

NOTICE OF COMMENT PERIOD

The Supreme Court is requesting input regarding the substance of proposed standards, as well as the mandatory applicability of such standards. The Supreme Court previously sought comment on proposed standards pertaining to court-appointed counsel in criminal cases. Following the comment period, the Supreme Court, together with the Nebraska State Bar Association, then established a Joint Ad-Hoc Committee on Court Appointments¹ to develop an alternative proposal.

The committee received input from a number of stakeholders² from across the state as to the substance of these proposed standards, as well as the mandatory applicability of such standards. In most instances, no endorsement was given by the stakeholder groups consulted.

The committee now submitted proposed standards for adoption and implementation by mandatory rule. The Supreme Court determined on March 20, 2013, that the Ad-Hoc Committee's proposed standards shall be published for a comment period. To that end, the Supreme Court is requesting input not only on the substance of the proposed standards but also as to the mandatory applicability of such standards.

The Supreme Court invites interested persons to comment on the proposed standards. Anyone desiring to comment on the proposed standards should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, NE 68509-8910, or via e-mail to lanet.asmussen@nebraska.gov no later than June 1, 2013.

A copy of the proposed standards is available on the following pages, or a hard copy may be obtained from the office of the Clerk of the Supreme Court and Court of Appeals upon request.

¹ The Ad-Hoc Committee included: Honorable John Irwin (Chair), Honorable James Doyle, Honorable James T. Gleason, Honorable Karen Flowers, Honorable Robert Steinke, Honorable Susan Bazis, Honorable Curtis Maschman, Honorable Laurie Yardley, Mike Fabian, Michael Fenner, John P. Grant, Sandra Hernandez Frantz, Dennis Keefe, James Mowbray, Clarence Mock, Liz Neeley, Tom Riley, Brenda Council, Erika Schafer, Jane Schoenike, and Linda Willard.

² Stakeholder groups that were consulted in the development of the proposed standards include: the **NSBA Executive Committee** (*Warren Whitted, Marsha Fangemeyer, Michael Fenner, Steve Mattoon, Joel Carney, Todd Vetter, Robert Schafer, Kevin O'Donnell, James Gordon, Glenda Pierce, Jill Robb Ackerman, and Chief Justice Heavican*); the **Nebraska Minority Justice Committee** (*Judy Beutler, Dean Marianne Culhane, Linda Crump, Hon. Vernon Daniels, Judi gaiashkibos, Chris Harris, Anne Hobbs, Dennis Keefe, Stefanie Martinez, Dave Pantos, Arturo Perez, Dean Susan Poser, Mohammed Sadden, Lt. Col Tom Schwarten, Jose Soto, Hon. Ross Stoffer, Kim Taylor Riley, Alan Tomkins, Dave Stickman, Janice Walker, and Mark Young*); the **Midlands Bar Association** (*Dwight Artis, Timothy Ashford, Kim Taylor Riley, Judith Wells, LaShawn Young, and Reggie Young*); the **Lincoln Bar Association** (*Stan Beeder, Sean Brennan, Frank Daley, Elizabeth Elliott, Jerrod Jaeger, Matt Kosmicki, Dave Kyker, Millissa Wiles-Jones, Gail Steen, Hon. Susan Strong, and Robert Wagner*); the **Administrative Office of the Courts** (*Janice Walker, Bill Miller, Paula Crouse, and Carole McMahan Boies*); the **Omaha Bar Association** (*Mike Nelson and Dave Sommers*); the **Nebraska County Court Judges Association** (*Hon. Bazis, Hon. Irwin, Liz Neeley, Hon. Rager, Hon. Worden, and Hon. Yardley*); the **Nebraska County Court Judges Association** (*entire membership during the County Court Judges annual meeting*); the **NSBA House of Delegates** (*entire membership at their annual meeting*); the **Nebraska District Court Judges Association** (*Hon. Mark Ashford, Hon. Steve Burns, Hon. James Doyle, Hon. Karen Flowers, Hon. Irwin, Hon. Theresa Luther, and Hon. Rowland*); the **County Attorneys Association** (*John Freudenburg and Jackie McCullough*); and the **Nebraska Criminal Defense Attorneys Association** (*John Berry, Christopher Eikholt, Dennis Keefe, Dave Kimball, Helga Kirst, Gerry Piccolo, DeAnn Stover, Mark Rappl, and Michael Ziskey*).

CAPITAL AND CLASS I & II FELONY CASE STANDARDS

a. STANDARDS OBJECTIVES AND SCOPE

- i. The objective of these standards is to ensure high quality legal representation for all persons represented by court appointed counsel who are facing the possible imposition or execution of a death sentence and those who are charged with a Class I or II felony in Nebraska.
- ii. These standards apply to all stages of representation, including but not limited to: initial and ongoing investigation, pretrial proceedings, trial, direct appeal, post conviction review, clemency proceedings, and any connected litigation.

b. THE DEFENSE TEAM AND SUPPORTING SERVICES

- i. In all first degree murder prosecutions where the information contains notice of aggravation as provided in section 29-1603, the appointing or assigning authority should provide for assembly of a defense team that will provide high-quality legal representation.
- ii. When the information contains notice of aggregation, the defense team shall consist of no fewer than two attorneys qualified in accordance with these standards.
- iii. Counsel for the accused may motion and upon granting of such motion receive the assistance of all expert, investigative, and other ancillary professional services reasonably necessary to provide high quality legal representation at every stage of the proceedings (including but not limited to an investigator, mitigation specialist, mental health specialist, etc.). Counsel may motion and upon granting of such motion, have such services provided by persons independent of the prosecution.
- iv. Counsel, to the extent provided by law, may motion and upon granting of such motion, protect the confidentiality of communications with the persons providing such services to the same extent as would counsel paying such persons from private funds.

c. DEFENSE COUNSEL QUALIFICATION STANDARDS

- i. These standards shall be construed and applied in such a way as to further the overriding goal of providing each client with high-quality legal representation.

- ii. The appointing court or assigning authority (e.g., the Commission on Public Advocacy or public defender) shall appoint or assign attorneys to represent defendants, in capital or Class I or II felony cases, who are certified pursuant to these standards¹ or who otherwise meet the qualifications of the following subsection.
- iii. Attorneys appointed or assigned to represent defendants, in capital or Class I or II felony cases shall have:
 - 1. obtained a license or permission to practice law in the State of Nebraska; and
 - 2. demonstrated a commitment to providing zealous advocacy and high quality legal representation in the defense of capital and Class I and II felony cases; and
 - 3. satisfied the training requirements set forth in these standards; and
 - 4. read, for guidance regarding their responsibilities in the case, the current edition of the performance standards contained in the American Bar Association “Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases”; and
 - 5. demonstrated substantial knowledge and understanding of the relevant state and federal and law, both procedural and substantive, governing capital cases; and
 - 6. demonstrated skill in the management and conduct of negotiations and complex litigation; and
 - 7. demonstrated skill in legal research, analysis, and the drafting of litigation documents; and
 - 8. demonstrated skill in oral advocacy; and,
 - 9. if applicable, demonstrated skill in the use of expert witnesses and familiarity with common areas of forensic investigation, including

¹ These standards were developed in accordance with the *ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases* (Revised Edition, 2003), which state that “quantitative measures of experience are not a sufficient basis to determine an attorney’s qualifications for the task. An attorney with substantial prior experience in the representation of death penalty cases, but whose past performance does not represent the level of proficiency or commitment necessary for the adequate representation of a client in a capital case, should not be placed on the appointment roster. There are also attorneys who do not possess substantial prior experience yet who will provide high quality legal representation in death penalty cases. Such attorneys may have specialized training and experience in the field (e.g., as law professors), may previously have been prosecutors, or may have had substantial experience in civil practice. These attorneys should receive appointments if the Responsible Agency is satisfied that the client will be provided with high quality legal representation by the defense team as a whole. In order to make maximum use of the available resources in the legal community overall, the Responsible Agency needs to devise qualification standards that build upon the contribution that each lawyer can make to the defense team, while ensuring that the team is of such a size and aggregate level of experience as to be able to function effectively.” (p. 963-964).

