



## MICHIGAN INDIGENT DEFENSE COMMISSION

### **Compliance Plan for Indigent Defense Standards 1 – 4**

#### **INSTRUCTIONS**

Local indigent defense systems have until **November 20, 2017**, to submit to the Michigan Indigent Defense Commission (MIDC) a plan for compliance with the first four approved minimum standards for indigent criminal defense services. This document includes instructions and a compliance plan structure for the submission and information on how to calculate your request for state funding. All application questions must be answered within the requirements, and all attachments and signatures included for a complete application. Failure to submit a complete application will result in the application being disapproved and returned, per MCL 780.993(4). Applications should be submitted through the MIDC's web portal at <http://portal.michiganidc.gov/>.

The application document includes the following sections: Applicant Information, Compliance Plan Narrative, Cost Analysis, Local Share Calculation, Data Collection, and Grant Calculation. The MIDC website, <http://michiganidc.gov>, hosts helpful information for compliance planning including additional guidelines, detailed white papers on each of the four standards and several model plans including sample cost analyses for different local indigent defense delivery systems.

#### **Guidelines for the Cost Analysis and Local Share in the Compliance Plan**

All proposed, estimated, or actual expenditures reported in either the Cost Analysis or the Local Share should be reflective of direct indigent defense system activities. For any funding requests for ancillary agencies, the claimed expense must be reasonably and directly related to the indigent defense function, with a clear justification and compelling rationale. The Local Share calculation – which acts as a baseline for continued funding unit contribution to the indigent defense system – may be reported as an estimate if the actual funding level cannot be calculated. If an estimate is provided for the Local Share, the methodology to calculate the estimate must be reported. All Local Share calculations must be certified by the authorizing official on the application. The following instructions provide general guidance for the Cost Analysis and, specifically, the enhanced costs to meet the provisions of the four standards. The costs, expenditures, and rates proposed are presumed reasonable; variations will be considered on a case-by-case basis.

**Standard 1** - Indigent defense systems may achieve this standard by having attorneys register for a specific training or by facilitating a local or regional training program. Registration for CLE hours will be allowed at the rate of \$25 per credit hour. Instructors for training programs will be reimbursed at reasonable consultant rates commensurate with the local market. A guideline for illustrative purposes may be up to \$75/hr with allowance for program development and preparation time for the training. Travel expenses for the attorneys to attend training or instructors for training programs will be reimbursed at current State of Michigan travel rates for mileage, meals, and lodging, if needed.

**Standard 2** - Attorney time to meet this standard will be reimbursed according to reasonable local attorney rates, whether salaried, contract, or assigned attorneys. To facilitate early communication, practical use of technologies available for digital face-to-face communication may be employed. Supplies and equipment needed for technology-based communications will be considered. If it is necessary to create or alter building space to provide a confidential setting for attorneys and their clients, renovation expenses are allowed up to a maximum of \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification.

**Standard 3** - Expenses for investigators will be considered at hourly rates not to exceed \$75. Expenses for expert witnesses will follow a tiered level of compensation based on education level and type of expert,\* not to exceed these amounts:

High School or Equivalent	\$30/hr
Associate's Degree	\$50/hr
Bachelor's Degree	\$70/hr
Master's Degree	\$85/hr
Crime Scene and Related Experts	\$100/hr
CPA/Financial Expert	\$100/hr
Pharmacy/PharmD	\$125/hr
Information Technology Experts	\$150/hr
Ph.D./Licensed Doctor	\$200/hr

*\*The table of expert hourly rates is adopted from the guidelines published by the North Carolina Indigent Defense Services Commission. Variations will be considered on a case-by-case basis.*

Each indigent defense system will be limited to a capped amount of funds for investigators and experts based on the total new circuit adult criminal filings within the jurisdiction in the most recent calendar

year, as reported and certified with the State Court Administrative Office. Systems within district courts of the 3<sup>rd</sup> class are considered in Tier I unless special circumstances are presented.

0 - 499 cases/year = Tier I - \$10,000

500 - 999 cases/year = Tier II - \$25,000

1,000 – 9,999 cases/year = Tier III - \$50,000

Over 10,000 cases/year = Tier IV – To be determined bases on further discussion and review of records of the system(s)

**Standard 4** - Attorney time to meet this standard should be reimbursed according to reasonable attorney rates, whether salaried, contract, or assigned attorneys. Methods for implementation can include on-call or appointed attorney systems, or other efficient models.

### **APPLICANT INFORMATION**

Applicant Funding Unit(s):

Trial Courts Included in this Compliance Plan Submission:

Fiduciary Funding Unit:

Federal ID Number:

Street Address/City/Zip Code:

AUTHORIZED OFFICIAL (Person Authorized to Enter into Agreements):

Name and Title

Street Address/City/Zip

Telephone

Email Address

Signature

Date

## **CONTACT INFORMATION**

### **PRIMARY CONTACT**

(Person Responsible for Oversight and Reporting of Standards Implementation):

Name and Title

Street Address/City/Zip

Telephone

Email Address

Signature

Date

### **FINANCIAL CONTACT**

(Person Responsible for Grant Accounting):

Name and Title

Street Address/City/Zip

Telephone

Email Address

Signature

Date

## **COMPLIANCE PLAN NARRATIVE**

Briefly describe the indigent defense delivery system(s) – contract, assigned counsel, or public defender – that the funding unit(s), for which this application is being considered, employed to deliver services before the MIDC Act took effect (July 1, 2013).

Generally, how does the system(s) intend to comply with the MIDC standards 1-4? Please address whether you will continue with the model in place above, whether you have already made a transition to a new delivery system, or whether you intend to transition to a new delivery system.

Please identify the name and position held (e.g., county administrator, judge, defense attorney, etc.) for each person involved in the compliance planning process for this delivery system.

Provide an attachment with the names, license or P#'s, and years of criminal defense experience for all attorneys the funding units(s) intends to have deliver services as part of the local indigent defense system.

### **Standard 1 – Training and Education**

Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any of the attorneys included in this plan have fewer than the required experience and require this training? How many?

All attorneys shall annually complete at least 12 hours of continuing legal education. How many attorneys require training in this plan?

How will the funding unit(s) ensure that the attorneys satisfy the 12 hours of continuing legal education during the plan year?

## **Standard 2 – Initial Interview**

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting. To be successful, this requires immediate notification of appointment and client contact information.

How does the plan facilitate immediate attorney assignment and notification of new cases? How will the system ensure attorneys are completing their interviews within three business days? How will the initial interview be accomplished?

This standard further requires a confidential setting be provided for all client interviews.

Does the jail have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

Does the courthouse have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

### **Standard 3 – Experts and Investigators**

This standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client's defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.

How will this standard be complied with by the delivery system?

### **Standard 4 – Counsel At First Appearance and Other Critical Stages of the Case**

Counsel shall be appointed to provide assistance to the defendant as soon as the defendant's liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

How will this standard be complied with by the delivery system?

## **COST ANALYSIS**

The MIDC Act requires funding unit(s) to provide a cost analysis as part of a request for state funding. The cost analysis should include all total indigent criminal defense services costs for compliance with minimum standards and the amount of funds in excess of the local share necessary to comply with the standards.

Refer to the instructions guide for grant allowances.

### **Personnel**

Include staff, if any, whose work is or will be reasonably and directly related to the indigent defense function.

Name	Position	Computation	Total
Total			

Describe the duties of the positions listed (whether full-time or part-time) the number of hours worked, and rate of pay. Identify whether the positions will be a new cost as a result of the compliance plan.

Fringe Benefits	Percentage	Total
Employer FICA		
Retirement		
Hospital Insurance		
Dental Insurance		
Vision Insurance		
Unemployment		
Worker's Compensation		
Life Insurance		
Other		
Other		
TOTAL		

Describe the fringe benefits listed here with the positions above.







## LOCAL SHARE CALCULATION

The Local Share is defined as an indigent criminal defense system’s average annual direct expenditures for adult criminal defense services for three fiscal years preceding the creation of the MIDC Act (effective July 1, 2013). Collections or reimbursements made to the system for partially indigent defendants are applied to the calculation.

Expenditures to be included in the calculation:

- Payments to criminal defense attorneys (contracts, public defenders, appointed systems, hybrid systems) for providing indigent adult criminal defense services including services for expedited docket programs, criminal contempt, juveniles waived into adult court, appeals from district to circuit court or eligible interlocutory appeals to the Court of Appeals
- Payments to experts and investigators
- Other expenses including attorney supplies, travel, or training

Services not included as expenditures:

- Post-sentencing appeals
- Probate, Juvenile Delinquency, Abuse and Neglect cases
- Civil Contempt
- Counsel at lineup (before charges are filed)

Reimbursements:

- Fees paid by or on behalf of a defendant for indigent criminal defense services including payments by the Michigan Department of Corrections and grant payments that include indigent defense services as eligible grant expenditures (i.e. expedited docket programs)

If the actual expenses and reimbursements cannot be calculated as exact, identify that you are providing estimates and discuss the methodology for determining the estimated local share.

