

**STATE OF MICHIGAN
IN THE SUPREME COURT**

WAYNE COUNTY CRIMINAL DEFENSE)	
BAR ASSOCIATION, and)	
THE CRIMINAL DEFENSE ATTORNEYS)	
OF MICHIGAN.)	
)	
Plaintiffs,)	
)	Case No. _____
v.)	
)	
THE CHIEF JUDGES OF WAYNE)	
COUNTY CIRCUIT COURT,)	
)	
Defendant.)	
)	

AFFIDAVIT OF MATTHEW EVANS

I, Matthew Evans, being first duly sworn, hereby depose and say as follows:

1. I am the President of the Wayne County Criminal Defense Bar Association (“WCCDBA”). I submit this affidavit on behalf of the complaint of WCCDBA and the Criminal Defense Attorneys of Michigan (“CDAM”) for writ of superintending control over the Wayne County Circuit Court.

2. For the past 20 years, payments by Wayne County to attorneys appointed to defend indigents accused of felonies have been woefully insufficient. Throughout that time period, WCCBDA, CDAM, and others have fought to place Wayne County’s system in line with national norms and Michigan law, which requires such payments to be reasonable. Periodically, WCCBDA, CDAM and others have been forced to file lawsuits to alleviate these problems.

3. On June 25, 2001, the then-Chief Judge of the Wayne County Circuit Court entered an Administrative Order unilaterally reducing all fees paid appointed counsel by

10%, across-the-board. This reduction -- made solely for budget purposes -- exacerbated an already unbearable situation for appointed counsel and the clients they represent.

4. WCCBDA and others immediately attempted to negotiate with then-Chief Judge of Wayne County Circuit Court, the Wayne County Commission, and others, to raise fees and become compliant with the requirements of Michigan law. WCCBDA, CDAM and others retained counsel to advise them on the propriety of filing a lawsuit to fulfill the legislative mandate. A complaint was prepared and presented to the new Chief Judges in May 2002, who requested that we negotiate to see if a solution could be reached absent litigation.

5. In May of 2002, myself (on behalf of WCCBDA) and others began a series of meetings with the Chief Judges of Wayne County Circuit Court, Mary Beth Kelly and Timothy Kenny, concerning the problems with the current fee schedule. These meetings continued through September of 2002.

6. During those negotiations, I surveyed a number of lawyers who routinely take appointments to defend indigents accused of crimes. I discussed with them the difficulty of performing a number of tasks we must perform as diligent defense attorneys. We also discussed the length of time each event usually takes to complete. Based upon those discussions, I put together a concrete proposal for a new fee schedule which provides reasonable compensation for services performed. This proposal (the "WCCBDA Proposal"), which was presented to the Chief Judges, is attached to this Affidavit as Exhibit A.

7. On August 23, 2002, I attended a meeting of the Wayne County Commission Committee on Ways & Means. Also attending that meeting was counsel for WCCBDA and CDAM, as well as Chief Judge Kelly. Chief Judge Kelly presented the WCCBDA Proposal (Exhibit A) to the Committee and described how, due to the present

schedule's unreasonableness, something needed to be done to raise indigent attorney's fees.

Chief Judge Kelly stated specifically at that hearing that the WCCBDA Proposal (Exhibit A) was not unreasonable and that the Commission should provide her with the funding to implement it.

8. No action has been taken by the Court to implement the WCCBDA Proposal. Accordingly, WCCBDA and CDAM have been left with no alternative but to file the present suit.

Sworn to before me

this _____ day of November, 2002

Notary Public

Matthew Evans

My Commission Ends: