

APPENDIX B

What constitutes a "Case Assignment"

A "case assignment" in criminal matters, includes all charges against a single defendant that arise out of a single event, transaction or occurrence. For example, it would be one "case assignment" if a defendant has a DUI and a DUS charge arising from the same stop, whether or not the DUI and the DUS offenses were charged in one or two charging documents.

A case assignment regarding a petition to revoke probation, includes all matters brought in all related petitions, no matter how many underlying cases are involved.

A case assignment regarding a post-conviction application involves all matters brought in the application, or amended application, no matter how many underlying cases are involved.

A case assignment regarding an appeal involves all matters raised in the appellate brief, no matter how many case assignments were involved at the trial level.

A case assignment regarding a child support matter involves all court files in which the petitioner and respondent are identical, but only includes those matters in the court files in which a constitution, statute or rule requires that an attorney be provided by this agency at public expense.

A motion for a new trial based on newly discovered evidence under Rule 33 (b) (1) of the North Dakota Rules of Criminal Procedure is a separate case assignment.

A "case assignment" in juvenile matters, which are informally adjusted involve all the pending allegations concerning the juvenile, whether or not the allegations pertain to events occurring on the same or different dates.

A "case assignment" for a shelter care or detention hearing involves all allegations/ matters relating to the represented party or parties, no matter how many underlying cases or events. For example, representing a parent in a shelter care hearing counts as one case assignment no matter how many case numbers or related children are involved.

A "case assignment" in juvenile court for a Child in Need of Protection includes all stages of representation from shelter care through any subsequently filed petition and all allegations brought in a single petition or contemporaneously filed petitions alleging that a child or related children are in need of protection, whether or not the allegations pertain to events occurring on the same or different dates.

A "case assignment" in juvenile delinquency matters, when representing a child, includes all allegations against one juvenile that arise out of a single event, transaction or occurrence, no matter how many petitions are filed. For example, it would be one "case assignment" if a juvenile has criminal trespass and theft allegations arising from the same incident, whether or not the allegations are brought in one or two separate petitions.

A "case assignment" in juvenile delinquency matters, when representing a parent, is only for the dispositional state of a delinquency action. If a parent wishes to be represented by Counsel, they must apply for counsel and be found indigent. For example, an attorney appointed to represent a parent at a detention hearing would count as one case assignment even if there are multiple case assignments for child's counsel.

A "case assignment" in a termination of parental rights matter includes all allegations brought in a single petition or contemporaneously filed petitions seeking to terminate the parental rights of a parent or parents with respect to the parent's or parents' child or children.

A "case assignment" in a review hearing in any of the above juvenile case assignment categories is a single case assignment, no matter how many cases or case assignments are being reviewed.

A "case assignment" regarding any other matter includes all related matters in related court files (such as orders to show cause in multiple court files dealing with an obligor's alleged failure to pay child support for his or her children) for which a constitution, statute or rule requires that an attorney be provided by this agency at public expense.