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STATE OF MICHIGAN
PROBATE COURT - ST. CLAIR COUNTY

ADMINISTRATIVE ORDER 2004-01

State Court Administrative Office
PLAN FOR APPOINTMENT OF COUNSEL FOR INDIGENT PARTIES

Pursuant to MCR 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 Probate 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 Probate Court Register is responsible for the administration of the appointed counsel program under the direction of the Chief Probate Judge.

1. **ATTORNEY SELECTION** - The court register maintains an alphabetical list of attorneys who submit applications and are approved by the court to participate on the Probate Court appointed counsel list. Assignment to respondents of petitions will be in rotation to those attorneys who request such appointments and who demonstrate satisfactory experience. New attorneys will be added to the end of the respective list. The list will be reviewed and approved by the Chief Probate Judge annually. An attorney may be removed from the list at his or her request. The Chief Probate Judge may remove or otherwise sanction appointed attorneys, where it appears that billing abuses or other service concerns exist related to responsibilities undertaken by the appointment.

2. **ATTORNEY APPOINTMENTS** - If the Court determines that a respondent is indigent, or otherwise unable to engage the services of counsel of choice, the Probate Court Register, or his/her designee, shall assign an attorney who has been selected in fair rotation from the Probate Court appointment list. Prior appointments for the same respondent will guide the attorney selection where appropriate.

Once the attorney has become the attorney of record, all withdrawals and substitutions are by court order. The Probate Register or his/her designee 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.)

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 Probate Court 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.

IV. GUARDIAN AD LITEM

The selection, appointment, compensation and maintenance of records for attorneys appointed to provide guardian ad litem services to respondents of petitions or other persons in need of such protection, shall be pursuant to this Administrative Order. Separate records shall be maintained.

2-13-04
Date

John P. Monaghan
Chief Probate Judge