

**PLAN FOR APPOINTMENT OF COUNSEL FOR INDIGENT PARTIES**

Pursuant to M.C.R. 8.123, effective January 1, 2004 the following order is adopted to describe the court's procedures for selection, appointment, and compensation of counsel who represent indigent misdemeanor defendants in the District Court.

**I. SELECTION AND APPOINTMENT OF ATTORNEYS**

It is this Court's policy to make indigent defense appointments to eligible attorneys who maintain offices and a regular practice in St. Clair County, and provide satisfactory evidence of legal malpractice insurance.

The District Court Administrator is responsible for the administration of the appointed counsel program under the direction of the Chief District Judge.

**ATTORNEY SELECTION-** The court administrator maintains an alphabetical list of attorneys who submit applications and are approved by the court to participate on the District Court appointed counsel list. New attorneys will be added to the end of the list. The list will be reviewed and approved by the chief district judge annually. An attorney may be removed from the list at his or her request. The chief district judge may remove or otherwise sanction appointed attorneys, where it appears that billing abuses or other service concerns exist related to responsibilities enumerated in M.C.R. 6.005(H). In addition, individual District Judges may appoint counsel for indigent parties for cases and hearings as circumstances dictate. Such appointments will be noted on the list and the rotation of assignments calibrated accordingly.

Misdemeanor defendants requesting a court appointed attorney complete the Petition of Appointed Attorney at District Court arraignment. The District Court Administrator or designee will review this form within one working day to determine indigence. Determination of indigence will be guided by the factors listed in M.C.R. 6.005(B).

If the Court determines that the defendant is indigent, the District Court Administrator, or his designee, shall assign an attorney who has been selected in fair rotation from the District Court criminal appointment list. Prior appointments for the same defendant will guide the attorney selection for probation violations and where there is a current pending case.

Once the attorney has become the attorney of record, all withdrawals and substitutions are by Court order. The Court Administrator's Office will select substitute attorneys by fair rotation from the appointment list.

Appointments may be refused if a conflict of interest exists. Known conflicts will be considered in the selection process before appointment. Refusals based on case type and/or attorney convenience will place an attorney at the end of the list for purposes of their next assignment. (Frequent refusal will be a basis for review of an attorney's participation in the program.)

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## II. COMPENSATION METHOD

The Court will authorize payments consistent with the approved hourly fee schedule and the provisions of this order.

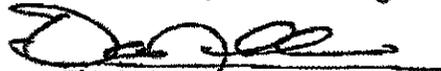
## III. MAINTENANCE OF RECORDS

The following records will be maintained by the court pursuant to SCAO General Schedule 16 and be available for public inspection in the Court Administration Office during regular business hours.

- o Number of appointments given to each attorney by the court.
- o Number of appointments given to each attorney by each judge of the court.
- o Total amount of public funds paid to each attorney by the court.
- o Total amount of public funds paid to each attorney for assignments by each judge of the court.

Required data will be compiled annually or as otherwise directed by the Chief Judge.

10-29-03  
Date

  
Chief District Judge