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# Criminal Assignments: How to Sign Up

By *William L. Cataldo*

Amy J. Bowen-Krane gave a presentation at the ICLE Solo/Small Firm Seminar (co-sponsored by the General Practice Section) on why you shouldn't be afraid to add criminal defense work to your general practice. The seminar was a rousing success. So was her speech. If you have a chance, find a copy of the handout I wrote detailing all of the necessary information.

It appears the question asked most often was how to build a misdemeanor practice. There is no easy answer. It is the same as asking how to establish a general practice. Fortunately, misdemeanors are criminal cases, and most of the individuals charged are indigent (without funds to hire private counsel). In civil law, the only recourse poor people have is either to represent themselves or seek free legal aid from a narrowing list of agencies (yet another victim of state legislators not understanding the value of adequate legal representation for the indigent).

In criminal law, both the Michigan and federal constitutions provide attorneys for poor people charged with criminal offenses. Recent rule changes allow courts to save money by restricting access to legal representation (meaning the courts don't have to appoint an attorney) if the person is not going to be sentenced to jail. Luckily for attorneys, this usually applies to first offenders. I also give most district court judges credit. Almost all individuals charged with drinking and driving and domestic violence offenses are appointed counsel to litigate the important issues even when most of these first offenders do not go to jail (except one specific Oakland County court).

Misdemeanor court appointments are available to all qualified attorneys. The easiest way to learn how to handle criminal cases and defend misdemeanors is to make contact with your local district court and inquire how to get on the court appointment list. Not just your own local court, but a number of them in your area offer these lists. Some courts appoint each person an attorney and some courts appoint a single attorney to handle all of the cases on a single docket. The pay varies from court to court.

Is it that easy to get on an appointment list? Not always. Most systems are designed to give all attorneys an equal chance to receive appointments. Some courts handle them on a rotational basis through the court administrator, and in others the judges do the appointing directly. Either way, you must get to know the judges. This can be done in a variety of ways.

The best way, even though I am criticized every time I say it publicly, is to get to know the judges. Work with them on their campaigns, a pet project, or on some charitable functions. The secret, the key if you will, is to get to know them personally. Once a judge knows you and is confident in your ability to handle responsibilities, it will be easier to get approval to be on their court-appointed list. It is all about face value. You have to work harder and work longer. You have to go out of your way to take an interest in these cases and the individual court to get ahead. This is not a socialist system. You can not (and should not) think just because you're now interested in misdemeanor appointed work that you can make a single inquiry and be an equal to attorneys who have spent years defending these cases.

It is hard work. You earn the right to be an equal. No one is going to hand you cases. These cases are money. They are also important to the people you represent. Working hard in all aspects will make you a better criminal lawyer. There are a lot of persons who do appointments who specialize in criminal law. You will be competing against them. In district court, you have a fair shot if you attend the right training seminars and simply work harder than everybody around you. If you are not willing to put forth this effort, then maybe you need to stay with civil work. Judges know when attorneys are just going through the motions or making bad decisions. No judge wants a case they appoint an attorney on to be reversed for ineffective counsel.

Let's also set the record straight on whether you are removed from an appointment list for not pleading your clients. You are not. I have been appointed counsel on hundreds of cases from misdemeanors to murder. Criminal attorneys are appointed be-

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cause they can handle the case, not just because they are friends with the judge. Being familiar with the judge gets you the case; that's all. There has never been any pressure in any case I was appointed on or any case I knew an attorney to be appointed to in the tri-county area of Detroit who was removed from a list for not pleading a case. Do your job. Do it correctly. Take pride in your defense. These are the traits judges appreciate and get you reappointed to more and harder cases.

Get involved in bar functions. Meet the judges, meet other attorneys, and get to know some of the criminal attorneys. Volunteer to sit second chair in their trials. You will find we are a friendly lot. Most experienced criminal attorneys love to teach trial skills. We love having younger or inexperienced attorneys act as co-counsel during trials for experience and company. Of all of the groups of attorneys I have interacted with, criminal practitioners are the most giving of themselves and their time.

Don't be shy. Take advantage of us. We love it. We will also introduce you to judges we know and put in a good word.

Let all of your friends and clients know you will represent them on traffic tickets. When you do, let them know you handle misdemeanor matters as well. It is easy to have good outcomes with traffic tickets. This will build your clients' confidence in you and, if they or a friend get into trouble, you will be the first person they think of.

Get to know civil lawyers. Many of them do not want to soil their hands with criminal work. Set them up to be referral sources. When their client returns to them and gives you high ratings, you will continue to receive referrals.

I wish I could wave a magic wand or point out an easy way to get these cases. The information here is a primer. Hard work and some luck goes a long way. Good luck!!!