Local Criminal Rule 3.1
RIGHT TO AND ASSIGNMENT OF COUNSEL

(a) Appointment of Counsel. Defendants who request appointment of counsel may be required to promptly execute a financial disclosure under oath, which shall be filed.

All appointments of counsel by reason of indigence are expressly contingent upon indigence and full disclosure of assets. Where assets are discovered or acquired subsequent to appointment which would indicate that defendant can afford counsel, or if the defendant can afford part payment, fees may be ordered paid, pursuant to the appointment agreement, by the Court.

Upon appointment of counsel for indigent criminal defendants or other litigants, the clerk shall promptly provide counsel with notice of the appointment.

Attorneys representing defendants in criminal cases, except for appointed attorneys, must serve prompt written notice of their appearance upon the prosecuting attorney and file the same with the Clerk of the Court.

Whenever an attorney appears for a defendant in a criminal case at arraignment, the appearance shall be unconditional. No appearance shall be conditioned on payment of fees or for any other reason.

(b) Services Other than Counsel. Pursuant to the authority under CrR 3.1(f), all requests and approval for expert services expenditures are hereby delegated to the Benton and Franklin Counties Office of Public Defense. Upon finding that investigative, expert or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, the Benton and Franklin Counties Office of Public Defense (OPD) shall authorize the services. Where services are denied in whole or in part, the defendant may move for de novo review to the Presiding Judge. Should the defendant seek an order sealing the moving papers, defendant shall present, along with the moving papers, a motion and proposed order sealing the documents to the OPD. The OPD shall submit the motion to seal and proposed order with the moving papers regarding request for expert services and the OPD's order on the motion for expert services to the Presiding Judge.

(c) Upon Appeal. In cases involving appeals from another court to the Superior Court in which the defendant wishes counsel to be appointed in the Superior court on the basis of indigence, the following will apply:

(1) The trial attorney shall be responsible for:

(A) Perfecting the appeal to the Superior Court.

(B) Noting the issue of appointment of counsel upon the next criminal motion docket following the perfection of the appeal.

(C) Preparing an affidavit of indigence.

(D) Representing the defendant at such hearing.

(2) The defendant shall be present at the hearing upon the motion to establish indigence.

[Adopted Effective April 1, 1986, September 1, 2003, September 1, 2009]