FISCAL YEAR	TOTAL EXPENSES	REIMBURSEMENTS	NET EXPENSES
Average of Three Fiscal Years			

*Certification: I certify to the best of my knowledge and belief that the calculation of the local share is correct and complete and that all fiscal details included are direct indigent defense system expenditures and reimbursements in the given fiscal years.*

Authorizing Official Name \_\_\_\_\_  
(Printed) (Signature)

Title \_\_\_\_\_ Date \_\_\_\_\_

## **Data Collection**

In the future, the MIDC expects to collect data on the following topics related to the first four standards. Data points include “system-wide data” (pertaining to each indigent defense system), “attorney-level data” (pertaining to each attorney) and “case-level data” (pertaining to each individual court case). This list is not exhaustive but offers guidance on the types of data that will be critical to demonstrating standards compliance.

### System-Wide Data Points

- Local requirements for training
- Existence of local training options
- Structure of any local administrative bodies responsible for identifying training needs and implementing training
- Mechanism(s) and timeline for notifying attorneys of new appointments
- Existence of confidential space for attorney-client interviews in holding facilities and courthouses
- Mechanism(s) by which attorneys request investigators or expert witnesses
- Delivery models for provision of counsel at first appearance

### Attorney-Level Data Points

- P numbers and contact information
- Total number of annual completed CLE credits
- Location, date and content of all completed training courses

### Case-Level Data Points

- Defendant request for appointed counsel
- Court appointment of counsel and date
- Date of attorney notification of appointment
- Date of initial client interview
- Request for investigator, date granted or denied
- Request for expert witness, date granted or denied
- Presence of counsel at first appearance
- Mechanism by which counsel at first appearance was provided
- Type and amount of bail issued, if any

The MIDC Act, MCL 780.993 (9), requires the state to appropriate funds for the reasonable costs associated with data required to be collected by the MIDC in excess of the local government’s data costs for other purposes. Costs associated with data collection are not required to be submitted with this compliance plan submission but will be addressed at a future date and are remarked here for informational purposes.

## Part I, Registration

**Step 1:** Visit <http://portal.michiganidc.gov/>.

**Step 2:** Select *Request Access* which is located below the Welcome to the MIDC message.



Registration



### Welcome to the MIDC

The Michigan Indigent Defense Commission (MIDC) was created by legislation in 2013 after an advisory commission recommended improvements to the state's legal system. The MIDC will work to ensure the state's public defense system is fair, cost-effective and constitutional while simultaneously protecting public safety and accountability.

START HERE

[New User- Request Access](#)

[Returning User - Login Here](#)

**Step 3:** Complete the *User Registration* form. When selecting *Position*, please choose the position that best describes your role in the indigent defense system. Once you have completed the form, click the *Submit* button.

#### USER REGISTRATION

First Name <input type="text"/>	Last Name <input type="text"/>
Position Select Positions ▼	Email <input type="text"/>
Address 1 <input type="text"/>	Address 2 <input type="text"/>
City <input type="text"/>	State Michigan ▼
Zip <input type="text"/>	Phone <input type="text"/>
Fax <input type="text"/>	Counties Select Counties ▼
Courts Select Courts ▼	Primary Court Select Primary Court ▼

You will be receiving an email shortly with more information.

Submit

**Step 4:** After submitting the registration form you will receive a confirmation email that details the user verification process. Once your account has been verified, you will receive additional instructions for establishing a password.

## Part II, Compliance Plans

**Step 1:** Visit <http://portal.michiganidc.gov/>.

**Step 2:** Select *Login Here* which is located below the Welcome to the MIDC message.



Registration



### Welcome to the MIDC

The Michigan Indigent Defense Commission (MIDC) was created by legislation in 2013 after an advisory commission recommended improvements to the state's legal system. The MIDC will work to ensure the state's public defense system is fair, cost-effective and constitutional while simultaneously protecting public safety and accountability.

[START HERE](#)

[New User- Request Access](#)

[Returning User - Login Here](#)

**Step 3:** Enter your Username (this is your email address) and your Password. Select *Login*.



MICHIGAN INDIGENT  
DEFENSE COMMISSION

### User Log In

Username:

Password:

Login

Cancel

Remember Login

Reset Password

**Step 4:** After you have logged in, you will be directed to the User Summary page. From here click on the *My Compliance Plans* tab.

MICHIGAN INDIGENT DEFENSE COMMISSION Registration Activity Administration

USER SUMMARY

[My Profile](#) [My Surveys](#) [My Compliance Plans](#) [My Fee Schedules](#) [My Attorney Caseload Reports](#) [My CLE Hours](#)

USER PROFILE

Full Name

First Name  Last Name

Position  Email

Address 1  Address 2

City  State

Zip  Phone

Fax  Counties

Courts  Primary Court

**Step 5:** From the *My Compliance Plans* tab select *Start New*.

MICHIGAN INDIGENT DEFENSE COMMISSION Registration Activity Administration

USER SUMMARY

[My Profile](#) [My Surveys](#) [My Compliance Plans](#) [My Fee Schedules](#) [My Attorney Caseload Reports](#) [My CLE Hours](#)

MY COMPLIANCE PLANS

Search

Sort By Items Per Page  Page 1 of 1

Compliance Plan Name	County	Court	Actions
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**Step 6:** Once you select *Start New* a popup will appear. Select the down arrow on the right-hand side of the selection box. This will give you a list of forms. Select the form titled *Compliance Plans 2017 (Standards 1-4)*. Next, click the *Start* button.

The screenshot shows the Michigan Indigent Defense Commission user interface. At the top left is the logo and name 'MICHIGAN INDIGENT DEFENSE COMMISSION'. At the top right are links for 'Registration', 'Activity', and 'Administration'. Below the header is a 'USER SUMMARY' section with tabs for 'My Profile', 'My Surveys', 'My Compliance Plans' (which is active), 'My Fee Schedules', 'My Attorney Caseload Reports', and 'My CLE Hours'. Underneath is the 'MY COMPLIANCE PLANS' section, which includes a search bar with a 'Search...' input and a 'Search' button. A 'Start New' button is visible on the left. A modal window titled 'Start New Form' is open, showing a dropdown menu with 'Select One' and a list of forms, with 'Compliance Plans 2017 (Standards 1-4)' selected. To the right of the modal, there are controls for 'Sort By', 'Items Per Page' (set to 10), and 'Page 1 of 1'. At the bottom of the modal, there is an 'Actions' column.

**Step 7:** Complete the *Compliance Plans 2017 (Standards 1-4)* form. Be sure to upload all required documents. Once you have completed the form select *Submit*.





MICHIGAN INDIGENT  
DEFENSE COMMISSION

**A GUIDE FOR SUBMISSION OF  
COMPLIANCE PLANS,  
COST ANALYSES,  
AND LOCAL SHARE  
CALCULATIONS**

Summer 2017

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## Applicable Statutes

### ***Local Share Definition***

"Local share" or "share" means an indigent criminal defense system's average annual expenditure for indigent criminal defense services in the 3 fiscal years immediately preceding the creation of the MIDC under this act, excluding money reimbursed to the system by individuals determined to be partially indigent." MCL §780.983(g).

### ***MIDC Creates Rules and Procedures for Compliance Plans for Indigent Criminal Defense Systems***

"Establishing rules and procedures for indigent criminal defense systems to apply to the MIDC for grants to bring the system's delivery of indigent criminal defense services into compliance with the minimum standards established by the MIDC." MCL §780.989(1)(g).

### ***Indigent Criminal Defense System Creates Compliance Plan***

"Except as provided in subsection (2), every local unit of government that is part of an indigent criminal defense system shall comply with an approval plan under this act." MCL §780.997(1).

A system's duty to comply under the terms of its proposed plan as prescribed under subsection (1) is contingent upon receipt of a grant in the amount contained in the plan and cost analysis approved by the MIDC. MCL 780.997(2).

"No later than 180 days after a standard is approved by the department, each indigent criminal defense system shall submit a

plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before February 1 of each year. A plan submitted under this subsection shall specifically address how the minimum standards established by the MIDC under this act shall be met and shall include a cost analysis. The standards to be addressed in the annual plan are those approved not less than 60 days before the annual plan submission date. This cost analysis shall include a statement of the funds in excess of the local share, if any, necessary to allow its system to comply with the MIDC's minimum standards." MCL §780.993(3).

