Macomb County Office of Public Defender
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REQUEST FOR INVESTIGATOR INSTRUCTIONS

Attorneys have a duty to make reasonable investigations or make reasonable decisions that make investigation unnecessary.[1] Funds for an investigator can properly be considered when the attorney provides specifics on how the investigator will assist the defense and will assist with effective representation.

1. Determine which investigator you would like to use. You may consult the list of possible investigators available on our website, or you can choose another investigator of your choice. You must name a specific investigator, not a company.
2. Contact the investigator 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. The current rate for investigators for fiscal year 2025/2026 is $125.00 per hour. Travel time for investigators is compensated at $50.00 per hour. Investigators can be compensated for mileage at the current rate determined by the IRS. If your chosen investigator wants more than that, you must state **specifically** why the increase is appropriate and necessary.
3. Download the "Macomb County Indigent Request for Funds—Investigator" 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 send it to the above email address along with a copy of the proposed investigator's CV. We will also require a copy of the investigator's license and proof of insurance. For investigators on our list, we may already have these on file.
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. 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 Investigator Billing Form. This is for the investigator 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 investigator determine that more work is required beyond the original estimate, you must submit a new request before any extra work is begun. Investigators should not begin any extra work until they have the signed approval in hand.
7. Some types of investigator fees are ineligible for payment. These include, but are not limited to:
    - Retainer fees
    - Flat fees
    - Advance payments
    - Access fees, such as Westlaw, Lexus, etc.
    - Any part of discovery materials which the attorney can provide by their discovery request or by filing a motion to produce.
8. Any additional fees such as travel, FOIA, copying & other expenses must be separately approved in advance, and a paid receipt will be required for reimbursement.
9. Invoices must be submitted within 60 days of completion of work. Investigators should not wait until the end of the case to submit their Request for Payment.

[1] See *Strickland v Washington* 466 US 668, 691; 104 SCt 2052, 2066; 80 Led2d 674 (1984)