



**Superior Court of the State of Arizona
Pima County Juvenile Court
2225 E. AJO WAY,
Tucson, Arizona 85713-6295**

TERMINATING AN ATTORNEY CONTRACT AT PCJCC

The process outlined below is established to ensure the smooth transition of cases from one attorney to the other, to keep the Court informed, to comply with Court rules, and to ensure adequate legal representation of all children and families in the dependency process.

- I. Once a contract attorney informs the Dependency Unit, the attorney is requested to notify the Presiding Judge, in writing, of the intent to end the attorney's practice at Juvenile Court and the date the attorney will be leaving. The attorney will copy this notice to the PCJCC Dependency and Calendaring units, as well as Office of Court Appointed Counsel (OCAC).
- II. Dependency Specialist schedules a meeting with the departing contract attorney to discuss the requirements of ending a Juvenile Court contract. The following topics are to be covered with contract attorneys ending their Juvenile practice:
 - a. Determine # of cases that must be reassigned by the dependency unit.
 - b. Provide a copy of spreadsheet developed by dependency unit. The departing contract attorney must use this spreadsheet to enter his/her cases. The following information is included on the spreadsheet: J #; Client Name; Next hearing date, time, length and type; Type of client; Assignment Judge; Comments; New attorney appointed; Email to Judge, etc.; Date of signed Order; & Original date of Appt.
 1. Dependency Specialist requests that the departing attorney specify a date when the first part of the spreadsheet will be completed. Specific time lines are set, as it is important to start re-distributing the cases to new attorneys (within a week of being notified of the attorney ending contract).
 - c. Dependency Specialist provides an example of the Motion to Withdraw, Order, and Affidavit (in support of claim for services). The example Motion to Withdraw and Order includes the necessary information for OCAC and ensures that the new attorney receives compensation.
 - d. Dependency Specialist provides a copy of the Client Information Sheet/Transfer Summary to the departing attorney. This information is necessary as it provides specific information regarding the client's whereabouts and how to establish contact with the client. This form will require the contract attorney to complete a comprehensive transfer summary so the newly assigned attorney is aware of the complexities of the case.

- e. Dependency Specialist and contract attorney will agree on established timelines regarding when the caseload spreadsheet will be completed, providing updates on case assignment, and providing new hearing dates for cases heard on a given day.
 - f. Attorney must follow the Policy of Juvenile Court in Terminating a Juvenile Court contract, Rules of Procedure 5.1 A, and the OCAC Contract (Article III, Section D).
- III. Dependency Specialist will send an email to all contract attorneys that an attorney is terminating his or her contract, and that cases will be distributed equitably among all other attorneys with appropriate documentation attached such as email, Client Information Sheet/Transfer Summary, Motion to Withdraw and Order.
- IV. Once the Dependency Unit receives the completed spreadsheet from the departing attorney, the Dependency Specialist reviews the spreadsheet with the attorney. Questions are asked to clarify the complexities of the cases and if attorney has any recommendations on what attorney would do well with the case. Note: Attorney is requested to provide the spreadsheet electronically (email or disk).
- a. Dependency Specialist provides the spreadsheet to the Data Specialist and a folder is made for the departing attorney. The folder is located on the share drive under Dependency Docs (click on Ending Contract).
 - b. Data Specialist creates a large binder to correlate all documents in a centrally located area. The following documents are stored in the binder: spreadsheet, emails, Motion to Withdraw and signed Order; and Affidavit.
 - c. Dependency Specialist and Data Specialist review the spreadsheet for accuracy. It is important to ensure the future hearings, dates and times, assigned judges, and J #'s are correct. Once this is completed, a hard copy of the spreadsheet is printed out and Dependency Specialist will start to re-distribute the cases.
 - d. Attorney covers all ongoing dependency hearings. It is important for the attorney to provide future dates, times and type of hearing to the Dependency Specialist the day after a hearing is completed. This is critical so those cases can be re-distributed to attorneys in a timely manner as the newly assigned attorney has up to date information on a case.
- V. Dependency Specialist begins the task of re-distributing the cases beginning with those that have the earliest hearing date to existing attorneys. Remember the attorney terminating their Juvenile Court practice will be covering the hearings set before their end date. Start re-distributing the cases slated for hearings right after their end date or any contested trials or hearings such as contested dependency hearings, bench and jury severance trials, etc.
- a. Dependency Specialist meets individually with attorneys to determine whether they are available on a given date and time. If they are available, assign them to the case by writing the attorney's name in the column list of new attorney on the spreadsheet. Provide them with the date, time, type of hearing, client's name, party they represent, J #, and assigned judge. NOTE: Depending on the number of cases that are being re-distributed,

