



Macomb County Instructions For Roster Attorney Application

Attorneys interested in applying to be a Roster Attorney in Macomb County must compete and submit the Application Form found on the Macomb County Office of Public Defender Website. <https://www.macombgov.org/public-defender/indigent-fee-schedule-felony-cases> .

The Macomb County Office of Public Defender manages the Roster Attorney Lists for Macomb County Funded Courts and other Courts by agreement. The following Roster Attorneys Lists are currently being managed:

- A- Level Capital Felonies
- B- Level Felony
- C- Level Felony
- D- Level Misdemeanor Roster Attorney Lists for:
 - 41A-2 District Court, Shelby Township
 - 42-1 District Court, Romeo
 - 42-2 District Court, New Baltimore

Basic Requirements

Attorneys must meet some common basic requirements to become a Roster Attorney. These basic requirements are:

1. Satisfy the minimum requirements for practicing law in the State of Michigan as determined by the Michigan Supreme Court and the State Bar of Michigan.
2. Comply with the requirements of Michigan Indigent Defense Commission (MIDC) Standard 1, relating to Training and Education of Defense Counsel. (Including “Basic Skills: acquisition credits for attorneys with less than two years of criminal defense experience).
3. Maintain a regular confidential meeting place in Macomb County to meet with indigent defendants (providing verification to the Macomb County Office of Public Defender as requested).

Qualifying for Different Levels of Indigent Defense Cases

In addition to basic requirements, Roster Attorneys must be eligible to be added to one or more of the Roster Attorney Lists. In the Macomb County Indigent Defense System there are the following levels of Roster Attorney Lists which have the listed requirements:

Felony & Misdemeanor Eligibility Requirements

“A” Level- Capital Cases – Assignments in cases where the potential sentence is imprisonment up to LIFE in prison.

Requirements:

1. Satisfaction of all basic requirements.
2. Has practiced criminal law for five (5) full years (either as a prosecutor, public defender, or in private criminal defense practice. and
3. (i) Has prior experience as lead counsel in no fewer than seven (7) felony jury trials that have been submitted to a jury; or
(ii) Has a significant record of consistent high quality criminal trial court representation and the ability to handle a LIFE offense case.

“B” Level – Major Felonies – Assignments in cases where the potential sentence is imprisonment for more than five (5) years but less than LIFE.

Requirements:

1. Satisfaction of all basic requirements.
2. Has practiced law for two (2) full years (either as a prosecutor, public defender, or in private criminal practice); and
3. (i) Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in four (4) felony jury trials that have been submitted to a jury; or
(ii) Has a significant record of consistent high quality criminal trial court representation and the ability to handle a high-severity felony.

“C” Level - Low Level Felonies - Assignments in cases where the potential sentence is imprisonment of less than five (5) years.

Requirements:

1. Satisfaction of all basic requirements.
2. Has practiced law for one (1) full year (either as a prosecutor, public defender, or in private criminal practice); and
3. (i) Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two (2) criminal cases that have reached a verdict, one of which having been submitted to a jury; or
(ii) Has equivalent experience and demonstrated ability to and skills to handle low level felony cases.

“D” Level - Misdemeanor Offenses - Assignments in misdemeanor cases where the potential sentence is up to one (1) year in jail.

Requirements:

1. Satisfaction of all basic requirements.
2. (i) Serve as co-counsel or second chair in a prior trial (misdemeanor, felony, bench or jury); or
(ii) Equivalent experience and ability to demonstrate similar skills.

The offense penalty is based on the highest offense charged. This does not include habitual offense consideration. For example, a client may be charged with a B-Level high felony, not punishable by LIFE. Where the penalty is increased by a habitual notice, making the penalty LIFE, this would still be considered a Level B case for purposes of the Macomb County Indigent Defense System.

Basic Skills Training

In addition to meeting basic requirements, Roster Attorneys with less than two (2) years of criminal defense experience are required to take Basic Skills training. Basic Skills training is a

two day-long or more program involving an interactive approach to learning. Basic Skills training involves 16 to 24 hours of hands-on skills training. These hours do not need to be done all at once and can be a combination of different Basic Skills training sessions. For example, an attorney may satisfy 16 hours of Basic Skills training by completing the “A is for Attorney” training (8 hours) on one day, and on a different day, completing “Evidence Bootcamp” training (8 hours). Basic Skills training is offered on different dates and times. Courses that qualify as Basic Skills include the following offered/approved by CDAM/SADO:

A is For Attorney
Evidence Boot Camp
Trial College
Trainings Offered by Keely Blanchard (identified as Basic Skills)

Attorneys intending to take a course/courses different from the above that they believe qualify as Basic Skills training should first have them approved by the Macomb County Office of Public Defender to ensure that they qualify. Basic Skills training hours count toward annual attorney CLE requirements.

The goal of Basic Skills training, per the MIDC White Paper for Standard 1, is to meet many of the following objectives:

- understanding the unique role of representing the indigent accused;
- adherence to client-centered values and ethics;
- knowing how to conduct client interviews and witness interviews;
- knowing how to examine a witness and prepare arguments around themes and theory;
- learning basic concepts of pretrial motion practice;
- effectively make objections and admit exhibits;
- selecting a jury and presenting a theory at jury trial; and/or
- understanding how to advise and advocate in guilty plea proceedings and sentencings.

