

## Executive Order

Pursuant to the authority vested in the Chief Justice of the Rhode Island Supreme Court by G.L. 1956 § 8-15-2 and in order to provide competent legal representation, to ensure that the distribution of court appointments (for indigent defense services or certain civil panels) is made in a fair and equitable fashion, to provide a uniform and efficient system for making such appointments, to provide a uniform and efficient system for payment of services by the Rhode Island Judiciary to attorneys when applicable, and to serve the public interest, I hereby order that the Supreme, Superior, Family, District, and Workers' Compensation Courts establish and supervise a rotating list of qualified attorneys available for court appointments in those cases that fall within the respective jurisdictions, as set forth herein. With the assistance of the courts, the lists of qualified attorneys shall be monitored and maintained by the Administrative Office of State Courts (AOSC) through the case management system.

In the interests of encouraging attorneys to participate in court appointed representation, the Rhode Island Bar Association and the Rhode Island Association of Criminal Defense Lawyers are encouraged to coordinate the development of continuing legal education (CLE) courses which specifically provide instruction regarding the case types corresponding to the court appointment panels established below.

### I. Court Appointment Panels.

Court appointment panels shall be structured to include as large a list of qualified and willing attorneys as is feasible. Such panels may be subdivided by geographical areas relevant to court jurisdictions, including county courts and divisions, if appropriate. Appointments from the respective panels shall be made in accordance with a rotating system. However, in the discretion of the Chief Justice, Presiding Justice, or Chief Judge of each court, an attorney who has been previously appointed to represent a party may be appointed out of rotation to represent that party in any matter arising out of the same transaction or in other circumstances where economies of time and expense may be achieved. Any other deviation from the rotating system shall be occasioned only when specialized expertise, conflict of interest, emergency need, or attorney court excusal are factors. When deviations do occur, such reasons shall be noted by the judicial officer or clerk in the case file and/or case management system.

### II. Appointment Procedures.

The Chief Justice, the Presiding Justice, and the Chief Judge of each court have the discretion to assign attorneys to the panels as requested if the attorney is deemed qualified for court appointments. ***Judicial officers are not authorized to appoint indigent defense attorneys to a case unless the attorney is certified on the respective indigent defense services panel. Absent certification, the attorney shall not be entitled to payment for services rendered.*** If an attorney appointed to a case withdraws from representation prior to the conclusion of the case, then the judicial officer presiding over the case shall appoint a new attorney certified on the respective indigent defense services panel.

Appointments from the indigent defense service panels shall be made only after the filing of written certification by the Office of the Public Defender (Public Defender) of the person's inability to pay for an attorney and the existence of a conflict of interest on the part of that office in accepting the individual as a client. Appointments from the Family Court guardian ad litem for child protection and wayward/delinquency panels shall be made only after written certification of a conflict of interest by Office of the Court Appointed Special Advocate (CASA). Written certifications shall be placed in the case file. ***No payments shall be made for any indigent defense services performed in the absence of a written certification of conflict in accordance with this paragraph.***

When the Public Defender or CASA issues a written certification, a copy of the written certification shall be provided electronically to the respective court in which the case is pending as soon as possible. When the respective court is advised that the Public Defender or CASA are not eligible to represent a defendant due to a conflict of interest, and the defendant is not held without bail, then the respective court shall reassign the defendant's next court date to at least two (2) weeks after the respective court's receipt of the written certification to allow sufficient time for potential attorney appointees to review for any conflict of interest.

Each respective court shall send notice to the potential attorney appointee by telephone and email with a reasonable deadline by which the attorney may accept the appointment. If the attorney does not accept the appointment by the designated deadline, then court staff shall send notice to the next potential attorney appointee on the panel list.

By August 31<sup>st</sup> of each year, the AOSC shall compile a recertification list of attorneys for each court. The Office of Disciplinary Counsel shall review the recertification list of attorneys for each court and shall file a report with the AOSC. The recertification list of attorneys will then be given to the Chief Justice, Presiding Justice, or Chief Judge who shall conduct a review for the respective court and shall file a report with the AOSC.

### **III. Continuity of Representation.**

Attorneys who are appointed in cases originating in the District Court which are subsequently transferred to the Superior Court shall be administratively entered as court appointed attorney in the Superior Court. Such court appointed attorney shall represent the defendant through full disposition of the case, unless authorized to withdraw by the judicial officer handling the case in the Superior Court. Appointment procedures specific to the panels for Superior Court Courtrooms 5-D (Pre-arraignment Calendar) and 9 (Daily Criminal Calendar), Providence/Bristol County are set forth below in footnotes 4 and 5.