- fingerprints, ballistics, forensic pathology, and DNA evidence; and
- 10. demonstrated skill in the investigation, preparation, and presentation of evidence bearing upon mental status; and
- 11. demonstrated skill in the investigation, preparation, and presentation of mitigating evidence; and
- 12. demonstrated skill in the elements of trial advocacy, such as jury selection, cross-examination of witnesses, and opening and closing statements.

d. TRAINING

- i. All attorneys who accept court appointments to represent indigent persons in capital cases shall be required to complete a minimum of 8 hours of relevant training every 2 years, 2 of the hours must be specific to the sentencing trial. The relevancy of the training must be approved by the Nebraska MCLE Commission.
- ii. All attorneys who accept court appointments to represent indigent persons in Class I and II felony cases shall be required to complete a minimum of 8 hours of relevant training every 2 years. The relevancy of the training must be approved by the Nebraska MCLE Commission.
- iii. Upon adoption of the training requirement, court appointed attorneys will be required to certify that they have completed the minimum 8 hours of relevant training.
- iv. The Nebraska Commission on Public Advocacy, subject to approval by the Nebraska MCLE Commission, will develop training programming for the defense of capital and Class I and II felony cases.² Such programming should include, but not be limited to, presentations and training in the following areas:
 - 1. relevant state and federal law; and
 - 2. pleading and motion practice; and
 - 3. pretrial investigation, preparation, and theory development regarding guilt/innocence and penalty; and
 - 4. jury selection; and
 - 5. trial preparation and presentation, including the use of experts; and
 - 6. ethical considerations particular to capital defense representation; and
 - 7. preservation of the record and of issues for post-conviction review; and

² Any relevant training approved by the MCLE Commission can be used to fulfill the training requirement. The Commission on Public Advocacy will aspire to make training opportunities available across the State of Nebraska and at a reduced cost to practitioners.

8. counsel's relationship with the client and his family; and
9. post-conviction litigation in state and federal courts; and
10. the presentation and rebuttal of scientific evidence, and developments in mental health fields and other relevant areas of forensic and biological science; and
11. the unique issues relating to the defense of those charged with committing the offense when under the age of 18; and
12. the collateral consequences (including immigration consequences) facing the defendant.

- v. Attorneys appointed in capital cases shall obtain the Nebraska Commission on Public Advocacy's training materials prior to or immediately following appointment.

e. CERTIFICATION

- i. To be eligible for appointment in capital cases and Class I or II felony cases, attorneys shall certify to the Administrative Office of the Courts, that they meet the qualification and training standards set out herein, and with any additional standards adopted by the Nebraska Supreme Court. It shall be the responsibility of each attorney to renew their certification to the Administrative Office of the Courts every two years in the manner prescribed by the Administrative Office of the Courts.

f. MAINTENANCE OF THE LIST

- i. The Administrative Office of the Courts shall maintain a current list of all attorneys eligible for court appointment for capital and Class I and II felonies. In the interest of transparency, the Administrative Office of the Courts shall make the list of eligible attorneys publicly available³ and shall also furnish a copy of the list to each judge and magistrate. The Administrative Office of the Courts shall also maintain a public record of assignments to private counsel, and will provide an annual report to the Court that will include: the total number of capital and Class I and II felony court appointments by county, the total number of capital and Class I and II felony court appointments per attorney by county.

g. METHOD OF SELECTION

- i. Appointments from the list of attorneys eligible for court appointment should be made on a rotational basis, subject to the appointing and/or trial court's

³ See for example, the Court's listing of all attorneys eligible for court appointment as Guardians ad Litem: <https://mcle.wcc.ne.gov/ext/SearchGuardianAdLitem.do>

discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, a language consideration, a conflict of interest or geographical considerations. This procedure should result in a balanced distribution of appointments and compensation among the members of the list, and quality representation for each defendant.

h. REMOVAL AND REINSTATEMENT

- i. Judges will monitor attorney performance on a continuing basis to assure the competency of attorneys on the list. An attorney may be suspended or removed as appropriate, from one or more appointment lists, by a majority vote of county and district court judges in the judicial district (the size and composition of judges participating in the review will be determined by the judicial district, but will require a minimum of five judges)⁴
 - a. If an attorney is under consideration for removal from the list, written notification will be given indicating the concerns with their performance giving rise to consideration for removal, and be given the opportunity to respond in writing or in person before a final decision is made.
- ii. An attorney who was removed from the appointment list for non-completion of the required CLE hours may be immediately reinstated upon providing proof that the attorney has completed the required hours so long as the attorney meets the other qualifications herein.
- iii. An attorney who has been removed from the list for a reason (other than not meeting the CLE requirement or continued non-compliance with these standards) may be considered for reinstatement by a majority vote of the judges, after the deficiencies contained in the notice have been resolved.
- iv. Any attorney may request to be removed from the list for appointments in capital and Class I and II felony appointments. The Administrative Office of the Courts shall remove the attorney until notified in writing by the attorney that the attorney wishes to be placed back on the list.

