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Mailing Address
P.O. Box 279
Davison, MI 48423

517.579.0533 office
www.CDAMonline.org

June 12, 2018

Loren Khogali, Executive Director
Michigan Indigent Defense Commission
200 N. Washington Square, 3rd Floor
Lansing, MI 48913

Dear Executive Director Khogali,

As you are aware, CDAM has advocated for improvements to Michigan's public defense delivery system for decades and we appreciate the opportunity to offer our input in MIDC proposed Standards 5-8. As such, a special Board of Directors meeting was called to review those proposed standards. Our position is as follows:

Standard 5: Independence from the Judiciary
CDAM Board of Directors supports Standard 5

Standard 6: Indigent Defense Workload
CDAM Board of Directors supports Standard 6

Standard 7: Qualification and Review
CDAM Board of Directors opposes Standard 7 unless paragraph B is amended to read,

B) Qualifications. Eligibility for particular case assignments shall be based on counsel's ability, training and experience. Attorneys must meet the following case-type qualifications:

1. Misdemeanor Cases
 - a. Satisfaction of all *Basic Requirements*; and
 - b. Serve as co-counsel or second chair in a prior trial (misdemeanor, felony, bench or jury); or
 - c. equivalent experience and ability to demonstrate similar skills.

2. Low-severity Felony Cases
 - a. Satisfaction of all *Basic Requirements*; and
 - i. Has practiced criminal law for one full year (either as a prosecutor, public defender, or in private criminal defense practice); and
 - ii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have reached a verdict, one of which having been submitted to a jury; or
 - iii. Have equivalent experience and ability to demonstrate similar skills.
3. High-severity Felony Cases
 - a. Satisfaction of all *Basic Requirements*; and
 - i. Has practiced criminal law for two full years (either as a prosecutor, public defender, or in private criminal defense practice); and
 - ii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in four criminal cases that have reached a verdict, one of which having been submitted to a jury; or
 - iii. **Have equivalent experience and ability to demonstrate similar skills.**
4. Life Offense Cases
 - a. Satisfaction of all *Basic Requirements*; and
 - i. Has practiced criminal law for five full years (either as a prosecutor, public defender, or in private criminal defense practice); and
 - ii. Has prior experience as lead counsel in no fewer than seven felony jury trials that have been submitted to a jury; or
 - iii. **Have equivalent experience and ability to demonstrate similar skills.**

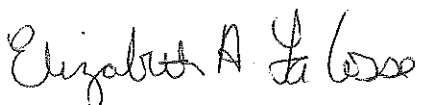
President's comment: I think it is fair to say that this standard caused the most discussion. The whole group agreed that there must be qualifications and review of attorneys handling indigent cases. But the bottom line was that the majority felt that they could not support the standard in its current form.

Standard 8: Indigent Defense Workload
CDAM Board of Directors supports Standard 8

Please be advised that CDAM's representatives to the MIDC were not part of any discussions, deliberations, or votes on the proposed standards.

I can be reached at (906) 226-3050 if you have any questions or concerns.

Sincerely,



Elizabeth A. LaCosse, President
Criminal Defense Attorneys of Michigan

cc: Marla McCowan, MIDC Director of Training, Outreach and Support
comments@michiganidc.gov