### ***Approval of Compliance Plans***

"The MIDC shall approve or disapprove a plan or cost analysis, or both a plan and cost analysis, submitted under subsection (3), and shall do so within 60 calendar days of the submission of the plan and cost analysis. If the MIDC disapproves the plan, the cost analysis, or both the plan and the cost analysis, the indigent criminal defense system shall consult with the MIDC and submit a new plan, a new cost analysis, or both within 30 calendar days of the mailing date of the official notification of the MIDC's disapproval." MCL §780.993(4).

### ***Compliance After Funding***

"Within 180 days after receiving funds from the MIDC under subsection (7), an indigent criminal defense system shall comply with the terms of the grant in bringing its system into compliance with the minimum standards established by the MIDC for effective assistance of counsel." MCL §780.993(10).

## Introduction

On May 22, 2017, the Department of Licensing and Regulatory Affairs approved the first four minimum standards for indigent criminal defense systems in the State of Michigan. Systems, defined as trial court funding units or a collaboration of trial court funding units in certain circumstances, have until **November 20, 2017**, to submit to the MIDC their plans for addressing the implementation of the standards. These guidelines are designed to assist with the preparation of the cost analysis and compliance planning for delivering indigent criminal defense services. Efficient and cost effective models for delivering indigent criminal defense services are encouraged wherever possible.

The system should identify its desired delivery method. Multiple models ranging from a defender office, an assigned counsel list, contract attorneys, or a mix of systems are available. New public defender offices or managed assigned counsel systems are encouraged where appropriate. In some areas, more than one delivery method will need to be in place to comply with the minimum standards and to provide the highest quality of indigent defense to people who are poor and accused of crimes.

The MIDC Act states that if an indigent caseload is sufficiently high, then a mixed system combining a public defender office and an appointment system may be used. For more information about creating a new system, please see *Delivery System Reform Models: Planning Improvements in Public Defense* (MIDC, December 2016) available on the MIDC's website: <http://bit.ly/midcguide> Whether implementing a new model, or maintaining an existing delivery system, the compliance plans must address how the minimum standards will be met. Efficient models of indigent defense delivery systems that can partner with multiple court funding units where feasible are desired.

Systems are encouraged to include all relevant stakeholders in addressing the new standards, proposing changes to existing

systems, and analyzing the cost of meeting the new standard requirements. Suggestions for stakeholders include, but are not limited to: representatives from the trial court funding unit's administration (i.e. county administrators/controllers, city managers, township supervisors, or their designees), trial court judges, court administrators, members of the local defense bar and local prosecutors. In the case where the system's funding unit is a county, it is strongly recommended that plans submitted are inclusive of the indigent defense services in both the circuit and all of the district courts of the county.

### ***Compliance Plan Components***

All compliance plans will need to address the following general information;

- The local system contact for the submitted plan (phone, email, address)
- A local financial contact for the post award fiscal administration
- Trial court funding unit(s) and court(s) included in the plan
- The identification of stakeholders or committee members involved in the planning process
- Collaborative plans must list all systems and trial courts associated with the plan

The submitted plan will address each standard individually. A statement is required to identify and expand on the current or existing state of the system's process or work in subject the area of the standard. The submission will then need to highlight the changes or enhancements needed to achieve the standard, if any. A cost analysis for the implementation issues related to each standard is required. Reasonableness will be stressed and a list or guideline for allowable costs will be provided. **Costs cannot be excessive.** It will be difficult for this guideline to be exhaustive of all possible financial scenarios. To minimize rejections after official

submission, systems should contact their MIDC Regional Manager, before submissions, to discuss compliance plan costs that pose situations not addressed in guidelines.

### Local Share

The MIDC Act requires maintenance of a certain level of funding by the local system(s), defined as the local share. The calculation of the local share involves the capture of expenditures for adult indigent defense costs for the three fiscal years preceding enactment of Public Act 93 of 2013. The costs are then offset by the corresponding collections or payments for court appointed counsel services in the same time period on behalf of defendants made by either an individual or an agency.

The submission shall identify a methodology employed to achieve the local share. A certification of the local share calculation, acknowledged through local official authorization, shall be a requirement of the plan. Awards will then be calculated as the sum of the approved cost analysis per standard offset by the local share.

### Funding Process

A condition of award to the local system(s) shall include the grantee securing and supplying to the MIDC a resolution from the local legislative branch (board of commissioners, city council) for the creation of a new fund within the local chart of accounts. The sole purpose of this fund shall be for accepting the grants funds from the MIDC and charging all plan-related costs to this fund. As a condition or assurance upon accepting the award, this fund will allow for better management of the grant funds and monitoring by the local and state interested parties. The local fund description shall allow for any fund balance not to revert to the general fund at the close of a fiscal year. Rollover funds will be used for expenditures that cross fiscal years as well as unexpended funds to be used for future compliance expenditures.

## General Guidelines for Compliance Plans

### *Cross-Standard Principles*

#### Administrator for Delivery Systems

A funding unit considering the use of a managed assigned counsel system or public defender administrator must use a licensed attorney in good standing with the State Bar of Michigan for all duties involving management or oversight of attorneys or cases within the system.

#### Defense Attorneys – Direct Service Providers

All attorneys identified by the funding unit to provide direct representation to indigent defendants must be licensed attorneys in good standing with the State Bar of Michigan and are bound by the Michigan Rules of Professional Conduct. Until approval of Minimum Standard 8, Economic Disincentives or Incentives, funding unit employees or contract providers shall be given reasonable compensation.

#### Non-Lawyers – Direct Service Providers and Interdisciplinary Defense Teams

Provided they are used to comply with minimum standards, grant funds can be used to hire employees or independently contract with licensed private investigators, or experts in any field recognized in the criminal justice community, to assist the defense.

#### Public Defender and Managed Assigned Counsel Systems

Systems may choose to set up regional or local delivery system reform models such as public defender offices or managed assigned counsel programs to meet the minimum standards. Set-up and operational costs should be included.

#### Regional Cooperation

The Commission urges efficient models of providing indigent defense. In some communities, multiple funding units may collaborate to deliver indigent defense services. The statutory authority for multiple counties cooperating in a regional delivery



system model can be found in the Urban Cooperation Act of 1967, at M.C.L. § 124.501 et. seq.

### Travel

Any travel related expenses requested for compliance planning shall not exceed the allowable rates provided by the "Schedule of Travel Rates" and the general policies for reimbursement of travel adopted by the State of Michigan. Rates can be found online at [http://www.michigan.gov/dtmb/0,5552,7-150-9141\\_13132---,00.html](http://www.michigan.gov/dtmb/0,5552,7-150-9141_13132---,00.html)

Absent extraordinary circumstances, no grant funds for out-of-state travel will be awarded for compliance plans.

### ***Standard 1 – Training and Education***

Pursuant to MIDC Standard 1.D, system practices that require assigned counsel to subsidize mandatory training will not be approved. Training shall be funded through compliance plans submitted by the local delivery system or other mechanism that does not place a financial burden on assigned counsel.

In the compliance plan, provide the names and P#s of all attorneys who will provide indigent defense in the year covered by the compliance plan. Further identify in that category how many of those attorneys have practiced criminal defense for two years or less.

In the plan and cost analysis, describe whether the training is part of the 12 hours of annual continuing legal education (CLE) and/or skills training for new lawyers.

For **new training programs**, identify the cost of set-up and implementation including personnel, contractors, equipment, supplies, and operating expenses. For **existing training programs**, identify the number of attorneys to be trained, the courses or programs that will be attended with a cost of registration/tuition (using a rate of no more than \$25 per credit hour), travel, and other expenses.

For webinars, such as the National Association for Public Defense, use an annual rate of \$20/per criminal defense attorney for membership and access to programming.

For the Michigan State Appellate Defender Office's (Criminal Defense Resource Center) online resources, use an annual rate of \$50/per criminal defense attorney for membership and access to programming.

### ***Standard 2 – Initial Interview***

If public defender offices need additional attorneys to comply with the initial interview standard, funding units may seek grant funds for personnel.

Other systems may need to change contracting or assigned counsel compensation policies. Funding units, using a contract or rotating assignment system, shall pay attorneys for the initial interview in all assigned criminal cases. Attorneys shall be compensated a reasonable fee for the initial interview. Confidential video visits are permissible for initial interviews with in-custody defendants.

Efficient use of technology (such as the use of PolyCom systems) and existing space in courthouses and jails in lieu of construction projects is encouraged to ensure and facilitate confidential interview space. Equipment can be included in the cost analysis of the compliance plan.

### ***Standard 3 – Investigation and Experts***

Funding units may seek grant funds to employ licensed investigators as needed to comply with Standard 3, and/or seek grant funds to contract with investigators or any expert witness identified as necessary to assist with the defense of an indigent client. Funding Units may seek grant funds for a **line item expense** for this purpose. A forthcoming MIDC publication on

allowable expenses will describe the maximum funding for this purpose.

