

SUBJECT: PLAN FOR ASSIGNMENT OF COUNSEL IN THE THIRD JUDICIAL CIRCUIT COURT.

Pursuant to MCR 8.123, the Third Judicial Circuit Court (the Court) adopts the following as its Plan for the Assignment of Counsel:

I. Introduction.

- A. Organization of the Plan for Assignment of Counsel. The Court presently maintains its Criminal Division to adjudicate criminal cases within its jurisdiction, as well as its Domestic Relations Section and Juvenile Section to adjudicate cases coming within the jurisdiction of its Family Division. In order to take into account how cases are processed and the traditional methods of assigning counsel in these different parts of the Court, the Court's Plan for Assignment of Counsel (the Plan) is organized into three parts, each of which details how assignments for appointed counsel is made in these three parts of the Court.
- B. Adoption of ABA Standards - Timeline. Notwithstanding the present provisions of the Plan, by August 1, 2004, the Court shall revise its Plan to ensure, to the extent practicable, that Parts II and III of the Plan, the Domestic Relations and Juvenile only, shall conform to the principles for the systematic assignment of counsel stated in the ABA Standards for Criminal Justice: Providing Defense Services, Part Two, Standards 5-3.1 - 5-3.3 (the ABA Standards). Part II of the Plan (Domestic Relations Section), shall presently conform to the ABA Standards; Part III of the Plan (Juvenile Section) shall, to the extent practicable, by August 1, 2004, be revised to conform to the ABA Standards. The ABA Plan is not applicable to the Criminal Division which has already adopted its own sunshine appointment procedure herein.

II. Assignment of Counsel - Family Division - Domestic Relations Section

- A. Scope. Where appointment of counsel for an indigent party is required in cases involving felony non-support, personal protection orders (PPO), paternity, contempt of court show cause proceedings, or other cases coming within the jurisdiction of the Third Judicial Circuit Court - Family Division - Domestic Relations Section, appointment of counsel shall be made pursuant to the following provisions.

B. Attorney Eligibility.

1. Requirements. Attorneys shall qualify for appointments for assigned counsel duty for house counsel appointments to the PPO or show cause dockets, and for felony non-support or paternity cases by submitting to the Court's Docket Management Office (Docket Management) the following:
 - a. A completed "Attorney Profile Sheet," a blank copy of which may be obtained from Docket Management located in the Coleman A. Young Municipal Center.
 - b. Proof of certification under the Detroit-Wayne County Criminal Advocacy Program (CAP).
 - c. A statement of prior experience in the field of domestic relations law.
 - d. Membership in good standing in the State Bar of Michigan.
 - e. Proof of professional liability insurance. The applicant must indicate the renewal date.
 - f. If an attorney desires appointment as appellate attorney in cases arising out of the foregoing noted cases, the attorney shall also demonstrate appellate experience.
2. The Domestic Relations Review Committee. The Presiding Judge of the Domestic Relations Section shall annually select two judges on a rotating basis from among those judges presently serving in the Domestic Relations Section, and together with these two judges form the Domestic Relations Review Committee (the Committee).
 - a. The Committee shall periodically meet to review requests submitted by attorneys to Docket Management to receive assignments from the Court, and the Committee shall determine whether an attorney is qualified, under the foregoing provisions, to receive assignments from the Court.
3. The Master List. The Committee shall forward to Docket Management the names of all attorneys found eligible to receive assignments, and Docket Management shall place these names on the Master List - Domestic Relations (the Master List).

- a. The Committee shall also designate those attorneys who are eligible to receive appointments as appellate counsel. Docket Management shall keep a separate list of those attorneys qualified by the Committee to receive appellate assignments.
- b. The names on the Master List shall initially be listed in alphabetical order. Additional names that may be added shall be added to the end of the Master List.
- c. Docket Management shall include on the Master List the names of attorneys who, as of the effective date of this Administrative Order, are presently receiving assignments from the Court.
 - (1) The Committee shall direct that Docket Management remove the names of attorneys from the Master List who have not, within six months of the effective date of this Administrative Order, demonstrated that they are qualified under the foregoing criteria.

