

RECEIVED
FEB 9 2004

15th District Court
Administrative Order 2004-1

State Court Administrative Office
Region 1

Appointment of Counsel for Indigent Parties

IT IS ORDERED:

This Administrative Order is issued in accordance with Michigan Court Rule 8 123 effective January 1, 2004. The purpose of this Order is to provide for the selection, appointment, and compensation of counsel who represent indigent parties in the 15th District Court. This Order will also identify records which will be maintained by the Court and made available to the public. Assignment of counsel on felony cases in Washtenaw County is made pursuant to Administrative Order established by the Circuit Court. This Order applies only to misdemeanor cases filed in the 15th District Court. This Order is subject to approval by the State Court Administrative Office

1. Selection Criteria and Procedure:

- A. The Chief Judge shall be responsible for the selection of attorneys who will be eligible for assignment for indigent parties.
- B. Primary assignment for indigent parties will be made to an attorney (or firm) on a contract basis. The contract will be for a period of one year and may be renewed thereafter on an annual basis. Either party may terminate the contract upon written notice to the other party. When a conflict arises in an individual case with the contract attorney, assignment of counsel will be made from an alternative assignment list maintained by the Court.
- C. Any attorney in good standing and who is a member of the Michigan Bar Association will be eligible to be placed on the alternative assignment list. An attorney may be placed on the list by filing a written request for the same with the Court Administrator, including proof of malpractice insurance coverage.
- D. Assignment of counsel from the alternative list will be done on a rotating basis. In order to assure availability and convenience for clients, preference will be given to attorneys with offices within Washtenaw County.
- E. Appointment of contract counsel will be made for a renewable period of one year based on the following criteria:
 - i. Counsel shall be a member in good standing with the Michigan Bar Association and have a minimum of three (3) years experience in criminal defense work;
 - ii. Counsel shall be available to the Court at those times necessary for the efficient disposition of criminal cases pending before the Court;
 - iii. Counsel shall be available to clients assigned to the attorney at times and places necessary for effective assistance of counsel.

- F. The Chief Judge will determine whether an attorney will continue to be assigned cases in the Court. Removal of an attorney from availability for assignment will be made upon notice to the attorney and an opportunity to meet with the Chief Judge and Court Administrator to discuss the reasons therefore.
- G. The Court Administrator shall be responsible for the administration of the Court-appointed process under the guidelines established by this Order.

2. Appointment Process

- A. Appointment to an individual case will be made by the Court to the contract attorney. If the Court is made aware of a conflict, or if there are multiple defendants where common representation is not practicable, assignment will be made from the assignment list on a rotating basis.
- B. Appointments will be made, whenever possible, at the arraignment. If an appointment is made from the assignment list due to a conflict or other reason, the Court Administrator, or designee, shall notify the attorney of the appointment and determine the willingness of the attorney to accept the appointment.
- C. Appointment of attorneys will be made upon application of the accused and the Court will determine the eligibility of the person for court-appointed counsel according to statute and court rule.

3 Compensation

- A. Compensation for contract counsel will be determined by the District Control Unit upon recommendation of the Court.
- B. Compensation for attorneys on the assignment list on individual cases will be paid on an hourly basis, the rate to be determined by the District Control Unit upon recommendation of the Court.
- C. Contract counsel will be paid on a monthly basis according to the terms and conditions of the contract.
- D. Attorneys assigned on individual cases will be paid upon completion of the case to which they were assigned. The attorney will submit a statement of services rendered on the case to the Court Administrator. The Court Administrator will review the statement and approve payment for the appropriate amount.

4. Records

- A. The following records will be maintained by the Court pursuant to MCR 8.123 and 8.119).
 - 1. Number of appointments given to contract counsel by the Court;

2. Number of appointments given to contract counsel by each judge or magistrate of the Court;
 3. Number of appointments given to each attorney by the Court;
 4. Number of appointments given to each attorney by each judge or magistrate of the Court;
 5. Total amount of public funds paid to contract counsel by the Court;
 6. Total amount of public funds paid to each attorney by the Court;
 7. Total amount of public funds paid to each attorney for assignments by each judge or magistrate of the Court.
- B. These records will be maintained by the Court pursuant to SCAO General Schedule 16.
- C. The records listed in this section will be made available to the public upon written request made to the Court Administrator. There will be no charge for copies of these records.

Ann Mattson 2-6-04

Honorable Ann Mattson
Chief Judge
15th District Court