

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Office of Indigent Defense Services

Rule No. 355-9-1-.12

Rule Title: Standards for Establishing Contract Counsel System

X New _____ Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *M. Smith*

Date 9/16/15

(DATE FILED)
(STAMP)

DEPARTMENT OF FINANCE
Office of Indigent Defense Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Finance – Office of Indigent Defense Services

RULE NO. & TITLE:

- (1) 355-9-1-.10 – Caseload Management Standards
- (2) 355-9-1-.11 – Minimum Qualifications and Requirements for a Public Defender
- (3) 355-9-1-.12 – Standards for Establishing Contract Counsel System

INTENDED ACTION: New Rules for OIDS

SUBSTANCE OF PROPOSED ACTION: The new rules (1) establish caseload standards for attorneys providing indigent defense services, (2) establishes and sets out the minimum qualifications for a Public Defender, (3) establishes and sets out standards for implementing a contract counsel system.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

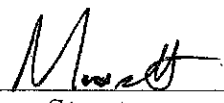
Views on this intended action may be presented by telephone to Mose Stuart at (334) 242-4516. Written views may be submitted to:

Mose Stuart
Department of Finance – Legal Division
Third Floor, State Capitol Building
Montgomery, Alabama 36130
By email: mose.stuart@finance.alabama.gov

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, November 5, 2015

CONTACT PERSON AT AGENCY: Mose Stuart



Mose Stuart
Senior Associate Counsel

355-9-1-.12 Standards for Establishing Contract Counsel System. Should a board determine that the method for delivering indigent defense services in its county or circuit is by the establishment of a Contract Counsel System, it shall do so in accordance with the Act and consistent with these rules. The selection process shall be determined by the Board consistent with the qualifications enumerated in the Act and these rules. All Contracts are to be negotiated and attorneys selected by the Board, subject to the approval of the Presiding Circuit Judge and the Director.

Author: C. Roberts

Authority: Code of Ala. 1975, § 41-4-322(h).

History: Filed September 16, 2015