

State of Michigan		Local Administrative
Washtenaw County	FAMILY DIVISION JUVENILE	C22-2015-06J
Trial Court	ATTORNEY APPOINTMENT	P81—2015-06J
	PROCEDURE	

Effective Date: November 1, 2015

The purpose of this order is to establish the procedure for the appointment of attorneys to represent minors or parents in Family Division Juvenile proceedings

1) Selection Criteria and Procedure

The Washtenaw County Trial Court adopts the American Bar Association Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases found at http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentStds.authcheckdam.pdf and the American Bar Association Juvenile Justice Standards Relating to Counsel for Private Parties found at http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/JJ_Standards_Counsel_for_Private_Parties.authcheckdam.pdf

- a) Minimum standards/qualifications
 - i) To be eligible for appointment by the Court, attorneys must be licensed to practice law in Michigan and be a member in good standing of the Bar of Michigan. Eligible attorneys requesting to be placed on the list must submit a letter to the Court attesting to such standing, a copy of their liability insurance, a resume of educational and professional experience and a statement of why they want to practice in the juvenile court.
 - ii) Eligible attorneys requesting to be placed on the list must attend juvenile court specific training offered annually by the State Court Administrative Office of Michigan and provide proof to the Court of attendance and participation at said training. Proof of extensive practice in juvenile court or training equivalent to that offered by the SCAO may be substituted for SCAO juvenile court specific training, at the discretion of the Court. Attorneys shall complete 10 hours of on-going training every year after receiving the initial appointment. Proof of completion of on-going training shall be submitted to the Juvenile Court Administrator or designee. New attorneys must complete 10 hours of training prior to accepting appointments to be completed by attending 5 hours of child welfare specific training and attending 5 hours of child welfare court observation in Washtenaw County.
 - Specific topics that may satisfy this requirement include but are not limited to the following:
 - (a) Client Communication
 - (b) Substantive Law
 - (c) Trial skills
 - (d) Case service plan elements, including mental health evaluations, parenting time, drug testing, etc.
 - (e) Substance abuse

- (f) Domestic violence
 - (g) Indian Child Welfare Act (ICWA)/Michigan Indian Family Preservation Act
 - (h) Child development
 - (i) Roles of attorneys in child protective proceedings
 - (j) Court process
 - (k) Community resources
 - (l) Collateral proceedings including law involving education, custody, housing and public benefits
 - (m) Appellate practice skills
 - (n) Trauma training
 - (o) Special education and education issues
- b) Be attentive to client needs
 - c) Be on time and properly prepared for all hearings.
 - d) Refrain from the use of a substitute attorney except under emergency circumstances.

2) How performance will be reviewed

- a) Eligibility will be reviewed every three years from the date an attorney is added to the list. To remain on the list, attorneys must adhere to the ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases and the ABA Juvenile Justice Standards Relating to Counsel for Private Parties, as determined by the Court.

3) How attorneys can be removed from the list

- a) Attorneys, who do not maintain proper insurance coverage, meet the training requirements and/or the ABA standards, may be removed from the list at the discretion of the Court.
- b) Where a judge or referee determines that appointed counsel has not fulfilled any requirements as outlined in the attorney appointment LAO, the judge or referee shall note the performance concern and alert court administration.

4) The position or unit responsible for administration of the appointed counsel program

- a) The Court will individually approve attorneys for placement on the appointment list. The clerk's office will maintain the attorney appointment list. Attorneys will be added to the bottom of the list in the order in which they are approved for appointment.

5) Appointment Process

- a) How attorneys will be appointed to cases
 - i) Attorneys will be appointed in alphabetical order.
 - ii) In order to be appointed, the attorney or the representative must be able to commit by telephone to the date selected for the next court appearance. If the court is unable to contact the attorney or representative, or get a commitment for the date assigned by the court, the next attorney on the appointment list will be called.
 - iii) Clients will be given a copy of the Order appointing the attorney.
 - iv) The attorney is responsible for contacting the client prior to the next hearing.

6) Compensation Methods

- a) Appointed attorneys will be compensated in accordance with the fee schedule set forth below. Requests for extraordinary fees above the scheduled fees must be submitted to the Court in writing and supported by appropriate documentation.

- i) Delinquency Matters:
 - ii) \$400 flat fee through disposition
 - iii) \$75 per post-disposition review hearing (including probation violation hearings)

- b) Neglect/Abuse Matters:
 - i) \$700 through disposition and
 - ii) \$500 at either reunification or termination
 - iii) \$75 per post-termination review or similar hearing

- c) Substituted Attorney – NA matters
 - i) \$75 per hearing up to disposition
 - ii) \$500 at either reunification or termination

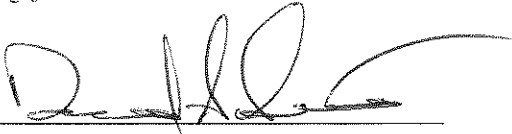
Attorneys must provide detailed billing, using SCAO form MC 221, Statement of Service and Order of Payment for Court-Appointed Representative, to be compensated for services.

7) Prior appointments

- a) All appointments made prior to the effective date of this order will remain in effect.

IT IS SO ORDERED.

Dated: OCT 20 2015



David S. Swartz Chief Judge
Washtenaw County Trial Court