4. Removal From the Master List.

- a. Complaints about attorneys who are assigned cases under the provisions of this Part may be forwarded to the Presiding Judge or any other member of the Committee.
 - (1) Tardy or Non Appearance. The judge presiding over a case shall notify the Presiding Judge of instances of unexcused or unreasonable tardiness or absence of assigned counsel.
 - (2) Upon being notified of an instance of unexcused or unreasonable tardiness or absence of assigned counsel, the Presiding Judge shall, via first class mail, notify the attorney that one other instance of unexcused or unreasonable tardiness or absence within the next twelve month period shall, without further notice to the attorney, result in the attorney's name being deleted from the Master List.
 - (a) The Presiding Judge shall direct that Docket Management remove from the Master List the

names of attorneys who have failed to comply with the warning letter.

- (3) Other Good Cause. Upon being notified of other complaints against assigned counsel, the Committee shall review the circumstances of the complaint and take such action as deemed appropriate, including removal from the Master List.
- (4) If an attorney is removed from the Master List under the provisions of § II (B (4)), the attorney may reapply to be placed back on the Master List if the attorney can otherwise satisfy the requirements of this Part. However, such attorney may not be placed on the Master List until after the expiration of six months from the date of removal.
- (5) Upon being informed that an attorney has not maintained CAP certification, an attorney's professional liability insurance has lapsed (or if the attorney has not submitted proof of renewal), or that an attorney has been suspended or disbarred from the practice of law, Docket Management shall remove the name of the attorney from the Master List without further notice to the attorney until such time as the attorney demonstrates CAP certification, maintenance of professional liability insurance and/or membership in good standing in the State Bar of Michigan.

C. Assignment of Counsel.

1. Orders for appointment of counsel shall be directed to Docket Management.
2. Upon receiving an order for appointment of counsel, Docket Management shall refer to the Master List and, after ascertaining availability, select an attorney. Selection shall be made on a rotational basis to ensure an equitable distribution of assignments. Docket Management, via first class mail, shall notify the selected attorney of the appointment and the date, time and place of the hearing.
3. Docket Management shall not select an attorney for appointment on a felony non support case unless the attorney has demonstrated CAP

certification.

4. No attorney shall be appointed for an appellate matter unless his name appears on the sub list of attorneys whom the Committee has approved to accept appellate assignments.
5. Scope of Appointment.
 - a. The appointment of an attorney to serve as house counsel for hearings held on the PPO and show cause dockets shall be for purposes of that day's hearing only.
 - b. An appointment of an attorney to a felony non-support case or to a paternity case in which no order of filiation has been entered shall be the attorney for that case up to sentencing or the entry of an order of filiation.
 - (1) Once assigned, appointed counsel shall not be removed from the case before sentencing or an order of filiation has been entered unless upon order of the Court for good cause.

D. Compensation.

1. Attorneys who are serving as house counsel for the PPO or show cause dockets shall sign vouchers as directed by Docket Management on the day of the assignment. Payment for service as house counsel for the PPO or show cause dockets is per half day according to the current fee schedule.
2. For felony non-support, pre-filiation order paternity cases and appeals, counsel shall submit vouchers to Docket Management under the provisions of the then applicable fee schedule.
3. Docket Management shall submit vouchers for review by the Court's Finance Office who, upon approval, shall transmit the vouchers to Wayne County for payment.
4. Disputes. Attorneys may appeal alleged payment discrepancies by completing an attorney inquiry form obtainable from the Court's Finance Office.
 - a. Upon receipt of an attorney inquiry concerning a payment discrepancy, the Supervisor of Accounts Payable in the Court's Finance Office shall review the attorney inquiry form and may make any adjustment to any attorney fee paid.

