

STATE OF MICHIGAN
IN THE PROBATE COURT FOR THE COUNTY OF MONROE

RECEIVED
JAN 29 2004

ADMINISTRATIVE ORDER 2004-03

State Court Administrative Office
Region 1

PLAN FOR APPOINTMENT OF COUNSEL FOR INDIGENT PARTIES



000198564
LAO

At a session of said Court
held on the 27th day of January, 2004.

1995-8340-ML-A
BRENDA L. SMITH, REGISTER OF PROBATE
01/27/2004 Ref # 231

PRESENT: HON. PAMELA A. MOSKWA, CHIEF JUDGE OF PROBATE

This Local Administrative Order is issued in accordance with Michigan Supreme Court Administrative Order 2001-10 and Michigan Court Rule 8.123. This order sets forth the procedures for selection, appointment, and compensation of counsel who represent indigent parties in the Monroe County Probate Court.

1. Selection Criteria and Procedures:

- Attorneys shall be selected from an Attorney Assignment List. This is solicited list of attorneys who have expressed an interest in probate assignments and designated their areas of expertise in related matters. Said attorneys must be members in good standing with the State Bar of Michigan and the Monroe County Bar Association. Additionally, they must maintain an office or a residence in Monroe County.
- The Judge of record or the Court Administrator will review the performance of the appointed counsel.
- Attorneys may be removed from the Attorney Assignment List by the Judge of record who appointed the attorney or by the Court Administrator, for failure to meet the requirements or perform his/her responsibilities as an attorney.
- The Office of the Probate Register is responsible for administration of the court appointed counsel program. The Probate Register shall maintain and update the Attorney Assignment List.

2. Appointment Process:

- Attorneys are appointed to represent indigent parties using the Attorney Assignment List. Generally, the Probate Register will appoint attorneys on a rotating basis. However, the following factors may be cause a deviation from the general rotation:

- The benefit of re-appointing an attorney who previously represented the indigent party;
- The benefit of selecting an attorney with special expertise in the matters relevant to the particular case;
- The benefit of selecting an attorney whose office or residence is located near the location of the indigent party.
- The benefit of assigning several cases to one attorney for docket efficiency, conservation of mileage, etc.
- The benefit of making an immediate appointment from the bench to avoid delay or other hardship to a party.
- A copy of the Order of Appointment shall be sent to the appointed counsel and the indigent party by the assignment clerk.

3. Compensation Method:

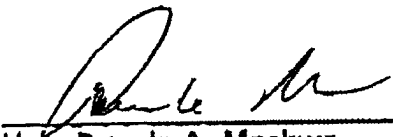
- Attorneys appointed to represent indigent parties will be compensated per hour at the county court appointed counsel hourly rate (\$52.00 per hour). Court appointed attorneys shall submit their bills in writing, within 30 days of the service rendered, documenting the date and nature of service and time spent to the tenth of an hour. The attorney must sign the bill verifying that the services were performed. The court reserves the right to decline payment for any bill not properly reported, verified or timely submitted.
- Fees are reviewed by the Court. The reasonableness of services performed and time spent will be reviewed by the court before authorizing payment by the county. An attorney may be removed from the appointment list for improper or excessive billing.

4. Maintenance of Records:

The Probate Register shall maintain the following records in the Office of the Probate Register, pursuant to SCAO General Schedule 16. The Probate Register shall, at the end of each calendar year, prepare a written or electronic report of:

- Number of appointments given to each attorney by the court.
- Number of appointments given to each attorney by each judge.
- Total amount of public funds paid to each attorney by the court.
- Total amount of public funds paid to each attorney for appointments by each judge of the court.

These records will be available for inspection upon a written request made to the Probate Register for the Monroe County Probate Court. Copies of these records will be available at a cost of \$1.00 per page.

Date: January 27, 2004 
Hon. Pamela A. Moskwa
Chief Judge of Probate

HON. PAMELA A. MOSKWA
JUDGE



TELEPHONE (734) 240-7335
FAX (734) 240-7355

Probate Court

MONROE COUNTY, MICHIGAN

January 27, 2004

Ms. Deborah Green
Region 1 Administrator
P.O. Box 02984
Detroit, MI 48202

RECEIVED
JAN 29 2004

State Court Administrative Office
Region 1

Re: Administrative Order 2004- 03

Dear Ms. Green:

Enclosed please find for your review and approval Administrative Order 2004-03 establishing the Monroe County Probate Court Plan for Appointment of Counsel for Indigent Parties.

Unless the SCAO directs otherwise, this order will take effect immediately upon your approval.

Please accept my apology for the tardy submission of this order. Also, please thank Mr. Barry Joseph for his tactful reminder call and helpful suggestions.

Please contact me if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Hon. Pamela A. Moskwa
Chief Judge of Probate

PAM/cg

cc:

Judge John A. Hohman, Jr.
Micheal James, Probate Court Administrator
Brenda Smith, Probate Register



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

FILE COPY

P58
2004-03

February 17, 2004

Honorable Pamela A. Moskwa
Chief Judge
Monroe County Probate Court
Courthouse
106 E. First St.
Monroe, MI 48161

Re: Administrative Order P58 2004-03
Appointment of Counsel for Indigent Parties

Dear Judge Moskwa:

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,

Nial Raaen
Director, Trial Court Services

NR/dmm

cc: Mr. Micheal R. James
Ms. Deborah Green, Region 1 Administrator