

p 517-346-6300 October 6, 2017

p 800-968-1442 Michigan Indigent Defense Commission
f 517-482-6248 200 N. Washington Sq., 3rd Floor
www.michbar.org Lansing, MI 48913

306 Townsend Street
Michael Franck Building
Lansing, MI
48933-2012

**RE: Standard 5 – Independence from the Judiciary
Standard 6 – Indigent Defense Workloads
Standard 7 – Qualification and Review**

Dear Members of the Commission:

At its September 27, 2017 meeting, the Board of Commissioners of the State Bar of Michigan (the Board) considered the above-referenced proposed standards published for comment. In its review, the Board considered recommendations from the Criminal Jurisprudence & Practice Committee and the Criminal Issues Initiative. The Board voted unanimously to support the standards with several recommendations.

Standard 5 – Independence from the Judiciary

The Board supports this standard with an amendment to make it clear that the court has the obligation and responsibility to rule on the defense's request on the use of investigators and/or experts in accordance with Michigan law. As currently drafted, the second paragraph appears to limit the court's role to not include that obligation.

Standard 6 – Indigent Defense Workloads

The Board supports this standard with the proviso that the interim standards be presumptive and not absolute, allowing for some flexibility until the Michigan specific weighted caseload study is completed.

Standard 7 – Qualification and Review

The Board supports this standard with an amendment that “equivalent experience and ability to demonstrate similar skills” be extended to high-severity felony cases and life offense cases. The concern is that in some of the less populated areas of the state, it may be difficult for criminal defense attorneys to reach the specific experience requirements for those high-severity felony and life offense cases without allowing for equivalent experience.

Thank you for the opportunity to comment. The State Bar will continue to monitor both the implementation of these standards and additional standards as they are developed.

Sincerely,



Janet K. Welch
Executive Director

cc: Donald G. Rockwell, President