

**STATE OF MICHIGAN
IN THE SUPREME COURT**

IN RE: WAYNE COUNTY CRIMINAL
DEFENSE BAR ASSOCIATION, and
THE CRIMINAL DEFENSE ATTORNEYS
OF MICHIGAN.

Plaintiffs,

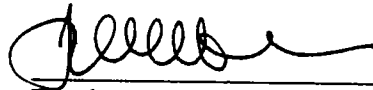
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COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL

A civil action between these parties or other parties arising out of similar transactions or occurrences alleged in this complaint has been previously filed in this Court, where it was given docket nos. 68204, 70647, and 86099. These actions are no longer pending

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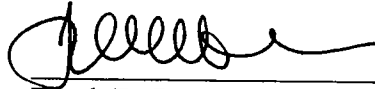
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Plaintiffs, through their attorneys KIRKLAND & ELLIS and BELLANCA, BEATTIE & DE LISLE, P.C., bring this original action before the Supreme Court, seeking a Writ of Superintending Control. In support of that request, Plaintiffs assert as follows:

I. Nature of the Action

1. This is an action pursuant to MCR 3.302 and 7.304, seeking a writ of superintending control to the Chief Judges of the Wayne County Circuit Court ordering them to enact a fee schedule that provides increased legal fees for counsel appointed to represent indigent criminal defendants. Specifically, Plaintiffs request that this Court order the Chief Judges to (a) vacate the fee schedule currently in place in Wayne County; (b) vacate the June 25, 2001 Administrative Order decreasing all fees paid by 10%; (c) implement a fee schedule either: (1) setting compensation for attorneys appointed to defend indigents at an hourly rate of \$90; (2) consisting of the event-based “Jobes Plan,” a fee schedule approved by the special master appointed by this Court in 1993, as adjusted for inflation; or (3) consisting of the more detailed event-based schedule proposed by the WCCBDA, which one Chief Judge has admitted constitutes reasonable compensation for services performed; (d) mandate that the Chief Judge include a provision in each fee schedule for future increases to account for inflation; and (e) mandate that appointed counsel be paid within a reasonable time, not more than thirty days, of rendering their services.

2. Under MCL 775.16, compensation for counsel appointed to represent indigent criminal defendants must be “reasonable compensation for the services performed.” Enforcing this statutory requirement in the past, this Court has mandated that counsel for indigent criminal defendants be paid reasonable fees. In violation of both the Michigan legislature and this Court’s ruling in *In the Matter of the Recorder’s Court Bar Ass’n*, 443 Mich. 110 (1993), the Chief Judges of Wayne County Circuit Court issued Administrative Order 1998-

03 (*see* Exhibit 1), which provides fees that are unreasonably low by any definition. In further violation of Michigan law, on June 25, 2001 the Chief Judges instituted a mandatory 10% across-the-board reduction for all fees paid. (*See* Exhibit 2) The Chief Judges' June 25, 2001 Order exacerbated an already unbearable situation for attorneys and clients alike. Through their conduct, the Chief Judges have abdicated the clear legal duty placed upon them by MCL 775.16.

II. Parties

3. The Wayne County Criminal Defense Bar Association ("WCCDBA"), formerly known as the Recorder's Court Bar Association ("RCBA"), is a non-profit, voluntary association of lawyers who accept assignments in the criminal courts of Wayne County. Many members of WCCDBA accept appointments under the fee schedule enacted by the Chief Judge. These WCCDBA members are personally affected by the fee schedule.

4. The Criminal Defense Attorneys of Michigan ("CDAM") is a non-profit Michigan corporation, whose members or employees are appointed to represent indigent defendants in criminal actions pending before the Wayne County Circuit Court. Many members of CDAM accept appointments under the fee schedule enacted by the Chief Judge. These CDAM members are personally affected by the fee schedules.

5. The Defendants in this action are the Chief Judges of Wayne County Circuit Court, who have the authority and the duty under Michigan law to set the fees for attorneys appointed to represent indigents in felony cases. Under Michigan state law, Wayne County has a duty to pay whatever fees the Chief Judges authorize as "reasonable compensation for services performed."

III. Jurisdiction

6. Pursuant to MCR 3.302 and 7.304, this Court has original jurisdiction over a complaint seeking a writ of superintending control over lower courts. Under those provisions,

this Court has heard previous challenges to the reasonableness of a Chief Judge's Order establishing attorney fees for appointed counsel in indigent felony cases. *See, e.g., In the Matter of the Recorder's Court Bar Ass'n*, 443 Mich. 110 (1993).

7. Under MCR 3.302, this Court has the power to issue writs of superintending control over lower courts if those courts are violating clear legal duties, and if Plaintiffs have no adequate legal remedies other than the writ sought.

8. Through enforcement of Administrative Order 1998-03 (Ex. 1), which governs "Assigned Counsel Fees For Criminal Division Cases," and through their June 25, 2001 declaration of an across-the-board 10% fee reduction, the Chief Judges have violated the clear legal duty imposed upon them by MCL 775.16.

9. Plaintiffs have no adequate legal remedy to challenge the administrative actions of the Chief Judges other than a complaint seeking a writ of superintending control.

IV. Background Facts

A. The History Of Litigation Over Statutorily Mandated "Reasonable" Fees In Wayne County.

10. Michigan law requiring the payment of fees to appointed criminal defense counsel predates *Gideon v. Wainwright*, 372 U.S. 335 (1963). Since 1893, Michigan statutes have specifically mandated that payments to appointed counsel be "reasonable compensation for the services performed." MCL 775.16

11. In or about 1967, the Wayne County Circuit Court instituted a schedule of fees to be paid to appointed criminal defense counsel, attached as Exhibit 3. The Recorder's Court instituted a schedule in 1970, attached as Exhibit 4. The Wayne County schedule was amended in 1971, and the amended schedule is attached as Exhibit 5.

12. From 1967 through 1981, counsel appointed to represent indigent criminal defendants brought before the Wayne County Circuit Court and the Recorder's Court for the City of Detroit were paid in accordance with Exhibits 3, 4, and 5. During that fourteen year period, while payments to appointed criminal defense counsel remained the same, inflation increased the cost of living (and doing business) by a factor of three.

13. In 1981, some of the Plaintiffs in this action, along with other plaintiffs, brought a complaint for superintending control against the Chief Judges of the Wayne County Circuit Court and the Recorder's Court, seeking an order imposing reasonable fees and setting aside the 1967 fee schedules. As a result of that complaint, the Chief Judges revised the schedules and raised the fees consistent with the increase in the cost of living in Detroit. That revision resulted in a new proposed fee schedule which is attached as Exhibit 6.

14. As a result of this new, proposed fee schedule, this Court dismissed the 1982 complaint for superintending control without prejudice. (Exhibit 7, Order of the Supreme Court)

15. Before the 1982 fee schedule could be adopted, however, the Chief Judges reduced the fees and unilaterally promulgated another fee schedule, which is attached to this complaint as Exhibit 8.

16. Later in 1982, Wayne County, seeking to reduce further the fee schedule implemented in 1967, also sought superintending control over the judges, but the Wayne County complaint was dismissed without prejudice. This Court's Order dismissing the Wayne County 1982 complaint is attached as Exhibit 9.

17. Shortly after the Wayne County complaint for superintending control was dismissed, the Chief Judges of the Recorder's Court and the Wayne County Circuit Court

enacted a new, revised fee schedule that gradually increased fees in the Wayne County Circuit Court and Recorder's Court. (See Exhibit 10)

18. Shortly after an increased fee schedule was implemented in 1984, as required by Exhibit 10, the Chief Judge of the Recorder's Court for the City of Detroit, acting as Executive Chief Judge for both the Recorder's Court and the Wayne County Circuit Court, unilaterally reduced those fees by issuing an administrative order. (Exhibit 11) The new administrative order, which took effect in 1985, set the trial fees back to the *same rate they had been in 1967 in capital cases*.

19. On July 1, 1988, the Chief Judges of the Recorder's Court and the Wayne County Circuit Court changed the fees again, this time mandating that "flat fees" be paid in every case. (Exhibit 12) Under that schedule, the fee an attorney received would not vary in any given case regardless of the volume or complexity of the work performed. Rather, the attorney's compensation was dependent only on the maximum penalty faced by the defendant.

20. In 1989, some of the plaintiffs in this action, and other plaintiffs, filed another complaint for superintending control in this Court, asking that the "flat fee" schedule be set aside and that reasonable fees be established by this Court. *See In the Matter of the Recorder's Court Bar Association*, 443 Mich. 110 (1993).

21. This Court issued an order appointing a Special Master, the Honorable Tyrone Gillespie, to take testimony and make recommendations to the Court. The Special Master issued a report and recommendation suggesting that the flat fee schedule be set aside and that a new schedule be put into place. The schedule recommended by the Special Master consisted of either payment by the hour at \$75.00 an hour, or enactment of the 1982 event-based

fee schedule, adjusted upward for inflation. (See excerpts from Report of Special Master Tyrone Gillespie, attached to the Memorandum in Support of this Complaint as Exhibit 3).

