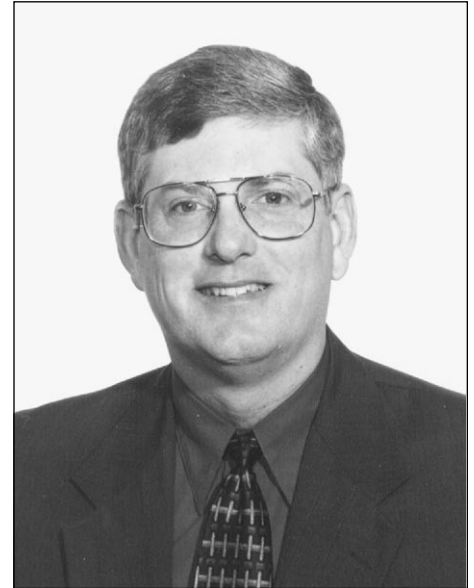


# News for Indigent Criminal Defense Counsel

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*by Kevin M. Oeffner*  
*Circuit Court Administrator*

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**D**efense attorneys who accept criminal appointments will want to be informed of a couple of new developments that could affect their practice insofar as court appointments are concerned. In last month's column I briefly mentioned that the Court Administrator's Office will strictly enforce the deadline for submitting payment vouchers related to criminal indigent defense appointments. This could be important to some attorneys, so I'd like to explain in greater detail.

Local Court Rule 6.101 has been in effect since 1985. The rule proscribes that appointed attorneys must submit their payment vouchers to the court administrator no later than one month after dismissal of the case or sentencing of the client. Effective on August 1, 2006, the Court Administrator's Office will strictly enforce this rule. There are a number of reasons why we must do so, not the least of which is to ensure that court payments are made in the period (or as close to the period as possible) that the services were rendered.

The frequency in which vouchers are turned in months and even years after cases are completed has caused us to re-examine the rule and take all measures necessary to enforce it. The judges recently reiterated their support for the rule and interest in having it enforced. We don't want to catch unsuspecting defense attorneys off guard, so we have taken several measures to ensure that each is appropriately informed.

To ensure the timely payment for your services as court-appointed counsel on criminal cases, please submit your voucher within one month of the date the case is dismissed or your client sentenced. We will take all appropriate steps to ensure that your payment is processed timely. We appreciate your assistance in helping us to enforce the rule.

Our felony plea program has been in place for a few months now. Many of you have represented clients who entered felony pleas at district court. The program is working, but we believe it can be improved. To that end, we met recently with representatives of the criminal defense bar to seek their input and suggestions for improvement.

Arising out of that meeting was the suggestion that district judges make sentencing agreements with defendants when pleas are taken. If for some reason the circuit judge could not abide by the agreement, he or she would so state on the record and the defendant would be provided with an opportunity to withdraw his or her plea and proceed to trial.

This suggestion was approved by the circuit judges. The district judges who choose to participate will initiate sentencing agreements with defendants who decide to plea at district court. Sentencing recommendations will be within the guidelines. Defense attorneys should know, immediately prior to a plea being entered at district court, the circuit judge to whom the case was assigned. There is one favor that we would ask of defense attorneys whose clients plead at district court: Please make a notation on the probation referral form when a sentencing agreement has been made. This information will be most helpful to the Probation Department and the circuit judge who will render the sentence.

I'd like to publicly thank the defense bar representatives who attended the above-referenced meeting and offered input and suggestions regarding the felony plea program. Those who attended were Larry Kaluzny, Howard Arnkoff, Judith Gracey, Jerry Fenton, Jerry Sabbota and Eric Wilson.

Now that more than half of 2006 is behind us, this might be a good time to remind defense counsel that continuing

legal education (CLE) hours are required to continue to receive appointments. Attorneys must obtain the following number of CLE hours this year to remain active next year:

Category	Hours
1	5
2	10
3	12
4	15

The Court Administrator's Office maintains a list of criminal defense seminars and training programs for which CLE hours are given. The Oakland County Bar Association also maintains a library of criminal law seminars on videotape. Attorneys are welcome to contact the OCBA offices to watch a videotape for CLE credit. Please call Ms. Kristen Bennett, CLE Coordinator for the Bar Association, at 248-334-3400 for more information or to schedule a videotape presentation.

One last note regarding CLE hours: In furtherance of the Criminal Assignment Committee's view that the Adult Treatment Court is an important program for eligible substance-abusing offenders, CLE credit will be offered for any criminal defense attorney, irrespective of categorical placement, who attends a session of the ATC or local sobriety court. Several district courts in Oakland County

operate sobriety courts. Please check with my office for a list of those courts.

Before closing, one other reminder is necessary. When defense attorneys apply to receive appointments, they agree, as stated on the signature page of the application form, to represent their clients at all court proceedings. Understandably, there will be times when a court-appointed attorney cannot attend a session of court. In such circumstances, the court-appointed attorney is free to make arrangements with another attorney to stand in for him or her. The only requirement is that the attorney standing in must be approved to accept appointments in the same categorical level (or higher) as the assigned attorney.

Finding substitute counsel to stand in should be the exception. We've seen too many instances lately where assigned counsel routinely makes arrangements with substitute attorneys. Some defendants, as late as their second or third appearances in circuit court, haven't yet met their assigned defense attorney – just those standing in. Please make every effort to represent your client rather than obtaining stand-in counsel. This is a matter of interest to the Criminal Assignment Committee and something that we will continue to monitor.

Until next time ...



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