In the Family Court, court appointed attorneys shall provide representation in a case throughout all stages of adjudication in the Family Court. This shall include representation in any termination of parental right actions arising out of a petition for dependency, neglect, or abuse where a continuing conflict of interest occurs with the Public Defender, CASA, or other contract legal services.

#### **IV. Application for Court Appointment Panels.**

*The acceptance or denial of a certification or recertification application, or the removal of any attorney for any proper reason from a court appointment panel(s), is confided to the sound discretion of the Chief Justice, Presiding Justice, or Chief Judge of each court, and the attorney shall be provided with notice and reason if applicable.*

##### ***A. Certification.***

In order to provide a uniform and efficient system for court appointments, attorneys shall submit the Application for Court Appointment Certification to the Chief Justice, Presiding Justice, or Chief Judge of the respective court. Attorneys may be certified for rotating court appointments on a case-by-case basis or as a duty attorney based upon:

1. The general requirements listed in section V.A.; and
2. The specific requirements listed in section V.B.<sup>1</sup>

Indigent defense services may also be provided by contractual agreement with a state agency, state or local bar association, non-profit organization, bar advocate group, or any other affiliated group of attorneys organized to afford representation to indigent defendants.

##### ***B. Recertification.***

For an attorney to be recertified on a court appointment panel, the attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification. If the attorney fails to obtain recertification by August 15 of every third year, then the attorney shall have to complete the original certification process. The first recertification for attorneys currently on the court appointment panels will be due on August 15, 2028.

#### **V. Qualifications for Court Appointment Panels.**

##### ***A. General Requirements for Court Appointment Panels.***

The general requirements for an attorney to be certified or recertified to a court appointment panel(s) are as follows:

1. The attorney shall be a member of the Rhode Island Bar in good standing;
2. The attorney shall have in effect legal malpractice insurance in a minimum amount of \$100,000 per claim/\$300,000 aggregate with a carrier licensed to issue insurance policies in the State of Rhode Island and shall provide proof of the insurance;

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<sup>1</sup> Attorneys who have reached seventy (70) years of age shall be exempt from the annual completion of CLE prerequisites established in this Executive Order as a condition for court appointment certification and recertification.

3. In matters that may involve the handling and managing of funds, the attorney shall acquire bonding by a surety bond in an amount equal to the total funds being managed;
4. Only the certified attorney on a panel shall provide representation in the appointed case. The certified attorney may not send an associate or other attorney in the firm in the certified attorney's place to represent a party. The certified attorney, with the prior written permission of the defendant, may bill for an associate or other attorney in the firm to perform legal research and writing services in the appointed case; and
5. The certified attorney may be removed from a panel by the Chief Justice, Presiding Justice, or Chief Judge of each court if the attorney refuses to accept an appointment without good cause or fails to meet any of the general requirements listed above.

**B. Specific Requirements for Court Appointment Panels.**

In addition to the general requirements listed above, the categories of cases for which separate court appointment panels shall be created and maintained, and the specific qualifications for certification and recertification to each, shall be as follows:

<b>SUPREME COURT</b>		
<b>Indigent Defense Services</b>	<b>Certification</b>	<b>Recertification</b>
Criminal Appeal	1. Member of the Rhode Island Bar for at least five (5) years.  2. Service as a law clerk to a justice of the Supreme Court, <b><i>or</i></b>  Prior experience as a staff attorney with the Supreme Court, <b><i>or</i></b>  Prior experience in the argument of at least two (2) appeals, whether civil or criminal, <b><i>or</i></b>  Demonstrate commensurate experience to the satisfaction of the Chief Justice.  3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.

<p>Miscellaneous Appeals and Petitions<sup>2</sup></p>	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Service as a law clerk to a justice of the Supreme Court, <b><i>or</i></b>  Prior experience as a staff attorney with the Supreme Court, <b><i>or</i></b>    Prior experience in the argument of at least two (2) appeals, whether civil or criminal, <b><i>or</i></b>    Demonstrate commensurate experience to the satisfaction of the Chief Justice.</p> <p>3. Certified in the specific Supreme Court indigent defense services panel.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
<p>Post-conviction Relief Petitions</p>	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Service as a law clerk to a justice of the Supreme Court, <b><i>or</i></b>    Prior experience as a staff attorney with the Supreme Court, <b><i>or</i></b>    Prior experience in the argument of at least two (2) appeals, whether civil or criminal, <b><i>or</i></b>    Demonstrate commensurate experience to the satisfaction of the Chief Justice.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

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<sup>2</sup> The Supreme Court, in the Court’s discretion, may appoint attorneys to handle Miscellaneous Appeals and Petitions including those seeking the issuance of an extraordinary writ, provided that the underlying case qualifies for indigent defense services.

