



## Legislation Text

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**File #:** 08-0568, **Version:** 1

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Resolution to Approve a Professional Legal Services Agreement with Model Cities Legal Services, Inc. to Provide Legal Representation as Court-Appointed Counsel to Indigent Defendants (\$210,000.00)

The 15th Judicial District Court is required by law to appoint attorneys to represent indigent defendants when potential sanctions (including sanctions for violations of court orders) upon conviction may include incarceration.

Model Cities Legal Services, Inc. currently provides these services at a rate that is less than the prevailing local rate for criminal defense counsel services and has provided these services to the Court for several years.

The Court requests that the Ann Arbor City Council approve a professional legal services agreement with Model Cities Legal Services, Inc. to provide legal representation to indigent persons charged with misdemeanor offenses in the 15th Judicial District Court.

The Court has budgeted funds for this purpose in the amount of Two Hundred Ten Thousand Dollars (\$210,000). However, current projections based on increasing services needs attributable to the Court's Domestic Violence Court, Street Outreach Court and Sobriety Court dockets may require additional funds be approved by budget transfer during the term of the contract to meet the City's statutory obligation to provide court-appointed representation. Should this be necessary an amendment to the contract to cover these additional services will be presented to Council at a future date.

Human Rights and Living Wage approval was received on May 22, 2008.

Prepared by: Keith Zeisloft, Court Administrator, 15th Judicial District Court

Approved by: Roger Fraser, City Administrator

Whereas, Persons charged with misdemeanor violations for which incarceration may be imposed are entitled to legal representation;

Whereas, Persons who are determined by the 15th Judicial District Court to be indigent have the right to have counsel appointed by the Court to represent them at public expense;

Whereas, The City of Ann Arbor is obligated by law to fund 15th Judicial District Court operations;

Whereas, Funds for Court-appointed counsel for indigent persons have been approved in the 15th Judicial District Court's FY 2008 - 2009 Budget in the amount of \$210,000.00;

Whereas, Pursuant to Michigan Court Rule 8.110(C), the Chief Judge is the chief administrative official in the District Court and is responsible for oversight of the appointment of counsel for indigent defendants;

Whereas, The 15th Judicial District Court frequently appoints Model Cities Legal Services, Inc. attorneys to represent indigent defendants based on their proven abilities, demonstrated knowledge and sensitivity in performing this work;

Whereas, The cost for Court-appointed legal representation by Model Cities Legal Services, Inc. is less than the prevailing rate for private legal representation in such matters; and

Whereas, Living Wage and Human Rights approval was granted by the City Human Resources Department on, May 22, 2008;

RESOLVED, That City Council approve a professional legal services agreement with Model Cities Legal Services, Inc. to provide Court-appointed counsel for indigent defendants appearing in the 15th Judicial District Court, in an amount not to exceed \$210,000.00 for FY 2008 - 2009, and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.