22. After receiving the Special Master's Report, this Court ordered the case briefed and argued before the full Court. On August 3, 1993, this Court issued its opinion in *In the Matter of the Recorder's Court Bar Association*, 443 Mich. 110 (1993). In that opinion, this Court held that, among other things: (a) the 1988 flat fee schedule did not provide reasonable fees; (b) a fee is not "reasonable" as required by statute merely because attorneys are available to take cases at that rate; (c) the availability of a procedure to petition for increased fees on an individualized basis did not mitigate against the unreasonableness of the fee schedule; and (d) the Circuit Court should establish another fee schedule that complies with the reasonable fee statute.

23. In 1994, after this Court's decision in *In the Matter of the Recorder's Court Bar Association*, the Wayne County Circuit Court and Recorder's Court established a new fee schedule, which was apparently not formalized by Administrative Order until 1998. (See Exhibit 1) The new fee schedule established graduated, event-based fees dependent on the seriousness of the offense. This fee schedule, unfortunately, set fees for the defense of some cases that were even lower than the 1967 fee schedule.

B. The Current Crisis

24. The fee schedule currently in place, Administrative Order 1998-03, is attached as Exhibit 1. Administrative Order 1998-03 is essentially the fee schedule put in place after this Court's decision in *In the Matter of the Recorder's Court Bar Association*, with some minor adjustments.

25. On June 25, 2001, the fees were unilaterally reduced by 10% by an administrative action of the Chief Judges. The only rationale given for this unilateral 10% reduction was budget considerations.

26. Fees now being paid pursuant to Administrative Order 1998-03, especially in light of the 10% reduction, defy the legislature's and this Court's mandate that fees be "reasonable compensation for services performed." For example:

- (A) An attorney can be paid as little as \$54 to handle a motion, regardless of its complexity, and regardless of the time necessary to investigate, draft, and argue that motion.
- (B) The fees paid for investigation and preparation of a defendant's case are not dependent on the time necessary for such work, but rather on the prospective sentence of the defendant. Further, regardless of the time and effort necessary to complete such investigation and preparation, an attorney representing a defendant facing a prospective natural life sentence (cases for which investigation and preparation can take hundreds of hours) can receive a maximum of \$225.
- (C) The fee schedule allows payment for only one visit (at a meager \$45) to a prisoner in jail, regardless of the need for lengthy interviews, the oft-enforced restrictions on access to clients, and whether the case requires multiple meetings with a client.

(D) The fee schedule sets payment for trial fees in some cases as low as \$108 per day, and attorneys earning that sum sometimes spend ten hours in court to earn that fee.

27. These fee constraints create inherent ethical and financial problems for appointed counsel. Simply put, many appointed counsel cannot afford to spend significant time defending clients if they will not be paid for their time. Moreover, the fee schedule by its very nature forces appointed counsel to make difficult, and often unfair, resource allocation decisions; counsel must select which projects to perform and how much time to spend on any particular project.

28. While attorneys are able to petition the Chief Judges for “extraordinary fees” on an individualized basis, this procedure does not remedy the fact that the current fee schedule is “unreasonable” under any meaningful definition. The petition process required to seek extraordinary fees alone deters attorneys from seeking them. Moreover, many of Plaintiffs’ members are hesitant to file the necessary petitions because such petitions would likely prove futile and might negatively affect their abilities to receive future appointments. On those rare occasions in which the Chief Judges grant petitions for “extraordinary fees,” the fees granted are still unreasonable, rarely exceeding \$25/hour.

29. Additionally, this Court has previously held that the possibility of attorneys petitioning for “extraordinary fees” on an individualized basis does not solve the problem Plaintiffs here seek to remedy. *See In re Recorder’s Court Bar Ass’n*, 443 Mich. at 135 (“[T]he extraordinary fee mechanism fails to provide an adequate legal remedy to cure the systematic unreasonableness of the current compensation system.”).

30. Apart from being unreasonable in amount and unrelated to the time spent to complete the tasks for which payment is rendered, in many instances payments from Wayne County to attorneys are significantly delayed. Payment is regularly not received until five months or more after rendering services.

C. Plaintiffs' Attempts To Alleviate The Problem.

31. Since the early 1980s, Plaintiffs and others have attempted to alleviate this payments to appointed counsel through negotiation and, when necessary, litigation. Shortly after the illegal 10% across-the-board fee slash due solely to budget considerations, Plaintiffs and others sought the assistance of the Chief Judges, as well as others, to remedy their ills.

32. In the Spring of 2002, Plaintiffs began a series of negotiations with the Chief Judges in an attempt to avoid the necessity of a lawsuit. The Chief Judges repeatedly acknowledged the inadequacy of the current system and the fact that current fees paid appointed counsel were not "reasonable compensation for services performed." WCCBDA presented the Chief Judges with a concrete proposal, attached to this Complaint as Exhibit 13, which its members believed provided "reasonable compensation for services performed." The Chief Judges conceded that WCCBDA's proposal (Exhibit 13) was reasonable. Yet the Chief Judges refused to enter a new administrative order setting reasonable fees. Instead, the Chief Judges cited their inability to provide reasonable compensation due to an inadequate budget.

33. On August 23, 2002, representatives of Plaintiffs attended a hearing of the Ways and Means Committee of the Wayne County Board of Commissioners. Chief Judge Mary Beth Kelly, among others, also attended the hearing. During the hearing, Chief Judge Kelly expressly acknowledged that the current fee schedule in Wayne County failed to provide appointed attorneys with reasonable compensation for services performed. Chief Judge Kelly

further conceded that the specific proposal made by Plaintiffs (Exhibit 13) far more accurately reflected the statutory demand of “reasonable compensation” than the current regime. Chief Judge Kelly implored the County Commissioners to provide her with the necessary funding so that she could enter an administrative order complying with the statutory mandate.

34. Despite these concessions and the sheer obviousness that the fee schedule currently in place in Wayne County is illegal, the Chief Judges have failed to enact a schedule compliant with the statutory mandate.

V. Violations Of Michigan Statutes

35. The fee schedule currently set by the Chief Judge in the Wayne County Circuit Court violates MCL § 775.16 for the following reasons:

- (A) The compensation provided to attorneys under the fee schedule is not reasonably related to the services the attorneys actually perform. In particular, payments made are not based upon the time spent to perform the task for which attorneys seek payment and bear no relationship to the time necessary to perform the tasks for which payment is made.
- (B) The attorney fees set by the Wayne County fee schedule are less than 15% of the customary and reasonable rate that attorneys receive to defend criminal cases when they are retained by defendants who can afford counsel.
- (C) The fees set in Wayne County do not even cover appointed counsel’s overhead of his or her office, which includes secretarial services, library, and other support services necessary for proper legal representation.

- (D) The fee schedule deprives indigents accused of felonies in Wayne County of representation by experienced lawyers expert in criminal defense who, because they will not receive reasonable compensation as appointed counsel, engage themselves elsewhere and refuse appointed criminal assignments. In general, the fee schedule drives attorneys from appointed work because of their low rates.
- (E) The fees are per se unreasonable because: (1) some of the rates provided for in this fee schedule are below the 1967 fee schedule; and (2) most of the rates are below the 1982 fee schedule. Both the 1967 and 1982 schedules are no longer reasonable because of inflation and the rise in the cost of living in Wayne County.
- (F) The fee schedule in practice operates to overcompensate some attorneys as a result of their clients pleading guilty to the crimes with which they are charged rather than forcing the prosecution to prove its case at trial. Because of the fact that fees for pretrial services are identical whether a case is pled or taken to trial, the fees paid often bear no resemblance to work actually performed.
- (G) The fee schedule operates as a virtual economic mandate that the vast majority of cases be pled if an attorney accepting appointments is to survive economically.
- (H) The fee schedule operates in an entirely nonsensical manner by providing the most compensation for the easiest and least

cumbersome work, while providing the least compensation for the most difficult and time-consuming projects.

36. The unreasonable fee schedule violates MCR 8.110, which provides that the Chief Judge is responsible for effecting compliance by the court with all applicable court rules and provisions of the law.

