



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Bankers Association, 507 S. Grand Ave., Lansing, MI 48933

Date: Tuesday, December 17, 2019, Time: 11:00 a.m.

MEETING AGENDA

1. Roll call and opening remarks
2. Introduction of Commission members and guests
3. Public comment
4. Additions to agenda
5. Consent agenda – October 18, 2019 Meeting Minutes
6. Chair Report
7. Executive Director Report
8. Commission Business
 - a. Appointment of New Commissioner
 - b. Update: Engagement of Office of Internal Audit Services
 - c. Update: Implementation of eGrams Grant Management System
 - d. Request for Approval of New Position (Action Requested)
 - e. Transition to DTMB/State of Michigan Network – website
 - f. FY19 Plan Implementation Update
 - Program Rubric completions and court watching
 - Q4 reporting, final adjustments, unexpended balances
 - Financial reporting (Action Requested)
 1. D 22 City of Inkster
 2. D 43-1 City of Hazel Park
 3. Jackson County
 - g. FY20 Compliance Planning Process
 - Approvals to date
 - Contracts distributed
 - Changes to approved MIDC award (Action Requested)
 1. Changes to MIDC award
 2. Calhoun
 3. Oakland County
 - Substantive change (Action Requested)
 1. Genesee County
 2. D 44 Royal Oak
 - Resubmission of fully approved plans and costs (Action Requested)
 - Plan change and change to cost analysis
 1. D 48 Bloomfield Hills
 2. D 62a Wyoming
 3. Grand Traverse County
 4. Oakland County
 5. Otsego County
 - Change in cost analysis
 6. Clare/Gladwin Counties
 7. Hillsdale County
 8. Ionia County

9. Lake County
10. Newaygo County
11. Ogemaw County
12. Sanilac County
- Substantive Review of Third/Final Submissions (Action Requested)
 1. 35 – Plymouth
 2. D 43-3 - Madison Heights
 3. D 61 – Grand Rapids
 4. D 62B – Kentwood
 5. Ottawa County
- Final Resubmissions to be considered at February 11, 2020 meeting:
 6. D 22 Inkster
 7. D 36 Detroit
 8. D 43-1 Hazel Park
 9. Lapeer County
- h. Report by Rand Corporation – “Caseload Standards for Indigent Defenders in Michigan”
- i. Discussion of FY 21 Draft Grant Manual
- j. Ad Hoc Committee Report
- k. Court Rules Committee Report
10. Next meeting – **February 11, 2020 at 11:00 a.m.**
11. Adjourn

Michigan Indigent Defense Commission

Meeting: December 17, 2019 beginning at 11:00 a.m.

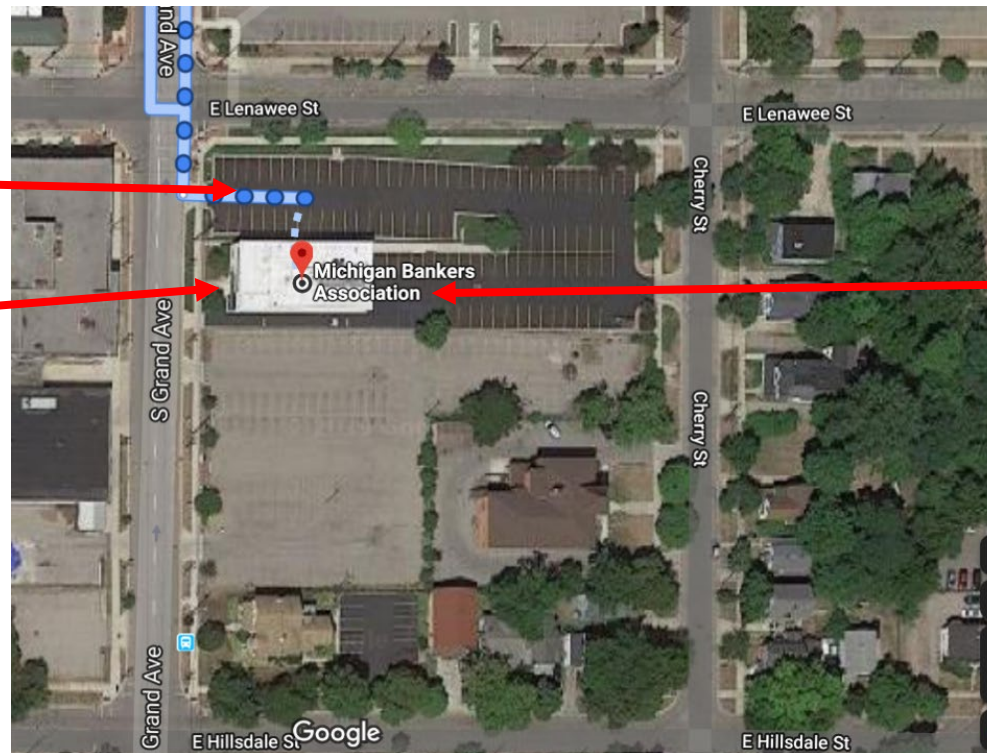
Location: Michigan Bankers Association, 507 S Grand Ave, Lansing, MI 48933

Free parking is available in the lot at the south east corner of Grand and Lenawee.

Free, handicap-accessible parking and an accessible entrance to the building is available in the same lot but enter at the south west corner of Cherry at Lenawee.

Parking lot
entrance from
Grand Avenue

Street entrance
(NOTE: multiple
steps at entrance)



Accessible
parking and
ramp-access to
the building.



MICHIGAN INDIGENT
DEFENSE COMMISSION

2020 Michigan Indigent Defense Commission Meetings

Location: TBD

Dates: **February 11, 2020 –**

April 21, 2020 –

June 16, 2020 –

July 14, 2020 –

August 18, 2020 –

October 20, 2020 –

December 15, 2020 –

Time: 11:00 a.m.

Contact: Deborah Mitchell, mitchelld20@michigan.gov, 517-657-3060

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
October 15, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Kimberly Buddin, Tracey Brame, Judge Thomas Boyd, Nathaniel Crampton, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman, James Krizan, Margaret McAvoy, Tom McMillin, John Shea, Gary Walker

Participating via Telephone

Nancy Diehl and William Swor

Commission Members Absent

Judge Jeffrey Collins and Frank Eaman

Members of the Public Participating Included:

Courtney Adams, Michael Boucher, Malcolm Brown (via telephone), Chris Dennie, Bob Hamilton, Thomas Hausmann, James Heath, Brian Kennedy, Melissa King (via telephone) Deb Kubitskey, David Makled, Manda Mittner, Elaine Moore (via telephone), Karen Moore, Angela Peterson, Brandy Robinson, Scott Smith, Drew Van de Grift, Dawn Van Hoek

Staff Members Present

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Susan Prentice-Sao, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:12 am.

Chair Puerner invited members of the public to introduce themselves.

Additions to the Agenda

Mr. Shea moved that the agenda be approved with no additions. Mr. Walker seconded. The motion carried.

Consent Agenda

Ms. McAvoy moved that the Consent Agenda containing the August minutes be approved. Mr. Krizan seconded the motion. The motion carried.

Chair Report

Chair Puerner provided an overview of the agenda.

The Executive Committee met with Department of Licensing and Regulatory Affairs (LARA) Deputy Director Adam Sandoval prior to the full Commission meeting. Mr. Shea asked whether the

Department had provided a timeline for approval of the second set of standards submitted by the MIDC. The Commission discussed potential timeline.

Public Comment

Ms. Van Hoek offered comments on behalf of Wayne County.

Ms. Robinson updated the Commission on the Neighborhood Defender Office's progress.

Mr. Smith offered comments on behalf of the City of Wyoming's request to modify its already-approved compliance plan.

Mr. Dennie offered comments in support of the City of Wyoming's proposal.

Mr. Hamilton offered comments in support of Ottawa County's plan.

Ms. Karen Moore offered comments on behalf of changes made to the already-approved plans for Newaygo, Lake, Clare and Gladwin Counties.

Mr. Brown updated the Commission on Oakland County's decision to dismiss its lawsuit against the MIDC and LARA with prejudice.

Ms. King offered to answer questions that the Commission had about the City of Roseville's plan.

Ms. Elaine Moore offered to answer questions that the Commission had about Huron County's plan.

Reconsideration of the Agenda

Judge Boyd moved that the approved agenda be amended to include a discussion of potential actions the Commission could take on the second set of standards submitted to LARA. Mr. Shea seconded the motion. The motion carried. The item was added as the first item under Commission Business.

Executive Director Report

Ms. Khogali distributed copies of the RAND caseload report. Nice Pace from RAND will present his findings to the Commission in December.

The MIDC will be a recipient of a Byrne JAG grant for the second consecutive year. The funding will be used to expand the program completed this year which offered hands-on skills training in rural areas.

Ms. Khogali will participate in a panel at the National Legal Aid and Defender Association conference being held in Detroit in November.

The Commission has received 82 requests to spend FY 19 funding in FY 20. These requests have been submitted to LARA for signature and will be signed by Ms. Khogali and the local system.

Commission Business

Standard 5 Discussion

Judge Boyd moved that the Commission specifically request that the director of LARA approve Standard 5 independently and to do it by a date that is more than 180 days ahead of the start of the planning process for FY 21. Mr. McMillin seconded the motion. The motion carried. Ms. Khogali will work to draft a letter to LARA with a recommended date.

Attorney General MOU

Ms. Khogali presented a draft MOU between LARA, the MIDC and the Attorney General. This MOU combined two MOUs that were in place for the previous fiscal year.

Judge Boyd moved that Commission staff be authorized to move forward with the MOU. Ms. Brame seconded the motion. The motion carried.

Approval for Travel/Training for MIDC Staff

Ms. Khogali presented requests for three staff members to travel to two different conferences. Chris Sadler would attend the Criminology Conference and present as part of a panel. The second conference is the NAPD Executive Leadership Institute. Ms. Khogali would like to have two of the managers attend this conference.

Judge Boyd moved that the staff travel be approved. Ms. Green seconded the motion. The motion carried.

2020 Defender Leadership Summit

Ms. Khogali presented a proposal to have the summit occur on two separate days instead of one. One day would be dedicated to helping managed assigned counsel offices and the second for public defender office.

Judge Boyd moved that staff be authorized to hold the 2020 Defender Leadership Summit. Mr. Shea seconded the motion. The motion carried.

