

<p style="text-align: center;">STATE OF MICHIGAN 6TH JUDICIAL CIRCUIT GENERAL JURISDICTION DIVISION</p>	<p style="text-align: center;">PLAN FOR APPOINTING LAWYERS TO REPRESENT INDIGENT DEFENDANTS IN CRIMINAL CASES</p>	<p style="text-align: center;">ADMINISTRATIVE ORDER 2003-07 Rescinds Administrative Order 1997-2</p>
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I. SCOPE

This administrative order is issued in accordance with Michigan Court Rule 8.123, effective January 1, 2004. The purpose of this order is to set forth a plan for selecting, appointing, and compensating lawyers to represent indigent defendants in criminal cases in the General Jurisdiction Division of the Sixth Judicial Circuit Court. Administrative Order 1997-2 is rescinded.

IT IS ORDERED:

II. CRIMINAL ASSIGNMENT COMMITTEE

1. A ten member (10) Criminal Assignment Committee consisting of five (5) judges from the Oakland County Circuit Court selected by a method determined by the Bench and five (5) representatives appointed by the President of the Oakland County Bar Association (OCBA), shall serve as a standing committee to determine the qualifications of attorneys applying to act as assigned counsel in criminal cases. Members of the Criminal Assignment Committee shall serve staggered two-year terms. Initially, two representatives appointed by the Oakland County Bar Association and two judges shall serve for a term expiring on September 1, 1997. Three representatives appointed by the Oakland County Bar Association and three judges shall serve for a term expiring on September 1, 1998. As set forth below, the Criminal Assignment Committee shall also be responsible for establishing the training and continuing legal education requirements for attorneys seeking to maintain their eligibility to serve as indigent defense counsel. The criteria, standards and policies of the Criminal

Assignment Committee shall be available for inspection at the OCBA offices as well as the office of the Circuit Court Administrator.

2. The Criminal Assignment Committee shall develop and produce a performance survey to allow for feedback from the judiciary regarding assigned attorneys. The Criminal Assignment Committee shall consider this feedback along with the attorney's experience, participation in criminal law training programs and other law related criteria in determining the continued eligibility of attorneys to serve as assigned counsel for indigent defendants.

III. ELIGIBILITY TO SERVE AS ASSIGNED COUNSEL

1. As determined by the Criminal Assignment Committee, the eligibility of attorneys seeking to serve as indigent defense counsel shall be evaluated and classified in the following categories:

Category	Description
Category 1	Capital offenses - sentences with maximum of life.
Category 2	Major felony offenses - sentences in excess of five years to less than life and negligent homicide.
Category 3	Felony offenses - sentences in excess of two years up to and including five years' imprisonment.
Category 4	Felony/High Misdemeanor offenses - sentences up to and including two years' imprisonment, except negligent homicide.

Category 1 attorneys are eligible to receive assignments in all categories. Attorneys in category 2 are also eligible to receive assignments in categories 3 and 4. Attorneys in category 3 are also eligible to receive assignments in category 4.

2. Eligibility to serve as assigned counsel shall be as follows:

a. Attorneys seeking to be initially qualified as assigned counsel must attend the series of seminars sponsored by the OCBA Criminal Law Committee, or training at an equally recognized seminar (e.g., CDAM conferences, ICLE courses, NACDL seminars) as determined by the Criminal Assignment Committee. Category 1 and 2 attorneys are not required to attend basic programs, but are required to participate in appropriate training and continuing legal education programs. The training and legal education requirements are to be of the highest standards.

b. Attorneys seeking to be qualified as assigned counsel must complete and submit an application form to the Criminal Assignment Committee which will be available at the OCBA offices as well as the office of the Circuit Court Administrator.

c. Completed applications will be submitted to the Criminal Assignment Committee at the OCBA offices or the office of the Circuit Court Administrator. The committee shall review the applications and determine the applicant's qualifications to serve as assigned counsel in any one or all of the above categories of criminal cases.

d. Attorneys may be qualified to receive Category 3 and 4 appointments upon 1) completion of the training program set forth in paragraph a. above, and 2) participation in the Criminal Mentor program or 3) as otherwise determined by the Criminal Assignment Committee.

e. Trial experience, seminar attendance, participation in the Oakland County Mentor Program, second chair experience, and judicial feedback shall be

among the criteria in assigning counsel to specific panel levels and in educating counsel to advance to the next level panel.

f. An attorney may petition the Criminal Assignment Committee for reclassification by submitting a letter to the committee outlining reasons for reclassification, including but not limited to increased experience, completion of various training programs, recommendation from judges and attorneys, second chair experience and any other information relevant to an appropriate classification.

