



MICHIGAN INDIGENT  
DEFENSE COMMISSION

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February 7, 2017

Director Shelly Edgerton  
Department of Licensing and Regulatory Affairs  
P.O. Box 30004  
Lansing, MI 48909

Dear Director Edgerton

It is my pleasure as Chair of the Michigan Indigent Defense Commission (MIDC) to submit the first set of proposed minimum standards for indigent defense to the Department of Licensing and Regulatory Affairs (LARA), pursuant to MCL 780.985(4). These initial standards tackle some of the major problems Michigan faces in the delivery of adequate indigent defense systems: training and education of counsel, the initial client interview, use of investigation and experts, and counsel at first appearance and other critical stages. Each standard is based on specific provisions of the Michigan and United States Constitution or the MIDC Act.

These first four standards demonstrate the measured approach of the MIDC to provide effective assistance of counsel for indigent defendants in Michigan. After approval by the Department, the MIDC Act requires each local indigent criminal defense system to submit a plan for provision of indigent defense systems that meets these standards. MCL 780.993(3). The MIDC anticipates that certain systems will use these standards as a starting point for major system improvements, while others will adjust current delivery models to meet these minimum requirements. In this manner local stakeholders will drive indigent defense reform.

Today's submission then is the first step in an ongoing process. Future standards will involve delivery of indigent defense independent of the judiciary, attorney workload levels, qualifications and review of counsel, economic incentives and disincentives for the practice of indigent defense, and representation of clients by the same attorney at every court appearance. MCL 780.991.

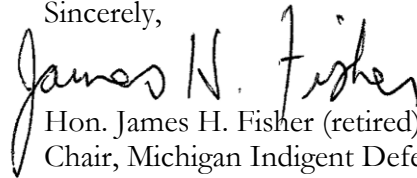
The MIDC has held a public hearing, solicited public comment, and widely presented these proposed standards to Michigan's criminal justice stakeholders. MCL 780.985(4). This process has allowed for further development and enhancement of the proposed standards. The MIDC has also submitted these proposed standards to the Michigan Supreme Court under the prior statutory scheme. The Supreme Court held a comment period and public hearing, and on June 1, 2016, conditionally approved these four standards with some minor changes, pending legislative revision to the MIDC Act. This approval has now expired as there is a new framework of standards approval through LARA and the Executive Branch.

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The MIDC now submits these same standards with the changes made by the Supreme Court for review by LARA. The MIDC website has been set to display public comments and any opposition per MCR 780.985(4), and the website has links to the prior comments and Supreme Court administrative hearing. I have enclosed all prior comments submitted to both the Supreme Court and the MIDC for your review.

The MIDC looks forward to working with LARA to provide Michigan with the best possible system for indigent defense as this process develops.

Sincerely,

A handwritten signature in black ink that reads "James H. Fisher". The signature is written in a cursive style with a large initial "J".

Hon. James H. Fisher (retired)  
Chair, Michigan Indigent Defense Commission