⁴ The smallest district in the state contains five total district and county court judges.

i. CLASS III & IV FELONY CASE STANDARDS

a. STANDARDS OBJECTIVES AND SCOPE

- i. The objective of these standards is to ensure high quality legal representation for all persons represented by court appointed counsel facing prosecution for Class III and IV felony cases.
- ii. These standards apply to all stages of representation in which the State of Nebraska has filed a Class III or IV felony and counsel has been appointed.
- iii. Counsel for the accused may motion and upon granting of such motion receive the assistance of all expert, investigative, and other ancillary professional services reasonably necessary to provide high quality legal representation at every stage of the proceedings (including but not limited to an investigator, mental health specialist, etc.). Counsel may motion and upon granting of such motion, have such services provided by persons independent of the prosecution.
- iv. Counsel, to the extent provided by law, may motion and upon granting of such motion, protect the confidentiality of communications with the persons providing such services to the same extent as would counsel paying such persons from private funds.

b. DEFENSE COUNSEL QUALIFICATION STANDARDS

- i. These standards shall be construed and applied in such a way as to further the overriding goal of providing each client with high-quality legal representation.
- ii. The appointing court or assigning authority (e.g., the Commission on Public Advocacy or public defender) shall appoint or assign attorneys to represent defendants, in Class III or IV felony cases, who are certified pursuant to these standards or who otherwise meet the qualifications of the following subsection.
- iii. Attorneys appointed or assigned to represent defendants, in Class III or IV felony cases shall have:
 1. obtained a license or permission to practice law in the State of Nebraska; and
 2. demonstrated a commitment to providing zealous advocacy and high quality legal representation; and
 3. satisfied the training requirements set forth in these standards; and

4. read, for guidance regarding their responsibilities in the case, the current edition of the National Legal Aid and Defender Association's "Performance Guidelines for Criminal Defense Representation;" and
5. demonstrated effective representation in misdemeanor level cases (or served as second chair for felony cases); and
6. demonstrated substantial knowledge and understanding of the relevant state and federal and law, both procedural and substantive, governing felony cases; and
7. demonstrated skill in the management and conduct of negotiations and litigation; and
8. demonstrated skill in legal research, analysis, and the drafting of litigation documents; and
9. demonstrated skill in oral advocacy; and,
10. if applicable, demonstrated skill in the use of expert witnesses and familiarity with common areas of forensic investigation, including fingerprints, ballistics, forensic pathology, and DNA evidence; and
11. demonstrated skill in the investigation, preparation, and presentation of evidence bearing upon mental status; and
12. demonstrated skill in the elements of trial advocacy, such as jury selection, cross-examination of witnesses, and opening and closing statements; and
13. if applicable, demonstrated familiarity with, either through litigation experience or education, the specialized knowledge needed to represent youth in adult court.

c. TRAINING

- i. All attorneys who accept court appointments to represent indigent persons in Class III and IV felony cases, shall be required to complete a minimum of 6 hours of relevant training every 2 years. The relevancy of the training shall be approved by the Nebraska MCLE Commission. Relevant training can include, but not be limited to, presentations and training in the following areas:
 1. relevant state and federal law; and
 2. pleading and motion practice; and
 3. pretrial investigation, preparation, and theory development regarding guilt/innocence and penalty; and
 4. jury selection; and
 5. trial preparation and presentation, including the use of experts; and
 6. preservation of the record and of issues for post-conviction review; and
 7. counsel's relationship with the client and his family; and

8. post-conviction litigation in state and federal courts; and
9. the presentation and rebuttal of scientific evidence, and developments in mental health fields and other relevant areas of forensic and biological science; and
10. the unique issues relating to the defense of those charged with committing the offense when under the age of 18; and
11. the collateral consequences (including immigration consequences) facing the defendant.