VI. Constitutional Violations

37. The unreasonable fee system in place in Wayne County creates an institutionalized method and system which results in criminal defendants receiving ineffective assistance of counsel in a substantial number of cases. Moreover, by virtue of its effect on attorneys' representation of indigent criminal defendants, the fee schedule operates to discourage attorneys from enforcing their clients' Fourth, Fifth, Sixth, and Eighth Amendment rights. Overall, the fee schedule and associated problems inherent in the Wayne County appointed criminal defense system produces a systemic violation of the Sixth Amendment of the United States Constitution and Article 1, Section 20 of the Michigan Constitution. *See, e.g., Luckey v. Harris*, 860 F.2d 1012, 1017 (11th Cir. 1988); *State v. Smith*, 681 P.2d. 1374, 1378 (Ariz. 1984) (holding that the indigent defense system in place "so overworks attorneys that it violates the right of a defendant to due process and the right to counsel as guaranteed by the Arizona and United States Constitutions"); *Makemson v. Martin County*, 491 So.2d 1109 (Fla. 1986) (fee schedule "interferes with the sixth amendment right to counsel"); *State v. Peart*, 621 So.2d 780 (La. 1993) (system itself unconstitutional because "indigent defendants . . . [are] generally not provided with effective assistance of counsel where attorneys for indigent defendants must work with excessive case loads and insufficient support"); *Jewel v. Maynard*, 383 S.E.2d 536, 543-46 (W.Va. 1989) (same).

VII. Relief Requested

38. In *In the Matter of the Recorder's Court Bar Association*, this Court determined that the fee schedules in place at that time failed the statutory reasonableness mandate, but the Court did not impose a particular system or fee schedule on the Wayne County Circuit Court. The Court left it up to the Chief Judges to “develop for implementation . . . a payment system that reasonably compensates assigned counsel for services performed consistent with this opinion.” *Recorder's Court Bar*, 143 Mich. at 118.

39. The Chief Judges' actions subsequent to this Court's decision in *In the Matter of the Recorder's Court Bar* are typical of that which has occurred in the past: the Chief Judges succumb to county budgetary concerns and fail to implement a plan for reasonable compensation. This Court's past decision makes clear that such decisions are entirely inappropriate and illegal.

40. Therefore, Plaintiffs respectfully request that the Court enter an Order directing the Chief Judges of the Wayne County Circuit Court to:

- (A) vacate the current fee schedule;
- (B) vacate the June 25, 2001 Administrative Order mandating a 10% across-the-board reduction in fees;
- (C) implement a fee schedule either: (1) establishing payment at an hourly rate of \$90; (2) implementing the fee schedule of 1982, adjusted for inflation, as recommended by the Special Master in 1993; or (3) utilizing the more detailed event-based schedule proposed by the WCCBDA (Exhibit 13), which Defendants admit provides reasonable compensation; and

(D) ensure prompt payment to attorneys accepting appointments in indigent felony cases and direct that 30 days shall presumptively constitute “prompt” payment.

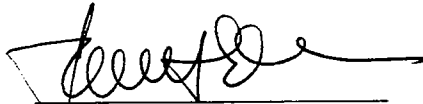
41. If the Court has any doubt about the facts underlying the allegations in this Complaint, Plaintiffs request that this Court appoint a Special Master to take testimony, review evidence and make recommendations to this Court.

42. Plaintiffs also respectfully request that this Court issue such other writs and orders as the court in good conscience believes are required by the Complaint in this case.

Respectfully submitted,



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Dated: November 8, 2002

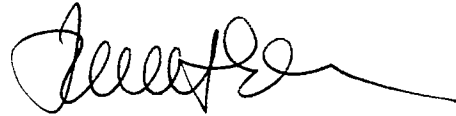
CERTIFICATE OF SERVICE

I hereby certify that the foregoing COMPLAINT FOR WRIT OF SUPERINTENDING CONTROL was served, November 12, 2002, upon:

The Honorable Timothy Kenny
Wayne County Circuit Court
1441 Saint Antoine
Detroit, Michigan 48226
by hand delivery

The Honorable Mary Beth Kelly
Wayne County Circuit Court
701 Coleman A. Young Municipal Center
Detroit, Michigan 48226
by hand delivery

Mr. Edward Ewell
Chief Corporation Counsel
Wayne County
600 Randolph, Suite 253
Detroit, Michigan 48206
by hand delivery



Frank D. Eaman

TAB 1

**WAYNE COUNTY CIRCUIT COURT - CRIMINAL DIVISION
PROPOSED ATTORNEY FEE SCHEDULE**

<u>EVENT</u>	<u>SENTENCE (MONTHS)</u>				
	<u>24-60(+)</u>	<u>84-120(+)</u>	<u>160-240(+)</u>	<u>LIFE MAX(+)</u>	<u>MURDER 1 (+)</u>
Pre Exam	90	110	130	190 (40)	250 (60)
AOI	40	50	60	80 (10)	100 (10)
Inves.&Prep	110	140	170	210 (10)	270 (20)
Plea	110	140	170	210 (10)	260 (10)
Motion	60	70	90	110 (10)	140 (10)
Cal. Conf.	50	50	50	60 (10)	60 (10)
Final Conf.	40	50	60	80 (10)	100 (10)
Hearings, half day	80	80	80	100 (20)	100 (20)
Hearings, full day	160	160	160	200 (40)	200 (40)
Trial, half day	90	110	130	160 (10)	210 (20)
Trial, full day	180	220	260	320 (20)	420 (40)
Sentence	60	70	90	110 (10)	140 (10)

Note: \$50 increase for pre-exam waiver program (non-capital) not included above.

Note: All Adjourned Hearings - except those adjourned by Defense receive 1/2 event fee.

The following adjournments are considered not caused by the defense:

1. Unavailability of defendant
2. Unavailability of the court.
3. Competency referrals requested by the defense.
(Under review)

TAB 2

For Release June 11, 2001

WAYNE COUNTY CIRCUIT COURT CHIEF JUDGE MICHAEL F. SAPALA

ADDRESSES COURT DEFICIT

Effective October 1, 1997, the Legislature abolished the Detroit Recorder's Court, merging its judges, personnel and functions into the Wayne County Circuit Court. At the same time, by legislative enactment, the Family Division of the Circuit Court was created. The new Wayne County Circuit Court was, and continues to be, located in six sites: the Coleman A. Young Municipal Center, the Penobscot Building, the Frank Murphy Hall of Justice, the Lincoln Hall of Justice, the Juvenile Detention Facility, and the Westland Branch office.

The budget since court reorganization has not kept pace with the level of funding required for court operations. The revenues needed by the Court to provide the necessary judicial services for the people of Detroit and Wayne County have remained virtually the same since court reorganization. Unfortunately, the expenditures required to maintain appropriate, necessary and reasonable services have continued to increase since October of 1997. Unless and until the County of Wayne and the State of Michigan provide additional funding, the Court must reduce its expenditures and services in order to eliminate a deficit which currently stands at 1.2 million dollars.

Expenditure increases have occurred in the following areas:

- Personnel – Increases in salaries and benefits for employees, and other costs, necessary to provide the required level of service to those who rely upon the Court. As a result of court reorganization, the Court was faced with salaries and benefits that were dramatically different from division to division. The Court has worked diligently with our unions to lessen this gap. We continue to be committed to resolving this issue, while working within the confines of our budget;
- Security – Costs have dramatically increased to fulfill the obligation to provide a safe environment for employees, families, children, parties, witnesses, jurors, attorneys, the general public and others who must utilize the services of the court in its several locations;
- Facilities – Costs of leased space and maintenance have increased. Court reorganization did not take into consideration the physical, logistical and funding requirements of multiple sites. Cost savings for a single operation or site have not been realized;
- Assigned Counsel Fees – Expenditures have increased due to state mandated hearings in juvenile proceedings, specialized dockets in criminal cases and personal protection proceedings in family matters. These services are necessary to promote the fair and prompt disposition of cases and to ensure public safety;
- Technology – Including the increased cost of network communications between court facilities and other related agencies; and computers, training, hardware, software and programming;

In order to achieve the required decreases in expenditures, it is absolutely necessary that I order spending reductions. Accordingly, effective June 25, 2001, the following reductions, with the exception of security, will be put in place:

- Personnel – In an effort to avoid immediate layoffs, payless paydays and/or interruption of services, all personnel need to accept a reduction or adjustment in pay. The present level of benefits will be maintained;
- Security – The present level will be maintained;
- Assigned Counsel Fees – Across the board reduction of scheduled payments of 10% per case. This reduction will affect the private bar and the Legal Aid and Defender's Association;
- Technology – Development will be curtailed to provide only maintenance and continuity of service, i.e., help desk and network communications;

In an attempt to evaluate those concerns associated with funding requirements and limitations, the Court, in conjunction with Wayne County, will soon engage professional services to identify, review and resolve issues associated with court reorganization and funding.

It is my belief that these changes, along with necessary assistance from the state, county and federal governments, will achieve our budget objectives by the end of the next fiscal year.

#####

TAB 3

CIRCUIT COURT—WAYNE COUNTY Rule 14.5

Rule 14.5 Fees for Assigned Counsel.

Any attorney assigned by a judge of this court to defend an indigent person charged with a crime, shall, before payment therefor, file with the Clerk a written statement that he has not received or been promised payment from any other source.

On certification of the trial judge, such attorney shall be entitled to receive from the Wayne County Treasurer:

(a) A fee not to exceed \$50.00 for appearance by the attorney at arraignment on the warrant.

