



Wayne County Indigent Defense Services Department

Defender Support Unit Managing Conflicts Policy

1. Purpose

To establish clear and uniform policies for attorneys, social workers, and other defense-based advocates to prevent and manage potential legal conflicts when Defender Support Unit services are requested.

2. General Provisions

- a. The Wayne County Indigent Defense Services Department (IDSD) established the Defender Support Unit (DSU) to make social work services available to managed assigned counsel (MAC) attorneys and their clients.
- b. DSU social workers, also known as advocates, are employed by IDSD and work in collaboration with appointed counsel on criminal defense cases. As such, they hold themselves out to be members of the criminal defense team.
- c. As members of the criminal defense team, social workers and other defense-based advocates must check for situations that may present a conflict of interest as defined by the Michigan Rules of Professional Conduct.

3. Policies

- a. When requesting services from the DSU, the attorney must indicate whether there are any co-defendants in the current case. If so, the attorney must list the first and last name of all co-defendants on the DSU request form.
- b. When reviewing the submitted request, the lead advocate of the DSU will conduct a conflict search on the client's name and all co-defendants' names by referencing the names of clients and co-defendant names already contained within the DSU's case management system. Examples of conflicts that will preclude the DSU from accepting a case include, but are not limited to:
 - i. Attorney submits a DSU request for Client A, who has no co-defendants listed on the current case. However, the Lead Advocate completes a conflict search and learns that Client A is listed as a co-defendant on another case with Client B. Since Client B's case has already been assigned to the DSU team for services, the DSU cannot provide services to Client A.
 - ii. Attorney submits a DSU request for Client A, and lists Client B as a co-defendant. Lead Advocate completes a conflict search and learns that Client B is already receiving services from the DSU on an unrelated case. Since Client B's case has already been assigned to the DSU team for services, the DSU cannot provide services to Client A.
- c. If it is determined during review of the initial request that there is a conflict with another case, the lead advocate will inform the attorney that the DSU is unable to take the case. Whenever possible, the lead advocate will provide alternate resources or tools that may support the attorney's request when the DSU is unable to accept the case.
- d. There are some instances where a conflict may be discovered *after* the DSU accepts a case. Examples of conflicts that may be identified after the DSU accepts a case include, but are not limited to:
 - i. Prior/current personal relationship between the client and a member of the DSU team.
 - ii. Prior/current personal relationship between a co-defendant and a member of the DSU team.
 - iii. Discovery that the complainant on a case is already a client of the DSU on a separate case.
- e. In all situations where a conflict is identified, the DSU will notify the attorney as soon as possible. When appropriate, and in consultation with the attorney, the DSU may re-assign a case to another member of the DSU team to negate potential conflict from a personal relationship. When re-assignment is not possible or appropriate, the DSU will immediately stop work on the client's case.