

44.2 Appointed Counsel in Ancillary Matters.

(a) Appointment.

The Office of the Federal Public Defender is appointed on ancillary matters appropriate to proceedings in which the federal public defender was previously appointed by court order, if:

- (1) the defendant clearly continues to be financially eligible for appointed counsel under the Criminal Justice Act; and
- (2) no foreseeable conflict of interest or violation of the rules of ethics will occur if the federal public defender continues to represent the defendant.

(b) Eligibility Ceases; Notification.

The federal public defender must advise the court when, at any time during the representation in an ancillary matter, the federal public defender obtains information indicating the client is financially able to pay, in whole or in part, for legal or other services related to the representation, and the information is not protected as a privileged communication.