



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
October 18, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, David Schuringa, John Shea, William Swor, and Gary Walker.

Participating via Telephone

Nancy Diehl and Brandy Robinson

Members of the Public Present:

Cheryl Carpenter, Peter Cunningham, Barbara Klimaszewski, Carl Macpherson, Billie Jo O'Berry, and Kay Perry

Staff Members Present

Jonathan Sacks, Claire Corsey, Christopher Dennie, Marla McCowan, Kelly McDoniel, Michael Naughton, Chris Sadler, Jonah Siegel, and Marcela Westrate.

The meeting was called to order at 1:01 pm.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Approval of August 2016 minutes

Mr. Swor moved that the minutes be approved. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher reviewed the report he circulated to Michigan Indigent Defense Commission members (“MIDC” or “the Commission”). The MIDC will host the State Court Administrative Office’s Regional Directors for a meeting in January to discuss the MIDC and public defense. Members of the Commission will be invited to attend this half-day session.

Chair Fisher reappointed Nominations Committee members Judge Boyd, Shela Motley, and Frank Eaman, and appointed Richard Lindsey to replace Jon Campbell. That committee will present a slate of officers for 2017 at the December meeting.

Executive Director’s report

Mr. Sacks and Ms. Westrate met with the Director of the Michigan Office of Licensing and Legislative Affairs (LARA) and LARA staff to discuss procedural issues associated with the MIDC’s move to the Executive branch.

All of the Regional Consultants except for Cheryl Carpenter accepted full-time positions with the MIDC. Ms. Carpenter addressed the Commission. Ms. Klimaszewski will begin employment in January of 2017.

The Commission discussed the Department of Justice Encouraging Innovation – Field Initiated Programs grant that the MIDC has been awarded. The grant will cover the costs of hosting a social worker in Genesee County and one in the Kent County Office of the Public Defender.

The Commission discussed the process of applying for grants and how this will be handled in the future.

The Commission moved to a discussion of the bylaws and whether those should be amended to include a grant application process.

Mr. Puerner moved that the MIDC accept the grant to be used for the purpose applied for, subject to the approval of a budget proposal for the spending of grant funds. Mr. Walker supported the motion.

The Commission discussed the motion.

Judge Boyd moved to table the motion. Mr. McMillin seconded Judge Boyd’s motion. The motion carried; all members participating unanimously supported tabling Mr. Puerner’s motion.

The Commission began a review of the bylaws with changes suggested by Mr. Sacks. The Executive Committee reviewed the changes and recommended referring them to the full Commission for its review.

Mr. Shea moved that Article III be amended as follows: in section A(3)(a), modify the Chair’s responsibilities to include “(8) Approve press releases of the Commission.” and remove this

language from the Secretary's duties in (c)(3), and renumber the Secretary's duties. Mr. Eaman supported the motion. The motion carried; all members participating unanimously supported the motion.

Judge Boyd moved that Article III, (B) be amended by adding "All committees may recommend to the Commission best practices in their subject areas and assist in the development of potential compliance plan models for approved standards subject to approval by the Commission." Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

The Commission discussed other potential bylaws amendments. Ms. Diehl stated that the Executive Director could prepare internal operating procedures that would be approved by the Commission in lieu of amending the bylaws. Mr. Puerner concurred with Ms. Diehl's statement.

Mr. Swor moved to table the bylaws discussion until the December meeting. Mr. Sacks will draft internal operation procedures to submit to the Commission for its review. Mr. Eaman seconded the motion. The motion carried; all members participating unanimously supported the motion.

Regional Report – Berrien County

Carl Macpherson, Indigent Defense Administrator in Berrien County presented an update on the county's reforms. The county commission approved funding for a county public defender office that will start in January of 2017.

Return to Department of Justice grant discussion

Chair Fisher asked for a motion to resume a discussion of the Department of Justice Grant. Mr. Eaman so moved. Mr. Walker seconded the motion. The motion carried; all members participating unanimously supported the motion.

Dr. Siegel gave an overview of the grant application and funding requested. He discussed the role of social workers in public defense and how the proposed program will work in Kent and Genesee counties.

Mr. Shea moved that the Commission approve and accept the social worker grant and that MIDC staff be authorized to spend the funds that the Department of Justice awarded. Mr. Walker supported the motion. The motion carried; all members participating unanimously supported the motion.

Weighted Caseload Study

Dr. Siegel presented a proof of concept about a weighted caseload study. This study would be conducted by an outside organization and paid for by funding from the 2016 fiscal year work project. If the Commission approves this proof of concept, staff plans to have a formal request for proposals drafted to present to the Commission at its December meeting.

Ms. Diehl moved to approve the proof of concept and authorize staff to proceed with a request for proposals. Ms. Robinson seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. Westrate gave the Commission a proposed budget for the 2017 fiscal year that began October 1, 2016. Judge Boyd moved that the budget be approved. Mr. Eaman seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. McCowan gave an overview of the Regional Managers' assigned counties and activities. She updated the Commission on her work.

Chair Fisher asked for a motion authorizing him to look into obtaining legal counsel to advise the Commission on a part-time basis. Judge Boyd so moved. Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

The Commission's next meeting will be December 20, 2016 at 1:00 pm.

There being no further business before the commission Mr. McMillin moved that the meeting be adjourned. Mr. Lindsey seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting was adjourned at 4:16 p.m.

Respectfully submitted,

Marcela Westrate