

FILED
A.M. 2:50 P.M.
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CANYON COUNTY CLERK
D. BUTLER, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

IN THE MATTER OF LEGAL
SERVICES FOR INDIGENT PERSONS.

ADMINISTRATIVE ORDER
No. 2009-11

WHEREAS, pursuant to Article I, Section 13 of the Constitution of the State of Idaho and Idaho Code § 19-852, needy persons accused of crimes are entitled to be represented by counsel at all stages of a criminal matter; and

WHEREAS the courts, through their various judges, after making a determination pursuant to I.C. § 19-854 that certain defendants with criminal charges pending, and other persons with civil or quasi-criminal cases pending, cannot afford to pay for legal services, are charged with ensuring that such persons have adequate legal representation; and

WHEREAS, pursuant to Idaho Code § 19-859, the board of county commissioners of each county is charged with providing for representation of such needy persons; and

WHEREAS, pursuant to Idaho Code § 19-859 and an agreement between Canyon County and Wiebe & Fouser, P.A., Klaus Wiebe and Scott E. Fouser, the court has, since 1997, appointed the law firm of Wiebe & Fouser, P.A to provide legal representation to indigent persons; and

WHEREAS the Canyon County Board of Commissioners, by letter dated April 6, 2009, notified the law firm of Wiebe & Fouser, P.A. that the Board was terminating the above-referenced contract, effective July 31, 2009; and

WHEREAS, it appearing to the court that, as of August 4, 2009, the law firm of Wiebe & Fouser, P.A. is no longer providing legal representation to the above-referenced indigent persons; and

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WHEREAS, it also appearing to the court that the law firm of Wiebe & Fouser, P.A. has not moved for leave to withdraw as counsel, pursuant to I.C.R. 44.1, in all pending cases in which it has undertaken to provide legal representation for indigent persons; and

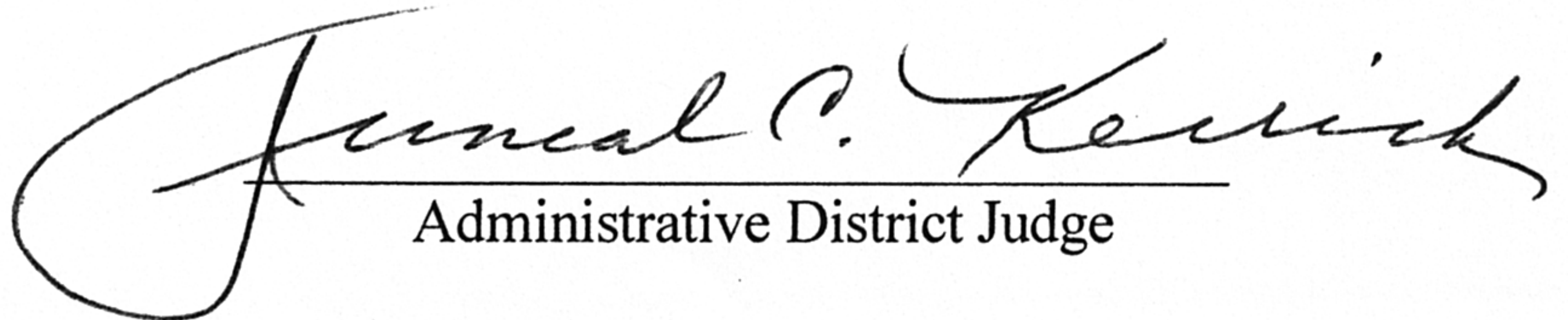
WHEREAS, pursuant to its obligations under Idaho Code § 19-859, the Canyon County Board of Commissioners has taken action to continue the provision of legal services for indigent persons in Canyon County by identifying Mark Mimura, attorney at law, as the person who will assume the duties of providing legal services to the above-referenced persons; but the court having been informed that Mr. Mimura's contract with Canyon County does not begin until October 1, 2009.

THEREFORE, pursuant to I.C. §19-856, the District Court finds that good cause exists to assign the above-referenced indigent persons a substitute attorney;

THEREFORE IT IS HEREBY ORDERED ADJUDGED AND DECREED that Mark Mimura, attorney at law, or his attorney-designee, is appointed to represent the above-referenced indigent persons as the assigned substitute attorney, unless the court hereafter determines in any particular case that a transfer to a new attorney will jeopardize the defendant's right to counsel and right to a fair trial; and

IT IS FURTHER ORDERED that said substitute attorney shall receive reasonable compensation, which the court deems is at the rate of \$70.00 per hour, and that the expenses necessarily incurred by the substitute attorney in the defense of these indigent persons shall be reimbursed by the Canyon County Board of Commissioners.

Dated this 4th day of August, 2009.


Administrative District Judge