Order

Michigan Supreme Court
Lansing, Michigan

May 18, 2005

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

ADM File No. 2001-10

Proposed Amendment of
Rule 8.123 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 8.123 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposals or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing. The notices and agendas for public hearings are posted on the Court's website at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 8.123 Counsel Appointments; Procedure and Records

(A)-(C) [Unchanged.]

(D) Required Records. At the end of each calendar year, a trial court must compile an annual ~~written or~~ electronic report of~~:~~

~~(1) the number of appointments given to each attorney by that court;~~

~~(2) the number of appointments given to each attorney by each judge of that court;~~

~~(3)~~ the total public funds paid to each attorney for appointments by that court~~; and~~

~~(4) the total public funds paid to each attorney for appointments by each judge of that court~~.

This subsection applies to appointments of attorneys in any capacity, regardless of the indigency status of the represented party. Trial courts that contract for services to be provided by an affiliated group of attorneys may treat the group as a single entity when compiling the required records~~ of appointments and compensation~~.

The records required by this subrule must be retained for the period specified by the State Court Administrative Office's General Schedule 16.

(E) [Unchanged.]

(F) Reports to State Court Administrator. A trial court must submit its annual electronic report to the State Court Administrator in the form specified by the State Court Administrator. When requested by the State Court Administrator, a trial court must cooperate in providing~~:~~

~~(1) provide a copy of its most recent annual report; and~~

~~(2)~~ ~~provide~~ additional data on an individual attorney, ~~or~~ judge, or attorney group for a period specified by the request, including the number of appointments by each judge, the number of appointments received by an individual attorney or attorney group, and the public funds paid for appointments by each judge.

Staff Comment: The proposed amendments of MCR 8.123 would broaden the rule's reporting requirements to cover court appointments of attorneys in all capacities, regardless of the indigency status of the represented party, while also simplifying the reporting requirements for trial courts. The amendments further would require trial courts to electronically submit their annual reports of counsel appointments to the State Court Administrative Office, in addition to continuing to maintain them for public inspection at the courts. Trial courts also would be required to cooperate with the State Court Administrator by providing additional data on appointments to individual attorneys or attorney groups, and on appointments by an individual judge, without having to include this data in their annual reports.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by September 1, 2005, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2001-10. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 18, 2005

Deputy Clerk