***Standard 4 – Counsel at First Appearance and other Critical Stages***

Funding Units with public defender systems may seek grant funds to hire defense attorneys to comply with the standard for counsel at first appearance.

Funding units using a contract or rotating assignment system shall pay attorneys for the first appearance in a criminal case. A flat-rate can be paid to an attorney to be available on an on-call basis; until the approval of Standard 8 providing more specific guidelines, counsel shall be paid a reasonable fee.

## Resources and Contact Information

MIDC website: [www.michiganidc.gov](http://www.michiganidc.gov)

MIDC main office: 200 N. Washington Sq, 3<sup>rd</sup> Floor, Lansing  
517-657-3066

Questions, anytime: email [info@michiganidc.gov](mailto:info@michiganidc.gov)

Information about standards <http://michiganidc.gov/standards/>

White Papers to assist with compliance planning:

[http://michiganidc.gov/wp-content/uploads/2017/03/White-Papers\\_Complete-Set-with-Standards.pdf](http://michiganidc.gov/wp-content/uploads/2017/03/White-Papers_Complete-Set-with-Standards.pdf)

*Delivery System Reform Models: Planning Improvements in Public Defense* (MIDC, December 2016): <http://bit.ly/midcguide>

***To schedule a meeting with a Regional Manager, see the attached map for details and contact information, also available online at:***

<http://michiganidc.gov/midc-regional-consultant-assignment-and-contact-information/>



# MIDC - Sample Compliance Plans

This packet contains seven sample plans for compliance with the first set of MIDC minimum standards. These samples are only a guide to assist indigent criminal defense systems design compliance plans; any plan submitted is subject to approval by the full Commission.

The samples include three plans that make changes to existing systems – an assigned counsel system, a contract system, and a public defender office. The samples also include four plans that mark a shift to a changed indigent defense system – a transition to a public defender office, a transition to a managed assigned counsel system, a transition to regional cooperation, and a system that brings on a dedicated indigent defense administrator.

The sample plans cover both large and small indigent defense systems and should be applicable to different regions and court volumes throughout Michigan. They do not represent required elements of compliance, and systems may pick and choose from different plans depending on local preferences. For example, a system may set up a new Regional Defender Office, but choose to send attorneys to existing training programs, rather than start an in-house training program.

The plans also do not reflect standard or required expenses, just a series of examples that may shift depending on local conditions. For example, the plans have a variety of hourly rates for assigned counsel because there is not yet a uniform MIDC economic incentives standard. Instead, payment should be reasonable, based on local norms. The set requirements for compliance plans are contained in the *MIDC Applications and Instructions for Compliance Planning* and the *Guide for Submission of Compliance Plans, Cost Analyses, and Local Share*.

The sample plans include information about additional costs to the system for complying with standards. Again, these costs are simply guides and remain subject to final approval by the MIDC.

The sample plans reflect MIDC discussions with different funding units and stakeholder groups. They are not an exclusive set of potential planning models. The MIDC expects to see creative and effective compliance planning that adds several elements to these sample plans.

# Sample Plan Assigned Counsel System

## Overview

**How does the system intend to comply with the MIDC Standards?**

We will continue to use our assigned counsel system.

**Briefly describe the indigent defense delivery system:**

This funding unit maintains a typical assigned counsel system. There are two attorneys serving as the primary counsel for the indigent adult criminal cases. The system also maintains a conflict list of approximately five other attorneys who are occasionally assigned cases. None of the attorneys are salaried employees of the funding unit. All attorneys are paid per hour for time spent on an assigned case.

**Please provide the names and P#s for all attorneys the funding unit intends to have deliver indigent defense services during the compliance planning year:**

*See attached.*

## Compliance Plan

Describe how the system will comply with each standard adopted by the MIDC.

### Standard 1 – Training and Education

**Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any attorneys covered in this plan have fewer than two years of criminal defense experience?**

No.

**All attorneys shall annually complete at least twelve hours of continuing legal education. How many attorneys require training in this plan?**

Two. The other attorneys who practice occasionally in this system will be covered in a separate funding unit's compliance plan.

## **How will the funding unit ensure that the attorneys satisfy the twelve hours of continuing legal education during the compliance plan year?**

The funding unit will ensure that each attorney attends one regional conference offered by the Criminal Defense Attorneys of Michigan (CDAM). The attorneys will have access to the State Appellate Defender Office's Criminal Defense Resource Center online training manuals. The attorneys will also occasionally participate in relevant online courses (webinars) offered by the National Association for Public Defense (NAPD).

The funding unit will provide any relevant documentation for CLE attendance by attorneys to the MIDC for data collection purposes, pursuant to Michigan Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the course(s).

## **Standard 2 – Initial Interview**

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.

### **How will attorneys be notified of an appointment?**

The attorneys will receive an email from the court administrator with the Order of Assignment (SCAO Form MC222) that includes complete contact information for the defendant.

### **How will the initial interview be accomplished?**

Currently, the attorneys are only paid for one client interview. Attorneys will make the (additional) initial visit in person when practicable, and will be paid on an hourly basis to be billed in quarter hour increments not to exceed one hour for each initial interview where the defendant is charged with a misdemeanor, or two hours for each initial interview where the defendant is charged with a felony. In many instances, initial interviews will be done via video with the assistance of the sheriff's department for defendants in the custody of the local jail.

### **Does the jail have confidential space for attorney-client interviews?**

Yes. Some supplies will be necessary to facilitate video-based initial interviews.

### **Does the courthouse have confidential space for attorney-client interviews?**



No. In order to comply with this standard, an evaluation of all available space in the courthouse has been considered and it has been determined that minor construction-based modifications to existing space along with soundproofing will be required to ensure confidential communications between attorneys and their clients.

### **Standard 3 – Experts and Investigators**

**The MIDC standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.**

#### **How will this standard be complied with by the local system?**

Experts or investigators are identified by each assigned attorney and funds will be requested by counsel to pay for the expert or investigative services. Based on the most recent year’s adult criminal case statistics, it is projected that investigative services will need to be retained at \$75/hour for up to 60 hours of work in the compliance plan year. Expert witnesses will need to be retained as needed by attorneys and at the attorney’s discretion, not to exceed the hourly rates published by the MIDC, for a maximum of \$5,500 in the compliance plan year. The use of experts and investigators will be tracked by case type and attorney.

### **Standard 4 – Counsel at First Appearance and Other Critical Stages**

**Counsel shall be appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.**

#### **How will this standard be met by the local system?**

Arraignments are conducted on one afternoon each week, or as needed on an emergency basis. The court will have counsel available in person in the courthouse to handle the afternoon arraignments for one (four-hour) session

each week, or as needed, on an hourly basis, for a total maximum of 6 hours per week.

## System Costs

Category	Calculation method	Total
Current system costs (to be maintained)	Assigned counsel fees	\$75,000.00
Attorney time	Initial interviews – 2 hours/week x 50 weeks/year = 100 hours x \$80/hour	\$8,000.00
Attorney time	Counsel at first appearance – 6 hours/week x 50 weeks/year = 300 hours x \$80/hour	\$24,000.00
Attorney training	12 hours x 2 attorneys = 24 hours x \$25/hour for registration costs	\$600.00
	\$50 x 2 attorneys for SADO/CDRC	\$100.00
	\$20 x 2 attorneys for NAPD membership	\$40.00
Attorney travel for training	Travel will require two-nights hotel and meals, plus mileage for each attorney	
	Hotel - \$75/night + taxes/fees x 2 nights x 2 attorneys	\$342.36
	Meals - \$36/day x 2 days x 2 attorneys	\$144.00
	Mileage – 320 miles roundtrip x \$.36/mile x 2 attorneys	\$230.40
	Bridge tolls - \$8 x 2 attorneys	\$16.00
Expert and Investigator fees	Investigators = \$75/hr x 60 hours	\$4,500.00
	Experts at MIDC rates up to max Tier I	\$5,500.00
Construction	Space modification/privacy wall	\$8,000.00
	Soundproofing unit to be installed in wall	\$250.00
Supplies and Operating	Polycom unit	\$4,500.00
	<b>Total indigent defense system cost:</b>	<b>\$131,222.76</b>
	<i>Certified local share</i>	<i>(\$63,733.00)</i>
	<b>Grant requested funds:</b>	<b>\$67,489.76</b>

# Sample Plan Contract Defender System

## Overview

**How does the system intend to comply with the MIDC Standards?**

We will continue to use our contract defender system.

**Briefly describe the indigent defense delivery system:**

This funding unit contracts with a non-affiliated group of private attorneys who are paid a set amount of money to handle all of the indigent adult criminal case assignments.