FY 19 Grants, Compliance Plan Adjustments and Highlights

Ms. Mack approved budget adjustment requests that did not require Commission approval. These adjustments did not impact the total system costs. Crawford County initially submitted a budget adjustment request but withdrew its request.

Budget adjustment requests were granted to the following counties:

- Cass County
- Calhoun County
- D 29 – Wayne
- D 45 – Oak Park
- D 50 – Pontiac
- D62a - Wyoming
- D63 – Kent County
- Iron County
- Presque Isle
- Macomb County
- Ottawa County
- Saginaw County
- Schoolcraft County
- St. Clair County

Discussion of Systems Operating Outside of Budget Adjustment Process

The Commission discussed systems who had made changes to cost analyses outside of the process previously approved by the Commission. After discussion, Chair Puerner indicated that it was sufficient for Ms. Mack to treat this as any other budget adjustment. No motion was made and staff authority to continue to process requests as approved was continued.

Requests for Plan Adjustments

Ms. McCowan provided an overview of the plan changes requested by Iron and Schoolcraft Counties. Both systems are seeking permission to implement their FY 20 approved plans to create defender offices prior to the signing of the FY 20 contract. MIDC staff recommends approval.

Judge Boyd moved that the staff recommendation be adopted and that the plan changes requested by Iron and Schoolcraft Counties be approved. Mr. Krizan seconded the motion. The motion carried.

Ms. McCowan provided an overview of the plan changes requested by Jackson and Lapeer Counties. Both counties are requesting permission to implement their FY 20 plans in FY 19. Neither county has had its FY 20 plan approved prior to the Commission's October meeting. Staff recommends approval of the requested plan changes.

Judge Boyd moved that the staff recommendation be adopted and that the plan changes requested by Jackson and Lapeer Counties be approved. The motion carried.

Update on Quarterly Financial Reporting by Local Systems

Ms. Khogali and Ms. Mack updated the Commission on the progress in collecting quarterly finance reports from the local systems. Two systems, Inkster and Highland Park, have not yet submitted reports for the 3rd quarter. Ms. Mack indicated that those systems are having resource issues and that she would assist in compiling the information.

Status Report, Compliance Goals and Benchmarks

Status Report on Compliance Monitoring

Ms. McCowan updated the Commission on the Regional Managers' efforts to compile information from each system using the rubric previously approved by the Commission. Dr. Siegel answered questions from the Commission.

Approach to Addressing Noncompliance

The Commission discussed the process that should be in place to address systems that are not in compliance. Chair Puerner asked Ms. Khogali to draft a proposal for the Commission's review. The proposal should distinguish between major issues of noncompliance that frustrate the implementation of justice and more minor technical reporting infractions.

Status of Standard 1 Continuing Legal Education (CLE) Requirements

Ms. McCowan reported that the Training Committee held a call on October 11.

Ms. McCowan presented a memo to the Commission that outlined what she would like to add to the MIDC website regarding training. This would assist MIDC staff, who receive many of calls per

week with questions about complying with the Standard 1. The Commission discussed the approval process for various CLE offerings.

Mr. Haveman moved that MIDC staff be authorized to put the CLE information on the MIDC website with the changes discussed by the Commission. Judge Boyd seconded the motion. The motion carried.

The Commission recessed from 1:23 pm until 1:45 pm. Mr. Haveman left the meeting during the recess.

Ad Hoc Committee on MIDC Authority Report

Judge Boyd distributed a written report of the Committee's activities. He expects that the Committee's work be completed by the December meeting. Judge Boyd presented a resolution for the Commission's review and consideration.

The Commission discussed the Committee's activities and proposed resolution.

Mr. McMillin left the meeting during the discussion.

Mr. Shea moved that the Commission accept the Committee's report. No action was taken on the proposed resolution. The Commission discussed the proposed resolution. Ms. Shea, Ms. Green and Judge Fisher asked that Ms. Khogali work with MIDC staff to compile their thoughts on how the proposed resolution would impact MIDC staff activities. The Commission requested that Ms. Khogali draft a procedure for reviewing issues that arise in the course of compliance planning and present that document to the Commission for its review. Ms. Green supported the motion. The motion carried.

FY 20 Grant Contract

Ms. Khogali thanked MIDC Commissioners Deleeuw and McAvoy for their assistance in finalizing the draft of the FY 20 contract. The draft does contain a section with a waiver that is specific to the Oakland County case that has been dismissed by the County, that section can be removed. Ms. McAvoy thanked the Michigan Association of Counties for that organization's assistance in convening a workgroup to discuss the issues with the contract.

Ms. McAvoy moved that the contract be adopted with the amendment of removing the waiver referring to the Oakland County case. Mr. Shea supported the motion. The motion carried.

FY 20 Compliance Plans

Resubmitted Previously Approved Compliance Plans

The following systems have plans for FY 20 that are already approved by the Commission. These systems, however, resubmitted revised plans for FY 20:

- Bloomfield Hills
- Clare and Gladwin Counties
- Grand Traverse County
- Hillsdale County
- Ionia County
- Lake County
- Newaygo County
- Oakland County
- Ogemaw County
- Otsego County
- Wyoming

The Commission discussed the plans. No action was taken.

Ad Hoc Plan Review Committees

Ms. McCowan updated the Commission on the meetings held by the plan review committees.

The Committee on District Court Spending over \$500,000 held a conference call on Thursday October 10th at 1:30 p.m.

The Committee discussed the following plans and recommendations by MIDC staff:

- 37th District Court – Warren/Centerline
- 38th District Court - Eastpointe
- 39th District Court – Roseville
- 41a2 District Court – Shelby Twp.
- 43-1 District Court – Hazel Park
- 43-3 District Court – Madison Hgts.

The Committee on Plans Seeking over \$1 million in Grant Funding held a conference call on Thursday October 10th at 3:00 p.m.

The committee discussed the following plans and recommendations by MIDC staff:

- Isabella County
- Saginaw County
- Jackson County
- Calhoun County
- Muskegon County
- Ottawa County
- Lapeer County
- Macomb County
- St. Clair County
- Wayne County

The Committee on Construction over \$25,000 held a conference call on Friday October 11th at 9:30 a.m.

The committee discussed the following plans and recommendations by MIDC staff:

- Barry County
- Calhoun County
- 37th District Court – Warren/Centerline
- Saginaw County

The Committee on Ancillary Spending held a conference call on Friday October 11th at 12:30 p.m.

The topic of supplanting was discussed in the following plans. The need for a formal policy is being developed by staff:

- 35th District Court – Plymouth
- 61st District Court – Grand Rapids
- 62b District Court – Kentwood

The new ancillary staffing positions in the following plans were described by staff:

- 27th District Court - Wyandotte
- 37th District Court – Warren
- 38th District Court – Eastpointe
- 39th District Court – Roseville
- 41a2 District Court - Shelby Twp.
- 43-1 District Court - Hazel Park
- 43-3 District Court – Madison Hgts.

Failure to submit a plan or cost analysis

MIDC staff recommends that the Commission treat the failure of the 36th District Court in Detroit to submit a plan and cost analysis be treated as an incomplete plan and disapproved cost analysis.

Judge Boyd moved that the staff recommendation be adopted and that the 36th District Court's failure to submit a plan and cost analysis be treated as an incomplete plan and disapproved cost analysis. Judge Fisher seconded the motion. The motion carried.

Disapprove Plan/Disapprove Cost Analyses

MIDC staff recommends that the Commission disapprove the plan and disapprove the cost analyses submitted by the 22nd District Court in Inkster and the 62B District Court in Kentwood.

Mr. Shea moved that the staff recommendation be adopted and that the Commission disapprove the plan and disapprove the cost analyses for the 22nd District Court in Inkster and the 62B District Court in Kentwood. Ms. Green seconded the motion. The motion carried.

Approve Plan/Disapprove Cost Analysis

Ms. McCowan and Ms. Smithson presented an overview of the plan resubmitted by Lapeer County. MIDC staff recommends that the plan be approved but the cost analysis be disapproved.

Judge Boyd moved that the staff recommendation be adopted and that Lapeer County's resubmitted plan be approved but the cost analysis be disapproved. Mr. Krizan seconded the motion. The motion carried.

Disapprove Cost Analysis (Plan Previously Approved)

Ms. McCowan, Ms. Smithson and Ms. Prentice-Sao presented an overview of the resubmissions from the following systems:

- 35th District Court – Plymouth
- 43-1 District Court – Hazel Park
- 43-3 District Court – Madison Heights
- 61st District Court in Grand Rapids
- Ottawa County

Plans for the systems listed above were approved by the Commission at previous meetings. MIDC staff recommends that the resubmitted cost analyses for the systems listed above be disapproved.

Mr. Hamilton offered comments in support of his county's cost analysis.

Judge Boyd moved that the staff recommendation be adopted and that the cost analyses for the systems listed above be disapproved. Ms. Green supported. The motion carried. Judge Fisher disclosed that, though his wife is employed by the 61st District Court, he had reviewed LARA's conflict of interest policy and did not have a conflict.

Approve Cost Analysis (Plan Previously Approved)

Ms. McCowan and Ms. Prentice-Sao presented an overview of the resubmission from Barry County. Ms. McCowan and Ms. Klimaszewski presented an overview of the resubmission from Isabella County. MIDC staff recommends that the cost analyses for these two counties be approved.

The Commission discussed the inclusion of local bar dues in compliance plans.

Mr. Shea moved that the cost analyses from Barry and Isabella Counties be approved but that the portion of state funding being used for local bar dues be disapproved. Judge Boyd seconded the motion. The motion carried. Ms. McAvoy recused herself from the Commission's vote because of a conflict of interest.

Ms. McCowan and the respective Regional Manager provided overview of the following systems:

- Calhoun County
- 23rd District Court – Taylor
- 24th District Court - Allen Park
- 37th District Court - Warren/Centerline
- 39th District Court – Roseville
- 45th District Court - Oak Park
- 41a2 District Court - Shelby Township
- Grosse Pointe Park
- Huron County
- Iosco County
- Jackson County
- Muskegon County
- Macomb County
- Saginaw County
- St. Clair County
- Wayne County

MIDC staff recommends that the cost analyses resubmitted by the systems listed above be approved.

Judge Boyd moved that the staff recommendation be adopted and that the cost analyses resubmitted by the systems listed above be approved. Mr. Shea supported the motion. The motion carried.

