

# MACERONI & MACERONI, PLLC

Patricia A. Maceroni

James M. Maceroni

Attorneys and Counselors at law  
48 North Walnut  
Mt. Clemens, Michigan 48043-5620

Telephone: (586) 463-8530  
Facsimile: (586) 783-1855



July 20, 2006

Mr. Tom Harp  
MAACS Administrator  
1375 South Washington Avenue, Suite 300  
Lansing, MI 48913

Dear Mr. Harp:

Thank you very much for the notification of my retention on the Lapeer and St. Clair County MAACS rosters. I appreciate your kind words and have given much thought to moving up to Level 3. I have several trials scheduled within the upcoming months. Once those have been concluded, I will decide as to whether or not to apply to the higher level.

I feel compelled to write as to why I did not reapply for continued placement in the Macomb County Circuit Court, as my office is in Mt. Clemens. Quite simply, I could not justify representing clients for the hourly rate of \$25.00. In the sixteen years that I have been on the MAACS roster, that amount has not increased. On at least one occasion the matter was presented to the county commissioners and the increase was not approved. As discussed at the recent CDAM conference, the fee schedule for indigent defense is appalling. I cannot in good conscience continue to render legal services for that rate given the complexity of the issues.

As you know, an attorney does not accept criminal appointments expecting to get paid commensurate with their retained clients. In accepting court assignments, however, we should not be expected to represent those clients at a financial loss. In fact, the Rules of Professional Conduct recognize that "a lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as ...(b) representing the client is likely to result in an unreasonable financial burden on the lawyer." MRPC 6.2

Further, Michigan statute MCL 775.16 provides that a reasonable fee must be paid in court appointed cases. Felony appeals are time consuming representations, with the appellate attorney required to track down discovery and information not contained in the circuit court file. Additionally, the MAACS standards state that at least one person to person visit be conducted-many of my recent clients were housed in Baraga in the western part of the Upper Peninsula. I

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simply can no longer pretend that the \$25.00 fee is reasonable or ethical given the professional standards and responsibilities appellate representation requires.

Again, thank you for your kind words concerning the quality of my work. I certainly appreciate your time and attention to this matter.

Sincerely,

Patricia A. Maceroni

cc:

Paula Verticchio Head of Macomb County Judicial Aide  
Hon. Antonio Viviano, Chief Judge Macomb County Circuit Court  
Jacob Femminineo, Jr., President of the Macomb Bar Association  
Nancy M. White, Macomb County Board of Commissioners  
Linda Rexer, State Bar of Michigan Committee on Justice Initiative  
Valerie Newman, co-chair of the State Bar of Michigan's Criminal Justice Committee  
Dawn Van Hoek, State Appellate Defenders Office  
Frank Eaman, co-chair of CDAM's Task Force on Indigent Fees