Termination of Parental Rights Appeal	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Service as a law clerk to a justice of the Supreme Court, <b><i>or</i></b></p> <p>Prior experience as a staff attorney with the Supreme Court, <b><i>or</i></b></p> <p>Prior experience in the argument of at least two (2) appeals, whether civil or criminal, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Chief Justice.</p> <p>3. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
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<b>SUPERIOR COURT</b>		
<b>Indigent Defense Services</b>	<b>Certification</b>	<b>Recertification</b>
Extreme Risk Protection Order	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) felony trials to verdict, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) felony trials to verdict as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.

Sexual Violent Predator	<p>1. Member of the Rhode Island Bar for at least one (1) year.</p> <p>2. One (1) year of general criminal litigation experience, <b><u>or</u></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
Post-conviction Relief - Felony - Capital or Life Offense <sup>3</sup>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) felony capital or life offense trials to completion, including pretrial dispositions, <b><u>or</u></b></p> <p>Prior representation of any party in at least three (3) felony capital or life offense trials to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney, <b><u>or</u></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
Post-conviction Relief - All Other Charge Types	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) felony less than capital or life offense trials to completion, including pretrial dispositions, <b><u>or</u></b></p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

<sup>3</sup> Pursuant to G.L. 1956 § 12-12-1.1, “capital offense” means an “offense which may be punished by death,” and “life offense” means an “offense which may be punished by a term of life imprisonment.”

	<p>Prior representation of any party in at least three (3) felony less than capital or life offense trials to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	
<p>Courtrooms 5-D (Pre-arraignment Calendar)<sup>4</sup> and 9 (Daily Criminal Calendar)<sup>5</sup>, Providence/Bristol County</p>	<p>1. Member of the Rhode Island Bar for at least one (1) year.</p> <p>2. One (1) year of general criminal litigation experience, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

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<sup>4</sup> In Courtroom 5-D, if a case originated in the District Court and the District Court appointed an attorney and that same attorney is certified on the appropriate court appointment panel, then that attorney shall be given preference for appointment to the related case in Courtroom 5-D. In those circumstances, the attorney appointed in the District Court shall appear at the client’s related appearance in Courtroom 5-D and make the attorney’s availability for appointment known to the judicial officer. If the attorney does not do so, then the judicial officer may appoint a new attorney in the regular course.

<sup>5</sup> In Courtroom 9, the judicial officer may appoint an attorney from the appropriate court appointment panel to represent the defendant on a case.

<p>Violation of Court Order for Payment of Fines, Costs, and/or Restitution</p>	<p>1. Member of the Rhode Island Bar for at least one (1) year.</p> <p>2. One (1) year of general criminal litigation experience, <i><u>or</u></i></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
<p>Courtroom 14 (Fines, Costs, and/or Restitution Calendar), Licht Judicial Complex</p>	<p>1. Member of the Rhode Island Bar for at least one (1) year.</p> <p>2. One (1) year of general criminal litigation experience, <i><u>or</u></i></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
<p><b>Civil Panels</b></p>	<p><b>Certification</b></p>	<p><b>Recertification</b></p>
<p>Attorney Appointed Pursuant to Servicemembers Civil Relief Act (50 U.S.C. Ch. 50)</p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Experience in real estate law, municipal tax law, and title searches.</p> <p>3. Completion of six (6) hours in civil litigation in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

Guardian Ad Litem - Partition Action	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Concentration of the attorney’s law practice in the field of real estate, tax law, and title searches.</p> <p>3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
Guardian Ad Litem - Personal Injury	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Concentration of the attorney’s law practice in the field of personal injury law.</p> <p>3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
Guardian Ad Litem - Probate	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Concentration of the attorney’s law practice must involve probate matters.</p> <p>3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
Commissioner for Real Estate	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Concentration of the attorney’s practice must be in real estate, including the handling of title searches and closings, as well as familiarity with the requirements for title insurance policies, marketability of title for insurance purposes, and proof of errors and omissions coverage with real estate riders.</p> <p>3. Completion of six (6) hours in civil litigation with an emphasis on the specific</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.

	area of appointment in the previous MCLE reporting year.	
Receiver/Trustee	<ol style="list-style-type: none"> <li>1. Member of the Rhode Island Bar for at least five (5) years.</li> <li>2. Substantial experience and practice in receivership, creditors' rights, insolvency, and/or bankruptcy matters.</li> <li>3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</li> </ol>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
Title Attorney/Tax Case – Petition to Foreclose Equities of Redemption	<ol style="list-style-type: none"> <li>1. Member of the Rhode Island Bar for at least five (5) years.</li> <li>2. Two (2) years' experience in examining titles incident to real estate conveyances or in examining titles for petitions to foreclose equities of redemption.</li> <li>3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</li> </ol>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.

