

We recognize in cases where no attorney on the registry is available to accept appointment that it may be necessary to appoint an attorney who is not on the registry. We have developed a one-time contract (limited to each specific case) to use in this unusual situation. We believe it's appropriate for the court to make a finding of good cause to not use a registry attorney when making the appointment (s. 27.40(3)(b)). Below, for your consideration, is a suggested order to make an off-registry appointment. In this case I understand the attorney has been appointed to represent the defendant on a capital case. If the court finds there is good cause to appoint the same attorney to represent the defendant on a companion, non-capital, case, even though the attorney is not on the registry for that type of case (the attorney is only on the capital registry), we will need a non-standard one-time contract for the appointment for the non-capital case. The court-appointed counsel should send a copy of the Order of Appointment and the charging document to JAC. Following receipt, we will forward two copies of the contract to the attorney for execution and return to JAC for signature. A fully executed copy will be returned to counsel for his/her file. Please let me know if you have any questions.

For this case, the following is offered for your consideration and should address most of the issues:

ORDER APPOINTING COUNSEL NOT ON THE REGISTRY
TO REPRESENT AN INDIGENT DEFENDANT

THIS CAUSE having come before the Court upon motion for appointment of counsel for representation of _____ (Defendant), in the above entitled cause; and

The Court having reviewed the motion and being advised of the premises finds:

1. Defendant is an indigent person entitled to court-appointed counsel.
2. Attorney _____ (Counsel) is included on the registry of attorneys approved to accept court appointment (Registry) created by the Article 5 Indigent Services Committee of the _____ Circuit (ISC) for capital cases. The court has appointed Counsel to represent Defendant in a capital case, Case No. _____. Counsel is not on the Registry to accept appointment for the type of case in this cause. In the interest of justice and judicial economy it is appropriate to appoint Counsel to represent Defendant in this cause.

ORDERED AND ADJUDGED that _____, is appointed to represent the Defendant in this cause. This appointment is subject to the applicable Florida Statutes, rates and terms and conditions approved by the ISC, and the contract and Policies and Procedures of the Justice Administrative Commission (JAC). No payment shall be due from JAC until court-appointed counsel has executed the JAC one-time contract for this cause.

DONE AND ORDERED at _____, _____, County, Florida, this _____ day of _____, 200____.

HON.

CIRCUIT COURT JUDGE