

<p style="text-align: center;">STATE OF MICHIGAN 7TH JUDICIAL CIRCUIT COURT 67TH DISTRICT COURT</p>	<p style="text-align: center;">In Re: Appointment of Counsel Procedure and Records</p>	<p style="text-align: center;">JOINT LOCAL ADMINISTRATIVE ORDERS 2003-17J, 2003-06J</p>
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7th Judicial Circuit Court, 900 S. Saginaw St., Flint, MI 48502 810.424.4355
67th District Court, 630 S. Saginaw St., Flint, MI 48502 810.257.3181

WHEREAS MCR 8.123 requires all trial courts to adopt a local administrative order regarding the procedures for selecting, appointing and compensating counsel who represent indigent parties and

WHEREAS the trial courts are required to compile an annual report, to make the same available for public inspection and upon request by the State Court Administrative Office

IT IS HEREBY ORDERED that the following procedures are established to appoint counsel in criminal, civil and family division matters.

The *Defender Program* for Genesee County is under the direction of the Administrator of the Circuit Court. The office is responsible for the assignment of counsel in indigent cases, including children in juvenile proceedings. The Defender Program services all divisions of the 7th Judicial Circuit Court and the 67th District Court for Genesee County.

**Appointment of Counsel
Criminal Cases
Felony Assignments**

The felony assignments are made on a rotational basis. A two-month calendar of assignment dates is prepared approximately 30 days in advance, to provide notice to attorneys of the pre-trial dates to which they are assigned. The protocol is referred to as "Attorney for the Day." Attorneys are assigned to indigent criminal defendants in the 68th and 67th District Courts in Genesee County. At the present time there are 2 pre-trial dates each week for the 68th District Court and 1 pre-trial date each week for the 67th District Court.

An attorney may receive no more than five cases on an assignment date. An attorney with significant criminal case experience is scheduled for each pre-trial date, along with a second attorney with less experience. Cases are matched with

attorneys based on the experience of counsel *and* the maximum penalty of the offense. The goal is to assign the most experienced counsel to the serious cases. If the number of cases requires, “overflow” attorneys are utilized. The method used to select an overflow attorney includes: (1) attorneys who received less than five cases at their last assignment date (2) attorneys who will be present at the pre-trial date for other reasons and (3) expressed willingness to receive cases on short notice.

The attorneys assigned to felony cases remain as counsel of record through circuit court disposition.

Compensation is based on an event-based schedule, extraordinary services are reviewed by the assigned judge.

Misdemeanor Cases

The Defender Program assigns four attorneys to the *Indigent Misdemeanor Program* for the 67th District Court. The attorneys are under the direction of a managing attorney and assigned to individual judges of that court.

The managing attorney provides legal representation to the 67th District Court on probation violation proceedings and bench warrant arraignments. Compensation is based on an annual rate and is not dependent on the number of cases or the time associated with the representation provided.

The managing attorney is compensated on an annual rate for the administrative services provided.

Probation Violations and Bench Warrants

Two attorneys are retained by the circuit court to provide legal representation on probation violations and bench warrants. The attorneys are assigned to the criminal division judges.

Compensation is based on an annual rate and is not dependent on the number of cases or the time associated with the representation provided.

Continuing Legal Education

Attorneys are required to participate in continuing legal education each year by attending at least one seminar offered by the Criminal Defense Attorneys of Michigan (CDAM). Other educational seminars and conferences, sponsored by the local bar association are encouraged and brought to the attention of participating attorneys.

Appointment of Counsel Paternity

Paternity cases are assigned by the Defender Program, based on a rotational list. All other Defender Program requirements apply to the eligibility criteria for accepting assignments on paternity cases. Fees are event based.

Appointment of Counsel Juvenile Proceedings

Every family division judge has a panel of attorneys assigned to their courtroom to provide legal services to children, mothers and fathers. Each panel is under the supervision of a managing attorney.

The managing attorney prepares a two-month calendar of assignments dates. Attorneys are assigned on a rotational basis to represent children, mothers or fathers. In addition, the managing attorneys represent respondents on personal protection order violations.

Compensation is based on an event-based schedule, extraordinary services are reviewed by the assigned judge.

Managing attorneys are compensated on an annual rate for the administrative services provided.

Eligibility

The eligibility criteria are: (1) Member in good standing with the state Bar of Michigan and (2) Principle place of business in Genesee County. The Court Administrator conducts new attorney orientation on the second Tuesday of each month. Written materials about the Defender Program are mailed in advance for review and discussion at the orientation.

Attorneys may be removed from the eligibility list due to a violation of the Rules of Professional Responsibility, Rules of the Defender Program or other inappropriate conduct.

Complaints

Complaints about attorneys may be directed in writing to the Office of the Court Administrator, Genesee County Circuit Court, 900 S. Saginaw Street, Flint MI 48502. The court administrator investigates complaints. The trial judge must approve all substitutions of counsel.

Records of Appointed Counsel

The court maintains records, pursuant to SCAO General Schedule 16, regarding the number of appointments made to each attorney and the amount of public funds paid to each attorney. The Annual Report of the Assignment of Counsel [for the previous calendar year] will be available for public inspection at the law library of the 7th Judicial Circuit Court, 900 S Saginaw Street, Flint MI 48502, no later than February 1st of each year, beginning February 1, 2005.

There are no appointments made by a judge and no monies paid by a judge to an attorney.

Robert M. Ransom

Robert M. Ransom, Chief Judge
7th Judicial Circuit Court

12/12/03

Date

Christopher R. Odette

Christopher R. Odette, Chief Judge
67th District Court

12/12/03

Date