(b) A fee for appearance by the attorney at the examination: If Examination is waived, \$50.00

If Examination is adjourned at the request of the prosecutor or on Court's own motion, each adjournment, but not to exceed two adjournments, \$50.00.

If Examination is conducted where testimony is taken or if Motion to Dismiss is granted for each day or portion thereof, \$100.00.

(c) A fee for appearance by the attorney at the arraignment in Circuit Court, \$50.00.

(d) A fee for preparation of case for trial in Circuit Court; defendant on bond, including plea, \$100.00:

For preparation of case for trial in Circuit Court: If defendant is in jail and is interviewed by attorney at the jail, including plea, \$125.00.

(e) A fee for appearance on written Motion in Circuit Court when the Motion is actually argued: A fee of up to \$50.00 to be awarded at the discretion of the judge hearing the Motion.

(f) In addition, a fee for attendance in Circuit Court for trial:

Cases in which the maximum penalty is life imprisonment, for each day or portion thereof, \$150.00: All other cases, for each day or portion thereof, \$100.00.

(g) A fee for appearance at time of sentence, \$50.00.

(h) A fee for appearance at probation violation hearing: For each one-half day, \$50.00.

(i) A fee for appearance at sanity hearing, for each day or portion thereof, \$100.00.

(j) A fee for filing written Motion for new trial and arguing the same, filing of briefs thereof, etc., \$50.00.

Rule 14.5 CIRCUIT COURT—WAYNE COUNTY

(k) In all cases of appeals to a higher court, a fee not to exceed \$50.00 for each one-half day spent in the Circuit Court, plus \$100.00 for every 400 pages of transcript, or major fraction thereof, but not less than \$100.00; plus \$250.00 for all proceedings in the higher court where claim of appeal and brief is filed.

No attorney appointed pursuant to this rule shall incur any expense to the county in preparing the indigent's defense without written permission of the trial judge or of the presiding judge, except for ordinary witness fees.

Upon its adoption, this rule shall be effective for all services rendered subsequent thereto. Amended July 26, 1968.

Rule 14.6 Payment of Counsel for Appeals. [Repealed]

Rule 14.7 Reports in Criminal Actions.

All probation, psychiatric, psychological and medical reports submitted to the court to aid it in passing sentence in criminal cases shall be deemed suppressed information and shall be kept confidential, and the contents thereof shall not be published without consent of the court.

No probation officer, clerk or other officer of this court, nor any other person, shall divulge any information contained in such reports, except to those entitled to access thereto as provided by law.

RULE 15—PATERNITY ACTIONS CALENDAR

(Attorneys filing paternity complaints should consult the Prosecuting Attorney's Office, or the Paternity Division of the Friend of the Court as to the proper procedure and forms).

Rule 15.1 Issuance of Summons or Warrant.

Upon filing of a paternity complaint with the Clerk of the Court a summons shall issue, or if a warrant is requested, the paternity complaint shall be referred to the Presiding Judge, who may issue a warrant instead of a summons.

The summons shall require the defendant to appear before the Presiding Judge on Friday at 10:00 A.M. to admit or deny paternity as set forth in the complaint.

TAB 4

See Administrative Orders 1972-2 and 1973-4 in Administrative Orders, Volume I as to assigned counsel for indigent defendants in criminal cases. See Administrative Order 1975-9 as to appointment of counsel in certain criminal appeals.

Sec. 1. Volunteer Legal Counsel. If it is made to appear by affidavit of the defendant or otherwise, that defendant is an indigent person, the Examining Magistrate may grant permission for temporary volunteer counsel to serve without compensation and to assist the defendant before proceeding with the Arraignment.

Sec. 2. Appointed Legal Counsel. At the conclusion of the Arraignment on the Warrant the case of the indigent defendant shall be referred to the Presiding Judge for the appointment of trial counsel, as provided by law, who shall personally represent the defendant in all further proceedings. Appointed counsel shall not be removed except upon notice and hearing and for good cause.

Sec. 3. Fee Schedule for Assigned Counsel. An attorney assigned by a Judge of this Court pursuant to law to defend or represent an indigent person in any matter within the jurisdiction of this Court shall file with the Clerk of the Court a written statement to the effect that he has not theretofore received nor has he requested nor been promised payment from any other source.

Any such attorney who accepts or solicits payment from any other source for his services as assigned counsel in this Court shall be subject to punishment for contempt.

On certification of the Judge before whom such service was rendered or the Presiding Judge, such attorney shall be entitled to receive from the Wayne County Treasurer compensation in accordance with the Fee Schedule for Assigned Counsel as the same shall be amended and revised from time to time. The current Fee Schedule is attached as an appendix to this Rule.

EXAMINING MAGISTRATE COURT RCR 10

APPENDIX

Fee Schedule for Attorneys Assigned to Defend Indigent Felony Defendants.

(Eff. May 27, 1970)

On certification of the Trial Judge, an attorney shall be entitled to receive from the Wayne County Treasurer:

- (a) a fee for appearance by the attorney at the Examination:
If examination is waived--\$50.00
If Examination is conducted where testimony is taken, or if Motion to Dismiss is granted, for each day or portion thereof--\$50.00
- (b) a fee for preparation of case for trial, including plea--\$100.00
If defendant is interviewed by the attorney at Wayne County Jail, the fee for preparation, including plea, shall be--\$125.00
- (c) a fee for appearance on written Motion when the Motion is actually argued--up to \$50.00 to be awarded at the discretion of the Judge hearing the Motion
- (d) in addition, a fee for attendance in Court for trial:
Cases in which the maximum penalty is life imprisonment, for the first day and for each succeeding day or fraction thereof--\$150.00
All other cases--\$100.00
- (e) a fee for appearance at time of sentence--\$50.00
- (f) a fee for appearance at probation violation hearing for each one-half day--\$50.00
- (g) a fee for appearance at sanity hearing for each day or portion thereof--\$100.00
- (h) a fee for filing written Motion for New Trial and arguing the same, filing of briefs thereof, etc.--\$50.00
- (i) in all cases of appeals to a higher court, a fee of \$100.00 for every 400 pages of transcript, or major fraction thereof, but not less than \$100.00; plus \$250.00 for all proceedings in the higher court where claim of appeal and brief is filed.
- (j) for a necessary visit to Jackson or other prison facility within a radius of 100 miles, an expense allowance of \$100.00 and for distances in excess of that radius, an expense allowance of \$150.00
- (k) for attendance at police show-ups on assignment of the Court, \$25.00 for each hour or fraction thereof.

Upon its adoption, this rule shall be effective for all services rendered subsequent thereto.

TAB 5

Rule 14.13 Fees—Attorney for Indigent Person.

An attorney assigned by a judge of this court to defend an indigent person charged with a crime shall, before payment therefor, file with the Clerk a written statement that he has not received or been promised payment from any other source.

CRIMINAL CALENDAR WCCR 14

On certification of the trial judge, the attorney is entitled to receive from the Wayne County Treasurer:

- (a) A fee not to exceed \$50.00 for appearance by the attorney at arraignment on the warrant. For interviewing the accused subsequent to arraignment on the warrant but before and in preparation for the preliminary examination, the fee is \$50.00 when the defendant is in custody and \$25.00 when the defendant is on bond.
- (b) A fee for appearance by the attorney at the examination:

If Examination is waived, \$50.00.

If Examination is adjourned at the request of the prosecutor or on Court's own motion, each adjournment, but not to exceed two adjournments, \$50.00.

If Examination is conducted where testimony is taken or if Motion to Dismiss is granted for each day or portion thereof, \$100.00.

- (c) A fee for appearance by the attorney at the arraignment in Circuit Court, \$50.00.

- (d) A fee for preparation of case for trial in Circuit Court; defendant on bond, including plea, \$100.00:

For preparation of case for trial in Circuit Court; If defendant is in jail and is interviewed by attorney at the jail, including plea, \$125.00.

- (e) A fee for appearance on written Motion in Circuit Court when the Motion is actually argued; A fee of up to \$50.00 to be awarded at the discretion of the judge hearing the Motion.

- (f) In addition, a fee for attendance in Circuit Court for Trial: Cases in which the maximum penalty is life imprisonment, for each day or portion thereof, \$150.00; All other cases, for each day or portion thereof, \$100.00.

- (g) A fee for appearance at time of sentence, \$50.00.

- (h) A fee for appearance at probation violation hearing; For each one-half day, \$50.00.

- (i) A fee for appearance at sanity hearing, for each day or portion thereof, \$100.00.

- (j) A fee for filing written Motion for new trial and arguing the same, filing of briefs thereof, etc., \$50.00.

- (k) In all cases of appeals to a higher court, a fee not to exceed \$50.00 for each one-half day spent in the Circuit Court, plus \$100.00 for every 400 pages of transcript, or major fraction thereof, but not less than \$100.00; plus \$250.00 for all proceedings in the higher court where claim of appeal and brief is filed.

