



MICHIGAN INDIGENT  
DEFENSE COMMISSION

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Michigan Indigent Defense Commission Meeting Minutes  
200 N. Washington Square, Lower Level  
Lansing, MI 48933  
October 17, 2017  
Time: 1:00 PM

**Commission Members Present**

James Fisher, Chair, Judge Thomas Boyd, Jeffrey Collins, Frank Eaman, Joseph Haveman, Derek King, Tom McMillin (joined at 1:26 p.m.), Michael Puerner, John Shea, William Swor, and Gary Walker

**Participating via Telephone**

Nancy Diehl, Brandy Robinson, and David Schuringa

**Commission Members Absent**

Thomas Clement

**Members of the Public Present Included:**

Deena Bosworth, Malcolm Brown, Peter Cunningham, Justin Dickman, Meghann Keit, John Lindstrom, Richard Lynch, Jim Miller, Kay Perry, Marianne Talon, Drew VanderGrift, Shelli Weisberg

**Staff Members Present**

Jonathan Sacks, Ashley Carter, Christopher Dennie, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, 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 1:05 p.m.

**Public comment**

Malcolm Brown offered comments on behalf of Oakland County. Marianne Talon and Drew VanderGrift offered comments on behalf of Wayne County.

### **Consent agenda**

Mr. Swor moved that the items on the consent agenda be approved. Mr. Haveman seconded the motion. The motion carried.

### **Report from the Chair**

Chair Fisher reviewed a report provided to Commission members. He has appointed Judge Boyd (Chair), Nancy Diehl, and John Shea to the Nominating Committee. The Commission needs a new Secretary to join the Executive Committee.

There are openings on standing and ad hoc committees including Selection and Appointment Standards, Training and Evaluation Standards, and the Data and Best Practices ad hoc committee. Chair Fisher invited people interested to contact Mr. Sacks.

Chair Fisher announced that Mr. Sacks has accepted the Executive Director position at the State Appellate Defender Office. Chair Fisher thanked Mr. Sacks for his work and noted that the Commission is a lot further along than he expected it would be three years ago because of Mr. Sacks' work.

### **Executive Director Report**

Mr. Sacks provided an update on the following items: the Oakland County lawsuit, the transition to the Department of Licensing and Regulatory Affairs (LARA) and work with the LARA Office of Policy and Legislative Affairs.

Mr. Sacks was invited to present before a joint meeting of the House Appropriations Subcommittee on Judiciary and House Appropriations Subcommittee on LARA and Department of Insurance and Financial Services.

Mr. Sacks informed the Commission that the Allegan and Van Buren County Innovation Grant previously approved would not be needed by the counties. The counties intend to use resources that they have to complete preparation for compliance plans.

Mr. Sacks announced that Regional Manager Ashley Carter resigned from her position effective October 24. Ms. Carter accepted a position in Washington, D.C. with a criminal justice organization.

As part of the transition to LARA, all of the Commission's staff has to become classified in Michigan Civil Service Commission (MCSC) positions. Mr. Sacks worked with LARA to draft new position descriptions. Not all of the new positions were approved by the MCSC and a small number of employees have been classified at a lower level than they were when the Commission was housed within the Judicial branch. Employees were also placed on the MCSC's salary schedule. All state employees received a 3% increase effective October 1. All employees except the Executive Director, the State Office Administrator, and the Research Director have a specific pay scale and many employees received step increases as their salaries were placed on that scale. These three positions are on a Pay for Performance schedule. A budget with revised salaries will be before the Commission for its approval in December.

As part of the transition to LARA and the MCSC, Mr. Sacks suggested changes to the Commission's Internal Operating Procedures (IOPs) that would make those procedures consistent with the new procedures required by the State.

Mr. Shea moved to adopt the amendments to the IOPs. Mr. Eaman seconded the motion. The motion carried.

The Commission discussed the MCSC classification of the Executive Director position. Because this position is classified, the MCSC and LARA ultimately approve the salary and any increases. Mr. Sacks stated that it is his belief that the position should be unclassified because that was consistent with the text of the legislation and the Commission's wishes.

Judge Boyd moved to authorize Judge Fisher to contact Governor Snyder's office to request an unclassified position under LARA for the MIDC's Executive Director. Mr. Swor seconded. The motion carried.

### **Field Report/Compliance Planning**

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 on submission of compliance plans.

### **MIDC Act Amendments**

Judge Boyd updated the Commission on the Ad Hoc Legislative Committee's activities. The group has worked with the Michigan Association of Counties to address that organization's concerns.

Judge Boyd moved that the Commission approve the concept of the draft, and that the Ad Hoc Legislative Committee continue working on a final version for Commission approval. Mr. Shea seconded the motion. The motion carried.

### **Economic Incentives and Disincentives – Standard 8**

Mr. Puerner updated the Commission on the Indigence and Compensation Committee's activities, and gave an overview of the draft standards. Mr. Sacks distributed two draft versions of Standard 8 for the Commission's review. The Commission discussed the standards and made amendments to the drafts.

Mr. Shea moved that version two of Standard 8 be approved as amended. Judge Boyd seconded. The motion carried, Mr. Eaman voted in opposition to the motion.

### **Timing of comments, public hearing, and submission – next set of minimum standards**

Mr. Sacks requested that the Commission extend its comment period for the full second set of standards so that additional comments can be solicited for Standards 5-7, and comments can be received on the newly-published Standard 8.

Judge Boyd moved that the Commission's comment period be extended through February 1, 2018. Mr. Puerner seconded the motion. The motion carried.

**Discussion of next meeting and potential meetings**

Chair Fisher reviewed the process the Commission used to hire Mr. Sacks in 2014. Chair Fisher recommended that the Executive Committee serve as the ad hoc search committee and screen all applications. Chair Fisher suggested that the Commission publish the employment opportunity by October 27, and set a November 30 deadline for applications to be submitted. The Commission will determine who to interview at its December 19 meeting and will hold interviews on January 8, 2018.

The Commission set two tentative special meeting dates. On December 1, 2017 at 10:00 am, the Commission will meet to review compliance plans if plans are available. The Executive Director interviews will occur on January 8 at 10:00 am, and the Commission may also review compliance plans following the interviews if it is necessary to do so.

Mr. Shea moved that the meeting be adjourned. Mr. Swor seconded the motion. The motion carried and the meeting adjourned at 5:02 pm.

Respectfully submitted,

Marcela Westrate