

Effective Date: Immediate

Issued in accordance with Michigan Court Rule 8.123, effective January 1, 2004, the purpose of this Local Administrative Order (LAO) is to:

1. Provide for the selection, appointment and compensation of counsel who represent indigent parties in the 14A District Court.
2. Identify records which will be maintained by the 14A Court and made available to the public.

This order applies only to misdemeanor cases filed in the 14A District Court. It supersedes any and all previous 14A Administrative Orders or Court policies that may address the same matter.

Assignment of counsel in felony cases in Washtenaw County is made pursuant to Administrative Order established by the Circuit Court. This order is subject to approval by the State Court Administrative Office.

IT IS ORDERED:

It is the policy of the 14A District Court that:

APPOINTMENT OF THE PUBLIC DEFENDER

The Office of the Public Defender is appointed in all misdemeanor cases unless a conflict within the office is evident. In the event that the court is notified by the Office of the Public Defender that a conflict exists or a conflict is otherwise apparent, the court shall appoint an attorney from an approved list of eligible attorneys.

APPOINTMENT OF PRIVATE COUNSEL

1. SELECTION

- a. The presiding Judge of each 14A Court is responsible for the selection of attorneys who will be eligible for assignment to indigent parties.
- b. Appointment of attorneys to indigent parties will be made from a list established by each presiding Judge.
- c. Appointments will be made in rotation to ensure an equitable distribution of cases.
- d. A request to be on the approved list of eligible attorneys may be submitted at any time by interested attorneys. The list will be updated at least annually by each presiding Judge.
- e. Attorneys interested in being on the approved list must be members of the Michigan Bar Association and submit proof of professional liability insurance with their request.

- The policy's renewal date must be included with the request. To remain on the list, attorneys must submit verification of their insurance renewal annually.
- f. Attorneys appointed under this Order may allow another attorney to act as substitute counsel for any proceeding other than the actual trial, bench or jury.
 - g. Judges may appoint attorneys not on the list to a specific case at their discretion or to provide educational experience to newly admitted counsel.
 - h. Attorneys who have not accepted appointments for a period of at least twelve (12) consecutive months shall be removed from the list. Those who wish to be reinstated must reapply under the provisions of this order.
 - i. Any challenges to names appearing on any 14A Court list will be directed to the Chief Judge whose decision shall be final.

2. APPOINTMENT PROCESS

- a. Appointment of attorneys to individual cases will be made by the presiding Judge of each division of the 14A Court. Appointments are made in rotation to ensure an equitable distribution of cases. The Judge's Recorder will keep records of appointments in accordance with the terms of this order, including case numbers and dates of appointment.
- b. If at all possible, appointments will be made at arraignment. When an appointment is made from the list, the Judge's Recorder or a Deputy Clerk will notify the attorney 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 attorneys assigned to individual cases is paid on an hourly basis at a rate determined by the Court.
- b. Attorneys are paid upon completion of the case to which they are assigned.
- c. Upon completion of the case, the assigned attorney will submit a statement of services rendered on the assigned case to the presiding Judge for approval.
- d. Once approved by the presiding Judge, the statement of services is forwarded to court administration for payment.

4. RECORDS

- a. The following records will be maintained by the Court pursuant to MCR 8.123 and 8.119:
 - i. Number of appointments given to each attorney by the Court.
 - ii. Number of appointments given to each attorney by each Judge of the Court.
 - iii. Total amount of public funds paid to each attorney by the Court.
 - iv. Total amount of public funds paid to each attorney for assignments by each Judge 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 these copies.

Date: February 19, 2004



**J. Cedric Simpson
Chief Judge**