



PAUL A. CASSIDY
District Judge

MARLISA BEAUCHEMIN
Court Administrator

Macomb County Jail
West Entrance
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JOSEPH COZZOLINO
Magistrate

JOSEPH PLawecki
Magistrate

COURT APPOINTED ATTORNEY PROCEDURE FOR 42-2 DISTRICT COURT

ADMINISTRATIVE ORDER 2004-05

This Administrative order is issued in compliance with MCR 8.123(C). The purpose of this order is to establish a procedure, for selection, appointment, and compensation of counsel who represents indigent parties charged with misdemeanor offense, to identify records maintained by the court and outline how these records will be made available to the public.

I. SELECTION CRITERIA & PROCEDURE:

- A. Attorneys contact the Court Administrator or Judge that they are interested in Court appointments by letter.
- B. Attorneys must be members of the Michigan Bar Association.
- C. Attorneys are appointed at this court for misdemeanor cases only.
- D. Judge/Administrator will remove an attorney from the list when they notify the court that they no longer wish to accept court appointments.
- E. The Judge and Magistrates are responsible for the appointments at 42-2 District Court. The Administrative Assistant keeps a ledger of names; appointments, dates and amounts paid to attorney. On a yearly basis the ledger will show the number of appointments and the amount of money paid for services for each attorney by Judge.
- F. Court appointment for the Macomb County Judicial Aide selects felony cases. The request is done before the district judge and the request is sent to judicial aide for appointment at circuit court.

II. APPOINTMENT PROCESS:

- A. Judge or Magistrate appoints in Court Room after defendant fills out the Petition for Appointment of Counsel (Misdemeanor) prior to entering the Court Room.
- B. If Judge grants motion for appointment, the clerks explain to defendant the procedure about repayment of fees.
- C. Upon request from a defendant for a court appointed attorney at arraignment/pretrial, the selection of an attorney is quite frequently determined by the attorney present in the courtroom at the time the case is

called. This selection process will expedite the case through the court system. If there are no attorneys available or none to fit the specific individual asking for counsel, the judge then appoints the next attorney in rotation. This list is made up of attorneys requesting assignments for court appointed cases.

In some cases, attorneys are selected if he/she has expertise in a specific area, previous knowledge of a defendant or defendant's address is in near proximity of the attorney's office. If the attorney is not available, the case will then be returned to the judge for another appointment.

1. If attorney accepts the case, the billing packet is given to him.
 2. Defendant is notified.
- D. Attorney may be removed from the list anytime during the calendar year upon the recommendation of either the Judge, or Magistrate for the following:
1. violation or attempting to violate the Michigan Rules of Professional Conduct knowingly assists or induces another to do so, or do so through the act of another;
 2. failure to appear on scheduled court dates and/or habitual Tardiness without just cause,
 3. Poor performance evaluation
- E. Removal from the court appointed list is granted upon written notification from the requesting attorney.

III. COMPENSATION METHOD:

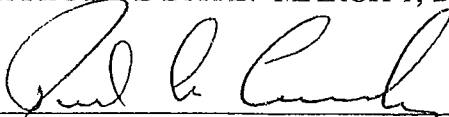
- A. After case is completed, attorney sends bill to Administrative Assistant to process so County of Macomb Finance Department can order payment.
- B. Defendant is notified of the amount paid to Attorney and advised to contact Court for repayment of fees.

IV. MAINTENCE OF RECORDS

- A. The Court Administrator maintains the appointment records. These records are kept in a binder in the office of the Administrative Assistant, showing the judge who appointed, attorney's name, cases they have been assigned to and the amount paid.
- B. The appointments from the court will be computed by the number of appointments per attorney, per Judge, and the amount of money per attorney, per Judge.
- C. The Judge and/or Administrator will periodically review the performance of each attorney assigned.

- D. The Chief Judge and/or Administrator will compile the total number of appointments of each division.
- E. The Court pursuant to SCAO General Schedule 16 maintains these records. (Our Administrative Order 1997-1)
- F. These Court appointments are available to the public upon request to the Court Administrator without a charge. (A fee will be charged for copies)

EFFECTIVE DATE: MARCH 1, 2004



Hon. Paul Cassidy
Chief Judge