

SPECIAL CASE CONTRACTOR

The Commission on Legal Counsel for Indigents has the authority to offer a contract for a "special case contractor". An alternative description might be "major case contractor", however, there may be cases that might not meet the requirement of a "major" case but may require the services of this provider.

The special case contractor will be carrying a case load which is significantly less in numbers than a public defender or regular contractor. Generally speaking, a special case contractor would not be expected to take in excess of 70 (seventy) case assignments a year.

The special case contractor will be an independent contractor like the other monthly attorney contractors and will be subject to the same policies, standards, and procedures as those contractors.

The types of cases to which the special case contractor may be assigned would be ones that requires unique expertise in criminal defense and appellate work, ones that may involve either extra-ordinary media attention or a client that demands unusual attention, cases which obviously will take more hours to resolve than most other cases, and/or cases which present scientific or expert issues which the contractor could tackle without having to be educated or trained on said issue him/herself.

The public defender or Commission, when making a criminal case assignment, may initially identify a certain case as meeting the criteria necessary for assignment to a special case contractor. In that case, the public defender or commission should notify the special case contractor and supply to him/her a Notice of Assignment.

In certain situations, a case may already have been assigned to a public defender or contractor who, in the course of representing the client, finds that the case would meet the criteria for assignment to a special case contractor. In that situation, the attorney would consult with the client and may file with the commission a "Request to Re-Assign to a Special Case Contractor", and should that Request be granted, the assigned attorney would file a Motion to Withdraw and have special case contractor file a substitution of counsel.

The commission will strive to delineate a case appropriate for assignation to a special case contractor as early in the case as possible so as not to disrupt the case in progress.

Adopted at June 3rd, 2008 Meeting