



## **Michigan Indigent Defense Commission**

**PO Box 14271  
Lansing, MI 48901  
(517) 648-3143**

James H. Fisher, Chair  
Jonathan Sacks, Executive Director

Michigan Indigent Defense Commission Meeting Minutes  
State Bar of Michigan Board Room  
306 Townsend, Lansing, Michigan  
Date: Tuesday April 14, 2015  
Time: 1:00 PM

### **Commission Members Present**

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell, Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, John Shea, Cletus Smith and Gary Walker.

### **Participating via Telephone**

William Swor.

### **Commission Members Absent**

David Schuringa.

### **Staff Members Present**

Jonathan Sacks, Marla McCowan and Marcela Westrate.

### **Others Present**

Marilena David-Martin (State Appellate Defender Office), Brad Hall (Michigan Appellate Assigned Counsel System), Michael Middlestat (State Appellate Defender Office), Kay Perry (Michigan CURE), Christine Piatkowski (private attorney) and Bryan Vance (State Appellate Defender Office).

The meeting was called to order at 1:02 p.m.

## **Roll call**

Chair Fisher asked Ms. Westrate to call roll.

## **Public comment**

No members of the public wished to comment.

## **Approval of minutes from February 17, 2015 meeting**

Mr. Smith moved that the minutes from the February meeting be approved. Ms. Motley seconded. The motion carried; all members participating unanimously supported the motion.

## **Report from the Chair**

Chair Fisher provided a written report to members with an overview of the Michigan Indigent Defense Commission's (MIDC's) activities since the last meeting. Mr. Campbell, Mr. Oeffner and Dr. Schuringa were reappointed to the MIDC, their terms will now expire April 1, 2019.

Chair Fisher appointed Judge Boyd Chair of the Nominating Committee in a memo distributed via email in March. Mr. Campbell, Mr. Eaman and Ms. Motley will serve on this committee. The MIDC's bylaws anticipate that the Nominating Committee would meet in the fall. Chair Fisher would like to have officers in place for the balance of this year.

Ms. Diehl made a motion to suspend the bylaws to allow the Nominating Committee to meet and present nominations for Vice Chair and Secretary at the MIDC's June meeting. Mr. Puerner seconded the motion. The motion carried; all members participating unanimously supported the motion.

## **Presentation from David Carroll, Sixth Amendment Center**

The MIDC received a grant from the Bureau of Justice Assistance to allow Mr. Carroll and the Sixth Amendment Center to consult with members of the commission and staff. The primary focus of Mr. Carroll's work will be to assist with drafting standards and identifying best practices.

Mr. Carroll's presentation included an overview of the right to counsel, a history of Michigan's reforms, the MIDC's statutory powers and suggestions for moving forward with standards.

## **Executive Director Report**

Mr. Sacks provided an overview of the initial standards drafts. He discussed the process for developing the draft standards and the timeline for approval that would work with the Michigan Supreme Court's schedule and the schedule for legislative appropriations. The members discussed the drafts and provided feedback.

Chair Fisher made committee assignments on March 6, 2015 through a memo e-mailed to MIDC members. Mr. Eaman moved that the draft standards be referred to the following committees: Standard 1 (Education and Training of Defense Counsel) to the Training and Evaluation Committee, Standards 2 (Initial Interview) and 3 (Investigation and Expert Witnesses) to the Performance Standards Committee and Standard 4 (Timing for Appointment of Counsel) to the Selection Standards Committee. Mr. Smith seconded. The motion carried; all members participating unanimously supported.

Mr. Sacks would like the committees to have recommendations prepared for the June meeting and plans to have the August meeting serve as the public hearing before final submission to the Michigan Supreme Court. MIDC staff will serve as liaisons to the committees. Ms. McCowan will assist with the Training and Evaluation Committee, Mr. Sacks will assist with the Performance Standards Committee and Ms. Westrate will assist with the Selection Standards Committee.

Mr. Sacks updated the MIDC on the agency's appropriations status. The House and the Senate subcommittees followed the Governor's recommendation for funding for the MIDC of \$996,000 for the 2016 fiscal year. The subcommittees included language that would allow the MIDC to accept federal grant funding.

A long-term lease was signed for space in the Capital National Bank Center, 200 North Washington Square in Lansing. MIDC continues to occupy temporary space on the 4<sup>th</sup> floor of the building and will move into its new space in early fall.

Members were given a summary of the MIDC's proposed grant solicitation for the Smart Defense Initiative Answering Gideon's call: Improving Public Defense Delivery Systems. Mr. Shea moved that the MIDC apply for the grant. Mr. Swor seconded. The motion carried; all members participating unanimously supported the motion.

## **Staff Reports**

Ms. Westrate updated the MIDC on the agency's draft Freedom of Information Act and document retention policies. She also reviewed the agency's draft budget.

Legislation that would prevent a member of a public body from casting a vote while participating via telephone has been reintroduced by Representative Price. The legislation has been referred to the House Committee on Oversight and Ethics. That committee heard testimony on the legislation in March but no action has been taken. Members discussed the legislation and the travel costs for attending MIDC meetings. Mr. Smith moved that the MIDC communicate its position on the legislation to the appropriate members of the House of Representatives. Mr. Walker seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. McCowan discussed the development of the MIDC's logo. She has been working with a consultant on a new website. MIDC currently has the domain name "www.michiganidc.org" and is working to secure a .gov domain.

Mr. Siegel was unable to attend, however members received an update on the MIDC's survey of courts from Mr. Sacks. Mr. Shea requested that a question asking whether the entity had a written policy for selection of attorneys be added and, if a written policy exists, that it be provided to the MIDC. Mr. Puerner suggested that a similar question be added for compensation.

### **Adjourn**

The next meeting is June 9, 2015 at 1:00 pm in Lansing.

Mr. Campbell moved to adjourn. Mr. Eaman seconded the motion. The motion carried; all members present supported the motion. The meeting adjourned at 3:09 p.m.

Respectfully submitted,  
Marcela Westrate