



2025

Commission on
Appointment
of Counsel in
Capital Cases
Annual Report



April 2026



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Commission on Appointment of Counsel in Capital Cases

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Dear Chief Justice and Justices
of the Supreme Court of Ohio,

On behalf of the commissioners, I present the 2025 Annual Report of the Commission on Appointment of Counsel in Capital Cases. The report includes a detailed review of the administration of justice in the appointment of attorneys as counsel for indigent defendants in capital cases pursuant to the Rules for Appointment of Counsel in Capital Cases (Appt.Coun.R.) for calendar year 2025.

Respectfully submitted,

Kirstyn Moyers

Manager, Registration and CLE Section

Staff Liaison to the Commission on Appointment of Counsel in Capital Cases

2025 Commission Roster

Kimberly Rigby, Esq., *Chair*

OHIO PUBLIC DEFENDER'S OFFICE, COLUMBUS

Timothy F. Sweeney, Esq., *Vice-Chair*

LAW OFFICE OF TIMOTHY FARRELL SWEENEY, CLEVELAND

Ann Baronas, Esq.

LAW OFFICE OF ANN BARONAS, TOLEDO

Jefferson Liston, Esq.

LAW OFFICE OF JEFFERSON LISTON, LLC, COLUMBUS

Hon. Thomas Marcelain

LICKING COUNTY COMMON PLEAS COURT, NEWARK

Kirstyn Moyers

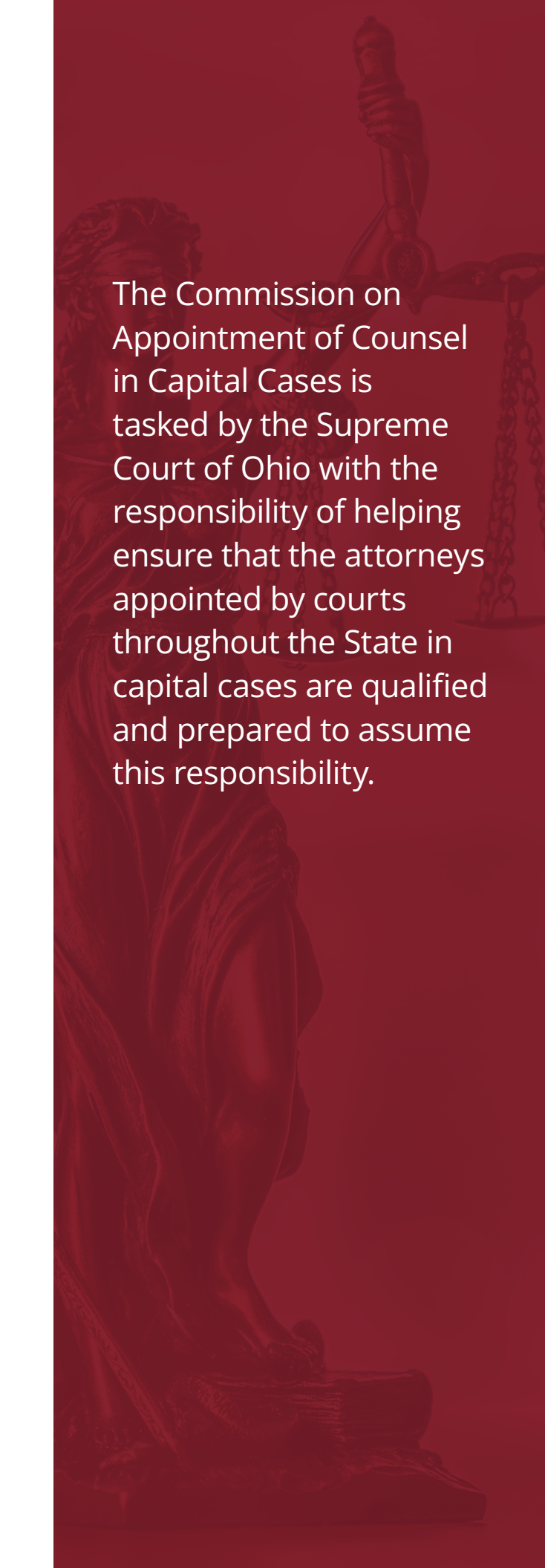
Staff Liaison to the Commission

SUPREME COURT OF OHIO

Joshua Martin

Staff Support to the Commission

SUPREME COURT OF OHIO



The Commission on Appointment of Counsel in Capital Cases is tasked by the Supreme Court of Ohio with the responsibility of helping ensure that the attorneys appointed by courts throughout the State in capital cases are qualified and prepared to assume this responsibility.

Commission

The Commission on Appointment of Counsel in Capital Cases is comprised of five members appointed by the Chief Justice and Justices of the Supreme Court pursuant to Appt.Coun.R. 2.03. The Commission consists of one public defender, one Common Pleas Judge, and three attorneys who are engaged in the practice of law by representing persons charged with criminal offenses. Nominations are made by the Ohio Public Defender, Ohio Association of Criminal Defense Lawyers, Ohio Metropolitan Bar Association Consortium, Ohio State Bar Association, and the Ohio Common Pleas Judges Association for the Court's consideration and appointment. The term of a commission member is three years, with eligibility for reappointment for three consecutive full terms. After a minimum of a one-year break in service, a former commissioner who has served three consecutive full terms is eligible for reappointment.

Chairperson

Kimberly Rigby was elected to serve as the Commission chairperson in 2025. Ms. Rigby is Managing Counsel of the Death Penalty Department at the Ohio Public Defender's Office.