- (l) A fee for appearance at show ups and habeas corpus, \$50.00. No attorney appointed pursuant to this rule shall incur any expense to the

WAYNE CIRCUIT COURT RULES

county in preparing the indigent's defense without written permission of the trial judge or of the presiding judge, except for ordinary witness fees.

Upon its adoption, this rule shall be effective for all services rendered subsequent thereto.

History

14.13 Am. eff. June 15, 1971

TAB 6

JUL 30 1982



The Circuit Court
for the Third Judicial Circuit of Michigan
and
the Recorder's Court for the City of Detroit
1201 CITY-COUNTY BUILDING
DETROIT, MICHIGAN 48226

RICHARD D. DUNN
EXECUTIVE CHIEF JUDGE

June 28, 1982

TELEPHONE
313 - 224-1000

Honorable Mary S. Coleman
Chief Justice
Michigan Supreme Court
P. O. Box 30052
Lansing, MI 48909

Dear Chief Justice Coleman:

The benches of both Recorder's Court for the City of Detroit and the Third Judicial Circuit Court have approved the proposed attorney fee schedule for the representation of indigent defendants for implementation as of December 1, 1982.

It is my intent to submit this schedule to the Wayne County Board of Auditors for inclusion in the final 1982-1983 budget. Under separate cover, our court administrator will be forwarding a letter to Mr. Hoag to repeal Local Court Rule 14.13 for the Third Circuit and the appropriate appendix to Local Court Rule 10 for Recorder's Court.

It was further agreed by each court that this schedule will be utilized in both courts.

Please do not hesitate to contact me if you require further information.

Very truly yours,

Richard D. Dunn

CAJ/j

Enclosure

cc Honorable Samuel C. Gardner,
Executive Chief Judge Pro tem
Mr. L. M. Jacobs, IV

FEE SCHEDULE FOR ASSIGNED COUNSEL FOR THE
THIRD JUDICIAL CIRCUIT COURT AND
RECORDER'S COURT FOR THE CITY OF DETROIT

Arraignment on the Warrant	
Pre-exam Jail Visit (one only)	50.00
Preliminary Examination - waived	50.00
- conducted	100.00
First Post Exam Jail Visit	150.00
Second Post Exam Jail Visit	50.00
Capital Cases: No more than three visits	35.00
Non-capital Cases: No more than two visits	
Investigation and Preparation of Cases for Trial or Plea	
Written Motion with Brief and Oral Argument	150.00
(Excepting standard discovery orders)	
Calendar Conference and Arraignment on Information (For each appearance)	75.00
Final Conference (For each appearance as long as adjournment not by defense)	50.00
Walker Hearing - One-half Day or Less	50.00
Full Day and Each Day Thereafter	75.00
Evidentiary Hearing - One-half Day or Less	150.00
Full Day and Each Day Thereafter	75.00
Attendance in Court for Trial Per Day or Fraction Thereof -	150.00
Capital Cases	
Non-capital Cases	450.00
Plea	300.00
Forensic Sanity Hearing - Witnesses Waived	100.00
Hearing Held, One-half Day	50.00
Hearing Held, Full Day	75.00
Attendance in Court for Sentence	150.00
Probation Violation Hearing	75.00
Non-frivolous Motion for New Trial Together With Memorandum of Law by Trial Counsel After	75.00
a Jury or Non-jury trial	125.00
<u>APPEALS</u>	
Transcript - Every 400 pages or major fraction thereof other than guilty plea cases	200.00
Guilty plea cases	100.00
Claim of Appeal, Brief and All Proceedings -	
Other than guilty plea cases	500.00
Guilty plea cases	350.00
Visit to Prison Facilities: Wayne County Facilities	75.00
Camp Pellston and all UP Facilities	400.00
All Others	200.00
<u>SCCELLANEOUS FEE SCHEDULE</u>	
Show-ups - Full Day Standby	200.00
Per Hour	50.00
Psychiatrists - Cases in Which the Maximum Penalty is Life Imprisonment	
Interview and Written Evaluation	300.00
Attendance in Court	150.00
Other Experts - Interview and Written Evaluation	200.00
Attendance in Court	150.00
Interpreters - Per Day	150.00
Half Day	75.00

TAB 7

AT A SESSION OF THE SUPREME COURT OF THE STATE OF MICHIGAN, HELD IN THE SUPREME COURT
Room in the City of Lansing, on the 24th day
August _____ in the year of our Lord one thousand nine hundred and eighty two.

CR 35-426

Present the Honorable

MARY S. COLEMAN,
Chief Justice.

THOMAS GILES KAVANAGH,
G. MENNEN WILLIAMS,
CHARLES L. LEVIN,
JOHN W. FITZGERALD,
JAMES L. RYAN,
BLAIR MOODY, JR.,
Associate Justices

THE DETROIT BAR ASSOCIATION, ET AL,
Plaintiffs,

v

SC: 68204

CHIEF JUDGE OF THE THIRD JUDICIAL
CIRCUIT and CHIEF JUDGE OF THE
RECORDER'S COURT OF THE CITY OF
DETROIT, in their roles as
"presiding judges" of those courts,
Defendants.

On order of the Court, the motion for immediate
consideration is considered, and it is GRANTED.

The complaint for superintending control is considered. It
appearing that the benches of the Recorder's Court for the City
of Detroit and the Third Judicial Circuit have approved a new
proposed attorney fee schedule for the representation of indigent
defendants for implementation as of December 1, 1982, the
complaint is DENIED without prejudice to the plaintiffs' right to
reinstitute appropriate proceedings in the event that the new
proposed fee schedule is not put into effect.

STATE OF MICHIGAN — vs.

I, Harold Hoag, Clerk of the Supreme Court of the State of Michigan, do hereby certify that the foregoing
is a true and correct copy of an order entered in said court in said cause; that I have compared the same with the
original, and that it is a true transcript therefrom, and the whole of said original order.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the seal of said Supreme Court

Lansing, this 24th day of August
in the year of our Lord one thousand nine hundred and
eighty two.



Carl R. DeLoe
Clerk

TAB 8

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT COURT
RECORDER'S COURT

JOINT ADMINISTRATIVE
ORDER NO. 1

NO. 1982-1

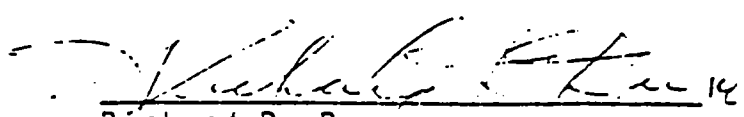
At a session of said court held
in Room 1201 City-County Building,
Detroit, Michigan 48226 on

NOVEMBER 22, 1982

PRESENT: Honorable Richard D. Dunn,
Executive Chief Judge

Pursuant to a review of the Assigned Counsel Fee Schedule for the Third Judicial Circuit Court and Recorder's Court, each Bench approved the attached fee schedule for services performed after November 30, 1982 by attorneys for indigent defendants.

IT IS HEREBY ORDERED on behalf of both courts that the aforementioned Fee Schedule for Assigned Counsel be utilized for remuneration of attorneys representing indigent defendants for services performed after November 30, 1982.


Richard D. Dunn
Executive Chief Judge

FEE SCHEDULE FOR ASSIGNED COUNSEL

REVISED 10/13/82

Arraignment on Warrant	\$ 75.
Pre-exam - Jail Visit (one only)	50.
Office Visit	25.
Preliminary Examination	125.
First Post Exam Jail Visit	50.
Second Post Exam Jail Visit	35.
Capital Cases: No more than three visits	
Non-capital Cases: No more than two visits	
Investigation and Preparation of Cases for Trial or Plea	150.
Written Motion with Brief and Oral Argument (Excepting standard discovery orders)	75.
Calendar Conference and Arraignment on Information (For each appearance)	50.
Final Conference (For each appearance as long as adjournment not by defense)	50.
Walker Hearing - One-half Day or Less	75.
Full Day and Each Day Thereafter	150.
Evidentiary Hearing - One-half Day or Less	75.
Full Day and Each Day Thereafter	150.
Attendance in Court for Trial Per Day or Fraction Thereof - Capital Cases	300.
Non-capital Cases	200.
Plea	100.
Forensic Hearing - Witnesses Waived	50.
Hearing Held, One-half Day	75.
Hearing Held, Full Day	150.
Attendance in Court for Sentence	75.
Probation Violation Hearing	75.
Non-frivolous Motion for New Trial Together With Memorandum of Law by Trial Counsel After a Jury or Non-jury trial	125.

