



Prosecuting Attorneys' Council of Georgia

Policies & Procedures

Approved Oct. 17, 2002;
Amended March 12, 2004; Nov.
30, 2005

9.2

Trial Support

Legal Services Assistance

1. Council attorneys, including attorneys assigned to the Drug Prosecution Division, may assist a District Attorney or Solicitor-General in criminal or other cases within the jurisdiction of such officer in accordance with *Cook v. State*, 172 Ga. App. 433, 436 - 441 (1994) and these policies and procedures.
2. Providing lead counsel for the preparation, prosecution, or appeal of cases.
 - a. Any District Attorney or Solicitor-General, who desires the assistance of the Prosecuting Attorneys' Council Staff in the preparation, prosecution or appeal of a case, other than drug cases which are to be referred to the Drug Prosecutions Division, in which a Council attorney would assume the role of lead counsel for the State of Georgia shall make application for such assistance to the Director of Legal Services or the Executive Director.
 - b. The application shall be in writing and shall contain:
 - i. An explanation outlining the reason that the matter can not be solely handled by the office requesting the assignment of PAC staff;
 - ii. An estimate of the time required to complete the assistance;
 - iii. A brief description of the status and facts of the case; and,
 - iv. A statement of any special or unusual issues which the case may contain.
 - c. The Director of Legal Services, or his/her designee, shall have full authority to:
 - i. Decide whether to provide the assistance;
 - ii. Which Council attorney shall be assigned; and
 - iii. Determine the final disposition of the matter, after consultation with the requesting elected prosecuting attorney.
3. Staff assistance other than as lead counsel for the preparation, prosecution, or appeal of cases.
 - a. Any elected prosecuting attorney may request members of the legal services division to provide on-site assistance for the following matters:



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- i. Conflict cases;
 - ii. Cold case investigations;
 - iii. Case review, trial organization and strategy in any criminal matter;
 - iv. D.U.I., Vehicular Homicide and other Traffic Safety related cases or issues;
 - v. Complex cases;
 - vi. Specialized practice areas (i.e. - electronic surveillance, child abuse, treaties, R.I.C.O., Death Penalty, etc.);
 - vii. Appellate practice.
- b. Whenever a Council attorney provides on-site assistance to a prosecuting attorney's office, one of the primary purposes of such assistance shall be to train members of the staff of such prosecuting attorney's to handle such cases. Unless specifically authorized by the Executive Director of his or her designee, a Council attorney providing on-site assistance shall not assume the role of lead counsel in the case.
- c. A request for on-site assistance may be made by telephone, fax or email to the Director of Legal Services.
- d. The Director of Legal Services, or his/her designee, shall, after consultation with requesting elected prosecuting attorney, the have full authority to:
- i. Decide whether to provide the assistance; and
 - ii. Which Council attorney shall be assigned.
4. Whenever a Council attorney is to appear in court as counsel on behalf of a prosecuting attorney pursuant to Sections 1 or 2 above, the requesting elected prosecuting attorney shall appoint the Council attorney as a special assistant district attorney or special assistant solicitor-general, as appropriate, and the Council attorney shall be sworn in as such in accordance with the provisions of O.C.G.A. §§ 45-3-11, 45-3-1 and 15-18-2 or 15-18-61, as appropriate.
5. In evaluating requests for assistance under sections 1 or 2, the following shall apply:
- a. Cases will be accepted on a first come, first serve basis except as restricted by the criteria outlined in b. below.



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- b. Criteria to be considered in deciding to provide assistance:
 - i. Status of the matter at the time the request is made;
 - ii. Availability of staff;
 - iii. Number of matters currently being handled by the PAC staff; and,
 - iv. Number of matters currently being handled for the requesting elected official's jurisdiction.
6. Appeals.
- a. In the event of dispute between the Director of Legal Services and the requesting elected official as to any decision of the Director of Legal Services in accepting or rejecting a request for assistance under 1 or 2 above, such decision may be appealed by the elected official to the Executive Director.
 - b. If the elected official is not satisfied with the decision of the Executive Director, the elected official may appeal such decision to the Council.
 - c. An appeal to the Council:
 - i. Shall be in writing addressed to the Chairman of the Council;
 - ii. Shall state the disputed decision of the Executive Director;
 - iii. Shall state the decision requested by the elected official; and,
 - iv. Shall state the reasons for the requested decision of the elected official.
 - d. A copy of any appeal shall be sent to the Executive Director.
 - e. The appeal shall be placed on the agenda of the Council at the next regular or specially called meeting of the Council.
7. Nothing in these procedures shall be interpreting as modifying, altering or otherwise restricting members of the staff of any prosecuting attorney's office from contacting Council attorneys by telephone, fax or email for assistance with legal, ethical or other research or the staff from providing such assistance.



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8. These procedures do not apply when a Council attorney is appointed district attorney pro tempore pursuant to O.C.G.A. §§ 15-18-5 or 15-18-65.
9. Council Policy 8.1 governs the preparation or submission of amicus curiae briefs by the Council staff.