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

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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 parties in the Circuit Court. This Administrative Order rescinds A.O. 1996-1.

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

**A. CRIMINAL MATTERS**

1. **ATTORNEY SELECTION-** The court administrator maintains an alphabetical list of attorneys who submit applications and are approved by the court to participate on the Circuit Court appointed counsel list. Assignment to capital felonies will be in rotation to those attorneys who request such appointments and who demonstrate five years of satisfactory Circuit Court jury trial experience or the equivalent. New attorneys will be added to the end of the respective list. The list will be reviewed and approved by the Chief Circuit Judge annually. An attorney may be removed from the list at his or her request. The Chief Circuit 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 Circuit Judges may appoint counsel for indigent parties for cases and hearings as circumstances dictate.

Felony defendants requesting a court appointed attorney complete the Petition of Appointed Attorney at District Court arraignment. The Circuit 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 Circuit Court Administrator, or his designee, shall assign an attorney who has been selected in fair rotation from the Circuit 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 felony 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.)

2. **PROBATION VIOLATION or MISCELLANEOUS FAMILY CASES**-Selection of attorneys for probation violations, Paternity, PPO Violation, and Non-Support cases shall employ the same criteria as felony cases.

## **B. FAMILY DIVISION JUVENILE APPOINTMENTS**

Indigent defense appointments for juvenile matters are made based on a contract administered by the Family Division Administrator. The Court will periodically review the performance of the contract and adjust or re-bid the contract as necessary. Performance is reviewed by feed-back from judges serving in the Family Division and referees. Client concerns are addressed.

Attorney Selection- Cases are assigned on a weekly rotation basis to contract attorneys. If there is a conflict of interest, adjustments are made to assign the case to one of the other contract attorneys.

## **C. APPELLATE APPOINTMENTS**

The Circuit Court Administrator will supervise the appointment of appellate attorneys under the Michigan Appellate Assigned Counsel System (MAACS).

## **II. COMPENSATION METHOD**

The Court will authorize payments consistent with the approved hourly fee schedule or prevailing contract, 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.

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

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Date

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Chief Circuit Judge