

**THE ELEVENTH JUDICIAL CIRCUIT  
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 14-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 14-12  
(Rescinds AO Nos. 12-02, including  
amendments 12-02 (A-1) and 12-02  
(A2))**

**IN RE: RE-ESTABLISHMENT OF  
PROCEDURE FOR APPOINTMENT  
OF COUNSEL IN CRIMINAL AND  
CIVIL PROCEEDINGS**

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**WHEREAS**, the Chief Judge of the Eleventh Judicial Circuit, pursuant to Rule 2.215, Florida Rule of Judicial Administration, has the authority to adopt administrative orders necessary to ensure the operation of the Eleventh Judicial Circuit (“Court”); and

**WHEREAS**, Section 27.40, Florida Statutes, sets forth the duties and responsibilities of the Chief Judge in establishing a registry of attorneys for appointment to represent persons in those cases in which the Office of Criminal Conflict and Civil Regional Counsel is unable to provide representation due to a conflict of interest, and providing same to the Clerk of Courts; and

**WHEREAS**, Chapter 2014-49, Laws of Florida, effective July 1, 2014, amends Section 27.40, Florida Statutes, and eliminates the limited registry for private counsel willing to waive compensation in excess of the flat fee prescribed in Section 27.5304, Florida Statutes, notwithstanding the provisions of Section 27.5304 (12), Florida Statutes;

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby **ORDERED**:

**1. APPOINTMENT TO REGISTRY.**

The selection, approval, and continuation of a private attorney on the registry is dependent upon qualifications, training, and other factors as determined by the Chief Judge by and through the Eleventh Judicial Circuit Court Screening Committees, as established pursuant to

Administrative Order No. 1-12-03, for the criminal and juvenile delinquency registry, juvenile dependency and termination of parental rights registry, and probate and guardianship registry. The number of appointments an attorney receives is subject to the number of cases filed, the number of cases for which the Office of Public Defender (Public Defender) or Office of Criminal Conflict and Civil Regional Counsel (Regional Counsel) cannot provide representation, and the number of attorneys on the registry. Attorneys shall be responsible for entering into any and all Agreements required by the Justice Administrative Commission (JAC). The Chief Judge will advise the JAC and Clerk of Courts (Clerk) of the attorneys to be added to or removed for cause from the registry.

**3. REGISTRY APPLICATIONS.**

An attorney must complete an application for each of the respective division's registries. The respective division's registry applications with corresponding instructions and requirements may be found on the Eleventh Judicial Circuit Court website located at [www.jud.11.flcourts.org](http://www.jud.11.flcourts.org) under the "Court Appointed Counsel" link.

**4. SELECTION OF ATTORNEY FROM THE REGISTRY.**

When requested by the Court, the Clerk of Circuit Court must provide the name of the next registry attorney.

**5. REMOVAL FROM THE REGISTRY.**

- (A) An attorney may be removed from active status from the registry if he or she:
  - i. resigns from the registry. Upon resignation, the attorney shall immediately send such notice as required by the JAC. The notice shall state if the attorney is resigning from all categories to which the attorney is entitled to receive appointments or only some categories to which the attorney is entitled to receive appointments. A copy of the notice of resignation shall be provided by the attorney to the Chief Judge, Screening Committee, and Clerk and shall be relied upon, at the time of receipt, that the attorney will be removed from the registry as set forth in the notice. If an attorney later decides that he or she wants to be reinstated to the registry, the attorney must follow the policies and procedures of the respective Screening Committee to be considered by the Screening Committee and approved by the Chief Judge.

- ii. fails to comply with terms of contract with JAC.
  - iii. fails to notify the Chief Judge, Screening Committee, Clerk, and JAC of any change in status. The removal may be temporary until such time as the attorney notifies the Chief Judge, Screening Committee, Clerk, and JAC, or may be permanent, in the discretion of the Chief Judge, based upon the nature of the change of status.
  - iv. fails to maintain a valid e-mail address for communication with the Chief Judge, Screening Committee, Clerk, and JAC.
  - v. fails to enter into any and all agreement(s) and addendums to agreement(s) as required by JAC on or before the last weekday of August for each fiscal year the attorney is eligible for inclusion on the registry.
  - vi. fails to enter into any and all other agreement(s) and addendums to agreement(s) as required by JAC within 30 days of a request by the JAC.
  - vii. has his or her contract terminated by JAC.
  - viii. terminates his or her contract with JAC.
  - ix. reassigns or subcontracts a case to another attorney.
  - x. has circumstances that have effected his or her quality of representation, as ultimately determined by the Chief Judge after the procedures set forth below in paragraph 7, "Complaints," have been followed. Such circumstances include, but are not limited to, matters set forth in Section 27.40(9).
- (B) If an attorney is disbarred, suspended, has surrendered his or her license, or is not a member in good standing with The Florida Bar, the attorney must promptly notify the Chief Judge in writing. The Chief Judge has the authority to remove an attorney from the registry who is disbarred, suspended, surrendered his or her license, or not in good standing with The Florida Bar even if the attorney fails to provide notice. An attorney removed for any reason set forth in this paragraph, upon reinstatement to The Florida Bar, will be required to file a new application to be considered by the Screening Committee and approved by the Chief Judge for reinstatement to the registry.

- (C) At any time an attorney is removed from the registry and later reinstated, the attorney will be placed at the bottom of the list for rotation for the category for which the attorney is eligible to receive appointments.

**6. APPOINTMENT OF NON-REGISTRY ATTORNEY.**

- (A) A Non-Registry attorney may be appointed if:
  - i. no attorneys are on the registry for a category of cases requiring appointment of counsel; or
  - ii. all attorneys on the registry for a category of cases have withdrawn or declined the appointment of the case; or
  - iii. all attorneys on the registry for a category are precluded by statute or rule of court from accepting any additional appointments.
- (B) When appointing a non-registry attorney, the presiding judge shall set forth in the order of appointment that the Public Defender and Regional Counsel are unable to represent the individual and one of the reasons from paragraph 6 (A).
- (C) The attorney appointed shall be ordered to execute any and all Agreements required by the JAC to be compensated and for payment of due process expenses.

**7. COMPLAINTS.**

Complaints by any interested party shall be in writing and addressed and delivered to the Chief Judge, with a copy to the respective division's Administrative Judge and Screening Committee Chair. Upon receipt of a complaint, the Screening Committee shall hold a public meeting where the subject attorney shall have the opportunity to be present and heard on the matter. After the meeting, the Screening Committee shall give written recommendations to the Chief Judge. The Chief Judge shall make the final decision as to what action, if any, should be taken regarding the attorney's status on the registry. Written notification of any action taken by the Chief Judge shall be provided to the subject attorney, the respective division's Administrative Judge and Screening Committee, the Clerk of Court, and the Justice Administrative Commission.

**8. REFERENCES.**

Any and all references to the Chief Judge, Clerk, Administrative Judge, judge, general magistrate, Public Defender, or Regional Counsel shall be deemed to include his or her designee.

Administrative Order No.12-02, entered in Case No. 12-1, Including amendments 12- 02 (A-1) and 12-02 (A2), are hereby rescinded, effective June 30, 2014, in its entirety and held for naught.

This Administrative Order shall become effective July 1, 2014, nunc pro tunc, and shall remain in effect further order of the Court.

**DONE AND ORDERED** in Chambers at Miami-Dade County, Florida, this 2nd day of July, 2014.

**BERTILA SOTO, CHIEF JUDGE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**