**IN THE SUPERIOR COURT OF NEWTON COUNTY**

**STATE OF GEORGIA**

**STATE OF GEORGIA, )**

 **)**

**v. ) CASE NUMBER**

 **)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Defendant. )**

**MEMORANDUM OF UNDERSTANDING CONCERNING ATTORNEY-CLIENT RELATIONSHIP IN RESOURCE COURT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, having requested to participate in the Newton County Resource Court, understand that decisions concerning the administration of this program are made by a multi-disciplinary team which may include program administrators, treatment providers, probation officers, and attorneys representing both prosecution and defense, under the direction of the Resource Court judge. While attorneys, including prosecutors, take part in this process, the program does not operate under the traditional adversarial model of other court proceedings. Because of this, I understand and agree to the following:

1. Prior to my acceptance into the Resource Court, I have the right to be represented by an attorney, either one chosen and retained by me or one appointed by the Alcovy Circuit Public Defender’s Office. This attorney can advise me, among other things, as to whether the Resource Court is an appropriate and beneficial alternative to the traditional criminal litigation process in my particular case.
2. After my acceptance into the Resource Court, the administrator of the Alcovy Circuit Public Defender’s Office, or his/her designee, will act as the defense representative on the Resource Court team. I will no longer have the right to have my previous attorney advise me regarding the decisions made by this team, including the imposition of sanctions where appropriate.
3. During my participation in this program, the defense representative will act not as my attorney in the traditional sense, but as a member of the Resource Court team. As such, he or she will join in discussions and decisions regarding my participation in the program including, but not limited to, my advancement or non-advancement through the phases of the program and the imposition of sanctions for violations of the program’s rules or contract.
4. The duties of the defense representative as a member of the Resource Court team may not be in my best interest if I have violated any provision of the Resource Court program’s rules or contract.
5. I will not have the right to have an attorney represent me individually at court appearances during my participation in the Resource Court program or before the Resource Court team, even if the Court is considering whether to impose a sanction. Resource Court proceedings are not “critical stages of litigation,” and therefore I do not have a right to be represented by an attorney during these proceedings. I understand that my case may be discussed, and sanctions (including incarceration) may be imposed, without my attorney or the prosecutor present.
6. Should the Resource Court team decide to recommend that the Court terminate my participation in the program due to a violation or violations of the program’s rules or contract, I will be entitled to be represented by an attorney, either one chosen and retained by me or one appointed by the Alcovy Circuit Public Defender’s office. This attorney may then represent me individually in termination proceedings and in any subsequent litigation involving the disposition of my case outside the Resource Court program.

I have read this document or had it read to me and have been given the opportunity to ask any questions I may have. I have been given the opportunity to discuss this document with my attorney and have sought his or her advice as to whether Resource Court would be beneficial for me, and I wish to be considered for participation in this program.

This \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_.

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Defendant Print Name

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Attorney for Defendant Print Name