Approve Plan/Approve Cost Analysis

MIDC staff recommends that the plans and cost analyses resubmitted by the following systems be approved:

- 38th District Court – Eastpointe
- 27th District Court – Wyandotte
- Grosse Pointe Farms
- Grosse Pointe Woods

Mr. Shea moved that the staff recommendation be adopted and that the plans and cost analyses resubmitted by the four systems listed above be approved. Ms. Green seconded the motion. The motion carried.

Ms. Brame left the meeting but rejoined via the telephone.

Judge Fisher moved that the Commission go into closed session under section 8(h) of the Open Meetings Act to discuss material that is exempt from public disclosure under section 13(1)(g) of the Freedom of Information Act which exempts from public disclosure information or records subject to attorney-client privilege. Mr. Walker seconded the motion. Chair Puerner requested a roll call vote.

The Commission moved into closed session at 4:05 pm, the following members supported the motion to do so: Chair Puerner, Ms. Buddin, Ms. Brame, Judge Boyd, Mr. Crampton, Mr. DeLeeuw, Ms. Diehl, Judge Fisher, Ms. Green, Mr. Krizan, Ms. McAvoy, Mr. Shea, Mr. Swor and Mr. Walker.

Mr. Walker moved that the Commission return to open session. Judge Boyd seconded the motion. Chair Puerner requested a roll call vote.

The Commission returned to open session at 4:20 pm, the following members supported the motion to do so: Chair Puerner, Ms. Buddin, Ms. Brame, Judge Boyd, Mr. Crampton, Mr. DeLeeuw, Ms. Diehl, Judge Fisher, Ms. Green, Mr. Krizan, Ms. McAvoy, Mr. Shea, Mr. Swor and Mr. Walker.

Mr. Walker moved that the Commission accept the order for dismissal with prejudice in the Oakland County lawsuit. Judge Fisher supported the motion. The motion carried.

Judge Fisher moved that the meeting be adjourned. Ms. Green seconded the motion. The motion carried.

The Commission meeting adjourned at 4:38 pm.

The next meeting is December 17, 2019.

Respectfully submitted,

Marcela Westrate



MICHIGAN SUPREME COURT

BRIDGET M. McCORMACK
CHIEF JUSTICE

MICHIGAN HALL OF JUSTICE
925 WEST OTTAWA STREET
LANSING, MICHIGAN 48915

November 1, 2019

Michael Puerner
Chair
Michigan Indigent Defense Commission
200 N. Washington Square, Lower Level
Lansing, MI 48913

RE: Michigan Supreme Court Designee to MIDC

Dear Chairman Puerner:

Michigan Supreme Court General Counsel, Cami Pendell, will serve as successor to Thomas Clement as Chief Justice designee, as an ex officio member of the Michigan Indigent Defense Commission. Cami has agreed to serve as my appointee for this position. If you need further information, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Bridget Mary McCormack".

Hon. Bridget Mary McCormack
Chief Justice

Cc: Loren Khogali, Executive Director ✓

Training Analyst

Under the supervision of the MIDC's Director of Training, Outreach & Support, compile and analyze information received from funding units about assigned attorneys completing training and education requirements pursuant to MIDC Standard 1.

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Works with indigent defense systems to obtain information about attorneys accepting adult criminal case assignments.
- Regularly maintains and updates lists of attorneys in public defender offices and lists of attorneys submitted by funding units.
- Collects and compiles information about continuing legal education courses completed by all assigned attorneys and monitors various sources of information such as email communications about course completion.
- Responds to inquiries about the status of progress towards compliance with MIDC Standard 1 that are received from funding units, courts, and individual attorneys.
- Generates reports about continuing legal education attendance and make reports available and accessible on the MIDC's website.
- Ability to think creatively about report formats and efficient distribution of information about training.
- Assist in logistical coordination of continuing legal education courses as needed.

QUALIFICATIONS

EDUCATION AND EXPERIENCE

Possession of a bachelor's degree in any major. At least two years of professional experience.

CERTIFICATES, LICENSES, REGISTRATIONS

The position is based in Lansing. Occasional travel throughout the state is required.

PHYSICAL DEMANDS

Ability to enter and access information from a computer.

A. General Information

Project ID:	EGrAMS-MIDC	Date:	15 th November, 2019
From:	Joseph Rodrigues	Reporting Period:	11/18/19 – 11/22/19
To:	Steven Heath		
CC:	Rebecca Mack, Jim Parker		
Current SUITE Phase	COTS Implementation	Current Status	GREEN
Start Date:	10-17-2019	End Date - Warranty:	09-30-2020

Project Is On Plan Ahead of Plan Behind Plan

B. Executive Summary of Activity for the Reporting Period

HTC completed the second Requirements Confirmation meeting as well as a presentation of the EGrAMS-MIDC process flow in a Swim lane format.

C. High Level Schedule for Reporting Period

#	Description	Responsibility	Baseline Date	Actual Date	% Complete / Status
1.	Review EGrAMS-MIDC Implementation Project Schedule	MIDC	11/15/2019		WIP
2.	Document MIDC Compliance Plan Application Process Flow	HTC	11/11/2019	11/11/2019	100
3.	EGrAMS-MIDC Requirements Confirmation meeting - 2	HTC	11/20/2019	11/20/2019	100
4.					
5.					
6.					
7.					
8.					

D. Accomplishments during the Reporting Period

#	Description
1.	Document MIDC Compliance Plan Application Process Flow
2.	
3.	
4.	
5.	
6.	

E. Planned Accomplishments for the following Reporting Period

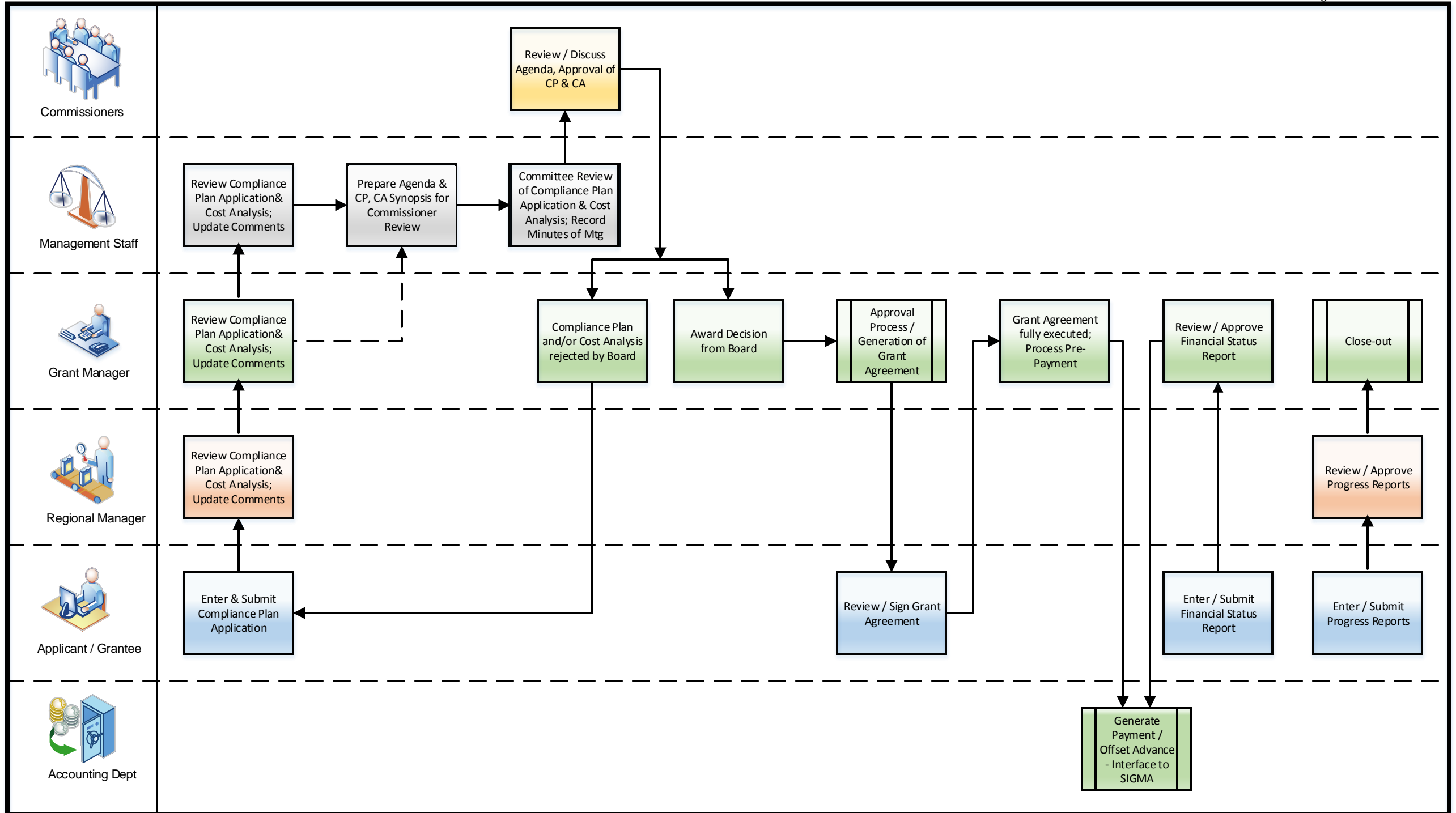
#	Description	Scheduled Completion Date
1.	EGrAMS-MIDC Requirements Confirmation document	12/13/2019
2.	EGrAMS-MIDC Security Questionnaire	12/20/2019
3.		

