Rules and Regulations of the State of Georgia

Department 294 GRANTS OF GEORGIA INDIGENT DEFENSE COUNCIL

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Grant 294-1, containing 294-1-.01, was submitted December 21, 1993.

Cite as Ga. Comp. R. & Regs. R. dept. 294, ADMINISTRATIVE HISTORY

Chapter 294-1. GRANT PROGRAMS.

Rule 294-1-.01. Local Indigent Defense Assistance Grant Program.

(1) Statutory Basis for Grant Program. The Georgia Indigent Defense Act, O.C.G.A. 17-12-30, states that the Georgia Indigent Defense Council shall "administer funds provided by the state and federal governments to support local indigent defense programs provided for in Code Section 17-12-38."

(2) General Scope and Purpose of the Grant Program. The general scope and purpose of the grant program is to provide financial assistance to local indigent defense programs that comply with the Georgia Indigent Defense Act, O.C.G.A. 17-12-30, *et seq.*, and the Guidelines of the Georgia Indigent Defense Council promulgated pursuant to O.C.G.A. 17-12-41 and approved and adopted by the Supreme Court of Georgia.

(3) General Terms and Conditions of the Grant. The general terms and conditions of the grant are:

(a) the creation of a local tripartite governing committee pursuant to O.C.G.A. 17-12-37;

(b) the submission to the Council of a completed Application Form;

(c) the implementation and management of the local indigent defense program by the local governing committee pursuant to the requirements of the Georgia Indigent Defense Act, O.C.G.A. 17-12-30, and the Council's Guidelines approved and adopted by the Supreme Court of Georgia.

(4) The local indigent defense program managed by the committee shall provide for:

(a) the independence of counsel;

(b) reasonable early entry by counsel into a case;

(c) a procedure to determine whether or not persons seeking assistance are eligible as indigents;

(d) a procedure for determining that attorneys representing indigents are competent in the practice of criminal law;

(e) a rate of compensation and schedule of allowable expenses to be paid for indigent defense services.

(5) Eligible Recipients of the Grant. The eligible recipients of the grant are local indigent defense programs established pursuant to O.C.G.A. 17-12-38.

(6) Criteria for the Award of the Grant. The criteria for the award of the grant are the distribution of funds on an equitable basis, based on judicial administrative district and judicial circuit population, indigent criminal caseloads, and previous years expenditures for the provision of defense services at the local level. O.C.G.A. 17-12-36(b).

(7) 1993 Application for Funds. The following is a copy of the Georgia Indigent Defense Council's 1993 Application for Funds.

1993 APPLICATION FOR FUNDS

INDIGENT DEFENSE COMMITTEE

CERTIFICATION OF COMPLIANCE WITH COUNCIL GUIDELINES

The undersigned, **Chairperson and members of the local**

indigent defense committee of_____ County,

certify that the information contained herein is true and correct and that the Committee will operate the Local

Indigent Defense Program within the Guidelines of the

Georgia Indigent Defense Council.

This _____ day of _____, 1993.

(1) **SIGNATURE IDC Chairperson** _____

_____ _____ _____

Type/Print NAME ADDRESS TELEPHONE

Year Appointed ___ By (**circle one**) Chief Judge County Comm.

Bar Assoc.

(2) **SIGNATURE Member** _____

_____ _____ _____

Type/Print NAME ADDRESS TELEPHONE

Year Appointed ___ By (**circle one**) Chief Judge County Comm.

Bar Assoc.

(3) **SIGNATURE Member** _____

_____ _____ _____

Type/Print NAME ADDRESS TELEPHONE

Year Appointed ___ By (**circle one**) Chief Judge County Comm.

Bar Assoc.

COUNTY COMMISSION

This application is approved on behalf of the County, which agrees to operate the local Indigent Defense Program within the Guidelines of the Georgia Indigent Defense Council, by:

_____ _____

Type/Print NAME **SIGNATURE Chair, County Commission**

If there are more than 3 members on the Indigent Defense

Committee, please make additional copies of the

Certification page for signatures.

I. **INDIGENT CASELOAD FOR CALENDAR YEAR 1992**

Please indicate below the number of **CASES**opened in this county in the **CALENDAR YEAR 1992.**

ONE CASE is a single indigent defendant charged with one or more counts arising out of a single event or incident.

