,000 threshold
Felony (Adult) - Post-conviction Relief	\$60/hour	\$2,500 threshold
Guardian Ad Litem for Child Protection and Wayward/Delinquency	\$50/hour	\$2,000 threshold
Misdemeanor (Adult)	\$50/hour	\$1,500 threshold
Termination of Parental Rights	\$90/hour	\$5,400 threshold
Arrestment	\$30/hour	In the event of multiple arrestments, no more than a total of \$100 for all arrestments \$1,500 threshold
Review	\$60 flat fee per review, to include preparation, waiting, and court time	
Violation of Court Order for Child and/or Spousal Support	\$30/hour	\$2,500 threshold
Waiver of Jurisdiction and Certification Hearing	\$90/hour	\$3,500 threshold
Wayward	\$50/ hour	\$1,000 threshold
Arrestment	\$30/hour	In the event of multiple arrestments, no more than a total of \$100 for all arrestments \$1,000 threshold
Review	The fee shall be \$30 per hour or \$60 per review per juvenile,	

Fees and expenses should be assessed by the court in the same manner as those incurred by a court appointed guardian ad litem in civil cases. In those rare instances where payment is to be made by the Rhode Island Judiciary, the fee shall be \$50 per hour.

	whichever is less, to include preparation, waiting, and court time	
Delinquency	\$90/ hour	\$2,500 threshold Payment for wayward and delinquent petitions filed on the same date and arising from the same incident or event may be charged at the delinquency rate (\$90) for time spent in the preparation and execution of the client's defense
Expenses		\$500 threshold
<b>Civil Panels</b>		
Attorney Appointed Pursuant to Servicemembers Civil Relief Act <sup>4</sup> (50 U.S.C.A. App. § 520, et seq.)		
Commissioner for Real Estate		
Guardian Ad Litem for Domestic Relations Case		
Receiver		

<b>DISTRICT COURT</b>		
<b>Indigent Defense Services</b>		
Class 1 Felony	\$90/hour	\$10,000 threshold
Class 2 Felony	\$60/hour	\$5,000 threshold
Driving Under Influence of Liquor or Drugs	\$50/hour	\$2,500 threshold
Driving Under Influence of Liquor or Drugs - Post-conviction Relief	\$50/hour	\$750 threshold
Misdemeanor	\$50/hour	\$1,800 threshold
Misdemeanor - Post-conviction Relief	\$50/hour	\$750 threshold
Violation of Court Order for Payment of Fines, Costs, and/or Restitution	\$30/hour	\$1,500 threshold
Mental Health Civil Certification	\$90/hour	\$3,500 threshold
Expenses		\$500 threshold
<b>Civil Panels</b>		
Attorney Appointed Pursuant to Servicemembers Civil Relief Act <sup>5</sup> (50 U.S.C.A. App. § 520, et seq.)		
Commissioner for Real Estate		

<sup>4</sup> Attorneys appointed under this panel are viewed as serving in the capacity similar to a guardian ad litem. Fees and expenses should be assessed by the court in the same manner as those incurred by a court appointed guardian ad litem in civil cases. In those rare instances where payment is to be made by the Rhode Island Judiciary, the fee shall be \$50 per hour.

<sup>5</sup> Attorneys appointed under this panel are viewed as serving in the capacity similar to a guardian ad litem. Fees and expenses should be assessed by the court in the same manner as those incurred by a court appointed guardian ad litem in civil cases. In those rare instances where payment is to be made by the Rhode Island Judiciary, the fee shall be \$50 per hour.

Guardian Ad Litem
Receiver/Trustee

## **WORKERS' COMPENSATION COURT**

### **Civil Panels**

Guardian	Fee at the discretion of the trial judge
Unrepresented Employee in Settled Case	Fee at the discretion of the trial judge

### **D. REQUEST FOR PAYMENT**

All requests for payment for the indigent defense services panels shall be made online via the Payment for Indigent Defense Services on the Rhode Island Supreme Court Attorney Portal. Submission of payment online shall be mandatory beginning on October 10, 2012. The accuracy and veracity of the information shall be attested to by requesting counsel.

Counsel seeking payment for court appointed cases shall submit such requests in the following instances: 1) No later than thirty (30) days after the representation has concluded and authorization has been granted, if required; 2) No later than thirty (30) days after new counsel enters an appearance in the case; 3) No later than thirty (30) days after counsel's service is discontinued on the case; and 4) In cases where partial payment is permitted.

**Requests for payment that are submitted after the above-mentioned time periods shall not be approved for payment.**

Partial payment is permitted in three (3) instances. First, in the Family Court, requests for payment shall be submitted by the 30<sup>th</sup> of each month for services rendered. Second, in lengthy cases where counsel has worked on the matter for more than one (1) year, counsel may submit a timesheet for services rendered to date and is allowed to do so for each subsequent year or until final disposition. Third, in cases where a defendant fails to appear and a warrant has been issued, counsel may submit a timesheet for partial payment six (6) months from the issuance date of the warrant.

### **E. ATTORNEYS ATTAINING AGE SEVENTY (70) EXEMPT FROM CONTINUING LEGAL EDUCATION REQUIREMENTS**

Attorneys who have reached seventy (70) years of age shall be exempt from the annual completion of continuing legal education prerequisites established in this Executive Order as a condition for court appointment recertification to the panels on the respective courts.

This Executive Order shall take effect on August 29, 2022 and supersedes and repeals Executive Order No. 2019-06 dated June 28, 2019; Executive Order 2013-07 dated July 15, 2013; Executive Order No. 2012-06 dated September 28, 2012; Executive Order No. 2009-06 dated October 29, 2009; Executive Order 2008-02 dated February 6, 2008; Executive Order 2007-05 dated October 9, 2007; Executive Order No. 2004-04 dated September 14, 2004; Executive Order No. 2004-02 dated March 19, 2004; Executive Order No. 2000-02 dated September 13, 2000; Executive Order No. 2000-01 dated July 10, 2000; Executive Order No. 1999-08 dated November 22, 1999; Executive Order No. 1998-08 dated November 17, 1998; Executive Order No. 1998-04 dated July 3, 1998; Executive Order No. 1995-02 dated April 19, 1995; and Executive Order No. 1995-01 dated April 7, 1995.



Entered as an Executive Order of this court this 29<sup>th</sup> day of August, 2022.

ENTER:

By Order,

\_\_\_\_\_/s/  
Paul A. Suttell  
Chief Justice

\_\_\_\_\_/s/  
Clerk