F. Summary of Milestones Completed

#	Description	Completion Date
1.	EGrAMS-MIDC Implementation Project Schedule	11/08/2019
2.	MIDC Compliance Plan Application Process Flow	11/11/2019
3.	EGrAMS-MIDC Requirements Confirmation meetings	11/20/2019

G. Other Project Status Attachments (Mark checkbox if respective document is attached)

#	Description	Attachment	Attachment File Name
1.	Action Items	<input type="checkbox"/>	
2.	Issue Log	<input type="checkbox"/>	
3.	Risk Assessment Log	<input type="checkbox"/>	
4.	Updated Project Schedule	<input type="checkbox"/>	
5.	Test Log	<input type="checkbox"/>	
6.	Others	<input type="checkbox"/>	



To: Michigan Indigent Defense Commission

From: Marla R. McCowan
Director of Training, Outreach & Support

Re: FY 19 Plan Implementation Update and FY20 Compliance
Planning – Updates and Staff Recommendations for
Resubmissions

Date: December 6, 2019

I. FY19 Compliance Plans – implementation update

A. Overview of FY19

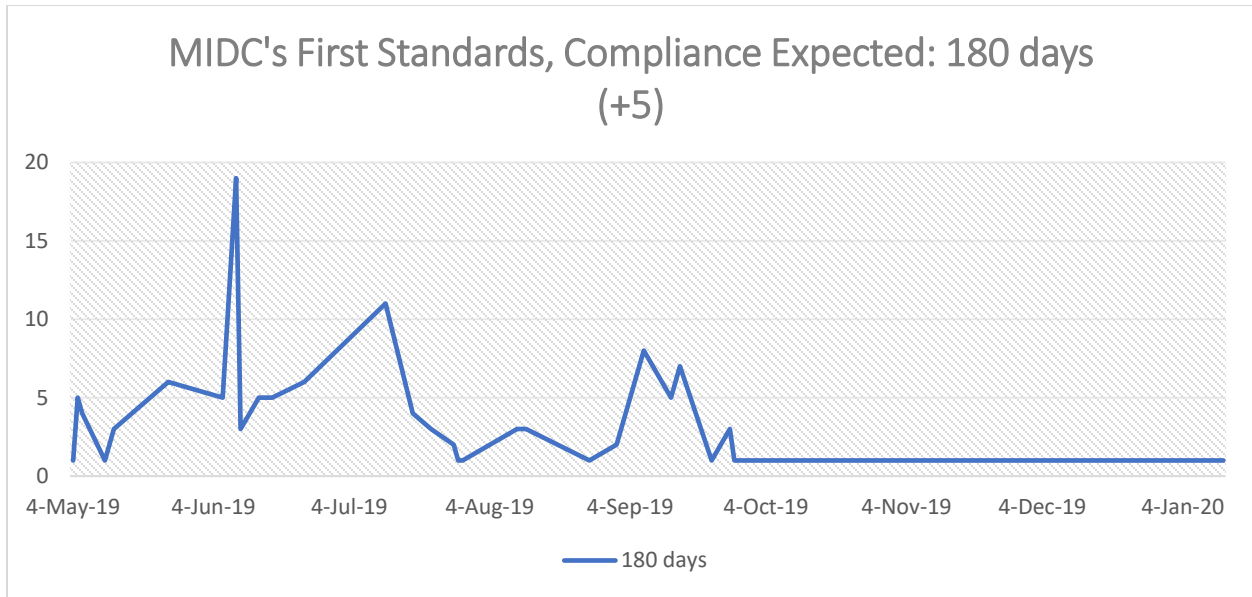
The approved plans for FY19 had a total system cost of \$124,685,576.52, the local share contribution was \$37,963,396.67; the MIDC portion of funding was \$86,722,179.85. At the end of the fiscal year, **124 (of 125) systems** had finalized their contracts. The **MIDC distributed \$85,577,056.47** to these systems; \$1,145,123.38 lapsed due to an unsigned contract.

B. Monitoring compliance with the plans

1. Staff Reporting - Court Watching and Rubric Assessments

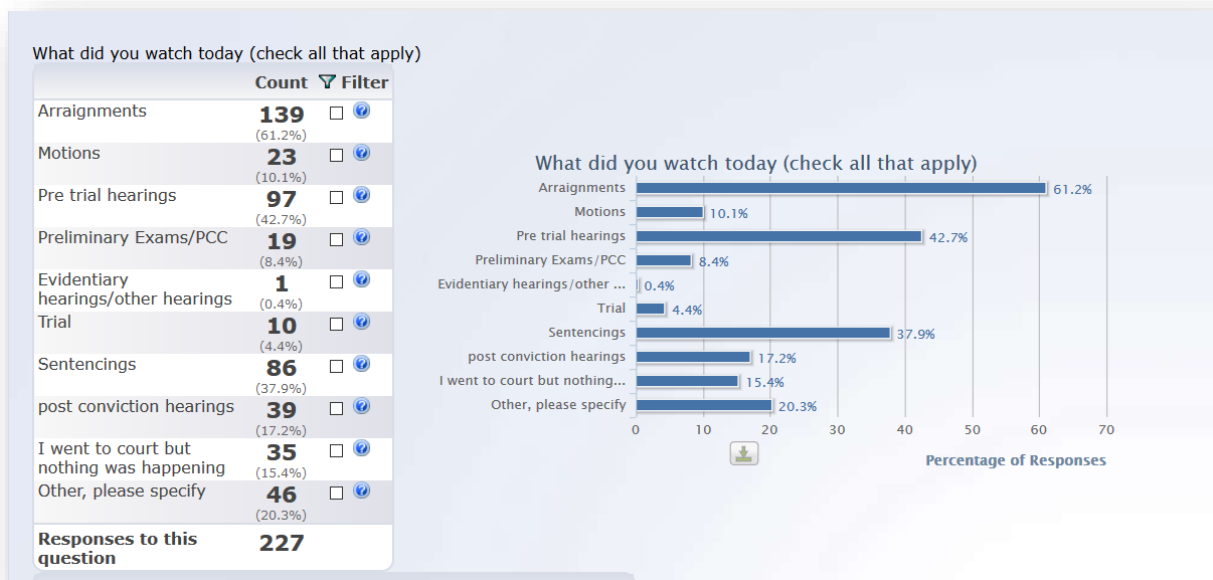
The regional manager team has been using the compliance rubric that was approved at the August 2019 meeting to assess the status of implementation statewide. There are a few components for assessing compliance by the MIDC Staff: the **rubric, court watching, and the system's self-reporting** on a quarterly basis (more fully described below).

Each **Regional Manager keeps track of progress on their system**, regularly scheduling meetings and court watching. The meetings are scheduled throughout the quarter and the year, but the compliance rubric is used after the system has reached 180 days from the time the initial funding was distributed. Most systems reached that time frame between June and September:



The anticipated compliance **timeline** based on distribution of funding is attached as **Appendix A** to this memo. The **rubric** is attached as **Appendix B**.

Court watching occurs regularly and is tracked in an online survey system to ensure consistency in reporting. The **court watching** protocol is attached as **Appendix C** to this memo. Regional Managers enter information about the proceedings observed, most of which involve arraignments, pre-trial hearings, or sentencings. The **dates for meetings and court watching** are tracked by each Regional Manager and are attached as **Appendix D** to this memo.



2. System reporting - progress towards compliance

The final quarterly reporting was to be filed by systems no later than October 31, 2019. The reporting is composed of:

- a. A **program report**, detailing the progress towards compliance with the approved plan. All program reports were submitted online through a survey-type of system for ease in submitting, receiving, and organizing the information to be provided;
- b. A **financial status report**, in the format approved by the Commission, to provide information regarding the spending on indigent defense between July 1, 2019 – September 30, 2019;
- c. A **budget adjustment request**, if applicable, to accommodate necessary changes to the line items without exceeding the approved total grant award;
- d. A **list of attorneys** providing services in the system, including full name and P#, to track progress on continuing legal education;
- e. The **actual balance** of the funds in the account was **due no later than October 31, 2019** as set forth in the MIDC Act, MCL 780.993(15).

The MIDC Staff conducted three webinars to answer the most common questions about reporting. The webinars were well-attended and a recording of one of the sessions is available on our website, along with a handout and links to a number of resources for reporting on our grants page, at www.michiganidc.gov/grants.

C. Adjustments and changes

1. Budget adjustments – information item

The Grant Manager approved budget adjustment requests pursuant to the process set forth in the *Guide for Reporting Compliance with Standards and Distribution of Grant Funds* published by the MIDC in August 2018 (revised December 2018). These adjustments **did not impact the total system cost:**

- Alger
- Isabella
- Jackson
- Macomb
- Marquette
- Ottawa

The documentation for these adjustments is available upon request.

II. FY20 Compliance Planning and Process

A. Overview of process

Statutory authority (**as amended** December 2018), MCL §780.993:

(3) 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 **October 1** of each year. A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis **for meeting those minimum standards**. The standards to be addressed in the annual plan are those approved not less than **180** days before the annual plan submission date. The cost analysis must 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.

(4) The MIDC shall approve or disapprove **all or any portion of** a plan or cost analysis, or both a plan and cost analysis, submitted under subsection (3), and shall do so within 90 calendar days of the submission of the plan and cost analysis. If the MIDC disapproves **any part of** the plan, the cost analysis, or both the plan and the cost analysis, the indigent criminal defense system shall consult with the MIDC and, **for any disapproved portion**, submit a new plan, a new cost analysis, or both within **60** calendar days of the mailing date of the official notification of the MIDC's disapproval. If after 3 submissions a compromise is not reached, the dispute must be resolved as provided in section 15. **All approved provisions of an indigent criminal defense system's plan and cost analysis must not be delayed by any disapproved portion and must proceed as provided in this act. The MIDC shall not approve a cost analysis or portion of a cost analysis unless it is reasonably and directly related to an indigent defense function.**

B. Plans submitted for Commission Review

1. Status of Submissions to date

a. Approved plans and costs for FY20

As of the October 15, 2019 meeting, **115 of 124 systems have their plans and cost analyses approved.**