E. Records.

1. The following records shall be maintained by the Court:
 - a. The number of appointments given to each attorney by the Court.
 - b. The number of appointments given to each attorney by each judge of the Court.
 - c. The total amount of public funds paid to each attorney by the Court.
 - d. The total amount of public funds paid to each attorney for assignments by each judge of the Court.
2. Availability.
 - a. The records specified above shall be maintained by Docket Management.
 - b. Docket Management shall make these records available for public review, free of charge, during normal business hours, 9:00 AM to 12:00 PM and 1:00 PM to 4:30 PM, Monday through Friday.
 - c. Upon request and the payment of a per-page reproduction fee, as determined by the Court, Docket Management will make copies of these records.
3. Retention. The foregoing records shall be maintained pursuant to SCAO General Schedule 16.

III. Assignment of Counsel – Family Division – Juvenile Section

- A. Scope. Assignment of counsel for an indigent party is required for children in delinquency cases and for respondents and children in abuse and neglect proceedings or other cases within the jurisdiction of the Third Circuit Court – Family Division – Juvenile Section. Assignment of counsel in the Juvenile Section shall be made pursuant to the following provisions.
- B. Attorney Eligibility.
 1. Eligibility of Individual Attorneys. To be considered for house counsel

duty assignments, attorneys must present proof of the following to the Assigned Counsel Services Office of the Court (ACS), located in the Lincoln Hall of Justice:

- a. Membership in good standing in the State Bar of Michigan,
- b. Annual attendance at the Juvenile Attorney Training Seminar.
 - (1) If less than 5 years experience, the attorney shall attend 2 sessions.
 - (2) If more than 5 years experience, the attorney shall attend 1 session.

2. Eligibility of Legal Aid and Defenders Association (LADA). LADA's representation is pursuant to a contract with the Court. Said contract designates the nature and percentage of assignments.

3. LADA shall assign only those attorneys who meet the eligibility requirements set forth above for individual attorneys.

4. Appeals and Designated Cases.

- a. An attorney must indicate that he/she wishes to handle appeals in order to be considered for such assignments and must meet the foregoing eligibility requirements.
- b. An attorney desiring assignment in a designated case must also qualify for certification under the Detroit-Wayne County Criminal Advocacy Program (CAP).

C. Master List.

1. House Counsel. The Presiding Judge shall maintain a roster of all attorneys who qualify to receive house counsel duty assignments (Master List).
2. Appeals. A list of all attorneys who desire and qualify to receive appeals shall be kept by each individual Judge's judicial assistant.
3. Designated Cases. ACS shall maintain a list, provided by the Criminal Division, of those attorneys who are eligible to be assigned designated cases.
4. Removal from the Master List.

- a. Complaints about attorneys who are assigned cases under these provisions may be forwarded to the individual Judge who made the assignment.
- b. An individual Judge may decide not to give an attorney subsequent assignments due to said complaints.
- c. A Judge may refer instances of removal of an assigned counsel for cause to the Chief Judge for consideration of further action by the Chief Judge, including but not limited to removal from the Master List.

D. Assignment of Counsel.

1. Judge of the Month. The Court shall maintain, through ACS, a rotation schedule that designates on a monthly basis a Judge (the Judge of the Month), who shall assign a sufficient number of attorneys to represent all indigent parties for the entire docket for that month, except in instances where reassignment of counsel is required under section III (D)(2) herein.
2. Reassignment of Counsel.
 - a. Under the one Judge-one family rule, attorneys shall be reassigned to cover the same family or the same party as long as there is ongoing supervision, wardship, jurisdiction or order of a Judge regarding new issues or petitions. This is referred to as an "open case."
 - b. Even if a case is closed, if such case closure is within one year, the general policy shall be to assign the same attorney, especially for children.
 - c. If it is more than one year since closure, it shall be completely discretionary whether or not to assign the same attorney.
3. Scope of Assignment. The assignment of an attorney to serve as house counsel shall be for the half-day or day of docketed hearings unless assigned to represent a party on an ongoing open case as previously defined. Such assignment would then continue for that duration.