assign 3 to 5 cases to each attorney. A few attorneys, due to workload, may be able to take only 2 cases. Use your judgment when assigning cases.

- b. As the cases are re-distributed, Dependency Specialist provides a copy of the spreadsheet to the Data Specialist to enter the names of the newly assigned attorneys on the database.
- c. Once the database is updated with existing attorney assignments, the Data Specialist sends an email to the Assigned Judge, JAA, departing attorney, new attorney, PCJCC Calendaring Unit, Dependency Specialist, and Office Administrator for the Attorney General's (AG) office indicating the new attorney and the date, time and type of the next hearing. If multiple future hearing dates are scheduled include those so the newly assigned attorney has an accurate listing of hearing dates and times. This allows the departing attorney to include the name of the newly assigned attorney on the Order for the assigned judge's signature.
- d. Once the email is sent, the Data Specialist enters a checkmark on the spreadsheet under the column of email indicating the email has been completed and sent. A copy of the email is placed in the binder.
- e. Even though it is the attorney's responsibility to provide future hearing dates, times and type of hearings the day after a hearing is completed, the Data Specialist checks JOLTS database for those future hearings. It is important the future hearings are provided in a timely manner so those cases can be re-distributed by the Dependency Specialist.
- f. Data Specialist provides a hard copy of the updated spreadsheet (on a daily basis) to Dependency Specialist and re-distribution of cases continue. This process continues until all cases are re-distributed.
- g. Normally, there are attorneys who refuse to take any re-distributed cases from an attorney terminating a Juvenile Court practice. If there are cases remaining after you re-assigned cases to the attorneys willing to take cases, automatically assign the other cases regardless of whether that attorney is available or not. If there is a calendar conflict, the new attorney will file the appropriate Motions to Continue. NOTE: The Pima County Contract that all attorneys signed indicates they "shall accept all appointments made by the Courts unless either a genuine conflict of interest. . . .". This statement is located in the Pima County Professional Services Contract, Juvenile Court Representation Contract, under the section of Article III, Section A.
- h. Dependency Specialist meets on a regular basis with the attorney ending the contract to discuss specific cases or concerns.
- i. At times, a newly assigned attorney contacts the Dependency Specialist a few days after being assigned to a case and indicates he/she has a conflict on a given case. If the email has not been set to all identified parties, re-assign the case to another attorney. If the email has been sent out, send another indicating a conflict and a new attorney will be appointed shortly.

- VI. Once the cases have been re-distributed, the departing attorney will complete the Client Information Sheet/Transfer Summary, a Motion to Withdraw and Order for Appointment of new counsel, and affidavit (in support for claim of services). [\(add hyper link to these forms\)](#) Attorney provides a copy of the Motion to Withdraw and Order for appointment, and the affidavit to the Dependency Unit. Once the attorney receives a copy of the signed Order of Appointment from the judge, a copy of the signed order is again provided to the Dependency Unit.
- a. By the Dependency Unit receiving a copy of the above forms, it allows the Dependency Specialist to trouble shoot any issues that may arise with the newly appointed attorney.
 - b. The Dependency Unit does not see the Client Information Sheet/Transfer Summary, as the information contained on those forms is confidential. The Court must trust the attorney is completing the Client Information Sheet/Transfer Summary on every case.