

State of Ohio



Office of the Ohio Public Defender

Rule- Making Process  
And  
Public Participation

**I. Regulatory Mission**

Ohio Revised Code 120.03 states that the Ohio Public Defender Commission "shall establish rules for the conduct of the offices of the county and joint county public defenders and for the conduct of county appointed counsel systems in the state". ORC 120.03(B)

**II. Organization to Achieve Regulatory Mission**

The Ohio Public Defender Commission consists of nine members, one of which is Chairman. The Chairman and four members are appointed by the Governor. The other four members are appointed by the Supreme Court of Ohio. The Commission appoints the State Public Defender, who serves at the Commission's pleasure. The office of the State Public Defender is organized into several divisions in order to carry out the Commission's duties.

**III. Authorized and Required Rule-Making**

Under the Ohio Revised Code, rules promulgated by the Ohio Public Defender Commission "shall include, but are not limited to":

- Standards of indigency and minimum qualification for legal representation by a public defender or appointed counsel;
- Standards for the hiring of outside counsel;
- Standards for contracts by a public defender with law schools, legal aid societies and nonprofit organizations for providing counsel;

- Standards for the qualifications, training and size of the legal and supporting staff for a public defender, facilities and other requirements needed to maintain and operate an office of a public defender;
- Minimum caseload standards;
- Procedures for the assessment and collection of the costs of legal representation that is provided by public defenders or appointed counsel;
- Standards and guidelines for determining whether a client is able to make an up-front contribution toward the cost of legal representation;
- Procedures for the collection of up-front contributions from clients described above;
- Standards for contracts between county commissioners, a county public defender or a joint county public defender and a municipal corporation for representation of indigent persons charged with violations of municipal ordinances.

#### **IV. Rule-Making Procedure**

The Commission submits rules for 5-year review under ORC 111.15(D) to JCARR at the appropriate time. These rules are not subject to public hearings, however, written comments are accepted at any time prior to the review date. The date of the next review of Commission rules is August 27, 2004.

#### **V. Public Participation – When**

The public is invited to comment upon any proposed rule pending with the Ohio Public Defender Commission. In addition, the public is encouraged to make comments during Commission meetings when those rules are on the agenda to be debated and voted upon by the Commission.

#### **VI. Public Participation – How**

The public may participate in the rule-making process at the Ohio Public Defender Commission in two ways.

1. The public is encouraged to write comments on proposed rules and send them to the Commission office. These comments will be distributed to Commission members at the meeting where they will take up the rule for debate and consideration.
2. Public comment will be taken at Commission meetings on proposed rules when those rules are on the agenda to be debated and a vote taken. Under the Ohio Administrative Code all Commission meetings are open to the public.

- Any person may ascertain the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings by:
  - a) writing the commission office;
  - b) calling the commission during normal business hours;
  - c) contacting the Commission office in person during normal business hours; or
  - d) paying an annual \$5.00 fee and be placed on a mailing list to receive advance notice of all meetings by mail. OAC 120-2-01

### **Contacting the Commission**

The Commission office is located on the 11<sup>th</sup> Floor of the Atlas Building at 8 East Long Street in Columbus. Office hours are from 8:00 AM to 5:00 PM, Monday through Friday.

Mailing Address: Office of the Ohio Public Defender  
8 E. Long Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215

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