



Ohio Administrative Code Rule 120-1-07 Workload standards.

Effective: November 7, 2019

(A) Neither a public defender nor a court-appointed counsel may accept a workload that threatens to deny due process of law or constitutional rights to any client, places the office or attorney in imminent danger of violating the Ohio Rules of Professional Conduct, or otherwise threatens quality representation of the client. Factors to be considered in determining appropriate workload include:

- (1) The number and complexity of cases the attorney is handling.
- (2) The attorneys experience and ability, including the number of years the attorney has practiced law; the proportion of time the attorney has dedicated to criminal or juvenile defense; the types of cases, including degree of charges and difficulty of cases, which the attorney has handled in the past; and the attorneys ability to satisfy or exceed performance standards established by the Ohio public defender commission.
- (3) The attorneys out-of-court duties, including meetings with clients, witnesses, experts, and other persons involved in cases; research and writing of briefs, memoranda, motions, and letters; management or supervisory duties; and office or clerical work.
- (4) The attorneys access to information technology, including online research tools, online court dockets, and case file information.
- (5) The attorneys support staff, including legal secretaries, administrative assistants, paralegals, investigators, mitigation specialists, and social workers.
- (6) Local discovery practices, the ease with which the attorney can access all discoverable materials, and the amount of discovery and evidence that must be reviewed.
- (7) How the courts scheduling and other procedures impact the attorneys use of time.



(8) How much the attorney must travel in order to provide quality representation.

(9) Other factors relevant to the attorneys workload.

(B) An attorney who works as a public defender or court-appointed counsel on a full-time basis should not be assigned or accept an annual caseload in excess of the national advisory commission (NAC) on criminal justice standards. These standards are:

One hundred fifty felonies per attorney per year;

Four hundred misdemeanors per attorney per year (excluding non-OVI traffic offenses);

Two hundred juvenile delinquencies per attorney per year;

Two hundred mental health per attorney per year; or,

Twenty-five appeals per attorney per year.

If an attorney is assigned multiple types of cases, these numbers shall be adjusted to reflect the proportional weighted caseload to calculate for the mixed case types being assigned. If an attorney works as a public defender or court-appointed counsel on less than full-time basis, the annual caseload they are assigned or accept should be adjusted proportionally to the time worked.

(C) Whenever, by reason of excessive workload, a public defender or appointed counsel determines that the assumption of additional cases or continued representation in previously accepted cases will lead to the inadequate representation of any client, the public defender or appointed counsel shall:

(1) Declare such fact to the court on the record; and

(2) Request that the court allow the attorneys withdrawal as counsel from assigned cases and appoint substitute counsel, or allow the attorney to temporarily refrain from accepting new cases.