



## 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  
April 21, 2016  
Time: 1:00 PM

### **Commission Members Present**

James Fisher, Chair, Thomas Boyd, Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea (arrived at 1:13 pm), William Swor, and Gary Walker.

### **Participating via Telephone**

Nancy Diehl

**Commission Members Excused:** Joe Baumann, and Jon Campbell

### **Members of the Public Present:**

Ashley Carter, Michael Carter, Cheryl Carpenter, Claire Corsey, Christopher Dennie (via telephone), Barbara Klimaszewski, Kelly McDoniel, Michael Naughton, Kay Perry.

### **Staff Members Present**

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

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) to order at 1:05 p.m.

### **Roll call and opening remarks**

Chair Fisher updated the commissioners on his activities since the last commission meeting. He met with Michigan Supreme Court Chief Justice Robert Young. Chief Justice Young asked Chair Fisher to express the Chief Justice’s support of the Commission and its goals.

Ms. Robinson, Mr. Eaman, Mr. Swor, and Mr. Shea had terms that expired on April 1, 2016. All four were reappointed and have terms that end April 1, 2020.

### **Additions to the agenda**

There were no additions to the agenda.

## **Executive Director report**

Mr. Sacks introduced the regional consultants who are present. He introduced Claire Corsey, an intern who has recently been hired to work for the MIDC part-time while she prepares for the bar examination.

The Michigan Supreme Court is expected to hold a hearing on the Commission's standards on May 18. Mr. Sacks reviewed the procedure for the hearing and noted that the Court will have until July 3 to act or the standards will lapse.

Mr. Sacks discussed the content and timeline for future standards. If the MIDC chooses to follow the same timeline as last year, the Commission will agree on topics at the current meeting, release formal drafts to the public and stakeholders at the June meeting, hold a public hearing in August, finalize the standards in October through December, and submit them to the Court in January of 2017.

Mr. Sacks suggested the following topics for the second set of standards: independence, caseloads, qualification and review, and compensation. Mr. Sacks gave an overview of each standard and the commissioners discussed the topics.

Mr. Eaman moved the following: the issue of independence be referred to the Selection Standards Committee; the issue of caseloads be referred to the Performance Standards Committee; the issue of qualifications and review be referred to the Training and Evaluation Committee; and the issue of reasonable fees be referred to the Indigence and Compensation Committee. Ms. Motley seconded the motion. The motion carried; all members participating unanimously supported the motion.

MIDC staff prepared drafts of white papers for each standard in the first group of standards. The commissioners reviewed the white papers. The goal is to have the white papers available for interested delivery systems to review after the Court approves the first set of standards. The Commission discussed the documents and the approval process.

Mr. Eaman moved the following: The whitepapers be referred to the committees that developed each standard for that committee's review. If the Michigan Supreme Court approves the MIDC standards before the June 21, 2016 MIDC meeting, then the papers may be issued as drafts with the understanding that the documents are subject to the review and approval of the commission at its June 21, 2016 meeting. Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

Mr. Sacks discussed the draft Public Defender Office Planning Guide and guides for other types of systems. Mr. Sacks plans to have information for systems that wish to use a managed assigned counsel approach. The commissioners discussed the guide.

Judge Boyd moved that the Public Defender Office Planning Guide be tabled until the June 21, 2016 meeting and that the document be released with other planned information about operating a managed assigned counsel system. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Mr. Sacks gave updates about various counties. He mentioned his participation in the regional defender meetings for the southwest side of the state (Allegan, Barry, Berrien, Calhoun, Cass, Kalamazoo, and Van Buren counties). There is strong interest in those areas in potentially forming a regional cooperative as part of a compliance plan to meet the minimum standards.

Berrien County hired former Michigan public defender Carl MacPherson to work on a part-time basis as a public defender administrator for that county. The Lenawee Public Defender Office is up and running. The Muskegon County Public Defender Office received a grant from the Bronx Defenders Office to focus on holistic defense.

### **Staff reports**

Ms. McCowan, Dr. Siegel, and Ms. Westrate each updated the Commission on their activities.

### **Regional Consultant update**

The MIDC currently has six independent consultants working as Regional Consultants. One consultant will give an overview of his or her activities at each meeting. Barbara Klimaszewski, whose area includes 23 different counties in central and northern Michigan, gave an overview of her activities.

### **Approval of minutes**

Mr. McMillin moved that the minutes from the February 16, 2016 meeting be approved. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

### **Public comment**

Chair Fisher asked for public comment; no one wished to comment.

The next meeting will be held June 21, 2016 at 1:00 pm at the MIDC's Lansing offices.

Mr. Eaman 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 3:31 p.m.

Respectfully submitted,  
Marcela Westrate