

Second Chair Program Guidelines

Second chairs may be used in two different circumstances. In either circumstance, our expectation is that both the first and second chairs will attend and itemize substantive court proceedings, such as preliminary exams and trials.

We would not expect both attorneys to attend every non-substantive hearing, such as arraignments or pretrials when they should reasonably know that only ministerial activities will take place.

1. When the second chair attorney desires additional trial experience to help them advance to a higher category. This circumstance is normally initiated by the second chair.
 - In circumstance #1, the second chair attorney is expected to use the appointment as a learning and training experience. The second chair will be paid for their time, but they should be scrupulous to avoid billing for things that the first chair has already done.
 - For example, while discovery review is important, in circumstance #1 the second chair should not expect to itemize the totality of the time it takes them to “get up to speed” on the case.
2. When the first-chair attorney believes that the case is significantly complex to merit the appointment of a second chair. This circumstance is normally initiated by the first chair.
 - In circumstance #2, the second chair is generally expected to assist the first chair with voluminous discovery and complicated motion practice. In this regard, we would expect some duplication of effort, but every effort should be made to avoid complete duplication.
 - For example, if the second chair is summarizing a set of discovery or drafting a motion, we would not expect the first chair to also itemize the same amount of time for those tasks.
 - The first chair may have a minimal amount of time reviewing the second chair’s work on those items, but if the first chair is completely duplicating the second chair’s efforts, then the question becomes, “why was a second chair needed in the first place?”

Attorneys seeking a second chair . . .

- Should complete the IDSO's application for approval of a second chair.
- Should email their completed application for approval of a second chair to the IDSO Chief Attorney.

If a first chair attorney does not have a specific attorney in mind to second chair, they can contact the IDSO Principal Attorney for Compliance with Standard 6 and 7 for a list of attorneys interested in second chairing.

Attorneys wanting to second chair . . .

- Should find an attorney who is willing to allow a second chair on their case.
- Should complete the IDSO's request for second chair assignment and email it to the IDSO Chief Attorney.

If an attorney needs help finding a case to second chair, they should contact the IDSO Principal Attorney for Compliance with Standard 6 and 7 for assistance.

Other things to know . . .

- The IDSO has absolute discretion when deciding whether to allow a second chair.
- The IDSO will pay second chairs the Hab. 4 life rate (if a capital case), or the low-severity felony rate (if not a capital case).
- The IDSO will only approve second chairs who are on the Oakland Felony/Misdemeanor Appointment List.