g. To maintain eligibility to remain on the roster of counsel for indigent defendants, all attorneys must annually present evidence of their completion of seminars approved by the Criminal Assignment Committee. Category 1 and 2 attorneys are required to participate in appropriate training and continuing legal education, but are not required to attend basic programs.

h. A judge, court administrator, or bar member may file a complaint against an attorney with the Circuit Court Administrator. The Circuit Court Administrator or his/her designee must notify the attorney of the complaint and provide a copy of the complaint to the attorney. If the attorney responds in writing within 14 days of notification, the attorney is entitled to a hearing before the Criminal Assignment Committee. An attorney may be sanctioned or removed from the roster for incompetence, consistently being unavailable to serve, violating court policies, or other just cause.

i. An attorney who is aggrieved by any action of the Criminal Assignment Committee may request in writing an opportunity to be heard before the Committee, at which time the attorney may appear to seek to persuade the Committee that its action is unwarranted.

j. Consistent with the policies of the Oakland County Circuit Court and the Oakland County Bar Association, the Qualifications Committee shall not discriminate against individuals on the basis of race, gender, handicap or age.

IV. PROCEDURES FOR APPOINTING COUNSEL

Upon receiving a request for appointment of counsel in Category 3 and 4 cases, only, the Circuit Court Administrator or his/her designee shall refer to the list of attorneys eligible to handle the type of offense with which the defendant is charged. Upon confirming the availability of the next attorney on the list, notice of that appointment shall be submitted to the District Court in which the appointment has been requested as well as to the appointed attorney. Counsel shall be appointed in rotation according to the date of their last appointment. A person who is unavailable for an assignment shall not lose their place on the rotational list.

In unusual or extraordinary circumstances, the circuit court judge to whom a criminal case has been assigned may appoint a lawyer to represent an indigent defendant outside of the ordinary rotational system provided that the lawyer so appointed has otherwise been deemed eligible to serve as indigent defense counsel by the Criminal Assignment Committee.

Upon receiving a request for appointment of counsel in Category 1 and 2 cases the Circuit Court judge has the option of appointing an attorney to represent the indigent defendant from the list of attorneys eligible to handle the type of offense with which the defendant is charged or to request the Circuit Court Administrator or his/her designee to make the appointment in rotation from the designated Category 1 or 2 list.

Probation violations, infectious disease petitions, line-ups, emergency petitions, extradition cases and other similar miscellaneous matters are specifically excluded from the above described rotational system.

V. COMPENSATION

The attorney must submit a payment voucher to the office of the Court Administrator indicating the case type, services rendered, and hours expended. The attorney will be compensated according to the established Oakland County Attorney Fee Schedule. The fee schedule is available in the office of the Court Administrator and on the Oakland County website.

VI. MAINTENANCE OF RECORDS

The court shall annually compile the following records:

- a. Number of appointments given to each attorney by the court;
- b. Number of appointments given to each attorney by each judge of the court;
- c. Total amount of public funds paid to each attorney by the court; and
- d. Total amount of public funds paid to each attorney for assignments by each judge of the court.

These records will be maintained by the court pursuant to SCAO General Schedule 16.

To protect the public's confidence in the integrity of the criminal assignment procedure, records shall be maintained by the office of the Court Administrator and made available to the public upon request within a reasonable time. There will be no charge for the inspection of records; a reasonable fee will be charged for providing copies, pursuant to Michigan Court Rule 8.119 (E). When requested by the State Court Administrator, the Circuit Court Administrator will provide a copy of its most recent

annual report and data on an individual attorney or judge for the period specified in the request.

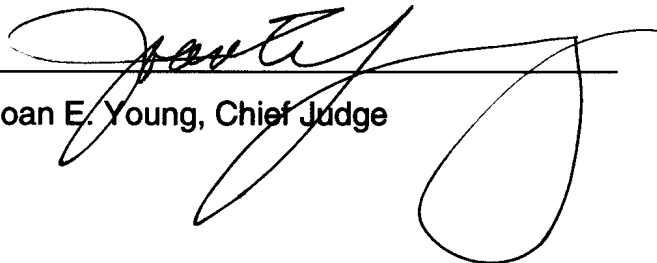
This plan shall be available at the OCBA offices as well as the office of the Circuit Court Administrator.

VII. IMPLEMENTATION AND EFFECTIVE DATE

Upon approval of the State Court Administrative Office, this administrative order shall be effective on January 1, 2004.

EFFECTIVE DATE: JANUARY 1, 2004.

10/24/03
Date


Joan E. Young, Chief Judge