

State Of Michigan



**DENIS LeDUC**  
District Judge

42-1 DISTRICT COURT

**DIANE SMILES**  
Court Administrator

Magistrate's Office  
586-752-7149

COURT APPOINTED ATTORNEY PROCEDURE FOR 42-1 DISTRICT COURT

ADMINISTRATIVE ORDER 2004-06

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/Court Administrator will remove an attorney from the list when they notify the Court that they no longer wish to accept court appointments.
- E. The Court Administrator is responsible for the appointments at 42-1 District Court. She/He 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 felony cases are selected by the Macomb County Judicial Aide. The request is done before the district judge and the request is sent to judicial aide for appointment at circuit court.
- G. Judge reviews appointment ledger that is kept by Court Administrator showing the number of appointments for each attorney and amounts paid every year. He reviews every attorney in their knowledge and ability as needed to defend a defendant.

## II. APPOINTMENT PROCESS:

- A. Judge 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. Court Administrator appoints from ledger by calling the attorney that is next in rotation. 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 the attorney's office. If Attorney not available, they are called back the next time an appointment is granted.
  - 1. If attorney accepts the case, notice is sent to him along with the billing packet.
  - 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 Court Administrator 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

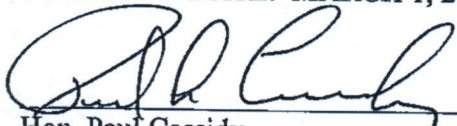
- A. The appointment records are maintained by the Court Administrator. These records are kept in a binder, showing the attorney's name, bar number, address, cases they have been assigned to and the amount paid. At the end of the year the Court Administrator computes the amount paid



to each attorney and the number of cases assigned to each attorney. The Judge reviews these records on a regular basis.

- 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. These records are maintained by the Court pursuant to SCAO General Schedule 16. (Our Administrative Order 1997-1)
- F. These Court appointments are available to the public by 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