E. Compensation.

1. LADA. LADA shall be compensated per the terms of the existing contract between the Court and LADA.

2. Compensation for Individual Attorneys.

- a. Compensation for private attorneys shall be pursuant to the current fee schedule, which is a phase-driven system. Copies of the current fee schedule are available at the Court's Finance Office.
- b. Attorneys shall be responsible to attend hearings and fill out attendance slips. Said attendance shall be entered into the AS/400 (computer system) which triggers the payment program. There shall be no vouchers provided, except in select special types of hearings.
- c. Vouchers shall be provided for payment for services in the following instances: guardian ad litem, adoptions, non-party adults, extraordinary fees, mediation, AWOL docket, custody hearings and appeals.
- d. Disputes. Attorneys may appeal alleged payment discrepancies by completing an Attorney Inquiry Form, which is available at the Court's Finance Office.
 - (1) Upon receipt of an attorney inquiry concerning a payment discrepancy, the Supervisor of Accounts Payable in the Court's Finance Office shall review the attorney inquiry form and may make any adjustment to any attorney fee paid.

F. Records.

- 1. The following records shall be maintained by the Court:
 - a. The number of assignments given to each attorney by the Court.
 - b. The number of assignments given to each attorney by each Judge of the Court.
 - c. The total amount of public funds paid to each attorney by the Court.
 - d. The total amount of public funds paid to each attorney for assignments by each Judge of the Court.

2. Availability.

- a. The Court Services Office in the Lincoln Hall of Justice shall maintain the records specified above.
 - b. The Court Services Office shall make such records available for public review, free of charge, during normal business hours, 9:00 AM to 12:00 PM and 1:00 PM to 4:30 PM, Monday through Friday.
 - c. Upon request and the payment of a per-page reproduction fee, as determined by the Court, the Court Services Office shall make xerographic copies of these records.
3. Retention. The foregoing records shall be maintained pursuant to SCAO General Schedule 16.

IV. **Assignment of Counsel – Criminal Division.**

A. Scope. The following provisions govern the selection and assignment of counsel for representation of indigent (as defined in Section IV(A)(I)) defendants in felony cases in the Third Judicial Circuit Court Criminal Division.

1. Indigency. Indigent persons shall be eligible for the assignment of representation when it is indicated by affidavit that they are unable to afford representation in criminal matters which may result in their imprisonment.

- a. Persons subsequently found to be financially able to afford representation shall be subject to reimbursing the Court for services provided, including collection activities.

B. Attorney Eligibility.

1. Attorneys shall qualify for appointment for assigned counsel duty as specified below by submitting to the Assigned Counsel Services Office, located at the Frank Murphy Hall of Justice (FMHJ) information demonstrating the following:

- a. Membership in good standing in the State Bar of Michigan, and
- b. Annual continuing legal education certification requirements of the Detroit-Wayne County Criminal Advocacy Program (CAP).

(1) All CAP-certified attorneys are to notify the Assigned

Counsel Services Office of any change in business address, telephone number, FAX number or pager number.

c. Residence or bona fide office in Wayne County.

2. Annual Eligibility Review.

a. On an annual basis, the Assigned Counsel Services Office shall review the list of those attorneys who are certified by the CAP to receive assignments and review the Michigan Bar Association membership status of all attorneys who are otherwise certified by the CAP as eligible to receive assignments. The Assigned Counsel Services Office shall then distribute a list of attorneys eligible to receive assignments to the judges of the Criminal Division. Assignments may not be made to those attorneys who are not CAP certified or who have been suspended or disbarred from the practice of law.

b. The Assigned Counsel Services Office shall provide the Criminal Division judges daily with the names and phone numbers of the CAP certified attorneys who have indicated their availability to do probation violation and/or spot assignments.