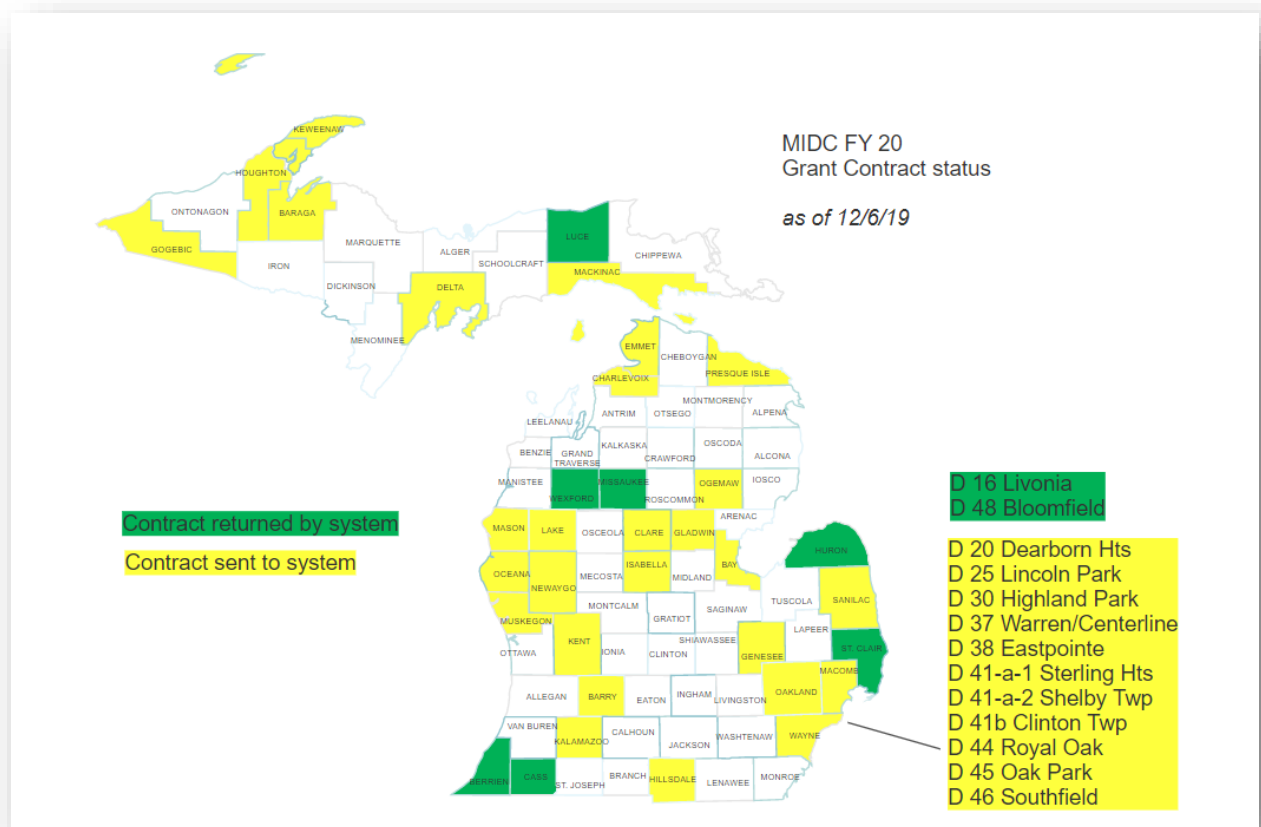
FY20 Total system cost approved (to date): \$143,945,388.46

- Local share (increase of 2.2% from FY19): \$36,230,573.07
- MIDC funding approved: **\$105,964,584.39**
- Planning grant funding, 13.2: \$1,092,539.65

NOTE: Calhoun County and Oakland County had a math errors in the planning funding total, which was revised as highlighted in **Appendix E.**

b. Contracts distributed

As of this date, 40 contracts have been distributed to systems and 8 have been returned for processing and the initial distribution of payment by the Department of Licensing and Regulatory Affairs.



c. Disapproved plans/costs for FY20

As of the October 15, 2019 meeting, 9 systems had their resubmitted plans and/or costs disapproved. All but one system (D36 – City of Detroit) resubmitted within the statutory deadline of September 27, 2019.

Note: a table of the FY 20 total system costs, local share, and state funding in this category is detailed in Appendix E to this memo.

d. Substantive change to approved plan and/or cost analysis (action requested)

1) D 44 – Royal Oak

Total System Cost: \$861,833.36

Local Share: \$22,692.49

MIDC Funding: \$839,140.87

No change to overall costs for FY 2020

Staff recommends approval

Under the FY 20 plan, the MACC appoints an individual attorney to provide vertical representation after arraignment. The post-arraignment attorney then bills \$100 per hour for his or her services. This results in a significant increase in attorney compensation from the FY 19 plan which paid attorneys an average flat fee of \$200 per case.

Like many courts in the LMOS Region, however, D 44 Royal Oak handles hundreds of driving while license suspended (DWLS) cases annually. Indeed, the court handled 703 DWLS cases in 2018. In an effort to help these individuals regain their licenses, the court has developed a special program for unlicensed drivers.

Participants in the program agree to delay their sentencing for up to two years. During this deferral period, the participants have regular review hearings wherein they work with the court to formulate and implement a plan for clearing their suspensions. As of November 21, 2019, 797 participants have restored their licenses.

Because each case can potentially last for years and require multiple court appearances, and because the demands of representation tend to be lesser in these types of cases, Royal Oak requests a plan modification that will allow for the creation of a DWLS docket to be staffed by house counsel attorneys who will be paid \$400 per docket. It is anticipated that the DWLS docket attorneys will receive specialized training in handling DWLS cases through the Oakland County Bar Association in 2020 to ensure that the attorneys are well versed in identifying DWLS defenses and avoiding licensing consequences.

2) Genesee County

FY20 Approvals, revision/ resubmission at p.1

FY19 total system cost: \$2,726,113.00

FY20 *draft* total system cost (approved): \$3,443,362.00

FY20 correct total system cost: \$4,825,360.66

Final resubmission sought change in attorney pay rate to \$85/hr for all services from mix of hourly/contract/event based pay. ***Staff recommendation (unchanged) is to approve plan and cost analysis.***

2. Resubmission of previously approved plans and costs (action requested)

Staff recommendation: approve plan change(s) as requested, deny increase to approved total. The staff will work with the system on budget adjustments within the approved total and assist with any potential FY2021 requested reimbursement for spending on services as set forth in MCL §780.993(16), which provides:

“If an indigent criminal defense system expends funds in excess of its local share and the approved MIDC grant to meet unexpected needs in the provision of indigent criminal defense services, the MIDC shall recommend the inclusion of the funds in a subsequent year's grant if all expenditures were reasonably and directly related to indigent criminal defense functions.”

a. Request to change plan and cost analysis

1) D 48 Bloomfield Hills

FY20 Approvals, revision/ resubmission at p.5

FY20 Total system cost: \$454,114.00

Local Share: \$17,463.52

MIDC funding: \$436,650.48

FY19 unexpended funds: \$174,593.31

*no requested increase to approved total.

D 48 Bloomfield is requesting permission to increase the amount that it pays its house counsel attorneys from \$200 per half day to \$250 per half day. The system does not believe that it would need a funding increase to pay the increased compensation amount because of the cost savings realized by having the Managed Assigned Counsel Coordinator handle two arraignment dockets per week. This compensation increase would not apply to the arraignment docket attorneys who will continue to receive \$200 per half day.

2) D 62a Wyoming*FY20 Approvals, revision/ resubmission at p.8*

FY20 Total system cost: \$205,850.00

Local Share: \$7,161.15

MIDC funding: \$198,688.85

FY19 unexpended funds: \$141,720.00 (unverified)

The Plan and Cost Analysis was previously approved by the Commission occurred prior to implementation of the FY19 Plan. One month after implementation, it became apparent that approximately 1,000 cases would require a public defender: not 300. Additionally, the system did not properly plan to have an attorney present at walk in or in custody arraignments. Seeking addition of 2nd attorney 134,700; Video Arraignment Attorneys 17,700.

3) Grand Traverse County*FY20 Approvals, revision/ resubmission at p.19*

FY20 Total system cost: \$807,550.20

Local Share: \$156,958.76

MIDC funding: \$650,591.44

FY19 unexpended funds: \$182,626.00 (unverified)

The system intends to retain the assigned counsel system, but would like to create a new Indigent Defense Coordinator position to oversee the management of the assignment system and compliance with current and future MIDC standards. Essentially, the system is moving toward full compliance with Standard 5, Independence from the Judiciary. The system is requesting an additional \$30,000 to hire the Indigent Defense Coordinator.

4) Oakland County*FY20 Approvals, revision/ resubmission at p.23*

FY20 Total system cost: \$6,564,397.00

Local Share: \$1,868,990.68

MIDC funding: \$4,153,895.32

FY19 unexpended funds: \$3,007,103.23

*no requested increase to approved total.

Oakland County seeks to increase capital case representation rates and expert witness, but is able to accomplish the increases through savings in the delay of implementation in the current year's plan.

5) Otsego County*FY20 Approvals, revision/ resubmission at p.30*

FY20 Total system cost: \$356,903.00

Local Share: \$141,665.55

MIDC funding: \$215,237.45

FY19 unexpended funds: \$85,146.00 (unverified)

The FY20 plan included an Attorney Administrator for grant management and to fulfill duties under Standard 5, Independence from the Judiciary. Originally, the system planned to contract with a local attorney to fill this position. Now, the system would like to contract with an Attorney Administrator from Crawford County to provide these services. To contract with Crawford County, it will cost the system an additional \$2,000.00 per year.

b. Request to change cost analysis**6) Clare/Gladwin Counties***FY20 Approvals, revision/ resubmission at p.33*

FY20 Total system cost: \$1,959,252.00

Local Share: \$236,525.87

MIDC funding: \$1,722,726.13

FY19 unexpended funds: \$938,142.25

Revision to cost analysis seeks an additional \$17,687.89 in salary increases for corrections' staff.

7) Hillsdale County*FY20 Approvals, revision/ resubmission at p.38*

FY20 Total system cost: \$461,814.02

Local Share: \$113,755.75

MIDC funding: \$348,058.25

FY19 unexpended funds: \$0

Revision to cost analysis seeks an additional \$33,500 due to underestimates on the cost of construction, supplies, and the capital case line item.

8) Ionia County*FY20 Approvals, revision/ resubmission at p.41*

FY20 Total system cost: \$493,181.27

Local Share: \$223,412.94

MIDC funding: \$269,768.33

FY19 unexpended funds: \$44,691.87 (unverified)

*no requested increase to approved total.

Revisions made to personnel/salaries, and modifications to other line items in budget.

9) Lake County

FY20 Approvals, revision/ resubmission at p.44

FY20 Total system cost: \$296,795.00

Local Share: \$77,894.39

MIDC funding: \$218,900.61

FY19 unexpended funds: \$128,639.99

Revision to cost analysis seeking an additional \$10,000 for expert/investigator line item.

10)Newaygo County

FY20 Approvals, revision/ resubmission at p.48

FY20 Total system cost: \$713,645.00

Local Share: \$201,412.11

MIDC funding: \$512,232.89

FY19 unexpended funds: \$247,655.63

Revision to cost analysis seeking an additional \$120,367 due to implementation of new attorney rates previously underestimated need in original request (increase of \$97,734) and increase to salary and fringe benefits for ancillary staff.

11) Ogemaw County

FY20 Approvals, revision/ resubmission at p.52

FY20 Total system cost: \$531,209.00

Local Share: \$147,849.67

MIDC funding: \$383,359.33

FY19 unexpended funds: \$152,136.04

Revision to cost analysis seeking an additional \$52,000 to lead attorney line item (additional hours).