APPEALS

Transcript - Every 400 pages or major fraction thereof other than guilty plea cases	200.C
Guilty plea cases	100.C
Claim of Appeal, Brief and All Proceedings - Other than guilty plea cases	500.C
Guilty plea cases	350.C
Visit to Prison Facilities - Wayne County Facilities	75.C
Camp Pellston and all UP Facilities	400.0
All Others	200.0
Appeal to Higher Court for each one-half day sent in trial court	75.C
Appearance at Habeas Corpus	50.C

MISCELLANEOUS FEE SCHEDULE

Show-ups - Full Day Standby	200.0
Per Hour	50.0
Psychiatric Cases in Which the Maximum Penalty is Life Imprisonment	
Interview and Written Evaluation	300.0
Attendance in Court	150.0
Other Experts - Interview and Written Evaluation	200.0
Attendance in Court	150.0
Interpreters - Per Day	150.0
Half Day	75.0

PATERNITY

Preparation	150.0
Non-trial Appearance	75.0

TAB 9

Room, in the City of Lansing, on the 8th day of April 1983
in the year of our Lord one thousand nine hundred and eighty-three.

22/March/83

Present the Honorable

G. MENNEN WILLIAMS,

Chief Justice

THOMAS GILES KAVANAGH,

CHARLES L. LEVIN,

JAMES L. RYAN,

JAMES H. BRICKLEY,

MICHAEL F. CAVANAGH,

Associate Justices.

WAYNE COUNTY, a Michigan county,

Plaintiff,

and

THE DETROIT BAR ASSOCIATION, et al,

Intervening Plaintiffs,

v

SC: 70647

CHIEF JUDGE OF THE THIRD JUDICIAL
CIRCUIT, CHIEF JUDGE OF THE RECORDER'S
COURT FOR THE CITY OF DETROIT, and
STATE COURT ADMINISTRATOR, in their
official capacities,

Defendants.

On order of the Court, the complaint for superintending control and the briefs and oral argument of the parties have been considered. It has become evident that the record in this original proceeding is an inadequate basis for decision because of factual questions and disputes which must be resolved before judgment, but which have never been the subject of proofs by the parties. Accordingly, it is ordered that the complaint for superintending control be DISMISSED.

This dismissal is without prejudice to the institution of an appropriate action in circuit court by any of the parties to this action or by individuals or entities not parties to this action for a determination of the duty to pay or the right to be paid in accordance with a fee schedule for the compensation of lawyers representing indigent defendants.

The emergency motion to compel payment of assigned counsel and the motion for order of discovery are accordingly denied.

STATE OF MICHIGAN -- ss.

I, CORBIN R. DAVIS, Clerk of the Supreme Court of the State of Michigan, do hereby certify that the foregoing is a true and correct copy of an order entered in said court in said cause; that I have compared the same with the original, and that it is a true transcript therefrom, and the whole of said original order.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the seal of said Supreme Court at

Lansing this 8th day of April
in the year of our Lord one thousand nine
hundred and eighty-three.



Jaqueline B. MacKinnon Clerk
Deputy

TAB 70

MAY 1 1983

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT COURT
AND RECORDER'S COURT

JOINT ADMINISTRATIVE
ORDER NO. 1983-1

At a session of said Court, held in Room 1201
City-County Building, Detroit, Michigan on
April 28, 1983

PRESENT: HONORABLE RICHARD D. DUNN
Executive Chief Judge

Pursuant to a review of the Assigned Counsel Fee Schedule
heretofore adopted by the issuance of Joint Administrative Order
No. 1982-1, dated November 22, 1982;

Upon approval by the Judges of each of said Courts, respec-
tively;

IT IS HEREBY ORDERED on behalf of both of said Courts that
the Assigned Counsel Fee Schedule promulgated under Joint Adminis-
trative Order No. 1982-1 be, and same hereby is set aside and Fee
Schedules designated Schedules "A", "B", "C" and "D" which are
attached hereto and made a part hereof, are hereby adopted nunc
pro tunc as of December 1, 1982 and that said Schedules be util-
ized in fixing remuneration of attorneys for services rendered
within the dates designated in each Schedule, in the representa-
tion of indigent defendants.

A TRUE COPY
JAMES R. KILLEEN
CLERK

BY J. Berman
DEPUTY CLERK

Richard D. Dunn
RICHARD D. DUNN
Executive Chief Judge

Joint Administrative
Order No. 1983-1
Schedule "A"

Effective December 1, 1982 to April 30, 1983
for services rendered for above dates

FEE SCHEDULE FOR ASSIGNED COUNSEL

	\$ 75.00
Arraignment on Warrant	50.00
Pre-exam - Jail Visit (one only)	25.00
Office Visit	125.00
Preliminary Examination - Held or Waived	75.00
- Adjourned	50.00
First Post Exam Jail Visit	35.00
Second Post Exam Jail Visit	
Capital Cases: No more than three visits	
Non-capital Cases: No more than two visits	
Investigation and Preparation of Cases for Trial or Plea in Trial Court	150.00
Written Motion with Brief and Oral Argument (Excepting standard discovery orders)	75.00
Calendar Conference and Arraignment on Information (For each appearance)	50.00
Final Conference (For each appearance as long as adjournment not by defense)	50.00
Walker Hearing - One-half Day or Less	75.00
Full Day and Each Day Thereafter	150.00
Evidentiary Hearing - One-half Day or Less	75.00
Full Day and Each Day Thereafter	150.00
Plea - Dismissal - "ROC" on Trial Day in Trial Court	100.00
Forensic Hearing - Witnesses Waived	50.00
Hearing Held, One-half Day	75.00
Hearing Held, Full Day	150.00
Attendance in Court for Trial Per Day or Fraction Thereof -	300.00
Capital Cases	200.00
Non-capital Cases	75.00
Attendance in Court for Sentence	75.00
Probation Violation and Extradition Hearing	
<u>APPEALS</u>	
Non-frivolous Motion for New Trial Together With Memorandum of Law by Trial Counsel After a Jury or Non-jury trial	125.00
Transcript - Every 400 pages or major fraction thereof other than guilty plea cases	200.00
Guilty plea cases	100.00
Claim of Appeal, Brief and All Proceedings - Other than guilty plea cases	500.00
Guilty plea cases	350.00
Visit to Prison Facilities - Wayne County Facilities	75.00
Camp Pellston and all UP Facilities	400.00
All Others	200.00
Appeal to Higher Court for each one-half day spent in trial court	75.00
Appearance at Habeas Corpus	50.00
<u>MISCELLANEOUS FEE SCHEDULE</u>	200.00
Show-ups - Full Day Standby	50.00
Per Hour	
Psychiatric Cases in which the Maximum Penalty is Life Imprisonment	300.00
Interview and Written Evaluation	150.00
Attendance in Court	200.00
Other Experts - Interview and Written Evaluation	150.00
Attendance in Court	150.00
Interpreters - Per Day	75.00
Half Day	
<u>PATERNITY</u>	150.00
Preparation	75.00

FEE SCHEDULE FOR ASSIGNED COUNSEL

Arraignment on Warrant	\$ 60.00
Pre-exam - Jail Visit (one only)	50.00
Office Visit	25.00
Preliminary Examination - Held or Waived	110.00
- Adjourned	60.00
First Post Exam Jail Visit	15.00
Second Post Exam Jail Visit	10.00
Capital Cases: No more than three visits	
Non-capital Cases: No more than two visits	
Investigation and Preparation of Cases for Trial or Plea in Trial Court	115.00
Written Motion with Brief and Oral Argument (Excepting standard discovery orders)	60.00
Calendar Conference and Arraignment on Information (For each appearance)	50.00
Final Conference (For each appearance as long as adjournment not by defense)	35.00
Walker Hearing - One-half Day or Less	60.00
Full Day and Each Day Thereafter	115.00
Evidentiary Hearing - One-half Day or Less	60.00
Full Day and Each Day Thereafter	115.00
Plea - Dismissal - "ROC" on Trial Day in Trial Court	65.00
Forensic Hearing - Witnesses Waived	15.00
Hearing Held, One-half Day	25.00
Hearing Held, Full Day	115.00
Attendance in Court for Trial Per Day or Fraction Thereof -	
Capital Cases	200.00
Non-capital Cases	135.00
Attendance in Court for Sentence	60.00
Probation Violation and Extradition Hearing	60.00

APPEALS

Non-frivolous Motion for New Trial Together With Memorandum of Law by Trial Counsel After a Jury or Non-jury trial	75.00
Transcript - Every 400 pages or major fraction thereof other than guilty plea cases	135.00
Guilty plea cases	100.00
Claim of Appeal, Brief and All Proceedings - Other than guilty plea cases	335.00
Guilty plea cases	285.00
Visit to Prison Facilities - Wayne County Facilities	60.00
Camp Pellston and all UP Facilities	300.00
All Others	135.00
Appeal to Higher Court for each one-half day spent in trial court	60.00
Appearance at Habeas Corpus	50.00

MISCELLANEOUS FEE SCHEDULE

Show-ups - Full Day Standby	165.00
Per Hour	50.00
Psychiatric Cases in which the Maximum Penalty is Life Imprisonment	
Interview and Written Evaluation	265.00
Attendance in Court	135.00
Other Experts - Interview and Written Evaluation	165.00
Attendance in Court	100.00
Interpreters - Per Day	85.00
Half Day	45.00

