

Practice Standards

May, 2018

Section VII, Standby Counsel in Criminal Cases

1. Defense counsel acting as standby counsel shall:

A. Permit the accused to make the final decisions on all matters, including strategic and tactical matters relating to the conduct of the case.

B. If the defendant requests assistance, bring to the attention of the defendant matters beneficial to him;

C. Not actively participate in the conduct of the defense unless specifically asked to do so by the defendant.

D. Assist the defendant in overcoming routine procedural or evidentiary obstacles that the defendant has clearly shown he wishes to complete.

E. Advise the defendant regarding basic rules of courtroom protocol and procedure.

F. Provide advice without interfering with the Defendant's presentation of his defense. See, *McKaskle v. Wiggins*, 465 U.S. 168, 177, 104 S. Ct. 944 (1984).