

# INDIGENT FEE SCHEDULE

## SIXTEENTH JUDICIAL CIRCUIT COURT

### CRIMINAL AND DOMESTIC

#### A. Purpose of Schedule

This is a schedule of the reasonable fees normally granted pursuant to MCL 775.16 to compensate attorneys appointed to represent indigent persons by the Sixteenth Judicial Circuit Court. It is designed to take into account the responsibility of members of the Bar, as officers of the Court, to strive to protect the rights of citizens charged with a crime and recognizes the responsibility of the Bar to the public.

#### B. Who May Be Appointed

1. In order to receive indigent criminal felony assignments an attorney must be a member in good standing on the Indigent Assignment List.
2. Attorneys must apply to the Indigent Assignment List Selection Committee through Court Administration to be placed on the Indigent Assignment List. The Indigent Assignment List Selection Committee reviews the attorney's application. When approved, the attorney is placed on the Indigent Assignment List. Any attorney seeking an upgrade of their appointment level must apply for an upgrade to the Indigent Assignment List Selection Committee through Court Administration.

#### C. Request for Payment

1. All requests for payment must be submitted electronically at least two weeks prior to sentencing to the Judicial Aide Office on the Request for Payment of Appointed Attorney Fees form, which is available on the Macomb County Circuit Court website.
2. A request for payment must be made within 6 months from the conclusion of the case.
3. In the event a sentence is deferred for 6 months or more or in the event the defendant absconds while on bond, an attorney may submit an interim billing (please clearly mark the bill "interim"). The attorney should retain a copy of the order of appointment for the final billing.
4. If the indigent defendant hires private counsel to replace appointed counsel, a copy of the order of substitution must be included with any billing that is submitted after the completion of services.

**D. Habitual Charges**

No additional payment is allowed for habitual charges under the fee schedule except for proceedings subsequent to the underlying case. A habitual charge is viewed as an added count, not a separate case.

**E. Other and Extraordinary Services**

1. Judicial Aide is to review requests for payment for other/extraordinary services. If counsel is not satisfied by the disposition of a request for payment for other/extraordinary services, counsel may make a motion before the judge assigned to the case.
2. If an attorney seeks extraordinary assistance, such as an investigator, psychologist, or other professional consultation which requires the expenditure of County funds, a request must be made to the judge assigned to the case, by written motion, and permission must be obtained by written Order. The order shall state that the consultant is allowed to bill up to a specific dollar amount. This limitation shall not be exceeded without a further order from the judge.

**F. All fees in this schedule include amounts for preparation and appearance in court unless specifically noted otherwise.**

1. Initial preparation of a file, including interview, research, investigation and bill of particulars (*this fee does not apply to line-ups, appeals or probation violation proceedings*).....\$100.00
2. Line-Up
  - In Macomb County .....\$ 50.00
  - Out of Macomb County .....\$100.00
3. Jail Visits (*limit two with proof of visitation from jail/prison*) .....\$ 50.00
4. Preliminary Examination
  - Half-Day Non-Capital case .....\$125.00
  - Full-Day Non-Capital case.....\$175.00
  - Half-Day Capital case.....\$150.00
  - Full-Day Capital case.....\$200.00
5. Waiver of Preliminary Examination .....\$ 50.00
6. Plea or Dismissal instead of Preliminary Examination.....\$100.00
7. Waiver of Circuit Court Arraignment.....\$ 50.00

8.	Probable Cause Conference .....	\$ 75.00
9.	Circuit Court Arraignment / First Conference .....	\$100.00
10.	Pre-Trial Conference actually conducted.....	\$ 75.00
11.	Appearance resulting in remand to District Court .....	\$ 50.00
12.	Conducting Evidentiary Hearing ( <i>Circuit Court with witness(es) per half-day</i> ).....	\$100.00
13.	Adjournment of any scheduled event not attributable to appointed counsel where counsel actually appeared .....	\$ 50.00
14.	Deferred sentence or review of plea taken under advisement .....	\$100.00
15.	Probation Violation proceeding ( <i>including preparation, appearance and sentence</i> ) .....	\$125.00
16.	Domestic Hearing* ( <i>no initial preparation fee</i> ) .....	\$100.00
17.	Appearance at Arraignment on Bench Warrant ( <i>no initial preparation fee</i> ).....	\$ 75.00
18.	Extradition Proceedings ( <i>per hour fee</i> ).....	\$ 25.00
19.	Circuit Court trial or dismissal on day of trial ( <i>includes preparation and appearance per day</i> )	
	Non-Capital (FH) Case .....	\$350.00
	Capital (FC) Case .....	\$500.00
20.	Advisory or Paternity* Trial Counsel	
	Half-Day .....	\$100.00
	Full-Day .....	\$200.00
21.	Motions	
	Wade, Walker, Expert Witnesses, HYTA/7411, Remand to District Court, Withdraw/Withdraw of Plea, In Limine, Forensic, Discovery, Quash, Suppress and Other Motions .....	\$ 50.00
22.	Research in support of a motion which requires research .....	\$125.00
23.	Oral argument on motion .....	\$ 75.00

24.	Guilty plea in Circuit Court ( <i>including all preparation, research, Deviation request, etc.</i> )	
	Non-Capital.....	\$250.00
	Capital.....	\$350.00
25.	Sentencing on day of plea (Circuit and District Courts) in addition to plea fee.....	\$ 50.00
26.	Sentencing on subsequent date .....	\$100.00
27.	Daily Appearance at Specialty Court Hearing* ( <i>Drug Court, Veterans' Court, Mental Health Court</i> ).....	\$175.00
28.	Extraordinary Services (per hour fee), with itemized statement.....	\$ 25.00 to \$100.00
29.	Other miscellaneous services (per hour fee) with itemized statement.....	\$ 25.00

**SIMULTANEOUS SERVICES**

If counsel is appointed to represent a defendant in more than one case and counsel performs simultaneous services on two cases or more, payment is as follows:

The full amount of the fee schedule is paid for the 1<sup>st</sup> case

The amount of the fee schedule is reduced by 50% for the 2<sup>nd</sup> case

The amount of the fee schedule is reduced by 75% for the 3<sup>rd</sup> case

No additional compensation is given for the 4<sup>th</sup> or any other additional simultaneous cases.

**Separate billing forms are to be prepared for each simultaneous case number, with a copy of order appointing and the box checked as to each simultaneous case (i.e., 2<sup>nd</sup>, 3<sup>rd</sup>).**

**APPEALS**

Attorneys are appointed to work on appeals under the Rules of the Michigan Appellate Counsel System. For the duration of this pilot project, reimbursement for work on appeals is governed by Local Administrative Order 2015-05.

\* This fee schedule includes both criminal and domestic attorney fees. Unless otherwise noted, criminal attorney fees are chargeable to grant funds from the Michigan Indigent Defense Commission. Domestic hearings, paternity trial counsel, and daily appearances at Specialty Court hearings will not be charged to MIDC funds.