C. Assignment of Counsel – Arraignment on Information (AOI)- House Counsel System.

1. A capital (maximum sentence of life) list and a non-capital list shall be maintained by the Chief Judge for assignment as house counsel.
2. Spot assignments in AOI courtrooms shall be made from the appropriate capital and non-capital house counsel availability lists.
3. Approximately six weeks prior to each calendar quarter, an official notice will be posted informing attorneys that they may sign up for house counsel assignments at the Assigned Counsel Services Office. The notice will allow one week for attorneys to sign up for a maximum of ten days per month on the non-capital list or for any number of days on the capital list. Attorneys are encouraged to sign up for an entire given week if possible.
4. Attorneys will provide specific dates when they know with reasonable certainty that they will be available. The attorney may, if qualified, apply for assignment on both the capital and non-capital lists.

5. Approximately one month before the beginning of each calendar quarter, AOI judges will assign available attorneys to serve as house counsel in their respective courtrooms during the next calendar quarter. AOI judges must complete their assignments within seven (7) days.
6. After the assignments have been completed, an AOI house counsel calendar will be sent to each AOI judge. Calendars for all AOI courtrooms will be posted in the Attorney Lounge (3rd floor FMHJ) and the Assigned Counsel Services Office.
7. An AOI judge may make no more than five (5) house counsel assignments per attorney per quarter. If an attorney previously assigned per Section IV (C) cannot appear on any or all of the days assigned as house counsel, the AOI judge shall request that the Chief Judge reassign (substitute) an attorney. This reassignment is subject to the limitations of this section.
8. Attorneys serving as house counsel in an AOI courtroom will represent all probation violators, defendants arrested on a *capias*, and will replace any attorney who withdraws from a case or fails to appear. House counsel will also serve as the replacement attorney when an AOI judge grants a defendant's request for new counsel.

D. Trial Judge Assignment System.

1. Trial judges and AOI judges may not make more than eight (8) assignments to any attorney during a two-week assignment rotation. Any trial or AOI judge authorized for a one-week rotation may not make more than four (4) assignments to any attorney during that one-week rotation. Assignments include both 36th and out-county district court cases. The order of rotation will be based on seniority. Any exceptions to the order of rotation may be permitted at the discretion of the Chief Judge. If a judge is unable to complete assignments on one or more days during the two-week assignment rotation, the assignments will be made by the Chief Judge or designee. Assignments by the Chief Judge are governed by the limits in Section E.
2. In those cases where one defendant has several cases, the assignment will be packaged as one case and reassigned by the Chief Judge per Section F (1).

E. Probation Violations.

1. A trial judge may not assign more than 26 probation violation cases per calendar year to any given attorney.
2. An attorney shall not receive any more than a total of 200 probation violation assignments per calendar year from the entire Third Circuit Court Criminal Division.
3. Trial judges shall be provided with a written list of attorneys who have received at least 20 probation violation assignments from that judge as well as a written list of attorneys who have received more than 180 probation violation assignments from the Third Circuit Court.
4. When an attorney has received at least 20 assignments during a calendar year from a trial judge and/or has received at least 180 probation violation assignments from the entire Third Circuit Court Criminal Division, the Court will notify the attorney in writing that there will be no compensation for handling probation violations that exceed the calendar year limit.

F. Chief Judge Assignments.

1. The Chief Judge will make attorney assignments on fifteen (15) criminal cases per week. The specific cases for Chief Judge assignment will be identified by Assigned Counsel Services.
 - a. The assignments, with the exception of capital cases, are to be given to newly CAP certified attorneys, attorneys returning from extended medical leave and certified attorneys who have not received assignments for an extended period of time.
2. The Chief Judge shall make all assignments during the week of the Circuit Court Judges Conference.
3. The Chief Judge shall make no more than eight (8) assignments to any attorney during a calendar year.

G. Presiding Judge Assignments.

1. Assignments made as a result of case packaging are to be counted as case packaging assignments and will be reassigned by the Chief Judge. These cases do not count for purposes of regular assignment of cases.
2. Assignments made in diversion cases are to be counted as diversion assignments. No attorney is to receive more than four (4) diversion assignments in any one quarter. These cases do not count for

purposes of regular assignment of cases.

3. Assignments made to the Legal Aid and Defenders Association Office are to be counted as Defender's assignments.
4. When the Presiding Judge is on the regular assignment rotation the limits used in Section III A and B, also apply to the Presiding Judge.

