

# Appointment of Counsel for Indigent Parties

by *Lisa Langton*  
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As required by the Supreme Court, the Oakland County Probate Court submitted the administrative order for appointment of counsel for indigent parties. The order sets forth the plan for selecting, appointing, compensating and monitoring the performance of attorneys who are appointed by the Oakland County Probate Court to represent indigent respondents in commitment matters and any guardianship matter (legally incapacitated individual or developmentally disabled person) in which an attorney advocate is required by statute or court rule. The plan also sets forth the procedure for the maintenance of records of appointments and compensation. Oakland County Probate Court Administrative Order 2004-03 has now been approved by the State Court Administrative Office.

As required by the plan, attorneys seeking appointment must be familiar with all relevant mental health and EPIC provisions and court rules. Attorneys are also required to submit an application to the court for review. In September 2004, a notice was posted for attorneys interested in representing either the mentally ill on petitions for hospitalization, or legally incapacitated individuals or individuals with developmental disabilities on petitions for guardianship. Those applications were and are available at my office or at Nicole Bennett's office. (For those of you who may not know Nicole Bennett, she is our new Attorney Appointment Specialist who will be making all of these appointments for our offices. Her office is located on the ground floor near the Juvenile Intake area).

The deadline for filing the initial applications was November 5, 2004. A list was compiled and, pursuant to the plan, a committee met in December 2004 to review the applications. Letters of acceptance to the attorneys who submitted applications have now been sent out.

For your information, the committee reviewing applications will meet on a quarterly basis to review and consider

new applications of attorneys seeking appointments, to investigate and review concerns raised with performance, and to prepare an updated list. Any attorneys seeking to become eligible to receive these types of appointments should obtain an application from my office or Ms. Bennett's office.

With respect to the actual appointment process, all appointments are made on a strictly rotational basis. To initiate the process, an introductory list was prepared by Nicole Bennett in the order in which the applications were received by our office. When requests are made for appointment of attorneys, Nicole Bennett will call your office (or the contact telephone number provided on your application) and if you do not accept the appointment at the time of the initial telephone contact, your name will be skipped until the next appointment is requested. If you are not in your office at the time, Ms. Bennett will leave a message for you with details, including the type of hearing and the date and time of the hearing. Due to the immediacy of appointments on mental health matters, Ms. Bennett will give the attorneys approximately 30 to 45 minutes to return her call. If the call is not returned within that time, she will call the next name on the list. If she receives rejection from you or your office three times, your name will be put to the bottom of the rotation list. If you fail to call Ms. Bennett back that day, she will give you two additional opportunities to take court appointments before your name will be put to the bottom of the rotation list.

As with past practice, we continue to attempt to appoint each attorney on up to three cases on mental health matters, if possible.

Once you have received confirmation from Ms. Bennett of your appointment, please remember to have your packet picked up at the Mental Health office (Ms. Bennett will not have these packets available at her desk). Further,

please be advised that the attorney must personally appear at all hearings except as approved by the judge.

Compensation for counsel for indigent parties continues to be made according to our Oakland County Attorney Fee Schedule. Vouchers for payments can be obtained on our Web site or with Debbie Thompson in the Business Division, phone 248-858-0255.

All records on appointments of attorneys so maintained will be made available to the public upon request. Our Business Division maintains these records and if you have any concerns or questions with request to attorney appointment records, please contact the Business Division at 248-858-0255.

If you have any questions or concerns with respect to your eligibility to receive appointments, please do not

hesitate to contact my office to confirm your status. Further, although there is no mandatory training for receiving appointments in mental health matters, the Oakland County Probate Court strongly encourages people seeking appointments to take training from the Oakland County Bar Association or other providers. If you have received additional training subsequent to the filing of your application, you can always send correspondence directed to me or to Nicole Bennett and we will add this to your application and file information.

A copy of Administrative Order #2004-03 entitled "Plan for Appointment of Counsel for Indigent Parties" can be obtained through my office upon request.

We continue to look forward to working with you on these matters. Stay tuned!



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