

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 120-1-10

Rule Type: No Change

Rule Title/Tagline: Appointment systems and attorney qualifications.

Agency Name: Ohio Public Defender Commission

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/24/2020 and 12/01/2020
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** R.C. 111.15
5. **What statute(s) does the rule implement or amplify?** R.C. 120.03(B), R.C. 120.18(B), R.C. 120.28(B), R.C. 120.33(A)(4)
6. **What are the reasons for proposing the rule?**

This rule is filed as part of the Office of the Ohio Public Defender's five-year review of its Administrative Code. The rule is approved by the Ohio Public Defender Commission to provide guidance for practitioners, courts, and other professionals who provide representation to the indigent people of Ohio.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule outlines the requirements attorneys must meet to qualify for appointment to cases in order for the county to seek reimbursement for that case from the Office of the Ohio Public Defender. The qualifications are categorized by level of offense, charge, and jurisdiction. The Ohio Public Defender Commission proposes no change to the rule.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule references the Rule 8 of the Rules of Superintendence for the Court, which is exempt pursuant to R.C. 121.75(B)(6). The Rules of Superintendence for the Court are "generally accepted...standards that are readily available to or ascertainable by the person the standards are likely to affect." quoting R.C. 121.75(B)(6). They are available on the Ohio Supreme Court's website. The rule references Chapter 120 of the Ohio Revised Code, which is exempt as "[a] section of the Revised Code" pursuant to R.C. 121.75(A)(1)(a). The Ohio Revised Code is available online on government websites like codes.ohio.gov.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

N/A

Not Applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No
17. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No