



Michigan Supreme Court
State Court Administrative Office
Trial Court Services Division
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
Phone (517) 373-4835

February 18, 2004

Honorable Gary J. Allen
Chief Judge
80th District Court
Gladwin County Building
401 W. Cedar
Gladwin, MI 48624-2085

Re: Administrative Order D80 2003-01
Appointment of Counsel for Indigent Parties

Dear Judge Allen:

This is to advise that we have reviewed the above- referenced administrative order and find that it conforms with the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

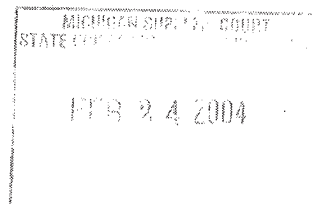
Sincerely,

A handwritten signature in cursive script that reads "Nial Raaen".

Nial Raaen
Director, Trial Court Services

NR/dmm

cc: Mr. Rick LaBoda
Mr. J. Bruce Kilmer, Region 3 Administrator



STATE OF MICHIGAN 80TH DISTRICT COURT



DISTRICT JUDGE
Gary J. Allen

MAGISTRATE ADMINISTRATOR
Rick R. LaBoda

COURT REPORTER
Linda K. Hawkins

PROBATION OFFICER
Nola J. Hopkins

CLARE COUNTY
225 W. Main St.
P.O. Box 438
Harrison, MI 48625-0438
(989) 539-7173
Fax (989) 539-4036

DEPUTY CLERKS

Cathy Martin-Denson
Monica Lawrence
Victoria Brakine
Renee Haley
Carol Michaleki
Mary Wilson

Administrative Order 2003-01
80th District Court – Clare and Gladwin Counties

Appointment of Counsel for Indigent Parties

It is ordered:

This administrative order is issued in accordance with Michigan Court Rule 8.123, effective January 1, 2004. The purpose of this order is to regulate appointment of counsel for indigent parties.

1. Selection Criteria and Procedure

- a.) Attorney's make a request to be placed on court appointed attorney list.
- b.) Judge interviews prospective attorney's, verifies license to practice law in State of Michigan.
- c.) We have one District Judge who reviews attorney performance in the courtroom.
- d.) Attorney's can be removed from the list at the Judges discretion for just cause.
- e.) The Court Administrator/Magistrate is responsible for administration of the appointed counsel program.

2. Appointment Process

- a.) Attorneys are appointed to cases on a revolving list. The attorney's name appearing at the top of the list will be appointed 10 cases, (list of specific case numbers are kept). after 10 cases have been assigned that attorney is moved to bottom of the list.

Continued

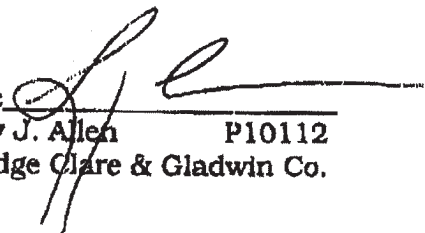
3. Compensation Method

- a.) Attorneys are compensated at \$250 per case, they may petition the court for additional compensation under special circumstances, lengthy trial etc.

4. Maintenance of Records

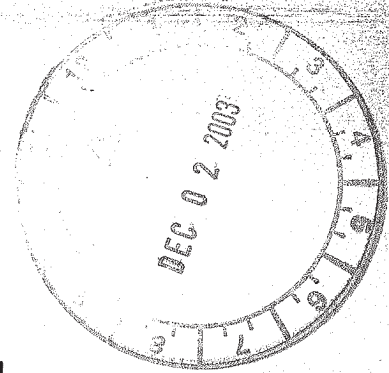
- a.) The Court will maintain records according to schedule 16 for Michigan Trial Courts.
- b.) Total compensation for each attorney will be kept by the Court's funding unit, accounting department issues payments to attorneys.
- c.) Records will be available at the District Court office during regular business hours at no charge.

Date: 12/3/03

Chief Judge Signature 
Honorable Judge Gary J. Allen P10112
80th District Court Judge Clare & Gladwin Co.

55TH JUDICIAL CIRCUIT COURT

CLARE & GLADWIN COUNTIES
401 W. Cedar Avenue
Gladwin, MI 48624



LOCAL ADMINISTRATIVE ORDER 2003-01

APPOINTMENT OF COUNSEL FOR INDIGENT PARTIES

EFFECTIVE JANUARY 1, 2004

This Local Administrative Order is issued in accordance with *Michigan Court Rule 8.123* and is effective January 1, 2004. The purpose of this Local Administrative Order is to set forth the procedures for selection, appointment and compensation of counsel who represent indigent parties in the 55th Circuit Court.