**SUPERIOR AND DISTRICT COURTS<sup>6</sup>**

<b>Indigent Defense Services</b>	<b>Certification</b>	<b>Recertification</b>
<p>Felony - Capital or Life Offense<sup>7</sup></p>	<p>1. Member of the Rhode Island Bar for at least five (5) years.</p> <p>2. Prior representation of any party in a felony capital or life offense trial to verdict, <b><i>or</i></b></p> <p>Prior representation of any party in at least two (2) felony capital or life offense trials to verdict as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

<sup>6</sup> Attorneys who are appointed in cases originating in the District Court which are subsequently transferred to the Superior Court shall be administratively entered as the court appointed attorney in the Superior Court. The court appointed attorney shall represent the defendant through full disposition of the case, unless authorized to withdraw by the judicial officer handling the case in the Superior Court.

<sup>7</sup> Pursuant to G.L. 1956 § 12-12-1.1, “capital offense” means an “offense which may be punished by death,” and “life offense” means an “offense which may be punished by a term of life imprisonment.”

<p>Felony - Less Than Capital or Life Offense<sup>8</sup></p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) felony less than capital or life offense trials to verdict, <b><i>or</i></b> Prior representation of any party in at least three (3) felony trials to verdict as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Presiding Justice of the Superior Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
<p>Misdemeanor</p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Chief Judge of the District Court.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

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<sup>8</sup> Pursuant to G.L. 1956 § 12-12-1.2, “less than capital or life” excludes “offenses punishable by death or by a term of life imprisonment or offenses arising in the land or naval forces or in the militia in actual service in time of war or public danger” and includes any “offense which may be punished by imprisonment for a term exceeding one year and/or by a fine exceeding one thousand dollars (\$1,000).”

FAMILY COURT		
Indigent Defense Services	Certification	Recertification
Dependency/Neglect/ Abuse	<p>1. Member of the Rhode Island Bar in good standing.</p> <p>2. Prior representation of any party in at least three (3) neglect or abuse cases from initiation to completion of the action, <b><u>or</u></b></p> <p>Prior representation of any party in at least three (3) dependency/neglect/abuse cases from initiation to completion of the action as an associate counsel under the supervision of an attorney, <b><u>or</u></b></p> <p>Satisfactory completion of an in-house training program established by the Family Court and representation of any party in at least one (1) neglect or abuse case from initiation to completion of the action, <b><u>or</u></b></p> <p>Satisfactory completion of an in-house training program established by the Family Court and representation of any party in at least one (1) dependency/neglect/abuse case from initiation to completion of the action as an associate counsel under the supervision of an attorney, <b><u>or</u></b></p> <p>Demonstrated commensurate experience in the area of child welfare and/or juvenile law to the satisfaction of the Chief Judge of the Family Court.</p> <p>3. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

<p>Termination of Parental Rights</p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) trials, one of which must involve a termination of parental rights, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) trials, one of which must involve a termination of parental rights as an associate counsel under the supervision of an attorney; <b><i>or</i></b></p> <p>Satisfactory completion of an in-house training program established by the Family Court and representation of any party in at least one (1) dependency/neglect/abuse case from initiation to completion of the action, <b><i>or</i></b></p> <p>Satisfactory completion of an in-house training program established by the Family Court and representation of any party in at least one (1) dependency/neglect/abuse case from initiation to completion of the action as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrated commensurate experience and practice in the area of child welfare and/or juvenile law to the satisfaction of the Chief Judge of the Family Court.</p> <p>3. Completion of six (6) hours in child welfare and/or juvenile justice law in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
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Wayward/Delinquency	<p>1. Member of the Rhode Island Bar in good standing.</p> <p>2. Prior representation of any party in at least three (3) wayward/delinquency cases from initiation to completion of the action, <u><i>or</i></u></p> <p>Prior representation of any party in at least three (3) wayward/delinquency cases from initiation to completion of the action as an associate counsel under the supervision of an attorney, <u><i>or</i></u></p> <p>Commensurate experience in family law, juvenile justice, and/or criminal law and/or procedure to the satisfaction of the Chief Judge of the Family Court.</p> <p>3. Completion of three (3) hours in family law, juvenile justice, and/or criminal law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
Guardian Ad Litem for Child Protection and Wayward/Delinquency	<p>1. Member of the Rhode Island Bar in good standing.</p> <p>2. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
Violation of Court Order for Child and/or Spousal Support	<p>1. Member of the Rhode Island Bar for at least one (1) year.</p> <p>2. One (1) year litigation experience in the Family Court.</p> <p>3. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.

