

1 Rule 4-601. Selection of indigent aggravated murder defense fund counsel.

2 Intent:

3 To establish the process to be used to select pre-contracted attorneys from the  
4 roster maintained by the Indigent Defense Funds Board in aggravated murder cases.

5 Applicability:

6 This rule shall apply to the district court.

7 Statement of the Rule:

8 After determining that a defendant is eligible for indigent defense counsel in an  
9 aggravated murder case, as provided in U.C.A. Title 77, Chapter 32, if the defense  
10 counsel is to be paid from the Indigent Aggravated Murder Defense Fund, the following  
11 process shall be used:

12 (1) The judge responsible for assignment of defense counsel shall, as soon as  
13 practical upon determining eligibility, contact the member of the Indigent Defense Funds  
14 Board designated by the Administrative Office of the Courts.

15 (2) That board member shall randomly identify, for each eligible defendant, five  
16 attorneys currently on the roster of qualified pre-contracted attorneys.

17 (3) The board member shall then promptly contact each of those attorneys and  
18 determine if they would be willing to undertake the representation of the defendant. If  
19 fewer than three attorneys are willing to undertake the representation, additional pre-  
20 contracted attorneys should be contacted until there are at least three attorneys from  
21 which the judge can choose.

22 (4) The judge shall then select one of the willing attorneys for appointment.

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