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October 6, 2017

Michigan Indigent Defense Commission  
200 N. Washington Sq., 3<sup>rd</sup> Floor  
Lansing, MI 48913

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

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

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

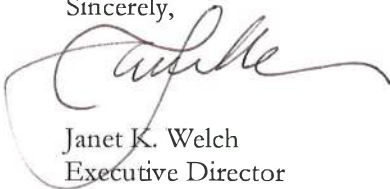
The Board supports this standard with the proviso that the interim standards be presumptive and not absolute, allowing for some flexibility until the Michigan specific weighted caseload study is completed.

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