Vice-Chairperson

Timothy Sweeney was elected to serve as vice-chairperson in 2025. Mr. Sweeney is a civil and criminal defense lawyer who has his own private practice in Cleveland.

Staff Liaison and Support

Kirstyn Moyers, Manager, Office of Attorney Services, serves as the staff liaison to the Commission.

Joshua Martin, CLE & Accommodations Specialist, Office of Attorney Services provides support to the Commission.

2025 Summary

The Commission convened regularly in 2025 to administer the requirements of the Rules for Appointment of Counsel in Capital Cases. The activities for the calendar year included:

- Certifying attorneys who were eligible to be appointed to represent indigent capital defendants;
- Reviewing applications for capital case training seminars to ensure Ohio attorneys are well-trained; and
- Issuing Notices of Revocation of Certification to attorneys who failed to comply with the capital case training requirements to retain certification.

Certification of Counsel

Prior to appointment as counsel for an indigent defendant in a capital case, an attorney must obtain certification from the Commission. The Commission ensures that attorneys who apply for certification as trial counsel or as appellate counsel have the experience that qualifies them to handle capital cases in accordance with the standards of the Rules for Appointment of Counsel in Capital Cases. The rule contains two requirements for those seeking certification to represent a capital defendant. It first imposes specific experience requirements for attorneys seeking capital certification. It also requires attorneys to attend specialized continuing legal education seminars to obtain and retain their certification. Both the experience and specialized training requirements have been revised and strengthened over the years, but they remain the core of the rule.

In 2025, the Commission certified seven attorneys to accept appointments as trial counsel and/or appellate counsel for indigent defendants in capital cases. Currently, there are 227 attorneys certified to accept appointments in capital cases throughout Ohio. Courts can find a statewide list of attorneys who have met

the certification requirements to accept appointments for indigent defendants in capital cases on the Supreme Court of Ohio [website](#).

Defense of Capital Case Training

The Commission approves the content of the continuing education courses that capital-qualified attorneys must take to become and remain qualified to represent indigent defendants in capital cases. The purpose of the educational certification is to ensure that attorneys handling capital cases are specially equipped to serve clients in this unique area of representation where juries not only determine if a defendant is guilty but must also decide if a death sentence can be imposed. The Commission interacts annually with both the Ohio State Bar Association (OSBA) and Ohio Association of Criminal Defense Lawyers (OACDL), the two primary sources of capital continuing legal education in Ohio. Commissioners regularly teach at the trainings and have taught at both the OSBA and OACDL trainings. The Commission also receives applications from attorneys seeking credit for courses offered by other organizations that generally do not receive advance Commission accreditation. The Commission acts upon these requests on a course-by-course basis, holding these courses to the same requirements required for advance accreditation. In addition to the trainings offered by the OSBA and OACDL, the Commission approves capital case trainings offered by the National Association of Criminal Defense Lawyers, and the Administrative Office of U.S. Courts, offering attorneys the ability to comply with the training requirements to retain their certification.



2026 Anticipated Projects

In 2026, the Commission will continue to pursue activities consistent with its mission. The Commission anticipates working on the following projects:

- Continue to collaborate with sponsors of defense of capital case trainings, including appellate and post-conviction trainings.
- Review whether the qualifications for certification are adequate to ensure that attorneys are properly qualified and prepared to accept appointments in capital cases.

Revocation of Certification

The Rules for Appointment of Counsel in Capital Cases require attorneys certified to accept appointments as counsel in capital cases to complete, every two years, at least twelve hours of training on the defense of capital cases. If certified as appellate counsel, at least six hours of the required twelve hours must be training on the appeal of capital cases. Failure to comply with the training requirements results in the revocation of the attorney's certification. If an attorney is serving as counsel in a capital case at the time of revocation, the attorney must immediately notify in writing the indigent defendant, the appointing court, and the Supreme Court staff liaison to the Commission. In 2025, the Commission revoked the certification of twenty-four attorneys who failed to comply with the capital case training requirements pursuant to Appt. Coun.R. 4. Until an attorney's certification is reinstated, the attorney is not eligible to accept future appointments as counsel for indigent defendants in capital cases.

Capital Case Notification

In 2025, the Supreme Court of Ohio received a total of eight Notices to Supreme Court of Ohio of Filing of Indictment Charging Aggravated Murder with Specification(s) of Aggravating Circumstances pursuant to R.C. 2929.021(A). The Supreme Court of Ohio [Capital Indictment Table](#) provides a list of all notices filed with the Supreme Court of Ohio.

2025 Project

In addition to its regular activities, the Commission undertook a statewide outreach effort in May 2025 by distributing a survey to the Ohio criminal defense bar to better understand barriers to seeking or maintaining certification for capital litigation, particularly in light of a declining and aging pool of certified attorneys. The survey, conducted between May 8 and June 5, 2025, received 249 responses with a 93% completion rate. In August 2025, the results were shared with organizations and bar associations that assisted in distributing the survey, as well as with all Ohio Common Pleas Court judges, accompanied by guidance encouraging the appointment of a second co-counsel in pending or future capital cases to help younger and less experienced attorneys gain the skills and experience necessary for future certification. That guidance clarified that the second co-counsel does not need to be certified, provided that lead counsel and first co-counsel are certified. The Commission is hopeful that the dissemination and use of this information will contribute to strengthening and expanding the pool of attorneys certified to represent indigent defendants in capital cases going forward.

Conclusion

The Commission will continue to take the steps necessary to certify attorneys to ensure judges are able to appoint quality representation for those charged with or convicted of a capital offense.



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