

48 th Judicial Circuit County of Allegan State of Michigan	ADMINISTRATIVE ORDER APPOINTMENT OF COUNSEL FOR INDIGENT PARTIES	Order No: 2013-04
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113 Chestnut Street, Allegan, Michigan 49010

Telephone: 269-673-0300

IT IS SO ORDERED:

I. Delinquency/Neglect and Abuse Matters.

1. The Court will enter into a contractual agreement with individual attorneys and/or firms to provide representation to qualifying minors, parents and others as provided by rule or statute.
2. Attorneys providing representation shall demonstrate a level of knowledge and experience sufficient in the opinion of the Court to allow for adequate representation of the client's interests.
3. The judges of the Court will regularly review the performance of each appointed attorney as they appear before said judges on a case. The Court reserves the right to amend the contract for services to remove any attorney at the direction of the Chief Judge. Any attorney so removed may request a meeting with the Chief Judge to review the reasons for the removal. The final decision shall be in writing.

II. Felony Matters.

1. The Court shall establish a roster of qualified attorneys to provide representation to indigent felony defendants.
2. Attorneys seeking to be included on the roster shall submit a written application, using the court approved application form, to the Circuit Court Administrator. All applications submitted shall be provided to the Indigent Defense Review Board, consisting of the Chief Judges of the Circuit, District and Probate Court and the corporation counsel of the County of Allegan.
3. The Board shall meet biannually to review applications and determine which list, if any, the applicant will be placed on. Placement on a list shall be determined by the Board based on experience, education and other applicable qualifications as specified in the application. .
4. Not less than annually the Indigent Defense Review Board shall review the performance of each attorney receiving appointments with a focus on effective representation and efficiency. In conducting the review the Board shall solicit input from all judges in the Circuit; shall review any written complaints filed by a party, member of the public or court staff; shall consult with the county finance department regarding any billing issues. The evaluation results may be used to determine eligibility for continuing appointments and/or reclassification to receive appointments under another level. .

III. Appointment.

1. Delinquency/Neglect and Abuse Matters.
 - A. The appointment process will be defined by the terms of the contract, but will generally result in an equal number of appointments to each attorney and/or firm participating in the contract.
2. Felony Matters.
 - A. Appointments will be made from the established attorney roster on a rotational basis and counsel shall be assigned as soon as possible after formal charges are filed.
 - B. Eligibility for level of case assignment (TIER I OFFENSES OR TIER II OFFENSES OR BOTH) shall be determined by the Indigent Defense Review

Board consisting of the Chief Judges of the Circuit, District and Probate Court and the corporation counsel of the county.

3. Whether by contract or roster appointment, the court reserves the right to limit both eligibility for and the number of appointments based on, but not limited to, the attorney's availability for court appearances.

IV. Compensation.

1. Delinquency/Neglect Abuse Matters.
 - A. The rate of compensation will be a fixed annual sum to be paid in quarterly installments to the attorneys and/or firms participating, at a rate to be established through a competitive bid process.
2. Felony Matters.
 - A. Attorneys receiving appointments shall be compensated in accordance with the Felony Defense Counsel of Record Fee Schedule and the 48th Circuit Court Felony Defense Counsel Periodic Payment Agreement.

V. Maintenance of Records.

1. The Court(s)/County shall maintain complete and accurate records of appointments given to each attorney and/or firm and the total amount of public funds paid to each attorney and/or firm for appointments.
2. Said records shall be available for public inspection without charge upon written request to the Court Administrator for appointment records or the County Finance Director for financial records.
3. The Court/County reserves the right to limit the number of inspections based upon available resources.
4. The Court/County may charge a reasonable fee for any copies of records requested.

4/26/13
Date:


Margaret Zuzich Bakker
Chief Circuit Judge