PATERNITY

Preparation	115.00
Non-trial Court Appearance	75.00
Total per day	115.00

FEE SCHEDULE FOR ASSIGNED COUNSEL

Arraignment on Warrant	\$ 65.00
Pre-exam - Jail Visit (one only)	50.00
Office Visit	25.00
Preliminary Examination - Held or Waived	115.00
- Adjourned	65.00
First Post Exam Jail Visit	35.00
Second Post Exam Jail Visit	25.00
Capital Cases: No more than three visits	
Non-capital Cases: No more than two visits	
Investigation and Preparation of Cases for Trial or Plea in Trial Court	135.00
Written Motion with Brief and Oral Argument (Excepting standard discovery orders)	65.00
Calendar Conference and Arraignment on Information (For each appearance)	50.00
Final Conference (For each appearance as long as adjournment not by defense)	40.00
Walker Hearing - One-half Day or Less	65.00
Full Day and Each Day Thereafter	135.00
Evidentiary Hearing - One-half Day or Less	65.00
Full Day and Each Day Thereafter	135.00
Plea - Dismissal - "ROC" on Trial Day in Trial Court	85.00
Forensic Hearing - Witnesses Waived	35.00
Hearing Held, One-half Day	50.00
Hearing Held, Full Day	135.00
Attendance in Court for Trial Per Day or Fraction Thereof -	
Capital Cases	250.00
Non-capital Cases	165.00
Attendance in Court for Sentence	65.00
Probation Violation and Extradition Hearing	65.00
<u>APPEALS</u>	
Non-frivolous Motion for New Trial Together With Memorandum of Law by Trial Counsel After a Jury or Non-jury trial	100.00
Transcript - Every 400 pages or major fraction thereof other than guilty plea cases	165.00
Guilty plea cases	100.00
Claim of Appeal, Brief and All Proceedings - Other than guilty plea cases	415.00
Guilty plea cases	315.00
Visit to Prison Facilities - Wayne County Facilities	65.00
Camp Pellston and all UP Facilities	350.00
All Others	165.00
Appeal to Higher Court for each one-half day spent in trial court	65.00
Appearance at Habeas Corpus	50.00

MISCELLANEOUS FEE SCHEDULE

Show-ups - Full Day Standby	185.00
Per Hour	50.00
Psychiatric Cases in which the Maximum Penalty is Life Imprisonment	
Interview and Written Evaluation	285.00
Attendance in Court	140.00
Other Experts - Interview and Written Evaluation	185.00
Attendance in Court	125.00
Interpreters - Per Day	115.00
Half Day	60.00

PATERNITY

Preparation	135.00
Non-trial Court Appearance	75.00
Trial per day	135.00

County Administrative
Order No. 1983-1
Schedule "D"

Effective December 1, 1984
for Services Rendered After Above Date

FEE SCHEDULE FOR ASSIGNED COUNSEL

Arraignment on Warrant	\$ 75.00
Pre-exam - Jail Visit (one only)	50.00
Office Visit	25.00
Preliminary Examination - Held or Waived	125.00
- Adjourned	75.00
First Post Exam Jail Visit	50.00
Second Post Exam Jail Visit	35.00
Capital Cases: No more than three visits	
Non-capital Cases: No more than two visits	
Investigation and Preparation of Cases for Trial or Plea in Trial Court	150.00
Written Motion with Brief and Oral Argument (Excepting standard discovery orders)	75.00
Calendar Conference and Arraignment on Information (For each appearance)	50.00
Final Conference (For each appearance as long as adjournment not by defense)	50.00
Walker Hearing - One-half Day or Less	75.00
Full Day and Each Day Thereafter	150.00
Evidentiary Hearing - One-half Day or Less	75.00
Full Day and Each Day Thereafter	150.00
Plea - Dismissal - "ROC" on Trial Day in Trial Court	100.00
Forensic Hearing - Witnesses Waived	50.00
Hearing Held, One-half Day	75.00
Hearing Held, Full Day	150.00
Attendance in Court for Trial Per Day or Fraction Thereof -	
Capital Cases	300.00
Non-capital Cases	200.00
Attendance in Court for Sentence	75.00
Probation Violation and Extradition Hearing	75.00
<u>APPEALS</u>	
Non-frivolous Motion for New Trial Together With Memorandum of Law by Trial Counsel After a Jury or Non-jury trial	125.00
Transcript - Every 400 pages or major fraction thereof other than guilty plea cases	200.00
Guilty plea cases	100.00
Claim of Appeal, Brief and All Proceedings - Other than guilty plea cases	500.00
Guilty plea cases	350.00
Visit to Prison Facilities - Wayne County Facilities	75.00
Camp Pellston and all UP Facilities	400.00
All Others	200.00
Appeal to Higher Court for each one-half day spent in trial court	75.00
Appearance at Habeas Corpus	50.00

MISCELLANEOUS FEE SCHEDULE

Show-ups - Full Day Standby	200.00
Per Hour	50.00
Psychiatric Cases in which the Maximum Penalty is Life Imprisonment	
Interview and Written Evaluation	300.00
Attendance in Court	150.00
Other Experts - Interview and Written Evaluation	200.00
Attendance in Court	150.00
Interpreters - Per Day	150.00
Half Day	75.00

PATERNITY

Preparation	150.00
Non-trial Court Appearance	75.00

TAB 11

FEE SCHEDULE FOR ASSIGNED COUNSEL

Arraignment on Warrant		\$ 75
Pre-exam -	Jail Visit (one only)	50
	Office Visit	25
Preliminary Examination - Held or Waived		125
	- Adjourned	75
First Post Exam Jail Visit		50
Second Post Exam Jail Visit		35
	Capital Cases: No more than two visits	
	Non-capital cases: No more than one visit	
Investigation and Preparation of Cases for Trial or Plea in Trial Court		150.
Written Motion with Brief and Oral Argument (Excepting standard discovery orders)		75.
Calendar Conference and Arraignment on Information (For each appearance)		50
Final Conference (For each appearance as long as adjournment not by defense)		50.
Walker Hearing -	One-half Day or Less	75.
	Full Day and Each Day Thereafter	150.
Evidentiary Hearing -	One-half Day or Less	75.
	Full Day and Each Day Thereafter	150.
Plea - Dismissal - "ROC" on Trial Day in Trial Court		150.
Forensic Hearing -	Witnesses Waived	50.
	Hearing Held, One-half Day	75.
	Hearing Held, Full Day	150.
Attendance in Court for Trial Per Day or Fraction Thereof		150.
Attendance in Court for Sentence		75.
Probation Violation and Extradition Hearing		75.
<u>APPEALS</u>		
Non-frivolous Motion for New Trial Together With Memorandum of Law by Trial Counsel After a Jury or Non-jury Trial		125.
Transcript -	Every 400 pages or major fraction thereof other than guilty plea cases	200.
	Guilty plea cases	100.
Claim of Appeal, Brief and All Proceedings - Other than guilty plea cases		500.
	Guilty plea cases	350.
Visit to Prison Facilities -	Wayne County Facilities	75.
	Camp Pellston and all UP Facilities	400.
	All Others	200.
Appeal to Higher Court for each one-half day spent in trial court		75.
Appearance at Habeas Corpus		50.
<u>MISCELLANEOUS FEE SCHEDULE</u>		
Show-ups -	Full Day Standby	200.
	Per Hour	50.
Psychiatric Cases in which the Maximum Penalty is Life Imprisonment		
	Interview and Written Evaluation	300.
	Attendance in Court	150.
Other Experts -	Interview and Written Evaluation	200.
	Attendance in Court	150.
Interpreters -	Per Day	150.
	Half Day	75.
<u>PATERNITY</u>		
Preparation		150.
Non-trial Court Appearance		75.
Trial per day		150.

TAB 12

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT AND THE
RECORDER'S COURT FOR THE CITY OF DETROIT

JOINT ADMINISTRATIVE ORDER
1988-2

IT IS ORDERED:

The attached fee Schedule G representing fees for assigned counsel is adopted for all vouchers submitted after July 1, 1988. Joint Administrative Order 1988-1 including Schedule F is set aside and replaced by this Order and Schedule G.

Counsel appointed for indigent defendants may make no expenditure, other than for subpoena fees, for which he or she expects reimbursement except upon prior approval and order of the trial judge on motion for good cause shown.

In any case in which more than one criminal offense is charged, payment shall be made for only the charge carrying the greatest potential term of imprisonment.

Counsel is required to consult with the defendant prior to the preliminary exam. Consequently, if the defendant is in jail counsel must attach to the fee voucher evidence of a jail visit; and if the defendant is not in jail, counsel must attach to the fee voucher an executed form available from the office of the Circuit Court Administrator or Recorder's Court Administrator verifying that counsel has met with the defendant prior to the preliminary exam. Failure to attach this document to the voucher will result in a \$75.00 deduction from the appropriate fixed fee.