**Please provide the names and P#s for all attorneys the funding unit intends to have deliver indigent defense services during the compliance planning year:**

*See attached.*

## Compliance Plan

Describe how the system will comply with each standard adopted by the MIDC.

### Standard 1 – Training and Education

**Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any attorneys covered in this plan have fewer than two years of criminal defense experience?**

No.

**All attorneys shall annually complete at least twelve hours of continuing legal education. How many attorneys require training in this plan?**

Ten.

## **How will the funding unit ensure that the attorneys satisfy the twelve hours of continuing legal education during the compliance plan year?**

The funding unit will contract for administrative support with the local bar association to identify trainers who will develop quarterly afternoon training sessions specifically designed for the local contract attorneys. Topics will include: latest trends in motion practice, forensic science updates, a Michigan and US Supreme Court caselaw update; sentencing hearings, local practices, and guidelines scoring. The sessions will be held in space available at the courthouse at no cost to attorneys. Included in the contract with the bar association will be administrative time to provide attendance documentation to the MIDC for data collection purposes, pursuant to Michigan Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the course(s).

## **Standard 2 – Initial Interview**

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.

### **How will attorneys be notified of an appointment?**

The attorneys will receive an email from the court administrator with the Order of Assignment (SCAO Form MC222) that includes complete contact information for the defendant.

### **How will the initial interview be accomplished?**

Attorneys will visit in person when practicable, and will be paid on an hourly basis to be billed in quarter hour increments not to exceed one hour for each initial interview where the defendant is charged with a misdemeanor, or two hours for each initial interview where the defendant is charged with a felony.

### **Does the jail have confidential space for attorney-client interviews?**

Yes. The Sheriff will ensure that there is a private booth or space for attorneys to visit with clients in the custody of the local jail. The room has a door capable of closing for privacy, but with a window so that occupants can be viewed by the jail staff. The conversations cannot be overheard in this space.

### **Does the courthouse have confidential space for attorney-client interviews?**

Not currently, but suitable space is being re-purposed and will be reviewed with the MIDC's Regional Manager for compliance planning purposes.

### **Standard 3 – Experts and Investigators**

**The MIDC standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client's defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.**

#### **How will this standard be complied with by the local system?**

Currently, the fees for experts or investigators are part of the contract paid to attorneys. To comply with the MIDC's standards, a separate line item in the indigent defense budget will be established to pay for the expert or investigative services. The lead contract attorney liaison will assist with the administration of requests for an additional hour each week of the compliance plan year. Based on the most recent year's adult criminal case statistics, it is projected that investigative services will need to be retained at \$60/hour for up to 150 hours of work in the compliance plan year. Expert witnesses will need to be retained as needed by attorneys and at the attorney's discretion, not to exceed the hourly rates published by the MIDC, for a maximum of \$13,000 in the compliance plan year.

### **Standard 4 – Counsel at First Appearance and Other Critical Stages**

**Counsel shall be appointed to provide assistance to the defendant as soon as the defendant's liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations, and at other critical stages, whether in court or out of court.**

#### **How will this standard be met by the local system?**

Arraignments are conducted three mornings each week, or as needed on an emergency basis. The court will have counsel available in person in the courthouse to handle the twelve hours of sessions each week, or as needed, on an hourly basis, for a total maximum of 15 hours per week added to the current contract.

# System Costs

Category	Calculation method	Total
Current system costs (to be maintained)	Annual contract for direct services for assigned counsel in adult criminal cases	\$300,000.00
Attorney time	Lead contract attorney liaison – 1 hour/week x 50 weeks x \$55/hour (average current contract rate)	\$2,750.00
Attorney time	Initial interviews – 3 hours/week x 10 attorneys x 50 weeks/year = 1500 hours x \$55/hour (average current contract rate)	\$82,500.00
Attorney time	Counsel at first appearance – 15 hours/week x 50 weeks/year = 750 hours x \$55/hour	\$41,250.00
Attorney training	Bar Association (training coordination) 8 hours/session x 4 sessions = 32 hours x \$25/hr (admin support)	\$800.00
	Trainers prep/development and training time (3 hrs prep: 1 hr lecture x 4 [3 hr] sessions) = 48 hrs x \$75/hr (attorneys)	\$3,600.00
	\$50 x 10 attorneys for SADO/CDRC \$20 x 10 attorneys for NAPD membership	\$500.00 \$200.00
Expert and Investigator fees	Investigators = \$60/hr x 150 hours	\$9,000.00
	Experts at MIDC rates up to max Tier II	\$16,000.00
	Total indigent defense system cost	\$456,600.00
	<i>Certified local share</i>	<i>(\$279,360.00)</i>
	<b>Grant requested funds:</b>	<b>\$177,240.00</b>

# Sample Plan

## Existing Public Defender Office

### Overview

#### **How does the system intend to comply with the MIDC Standards?**

We will use our existing county-funded public defender office.

#### **Briefly describe the indigent defense delivery system:**

The County has a public defender office with six salaried attorneys (1 chief, 1 Deputy and four assistant defenders) representing indigent clients full-time. The public defenders are government employees. They do not maintain any other law practice outside of their county employment. As detailed below, we will need to hire one additional full time assistant defender to comply with the MIDC's standards.

The county contracts with three other criminal defense attorneys to provide representation in the event of any ethical conflict of interest (co-defendants, or other conflict based on prior representation, etc).

#### **Please provide the names and P#s for all attorneys the funding unit intends to have deliver indigent defense services during the compliance planning year:**

See attached.

### Compliance Plan

Describe how the system will comply with each standard adopted by the MIDC.

#### **Standard 1 – Training and Education**

**Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any attorneys covered in this plan have fewer than two years of criminal defense experience?**

Yes. Assistant Defender N. Porter is a new lawyer, hired by this office last year. In addition to in-house training described below, she will attend CDAM's

*Trial Practice College: Intensive Training* (Bay City, MI) – 25 hours during the upcoming year as part of the compliance plan.

**All attorneys shall annually complete at least twelve hours of continuing legal education. How many attorneys require training in this plan?**

Up to ten.

**How will the funding unit ensure that the attorneys satisfy the twelve hours of continuing legal education during the compliance plan year?**

The Deputy Director will serve as the Training Director for the office to identify training needs of all staff and contract attorneys, and will coordinate the training programs or facilitate attendance at trainings for all criminal defense attorneys employed by the system. The training will include, at a minimum:

**Client Interviews and ethics in indigent defense:** 4 hours – skills training (afternoon session – in house training conducted by the training director, mandatory attendance for full staff and contract attorneys). This session will focus on the importance of client-centered representation.

**Brown Bag Lunch Sessions:** 1 hour each, 1 day each month (up to 12 hours), in a schedule published by the training director. This will be lecture or discussion style training for staff and contract attorneys. Speakers will be identified and will present in-house on various issues relevant to criminal defense and/or local practice. Topics will include: motion practice, PSIRs and sentencing scoring, MI Court of Appeals and MI Supreme Court published caselaw updates), etc.

**Webinar group viewing:** up to 2 hours each, 1 day each month (up to 24 hours), in a calendar published by the training director with a selection of courses relevant to the practice of indigent criminal defense planned and produced by the National Association for Public Defense (NAPD). These sessions will be open to staff and to contract attorneys. All attorneys included in this plan will become NAPD members and members of SADO's criminal defense resource center. SADO provides complimentary access to full time public defenders; the three contract attorneys will require memberships.

The training director will provide attendance documentation for each event to the MIDC for data collection purposes, pursuant to Michigan Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the course(s).

## **Standard 2 – Initial Interview**



When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.

#### **How will attorneys be notified of an appointment?**

The public defender will receive an email from the court administrator with the Order of Assignment (SCAO Form MC222) that includes complete contact information for the defendant. In the event of any conflict of interest, the assignment will be returned within 24 hours and the court will appoint an attorney from the conflict list.

#### **How will the initial interview be accomplished?**

In order to ensure timely compliance with this standard (and the standard for counsel at first appearance), an additional assistant defender will be hired by the public defender office.

#### **Does the jail have confidential space for attorney-client interviews?**

Yes. Some supplies will be necessary to facilitate video-based initial interviews. For in-person interviews at the jail, it will be necessary to provide overtime payment for some limited hours to Sheriff Deputies for purposes of facilitating the indigent defense visits in a timely manner.

#### **Does the courthouse have confidential space for attorney-client interviews?**

Yes. There are two conference rooms in the courthouse on the main floor of the building. One of the rooms will have new signage to indicate when private meetings are underway so that the occupants are not disturbed.

