

The survey requires the following identifying information before proceeding to the substantive questions:

- The County where your court resides;
- Whether you are reporting for a Circuit or District Court (and which court);
- The name, title, email address and direct telephone number for the person completing the survey.

QUESTION I: Eligibility For Public Defense Services		YES	NO
1a.	What factors does the court use to determine the eligibility of a defendant for right to counsel services? (Please check all that apply)		
	<input type="checkbox"/> Income	<input type="checkbox"/>	Receives government assistance (e.g., Social Security, Medicaid, Public housing)
	<input type="checkbox"/> Valued assets (home, automobile, etc)	<input type="checkbox"/>	Residence in jail/mental health facility
	<input type="checkbox"/> Employment status	<input type="checkbox"/>	Seriousness of charge
	<input type="checkbox"/> Expenses	<input type="checkbox"/>	Cost to retain private counsel
	<input type="checkbox"/> Debt	<input type="checkbox"/>	Ability to post bail or bond
	<input type="checkbox"/> Number of dependents	<input type="checkbox"/>	Financial resources of family
	<input type="checkbox"/> Federal poverty guidelines	<input type="checkbox"/>	Other (please specify below):
	<input type="checkbox"/> We do not use any guidelines to establish eligibility		
	<i>Describe other factors taken into account:</i>		
1b.	Are judges required to consider these factors when determining eligibility?	<input type="checkbox"/>	<input type="checkbox"/>
1c.	Is there a process for a defendant to challenge the court's determination?	<input type="checkbox"/>	<input type="checkbox"/>

DELIVERY MODELS
There are three basic models for the delivery of indigent defense services. What type(s) of delivery model(s) does your court employ? Please check all that apply.
<input type="checkbox"/> <b>Assigned Counsel:</b> Refers to one or more private attorneys who are not salaried by the court and are paid (a) per hour, (b) per each case, or (c) per each event in a case.
<input type="checkbox"/> <b>Contract Defender:</b> Refers to one or more private attorneys who are paid a set amount of money to handle all or a negotiated percentage of indigent criminal representation. Contracts may be with (a) "affiliated" lawyers (two or more lawyers affiliated with a non-profit organization such as Legal Aid Society or a private law firm); or (b) individual lawyers with no affiliation to other contract defenders.
<input type="checkbox"/> <b>Public Defender Office:</b> A "public defender" is defined as a salaried/benefited government employee; a "public defender office" is defined as two or more attorneys. Attorneys may be (a) full-time (not allowed to handle private cases); or (b) part-time (may handle private cases).
<input type="checkbox"/> <b>Other Defender Services:</b> Your court employs some other model for indigent defense services not covered above.

*Note: the next few sets of questions will only need to be answered based on the types of delivery models that you have checked.*

QUESTION II: Assigned Counsel Services		YES	NO
The following questions refer to the assigned counsel delivery model used by your court. Again, assigned counsel refers to one or more private attorneys who are paid either per hour, per each case, or per each event in a case.			
2a.	Does the court pay any attorneys on an hourly rate?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If "yes," please list the hourly rate: _____</i>			
2b.	Does the court pay any attorneys on a "per case" rate?	<input type="checkbox"/>	<input type="checkbox"/>
2c.	Does the court pay any attorneys on a "per case event" rate?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If "yes," we are interested in obtaining a copy of your formal fee schedule.</i>			
2d.	Does the court have a single list of attorneys qualified to take appointed cases to be used by all judges?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If "no," please skip to question 2e (re: individualized lists)</i>			
	2d(i): Do judges have any discretion in selecting an attorney from the approved list?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If yes, please describe the circumstances under which they can select the attorney.</i>			
2e.	Do judges maintain their own individualized lists of panel attorneys?	<input type="checkbox"/>	<input type="checkbox"/>
2f.	Do judges make appointments to a panel coordinator that assigns attorneys based on attorney qualifications?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If "no," please skip to question 2g (re: other thoughts)</i>			
	2f(i): Do judges play a role in qualifying lawyers to accept appointments?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If "yes," please briefly describe the role judges play in approving lawyers to accept indigent defense appointments:</i>			
2g.	<i>Is there anything else that you think is important about the ways assigned counsel are paid or appointed in your court?</i>		