In all cases, counsel may petition the Chief Judge for the payment of extraordinary fees. All petitions for extraordinary fees must include an analysis of all assigned cases for the previous one year.

DATED: June 27, 1988



RICHARD C. KAUFMAN
EXECUTIVE CHIEF JUDGE

SCHEDULE G - EFFECTIVE JULY 1, 1988
(For vouchers submitted on or after above date)

I. CRIMINAL CASES IN THE TRIAL COURT

<u>OFFENSE CATEGORY</u>	<u>FIXED FEE</u>
24 MONTH MAX	\$475
36 MONTH MAX	500
48 MONTH MAX	525
60 MONTH MAX	550
84 MONTH MAX - 7	575
120 MONTH MAX - 10	600
168 MONTH MAX - 14	625
180 MONTH MAX - 15	650
240 MONTH MAX - 20	675
LIFE (except MUR I & II)	750
MURDER II	1,000
MURDER 1	1,400

The fixed fee rates in the above table will be paid in all cases, except under those circumstances listed below.

EXCEPTIONS

1. Multiple Cases with Same Defendant:
 - 100% of fixed fee for case with most serious charge
 - 50% of fixed fee for each other case
2. Case Dismissed at Exam Due to Complainant's Failure to Appear: \$100.00
3. Case Where Capias Warrant is Issued:
 - Before preliminary exam - 10% of fixed fee
 - After exam - 20%
 - After AOI - 30%
 - After final conference - 40%
 - After disposition, before sentence - 90%
4. Attorney Replaced by Retained Counsel:
 - After preliminary exam - 20% of fixed fee
 - After AOI - 30%
 - After final conference - 40%
5. Diversion: \$100.00
 - Before preliminary exam
 - After exam - paid as disposition
6. Probation Violation or Extradition Hearing: \$75.00
7. Welfare Fraud:
 - Diversions - for a grouping of 25 defendants \$1,000.00
 - Pleas - for a grouping of 5 defendants \$1,000.00

II. ACTIVITY AT THE APPELLATE LEVEL

Non-frivolous Motion for New Trial Together with Memorandum of Law by Trial Counsel After a Jury or Non-jury Trial:	\$125.00
Transcript: Every 400 pages or major fraction thereof other than guilty plea cases	200.00
Guilty plea cases	100.00
Claim of Appeal Brief and All Proceedings: Other than guilty plea cases	500.00
Guilty plea cases	350.00
Visit to Prison Facilities:	
Wayne County facilities	75.00
Camp Pellston and all UP facilities	400.00
All others	200.00
Appeal to Higher Courts for Each One-half Day Spent in Trial Court:	75.00
Appearance at Habeas Corpus:	50.00

III. MISCELLANEOUS ACTIVITY

Show-ups: Full day standby	200.00
Per hour	50.00
Psychiatric Cases in Which the Maximum Penalty is Life Imprisonment:	
Interview and written evaluation	300.00
Attendance in court	150.00
Other Experts: Interview and written evaluation	200.00
Attendance in court	150.00
Interpreters: Per day	150.00
Half day	75.00

IV. PATERNITY CASE ACTIVITY

Preparation, Non-trial Court Appearance(s), Trials and All Other Trial Court Proceedings:	150.00
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V. SPOUSE ABUSE CASES

Preparation, Non-trial Court Appearance(s), Trials and All Other Trial Court Proceedings:	150.00
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TAB 13

WAYNE COUNTY CRIMINAL DEFENSE BAR ASSOCIATION
PROPOSED FEE SCHEDULE

Crime Class A, All Homicides and CSC 1 & 3

Event	Preparation Time	Event Time	Total Time	Hourly Rate	Proposed Fee	Current Fee
Preliminary Exam	3.0	3.5	6.5	100	650	250
AOL	0.0	2.0	2.0	100	200	100
Plea	2.0	0.0	2.0	100	200	260
Pre-Exam	0.0	2.0	2.0	100	200	50
Bond Hearing	0.0	1.0	1.0	100	100	0
Competency Hearing	0.0	1.0	1.0	100	100	0
Docket Conference	0.0	2.0	2.0	100	200	0
Investigation & Prep	0.0	0.0	0.0	100	0	270
Final Conference	0.0	2.5	2.5	100	250	100
Sentence	1.5	2.0	3.5	100	350	140
Calendar Conf.	0.0	1.0	1.0	100	100	80
Pre-Trial Conf	0.0	1.0	1.0	100	100	80
Motion (No Testimony)	3.0	2.0	5.0	100	500	140
Motion (With Testimony)	1.5	3.0	4.5	100	450	100
Motion (With Testimony/full day)	1.5	6.0	7.5	100	750	200
Jail Visits	0.0	1.0	1.0	100	100	50
Trial Preparation (Jury)	20.0	0.0	20.0	100	2000	0
Trial Preparation (Bench)	12.0	0.0	12.0	100	1200	0
Trial Full Day	2.0	7.0	9.0	100	900	420
Trial Half Day	2.0	4.0	6.0	100	600	210
Probation Violation:						
Plea and Sentence Same Appearance					100	
Plea and Sentence Separate Appearance					175	
				Current Fee	Proposed Fee	
Plea				1020	1400	
Half Day Bench Trial				1150	3350	
Three Day Jury Trial				2200	6250	

Crime Classes B, C, D, and any other offense requiring mandatory MDOC sentence

Event	Preparation Time	Event Time	Total Time	Hourly Rate	Proposed Fee	Current Fee
Preliminary Exam	2.0	3.5	5.5	85	468	180
AOL	0.0	2.0	2.0	85	170	80
Plea	2.0	0.0	2.0	85	170	210
Pre-Exam	0.0	2.0	2.0	85	170	50
Bond Hearing	0.0	1.0	1.0	85	85	0
Competency Hearing	0.0	1.0	1.0	85	85	0
Docket Conference	0.0	2.0	2.0	85	170	0
Investigation & Prep	0.0	0.0	0.0	85	0	210
Final Conference	0.0	2.5	2.5	85	213	80
Sentence	1.0	2.0	3.0	85	255	110
Calendar Conf.	0.0	1.0	1.0	85	85	60
Pre-Trial Conf	0.0	1.0	1.0	85	85	60
Motion (No Testimony)	2.5	2.0	4.5	85	383	110
Motion (With Testimony)	1.5	3.0	4.5	85	383	100
Motion (With Testimony/full day)	1.5	6.0	7.5	85	638	200
Jail Visits	0.0	1.0	1.0	85	85	50
Trial Preparation (Jury)	12.0	0.0	12.0	85	1020	0
Trial Preparation (Bench)	8.0	0.0	8.0	85	680	0
Trial Full Day	2.0	7.0	9.0	85	765	320
Trial Half Day	2.0	4.0	8.0	85	510	160
Probation Violation:						
Plea and Sentence Same Appearance					100	75
Plea and Sentence Separate Appearance					175	75
				Current Fee	Proposed Fee	
Plea				800	1063	
Half Day Bench Trial				880	2381	
Three Day Jury Trial				1690	4506	

Crime Classes E, F, G, H

Event	Preparation Time	Event Time	Total Time	Hourly Rate	Proposed Fee	Current Fee
Preliminary Exam	1.0	3.0	4.0	75	300	110
AOL	0.0	3.0	3.0	75	225	50
Plea	2.0	0.0	2.0	75	150	140
Pre-Exam	0.0	2.0	2.0	75	150	50
Bond Hearing	0.0	1.0	1.0	75	75	0
Competency Hearing	0.0	1.0	1.0	75	75	0
Docket Conference	0.0	2.0	2.0	75	150	0
Investigation & Prep	0.0	0.0	0.0	75	0	140
Final Conference	0.0	2.5	2.5	75	188	50
Sentence	0.5	2.0	2.5	75	188	70
Calendar Conf.	0.0	1.0	1.0	75	75	50
Pre-Trial Conf	0.0	1.0	1.0	75	75	50
Motion (No Testimony)	2.5	2.0	4.5	75	338	70
Motion (With Testimony)	1.5	3.0	4.5	75	338	80
Motion (With Testimony/full day)	1.5	6.0	7.5	75	563	160
Jail Visits	0.0	1.0	1.0	75	75	50
Trial Preparation (Jury)	8.0	0.0	8.0	75	600	0
Trial Preparation (Bench)	8.0	0.0	6.0	75	450	0
Trial Full Day	1.0	7.0	8.0	75	600	220
Trial Half Day	1.0	4.0	5.0	75	375	110
Probation Violation:						
Plea and Sentence Same Appearance					100	75
Plea and Sentence Separate Appearance					175	75
				Current Fee	Proposed Fee	
Plea				510	863	
Half Day Bench Trial				580	1801	
Three Day Jury Trial				1130	3378	