

generally these guidelines and, obviously, it's the district judge that makes the appointment, the district judge would probably, after consultation with the county, make the application to the commission and the chief counsel to ask if they have the resources available or the staff available to assist in whatever manner they have and want to do.

SENATOR BROMM: Okay, and as you know and as I know, on these capital cases or significant cases, lots of times the appointments are made and immediate effort is necessary for representation at perhaps the investigative stage or preliminary hearing or whatever, and would you envision this lots of times being like a co-counsel for perhaps local appointed counsel? Or I'm trying to...I want to develop a little picture, if I can in my mind, about how this might mechanically work.

SENATOR KRISTENSEN: I liken it sometimes to the appointment of a special prosecutor as well. Particularly, I remember a homicide case that I had where Douglas County was kind enough to give me Sam Cooper to come out and he was primarily the lead chair and I was the local counsel. I did a lot of, you know, the day to day work, the foot work, and he was there making strategy decisions, helping us...

SPEAKER WITHEM: One minute.

SENATOR KRISTENSEN: ...digest that. I could see if you had a local public defender that, you know, they may not want to go full time with this if they're...and let them take care of the big case, but oftentimes I'd see them as the sole counsel on a big case like this or if there were some conflicts, they'd take one defendant, the public defender would take another or probably more likely on the postconviction stuff where there is a conflict and that they would come in and represent the defendant on the postconviction relief when there is an inadequate defense counsel claim made by the defendant.

SENATOR BROMM: Senator Kristensen, it's probably not going to be possible for this commission to handle all the cases that we would like them to.

SENATOR KRISTENSEN: Right.

SENATOR BROMM: I'm just sure and I'm sure everyone would probably envision that that would be the case. How are they