



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
April 18, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (joined at 1:30 pm), Nancy Diehl, Derek King, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea.

Participating via Telephone

Frank Eaman and William Swor

Commission Members Absent

Richard Lindsey and Gary Walker

Members of the Public Present:

Peter Cunningham, Kay Perry, and Bridget Smith

Staff Members Present

Jonathan Sacks, Ashley Carter, Claire Corsey, Christopher Dennie, Tanya Grillo, Kathy Lloyd, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Marcela Westrate, and Jana Mathieu (via telephone).

The meeting was called to order at 1:02 pm.

Introduction of Commission members and guests

Commission members introduced themselves. Chair Fisher asked staff to introduce themselves.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were three additions to the Business Agenda:

- j. Request that the Chair draft a letter in support of the Sixth Amendment Center's DOJ grant
- k. Increase salary for Grant Manager position; and

1. Discussion of additional commission meetings.

Report from the Chair

Chair Fisher updated the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) about his activities since the last meeting. He has been in contact with the Governor’s office regarding the four members whose terms expired April 1, 2017. Ms. Motley requested that her appointment not be renewed. She will continue to serve until a successor is appointed. Chair Fisher thanked Ms. Motley for her service to the Commission.

Executive Director Update

LARA: Standards, administration and policy

Mr. Sacks and Ms. Westrate met with Department of Licensing and Regulatory Affairs (LARA) officials regarding the potential approval of standards. Mr. Sacks is hopeful that the standards will be approved by the beginning of May. As the MIDC continues making the formal transition to LARA several administrative issues have been identified. Mr. Sacks will keep the Commission apprised of these issues as they arise. LARA’s Office of Policy and Legislative Affairs (OPLA) has been assisting the MIDC with legislative meetings. OPLA Director Frank Waters has been attending MIDC’s legislative meetings at LARA’s request.

State Budget Office

Mr. Sacks gave the Commission an overview of his April meeting with State Budget Director Al Pscholka, LARA Director Shelly Edgerton, LARA Chief Financial Officer Allan Pohl, and State Budget Office (SBO) staff members. The SBO requested an estimate of the cost of compliance plans. Mr. Sacks presented potential estimates based on several different models. The Regional Managers are working on calculating the local shares in their particular counties, and will look at how much work various systems must do to be in compliance with the first set of standards. Mr. Sacks will give this information to the SBO and LARA.

Personnel

Jana Mathieu was hired for the Northern Michigan Regional Manager position. Her start date will be May 1, 2017. Rebecca Mack will serve as the Grant Manager. She will start at the beginning of June. MIDC Policy Associate Claire Corsey has accepted a position with the Maryland Office of the Public Defender. Her last day at the MIDC will be April 28, 2017.

Appropriations

The House and Senate LARA appropriations subcommittees reported bills to the full Appropriations Committee. Both chambers included funding for the MIDC in the amount recommended by Governor Snyder in his Executive Recommendation. Mr. Sacks will continue updating members as the budget process continues.

Michigan Association of Counties (MAC)

Chair Fisher, Mr. Oeffner, Mr. Sacks, and Mr. Dennie participated on a panel at MAC’s Annual Legislative Conference. The panel was well attended.

Attorney Survey release

Mr. Sacks discussed potential timing for release. The survey may be released shortly after the standards are approved. Several changes have been made to the document and a redlined version was distributed to members to review. Mr. Sacks will work with commissioners to distribute the report to their constituencies.

Grant updates

Mr. Sacks updated the Commission on the National Legal Aid and Defender Association's proposed mentor program which will take place in the Upper Peninsula. The Urban Institute has applied for a Department of Justice Grant to look at indigent defense systems in Michigan and compare defender offices with assigned counsel systems. MIDC would work with the Urban Institute on this grant. Mr. Sacks met with staff at the Michigan State Police who administer the Byrne JAG grant. The MIDC will not apply for the 2018 fiscal year, but will apply for the next fiscal year. In turn, the State Appellate Defender Office will not apply for the grant the next fiscal year.

June staff travel

Mr. Sacks requested the Commission's approval of travel to the American Council of Chief Defenders conference in Baltimore in June. Jonah Siegel will attend a conference on holistic indigent defense, but his expenses are being covered by the conference. Paige Pearson will attend that same conference and her travel will be covered by the MIDC's Department of Justice Grant.

Judge Boyd moved that the travel request be approved. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Wayne County

Mr. Sacks updated the Commission on recent Wayne County meetings. The county is working to establish a new roster system. Ms. Diehl, Mr. Eaman, and Ms. McDoniel attended various meetings to discuss Wayne County's reforms.

Business Agenda

Approval of minutes from February meeting

Judge Boyd requested that the minutes be amended. On page 4, in the first paragraph, the statutory citation be changed to MCL 780.993(2) and the balance of that sentence be struck.

Mr. Swor moved that the minutes be amended. Mr. Puerner seconded the motion. The motion carried, all members participating unanimously supported the motion.

Mr. Swor moved that the minutes be adopted as amended. Mr. Puerner seconded the motion. The motion carried, all members participating unanimously supported the motion.

Discussion of Draft Standards

The standard on economic incentives and disincentives will be discussed at the June 20, 2017 meeting. The MIDC's Research Unit will calculate a suitable standard hourly pay rate to present at the June meeting.