<p>Waiver of Jurisdiction and Certification Hearing</p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Demonstrated experience including prior representation of any party in at least three (3) juvenile justice and/or criminal law and/or procedure cases, <b><i>or</i></b></p> <p>Demonstrated experience including prior representation of any party in at least three (3) juvenile justice and/or criminal law and/or procedure cases as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Commensurate experience in juvenile justice and/or criminal law and/or procedure to the satisfaction of the Chief Judge of the Family Court.</p> <p>3. Completion of three (3) hours in juvenile justice and/or criminal law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
<p>Felony (Adult)</p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) felony trials to verdict, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) felony trials to verdict as an associate counsel under the supervision of an attorney.</p> <p>3. Prior representation of any party in at least three (3) Family Court trials involving either a child abuse or neglect case to verdict or decision.</p> <p>4. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

<p>Misdemeanor (Adult)</p>	<p>1. Member of the Rhode Island Bar in good standing.</p> <p>2. Prior representation of any party in at least three (3) Family Court cases involving child abuse, neglect, or juvenile justice to dispositions, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney.</p> <p>3. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
<p>Post-conviction Relief (Adult)</p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) criminal cases to completion, including pretrial dispositions, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) criminal cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Chief Judge of the Family Court.</p> <p>3. Prior representation of any party in at least three (3) Family Court trials involving either a child abuse or neglect case to verdict or decision.</p> <p>4. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

Civil Panels	Certification	Recertification
Attorney Appointed Pursuant to Servicemembers Civil Relief Act (50 U.S.C. Ch. 50)	<ol style="list-style-type: none"> <li>1. Member of the Rhode Island Bar for at least three (3) years.</li> <li>2. Three (3) years of litigation experience in Family Court.</li> <li>3. Completion of three (3) hours in family law and/or procedure with an emphasis on the specific area of appointment in the previous MCLE reporting year.</li> </ol>	<ol style="list-style-type: none"> <li>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</li> </ol>
Commissioner for Real Estate	<ol style="list-style-type: none"> <li>1. Member of the Rhode Island Bar for at least five (5) years.</li> <li>2. Concentration of attorney's practice in real estate, including the handling of title searches and closings, as well as familiarity with the requirements for title insurance policies, marketability of title for insurance purposes, and proof of errors and omissions coverage with real estate riders.</li> <li>3. Completion of three (3) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</li> </ol>	<ol style="list-style-type: none"> <li>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</li> </ol>
Guardian Ad Litem for Domestic Relations Case	<p><u>See</u> Family Court Administrative Order 2018-03, Standards for Appointment as Guardian Ad Litem for Domestic Relation Cases.</p>	
Receiver	<ol style="list-style-type: none"> <li>1. Member of the Rhode Island Bar for at least five (5) years.</li> <li>2. Substantial experience and practice in receivership, creditors' rights, insolvency, and/or bankruptcy matters.</li> <li>3. Completion of three (3) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</li> </ol>	<ol style="list-style-type: none"> <li>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</li> </ol>

<b>DISTRICT COURT</b>		
<b>Indigent Defense Services</b>	<b>Certification</b>	<b>Recertification</b>
Driving Under Influence of Liquor or Drugs	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Chief Judge of the District Court.</p> <p>3. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
Post-conviction Relief - Misdemeanor	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) criminal cases to completion, including pretrial dispositions, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) criminal cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Chief Judge.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

<p>Post-conviction Relief - Driving Under Influence of Liquor or Drugs</p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, <b><i>or</i></b></p> <p>Prior representation of any party in at least three (3) cases to completion, including pretrial dispositions, as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Chief Judge of the District Court.</p> <p>3. Completion of three (3) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
<p>Violation of Court Order for Payment of Fines, Costs, and/or Restitution</p>	<p>1. Member of the Rhode Island Bar for at least one (1) year.</p> <p>2. One (1) year of general criminal litigation experience, <b><i>or</i></b></p> <p>Demonstrate commensurate experience to the satisfaction of the Chief Judge.</p> <p>3. Completion of six (6) hours in criminal law and/or procedure in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>
<p><b>Civil Panels</b></p>	<p><b>Certification</b></p>	<p><b>Recertification</b></p>
<p>Attorney Appointed Pursuant to Servicemembers Civil Relief Act (50 U.S.C. Ch. 50)</p>	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Concentration of the attorney’s law practice in general litigation.</p> <p>3. Completion of six (6) hours in civil litigation in the previous MCLE reporting year.</p>	<p>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</p>

