

37th Judicial Circuit of Michigan
Procedure Directive

RE: Indigent Criminal Case Defense; Attorney Fee Reimbursement; District Court Order

Background: The District Court, at the time of appointment of counsel at public expense in felony criminal cases, generally orders that the defendant contribute to the cost of providing legal assistance by reimbursing the county. While the case is pending at the District Court level, payments are made through the District Court Clerk. If the case is bound over to Circuit Court, the bind over information supplied by the District Court to the Circuit Court Clerk includes the amount of the obligation ordered and the amount of any payments to date. After bind over payments must be made to the Circuit Court Clerk and are applied to the account. If the case results in the defendant being convicted, the court may assess financial sanctions including reimbursement of court appointed attorney fees. In determining the amount of such a sanction, the court considers any payments voluntarily paid to the date of conviction plus the factors included in the local policy on Non-restitution financial sanctions assessment.

Procedure:

1. At the time of bind over, the District Court will advise the defendant that payments toward the court appointed counsel reimbursement will need to be made to the Circuit Court Clerk's Office rather than the District Court.
2. At the time the defendant first makes a payment in Circuit Court, the Circuit Court Clerk will enter the balance due on any District court ordered attorney fee reimbursement in a felony case, taking into account any payments made to the District Court Clerk,
3. If the case is dismissed by the Circuit Court, the balance due on any court ordered attorney fee collection is no longer payable to the Court and the Clerk shall adjust the account accordingly.
4. If the case results in conviction, court ordered attorney fees reimbursement shall be processed in accordance with the court policy on Non-restitution Financial Sanction Assessments.
5. The Circuit Court Clerk may make adjustments as needed to conform the accounts of prior cases to this procedure.
6. This directive is effective immediately.

Dated: October 6, 2009



ALLEN L. GARBRECHT, Chief Circuit Judge

C: Circuit Judges
Court Administrators
Circuit Court Clerk
Circuit Court Probation