d. CERTIFICATION

- i. To be eligible for appointment in Class III or IV felony cases, attorneys shall certify to the Administrative Office of the Courts, that they meet the qualification and training standards set out herein, and with any additional standards adopted by the Nebraska Supreme Court. It shall be the responsibility of each attorney to renew their certification to the Administrative Office of the Courts every two years in the manner prescribed by the Administrative Office of the Courts.

e. MAINTENANCE OF THE LIST

- i. The Administrative Office of the Courts shall maintain a current list of all attorneys eligible for court appointment for Class III and IV felonies. In the interest of transparency, the Administrative Office of the Courts shall make the list of eligible attorneys publicly available⁵ and shall also furnish a copy of the list to each judge and magistrate. The Administrative Office of the Courts shall also maintain a public record of assignments to private counsel, and will provide an annual report to the Court that will include: the total number of Class III and IV felony court appointments by county, the total number of Class III and IV felony court appointments per attorney by county.

f. METHOD OF SELECTION

- i. Appointments from the list of attorneys eligible for court appointment should be made on a rotational basis, subject to the appointing and/or trial court's discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, a language consideration, a conflict of interest or geographical considerations. The appointing and/or trial court will record the necessity requiring the deviation. This procedure should result in a balanced

⁵ See for example, the Court's listing of all attorneys eligible for court appointment as Guardians ad Litem: <https://mcle.wcc.ne.gov/ext/SearchGuardianAdLitem.do>.

distribution of appointments and compensation among the members of the list, and quality representation for each defendant.

g. REMOVAL AND REINSTATEMENT

- i. Judges will monitor attorney performance on a continuing basis to assure the competency of attorneys on the list. An attorney may be suspended or removed as appropriate, from one or more appointment lists, by a majority vote of county and district court judges in the judicial district (the size and composition of judges participating in the review will be determined by the judicial district, but will require a minimum of five judges).⁶
 - a. If an attorney is under consideration for removal from the list, written notification will be given indicating the concerns with their performance giving rise to consideration for removal, and be given the opportunity to respond in writing or in person before a final decision is made.
- ii. An attorney who was removed from the appointment list for non-completion of the required CLE hours may be immediately reinstated upon providing proof that the attorney has completed the required hours so long as the attorney meets the other qualifications herein.
- iii. An attorney who has been removed from the list for a reason (other than not meeting the CLE requirement or continued non-compliance with these standards) may be considered for reinstatement by a majority vote of the judges, after the deficiencies contained in the notice have been resolved.
- iv. Any attorney may request to be removed from the list for appointments in capital and Class III and IV felony appointments. The Administrative Office of the Courts shall remove the attorney until notified in writing by the attorney that the attorney wishes to be placed back on the list.

⁶ The smallest district in the state contains five total district and county court judges.

MISDEMANOR CASE STANDARDS

a. STANDARDS OBJECTIVES AND SCOPE

- i. The objective of these standards is to ensure high quality legal representation for all persons represented by court appointed counsel facing prosecution for misdemeanor cases.
- ii. These standards apply to all stages of representation in which the State of Nebraska or one of its political subdivisions has filed a misdemeanor and counsel has been appointed.
- iii. Counsel for the accused may motion and upon granting of such motion receive the assistance of all expert, investigative, and other ancillary professional services reasonably necessary to provide high quality legal representation at every stage of the proceedings. Counsel may motion and upon granting of such motion, have such services provided by persons independent of the prosecution.
- iv. Counsel, to the extent provided by law, may motion and upon granting of such motion, protect the confidentiality of communications with the persons providing such services to the same extent as would counsel paying such persons from private funds.

b. DEFENSE COUNSEL QUALIFICATION STANDARDS

- i. These standards shall be construed and applied in such a way as to further the overriding goal of providing each client with high-quality legal representation.
- ii. The appointing court or assigning authority (e.g., public defender) shall appoint or assign attorneys to represent defendants, in misdemeanor, who are certified pursuant to these standards or who otherwise meet the qualifications of the following subsection.
- iii. Attorneys appointed or assigned to represent defendants, in misdemeanor cases shall have:
 1. obtained a license or permission to practice law in the State of Nebraska; and
 2. demonstrated a commitment to providing zealous advocacy and high quality legal representation; and
 3. satisfied the training requirements set forth in these standards; and

4. read, for guidance regarding their responsibilities in the case, the current edition of the National Legal Aid and Defender Association's "Performance Guidelines for Criminal Defense Representation."