I. MINIMUM STANDARDS/QUALIFICATIONS OF ATTORNEYS

- A. Any attorney who is licensed to practice law in the State of Michigan may apply to the Circuit Court Administrator to receive appointments.
- B. Any attorney seeking receipt of appointments shall file an application with the Circuit Court Administrator which at a minimum shall contain:
 - 1. Name, bar number, address, and telephone number.
 - 2. Date admitted to practice law in Michigan.
 - 3. Information regarding education and experience.
 - 4. Information regarding whether a law office is maintained in the counties comprising the 55th Circuit.

II. SELECTION OF ATTORNEYS

- A. The Circuit Court Administrator shall review the applications and determine whether the applicant meets the jurisdiction's objective minimum criteria established by the Court.
- B. The application shall be forwarded to the Chief Circuit Judge for approval.
- C. Upon approval by the chief judge, the applicant's name shall be added to the list of attorneys to receive appointments for indigent defendants.
- D. The Circuit Court Administrator shall notify the applicant in writing of the approval or denial of their application.
 - 1. Upon receipt of a denial of their application, the attorney may request a review hearing with the circuit judge by requesting the same in writing to the Circuit Court Administrator.

III. LISTS OF COUNSEL FOR APPOINTMENTS

- A. The Court shall maintain two lists of approved attorneys for appointments by the court:
 - 1. Approved attorneys for appointments in felony, misdemeanor matters, and in other matters where attorneys are appointed.
 - 2. Approved attorneys for appointments in capital cases.

IV. ATTORNEY PERFORMANCE REVIEW

- A. The Circuit Judge shall review annually the lists of attorneys and the performance of each attorney on said list. Said review shall be conducted during the first week of January of each year.
- B. At any time should the performance of an attorney become an issue, the Circuit Judge shall make a determination as to the removal of the attorney from the list and notify the attorney in writing.

V. REMOVAL OF ATTORNEY FROM LIST

- A. If the Circuit Judge determines that an attorney should be removed from the list due to their performance, the Circuit Court Administrator shall notify the attorney in writing.
- B. Upon receipt of the notification of removal, the attorney may request a review hearing with the Circuit Judge by requesting the same in writing to the Circuit Court Administrator.

VI. ADMINISTRATION OF THE APPOINTED COUNSEL PROGRAM

- A. A list of attorneys eligible for appointments in the Court shall be provided to the following persons in each Court:
 - 1. Circuit Court: Circuit Court Administrator & County Clerk
 - 2. Circuit Court Family Division: Juvenile Register
 - 3. District Court: District Court Magistrate
- B. The above individuals shall be responsible for the appointment of counsel and maintenance of the list.

VII. APPOINTMENT PROCESS

- A. All appointments shall be made on a rotating basis, except where variation is necessitated due to complexity of the case, a conflict of interest, current representation of the defendant by other appointed counsel, or unavailability of the next attorney on the roster as determined by the Circuit Judge.
- B. Except where passed due to unavailability, an attorney's name shall remain at the top of the list pending the next available appointment that attorney is eligible to receive.

- C. A list of attorneys for appointments shall be maintained by the following persons in each Court:
 - 1. Circuit Court: Circuit Court Administrator, County Clerk
 - 2. Circuit Court Family Division: Juvenile Register
 - 3. District Court: District Court Magistrate
- D. The appointment of an attorney shall be indicated on the list and a copy of the updated list shall be distributed to each of the above Courts.

VIII. COMPENSATION

- A. Attorneys appointed by the Court shall be compensated by an hourly rate or a compensation schedule set by the judge of the Circuit Court.
- B. The attorney shall submit a bill to the Circuit Judge and the judge shall review and approve the same for payment when appropriate.

IX. MAINTENANCE OF RECORDS

- A. Each court shall maintain a current copy of the list of attorneys available for appointment and who have been appointed in the courts.
- B. The following records shall be maintained by each court.
 - 1. The number of appointments given to each attorney by that court.
 - 2. The total amount of public funds paid to each attorney by that court.
- C. At the end of each calendar year, the courts shall compile an annual written or electronic report of the following:
 - 1. The number of appointments given to each attorney by that court.
 - 2. The total amount of public funds paid to each attorney by that court.

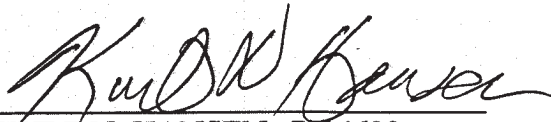
X. PUBLIC ACCESS TO RECORDS

- A. The records in regard to the appointment and compensation of court appointed counsel shall be available to the public for inspection without charge at each court office.
 - 1. Any person requesting to view the records shall submit a request in writing to the court and the court shall schedule a convenient time for the person to view said records.
 - 2. The court may charge a reasonable fee for providing copies of the records.

XI. REPORTS TO THE STATE COURT ADMINISTRATOR

- A. When requested by the State Court Administrator, the courts shall provide a copy of its most recent annual report and/or data on an individual attorney or judge for a period specified by the request.

Dated: November 26, 2003


KURT N. HANSEN P-14622
Chief Circuit Judge