<p>Commissioner for Real Estate</p>	<ol style="list-style-type: none"> <li>1. Member of the Rhode Island Bar for at least five (5) years.</li> <li>2. Concentration of the attorney's practice must be in real estate, including the handling of title searches and closings, as well as familiarity with the requirements for title insurance policies, marketability of title for insurance purposes, and proof of errors and omissions coverage with real estate riders.</li> <li>3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</li> </ol>	<ol style="list-style-type: none"> <li>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</li> </ol>
<p>Guardian Ad Litem</p>	<ol style="list-style-type: none"> <li>1. Member of the Rhode Island Bar for at least five (5) years.</li> <li>2. Concentration of the attorney's law practice in general litigation.</li> <li>3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</li> </ol>	<ol style="list-style-type: none"> <li>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</li> </ol>
<p>Receiver/Trustee</p>	<ol style="list-style-type: none"> <li>1. Member of the Rhode Island Bar for at least five (5) years.</li> <li>2. Substantial experience and practice in receivership, creditors' rights, insolvency, and/or bankruptcy matters.</li> <li>3. Completion of six (6) hours in civil litigation with an emphasis on the specific area of appointment in the previous MCLE reporting year.</li> </ol>	<ol style="list-style-type: none"> <li>1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.</li> </ol>

Mental Health Civil Certification	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of any party in at least three (3) civil certification hearings and/or criminal defense litigation, <b><i>or</i></b> Prior representation of any party in at least three (3) civil certification hearings and/or criminal defense litigation as an associate counsel under the supervision of an attorney, <b><i>or</i></b></p> <p>Demonstrated commensurate experience to the satisfaction of the Chief Judge.</p> <p>3. Completion of six (6) hours in mental health or criminal law and/or procedure in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
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**WORKERS' COMPENSATION COURT**

Civil Panels	Certification	Recertification
Guardian	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of petitioners or respondents in at least five (5) workers' compensation cases from pretrial dispositions through trial decision and decree within the past twelve (12) months.</p> <p>3. Completion of three (3) hours in workers' compensation law and/or procedure in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.
Unrepresented Employee in Settled Case	<p>1. Member of the Rhode Island Bar for at least three (3) years.</p> <p>2. Prior representation of petitioners or respondents in at least five (5) workers' compensation cases from pretrial dispositions through trial decision and decree within the past twelve (12) months.</p> <p>3. Completion of three (3) hours in workers' compensation law and/or procedure in the previous MCLE reporting year.</p>	1. The attorney shall file an Application for Court Appointment Recertification every third August 15 following the original certification.

## **VI. Fees and Expenses.**

The rates of compensation to be paid by the Rhode Island Judiciary to court appointed attorneys shall not differentiate between in-court and out-of-court time spent by the attorney on a matter. In addition to the fees set forth below, attorneys shall be entitled to all reasonable expenses of litigation including cost of transcripts, expert witness fees, investigators' fees, and fees for service of subpoenas in those instances where subpoenas have not been served by court order without cost. Application for expert witness authorization may be made ex parte without notification to the Attorney General or other adverse parties. Notwithstanding, all witness travel and travel expenses must be approved by the judicial officer hearing the case in accordance with the applicable Rhode Island General Laws.

If a case requires an investigator and/or expert, the attorney shall first obtain a court order allowing the expense with a threshold amount not to exceed \$500.00 initially. If the investigator and/or expert expenses exceed the threshold amount, the attorney shall submit another court order approving any overage. When seeking reimbursement for the investigator and/or expert expenses, the attorney shall upload the court order(s) and investigator and/or expert invoice(s) with the attorney's timesheet when these expenses occur for submission.

The thresholds and flat fees set by this schedule shall apply to all time spent and all the hearings required in a particular case to reach adjudication and shall include all post-disposition efforts unless noted otherwise. In cases wherein the fees or expenses sought are less than the threshold, approval shall be automatic, and the attorney's payment status will be noted online in the Payment for Indigent Defense Services Portal.

