

STATE OF MINNESOTA

IN SUPREME COURT

ADM-09-8004

OFFICE OF  
APPELLATE COURTS

SEP 14 2009

FILED

**ORDER ESTABLISHING SPECIAL RULES  
FOR APPOINTMENT AND COMPENSATION  
OF COUNSEL IN ISOLATION AND  
QUARANTINE CASES**

The State Court Administrator's Office filed a report on May 18, 2009, recommending Special Rules for Appointment and Compensation of Counsel in Isolation and Quarantine Cases. This Court invited written comments on the proposed rules. The comment period has now expired.

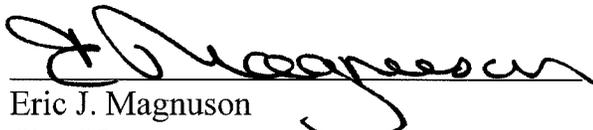
The court has reviewed the report and is advised in the premises.

IT IS HEREBY ORDERED that the Special Rules for Appointment and Compensation of Counsel in Isolation and Quarantine Cases are prescribed and promulgated to be effective this date.

IT IS FURTHER ORDERED that court-appointed panel lawyers shall be compensated at an hourly rate of one hundred fifty dollars (\$150) an hour, with total fees and expenses not to exceed five thousand dollars (\$5,000) for each appointment without prior written approval of the chief judge.

Dated: September 14, 2009

BY THE COURT:

  
Eric J. Magnuson  
Chief Justice

**SPECIAL RULES  
FOR APPOINTMENT AND COMPENSATION OF COUNSEL  
IN ISOLATION AND QUARANTINE CASES**

**RULE 1 – GENERAL**

- (a) Scope. These special rules shall apply in proceedings under Minn. Stat. §§ 144.419-.4196.
- (b) Definition. For purposes of these rules, a “Respondent” is a person subject to isolation or quarantine under Minn. Stat. §§ 144.419-.4196.
- (c) Citation. These special rules may be cited as the Isolation and Quarantine Rules.

**RULE 2 – APPOINTMENT AND COMPENSATION OF COUNSEL**

- (a) Appointment. The court shall appoint counsel upon request of a Respondent in any district court proceedings under Minn. Stat. § 144.4195, subd. 3 or 4. The court shall appoint counsel for purposes of an appeal of an order under Minn. Stat. § 144.4195, subd. 3 or 4 only after making the required indigency determination under Rule 4(a). The court may appoint one attorney to represent a group of Respondents if the court determines the group of Respondents is similarly situated. When appointing an attorney to represent a Respondent, or a group of similarly situated Respondents, the court shall first attempt to appoint an attorney from the Isolation and Quarantine Defense Panel; if no attorneys on the Panel are available, the court shall appoint an otherwise qualified attorney.
- (b) Compensation. Court-appointed counsel shall submit timely invoices to the court administrator in the county of venue reflecting the hours worked and all reasonably necessary expenses incurred in preparation of a defense. The hourly compensation rate and expense reimbursement limit shall be as established by the Supreme Court under Rule 3(b). Invoices approved by the court administrator shall be forwarded to the State

Court Administrator, who shall forward the invoices to the Department of Health for payment under Minn. Stat. § 144.4195, subd. 5(b).

(c) Private Counsel. A Respondent may retain private counsel at the Respondent's expense. If private counsel is retained, the court shall discharge any court-appointed counsel. Where one or more Respondents belonging to a similarly situated group represented by one court-appointed attorney retain private counsel, this does not affect the right of the other Respondents in the group to court-appointed counsel.

(d) Withdrawal. Under Minn. Stat. § 144.4195, subd. 5(b), upon request the court shall allow court-appointed counsel to withdraw from representing a Respondent on appeal if, in the opinion of counsel, there is insufficient basis for proceeding. Withdrawal of any counsel for any other reason shall be governed by Minn. R. Gen. Pract. 105 and Minn. R. Prof. Cond. 1.16.

### **RULE 3 – ISOLATION AND QUARANTINE DEFENSE PANEL**

(a) Recruitment and Training. Every three years, the State Court Administrator's Office shall recruit a panel of attorneys, verify their qualifications, and train the attorneys to serve as court-appointed counsel in isolation and quarantine cases.

(b) Appointment Order. At the request of the State Court Administrator, the Supreme Court by an Order shall appoint these qualified and trained attorneys to the Isolation and Quarantine Defense Panel for three-year terms, and establish the hourly compensation rate and expense reimbursement limit.

### **RULE 4 – DETERMINATION OF INDIGENCY FOR APPEAL**

(a) Indigency Standard. The court shall appoint counsel for purposes of appeal of an order under Minn. Stat. § 144.4195, subd. 3 or 4 only if the Respondent has requested and the court has allowed proceeding in forma pauperis under Minn. Stat. § 563.01.