



## Legislation Text

---

**File #:** 13-0641, **Version:** 1

---

Resolution to Approve a Professional Legal Services Agreement with Nassif and Reiser P.L.L.C., D/B/A Model Cities Legal Services to Provide Legal Representation as Court-Appointed Counsel to Indigent Defendants (\$240,000.00)

The 15<sup>th</sup> 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.

Nassif and Reiser, P.L.L.C. (f/k/a Funkhouser and Nassif, P.L.L.C.), d/b/a Model Cities Legal Services ("MCLS"), 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 many years.

The Court requests that the Ann Arbor City Council approve a professional legal services agreement with MCLS to provide legal representation in the 15<sup>th</sup> Judicial District Court to indigent persons charged with misdemeanor offenses which on conviction may include incarceration. The proposed agreement provides for payment to MCLS for legal representation in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) for FY 2014. This is a flat fee contract for services.

The Court has budgeted funds for this purpose in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00).

Human Rights and Living Wage approval was received on May 15, 2013.

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

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

Approved by: Steven D. Powers, 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 15<sup>th</sup> Judicial District Court to be indigent have the right to have counsel appointed by the Court to represent them at public expense if they are charged with misdemeanor violations for which incarceration may be imposed;

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 2014 Budget in the amount of \$240,000.00;

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, Model Cities Legal Services, Inc. currently provides legal representation to indigent

defendant in 15th Judicial District Court, by court appointment, at rates that are less than the prevailing rate for private legal representation in such matters;

Whereas, Model Cities Legal Services, Inc. has demonstrated their proven abilities, demonstrated knowledge and sensitivity in performing this work; and

Whereas, Model Cities Legal Services, Inc. received Human Rights approval on May 15, 2013 and complies with Living Wage ordinance;

RESOLVED, That City Council approve a professional legal services agreement with Nassif and Reiser, P.L.L.C. (f/k/a Funkhouser and Nassif, P.L.L.C.), d/b/a Model Cities Legal Services in an amount not to exceed \$240,000.00 for FY 2014, to provide Court-appointed counsel for indigent defendants appearing in the 15<sup>th</sup> Judicial District Court on misdemeanors when potential sanctions upon conviction may include incarceration, and

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