### **Standard 3 – Experts and Investigators**

**The MIDC standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.**

#### **How will this standard be complied with by the local system?**

The public defender office will hire a full time investigator. The funding unit will also contract with an outside investigator for conflict cases for up to 50 hours per year. The use of that investigator will be coordinated by the designated coordinating contract attorney.

Expert witnesses will need to be retained as needed by the public defender and contract attorneys, approved by either the chief public defender or the coordinating contract attorney in conflict cases, through a budget item not to exceed the hourly rates published by the MIDC, for a maximum of \$21,750 in the compliance plan year.

## Standard 4 – Counsel at First Appearance and Other Critical Stages

**Counsel shall be appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.**

### How will this standard be met by the local system?

In order to ensure timely compliance with this standard (and the standard for initial interviews), an additional assistant defender will be hired by the public defender office.

## System Costs

Category	Calculation method	Total
Current System costs	Budget/Line Item: Public Defender Office	392,236.00
Attorney Staff	One full time assistant defender will be hired in order to comply with the standards. Base salary = \$55,000/yr + fringes & benefits	\$82,500.00
Attorney Administrative time	The coordinating contract attorney will require additional administrative time to coordinate investigations and expert witnesses in conflict cases – up to 25 hours in the compliance year x	\$1,750.00

	\$70/hour current contract average hourly rate.	
Attorney training	25 hours x \$25/hour for trial college registration costs	\$625.00
Attorney travel for training	Other: \$50 x 3 attorneys for SADO/CDRC \$20 x 10 attorneys for NAPD membership	\$150.00 \$200.00
	Travel for trial college will require three -nights hotel and meals, plus mileage  Hotel - \$75/night + taxes and fees x 3 nights Meals - \$36/day x 3 days Mileage – 285 miles roundtrip x \$.36/mile	\$256.77 \$108.00 \$102.60
Expert and Investigator fees	PD Investigator – New Staff Position = \$42,000/yr + fringes & benefits  Investigator - conflicts = \$65/hr x 50 hours Experts at MIDC rates up to max Tier II	\$63,000.00  \$3,250.00 \$21,750.00
<b>Other services</b>	Sheriff deputy overtime payment to facilitate attorney-client interviews within three business days of appointment (\$30/hr x 5/hrs week x 50 weeks)	\$7,500.00
Supplies and Operating	Polycom unit at PD office Sign for attorney/client space	\$4,500.00 \$40.00
	<b>Total indigent defense system cost:</b>	<b>\$577,968.37</b>
	<i>Certified local share</i>	<i>(\$304,720.75)</i>
	<b>Grant requested funds:</b>	<b>\$273,247.62</b>

# Sample Plan

## Transition to Public Defender Office

### Overview

#### **How does the system intend to comply with the MIDC Standards?**

This system will transition from a traditional assigned counsel system to a blended system with a small roster of attorneys and a public defender office each taking about 50% of cases.

#### **Briefly describe the indigent defense delivery system:**

The newly-created defender office will consist of a Chief Defender, Deputy Defender/ Training Director, four staff attorneys, one office investigator, and one administrative assistant, for a total of eight new salaried county employees. Counsel will continue to be assigned to a small roster of qualified attorneys on a rotating basis who will be paid consistent with current amounts, for direct services and expenses in assigned cases (including conflict cases). The attorneys will represent about 50% adult indigent criminal defendants at both the district and circuit court level.

The next standards for caseloads, qualification and review of counsel, independence, and economic disincentives and incentives have been considered for purposes of both current compliance and transition to future compliance with MIDC standards.

The county has existing office space that will be dedicated for the public defender office and staff. County-owned furniture is expected to meet the needs of a new office for purposes of start-up. The compliance request includes funding for outstanding office and workstation supplies.

#### **Please provide the names and P#s for all attorneys the funding unit intends to have deliver indigent defense services during the compliance planning year:**

*See attached.*

# Compliance Plan

Describe how the system will comply with each standard adopted by the MIDC.

## Standard 1 – Training and Education

**Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any attorneys covered in this plan have fewer than two years of criminal defense experience?**

It is anticipated that two of the public defender office attorneys will have two or fewer years of experience.

**All attorneys shall annually complete at least twelve hours of continuing legal education. How many attorneys require training in this plan?**

Thirteen.

**How will the funding unit ensure that the attorneys satisfy the twelve hours of continuing legal education during the compliance plan year?**

The Deputy Director of the new Defender Office will create and implement a training program that will incorporate both the skills training for new attorneys and the Continuing Legal Education for remaining attorneys, including the roster for assigned counsel. The program will be conducted by in-house staff and members of the assigned counsel roster.

The Defender Office will provide any relevant documentation for attendance at the courses to the MIDC for data collection purposes, pursuant to Michigan Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the course(s).

## Standard 2 – Initial Interview

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.

**How will attorneys be notified of an appointment?**

The public defender office or assigned counsel will receive an email from the court administrator with the Order of Assignment (SCAO Form MC222) that includes complete contact information for the defendant.

### **How will the initial interview be accomplished?**

Public defender staff or assigned counsel attorneys will conduct the interview for their respective clients. An initial interview will be part of the job responsibilities for the assigned assistant defender and the contracting requirements for panel attorneys.

### **Does the jail have confidential space for attorney-client interviews?**

Yes. Some supplies will be necessary to facilitate video-based initial interviews.

### **Does the courthouse have confidential space for attorney-client interviews?**

Limited. For out of custody clients, the new public defender office will provide sufficient space for interviews. Some re-purposing of room use in the courthouse will also allow for some additional space. For in custody clients, the expectation is confidential interviews will have taken place at the local jail or prison. Some scheduling and case call adjustments will allow for confidential space when needed for follow-up communications at the courthouse.

## **Standard 3 – Experts and Investigators**

**The MIDC standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.**

### **How will this standard be complied with by the local system?**

The public defender office will hire an investigator for their indigent defense clients. The funding unit will also contract with an outside investigator for conflict cases for up to 100 hours per year.

Expert witnesses will need to be retained as needed by the public defender and assigned counsel, approved by either the chief public defender or a designated assigned attorney respectively, through a budget item not to exceed the hourly rates published by the MIDC, for a combined (conflict investigator and expert witness) maximum of \$25,000 in the compliance plan year.

## Standard 4 – Counsel at First Appearance and Other Critical Stages

Counsel shall be appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

### How will this standard be met by the local system?

Through a system of rotating attorneys, the public defender office will provide representation to all clients at arraignments. During arraignment, indigent clients will receive appointments to either the defender office or assigned counsel. Four assistant defenders, one deputy, and one chief defender will allow for assignments of counsel to different courtrooms and representation at arraignments.

## System Costs

Category	Calculation method	Total
Attorneys – assigned counsel (new system)	Line item total: 1500 hours/yr x \$70/hr (variable up to max rate, depending on charge)	\$105,000.00
Attorney Staff (new system)	One Chief Defender, 75,000/yr + fringes & benefits	\$112,500.00
	One Deputy Defender, \$67,500 + fringes & benefits	\$100,500.00
	Four full time assistant defenders \$55,000/yr + fringes & benefits	\$330,000.00
Administrative assistant	One salaried employee, \$40,000 + fringes & benefits	\$60,000.00
Attorney training	Roster attorneys will be paid an honoraria (contracted) to assist with in house training requirements, for a total of 20 hours at a rate of \$75/hour. All other time provided by staff will be part of salary expectations.	\$1,500.00

	Other: \$50 x 5 attorneys for SADO/CDRC \$20 x 13 attorneys for NAPD membership	\$250.00 \$260.00
Expert and Investigator fees	PD Investigator – New Staff Position = \$50,000/yr + fringes & benefits	\$75,000.00
	Investigator - roster = \$50/hr x 150 hours	\$7,500.00
	Experts at MIDC rates up to max Tier II	\$17,500.00
Supplies and Operating	Polycom unit at PD office	\$4,500.00
	Computers, docking stations, and office supplies	\$8,000
	Furniture	\$4,000
	Case management software	\$1,500
	<b>Total indigent defense system cost:</b>	<b>\$828,010.00</b>
	<i>Certified local share</i>	<i>(287,040.00)</i>
	<b>Grant Requested Funds</b>	<b>\$540,970.00</b>



# Sample Plan

## Managed Assigned Counsel – New System

### Overview

#### **How does the system intend to comply with the MIDC Standards?**

This county will transition from a standard assigned counsel system in Circuit Court and contracts with attorney groups in District Courts to an independently Managed Assigned Counsel System (MAC), as defined by the Michigan Indigent Defense Commission's *Guide to Delivery System Reform Models*.

#### **Briefly describe the indigent defense delivery system:**

Currently the Circuit Court administers an assigned counsel system that pays an hourly rate to a panel of fifty attorneys for Circuit Court appointments, while two District Courts contract with a group of private attorneys who are paid a set amount of money to handle all the indigent adult criminal case assignments in each year.

