

Standard 6 – Reference Guide for Attorneys

These are the Standard 6 caseload limits. They apply to a rolling 365-day period. This means, for example, that if an attorney accepts a felony case on July 1, 2026, that case will fall off their caseload on July 2, 2027, regardless of when the case was resolved.

150 felonies	(one case = 0.667% of allowable limit)
400 non-traffic misdemeanors	(one case = 0.25% of allowable limit)
800 traffic misdemeanors	(one case = 0.125% of allowable limit)
800 probation violations	(one case = 0.125% of allowable limit)
1856 docket hours ¹	(one hour = 0.054% of allowable limit)

Standard 6 is a proportional limit. In other words, taking work in one of these categories also decreases the attorney’s ability to take work in the other categories on a proportional basis.

Cases are added to an attorney’s caseload on the date they accept the appointment. Hours are attributed to the date of service. For example, hours from an arraignment shift on July 1, 2026, will count until July 1, 2027. When an attorney closes a case does not affect their Standard 6 case count. Also, hours are only counted for shift work, such as arraignments and house counsel. The number of hours spent on an individual appointed case is **irrelevant** to the caseload calculation.

To reiterate, a year is 365 days—not a calendar year. This means that on January 1st, the attorney’s workload does not go back to zero. The only way an attorney’s workload would go back to zero is if they did not take any assignments of work for a year.

Attorneys should also know that a reduction of the original charges does not affect their case count numbers. The *Grant Manual* says that “In cases where the final charges are reduced through plea negotiations, the case counts according to the original charge.”

Attorneys can track their case count using the table provided by the MIDC at <https://michiganidc.gov/resources-for-calculating-caseloads/>.

¹ Standard 6 does not mention traffic misdemeanors, probation violations, or hourly work in its text. However, the MIDC has directed how to score these items on pages 30 and 31 of the *Grant Manual*.

When Assignments Shouldn't Count

The MIDC has indicated that there may be times when a case should not be added to an attorney's case count and times when a case should be removed from an attorney's case count. According to the *Grant Manual*, "Reassignments do not count as a case for an attorney where reassignment is requested before significant work is performed."

Felonies

Appointed in District: • Removal at the probable cause conference stage (even if preliminary exam waived) does not count as an assignment

• Removal after a preliminary exam was conducted or, if waived, the circuit court arraignment has occurred, counts as an assignment

(Had a preliminary exam or made it to circuit court = assignment)

Appointed in Circuit: • If removal occurs after the attorney has appeared at up to two pretrials, the case does not count as an assignment unless the attorney also filed a written motion (other than a motion to withdraw) or conducted an evidentiary hearing

• If removal occurs after a pretrial plus written motion is filed or evidentiary hearing is conducted, the attorney has attended at least three pretrials, a plea is entered, or sentencing has occurred, the case counts as an assignment

(Three pretrials, motion, evidentiary hearing, plea, or sentence = assignment)

Misdemeanors

A case will not count as an assignment if the attorney is removed after attending no more than two pretrial conferences unless the attorney also filed a written motion (not a motion to withdraw), conducted an evidentiary hearing, or represented the defendant during a plea or at sentencing.

(Three pretrials, motion, evidentiary hearing, plea, or sentence = assignment)

One Defendant, Multiple Cases

The *Grant Manual* also says that “A case is a charge or set of charges filed against a defendant in a court arising from the same transaction and/or that are being handled together, regardless of how the court assigns case numbers.” Below are some examples as to how this can play out.

If all cases are assigned to the same judge and all proceedings are, for the most part, scheduled for the same dates, this is counted as one case.

If two cases are assigned to the same judge and each case’s proceedings are on different days, like when a defendant is being prosecuted by the state and the city, this would be counted as two cases.

If two cases are assigned to one judge and all proceedings are, for the most part, scheduled for the same dates, and two cases are assigned to another judge and all proceedings are, for the most part, scheduled for the same dates but different dates from the other set of cases, this would be counted as two total cases.

Process to Seek Case Removal

When an attorney believes that an assignment shouldn’t count, they should submit a written request to have the assignment removed from their Standard 6 case count to their appointing authority. Many appointing authorities have specific forms that attorneys must use to make this request. The IDSO’s form is on our website.²

If the request is granted, the attorney must provide a copy of the approval to the other systems from which they receive assignments, otherwise those other systems will have no way to know that the case should be removed from the attorney’s caseload.

The attorney’s caseload is a state-wide calculation and includes all trial-level adult indigent defense work.

² Please note that in Oakland County, we try to be proactive in removing cases from an attorney’s caseload in the “One Defendant, Multiple Cases” scenario described above. We generally are aware of that at the outset of the case. If you are seeking to have that type of case removed from your caseload, you may wish to check with us informally first to see if we counted it before taking time to fill out the removal request.