12)Sanilac County

FY20 Approvals, revision/ resubmission at p.56

FY20 Total system cost: \$436,195.00

Local Share: \$65,683.90

MIDC funding: \$370,511.10

FY19 unexpended funds: \$0

Revision to cost analysis seeking an additional \$26,912.11 for additional fees paid in FY19 (previously estimated \$20,000; actual \$46,912.11).

3. Committee Work

The resubmitted plans did not necessitate committee review as all of the issues previously identified by staff and through committee work and Commission action were remedied by the system with the third/final submission.

4. Third/Final Resubmissions (**action requested**)

a. Staff Recommendation: Approve Costs (plan previously approved)

*Senior staff recommends, pursuant to MCL 780.993(4), that the Commission **approve the cost analyses** submitted by the following systems:*

1) D 35 – Plymouth

Third/final submission at p. 1

FY19 Total system cost: \$238,454.25

FY20 Total system cost: \$432,761.00

- *Original staff recommendation approved by Commission:* resubmit with documentation on attorney hours, reimbursement.
- *Second resubmission:* attorney hours and reimbursement addressed; remove supplanting.
- *Third/final submission:* supplanting removed. Net reductions between resubmissions \$12,233 (including reimbursement request).

2) D 43-3 Madison Heights

Resubmission at p. 5

FY19 Total system cost: \$463,791.17

FY20 Total system cost: \$626,516.25

- *Original staff recommendation approved by Commission:* reduce hours for MAC admin and assist; eliminate duplicative supplies/operating/travel expenses
- *Second submission:* Many issues addressed; review contractor and admin expenses.
- *Third/final submission:* All previously requested increases for the administrator, admin assistant, admin office supplies, and admin mileage have been removed. Net reductions between resubmissions \$6,739.12.

3) D 61 - Grand Rapids

Third/final submission at p. 9

FY19 Total system cost: \$482,500.00

FY20 Total system cost: \$502,130.00

- *Original staff recommendation approved by Commission:* remove supplanting.
- *Second submission:* No change.
- *Third/final submission:* supplanting removed. Net reductions between resubmissions \$19,773.

4) D 62B - Kentwood

Third/final submission at p. 12

FY19 Total system cost: \$177,265.00

FY20 Total system cost: \$266,078.60

- *Staff recommendation approved by Commission:* Plan previously approved; costs disapproved with a recommendation to remove supplanting, review KCOD time.
- *Second submission:* The Commission did not take action on the resubmitted compliance plan; the Commission disapproved the cost analysis and requested the system resubmit with clarification on vendor/attorney hours; resubmit costs without supplanting.
- *Third/final submission:* supplanting removed; Returned to original request of 2 full time KCOD attorneys and in custody video arraignment attorneys. Added language to Compliance Plan for 2 full time KCOD attorneys. Net reductions between resubmissions \$13,031.

5) Ottawa County

Third/final submission at p. 16

FY19 Total system cost: \$2,867,306.00

FY20 Total system cost: \$3,287,034.00

- *Staff recommendation approved by Commission:* System working on a revised cost analysis to address:
 - Ottawa County's longevity policy
 - Construction/modification quotes
 - Remove scheduler software
 - Get quote on polycom equipment

- Provide documentation/study on travel time for employees
- Training costs require detail, and eliminate duplicative costs, eliminate CDAM.
- *Resubmission:* Many revisions but attorney staff and contractor rates seem disproportionately high, travel/mileage requires detail or explanation (\$250 per month per employee = \$66,000, plus other mileage for work, plus all travel related expenses for multiple training events); malpractice insurance requires further detail.
- *Third/final submission:* Removed request for additional attorney and secretary, added a full time investigator; reduced contract attorney time, revised construction project budgets (projects remained the same); decreased equipment/supplies, provided documentation regarding travel policy, reduced malpractice insurance rates. Net reductions between resubmissions \$180,763.

5. Final Submissions for the February 11, 2020 meeting

The systems listed below were sent official mailings notifying them of Commission action disapproving the system's plan and/or cost analysis on October 24, 2019. **Pursuant to MCL §780.993(4), these third and final resubmissions are due no later than Monday December 23, 2019.**

- D 22 – City of Inkster
- D 36 – City of Detroit
- D 43-1 City of Hazel Park
- Lapeer County

System	Treasury	Mid-way	Site Eval	Compliant
		90+5	120+5	180+5
Baraga, Houghton, Keweenaw Counties	31-Oct-18	3-Feb-19	5-Mar-19	4-May-19
D 50 Pontiac	1-Nov-18	4-Feb-19	6-Mar-19	5-May-19
Iosco County	1-Nov-18	4-Feb-19	6-Mar-19	5-May-19
Chippewa County	1-Nov-18	4-Feb-19	6-Mar-19	5-May-19
Dickinson County	1-Nov-18	4-Feb-19	6-Mar-19	5-May-19
Ottawa County	1-Nov-18	4-Feb-19	6-Mar-19	5-May-19
D 43-2 Ferndale	2-Nov-18	5-Feb-19	7-Mar-19	6-May-19
Alpena County	2-Nov-18	5-Feb-19	7-Mar-19	6-May-19
Alger County	2-Nov-18	5-Feb-19	7-Mar-19	6-May-19
Lenawee County	2-Nov-18	5-Feb-19	7-Mar-19	6-May-19
Berrien County	7-Nov-18	10-Feb-19	12-Mar-19	11-May-19
Huron County	9-Nov-18	12-Feb-19	14-Mar-19	13-May-19
Crawford County	9-Nov-18	12-Feb-19	14-Mar-19	13-May-19
Eaton County	9-Nov-18	12-Feb-19	14-Mar-19	13-May-19
D 45 - Oak Park	21-Nov-18	24-Feb-19	26-Mar-19	25-May-19
St. Clair County	21-Nov-18	24-Feb-19	26-Mar-19	25-May-19
Tuscola County	21-Nov-18	24-Feb-19	26-Mar-19	25-May-19
Cheboygan County	21-Nov-18	24-Feb-19	26-Mar-19	25-May-19
D 35 - Plymouth	21-Nov-18	24-Feb-19	26-Mar-19	25-May-19
Barry County	21-Nov-18	24-Feb-19	26-Mar-19	25-May-19
Emmet County	3-Dec-18	8-Mar-19	7-Apr-19	6-Jun-19
Grand Traverse County	3-Dec-18	8-Mar-19	7-Apr-19	6-Jun-19
D 17 - Redford	3-Dec-18	8-Mar-19	7-Apr-19	6-Jun-19
D 32a - Harper Woods	3-Dec-18	8-Mar-19	7-Apr-19	6-Jun-19
St. Joseph County	3-Dec-18	8-Mar-19	7-Apr-19	6-Jun-19
D 39 Roseville and Fraser	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
D 41a-1 Sterling Heights	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
D 41a-2 - Utica, Macomb, Shelby	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
D 41b - Mt Cl, Harris., Clinton	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
D 44 - Royal Oak	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Mecosta County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Oscoda County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Delta County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Luce County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Mackinac County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Menominee County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Wexford and Missaukee Counties	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Clinton County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19

Genesee County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Ingham County C30, D54, D55	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Monroe County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
D 28 - Southgate	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Cass County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Kalamazoo County	6-Dec-18	11-Mar-19	10-Apr-19	9-Jun-19
Schoolcraft County	7-Dec-18	12-Mar-19	11-Apr-19	10-Jun-19
Hillsdale County	7-Dec-18	12-Mar-19	11-Apr-19	10-Jun-19
Ionia County	7-Dec-18	12-Mar-19	11-Apr-19	10-Jun-19
Montmorency County	11-Dec-18	16-Mar-19	15-Apr-19	14-Jun-19
Ogemaw County	11-Dec-18	16-Mar-19	15-Apr-19	14-Jun-19
Sanilac County	11-Dec-18	16-Mar-19	15-Apr-19	14-Jun-19
D 23 - Taylor	11-Dec-18	16-Mar-19	15-Apr-19	14-Jun-19
D 25 - Lincoln Park	11-Dec-18	16-Mar-19	15-Apr-19	14-Jun-19
Marquette County	14-Dec-18	19-Mar-19	18-Apr-19	17-Jun-19
Presque Isle County	14-Dec-18	19-Mar-19	18-Apr-19	17-Jun-19
Gratiot County	14-Dec-18	19-Mar-19	18-Apr-19	17-Jun-19
D 16 - Livonia	14-Dec-18	19-Mar-19	18-Apr-19	17-Jun-19
Grosse Pte Farms, Shores	14-Dec-18	19-Mar-19	18-Apr-19	17-Jun-19
Oceana County	21-Dec-18	26-Mar-19	25-Apr-19	24-Jun-19
Roscommon County	21-Dec-18	26-Mar-19	25-Apr-19	24-Jun-19
Benzie and Manistee Counties	21-Dec-18	26-Mar-19	25-Apr-19	24-Jun-19
Charlevoix County	21-Dec-18	26-Mar-19	25-Apr-19	24-Jun-19
Iron County	21-Dec-18	26-Mar-19	25-Apr-19	24-Jun-19
Shiawassee County	21-Dec-18	26-Mar-19	25-Apr-19	24-Jun-19
D 43-1 Hazel Park	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
D 43-3 - Madison Heights	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
Alcona County	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
Bay County	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
Kalkaska County	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
Leelanau County	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
Otsego County	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
D 27 - Wyandotte	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
D 29 - Wayne	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
Grosse Pointe Park	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
Grosse Pte City Municipal	8-Jan-19	13-Apr-19	13-May-19	12-Jul-19
Macomb C 16 & D 42-1, 42-2	14-Jan-19	19-Apr-19	19-May-19	18-Jul-19
Mason County	14-Jan-19	19-Apr-19	19-May-19	18-Jul-19
Saginaw County	14-Jan-19	19-Apr-19	19-May-19	18-Jul-19
Grosse Pte Woods	14-Jan-19	19-Apr-19	19-May-19	18-Jul-19