Each of these processes will shift to a new county MAC office, which will pay both District and Circuit Court attorneys an hourly rate. This office will coordinate a total of 65 attorneys in Circuit and District Courts. The new office will feature a Director, a Deputy Director, and an administrative assistant to register the attorneys, administer the assigned counsel system, design a training program, coordinate investigator contracts and expert witness services, and qualify and review attorneys on the roster. In this manner, the MAC system will meet this set of MIDC minimum standards while starting the transition to the next set of MIDC standard compliance.

#### **Please provide the names and P#s for all attorneys the funding unit intends to have deliver indigent defense services during the compliance planning year:**

*See attached.*

# Compliance Plan

Describe how the system will comply with each standard adopted by the MIDC.

## Standard 1 – Training and Education

**Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any attorneys covered in this plan have fewer than two years of criminal defense experience?**

Yes – A combined group of ten Circuit and District Court attorneys.

**All attorneys shall annually complete at least twelve hours of continuing legal education. How many attorneys require training in this plan?**

55

**How will the funding unit ensure that the attorneys satisfy the twelve hours of continuing legal education during the compliance plan year?**

The MAC Director will create and implement a training program that will incorporate both the skills training for new attorneys and the Continuing Legal Education for more experienced attorneys. The MIDC's Director of Training, Outreach & Support will be consulted during the development prior to implementing the programs. The programs will be conducted in-house by contracted trainers throughout the state.

The MAC Office will provide any relevant documentation for attendance at the courses to the MIDC for data collection purposes, pursuant to Michigan Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the course(s).

## Standard 2 – Initial Interview

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.

**How will attorneys be notified of an appointment?**

The MAC Deputy Director will design and implement an assignments process on a fair rotation with qualification tiers based on the seriousness of the charge

in District and Court. Attorneys will only be assigned to cases through the MAC process. MAC will notify the attorneys as cases are assigned via e-mail.

### **How will the initial interview be accomplished?**

Attorneys will visit in person when practicable, and will be paid on an hourly basis to be billed in quarter hour increments not to exceed one hour for each initial interview where the defendant is charged with a misdemeanor, or two hours for each initial interview where the defendant is charged with a felony.

One requirement of an appointment from the MAC system will be the initial interview of a client. The MAC office will have two interview spaces for attorneys, including a polycom system for videoconferencing with the jail.

### **Does the jail have confidential space for attorney-client interviews?**

Yes. The jail currently conducts client visits through three private booths and one video station. To expand for the anticipated increased demand in client interviews, two more video stations will be necessary. The MAC office will have equipment for this videoconferencing.

### **Does the courthouse have confidential space for attorney-client interviews?**

Yes, the courthouse is making two rooms available for out-of-custody client interviews.

## **Standard 3 – Experts and Investigators**

**The MIDC standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.**

### **How will this standard be complied with by the local system?**

Assigned counsel will no longer request experts and investigative assistance in court. Instead, the MAC Deputy Director will implement a process for counsel to request these services, either via e-mail or through a website. The Deputy Director will serve as a gatekeeper, approving expert and investigator assistance in only appropriate cases. The MAC office will then administer both the expert and investigator contracts and coordinate all payments. It is anticipated that investigative services will need to be retained at \$50/hour for

up to 500 hours of work in the compliance plan year. Expert witnesses will need to be retained not to exceed the hourly rates published by the MIDC, for a maximum of \$25,000 in the compliance plan year.

## Standard 4 – Counsel at First Appearance and Other Critical Stages

**Counsel shall be appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations, and at other critical stages, whether in court or out of court.**

### How will this standard be met by the local system?

MAC will coordinate roster attorneys so that one attorney is available to serve as counsel at first appearance daily during the work week, for a total maximum of 40 hours per week in one District Court and 20 hours per week in the second District Court, added to the current contract. Ten additional hours per week will be needed for weekend arraignments.

## System Costs

Category	Calculation method	Total
Attorneys – assigned counsel (includes hourly wages for counsel at first appearance and the initial client interview)	Line item total:  Average of 600 hours/yr x \$60/hr (variable up to max rate, depending on charge) x 65 attorneys	\$2,340,000.00
Attorney Staff (new system)	One Managed Assigned Counsel Director, 85,000/yr + fringes & benefits	\$127,500.00
	One Deputy Director, \$67,500 + fringes & benefits	\$100,500.00

Administrative assistant	One salaried employee, \$40,000 + fringes & benefits	\$60,000.00
Attorney training	Attorney instructors will be paid an honoraria (contracted) to assist with in house training requirements, for a total of 20 hours at a rate of \$75/hour. Coordination of the training program by MAC staff will be part of salary expectations.	\$1,500.00
	Other:	
	\$50 x 65 attorneys for SADO/CDRC \$20 x 65 attorneys for NAPD membership	\$3,250.00 \$1,300.00
Expert and Investigator fees	Investigator - roster = \$50/hr x 500 hours	\$25,000.00
	Experts at MIDC rates up to max Tier III	\$25,000.00
Supplies and Operating	Polycom unit at PD office; Two polycom units at jail	\$13,500.00
	Computers, docking stations, and office supplies	\$3,000.00
	Software / Website interface for case management, roster management, and expert / investigator requests	\$50,000.00
	Total indigent defense system cost:	\$2,750,550.00
	<i>Certified local share</i>	<i>(\$1,300,000.00)</i>
	<b>Grant Requested Funds</b>	<b>\$1,450,550.00</b>

# Sample Plan

## Transition to a Regional Defender Office

### Overview

#### **How does the system intend to comply with the MIDC Standards?**

Three counties will transition from separate contract systems to a Regional Defender Office with both a small public defender office handling 50% of felony cases and counsel at first appearance, and a roster of attorneys that will handle the other 50% of felony cases and all misdemeanors. The Regional Defender Office will coordinate training, assignments, experts and investigators, and appointments for all adult criminal case assignments in the circuit courts and district courts in the three counties.

#### **Briefly describe the indigent defense delivery system:**

Per M.C.L. § 124.501 et. seq., these three counties will establish a Regional Defender Office with a public defender office and a managed assigned counsel system.

First, a public defender office consisting of five attorneys, an administrator, and a part-time investigator will represent clients in 50% of felony cases and counsel at first appearance. One attorney will be assigned to each of the Circuit Courts, one attorney will handle counsel at first appearance, and the fifth attorney will function as the Chief Defender, with a partial caseload.

Second, an Assigned Counsel Coordinator will work in the Regional Defender Office to assign counsel for the other 50% of felony cases and all misdemeanors, and to approve expert and investigator requests for these attorneys. This attorney will also have a partial felony caseload, consisting of only single-defendant cases to avoid conflicts of interest in expert or investigator approvals. In total, the roster will consist of ten attorneys, including the Assigned Counsel Coordinator.

The Regional Defender Office will also be structured to meet future standards through qualifications for assignments, supervision of defenders, and review of roster attorneys.

The largest county has existing office space that will be dedicated for the Assigned Counsel Coordinator, Chief Defender, and two attorneys. The other two counties will provide an office for each attorney. The compliance request includes funding for the remaining office and workstation supplies.

**Please provide the names and P#s for all attorneys the funding unit intends to have deliver indigent defense services during the compliance planning year:**

*See attached.*

## **Compliance Plan**

Describe how the system will comply with each standard adopted by the MIDC.

### **Standard 1 – Training and Education**

**Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any attorneys covered in this plan have fewer than two years of criminal defense experience?**

It is expected that one salaried public defender and one assigned counsel attorney will have two or fewer years of experience.

**All attorneys shall annually complete at least twelve hours of continuing legal education. How many attorneys require training in this plan?**

Fifteen.

**How will the funding unit ensure that the attorneys satisfy the twelve hours of continuing legal education during the compliance plan year?**

The Chief Defender and the Assigned Counsel Coordinator will work together to create and implement a training program that will incorporate both the skills training for new attorneys and the continuing legal education for remaining attorneys. This training program will serve the entire Regional Defender Office – both the public defender side and the assigned counsel side. The program will be conducted by in-house staff and members of the assigned counsel roster. The MIDC's Director of Training, Outreach & Support will be consulted during the creation and implementation of the program to ensure compliance.

The Defender Office will provide any relevant documentation for attendance at the courses to the MIDC for data collection purposes, pursuant to Michigan

Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the course(s).

## **Standard 2 – Initial Interview**

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.

### **How will attorneys be notified of an appointment?**

The Regional Defender Office will receive an email from the court administrator with the Order of Assignment (SCAO Form MC222) that includes complete contact information for the defendant. The Assigned Counsel Coordinator will then assign 50% felony cases in a rotation to the defender office, and the other 50% and all misdemeanors to the attorneys on the regional assigned counsel list.

