



MICHIGAN INDIGENT  
DEFENSE COMMISSION

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Michigan Indigent Defense Commission Meeting Minutes  
200 N. Washington Square, 3<sup>rd</sup> Floor  
Lansing, MI 48933  
February 16, 2016  
Time: 1:00 PM

**Commission Members Present**

James Fisher, Chair, Thomas Boyd, Nancy Diehl, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea

**Participating via Telephone**

Gary Walker

**Commission Members Excused:** Joseph Baumann, Jon Campbell, Frank Eaman, and William Swor

**Members of the Public Present:**

Jill Booth (State Court Administrative Office), Ashley Carter, Claire Corsey, Peter Cunningham (State Bar of Michigan), Chris Dennie, Deborah Green (State Court Administrative Office), Joel Kershaw, Jerry Kole, Kelly McDoniel, Michael Naughton (participating electronically), Kay Perry (MI-Cure), Matt Vititoe

**Staff Members Present**

Jonathan Sacks, Marla McCowan, Chris Sadler, Jonah Siegel, and Marcela Westrate

The meeting was called to order at 1:01 p.m.

**Roll call and opening remarks**

Chair Fisher welcomed new member Tom McMillin, a former state legislator who sponsored the MIDC's enacting statute. He introduced three State Court Administrative Office (SCAO) Regional Directors. Ms. Booth, Ms. Green and Mr. Kole introduced themselves to the Commission. Chair Fisher welcomed other members of the public in attendance. No members wished to comment.

**Additions to the agenda**

There were no additions to the agenda.

### **Approval of meeting minutes**

Mr. Puerner moved that the minutes from the December 15, 2015 meeting be adopted. Ms. Diehl seconded the motion. The motion carried, all members participating unanimously supported the motion.

### **Report from the Chair**

Chair Fisher gave a report on his activities since the December meeting. He would like the Compensation Committee to meet in March. Members of this committee will discuss potential dates following the MIDC meeting.

Chair Fisher would like to appoint Mr. McMillin to the Court Rules, Legislation, and Appropriations Committee. Judge Boyd moved to appoint Mr. McMillin to that committee. Ms. Motley seconded the motion. The motion carried; all members participating unanimously supported the motion.

### **Executive Director report**

Mr. Sacks introduced the regional consultants that were present for the meeting. He gave an overview of their work. The MIDC's Proposal for Change was included in Governor Snyder's Executive Recommendation. The amount requested was \$1.3 million over current appropriations.

The Michigan Supreme Court's hearing on the MIDC's proposed standards will be May 18. He encouraged members to contact Chair Fisher if they were interested in attending or making comments before the court. Mr. Sacks has been in contact with several groups that plan to submit comments to the Court in support of the standards. Mr. Sacks gave an overview of the timeline for implementation of the first set of standards and for drafting the second set of standards. The areas that the next set of standards addresses may include: independence, caseloads, economic incentives and disincentives, attorney qualifications and review, and determining indigency. The presentation concluded with an outline of global compliance plans. Global compliance plans could include the formation of a public defender office, a managed counsel system, or a combination. MIDC is working on a public defender office planning document to aid communities that want to use this as a means to comply with the standards.

Mr. Sacks will work with the MIDC's Executive Committee to make a recommendation for areas of focus; this recommendation will be considered by the full Commission at the April 2016 meeting. Commissioners discussed the areas that could be addressed and expressed opinions on the order in which the standards should be drafted.

The MIDC reviewed the complaint form that has been drafted. Chair Fisher asked for a motion to approve the form and its contents. Judge Boyd so moved. Mr. McMillin seconded the motion. The motion carried, all members participating unanimously approved the form. The form will be posted on the MIDC's website.

### **Staff reports**

Ms. Westrate provided additional details regarding the Executive Recommendation. She and Mr. Sacks met with the new Chair of the Appropriations Subcommittee on the Judiciary, Representative Earl Poleski.

Ms. McCowan reported on the training she provided for the Regional Consultants. MIDC will have a strong presence at the March training hosted by the Criminal Defense Attorneys of Michigan (CDAM).

Dr. Siegel discussed the attorney survey which has been distributed widely. He gave an overview of the draft survey report that was distributed to Commissioners.

### **Regional Consultant update**

MIDC currently has six independent consultants working as Regional Consultants. One consultant will give an overview of his or her activities at each meeting. Chris Dennie, who is based in Kent county, gave an overview of his activities.

### **Approval of reports**

Chair Fisher asked for a motion to approve and publish the 2015 Impact Report. Dr. Schuringa so moved. Judge Boyd seconded the motion. The motion carried; all members participating unanimously supported the motion.

Chair Fisher asked for a motion to approve and publish the results of MIDC's first survey of indigent defense delivery systems. Mr. Shea so moved. Ms. Robinson seconded the motion. The motion carried; all members participating unanimously supporting the motion.

### **Court rule comment policy**

Members reviewed the draft policy for commenting on court rules. Dr. Schuringa moved that the policy be adopted. Ms. Diehl seconded the motion. The motion carried; all members unanimously supported the motion.

Mr. McMillin moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting adjourned at 3:19 p.m.

Respectfully submitted,  
Marcela Westrate