

Rule 44. Right to and Assignment of Counsel

(a) Right to counsel.

(1) Assigned counsel. In delinquency and in need of supervision cases, the respondent shall be represented by counsel at all judicial hearings including, but not limited to, the detention or shelter care hearing or the initial appearance, hearings on contested motions, any transfer hearing, the pretrial conference, the factfinding hearing, the disposition hearing, and hearings for the review of a dispositional order. If counsel is not retained for the respondent, or if it does not appear that counsel will be retained, counsel shall be appointed (or reappointed, in the event of a re-petition pursuant to SCR-Juvenile 5) for the respondent. In appropriate cases where a respondent is alleged to be in need of supervision, the Family Court may appoint separate counsel to represent the parent, guardian or custodian.

(2) Joint representation. Whenever two or more respondents have been joined for a factfinding hearing pursuant to SCR-Juvenile 8(b) or 13, and are represented by the same retained or assigned counsel or by retained or assigned counsel who are associated in the practice of law, the Court shall promptly inquire with respect to such joint representation and shall personally advise each respondent of the right to effective assistance of counsel, including separate representation. Unless it appears that there is good cause to believe no conflict of interest is likely to arise, the Court shall take such measures as may be appropriate to protect each respondent's right to counsel.

(b) Assignment of counsel.

(1) List of attorneys. Assignment of counsel shall be made by the Family Court from a list of panel attorneys approved by the court. Assignment of counsel should be made unless otherwise provided by rule or statute.

(2) When assigned. Counsel shall be assigned to represent a respondent under these Rules when the respondent and the respondent's parent, guardian or custodian are financially unable to obtain adequate representation. In cases where the respondent and the respondent's parent, guardian or custodian are financially able to obtain adequate representation but have not retained counsel, the Family Court may assign counsel and order the payment of reasonable attorney's fees in accordance with SCR-Juvenile 113, or may direct the respondent and the respondent's parent, guardian or custodian to retain private counsel within a specified period of time.

(3) Restrictions. The Family Court may impose restrictions from time to time upon the maximum number of respondents an attorney may represent pursuant to assignment under this Rule. No attorney shall receive compensation under the Criminal Justice Act for representation in excess of the prescribed number of assignments.

(c) Appearance and withdrawal. Appearance of attorneys shall be by praecipe. Once an attorney has entered an appearance, the attorney shall receive copies of all notices required by these Rules to be given to the parties and shall be entitled to inspect all legal and social records relating to the attorney's client as provided by the statute and these Rules. An attorney may withdraw the attorney's appearance only by order of the Court upon motion by the attorney served upon the client.

(d) Suspension or removal from participation in the CJA Program.

(1) Grounds.

(A) An attorney may be suspended from the list of attorneys maintained pursuant to D.C. Code § 11-2601 (1989 Repl.) for willful falsification, by commission or omission, of

any material information in any voucher, requisition or other document relating to the District of Columbia Criminal Justice Act, for receipt of other payments in violation of D.C. Code §§ 11-2604 through 11-2606 (1989 Repl.), or for any other conduct which violates the provisions of the District of Columbia Criminal Justice Act, the Plan for Furnishing Representation to Indigents Under the District of Columbia Criminal Justice Act or any guidelines promulgated by the Superior Court Board of Judges for the implementation of the Plan.

(B) Any person or organization authorized pursuant to D.C. Code § 11-2605 (1989 Repl.) to provide investigative, expert or other services may be suspended or removed from further participation in the District of Columbia Criminal Justice Act Program for willful falsification, by commission or omission, of any material information in any voucher, requisition or other document relating to the District of Columbia Criminal Justice Act, for receipt of other payments in violation of D.C. Code § 11-2606 (1989 Repl.), or for any other conduct which violates the provisions of the District of Columbia Criminal Justice Act, the Plan for Furnishing Representation to Indigents Under the District of Columbia Criminal Justice Act or any guidelines promulgated by the Superior Court Board of Judges for implementation of the Plan.

(2) Disciplinary committee. The power to suspend an attorney and the power to suspend or remove any other person or organization appointed or otherwise employed pursuant to the District of Columbia Criminal Justice Act shall be vested in a committee appointed by the Superior Court.

(3) Procedures. No order of suspension or removal shall be entered unless the attorney has been given an opportunity to be heard. Notice of the hearing date together with a clear and concise statement of the complaint against the attorney shall be served by certified mail not less than 21 days before the date of the hearing. In the conduct of the hearing, the committee may follow such procedures as it deems appropriate.