QUESTION III: Contract Defender Services		YES	NO
The following questions refer to the contract defender delivery model used by your court. Again, contract defender services refer to one or more private attorneys who are paid by a government agency a set amount of money to handle all or a negotiated percentage of indigent criminal representation. Contracts may be with (a) "affiliated" lawyers (two or more lawyers affiliated with a non-profit organization such as Legal Aid Society or a private law firm); or (b) individual lawyers with no affiliation to other contract defenders.			
3a.	With which of the following does your court contract? (Please check all that apply)		

	<input type="checkbox"/> Affiliated attorneys <input type="checkbox"/> Private law firms or legal partnerships <input type="checkbox"/> A Legal Aid Society or other non-profit organization <input type="checkbox"/> Individual, non-affiliated lawyers <input type="checkbox"/> Other ( <i>please describe</i> )		
3b.	Does the court have a single list of either affiliated or non-affiliated contract attorneys qualified to take appointed cases to be used by all judges?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If “no,” please skip to question 3c (re: individualized lists)</i>			
	3b(i): Do judges have any discretion in selecting an attorney from the approved list?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If yes, please describe the circumstances under which they can select the attorney.</i>			
3c.	Do judges maintain their own individualized lists of contract attorneys?	<input type="checkbox"/>	<input type="checkbox"/>
3d.	Do judges play a role in the contracting process?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If “yes,” please briefly describe the role judges play in the contracting process:</i>			
3e.	Please indicate how you compensate appointed counsel. (Please check all that apply) <input type="checkbox"/> “Flat-fee” contract defender services (an unlimited number of cases for a single fee) <input type="checkbox"/> “Limited flat-fee” contract defender services (a limited number of cases for a single fee) <input type="checkbox"/> “Flat-fee + expenses” contract defender services (an unlimited number of cases for a single fee; attorney petitions court for funding for all trial related expenses) <input type="checkbox"/> “Limited flat-fee + expenses” contract defender services (defined as a limited number of cases for a single fee; attorney petitions the court for funding for all trial related expenses) <input type="checkbox"/> Other form(s) of payment, such as specified pathways to obtaining funds for extraordinary trial expenses ( <i>please explain</i> )		
3f.	<i>Is there anything else that you think is important about the use of contract defender services in your court?</i>		

QUESTION IV: Public Defender Office Services		YES	NO
The following questions refer to public defender offices used by your court. Again, a “public defender” is defined as a salaried/benefited government employee; a “public defender office” is defined as two or more attorneys. Attorneys may be (a) full-time (not allowed to handle private cases); or (b) part-time (may handle private cases).			
4a.	The following categories describe the public defenders in your local office. (Please check all that apply)		

	<input type="checkbox"/> Full-time salaried/benefitted government employees <input type="checkbox"/> Part-time salaried/benefitted government employees		
4b.	The public defenders in this office are allowed to handle the following. (Please check all that apply) <input type="checkbox"/> Private criminal cases <input type="checkbox"/> Private civil cases <input type="checkbox"/> Neither private criminal nor private civil cases		
4c.	Does the public defender budget contain line items for trial-related expenses (e.g., experts, investigators, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
4d.	Must public defenders petition the court for trial-related expenses?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>If not, please explain how defenders obtain financial support for trial-related expenses:</i>		
4e.	Please list the number of public defender employees: Attorneys: _____ Non-Attorneys (investigators, social workers, paralegals, etc): _____		
4f.	Do judges play a role in the hiring/termination of the chief defender?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>If "yes," please briefly describe the role judges play in the hiring and termination process:</i>		
4g.	<i>Is there anything else that you think is important about the use of contract defender services in your court?</i>		

QUESTION V: Other Defender Services	
5.	<i>Please describe any other delivery models for defender services utilized by your court. Please include a description of the role judges play in the selection of attorneys.</i>

QUESTION VI: Appointment Of Counsel And Requirements For Representation		YES	NO
6a.	Does the court have any guidelines for appointing attorneys within a certain time frame?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>If yes, please describe these guidelines.</i>		
6b.	On average, how long after first appearance does it take for the indigent accused to be appointed counsel?		