H. Other Assignments.

1. Out-County District Court Spot Assignments. The manager of Assigned Counsel Services will assign an attorney from the appropriate list for a defendant in an out-county district court if the defendant initially planned to retain counsel, appears at a preliminary examination and subsequently requests an appointed attorney. The same procedure is to be followed if an assigned attorney fails to appear at a preliminary examination in an out-county district court. Other assignments may be issued administratively under extenuating circumstances.
2. 36th District Court House Counsel Assignments. Assignments will be given to attorneys to represent indigent defendants who appear at preliminary examination without counsel. A sign up date will be posted in the Attorney Lounge and in the Assigned Counsel Services Office (909 Frank Murphy Hall of Justice). Assignment will be made to attorneys in the order of their arrival on sign up day. Each attorney may serve only once every three months. Attorneys serving as House Counsel at preliminary examinations must be CAP certified and on the Criminal Division Assigned Counsel List.
3. Detroit Police Line-ups. Assignments for Detroit Police line-ups are made on the same day as 36th District Court house counsel assignments for preliminary examinations. Attorneys cover line-ups for a 24-hour period. During the 24 hours, an attorney is expected to be available on short notice to supervise line-ups at the Control Center, Detroit Police Headquarters. Attorneys may receive an assignment as "line-up counsel" no more than once every three months.
4. Juvenile Waivers. Attorneys on the capital list who have completed Criminal Advocacy Program seminars on juvenile waivers or any other court-sponsored juvenile certification program may sign up once a month at Assigned Counsel Services. A calendar shall be posted for these assignments. Attorneys on the list must provide a telephone or pager number where they can be reached evenings, weekends and holidays.

I. Scope of Assignment.

1. Case Packaging. An attorney who is assigned to represent a defendant in an open or pending case shall be assigned all subsequent new cases. Such assignments shall be counted as case packaging assignments.
2. Removal/Replacement of Counsel.
 - a. If a defendant demands that appointed counsel be replaced or if an attorney is otherwise removed, the Third Judicial Circuit Court judge before whom the defendant is appearing may assign an alternate attorney. If the defendant appears after the issuance of a *capias* the judge should assign the attorney originally assigned whenever practicable. The judge may, in his or her discretion, assign as attorney other than the one originally assigned.
 - (1) Assignments under this subsection shall be termed "on-the-spot" assignments. An attorney may not receive more than twelve (12) "on-the-spot" assignments per calendar year from any one trial judge.
 - b. A judge may remove an attorney who fails to appear at a scheduled hearing or for other good cause. Accepting the assigned attorney's designated stand-in shall be at the discretion of the judge.
 - c. A judge may remove an attorney who fails to appear at a scheduled hearing or for other good cause. Where a judge has removed an attorney from a case for failure to appear or for other good cause, the judge may also refer the matter to the Chief Judge and the Assigned Counsel Committee for further action, including barring the attorney from receiving further assignments.

J. Conflict of Interest. A judge shall not assign an attorney with whom:

1. The judge was a partner of the attorney or a member of the same law firm as the assigned attorney within the preceding two years, or
2. The judge is the attorney's spouse, parent or child, a person within third degree of relationship to the attorney, or has a relationship with an attorney which creates an appearance of impropriety or partiality.

K. On-going Reports. Reports shall be prepared by Assigned Counsel Services and forwarded to each judge of the Criminal Division on a bi-weekly basis detailing the following:

1. The number of AOI house counsel assignments (days) received by each attorney,
2. The number of probation violation assignments (cases) made by each trial judge to each attorney,
3. The number of "on-the-spot" assignments (cases) made by each trial judge to each attorney,
4. The number of assignments (cases) made to each attorney during a judge's regular two-week assignment rotation period,
5. The total number of assignments made to each attorney by the Criminal Division Bench.
6. Each report shall include the names of the judges making the assignments indicated on Section (H)(4).
7. In the event that assignments exceed established limitations, Assigned Counsel Services shall send an exception report to the Chief Judge.