Antrim County	18-Jan-19	23-Apr-19	23-May-19	22-Jul-19
D 18 - Westland	18-Jan-19	23-Apr-19	23-May-19	22-Jul-19
D 21 - Garden City	18-Jan-19	23-Apr-19	23-May-19	22-Jul-19
Ontonagon County	23-Jan-19	28-Apr-19	28-May-19	27-Jul-19
Muskegon County	23-Jan-19	28-Apr-19	28-May-19	27-Jul-19
Lapeer County	24-Jan-19	29-Apr-19	29-May-19	28-Jul-19
Gogebic County	25-Jan-19	30-Apr-19	30-May-19	29-Jul-19
Arenac County	6-Feb-19	12-May-19	11-Jun-19	10-Aug-19
D 15 - Ann Arbor	6-Feb-19	12-May-19	11-Jun-19	10-Aug-19
D 34 - Romulus	6-Feb-19	12-May-19	11-Jun-19	10-Aug-19
D 38 Eastpointe	8-Feb-19	14-May-19	13-Jun-19	12-Aug-19
Calhoun County	8-Feb-19	14-May-19	13-Jun-19	12-Aug-19
Montcalm County	8-Feb-19	14-May-19	13-Jun-19	12-Aug-19
D 33 - Woodhaven Trenton	22-Feb-19	28-May-19	27-Jun-19	26-Aug-19
D 19 - Dearborn	28-Feb-19	3-Jun-19	3-Jul-19	1-Sep-19
D 20 - Dearborn Heights	28-Feb-19	3-Jun-19	3-Jul-19	1-Sep-19
D 51 - Waterford	6-Mar-19	9-Jun-19	9-Jul-19	7-Sep-19
Clare and Gladwin Counties	6-Mar-19	9-Jun-19	9-Jul-19	7-Sep-19
D 24 - Allen Park	6-Mar-19	9-Jun-19	9-Jul-19	7-Sep-19
D 30 - Highland Park	6-Mar-19	9-Jun-19	9-Jul-19	7-Sep-19
Allegan and Van Buren Counties	6-Mar-19	9-Jun-19	9-Jul-19	7-Sep-19
Branch County	6-Mar-19	9-Jun-19	9-Jul-19	7-Sep-19
D 59-1 - Grandville	6-Mar-19	9-Jun-19	9-Jul-19	7-Sep-19
D 59-2 - Walker	6-Mar-19	9-Jun-19	9-Jul-19	7-Sep-19
Lake County	12-Mar-19	15-Jun-19	15-Jul-19	13-Sep-19
D 31 - Hamtramck	12-Mar-19	15-Jun-19	15-Jul-19	13-Sep-19
D 61 - Grand Rapids	12-Mar-19	15-Jun-19	15-Jul-19	13-Sep-19
D 62 a - Wyoming	12-Mar-19	15-Jun-19	15-Jul-19	13-Sep-19
D 62 B - Kentwood	12-Mar-19	15-Jun-19	15-Jul-19	13-Sep-19
D 47 Farmington/Hills	14-Mar-19	17-Jun-19	17-Jul-19	15-Sep-19
Midland County	14-Mar-19	17-Jun-19	17-Jul-19	15-Sep-19
Newaygo County	14-Mar-19	17-Jun-19	17-Jul-19	15-Sep-19
Osceola County	14-Mar-19	17-Jun-19	17-Jul-19	15-Sep-19
Livingston County	14-Mar-19	17-Jun-19	17-Jul-19	15-Sep-19
D 22 - Inkster	14-Mar-19	17-Jun-19	17-Jul-19	15-Sep-19
D 46 - Southfield	14-Mar-19	17-Jun-19	17-Jul-19	15-Sep-19

D 48 Bloomfield	21-Mar-19	24-Jun-19	24-Jul-19	22-Sep-19
D 40 St Clair Shores	25-Mar-19	28-Jun-19	28-Jul-19	26-Sep-19
Kent - D 63	25-Mar-19	28-Jun-19	28-Jul-19	26-Sep-19
Kent - C 17	25-Mar-19	28-Jun-19	28-Jul-19	26-Sep-19
Isabella County	26-Mar-19	29-Jun-19	29-Jul-19	27-Sep-19
Jackson County	19-Apr-19	23-Jul-19	22-Apr-19	21-Oct-19
Oakland County C6 & D 52-1,2,3,4	22-Apr-19	26-Jul-19	25-Aug-19	24-Oct-19
Wayne C3	1-May-19	4-Aug-19	3-Sep-19	2-Nov-19
D 37 - Warren and Centerline	29-May-19	1-Sep-19	1-Oct-19	30-Nov-19
Washtenaw C 22 and D14	12-Jul-19	15-Oct-19	24-Nov-19	13-Jan-20
D 36 - City of Detroit				
LMOSC				
Wayne				
Mid MI				
Northern MI				
Western MI				
S Central MI				

FUNDING UNIT: _____

Date of Required Compliance: _____

Date of Evaluation: _____

STANDARD 1	TOTAL POSSIBLE POINTS	TOTAL POINTS AWARDED	COMMENTS
Has the attorney list been updated and submitted in the most recent quarter?	3		
Has a process been established and implemented to pay for and confirm attorney training (including for new attorneys to complete skills training)?	3		
<i>Have attorneys either completed 12 hrs of CLE or been removed from the list?</i>	<i>non-point question</i>		
STANDARD 2			
Have confidential meeting spaces been established or have sufficient steps been taken toward this end?			
In holding facilities/jails	3		
In courtrooms - out-of-custody clients	3		
In courtrooms - in-custody clients	3		
<i>Are the confidential meeting spaces adequate?</i>	<i>non-point question</i>		
<i>Are defense attorneys using the confidential meeting space?</i>	<i>non-point question</i>		
Are attorneys being appointed and notified in a timely and effective fashion?	3		
Is the system verifying invoices/other documents to ensure timely client interviews?	3		
Are attorneys being paid for initial interviews?	3		
<i>Does the system have a process to manage attorney non-compliance?</i>	<i>non-point question</i>		
<i>Are all attorneys meeting with clients within 3 business days?</i>	<i>non-point question</i>		
STANDARD 3			
Does a process exist for attorneys to seek funding for experts and investigators?	3		
Have attorneys been notified of the process?	3		
<i>Are requests being tracked by the system?</i>	<i>non-point question</i>		
<i>Have any attorneys utilized this process?</i>	<i>non-point question</i>		
<i>What is the breakdown between requests granted and denied?</i>	<i>non-point question</i>		

STANDARD 4		
Is there a process in place to have counsel at arraignment?	3	
Is there a process in place to ensure that every defendant has counsel or a valid waiver?	3	
Is there a process in place to have counsel at all other critical stages?	3	
<i>Is counsel being provided in 100% of arraignments?</i>	<i>non-point</i>	
<i>Is counsel being provided at 100% of other critical stages?</i>	<i>non-point</i>	
<i>Is there a process in place to ensure the tracking of accurate information on arraignments?</i>	<i>non-point</i>	
<i>Who is conducting the waiver of counsel for arraignment?</i>	<i>non-point</i>	
<i>Is the system encouraging waiver of counsel?</i>	<i>non-point</i>	
<i>Is there an advice of rights for counterpleas and pleas by mail, and is the system collecting information on these?</i>	<i>non-point</i>	
<i>Is there a process to provide contact information to the appointed attorney and the client after arraignment?</i>	<i>non-point</i>	
PLAN COMPLIANCE		
Have quarterly reports been submitted?		
Program Reports	Yes/No	
FSRs (Rebecca)	Yes/No	
Are all indigent defense dollars in a separate 260 account? (Rebecca)	Yes/No	
List any areas of concern regarding contract compliance outside of the above.		

Scores	Raw Score	Rank Score
Std. 1	0	Red
Std. 2	0	Red
Std. 3	0	Red
Std. 4	0	Red
Plan Compliance	--	Red
Overall (pass/fail)	Non Compliant	
Flags	None	

STANDARD 1	GRADE
	3
Has the attorney list been updated and submitted in the most recent quarter?	2
	1
Has a process been established and implemented to pay for and confirm attorney training (including for new attorneys to complete skills training)?	3
	2
	1
STANDARD 2	
Has confidential meeting space been established or have sufficient steps been taken toward this end?	3
*In holding facilities/jails	2
*In courtrooms (out of custody clients AND in custody clients)	1
	3
Are attorneys being appointed and notified in a timely and effective fashion?	2
	1
Is the system verifying invoices/other documents to ensure timely client interviews?	3
	2
	1
Are attorneys being paid for initial interviews?	3
	2
	1
STANDARD 3	
Does a process exist for attorneys to seek funding for experts and investigators?	3
	2
	1
	3

Have attorneys been notified of the process?	2
	1

STANDARD 4

	3
Is there a process in place to have counsel at arraignment?	2
	1

	3
Is there a process in place to ensure that every defendant has counsel or a valid waiver?	2
	1

	3
Is there a process in place to have counsel at all other critical stages?	2
	1

RUBRIC

CHARACTERISTICS

List is fully updated and submitted.
 List is partially updated and submitted; or appears to be fully updated but has not been submitted.
 List has not been updated or submitted

Process is established and implemented consistent with compliance plan, and attorneys have been notified.
 Process is established but not fully implemented, or attorneys have not been sufficiently notified of process.
 No process has been established.

Meeting space is established, or an exception has been made for confidential meeting space.
 Construction is in process but is not complete; or construction has not started but the system is moving reasonably toward completion.
 System has not taken adequate steps toward establishing confidential meeting space, or the space has been established but is not made available to defense attorneys.

Attorneys are always being appointed either at arraignment or within one business day following arraignment, and are notified within one business day of appointment.
 Attorneys are sometimes appointed at arraignment or within one business day following arraignment.
 Attorneys are rarely or never appointed at arraignment or within one business day following arraignment.

Yes, a process is established and is being utilized.
 A process is established but is not consistently utilized.
 No process has been established.

Yes, always.
 Typically, but there are exceptions, or the method of payment is not clear.
 No.

Yes, a process is established and is being utilized.
 A process is established but is not consistently utilized.
 No process has been established.
 Yes.

Some, or unclear.

No.

Yes, consistently, and based on observations, it appears that this is happening 100% of the time.

For the most part, although there are some concerning exceptions and the system has not attempted to fix these.

There are still a considerable number of arraignments at which counsel is not present.

Yes, consistently, and based on observations, it appears that this is happening 100% of the time.

For the most part, although there are some concerning exceptions and the system has not attempted to fix these.

There are still a considerable number of arraignments at which counsel is not present.

Yes, consistently, and based on observations, it appears that this is happening 100% of the time.

For the most part, although there are some concerning exceptions and the system has not attempted to fix these.

There are still a considerable number of critical stages in which counsel is not present.

CATEGORIES

Has the attorney list been updated and submitted?

Has a process been established and implemented to pay for and confirm attorney training?

Has confidential meeting space been established or have sufficient steps been taken toward this end?

Are attorneys being appointed and notified in a timely and effective fashion?

Is the system verifying invoices/other documents to ensure timely client interviews?