PUBLIC DEFENDER programs employ full-time salaried attorneys to handle indigent cases exclusively.

APPOINTED ATTORNEY programs are ones in which private attorneys receive appointments, and paid per case.

CONTRACT DEFENDER programs are ones in which private attorneys contract with the county to provide indigent defense for a certain period of time.

TYPE CASE NUMBER OF INDIGENT CASES BY PROGRAM FOR 1992

Public Appt Contr

Defender Attorney Defender TOTAL

Felony _____ _____ _____ _____

Misdemeanor _____ _____ _____ _____

Juvenile _____ _____ _____ _____

Prob Revoc _____ _____ _____ _____

Appeals _____ _____ _____ _____

Other _____ _____ _____ _____

TOTAL _____ _____ _____ _____

II. **1992 EXPENDITURES FOR INDIGENT DEFENSE**

List all indigent defense expenditures directly related to provision of indigent defense in Superior, State, or

Juvenile Courts. Include:

Salaries of public defenders, yearly contract fees of contract attorneys, total expenditures for appointed attorneys, expenses for defense experts and investigations, administrative costs of providing indigent defense.

DO NOT INCLUDE:

Costs of jailing indigent defendants, Court-appointed counsel in civil or probate matters, Representation of

Unruly or Deprived Children, Transcripts, or other related court costs.

1992 EXPENDITURES

Public Defender Contract Defender Appointed Atty TOTAL

$_____ $_____ $_____ $_____

III. **PUBLIC DEFENDER PROGRAM**

If your county has a Public Defender Program, answer the following:

PUBLIC DEFENDER: _____ TELEPHONE: (__)___ FAX: (__)___

ADDRESS: _____

Number of Full-time attorneys _____

Number of Part-time attorneys _____

Number of Investigators/paralegals _____

Number of Administrative Staff _____

Does the program undertake representation in death penalty cases? YES/ NO

Have attorneys from your office attended seminars sponsored by the GIDC? YES/ NO

If YES, how many seminars? _____

What is average caseload per attorney? _____

Does the program specify caseload limits for attorneys? YES/ NO

If YES, what is the caseload limit? _____

If NO, on a separate page, describe what procedures are used to prevent excessive caseloads (See Guideline 6.1) from interfering with the quality of representation.

Are the salaries of assistant Public

Defenders comparable to those of assistant

District Attorneys? YES/ NO

If NO, by how much do they differ? $_____

Does the Public Defender have a contract? YES/ NO

If YES, attach a copy of this contract.

Does the local indigent defense committee select the Public Defender, per Guideline 2.3? YES/ NO

Does the local indigent defense committee observe the Public Defender's performance,

per Guideline 3.1? YES/ NO

IV. **CONTRACT DEFENDER PROGRAM**

If your county maintains a Contract Defender Program, answer

the following questions <u>and</u> those in Section V.

Number of contract defenders _____

Number of cases per contract defender _____

Are there any caseload limits for contract defenders? YES NO

If YES, what is the limit? _____

Do Contract Defenders attend seminars sponsored by the GIDC? YES NO

Do Contract Defenders undertake representation in death penalty cases? YES NO

If YES, are they paid hourly for the representation? YES NO

If YES, what hourly fees are paid in cases where the death penalty is sought? $_____

Does the local indigent defense committee select the Contract Defenders, **per Guideline 2.7**? YES NO

Does the local indigent defense committee observe the Contract Defender's performance,

per Guideline 3.1? YES NO

On a separate page, attach a list of all contract attorneys

& attach copies of any contracts.

V. **APPOINTED ATTORNEY PROGRAM**

Answer these questions even if appointed attorneys are used

only for conflict cases.

Please attach a list of attorneys on your

panel. This list will be used to disseminate

information about upcoming seminars.

Do you have a **panel or list of attorneys**

to receive appointments? YES NO

Number of attorneys on the list _____

Average yearly caseload per appointed atty. _____

What **in-court** hourly rates are paid? $_____

What **out-of-court** hourly rates are paid? $_____

Does the program specify maximum fees for

Certain types of cases? YES NO

If YES, do they meet **Guideline 2.6 of**

not less than $500 for misdemeanors,

$1,000 for non-capital felonies, and

$2,500 for capital felonies where the

death penalty is <u>NOT</u> sought? YES NO

If NO, attach a copy of the maximum fee guideline which your program currently uses.

