



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
August 15, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member) Joseph Haveman (arrived at 1:58 pm), Derek King, Tom McMillin, Shela Motley, Michael Puerner, Brandy Robinson, David Schuringa, William Swor and Gary Walker

Participating via Telephone

Nancy Diehl

Commission Members Absent

Frank Eaman, John Shea

Members of the Public Present:

Deena Bosworth, Malcolm Brown, Peter Cunningham, Justin Dickman, Alethia Kasben, John Nizel, Kristina Robinson, Ramona Sain, Marianne Talon, Drew VandeGrift, Shelli Weisberg

Bridget Smith, Assistant Attorney General

Staff Members Present

Jonathan Sacks, Ashley Carter, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public comment

Malcolm Brown offered comments on behalf of Oakland County. Marianne Talon and Kristina Robinson offered comments on behalf of Wayne County.

Additions to the agenda

There were no additions to the agenda.

Report from the Chair

The Executive Committee met prior to the meeting to review the agenda with Mr. Sacks.

Executive Director Report

Mr. Sacks introduced new Policy Associate Kristen Staley and Administrative Assistant Deborah Mitchell. Mr. Sacks noted that Ms. McCowan resigned from the Criminal Defense Attorneys of Michigan Board.

Field Report – Marla McCowan

Ms. McCowan updated the Commission on the Regional Managers' work. She reviewed the areas included in each employee's region and noted the degree to which the funding units have been working with MIDC staff.

Approval of July 31, 2017 minutes

Mr. King moved that item 4 on page 3 be modified to reflect his dissent on the motion regarding reimbursement. Judge Boyd seconded. The motion carried.

Mr. Walker moved that the attendance be modified to reflect his participation via telephone instead of in person. Judge Boyd seconded. The motion carried.

Judge Boyd moved that the minutes be approved as amended. Mr. Swor seconded. The motion carried, Mr. McMillin abstained from the vote since he did not attend the July 31, 2017 meeting.

Approval of FY 2018 budget

Ms. Westrate reviewed the items included in the proposed financial plan. The plan is broken into the following categories of expenditures: Salaries and Wages, Longevity and Insurance, Retirement and FICA, Terminal Leave, Travel, Communications, Contractual Services, Supplies and Materials, and Equipment. Salaries and Wages includes the state's 3% cost of living adjustment that is being assessed to all employees at the beginning of the new fiscal year. The amount is included for all employees except the Executive Director, any increase for that position will be determined by the Commission as part of a performance review. Rent is included in the Contractual Services line following the Department of Licensing and Regulatory Affairs' format.

The Commission discussed the proposal. Dr. Schuringa moved that the financial plan be adopted. Mr. Swor seconded. The motion carried.

Revisiting the Local Share Definition – Motion to Rescind vote from July 31 meeting

Following the July 31, 2017 Commission meeting, staff reviewed the decision to exclude reimbursements from the local share calculation. Mr. Sacks suggested revisiting the decision. The Commission discussed the local share calculation.

Mr. Swor moved that the motion regarding the local share calculation at the July 31, 2017 meeting be rescinded. Mr. Puerner seconded the motion. The motion carried.

Mr. Swor moved that the Commission direct the adoption of an interpretation of local share that subtracted reimbursements from the local share calculation. Judge Boyd seconded. The motion carried.

Final Approval of Application and Instructions and Model Plans

Members of the Commission reviewed the documents.

Judge Boyd moved that the instructions on page 2 be amended by striking “compelling” and inserting “higher due diligence.” Mr. King seconded. The motion carried.

Mr. Puerner moved that language be added to the document indicating that the amounts set in the document are presumed reasonable but variations would be considered on a case by case basis. Judge Boyd seconded. The motion carried.

Mr. Puerner moved that the Application and Instructions and Model Plans be adopted as previously amended. Mr. Walker seconded. The motion carried.

Standard 8 – Economic Incentives and Disincentives and Supporting Publications

Mr. Sacks gave an overview of the proposed standard. Dr. Siegel gave a presentation on the potential amounts that the Commission could adopt for its compensation standard. The Commission discussed the presentation.

Judge Boyd moved that Standard 8 be referred to the Compensation Committee for that Committee’s review and consideration. Mr. Swor seconded. The motion carried.

Innovation Grants – Recommendation and Approvals

The Commission’s senior staff members reviewed the submissions and recommended that the following seven grants be approved:

Allegan-Van Buren	Allegan/Van Buren Regional Indigent Defense Program (RIDP): To explore an innovative regional model regarding the implementation of a joined/hybrid Public Defender Office to provide Indigent Defense Services
Calhoun County	Calhoun County Indigent Defense Intake Study: To identify and develop best practices for the indigent defense intake and reimbursement process to identify the truly indigent, assure integrity of the system and increase compliance with reimbursement orders.

Isabella County	Isabella County Social Worker Screening & Counsel at First Appearance: Determine whether the assistance of a social worker during the pre-arraignment period improves client outcomes at arraignment
Lenawee County	Obtain a consultant that will meet with a client before the initial hearing to address clients' most pressing legal and social needs.
Mecosta County	Feasibility Study of Multi-County Administration of a Managed Appointment Model for Indigent Defense Services: Study the feasibility of joining with 5 other counties to provide a single administrator to manage each county's indigent service plan
Shelby Township	Feasibility Study for the creation of a Managed Assigned Counsel Model for the 3rd Class District Courts of Macomb County: Study the feasibility of joining with the other 3rd Class District Courts in Macomb County to provide a single administrator to manage each of the district court's indigent service plan
Wayne County	Assessment of Metropolitan Justice Center State Defender Office Felony Practice: Obtain the consulting services of The Defender Initiative at Seattle University and its partner The Sixth Amendment Center with the assistance of the National Legal Aid & Defender Association to study SDO's felony representation

The Commission discussed the recommendation.

Mr. Swor moved that the following grants be approved: Allegan-Van Buren (contingent on final budget review), Calhoun (contingent on final budget review), Mecosta County, Shelby Township, and Wayne County. Mr. Walker seconded.

The motion carried, Judge Boyd dissented. Mr. King abstained to avoid a conflict of interest in awarding Calhoun County a grant.

Ms. Robinson moved that the applications from Isabella and Lenewee Counties be approved. Mr. Haveman seconded. The Commission discussed the motion. The motion did not carry.

Lawsuit Update – Attorney General, Licensing and Regulation Division

Mr. Walker moved that the Commission move into closed session subject to MCL 15.268(h). Mr.

Puerner seconded. The Chair called for a roll call vote. The motion carried, the following members supported the motion: Judge Fisher, Judge Boyd, Ms. Diehl, Mr. Haveman, Mr. King, Mr. McMillin, Ms. Motely, Mr. Puerner, Ms. Robinson, Dr. Schuringa, Mr. Swor, and Mr. Walker. The Commission moved into closed session at 3:24 pm.

Ms. Robinson moved that the Commission return to open session. Mr. Puerner seconded. The Chair called for a roll call vote. The motion carried, the following members supported the motion: Judge Fisher, Judge Boyd, Ms. Diehl, Mr. Haveman, Mr. King, Mr. McMillin, Ms. Motely, Mr. Puerner, Ms. Robinson, Dr. Schuringa, Mr. Swor, and Mr. Walker. The Commission returned to open session at 4:02 pm.

Mr. Haveman moved that the Commission meeting be adjourned. Mr. Walker seconded. The motion carried.

The meeting adjourned at 4:04 pm.

Respectfully submitted,
Marcela Westrate