

Effective Date:

This LAO rescinds and replaces LAO 2004-01(P81).

PLAN FOR APPOINTMENT OF COUNSEL FOR INDIGENT PARTIES IN PROBATE COURT

IT IS HEREBY ORDERED:

This Administrative Order is issued in accordance with Michigan Supreme Court Administrative Order 2003-05 and Michigan Court Rules 8.123, effective January 1, 2004. The purpose of this order is to describe the procedures for selection, appointment and compensation of counsel who represent indigent parties in the Washtenaw County Probate Court.

1. Selection Criteria

a. Mental Health Proceedings

- Attorneys are selected using the Attorney Assignment List created from attendance at the Washtenaw County Probate Court training or from another approved Attorney Training Program.
- Attorneys are assigned a particular week and handle all assigned petitions/certifications for that week
- The minimum standards/qualifications that must be met are: attendance at an approved Attorney Training Program, submission of the Attorney Profile Sheet, and submission of the attorney's legal malpractice facesheet in the minimum aggregate amount of \$200,000.
- Performance is reviewed by the Judge of record before whom the attorney is representing the indigent party.
- Attorneys may be removed from the Attorney Assignment List by the Chief Judge Pro Tempore or by the Judge of record who appointed the attorney to represent the indigent party, for failure to perform his/her responsibilities as an attorney.
- The Office of the Probate Register is responsible for administration of the appointed counsel program.

b. Guardianship, Conservatorship, protective proceedings and trust matters

- Attorneys are selected using the Attorney Assignment List created from attendance at the Washtenaw County Probate Court training or from another approved Attorney Training Program.
- Attorneys are assigned from the Attorney Assignment List in alphabetical order.
- Attorneys may request assignments in their areas of expertise.
- The minimum standards/qualifications that must be met are: attendance at an approved Attorney Training Program, submission of the Attorney Profile Sheet, in-court observation for a minimum of one week, and submission of the attorney's legal malpractice facesheet in the minimum aggregate amount of \$200,000.
- Performance is reviewed by the Judge of record before whom the attorney is representing the indigent party.

- Attorneys may be removed from the Attorney Assignment List by the Chief Judge Pro Tempore or by the Judge of record who appointed the attorney to represent the indigent party, for failure to perform his/her responsibilities as an attorney.
- The Office of the Probate Register is responsible for administration of the appointed counsel program.

2. Appointment Process

The Chief Judge Pro Tempore will make all appointments using the Attorney Assignment List on a rotational basis for all guardianship, conservatorship, protective proceedings and trust matters. Based upon the areas of expertise for each attorney, the Probate Register will make all appointments using the Attorney Assignment List on a one-week rotational basis for all Mental Health Proceedings.

3. Compensation Method

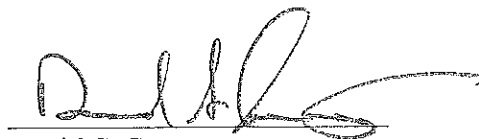
- a. The Office of the Probate Register is responsible for processing all requests for payment.
- b. Attorneys requesting compensation for eligible services will submit requests to clerk's office. Once verification of assignment is made the Office of the Probate Register will process payment request through County Accounts Payable system.
- c. Attorneys are compensated pursuant to the published Attorney Fee schedule for the Probate Court.
- d. Fee requests received more than six months after the conclusion of the final hearing for which they apply, will not be honored.

4. Maintenance of Records

The following records will be maintained by the court in the Office of the Probate Register, pursuant to SCAO General Schedule 16:

- Number of appointments given to each attorney by the court to represent indigent parties,
- Number of appointments given to each attorney by each judge of the court to represent indigent parties,
- Total amount to each attorney by the court,
- Total amount of public funds paid to each attorney for assignments by each judge of the court.

Date: 11/13/2008



David S. Swartz
Chief Judge
Washtenaw County Trial Court

Kimberly Elmer

From: Dan Dwyer
Sent: Thursday, December 18, 2008 12:09 PM
To: Kimberly Elmer; Robert Carbeck; Karen Edman
Subject: Fw: P81 2008-04 Approved

----- Original Message -----

From: David Swartz
To: Dan Dwyer
Sent: Thu Dec 18 12:04:31 2008
Subject: FW: P81 2008-04 Approved

-----Original Message-----

From: Region1 Info [mailto:region1-info@courts.mi.gov]
Sent: Thursday, December 18, 2008 10:31 AM
To: Cynthia Bostwick; David Swartz
Cc: Region1 Info
Subject: P81 2008-04 Approved

P81 2008-04 Approved
Appointment of Counsel for Indigent Parties

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

Deborah Green
Region I Administrator
Michigan State Court Administrative Office P.O. Box 02984 Detroit, MI 48202 313-972-3300

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