

# Practice Standards

May, 2018

## Section VII, Standby Counsel in Criminal Cases

**3. Standby counsel shall recognize that they are appointed by the Court and that they do not have the same duties that arise out of the client-lawyer relationship. The client-lawyer relationship is modified until and unless the client defendant accepts representation. Thus, the pro se defendant must be allowed to control the organization and content of his own defense and must make his own motions, make his own oral arguments, participate in *voire dire*, and address the judge and jury. See, McKaskle v. Wiggins, 465 U.S. 168, 174, 104 S. Ct. 944 (1984). See also, American Bar Association Standing Committee on Ethics and Professional Responsibility, Formal Opinion 07-448, “Appointed Counsel’s Relationship to a Person Who Declines to be Represented” (2007).**