



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
February 12, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd and Derek King

Participating via Telephone

Thomas Clement, Nancy Diehl, Frank Eaman, Judge James Fisher, Joseph Haveman, Brandy Robinson, Kristina Robinson, Dr. David Schuringa, William Swor, and Gary Walker

Commission Members Absent

Judge Jeffrey Collins, Tom McMillin and John Shea

Members of the Public Participating Included:

Malcolm Brown (via telephone), Ken Hinton, Meghann Keit, Karen Moore (via telephone), Courtney Pendleton, Ramona Sain (via telephone), Marianne Talon and Dawn Van Hoek

Staff Members Present

Loren Khogali, Barbara Klimaszewski (via telephone), Marla McCowan, Kelly McDoniel (via telephone), Rebecca Mack, Jonah Siegel, Nicole Smithson (via telephone), Kristen Staley (via telephone), Melissa Wangler (via telephone) and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:05 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments.

Ms. Van Hoek updated the Commission on Wayne County’s activities.

Additions to the Agenda

Mr. King moved that the agenda be adopted as presented and that no items be added. Judge Boyd seconded. The motion carried.

Consent Agenda

Judge Boyd moved that the consent agenda including the minutes from the open and closed sessions of the January 11, 2019 special meeting be approved. Mr. Walker seconded the motion. The motion carried.

Chair Report

Chair Puerner gave the Commission an overview of the process that will be used for Executive Director Loren Khogali's annual review. He would like this completed by the April meeting, and the Commission will move into closed session for discussion if requested by Ms. Khogali to do so.

Executive Director Report

Ms. Khogali welcomed Nicole Smithson to the MIDC. Ms. Smithson will be the Regional Manager for Lapeer, Oakland, Macomb and St. Clair Counties. Ms. Khogali updated the Commission on a number of matters, including transition meetings, research opportunities, the implementation of compliance plans by local systems, the grant contracting process and the Oakland County lawsuits.

Contracts Completed and Funding Distributed

As of February 5, 2019, 92 systems have finalized their contracts and received the initial 50% distribution of grant funding, for a total of \$24,124,290.77.

Discussion of Assessment of Compliance with Standards 1-4

Ms. McCowan gave an overview of the issue, and when the Commission could expect the first plans to reach the 180-day compliance date.

Judge Boyd moved that the Commission ask staff to develop a framework for compliance review and make a recommendation of guidelines and benchmarks to be used by the Commission. Mr. King seconded the motion. The motion carried.

First Quarter Reporting

Ms. McCowan and Dr. Siegel gave an overview of the reporting process and preliminary results.

Budget Adjustments

Ms. McCowan updated the Commission on the budget adjustments approved by staff pursuant to the process previously approved by the Commission. The adjustments for the following areas did not impact the total system cost:

- 28th District Court – Southgate
- 44th District Court – Royal Oak
- Barry County
- Mason County
- Tuscola County

Requests for Plan Adjustments

The following plan adjustments were placed before the Commission for its consideration:

- Clare/Gladwin Counties: These counties submitted separate plans that provided for joint administration. The counties have requested a single contract with Clare as the fiduciary, and a shift of funds to provide for a part-time clerical employee and an attorney manager.

- Kalkaska County: The county is requesting a plan revision to include an attorney administrator, which would be a contract position. The funds needed for the change are available without a grant increase.

Staff recommends approval of both adjustments.

Judge Fisher moved that the staff recommendation be adopted and the Commission approve the adjustments for Clare/Gladwin Counties and for Kalkaska County. Mr. Walker supported the motion. The motion carried.

Policy Addressing Changes in Local Share

Staff updated the Commission on the requests from local systems to change their local shares. The Commission discussed the issue but did not take any action.

Regional Highlights, Standard 1 Spotlight

Ms. McCowan highlighted activities throughout the state. A Leadership Gathering was held on February 8, 2019 in Lansing for Michigan public defenders and managed assigned counsel administrators. Staff members received very positive feedback regarding the conference. Ms. Khogali and Ms. McCowan gave the Commission an overview of the event. Ms. McCowan will begin working with the Training and Evaluation Standards Committee to develop standards for training providers and trainers for the Commission to review and approve.

Oakland County District Courts Standard 1 Discussion

Ms. McCowan updated the Commission on Oakland County's plan for complying with Standard 1. Attorneys who practice in Oakland County have contacted the MIDC offices to inquire how to comply with the standard. Since the contract has not yet been signed, the plan has not been implemented. Ms. McCowan provided several options for the Commission's consideration.

Mr. Brown offered comments on Oakland County's plan for complying with Standard 1.

Discussion of Incomplete Contracts

Ms. Khogali gave an overview of the contracts that have not yet been executed. Ms. Khogali recommends that staff communicate to systems with outstanding contracts that these contracts must be executed by March 1, 2019 or be in the process of being executed. After March 1, 2019, the MIDC will contact the State Court Administrative Office to request that a mediator be appointed pursuant to the MIDC Act and that mediation be conducted.

Ms. Brandy Robinson moved that Ms. Khogali's recommendation above be adopted. Mr. Swor seconded. The motion carried.

Wayne County Request for Extension of Grant Contract

Ms. Khogali updated the Commission on Wayne County's progress. Wayne County submitted a request to the Commission to extend the planning grant from May 31, 2019 to March 31, 2020.

Judge Boyd moved that the planning grant be extended to March 31, 2020. Mr. Swor supported the motion. The motion carried. Ms. Kristina Robinson abstained from voting on the motion.

Discussion of Process for Annual Compliance Plans

Ms. Khogali informed the Commission that, as part as the first quarter reporting, local systems were asked to provide an estimate of the funding required for FY 2020. MIDC staff will review these estimates and are in the process of gathering background information to support the requests. The estimate will be communicated to the State Budget Office.

Ms. Khogali recommended that MIDC staff work to finalize a process for accepting compliance plans for FY 2020. Under the proposed process, local systems would submit annual compliance plans for 2020 beginning in April. Staff would review the plans and present them to the Commission at the June 2019 for review and approval.

Judge Boyd moved that Ms. Khogali's recommendation be adopted, designating to staff the development of a process for receiving, reviewing and presenting annual compliance plans to the Commission for approval. Judge Fisher seconded the motion. The motion carried.

Judge Boyd moved that the meeting be adjourned. Mr. Walker seconded the motion. The motion carried. The meeting was adjourned at 1:11 pm.

The next meeting is April 16, 2019 at 11:00 am.

Respectfully submitted,

Marcela Westrate