Where the fees or expenses sought exceed the threshold in the Supreme Court, the attorney shall file a Motion to Exceed Threshold Payment (see forms on the Judiciary's website) and the Timesheet Exception Approval form (the Finance and Budget Office will email the document to the attorney upon request) with the Administrative Assistant to Chief Justice within thirty (30) days from disposition of the case, except for reimbursement for investigator and/or expert expenses. Final determination of payment shall be made by the Supreme Court in conference. Where the fees or expenses sought exceed the threshold in the Superior, Family, or District Courts, the trial justice or judge at disposition shall make a recommendation regarding the advisability of exceeding the threshold amount, but the final determination of payment shall be made by the Presiding Justice or the Chief Judge of the respective court.

The fee and expenses schedule shall be as follows:

<b>SUPREME COURT</b>		
<b>Indigent Defense Services</b>		
Criminal Appeal	\$112 per hour	\$6,852 threshold
Miscellaneous Appeals and Petitions	\$112 per hour	\$6,852 threshold
Post-conviction Relief Petitions	\$112 per hour	\$6,852 threshold
Termination of Parental Rights Appeal	\$112 per hour	\$6,852 threshold
Expenses		\$500 case maximum

<b>SUPERIOR COURT</b>		
<b>Indigent Defense Services</b>		
Extreme Risk Protection Order	\$112 per hour	\$3,733 threshold
Sexual Violent Predator	\$112 per hour	\$3,360 threshold
Post-conviction Relief - Felony - Capital or Life Offense	\$112 per hour	\$8,400 threshold
Post-conviction Relief - All Other Charge Types	\$112 per hour	\$8,400 threshold
Courtrooms 5-D (Pre-arraignment Calendar) and 9 (Daily Criminal Calendar), Providence/Bristol County		\$385/day - 9:00 a.m. to 12:30 p.m. and from 2:00 p.m. to 4:00 p.m.
Violation of Court Order for Payment of Fines, Costs, and/or Restitution	\$60 per hour	\$3,000 threshold
Courtroom 14 (Fines, Costs, and/or Restitution Calendar), Licht Judicial Complex		\$280/day - 10:30 a.m. to 12:30 p.m. and from 2:00 p.m. to 4:00 p.m.
Expenses		\$500 case maximum
<b>Civil Panels</b>		
Attorney Appointed Pursuant to Servicemembers Civil Relief Act (50 U.S.C. Ch. 50) <sup>9</sup>		
Guardian Ad Litem - Partition Action		
Guardian Ad Litem - Personal Injury		
Guardian Ad Litem - Probate		
Commissioner for Real Estate		
Receiver/Trustee		
Title Attorney/Tax Case – Petition to Foreclose Equities of Redemption		

<b>SUPERIOR AND DISTRICT COURTS</b>		
<b>Indigent Defense Services</b>		
Felony - Capital or Life Offense	\$142 per hour	\$42,600 threshold
Felony - Less Than Capital or Life Offense	\$112 per hour	\$12,444 threshold
Misdemeanor	\$112 per hour	\$4,032 threshold
Expenses		\$500 case maximum

<sup>9</sup> Attorneys appointed under this panel are viewed as serving in the capacity similar to a guardian ad litem. Fees and expenses should be assessed by the court in the same manner as those incurred by a court appointed guardian ad litem in civil cases. In those rare instances where payment is to be made by the Rhode Island Judiciary, the fee shall be \$112 per hour.

<b>FAMILY COURT</b>		
<b>Indigent Defense Services</b>		
Dependency/Neglect/Abuse	\$112 per hour	\$3,111 threshold
Dependency/Neglect/Abuse - Arraignment	\$40 per hour	In the event of multiple arraignments, no more than a total of \$133 for all arraignments.
Dependency/Neglect/Abuse - Review	\$80 per hour	\$2,000 threshold
Termination of Parental Rights	\$112 per hour	\$6,719 threshold
Termination of Parental Rights - Arraignment	\$40 per hour	In the event of multiple arraignments, no more than a total of \$133 for all arraignments.
Termination of Parental Rights - Review	\$80 per hour	\$2,000 threshold
Wayward/Delinquency	\$112 per hour	\$3,111 threshold
Wayward/Delinquency - Arraignment	\$40 per hour	In the event of multiple arraignments, no more than a total of \$133 for all arraignments.
Wayward/Delinquency - Review	\$80 per hour	\$2,000 threshold
Guardian Ad Litem for Child Protection and Wayward/Delinquency	\$65 per hour	\$2,600 threshold
Violation of Court Order for Child and/or Spousal Support	\$65 per hour	\$3,250 threshold
Waiver of Jurisdiction and Certification Hearing	\$112 per hour	\$4,355 threshold
Felony (Adult)	\$112 per hour	\$12,444 threshold
Misdemeanor (Adult)	\$112 per hour	\$4,032 threshold
Post-conviction Relief (Adult)	\$112 per hour	\$1,680 threshold
Expenses		\$500 case maximum
<b>Civil Panels</b>		
Attorney Appointed Pursuant to Servicemembers Civil Relief Act (50 U.S.C. Ch. 50) <sup>10</sup>		
Commissioner for Real Estate		
Guardian Ad Litem for Domestic Relations Case		
Receiver		

