



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
December 15, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell, Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, David Schuringa, John Shea, and Gary Walker

Commission Members Absent: Brandy Robinson and William Swor

Members of the Public Present: Cheryl Carpenter, Alfred Carter, Josephine Carter, Jerry Celmer (31st Circuit Court Administrator), Christopher Dennie, Justin Hinkley (Lansing State Journal), Barbara Klimazewski, Kelly McDoniel, Michael Naughton, Christopher Sadler and Deliah Underwood (State Budget Office)

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel and Marcela Westrate

The meeting was called to order at 1:03 pm.

Roll call and opening remarks

Chair Fisher asked Ms. Westrate to call roll. Ms. Westrate indicated that Ms. Robinson and Mr. Swor are both in trial and intended to call in to the meeting if they were able to do so.

Additions to the Agenda

Chair Fisher added one item to the agenda, officers for the upcoming year.

Judge Boyd, Chair of the Nominating Committee indicated that it was that committee's intent that Judge Fisher (Chair), Mr. Puerner (Vice Chair) and Ms. Robinson (Secretary) all retain their positions for 2016.

Mr. Shea moved that the Nominating Committee's recommendations be approved by the members of the Michigan Indigent Defense Commission (MIDC or "the Commission"). Judge Boyd seconded the motion. The motion carried; all members present unanimously supporting the motion.

Approval of minutes from October meeting

Mr. Eaman moved that the minutes from the October meeting be adopted. Ms. Motley seconded the motion. The motion carried; all members present unanimously supporting the motion.

Report from the Chair

Chair Fisher gave a brief report on his activities. Chair Fisher indicated that he has been in contact with Governor Snyder's office and is hopeful that a new member will be appointed soon to fill the vacant position on the Commission.

Executive Director Report

Jonathan introduced Ms. Underwood from State Budget Office. He is continuing to work on the MIDC's budget request. Mr. Sacks introduced Mr. Sadler who was recently hired to be the MIDC's Research Associate. He will begin his employment on January 4. Mr. Sacks introduced five regional consultants that will be working with the MIDC on a contract basis: Ms. Carpenter, Mr. Dennie, Ms. Klimazewski, Ms. McDoniel, and Mr. Naughton. A sixth consultant, Ashley Carter, will also contract with the MIDC. She is currently relocating, Mr. and Ms. Carter attended the meeting on her behalf. Mr. Sacks gave a brief biography of each consultant and described the region to which each consultant would be assigned.

Mr. Sacks has been working with MIDC members that indicated interest in attending meetings that he and Ms. McCowan have with stakeholders. Chair Fisher, Mr. Puerner and Mr. Swor have been able to attend some of the meetings. Mr. Sacks gave a presentation at the Criminal Defense Attorneys of Michigan conference, several MIDC members attended this event and were able to answer questions.

Van Buren County is taking the lead on the potential formation of a regional defender office. There will be a multi-county meeting to begin discussions. The following counties will be involved: Allegan, Barry, Calhoun, and Kalamazoo.

MIDC staff is looking at various criminal justice grant opportunities that would fund activities directly linked to the MIDC's standards. Potential grants include the Arnold Foundation, the Charles Koch Foundation and the Soros Foundation. Judge Boyd recently attended the National Consortium on Public Defense in Washington, D.C. at David Carroll's invitation. Judge Boyd stated that one of the foundations involved with that meeting was the Kellogg Foundation, which might be another avenue for staff to explore since that foundation is Michigan-based.

Mr. Sacks stated that Ms. McCowan will begin work on the annual report and invited commissioners to contact staff with suggestions on what items should be included. He intends to summarize the goals of the office and the use of appropriations.

Presentation of Robert Boruchowitz, Seattle University School of Law, Partner to the Sixth Amendment Center

Mr. Boruchowitz gave a presentation on national trends within the indigent defense community. He discussed his experience with counsel at first appearance and highlighted Judge Boyd's pilot project. He discussed his work with the American Council of Chief Defenders to determine appropriate workloads. Caseload weighting studies have been completed in several states including Missouri, Texas, Tennessee, Rhode Island, and Colorado.

There was a break in the meeting beginning at 2:39 pm and ending at 2:49 pm.

Staff reports

Ms. Westrate, Ms. McCowan, and Mr. Siegel each updated the Commission on their work.

Nominations to workgroups

Chair Fisher would like to name members to the new workgroups that were discussed at the October meeting. He recommended that the Data and Best Practices workgroup be chaired by Ms. Robinson, and consist of members Mr. Lindsey, Ms. Motley and Mr. Swor; Mr. Siegel will staff this workgroup. Chair Fisher also recommended that the Recommendations and Complaints workgroup be chaired by Mr. Eaman and consist of Mr. Shea, Mr. Walker, and Dr. Schuringa; Ms. McCowan will staff this workgroup.

Mr. Campbell moved to support the recommendations of the chair, Ms. Motley seconded. The motion carried, all members voting to support the motion.

Mr. Eaman reported that the Recommendations and Complaints workgroup had a brief conference call to decide the group's focus. The group plans to work with stakeholders involved in Michigan's indigent defense system and the group will work to identify these groups. Staff will evaluate and log complaints; substantial complaints will be referred to the workgroup for review. The workgroup will determine whether the complaints that it receives should be referred to the Commission as a whole to evaluate.

Submission of standards to the Michigan Supreme Court (MSC)

Judge Boyd moved that the standards be submitted to the MSC; Mr. Walker seconded the motion. Ms. Diehl moved to amend the motion to provide that the standards be submitted with the following changes: assign a number to each staff comment instead of a bullet point; in the last comment of standard 2 add "Michigan" to the reference to the Department of Corrections; and references to the American Bar Association's Ten Principles of a Public Defense Delivery System should be consistently placed in the comments. The Commission agreed with the changes. The amended motion carried; all members unanimously supported the amended motion.

Comments on Proposed Court Rule Amendments

The MSC is considering amendments to several court rules relating to an indigent defendant's ability to pay fees, fines, and costs that would be of interest to the MIDC. Mr. Sacks indicated that the MIDC might consider suggesting an amendment to MCR 8.123 as previously discussed at the October meeting. The Appropriations and Legislation workgroup will be expanded to also consider these court rule changes; that group will hold a conference call in January to discuss and he would like the group to have recommendations for the full Commission in February.

Public comment

Ms. Carter addressed the members of the Commission.

Adjourn

Mr. Shea moved to adjourn; Mr. Eaman seconded. The motion carried; all members unanimously voting to support the motion.

The meeting adjourned at 3:24 pm.

Respectfully submitted,
Marcela Westrate