Standard 5 - Independence

Ms. Diehl reported on the Selection Standard Committee's activities and changes made since the draft was last discussed. The Commission discussed the standard and potential conflict with court rules. Judge Boyd indicated that he is working with Michigan Supreme Court Administrative Counsel Anne Boomer on potential court rule amendments. Commissioners suggested amendments to the standard.

Ms. Diehl moved that Standard 5 – Independence be amended as discussed. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Ms. Diehl moved that the amended version of the standard be adopted by the Commission. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Standard 6 – Indigent Defense Workloads

Mr. Puerner gave an overview of the Performance Standards Committee's work and changes since the last time the standard was discussed. The Commission discussed the standard and suggested amendments.

Mr. Puerner moved that the amendments be adopted. Mr. King seconded the motion. The motion carried, all members participating unanimously supported the motion.

Mr. Puerner moved that the amended version of the standard be adopted by the Commission. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Standard 7 – Qualification and Review

Ms. Robinson updated the Commission on the Training and Evaluation Committee's work and changes that were made to the draft since the last time the standard was discussed. The Commission discussed the standard and suggested amendments.

Ms. Robinson moved that the suggested amendments to Standard 8 be adopted, and that the standard be renumbered to Standard 7 since the former Standard 7 has been placed on hold. Ms. Motely seconded the motion. The motion carried, all members unanimously supported the motion.

Ms. Robinson moved that the amended version of the standard be adopted by the Commission. Ms. Motely seconded the motion. The motion carried, all members unanimously supported the motion.

Judge Boyd moved that an additional amendment be made to Standard 5 – Independence to make that standard consistent with the Qualification and Review standard. Mr. Shea supported the motion. The motion carried, all members participating unanimously supported the motion.

Strategic Plan

Mr. Sacks and Ms. McCowan drafted a revised version of the Strategic Plan. Mr. Sacks updated the Commission on the revisions. Chair Fisher asked for volunteers to work with Ms. McCowan on revising the plan. Mr. Shea, and Dr. Schuringa will work with Ms. McCowan.

Compliance Plan Process

Mr. McMillin updated the Commission on the Compliance Committee's activities and presented a draft summary document that may be distributed to local systems. The Commission discussed the compliance process.

Ms. Diehl moved that the discussion be tabled so that the newly-hired Grant Manager could review the process and modify as necessary. Ms. Robinson seconded the motion. The motion carried, all members participating unanimously supported the motion.

Degree and types of technical assistance

This item was requested by Mr. Walker. In his absence it was removed from the agenda and will be discussed at a later date.

Internal Operating Procedures (IOPs) and Bylaws

Mr. Sacks introduced the draft IOP document. He presented the draft to Bridget Smith, the Commission's legal counsel, and that she had suggested some modifications. Ms. Smith and Mr. Sacks answered questions about the document.

After discussion, Judge Boyd moved that the item be tabled. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Salary matrix

A revised salary matrix was presented to the Commission for its information. The document uses the Civil Service Commission's titles and steps in pay.

Web Portal storage expenses

Mr. Sacks requested that the Commission approve \$4400 for web portal storage expenses that were unanticipated when the Commission approved the budget for the current fiscal year.

Ms. Diehl moved to approve spending \$4400. Mr. Shea supported the motion. The motion carried, all members participating unanimously supported the motion.

Policy Associate/Interim Regional Manager – Proposed supplemental compensation

Mr. Sacks asked that the Commission approve supplemental compensation in the amount of \$2500 for Claire Corsey since she agreed to fill the role of Regional Manager for Northern Michigan on an interim basis. The Commission discussed how the amount was calculated.

Ms. Diehl moved to approve the \$2500. Dr. Schuringa seconded the motion. The motion carried. Commissioners Fisher, Diehl, Eaman, McMillin, Motley, Oeffner, Puerner, Robinson, Shea, Schuringa, and Swor supported the motion. Judge Boyd opposed the motion.

Request that the Chair draft a letter in support of the Sixth Amendment Center’s DOJ grant

Judge Boyd contacted the Governor’s office to obtain a letter in support of the Sixth Amendment Center’s activities and work in Michigan. Judge Boyd asked that Chair Fisher be authorized to cosign the Governor’s letter or to draft a separate letter on behalf of the Commission in support of the Sixth Amendment Center’s work.

Ms. Diehl moved that Chair Fisher be given this authorization. Ms. Motley seconded the motion. The motion carried, all members participating unanimously supported the motion.

Increase in salary for Grant Manager position

Mr. Sacks started salary negotiations with Rebecca Mack for the Grant Manager position. The Commission previously authorized \$75,000 annually for the position. He would like authorization to offer Ms. Mack \$81,348.80.

Judge Boyd moved to give Mr. Sacks authorization to offer this salary. Ms. Diehl seconded the motion. The motion carried, all members participating unanimously supported the motion.

Additional meetings

The Commission discussed the potential for additional meetings to discuss compliance plans. The Commission will continue this discussion in June.

Mr. Puerner moved that the meeting be adjourned. Ms. Motley seconded the motion. The motion carried. The meeting adjourned at 5:15 PM.

Respectfully submitted,
Marcela Westrate