



MICHIGAN INDIGENT  
DEFENSE COMMISSION

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Michigan Indigent Defense Commission Meeting Minutes  
200 N. Washington Square, 3<sup>rd</sup> Floor  
Lansing, MI 48933  
Special Meeting  
July 31, 2017  
Time: 1:00 PM

**Commission Members Present**

James Fisher, Chair, Judge Thomas Boyd, Frank Eaman, Joseph Haveman, Michael Puerner, David Schuringa, and John Shea, ~~and Gary Walker~~

**Participating via Telephone**

Thomas Clement, Nancy Diehl, Derek King, Shela Motley, Brandy Robinson, ~~and~~ William Swor (joined at 2:12 pm), AND GARY WALKER

**Commission Members Absent**

Tom McMillin

**Members of the Public Present:**

Kevin Bowling, Malcolm Brown, Barbara Caskey, Peter Cunningham, Michael Day, Justin Dickman, Richard Lynch, John Nizol, Ramona Sain, Marianne Talon, Andy Thalhammer, Drew VandeGrift, Shelli Weisberg

**Staff Members Present**

Jonathan Sacks, Ashley Carter, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Marla McCowan, Kelly McDoniel, Marcela Westrate, and Jana Mathieu (via telephone)

The meeting was called to order at 1:03 pm.

Chair Fisher welcomed new member Joseph Haveman to the Michigan Indigent Defense Commission (“MIDC” or “the Commission”).

**Public comment**

No members of the public wished to comment.

### **Additions to the agenda**

Chair Fisher added one item to the agenda, the resignation of Kevin Oeffner from the Commission.

Kevin Oeffner notified the Governor Snyder and the Commission of his resignation.

Dr. Schuringa moved that the resignation be accepted. The motion carried.

Judge Boyd moved that Chair Fisher draft a letter to Mr. Oeffner indicating the Commission's sincere gratitude for the work Mr. Oeffner did on the Commission's behalf. Judge Boyd further moved that a copy of the letter be transmitted to the Chief Judge of the Oakland County Circuit Court. The motion carried.

### **MIDC Lawsuit**

Mr. Sacks gave the Commission an overview of the suits filed by Oakland and Macomb Counties. The Attorney General's Office will give a presentation at a future meeting.

The Attorney General's office drafted a Memorandum of Understanding (MOU) detailing the costs of defending against the Oakland County lawsuit.

Judge Boyd moved that the Commission approve the MOU. Mr. Puerner seconded the motion. The motion carried.

### **Approval of June 20, 2017 minutes**

Judge Boyd moved that the minutes be approved with two amendments. Mr. Shea seconded the motion. The motion carried.

### **Compliance plan application and instructions**

The Commission discussed a draft compliance plan application and instructions. Staff highlighted four areas of concern. The Commission discussed each item.

1. Sheriff Expenses for facilitation and administration. Mr. Sacks indicated that the staff recommendation is that sheriff expenses not be included.

Mr. Eaman moved that the staff recommendation be adopted. Mr. Haveman seconded the motion.

The Commission discussed the motion. After discussion the motion failed.

The Commission suggested that language be added to the document indicating that local systems must explain how these costs are reasonably and directly related to indigent defense.

2. Expert and investigator tiers. Mr. Sacks indicated that the staff recommendation is to limit each indigent defense system to a capped amount of funds for investigators and experts based on the total new circuit criminal filings within the jurisdiction in the most recent calendar year.

Mr. Shea moved that the staff recommendation be adopted. Mr. Puerner seconded the motion.

After discussion, the motion carried.

3. Renovation Expenses. Mr. Sacks indicated that the staff recommendation is that these expenses not exceed \$25,000.

The Commission discussed the recommendation

Mr. Shea moved that the staff be given direction that \$25,000 is the maximum that the Commission would feel comfortable approving absent compelling circumstances. The application should indicate that no existing space could be deployed or redeployed to comply with the standard. Judge Boyd seconded the motion.

The motion carried.

4. Calculation of state reimbursement. Mr. Sacks gave the Commission an overview of the problems the Regional Managers were having calculating the local share in some communities. Ms. Mack provided details on how the Commission could decide to include the State's share in the cost analysis.

The Commission discussed the local share and state share calculations.

Mr. Shea moved that staff be guided to instruct compliance plan applicants that the local share be computed without regard to reimbursements. Mr. Puerner seconded the motion.

The Commission discussed the motion.

The motion carried, Judge Boyd AND MR. KING dissented.

Mr. Sacks indicated that MIDC staff would make changes to the model plans and to the compliance plan applications and instructions in connection with the discussion and motions.

Mr. Eaman moved that the compliance plan applications and instructions be approved subject to the changes discussed by the Commission. Mr. Shea seconded the motion. The motion carried. (MOTION WAS RESCINDED AT THE AUGUST 15, 2017 MEETING. PLEASE SEE MINUTES FOR ADDITIONAL INFORMATION.)

### **Model Plans**

Mr. Puerner moved that the model plans be approved subject to the changes discussed by the Commission. Mr. Eaman seconded the motion. The motion carried.

### **Budget/legislation ad hoc committee**

The Department of Licensing and Regulatory Affairs contacted Mr. Sacks to schedule a meeting to discuss potential legislative changes. Chair Fisher appointed an ad hoc committee to work with Mr. Sacks on legislative changes. Judge Boyd, Mr. Haveman, and Mr. McMillin were appointed to the committee.

### **Innovation grant application update**

The MIDC received 16 grants from 14 different counties. Commissioners will review staff recommendations at the August 15, 2017 meeting and vote on awarding these grants.

There being no further business before the Commission Mr. Shea moved to adjourn. Mr. King seconded the motion. The motion carried.

The meeting adjourned at 3:30 pm.

Respectfully submitted,

Marcela Westrate