



## MICHIGAN INDIGENT DEFENSE COMMISSION

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Michigan Indigent Defense Commission Meeting Minutes  
Western Michigan University Thomas M. Cooley Law School  
300 S. Capitol Avenue  
Lansing, MI 48933  
August 18, 2015  
Time: 1:00 PM

The meeting was held in Lansing but videoconferencing was available at the law school's Auburn Hills and Grand Rapids locations. Individuals were able to observe the hearing and offer public comment from the satellite locations.

### **Commission Members Present**

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell (joined the meeting at 1:14 pm), Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, Cletus Smith, William Swor, and Gary Walker

### **Commission Members Absent**

Kevin Oeffner

### **Staff Members Present**

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

The meeting was called to order at 1:02 p.m.

### **Additions to the agenda**

A revised agenda was distributed at the meeting. An item approving the appointment of members to an Appropriations and Legislation Committee was added. No other additions were made.

### **Approval of minutes from June meeting**

Michigan Indigent Defense Commission (MIDC) members reviewed the June meeting minutes. Mr. Swor moved that the minutes be adopted. Ms. Diehl seconded the motion. The motion carried; all members in attendance unanimously supported the motion.

### **Report from the Chair**

Chair Fisher updated members on his activities since the June meeting. Chair Fisher, Judge Boyd, and Mr. Sacks made a presentation at the Michigan District Judges Association conference earlier in the week.

## **Executive Director Report**

Mr. Sacks updated the MIDC on his activities. The MIDC's first survey has been distributed and 116 responses have been received so far. Mr. Sacks is serving as the defense bar representative on the hiring committee for Lenawee County's first public defender. He is working with the State Budget Office on a hiring plan for the 2015-2016 fiscal year that begins October 1. He will prepare a formal proposal for change this fall for increased funding in the 2016-2017 fiscal year.

There will be a vote on submitting the standards to the Michigan Supreme Court on the MIDC's October agenda. Between now and October the various subcommittees will reconvene to consider any amendments to the standards in response to comments and written testimony that the MIDC received. Mr. Sacks intends to begin working white papers to aid delivery systems in drafting their compliance plans.

## **Public Hearing on Proposed Standards**

Chair Fisher asked Mr. Sacks to give introductory comments on the proposed standards. Mr. Sacks stated that there is formal support for the standards from the Criminal Defense Attorneys of Michigan and the State Bar of Michigan. The Michigan Judges Association recently voted to support the standards. Written comments have been submitted and have been forwarded to MIDC members for their review.

Mr. Sacks indicated that he expects compliance plans to address many of the issues that have been raised regarding the standards. The statute does not create an unfunded mandate; the statute is clear that the requirement is triggered once the state pays.

Mr. Puerner noted that there are many operational details that will be included in compliance plans or in best practice guidelines. The MIDC strived for reasonable specificity but it cannot capture all of the subject matter.

Chair Fisher asked if members of the public wished to comment on the standards.

The following individuals provided comments:

- Kyle Trevas from Traverse City contacted the MIDC prior to the public hearing to request that he be able testify via telephone. He also submitted a written statement.
- Marilena David-Martin, State Appellate Defender Office (SADO). SADO submitted a written statement.
- Rodd Monts, ACLU-Michigan.
- Elizabeth Weisenbach on behalf of attorneys in Huron and Sanilac Counties.
- Fred Johnson, Muskegon County Public Defender.
  
- Ken Overwater, Wayne County Criminal Defense Bar Association, offered comment from the Auburn Hills location.
  
- Mark Stephenson, Director of Christian Reform Church Disability Concerns, offered comment from the Grand Rapids location.

### **Closing Comments from Commissioners**

Mr. Smith, Mr. Shea, Judge Boyd, Mr. Walker, Mr. Eaman, Dr. Schuringa, and Mr. Swor made closing comments.

Mr. Sacks stated that MIDC staff would be in touch with different commissioners on the committees. His intent is to have final drafts of each standard before the MIDC for its consideration at the October meeting.

### **Appointment of Appropriations and Legislation Committee**

Judge Boyd moved that an Appropriations and Legislation Committee be created to advise the Commission as it moves towards seeking increased funding. Ms. Robinson seconded the motion. There was no opposition; all members present unanimously supported the motion.

Chair Fisher recommended that the following members be appointed to the committee: Mr. Oeffner, Mr. Shea, Mr. Campbell and Mr. Puerner. Mr. Swor moved that Chair Fisher's recommendations be approved. Mr. Lindsey seconded the motion. There was no opposition; all members present unanimously supported the motion.

Mr. Smith moved that the meeting be adjourned. Mr. Campbell seconded. There was no opposition; all members present unanimously supported the motion.

The meeting adjourned at approximately 2:30 pm.