### **How will the initial interview be accomplished?**

Public defender staff or assigned counsel attorneys will conduct the interview for their respective clients. An initial interview will be part of the job responsibilities for the assigned assistant defender and the contracting requirements for assigned attorneys.

### **Does the jail have confidential space for attorney-client interviews?**

Two of the jails have good facilities for confidential space while the third jail will need \$25,000 for a renovation project to create sufficient space. Construction plans are attached detailing the project, which was determined to be necessary for the purpose of implementing the standard.

### **Does the courthouse have confidential space for attorney-client interviews?**

The primary defender office and satellite offices have interview space. For assigned counsel, the three courthouses have limited, but sufficient interview space. One county will need \$20,000 in renovation expenses in order to facilitate the confidential interviews.

## **Standard 3 – Experts and Investigators**

**The MIDC standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Counsel shall**



**request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.**

#### **How will this standard be complied with by the local system?**

The public defender office will hire a part-time investigator for their indigent defense clients. The Regional Defender Office will also contract with outside investigators for up to 150 hours per year.

Expert witnesses will need to be retained as needed by the public defender and assigned counsel, approved by either the chief public defender or the assigned counsel coordinator respectively, through a budget item not to exceed the hourly rates published by the MIDC, for a combined (conflict investigator and expert witness) maximum of \$25,000 in the compliance plan year.

#### **Standard 4 – Counsel at First Appearance and Other Critical Stages**

**Counsel shall be appointed to provide assistance to the defendant as soon as the defendant's liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.**

#### **How will this standard be met by the local system?**

Through one attorney and the already existing polycom unit in each courthouse, and a new polycom unit in the Regional Defender Office, the public defender side of the Regional Defender Office will provide representation to all clients at arraignments. After arraignment, indigent clients will receive appointments to either the defender office or assigned counsel through the Assigned Counsel Coordinator.

## System Costs

Category	Calculation method	Total
Attorneys – assigned counsel (includes the initial interview)	Line item total:	
	Average of 1,000 hours/yr x \$60/hr (variable up to max rate, depending on charge) x 9 attorneys	\$540,000.00
	Attorney Staff (new system)	
	One Chief Defender, 75,000/yr + fringes & benefits	\$112,500.00
	One Assigned Counsel Coordinator, \$67,500 + fringes & benefits	\$100,500.00
	Four full time assistant defenders \$55,000/yr + fringes & benefits	\$330,000.00
Administrative assistant	One salaried employee, \$40,000 + fringes & benefits	\$60,000.00
Attorney training	Roster attorneys and statewide trainers will be paid an honoraria (contracted) to assist with in house training requirements, for a total of 20 hours at a rate of \$75/hour. All other time provided by staff will be part of salary expectations.	\$1,500.00
	Other:	
	\$50 x 10 attorneys for SADO/CDRC membership	\$500.00
	\$20 x 15 attorneys for NAPD membership	\$300.00
Expert and Investigator fees	Part-time PD Investigator – New Staff Position = \$30,000/yr + fringes & benefits	\$45,000.00
	Investigator - roster = \$50/hr x 150 hours	\$7,500.00
	Experts at MIDC rates up to max Tier II	\$17,500.00
Supplies and Operating	Polycom unit at Regional Defender Office	\$4,500.00
		\$8,000

	Computers, docking stations, and office supplies	\$4,000
	Furniture	\$1,500
	Case management software	
Renovation expenses	Single jail renovation	\$25,000
	Single court renovation	\$20,000
	Total indigent defense system cost:	\$1,278,300.00
	<i>Certified local share</i>	<i>(510,040.00)</i>
	<b>Grant Requested Funds</b>	<b>\$768,260.00</b>

# Sample Plan Public Defender Administrator – New System

## Overview

### **How does the system intend to comply with the MIDC Standards?**

We intend to employ a licensed attorney in good standing with the State Bar of Michigan as a public defender administrator in a newly created position. The new position will be called the Director of the Indigent Defense Counsel Services (IDSC). The Director shall be responsible for contracting with and overseeing local attorneys to provide legal services to criminal indigent defendants. The Director will implement, monitor, and maintain compliance with the MIDC standards. The Director will also prepare, monitor and administrator IDSC annual plan and budgets.

### **Briefly describe the indigent defense delivery system:**

Currently this funding unit contracts with a non-affiliated group of private attorneys who are paid a set amount of money to handle all of the indigent adult criminal case assignments. The IDSC will oversee this system and report directly to the county administrator.

### **Please provide the names and P#s for all attorneys the funding unit intends to have deliver indigent defense services during the compliance planning year:**

*See attached.*

## Compliance Plan

Describe how the system will comply with each standard adopted by the MIDC.

### **Standard 1 – Training and Education**

**Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition**

**class. Do any attorneys covered in this plan have fewer than two years of criminal defense experience?**

No.

**All attorneys shall annually complete at least twelve hours of continuing legal education. How many attorneys require training in this plan?**

Eleven.

**How will the funding unit ensure that the attorneys satisfy the twelve hours of continuing legal education during the compliance plan year?**

The IDSC will ensure that the contract defenders attend CDAM's spring conference in Troy, Michigan, including breakout sessions and all plenary sessions.

The IDSC will ensure that CDAM provides attendance documentation to the MIDC for data collection purposes, pursuant to Michigan Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the spring conference.

## **Standard 2 – Initial Interview**

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting.

**How will attorneys be notified of an appointment?**

The IDCS will directly contact the attorneys about an assignment to confirm availability. Once assigned, the attorney will be provided with complete contact information for the defendant.

**How will the initial interview be accomplished?**

Attorneys will visit in person when practicable, and will be paid on an hourly basis to be billed in quarter hour increments not to exceed one hour for each initial interview where the defendant is charged with a misdemeanor, or two hours for each initial interview where the defendant is charged with a felony.

**Does the jail have confidential space for attorney-client interviews?**

Yes. The Sheriff will ensure that there is a private booth or space for attorneys to visit with clients in the custody of the local jail. The room has a door capable

of closing for privacy, but with a window so that occupants can be viewed by the jail staff. The conversations cannot be overheard in this space.

### **Does the courthouse have confidential space for attorney-client interviews?**

Yes, for defendants not in custody of the local jail, attorneys can use a private consultation room in the attorney lounge on the third floor of the courthouse.

## **Standard 3 – Experts and Investigators**

**The MIDC standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.**

### **How will this standard be complied with by the local system?**

The IDSC will coordinate all payments to investigators and expert witnesses. It is anticipated that investigative services will need to be retained at \$50/hour for up to 100 hours of work in the compliance plan year. Expert witnesses will need to be retained as needed by attorneys and at the attorney’s discretion, not to exceed the hourly rates published by the MIDC, for a maximum of \$5,000 in the compliance plan year.

## **Standard 4 – Counsel at First Appearance and Other Critical Stages**

**Counsel shall be appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations, and at other critical stages, whether in court or out of court.**

### **How will this standard be met by the local system?**

The IDSC will coordinate contract attorneys so that one attorney is available to serve as counsel every morning during the work week, for a total maximum of 20 hours per week added to the current contract.

# System Costs

Category	Calculation method	Total
Current system costs (to be maintained)	Annual contract for direct services for assigned counsel in adult criminal cases	\$325,000.00
Public Defender Administrator	New, salaried IDSC position =85,000/yr + fringes & benefits	\$127,500.00
Attorney time	Initial interviews – 2 hours/week x 10 attorneys x 50 weeks/year = 1000 hours x \$55/hour (average current contract rate)	\$55,000.00
Attorney time	Counsel at first appearance – 20 hours/week x 50 weeks/year = 1000 hours x \$55/hour	\$55,000.00
Attorney training – including travel expenses	CDAM Spring Conference	
	Registration for 11 attorneys	\$3,300.00
	Travel to conference	
	Hotel (\$75/night + taxes, fees x 2 nights per attorney x 11 attorneys)	\$2,054.16
	Meals - \$36/day x 2 days x 11 attorneys	\$792.00
	Mileage – 264 miles roundtrip x \$.36/mile x 4 attorneys (carpooling planned)	\$380.16
	\$50 x 10 attorneys for SADO/CDRC	\$500.00
	\$20 x 10 attorneys for NAPD membership	\$200.00
Expert and Investigator fees	Investigators = \$50/hr x 100 hours	\$5,000.00
	Experts at MIDC rates up to max Tier I	\$5,000.00
	<b>Total indigent defense system cost</b>	<b>\$579,726.32</b>
	<i>Certified local share</i>	<i>(\$254,235.00)</i>
	<b>Grant requested funds:</b>	<b>\$325,491.32</b>