An attorney with several years of experience but not over two (2) years of “criminal defense” experience may still have to take Basic Skills training. For example, an attorney who has been a prosecutor for over ten (10) years, and who has less than Two (2) years of “criminal defense” experience, would still be required to take Basic Skills training.

In appropriate cases, an attorney required to take Basic Skill may be added to a Roster List while they are signed up for but have not yet completed Basic Skills Training. Factors considered include supervision by another attorney and prior experience. Should the attorney not complete 16 hours of Basic Skills training by the end of the current calendar year, they will not get further assignments until they complete their 16 Basic Skills CLE.

Opportunities to Upgrade In Level

Roster Attorneys may request consideration of a change in their Roster Attorney Level. To be considered for a new/different Roster Attorney List, attorneys must complete and submit an application making that request. The application must list their current Roster Attorney list status, their qualifications, and identify which Roster Attorney Lists they wish to be considered

for. (The application form can be found at <https://www.macombgov.org/public-defender/indigent-fee-schedule-felony-cases>).

Misdemeanor Training Opportunity. To gain docket experience and improve misdemeanor skills, Shelby Township has a “Second Chair Program.” Attorneys new to misdemeanor dockets can be assigned to a Docket Day and paired with a more experienced attorney. The Second Chair attorney is paid hourly to learn and observe and participate in representation activities on the assigned Docket Day. Interested attorneys should contact the Macomb County Office of Public Defender. (publicdefender@macombgov.org).

Felony Trial Training Opportunity. To increase criminal trial/litigation experience, attorneys can participate in the Public Defender Second Chair Program. The Second Chair Attorney will express their interest in observing/participating in preliminary examination, trial prep, or trial, and the attorney will be matched with another attorney who is representing a client in an appropriate case. The Second Chair attorney is paid, and can, in appropriate cases, get needed experience to qualify for an increased Roster Attorney List. Interested attorneys should contact the Macomb County Office of Public Defender. (publicdefender@macombgov.org).

Application Process

To apply for inclusion as a Roster Attorney, applicants must submit a Macomb County Criminal Indigent Defense Roster Attorney Application. This is found in the Public Defender website. <https://www.macombgov.org/departments/public-defender>. (The Application can be completed and submitted on-line or be downloaded and submitted to the Macomb County Office of Public Defender at publicdefender@macombgov.org).

Applications will be reviewed by senior staff at the Office of Public Defender. Follow-up inquiries will be made as needed. A written decision on the request will follow.

Disagreeing with an Application Decision

An attorney may disagree with an Application Decision made by the Macomb County Office of Public Defender. Attorneys who disagree with a decision of the Office of Public Defender may choose to contest a determination. The decision must be contested within 14 days. Reasons for the disagreement must be submitted in writing, must attach any supporting documentation, and must be submitted to the Office of Public Defender. The Office of Public Defender may make a written response. Documentation explaining and supporting the attorney’s position, together with any response, will be forwarded by the Office of Public Defender to the Appeal Partner for Macomb County and to the applicant attorney. The current Appeal Partner for Macomb County is:

The Office of Public Defender in Saint Clair County

The appeal partner may request further information or decide on documents submitted. The review decision of the Appeal Partner will be made in writing, stating reasons for the reviewer’s decision.

Obligations of a Roster Attorney

Roster Attorneys are reminded of certain obligations for all attorneys taking indigent adult criminal defense assignments. These obligations include:

- **Timely Initial Meeting After Assignment**

Attorneys assigned to indigent adult criminal cases must seek to timely meet with clients once they assigned. For local in-custody clients, a first meeting should take place within 3 business days. For out-of-custody clients, an introductory communication should be provided to the client and contact sought prior to the first court date. The purpose of the initial meeting/contact include notifying the client of charges and penalties, getting information for initial bond motions, sharing information about the case, determining the need for an interpreter or investigator, identifying witnesses, exploring claims of alibi, etc. (See MIDC Standard 2 Initial Interview <https://michiganidc.gov/standards/>).
- **Annual CLE Requirements**

Roster Attorneys are required to comply with annual CLE requirements as part of the Macomb County Indigent Defense System and MIDC Standard 1. Current requirements are to complete 12 CLE credits each calendar year. (See MIDC Standard 1 Education and Training of Defense Counsel <https://michiganidc.gov/standards/>). Should an attorney fail to complete 12 CLEs at the end of a calendar year, they will be ineligible for further assignments until the deficiency is corrected. CLE credits must be completed in the calendar year and do not carry over from year to year. CLE verification must be made by using CE Broker. (Free sign-up for CE Broker for attorneys can be completed at <https://cebroker.com/mi/account/basic>. Attorneys go to the site, enter their Bar Number, and then begin tacking.)
- **Not Accepting Compensation From Clients**

An assigned attorney will not accept any compensation in any form for representation of a client, or from any source other than the assigning funding unit.
- **Use of Experts and Investigators**

Funds for Experts and Investigators may be available to attorneys in indigent adult criminal cases. (See MIDC Standard 4 Investigators and Experts <https://michiganidc.gov/standards/>). Roster Attorneys should be aware of the process for requesting funds as described in the Macomb County Office of Public Defender website. <https://www.macombgov.org/departments/public-defender> .
- **Timely Submitting Request For Payment**

Upon completion of services, a timely Request For Payment should be submitted. The current time requirement is:
Within 180 days of the last date of service.