L. Annual Reports.

1. In addition to the reports compiled in section IV (K), the following records shall be maintained by the Court:
 - a. The number of appointments given to each attorney by the Court's Criminal Division.
 - b. The number of appointments given to each attorney by each judge of the Court's Criminal Division.
 - c. The total amount of public funds paid to each attorney by the Court's Criminal Division.
 - d. The total amount of public funds paid to each attorney for assignments by each judge of the Court's Criminal Division.
2. Availability.

- a. The records specified above shall be maintained by the Office of the Assigned Counsel Services Office - Frank Murphy Hall of Justice.
 - b. The Assigned Counsel Services Office shall make these records available for public review, free of charge, Monday through Friday, 9:00 AM to 12:00 PM and 1:00 PM to 4:30 PM,
 - c. Upon request and the payment of a per-page reproduction fee, as determined by the Court. The Assigned Counsel Services Office shall provide copies of these records.
3. Retention. The foregoing records shall be maintained pursuant to SCAO General Schedule 16.

M. Compliance.

1. The Executive Court Administrator shall notify the Chief Judge and any judge who approaches assignment limits in any calendar year. Each trial judge shall be notified when an attorney has received twenty (20) probation violation assignments from the judge (limit: 26). Each trial judge shall be notified when an attorney has received 8 "on-the-spot" assignments from the judge (limit: 12). Each judge (AOI and trial) shall receive notice when an attorney has received 6 assignments from the judge during a regular two-week rotation period (limit: 8).
2. Any judge exceeding the assignment limit, may be removed from the assignment rotation. A judge so removed may be returned to the rotation at the discretion of the Chief Judge.
3. The first calendar year in which assignment reports will be compiled for purposes of compliance with this Administrative Order shall be deemed to begin January 1, 2004.

N. Standing Assignment Review Committee. Standing Assignment Review Committee shall be appointed by the Chief Judge with the charge to monitor all assignments. The Committee shall ensure that no limits or policies set in the above mentioned recommendations are exceeded or violated and shall recommend to the Chief Judge any changes in the assignment system the Committee deems necessary.

O. Compensation.

1. Assigned counsel shall be compensated on a pay-per-event basis.


Access to the details of the compensation system may be accessed through the Assigned Counsel Services Office.

2. Vouchers for payment of services rendered shall be submitted to the Assigned Counsel Services Office for processing. Vouchers for payment must be in conformance with Court requirements. Failure to comply may result in the delay of voucher payment and/or removal from future assignment lists.
3. Vouchers for payment of services will be processed in the order in which they are received by the Assigned Counsel Services Office. Every effort should be made to submit vouchers no later than thirty (30) days after the disposition of each case.
4. Attorneys who accumulate vouchers over a period of months and submit a large volume of vouchers at one time for payment will not be given payment priority and may not receive the entire payment at one time. The Chief Judge shall determine the timing of voucher payments for circumstances involving large volumes of accumulated vouchers.
5. The Legal Aid and Defender's Office, which is required to receive 25% of the assignments, shall be compensated under the terms of a contract with the Third Judicial Circuit Court.

V. **Administration of the Plan.** The Director of Assigned Counsel Services shall have overall responsibility for the administration of this Plan, under the general supervision of the Executive Court Administrator.

VI. **Reports to the State Court Administrator.** Upon request from the State Court Administrator, the Executive Court Administrator shall provide a copy of the most recent annual report pertaining to appointments made under any or all sections of this Administrative Order or data on an individual attorney or judge for a period specified in the request.

VII. **Effective Date.** This Administrative Order shall be sent to the State Court Administrator for approval and shall be effective July 1, 2004 unless stayed or revoked by action of the State Court Administrator in accordance with MCR 8.112(B) or 8.123(C). Upon the effective date of this Administrative Order, Administrative Order 2003-06 is hereby rescinded.



Hon. Mary Beth Kelly, Chief Judge
Third Judicial Circuit Court

DATED: 6/22/04