<sup>10</sup> Attorneys appointed under this panel are viewed as serving in the capacity similar to a guardian ad litem. Fees and expenses should be assessed by the court in the same manner as those incurred by a court appointed guardian ad litem in civil cases. In those rare instances where payment is to be made by the Rhode Island Judiciary, the fee shall be \$112 per hour.

<b>DISTRICT COURT</b>		
<b>Indigent Defense Services</b>		
Driving Under Influence of Liquor or Drugs	\$112 per hour	\$5,600 threshold
Post-conviction Relief - Misdemeanor	\$112 per hour	\$1,680 threshold
Post-conviction Relief - Driving Under Influence of Liquor or Drugs	\$112 per hour	\$1,680 threshold
Violation of Court Order for Payment of Fines, Costs, and/or Restitution	\$60 per hour	\$3,000 threshold
<b>Civil Panels</b>		
Attorney Appointed Pursuant to Servicemembers Civil Relief Act (50 U.S.C. Ch. 50) <sup>11</sup>		
Commissioner for Real Estate		
Guardian Ad Litem		
Receiver/Trustee		
Mental Health Civil Certification	\$112 per hour	\$4,355 threshold

<b>WORKERS' COMPENSATION COURT</b>	
<b>Civil Panels</b>	
Guardian	Fee at the discretion of the trial judge.
Unrepresented Employee in Settled Case	Fee at the discretion of the trial judge.

## **VII. Request for Payment.**

All requests for payment for the indigent defense services panels shall be made online via the Payment for Indigent Defense Services Portal. Submission of payment online is mandatory. The accuracy and veracity of the information shall be attested to by the requesting attorney.

Attorneys seeking payment for court appointed cases shall submit such requests in the following instances:

1. No later than thirty (30) days after the representation has concluded and authorization has been granted, if required;
2. No later than thirty (30) days after a new attorney enters an appearance in the case;
3. No later than thirty (30) days after the attorney's service is discontinued on the case; and
4. In cases where partial payment is permitted.

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<sup>11</sup> Attorneys appointed under this panel are viewed as serving in the capacity similar to a guardian ad litem. Fees and expenses should be assessed by the court in the same manner as those incurred by a court appointed guardian ad litem in civil cases. In those rare instances where payment is to be made by the Rhode Island Judiciary, the fee shall be \$112 per hour.

**Requests for payment that are submitted after the above-mentioned time periods shall not be approved for payment.**

Partial payment is permitted in three (3) instances. First, in the Family Court, requests for payment shall be submitted by the 30<sup>th</sup> of each month for services rendered. Second, in lengthy cases where the attorney has worked on the matter for more than one (1) year, the attorney may submit a timesheet for services rendered to date and is allowed to do so for each subsequent year or until final disposition. Third, in cases where a defendant fails to appear and a warrant has been issued, the attorney may submit a timesheet for partial payment six (6) months from the issuance date of the warrant.

This Executive Order shall take effect on April 4, 2025 and supersedes and repeals Executive Order 2023-07 dated July 17, 2023; Executive Order 2022-05 dated August 29, 2022; Executive Order No. 2019-06 dated June 28, 2019; Executive Order 2013-07 dated July 15, 2013; Executive Order No. 2012-06 dated September 28, 2012; Executive Order No. 2009-06 dated October 29, 2009; Executive Order 2008-02 dated February 6, 2008; Executive Order 2007-05 dated October 9, 2007; Executive Order No. 2004-04 dated September 14, 2004; Executive Order No. 2004-02 dated March 19, 2004; Executive Order No. 2000-02 dated September 13, 2000; Executive Order No. 2000-01 dated July 10, 2000; Executive Order No. 1999-08 dated November 22, 1999; Executive Order No. 1998-08 dated November 17, 1998; Executive Order No. 1998-04 dated July 3, 1998; Executive Order No. 1995-02 dated April 19, 1995; and Executive Order No. 1995-01 dated April 7, 1995.

Entered as an Executive Order this 4<sup>th</sup> day of April 2025.

By Order:

\_\_\_\_\_/s/\_\_\_\_\_  
Paul A. Suttell  
Chief Justice