



# District Court - 52nd Judicial District

COUNTY OF OAKLAND

2ND DIVISION  
5850 LORAC  
CLARKSTON, MICHIGAN 48346

HON. JOSEPH G. FABRIZIO  
DISTRICT JUDGE

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Administrative Order 2019 – 09

## PLAN FOR APPOINTING ARRAIGNMENT-ONLY ATTORNEYS TO REPRESENT DEFENDANTS IN CRIMINAL CASES IN THE 52<sup>ND</sup> DISTRICT COURTS

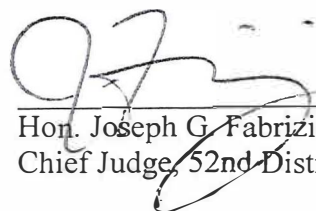
This administrative order is issued in accordance with Michigan Court Rules 6.005 and 8.123, the Michigan Indigent Defense Commission Act (MIDCA), MCL 780.981 *et seq.*, MIDC Standard 4 – Counsel at First Appearance, and US Const, Amend. VI and Const 1963, art. 1, §20. The purpose of this order is to set forth a procedure for the appointment of arraignment-only attorneys on all criminal cases, the judiciary’s responsibility to make indigency determinations, and the timing of indigency determinations in the 52<sup>nd</sup> District Courts.

The 52<sup>nd</sup> District Courts will be solely responsible for making determinations of whether criminal defendants are indigent. See MCR 6.005; MCL 780.991(3)(a) (“...nothing in this act shall prevent a court from making a determination of indigency for any purpose consistent with article VI of the state constitution of 1963.”); and *Oakland County v. State of Michigan, et al*, 325 Mich. App. 247, 263, 269-270.

To comply with MIDC Standard 4, criminal defendants in the 52<sup>nd</sup> District Courts will be provided arraignment-only attorneys for the limited purposes of representation at the arraignment on the complaint and warrant regardless of indigency status upon consenting to the representation on the 52<sup>nd</sup> District Court Arraignment-Only Attorney Consent Form. See Attachment A. Following the arraignment, the 52<sup>nd</sup> District Courts shall make indigency determinations and shall make the appointment of counsel on all subsequent critical stage proceedings for those criminal defendants determined to be indigent. MCR 6.005.

Upon approval by the State Court Administrative Office, this administrative order shall be effective on October 1, 2019.

Date: 9/11/19

  
Hon. Joseph G. Fabrizio  
Chief Judge, 52nd District

Defendant Name \_\_\_\_\_

Case Number \_\_\_\_\_

52<sup>nd</sup> District Court  
ARRAIGNMENT-ONLY ATTORNEY CONSENT FORM

I, \_\_\_\_\_, understand and voluntarily agree to the following:

1. I understand that I have the right to be represented by an arraignment-only attorney during my arraignment and any related proceedings today.
  2. I understand that the arraignment-only attorney will only represent me at the arraignment and any related proceedings today and will not represent me at any future proceedings.
  3. I understand that I have the right to be represented at all future proceedings.
  4. I understand that in order to have a court appointed attorney present at all future proceedings, I must fully complete and submit the Request for Appointed Attorney form to the Court.
  5. I understand that the Court will determine whether I qualify for a court appointed attorney at all future proceedings. I understand that I may be ordered to reimburse the Court for the cost of the court appointed attorneys as part of my sentence.
- I have read, understand and agree to all of the terms of this Arraignment-Only Attorney Consent form and **consent** to be represented by the arraignment-only attorney.
- I have read, understand and agree to all of the terms of this Arraignment-Only Attorney Consent form and **do not consent** to be represented by the arraignment-only attorney, and thereby **wave my right to be represented** by an attorney at my arraignment.

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Arraignment-Only Attorney Signature

\_\_\_\_\_  
Date