c. TRAINING

- i. All attorneys who accept court appointments to represent indigent persons in misdemeanor cases, shall be required to complete a minimum of 6 hours of relevant training the first year, and 3 hours every year after. The relevancy of the training shall be approved by the Nebraska MCLE Commission. Relevant training can include, but not be limited to, presentations and training in the following areas:
 1. relevant state and federal law; and
 2. pleading and motion practice; and
 3. pretrial investigation, preparation, and theory development regarding guilt/innocence and penalty; and
 4. jury selection; and
 5. trial preparation and presentation, including the use of experts; and
 6. preservation of the record and of issues for post-conviction review; and
 7. counsel's relationship with the client and his family; and
 8. post-conviction litigation in state and federal courts; and
 9. the presentation and rebuttal of scientific evidence, and developments in mental health fields and other relevant areas of forensic and biological science; and
 10. collateral consequences (including immigration consequences) facing the defendant; and
 11. the unique issues relating to the defense of those charged with committing the offense when under the age of 18.

d. CERTIFICATION

- i. To be eligible for appointment in misdemeanor cases, attorneys shall certify to the Administrative Office of the Courts that they meet the qualification and training standards set out herein, and with any additional standards adopted by the Nebraska Supreme Court. It shall be the responsibility of each attorney to renew their certification to the Administrative Office of the Courts every two years in the manner prescribed by the Administrative Office of the Courts.
- ii. Attorneys who have been engaged in the practice of law for less than a year are not eligible for appointment for Class I misdemeanors. At the discretion of the judge, attorneys engaged in the practice of law for less than a year can receive court appointments on Class I misdemeanors by providing an acceptable list of

relevant law school training (criminal procedure, trial advocacy, internships, etc.); and an acceptable list of:

experienced attorneys with whom the new attorney will consult with regarding the case; or

1. Misdemeanor I cases for which the attorney has provided representation for in cases which were not court appointed; or
2. Misdemeanor I cases that the attorney has second chaired; or
3. Other relevant experience with courtroom proceedings.

e. MAINTENANCE OF THE LIST

- i. The Administrative Office of the Courts shall maintain a current list of all attorneys eligible for court appointment for misdemeanors. In the interest of transparency, the Administrative Office of the Courts shall make the list of eligible attorneys publicly available⁷ and shall also furnish a copy of the list to each judge and magistrate. The Administrative Office of the Courts shall also maintain a public record of assignments to private counsel, and will provide an annual report to the Court that will include: the total number of misdemeanor court appointments by county, the total number of misdemeanor court appointments per attorney by county.

f. METHOD OF SELECTION

- i. Appointments from the list of attorneys eligible for court appointment should be made on a rotational basis, subject to the appointing and/or trial court's discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, a language consideration, a conflict of interest or geographical considerations. This procedure should result in a balanced distribution of appointments and compensation among the members of the list, and quality representation for each defendant.

g. REMOVAL AND REINSTATEMENT

- i. Judges will monitor attorney performance on a continuing basis to assure the competency of attorneys on the list. An attorney may be suspended or removed as appropriate, from one or more appointment lists, by a majority vote of county and district court judges in the judicial district (the size and composition of judges participating in the review will be determined by the judicial district, but will require a minimum of five judges).⁸

⁷ See for example, the Court's listing of all attorneys eligible for court appointment as Guardians ad Litem: <https://mcle.wcc.ne.gov/ext/SearchGuardianAdLitem.do>

⁸ The smallest district in the state contains five total district and county court judges.

- a. If an attorney is under consideration for removal from the list, written notification will be given indicating the concerns with their performance giving rise to consideration for removal, and be given the opportunity to respond in writing or in person before a final decision is made.
- ii. An attorney who was removed from the appointment list for non-completion of the required CLE hours may be immediately reinstated upon providing proof that the attorney has completed the required hours so long as the attorney meets the other qualifications herein.
- iii. An attorney who has been removed from the list for a reason (other than not meeting the CLE requirement or continued non-compliance with these standards) may be considered for reinstatement by a majority vote of the judges, after the deficiencies contained in the notice have been resolved.
- iv. Any attorney may request to be removed from the list for appointments in misdemeanor appointments. The Administrative Office of the Courts shall remove the attorney until notified in writing by the attorney that the attorney wishes to be placed back on the list.