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Subject: Indigent Counsel Minimum Standards

In addition to the minimum standards for counsel representing indigent clients, there should be a "minimum standard" for states, counties and municipalities that pay attorneys to represent such clients. Currently, there is no standard fee or rate schedule for attorneys willing to take indigent assignments throughout this State. The rates paid vary widely from region to region, county to county, and for the most part, represent fees that do not usually provide adequate compensation for the amount of time and effort expended by the attorney. While it is understood that that counties across the State generally maintain that funds for indigent defense are obtained through income and property tax revenues assessed their residents, and those revenues have decreased due to recent economic downturns, indigent defense is a GUARANTEED RIGHT under the U.S. AND Michigan Constitutions. For the State to provide competent indigent counsel, there has to be a pool of such counsel available to choose from - and those counsel have to be comfortable with the compensation being offered to do such work! As an attorney who has taken on indigent defense for several counties in the past, the saying that "you get what you pay for" definitely has application to the profession concerning indigent defense! Unfortunately, if an attorney can't make a decent living for themselves doing indigent defense, they will be forced to look elsewhere to make their living, despite any passion they may feel for the work! Many good attorneys have stopped taking indigent case assignments because they were unable to make a decent living doing so. A good case in point - Wayne County Probate Court used to pay well for attorneys to perform annual Adult Guardianship Reviews, and now, after a succession of rate cuts over the past 5-6 years, the County no longer pays for such reviews and tells the few attorneys still willing and able to travel allover the tri-County metropolitan area to perform reviews that they must obtain their own compensation whenever possible by billing the ward's estate!! The consequences of such a policy can only spell eminent disaster for numerous wards throughout the State, as there will naturally be little to no oversight from the Court as to the appropriateness of the guardian, the status of the ward, etc. The "logical" outcome would be that, unless the attorney is going to be able to be compensated for efforts, very little effort is going to be expended. If such policies "have to exist" for this Probate Court due to budgetary concerns, what safeguards are there to prevent such policies from being implemented, even if on a limited basis due to Constitutional constraints, in other areas of law and other counties? How would you be able to even get qualified attorneys to "sign up" to do this work with such bleak prospects for compensation?

The only solution I see is to implement some type of State-wide rate standard that will adequately compensate attorneys for their efforts AND allow them to make a decent living/pay their student loans while doing so.

Just adding my "two-cents" worth,

Judith Caldwell