



**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

January 27, 2004

Hon. Paul H. Chamberlain  
Trial Court Chief Judge  
21st Circuit Court  
Isabella County Courthouse  
300 N. Main St.  
Mt. Pleasant, MI 48858

Re: Administrative Order DP04 2003-07  
Appointment of Indigent Counsel  
Rescinds: 1997-10D

Dear Judge Chamberlain:

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 Raen".

Nial Raen  
Director, Trial Court Services

NR/dmm

cc: Mr. Lance Dexter  
Mr. J. Bruce Kilmer, Region 3 Administrator

FEB - 3 2004

STATE OF MICHIGAN



ISABELLA COUNTY TRIAL COURT

300 NORTH MAIN STREET

MT. PLEASANT, MICHIGAN 48858

TEL (989) 772-0911 FAX (989) 779-8022

HON. WILLIAM T. ERVIN  
PRESIDING JUDGE

HON. PAUL H. CHAMBERLAIN  
CHIEF JUDGE

HON. WILLIAM R. RUSH  
PRESIDING JUDGE

LANCE DEXTER  
COURT ADMINISTRATOR

Local Administrative Order  
2003-7

APPOINTMENT OF INDIGENT COUNSEL

**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 the practice of internal court management with regard to the appointment of indigent counsel.

1. Selection and Criteria and Procedure:

- a. The Isabella County Trial Court contracts with a Group of Attorneys', herein referred to as "GA." that represent that they are duly licensed to practice law in the State of Michigan, and ready, willing, and able to provide such services, as may be needed on a contractual agreement basis.
- b. The group of attorneys has a single point of contact or "contract administrator". The Contract Administrator responsibilities include, but, are not limited to:
  - i. Assigning attorneys to the individual cases and courts.
  - ii. Submitting a monthly voucher for payment.
  - iii. Must provide the Court monthly the number of indigent appointments, which shall include the name and case number of each defendant that is appointed a public defender, a listing of offenses brought against the defendant at or about the same time of arrest, which firm represented the defendant, the court in which the actions took place, the hours spent per defendant, and the date of appointment. The Chief Judges or designees reviews said information to ensure the Court is performing effectively and efficiently. Also, the Contract Administrator will provide said information to County Administrator on a quarterly basis.
- c. The contract is a three year contract, payment is made monthly directly to the Contract Administrator. The Contract Administrator is responsible for payment to the other members of the group.
- d. If the Isabella County Judges decide that an individual attorney should be removed from participating in this contract on the basis of "good cause," this will not constitute the termination of the contract. Good cause is defined as failure by an

attorney to comply with the terms of the contract to the extent that delivery of services to clients by an attorney is impaired or rendered impossible, or a willful disregard by an attorney of the rights and best interests of clients under this contract, such as leaves them impaired. The individual actions of the GA or any one attorney taken in connection with one case alone, shall not necessarily constitute "good cause" for removal.

2. Appointment Process

- a. The Contract Administrator will have the responsibility of assigning the GA to the individual cases and courts. Once a case has been assigned to an attorney by the Contract Administrator, the case becomes the sole responsibility of the assigned attorney and all subsequent changes in scheduling from the original notice must be communicated directly to the assigned attorney to minimize conflicts in the schedule of both the court and the attorney.

3. Compensation Method:

- a. The County agrees to pay the GA the amount of \$875,500.00. The GA shall receive \$283,250.00 compensation for the first year, commencing January 1, 2002; said amount to be paid in twelve equal installments on the 31<sup>st</sup> day of January, 2002, and subsequent payments shall be due on the last day of each succeeding month until paid in full. The GA shall receive \$291,750.00 compensation for the second year, said amount to be paid in twelve equal installments due on the last day of each succeeding month until paid in full. The GA shall receive \$300,500.00 compensation for the third year, said amount to be paid in twelve equal installments due on the last day of each succeeding month until paid in full.
- b. In addition to the amounts stated above, the County shall compensate the GA attorneys \$250.00 per day; \$125.00 per half day; for every trial in each Court, commencing the first day of trial. This paragraph is intended to comply and satisfy the holding expressed in the case of In the Matter of Recorders Court Bar Association, et al., v Wayne County Circuit Court, 442 Mich 110.
- c. In the event an extraordinary case should be appointed to one of the GA, the individual attorney may petition the appropriate Judge for additional fees. A special case would be one that demands extensive amount of time, preparation or pretrial motions. No case can be deemed applicable under this paragraph if it does not exceed ten (10) full days of trial.
- d. There is a ceiling or "cap" to the number of appointments (1250) annually. If appointments continue above the capped amount then charges will be on a per appointment basis, each additional appointment above the cap will be at a rate of \$226.60 for the first year of the contract, \$233.40 for the second year of the contract, and \$240.40 for the third year of the contract.

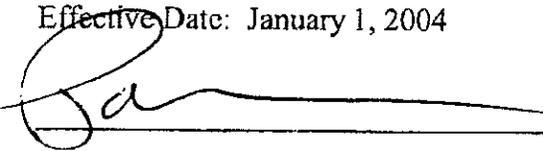
4. Maintenance of Records:

The following records will be maintained by the court:

- a. Number of appointments given to each attorney by the court.
- b. Total number of public funds paid to each attorney by the court.
- c. These records are maintained by the court pursuant to SCAO General Schedule 16.

This Local Administrative Order shall be made available to the public in accordance with the Isabella County Trial Court Local Administrative Order 2002-3. This rescinds Local Administrative Order 1997-10.

Effective Date: January 1, 2004



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Honorable Paul H. Chamberlain  
Chief Judge