*Michigan Indigent Defense Commission Survey Spring 2015*  
 For questions or concerns, contact Research Director Jonah Siegel at (517) 898-5489

	<input type="checkbox"/>	Occurs prior to first appearance	<input type="checkbox"/>	Within 24 hours
	<input type="checkbox"/>	Within 48 hours	<input type="checkbox"/>	Within 72 hours
	<input type="checkbox"/>	Greater than 72 hours	<input type="checkbox"/>	Depends on seriousness of charge <i>(please explain)</i>
	<input type="checkbox"/>	Unsure		
	Is this an estimate or does your court maintain data to support this time frame?			
6c.	How long after first appearance does it take for the indigent accused to meet with appointed counsel?			
	<input type="checkbox"/>	Occurs prior to first appearance		
	<input type="checkbox"/>	Within 48 hours	<input type="checkbox"/>	Eight to 15 days
	<input type="checkbox"/>	Within three days	<input type="checkbox"/>	15 to 30 days
	<input type="checkbox"/>	Four to seven days	<input type="checkbox"/>	Greater than 30 days
	<input type="checkbox"/>	Unsure		
	Is this an estimate or does your court maintain data to support this time frame?			
6d.	Public defenders are required to be physically present to consult with the indigent accused at the following. (Please check all that apply) <input type="checkbox"/> Bail hearings <input type="checkbox"/> Arraignment <input type="checkbox"/> Neither			
6e.	Please fill in the blank that best describes the representation in your court: “The original attorney appointed _____ provides continuous representation for all court proceedings.” <input type="checkbox"/> Always <input type="checkbox"/> Almost always <input type="checkbox"/> Sometimes <input type="checkbox"/> Rarely <input type="checkbox"/> Never			
6f.	Please check all that apply in your court:			
6f(i).	<input type="checkbox"/>	The court has designated meeting space for confidential attorney/client discussions.	<input type="checkbox"/>	The court does not have designated meeting space for confidential attorney/client discussions.
6f(ii).	<input type="checkbox"/>	The holding facility has designated meeting space for confidential attorney/client discussions.	<input type="checkbox"/>	The holding facility does not have designated meeting space for confidential attorney/client discussions.
6f(iii).	<input type="checkbox"/>	Public counsel is required to attend training/CLE to be eligible for appointments.	<input type="checkbox"/>	No training is required for an attorney to receive public appointments.
	<i>If training is required for public counsel, please explain whether any specific types of cases (i.e., capital cases) have specific training and experience requirements:</i>			

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QUESTION VII: Public Defense Expenditures		
7.	Please list your court’s criminal indigent defense expenditures for the most recent fiscal year by the following categories:	
	Direct Representation:	
	Trial Related expenses (investigation, experts, etc.):	

QUESTION VIII: Case-Tracking		YES	NO
8a.	Please indicate how the court defines a “case” for reporting purposes.		
	<input type="checkbox"/> All charges against a single defendant arising out of a single incident.	<input type="checkbox"/>	By prosecution charging instrument
	<input type="checkbox"/> By charge	<input type="checkbox"/>	By defendant
	<input type="checkbox"/> Other (please explain):		
8b.	Which of the following, if any, does your court track? (Please check all that apply)		
	<input type="checkbox"/> The number of defendants screened for eligibility for right to counsel services		
	<input type="checkbox"/> The number of defendants determined to be eligible for right to counsel services		
	<input type="checkbox"/> The number of defendants deemed ineligible for right to counsel services		
	<input type="checkbox"/> The number of public cases ultimately assigned to indigent defense attorneys per year		
	<input type="checkbox"/> None of the above		
	<i>Please explain the limitations to collecting the listed data in boxes that are left unchecked.</i>		

QUESTION IX: Standards	
9.	The Michigan Indigent Defense Commission is required by statute to identify and implement standards for the delivery of right to counsel representation. Please indicate what you believe are the most needed standards.