Guideline 2.6 prohibits the setting of maximum

fees in capital felony cases where the death

penalty is sought.

Does your program have maximum fees for death penalty cases? YES NO

If YES, attach a copy of the maximum fee guideline which your program currently uses for death penalty cases.

What hourly fees arc paid in cases where the death penalty is sought? $_____

Who approves fee requests from appointed attorneys? Specify below - Indigent Defense

Committee, Trial Judge, Administrator, Other:

NAME _____ TITLE _____

_____

V(a).

Selection of Appointed Attorneys

(CIRCLE any YES or NO Answers)

Do you require appointed attorneys to have a certain amount of experience before they can receive appointments? YES NO

Are cases assigned based on the complexity of the case and/or the experience of the attorney? YES NO

Is participation by private attorneys in the indigent defense program,

voluntary or mandatory: VOLUNTARY MANDATORY

Does the Indigent Defense Committee select attorneys for the panel? YES NO

If NO, who makes the selection?

NAME _____ TITLE _____

Are attorneys appointed on a rotating basis? YES NO

Are appointed attorneys informed about GIDC

sponsored seminars? YES NO

Does your program have Standards of

Performance and Conduct for appointed attorneys [**see Guideline 2.5**]? YES NO

If YES, please attach any written guidelines or descriptions of your appointed attorney program.

VI. **APPOINTMENT OF COUNSEL AND ELIGIBILITY DETERMINATION**

Does the program appoint counsel within 72 hours of arrest for in-custody defendants **as required**

by Guideline 1.3? YES NO

Do you require Indigency Affidavits to be completed by defendants? YES NO

When are defendants provided with

Indigency Affidavits? _____

(At booking, initial appearance before magistrate, first day in jail, other)

How many hours/days after arrest? ____ hours ____ days

Who notifies defendants of their right to an appointed attorney?

NAME _____ TITLE _____

Who provides defendants with Indigency Affidavits?

NAME _____ TITLE _____

Who reviews Indigency Affidavits to determine whether a defendant is eligible for an appointed attorney?

NAME _____ TITLE _____

Who does the appointing/selecting of attorneys?

NAME _____ TITLE _____

Do you follow **Guideline 1.5** which establishes eligibility for defendants with net monthly income of $500 or less (with an additional

$170 for each dependent)? YES NO

If NO, please attach the eligibility schedule in

use in your County.

Does your program require the appointed attorney, public defender or contract attorney to contact the defendant within a certain time after appointment? YES NO

If YES, within what time-frame must the appointed attorney visit each new defendant? _____

When is indigency determined **for**

defendants on bond? _____

Who makes determination? NAME _____ TITLE _____

VII. **RECOVERY OF COSTS OF REPRESENTATION FROM DEFENDANTS**

(CIRCLE any YES or NO Answers)

Does your program make any effort to recover costs of representation from defendants? YES NO

If YES, how much did your program collect in

Calendar Year 1992? $_____

Does your program collect costs pretrial from defendants? YES NO

Does the court order as a condition of probation that costs for representation be paid? YES NO

VIII. **DEATH PENALTY CASES - CALENDAR YEAR 1992**

Indicate the total number of death penalty cases **currently pending in the county as of the**

date of this application _____

Indicate the total number of **INDIGENT** cases in which:

(a) the death penalty was sought in 1992. _____

(b) the death penalty was obtained in 1992. _____

If available, indicate the total indigent defense expenditures for death penalty cases in 1992. $_____

Who assigns attorneys to death penalty cases?

NAME _____ TITLE_____

Who determines which **attorneys** are qualified for death penalty appointments?

NAME _____ TITLE_____

What criteria, if any, does your county have for selecting attorneys to handle death penalty cases?

_____

Cite as Ga. Comp. R. & Regs. R. 294-1-.01
Authority: O.C.G.A. Sec. 28-5-120.
History. Original grant description entitled "Local Indigent Defense Assistance Grant Program" submitted December 21, 1993.