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MIDC

Re: MIDC Standards

At this stage of the review of these standards the largest concern is that there still appears to be no consideration that these standards apply to both felony and misdemeanor representations. To me it appears that the standards are created by looking at the felony system and little regard is given to misdemeanor cases which are much greater in number.

Standard 2

A.

The requirement of meeting within three business days is onerous l. As a recommendation or goal it is reasonable, making it a requirement is too much. The staff comments address many of the issues related to the difficulties in complying with a three day requirement (being promptly informed of appointments, being informed if client is in custody and getting police reports).

I will again note as I have stated in previous comments on the issue, 3 days for the first visit is not a national standard, it is not even a trend, at best two states require something similar and one suggests it. The other states that require or suggest it have very different systems than our own Court Rules MCR 6.108 and MCR 6.104(E)(4).

Most importantly if standard 4 is implemented and the defendant has a chance to meet with an attorney at arraignment then almost of the time sensitive issues listed in supporting the requirement of meeting within 3 days will be handled.

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(2) review charges; (3) determine whether a motion for pretrial release is appropriate; (5) determine any immediate mental or physical health needs or need for foreign language interpreter assistance; and (6) advise that clients should not discuss the circumstances of the arrest or allegations with cellmates, law enforcement, family or anybody else without counsel present.

All of those issues would be best handled by the counsel required in standard 4.

Also (6) advise that clients should not discuss the circumstances of arrest or allegations with cellmates, law enforcement, family or anybody else without counsel present, sounds nice and should be done but in reality most of the damage is done within the first 24 hours of arrest.

Standard 4

I have no idea how this will be practical in small Northern Michigan Counties. Many of the smaller Courts only hold criminal court once a week, but arraignments happen all week long. This creates an issue because public defense attorneys are not around and may have offices miles away from the court house in another county.

The idea of counsel at arraignment is probably the most useful to the defendant of these standards but I see no practical way to comply in many counties. I fear that the only attempts at complying with standard will place an uncompensated, onerous, ineffective and inefficient burden on those providing public defense services.

Sincerely,

Kyle Trevas