Macomb County Office of Public Defender
22 Market Street
Mount Clemens, MI 48043
Office: 586-466-8311 Fax: 586-466-8310
Email: publicdefender@macombgov.org

E

EXPERT REQUEST INSTRUCTIONS

Funds for an expert are considered for approval where there is a reasonable probability that an expert would benefit the defense, and the denial of an expert's assistance would result in a fundamentally unfair trial. [1]

1. Determine which expert you would like to use. You may consult the list of possible experts available on our website, or you can choose another expert of your choice. You must name a specific expert, not a company.
2. Contact the expert that you would like to use in your case. Determine if they are willing and able to handle your case. Obtain an estimate of the number of hours that the work will take and the rate that they charge. Please be aware that there are set rates in place for different levels of education, which can be viewed on Section 9 of our request form. If your chosen expert wants more than that, you must state **specifically** why the increase is appropriate and necessary.
3. Download the "Macomb County Indigent Request for Funds—Expert" form from our website. Use Adobe Acrobat to open the form. Using other PDF readers may cause the form to malfunction. Fill the form out completely and email it to the above email address along with a copy of the proposed expert's CV.
4. If you are retained, rather than being appointed, you must also obtain and include a copy of the Order of Indigency from the Court if your client is unable to afford an expert. Funds are not provided for non-indigent clients.
5. Once your request is approved you will receive a copy of your request signed by one of the senior staff at the Public Defender Office and a blank copy of the Expert Billing Form. This is for the expert to fill out and send to us for payment.
6. **The approved amount is the limit of what will be paid.** If, during the course of the case, you and/or your expert determine that more work is required beyond the original estimate, you must submit a new request before any extra work is begun. Experts should not begin any extra work until they have the signed approval in hand.
7. Some types of expert fees are ineligible for payment. These include, but are not limited to:
    - Retainer fees
    - Flat fees
    - Advance payments
    - Access fees.
8. Any additional fees such as travel, copying & other expenses must be separately approved in advance, and a paid receipt will be required for reimbursement.
9. Expert requests for payment must be submitted within 60 days of the completion of work. Experts should not wait for the end of the case to submit their Request for Payment.

[1] See *People v Kennedy* 502 Mich 260, 228; 917 NW2d 355, 368 (2018), adopting standard in *Ake v Oklahoma* 470 US 68; 105 SCt 1087; 84 Led2d 53 (1985)