Are attorneys being paid for initial interviews?

Does a process exist for attorneys to seek funding for experts and investigators?

Have attorneys been notified of the process?

Are requests being tracked by the system and is this information able to be retrieved?

Is there a process in place to have counsel at arraignment?

Is there a process in place to have counsel at all other critical stages?

Is the system tracking information on arraignments and is this information able to be retrieved?

Who is conducting the waiver of counsel for arraignment?

Observer Name: _____
 Date: _____
 Region: _____
 County: _____
 Court Number: _____

PART I: EVENTS

What did you watch today? (Check all that apply)

- Arraignments
- Motions
- Pre-trial hearings
- Preliminary examinations/PCCs
- Evidentiary hearings/other hearings
- Trials
- Sentencings
- Post-conviction hearings
- I went to court but nothing was happening

PART II: MEETING SPACE

Is there private meeting space in the courthouse for atty/client interviews for *in custody clients*? Yes/No

If no, are they making progress towards the creation of this space? Yes/No

Is there private meeting space in the courthouse for atty /client interviews for *out of custody* clients? Yes/No

If no, are they making progress towards the creation of this space? Yes/No

Do attorneys appear to be making use of these spaces? Yes/No/n/a

If no, what are the obstacles to usage?

PART III: ARRAIGNMENTS

Did all clients either have counsel at first appearance or affirmatively waive counsel? Yes/No

If no, what is the reason that clients do not have CAFA? (check all that apply)

- There is no potential for loss of liberty
- No appointed counsel available
- Client retained counsel who [for any reason] was not present
- Other: _____

If you saw any clients affirmatively waive counsel, was the waiver explained in a sufficient way? Yes/No (if no, please explain further)

Did you see people pleading guilty at arraignment? What was that process like? (Were the court rules followed? Were people being rushed? Did everyone seem to understand the process? Etc...)

Is there a process for counter pleas, or plea by mail? If yes, explain.

Can you get a copy of the form?

PART IV: EXPERTS AND INVESTIGATORS

Did you observe the use of any experts or investigators today? If yes, please describe. If no, were there instances in which this might have been useful?

PART V: OTHER

Please list any observations or concerns from your court watching: _____

Please list any suggestions for system improvement, if any: _____

Are there any particular training topics that you can identify from court watching? _____

Please describe any suggestions for the system's next compliance plan related to Standards 1-4: _____

Please describe any suggestions for the system's next compliance plan related to Standard 5: _____

Please describe any suggestions for the system's next compliance plan related to Standard 7: _____

County	Court	Implementation Deadline	Mtg Scheduled	Obsurvey	Compliance Rubric Completed & Saved to SharePoint
Allegan VanBuren	AL District Circuit VB District Circuit	9/7/19	9/27/19 10am	9/27/19 AM: AL Dist & Cir 10/28/19 SH CT 10/28/19 District AM 10/28/19 Circuit Not able to observe but met w attys	11/27/19 Completed 11/27/19 SharePoint
Barry	District Circuit	5/25/19	8/21/19	8/21/19 District 8/21/19 Circuit	8/21/19 Completed 9/10/19 SharePoint
Berrien	Niles St Joe	5/11/19	8/28/19	8/28/19 Niles 10/24/19 St Joe	8/28/19 Completed 9/10/19 SharePoint
Branch	District Circuit	9/7/19	11/19/19	10/25/19 District 11/19/19 Circuit	11/22/19 Completed 11/22/19 SharePoint
Calhoun	District Circuit	8/12/19	10/7/19	10/7/19	10/7/19 Completed 10/7/19 SharePoint
Cass	District Circuit	6/9/19	8/27/19	8/27/19 Circuit 8/27/19 District	8/27/19 Completed 9/10/19 SharePoint
Ionia	District Circuit	6/10/19	9/10/19 11am	9/10/19 Circuit 9/10/19 District	9/10/19 Completed 9/10/19 SharePoint
Kalamazoo	District	6/9/19	10/9/19	9/3/19	11/27/19

	Circuit		3pm	District 10/8/19 District & Circuit	Completed 11/27/19 SharePoint
Kent	Circuit	9/26/19	10/16/19 KCOD 11/20/19 Roster Attys	10/21/19 Observed KCOD attys.	11/22/19 Completed 11/22/19 SharePoint
Kent	District 63	9/26/19	11/20/19	9/25/19 Nothing happened 11/20/19	11/22/19 Completed 11/22/19 SharePoint
Kent	Grandville 59 1	9/7/19	9/18/19	10/21	11/22/19 Completed 11/22/19 SharePoint
Kent	Kentwood 62B	9/13/19	9/18/19	10/10/19	11/22/19 Completed 11/22/19 SharePoint
Kent	Walker 59 2	9/7/19	9/18/19	9/17/19	11/22/19 Completed 11/22/19 SharePoint
Kent	Wyoming 62A	9/13/19	11/20/19	9/16/19 10/16/19	11/27/19 Completed 11/27/19 SharePoint
Kent	District 61	9/13/10	11/7/19 10am	9/17/19 Misd 10/10/19 Felonies	11/22/19 Completed 11/22/19 SharePoint
Montcalm	District Circuit	8/12/19	9/9/19 11am	9/9/19 District 9/9/19 Circuit	9/9/19 Completed 9/10/19 SharePoint
Muskegon	Circuit District	7/27/19	9/24/19 1pm	9/24/19 District 9/24/19 Circuit	9/24/19 Completed 9/30/19 SharePoint

Ottawa	Holland District GH District Circuit Hudsonville District	5/5/19	10/23/19 11am Holland Office	11/18/19 GH District & Circuit 10/22/19 Holland 10/23/19 Hudsonville	11/22/19 Completed 11/22/19 SharePoint
St Joseph	Circuit District	6/6/19	10/2/19 11am	10/2/19 Dist AM 10/2/19 Cir PM	10/2/19 Completed 10/2/19 SharePoint

LMOS Court Watching Log

Court	Implementation Deadline	Court Watching	Meeting Date	180 Day Inspection
D 37-1 Centerline	11-30-19	7-3-19	12-13-19	
D 37-2 Warren	11-30-19	10-29-19	12-13-19	
D 38 Eastpointe	8-12-19	9-18-19	9-18-19	9-18-19
D 39 Roseville	6-9-19	7-16-19 8-28-19	8-28-19	8-28-19
D 40 St. Clair Shores	9-26-19	10-23-19		
D 41A-1 Sterling Heights	6-9-19	4-29-19		
D 41A-2 Shelby	6-9-19	10-7-19	10-7-19	10-7-19
D 41B Clinton Township	6-9-19	2-20-19 8-29-19	8-29-19	8-29-19
D 42-1 Romeo	7-18-19	12-5-19	12-6-19	12-6-19
D 42-2 New Baltimore	7-18-19	6-26-19 12-5-19	12-6-19	12-6-19
C 16 Macomb	7-18-19	9-16-19	9-16-19	9-16-19
D 43-1 Hazel Park	7-12-19	4-6-19 5-22-19 7-17-19	7-17-19	7-17-19
D 43-2 Ferndale	5-6-19	3-12-19 9-17-19	9-17-19	9-17-19
D 43-3 Madison Heights	7-12-19	4-2-19 7-18-19 11-19-19	7-18-19	7-18-19
D 44 Royal Oak	6-9-19	7-15-19	9-3-19	9-3-19

		9-3-19		
D 45 Oak Park	5-25-19	5-8-19	12-9-19	
D 46 Southfield	9-15-19	8-31-19		
D 47 Farmington Hills	9-15-19	10-21-19	10-21-19	10-21-19
D 48 Bloomfield	9-22-19	5-15-19 10-9-19	10-9-19	10-9-19
D 50 Pontiac	5-5-19	5-1-19 6-25-19	9-6-19	9-6-19
D 51 Waterford	9-7-19	5-13-19 10-28-19	10-10-19	10-10-19
D 52-1 Novi	10-24-19	5-22-19 11-4-19	11-4-19	11-4-19
D 52-2 Clarkston	10-24-19	11-13-19	11-13-19	11-13-19
D 52-3 Rochester	10-24-19	5-13-19 11-20-19	11-20-19	11-20-19
D 52-4 Troy	10-24-19	11-5-19	11-5-19	11-5-19
C 6 Oakland	10-24-19	11-12-19	11-12-19	11-12-19
D 71A Lapeer	7-28-19	8-30-19 11-15-19	12-9-19	
C 40 Lapeer	7-28-19	11-4-19	12-9-19	
D 72 Port Huron	5-25-19	9-10-19	9-10-19	9-10-19
D 72 Marine City	5-25-19	5-28-19 9-4-19	9-10-19	9-10-19
C 31 St. Clair	5-25-19	11-18-19	9-10-19	9-10-19

SYSTEM	Implementation Deadline	VISIT	VISIT	VISIT	Rubric	
Alger	5/6/19	1/17/19	4/23/19	9/12/19	9/12/19	
Antrim	7/22/19	4/2/19	8/6/19		8/6/19	
Baraga/Houghton/Keewenaw	5/4/19	1/16/19	7/17/19		7/17/19	
Benzie/Manistee	6/24/19	6/17/19 6/25/19	10/8/19		10/8/19	
Charlevoix	6/24/19	3/28/19	7/9/19		7/9/19	
Cheboygan	5/25/19	11/?/18 4/4/19	10/10/19		10/10/19	
Chippewa	5/5/19	4/24/19	9/18/19		9/18/19	
Crawford	5/13/19	11/?/18 3/26/19	11/27/18	8/27/19	8/28/19	
Delta	6/9/19	11/19/18	4/22/19	9/12/19	9/12/19	
Dickinson	5/5/19	1/17/19	9/24/19		9/24/19	
Emmet	6/6/19	11/?/18 3/20/19	8/7/19		8/7/19	
Gogebic	7/29/19	1/15/19	7/15/19		7/15/19	
Grand Traverse	6/6/19	12/6/18 3/6/19	3/13/19	7/2/19 10/2/19	10/2/19	
Iron	6/24/19	1/14/19	9/23/19		9/23/19	
Kalkaska	7/12/19	12/5/18 4/2/19	6/21/19	10/2/19	10/2/19	
Leelanau	7/12/19	3/14/19	9/20/19		9/20/19	
Luce	6/9/19	4/24/19			8/16/19	
Mackinac	6/9/19	11/20/18 4/4/19	6/19/19	8/26/19	8/26/19	
Marquette	6/9/19	11/19/18	8/15/19		8/15/19	
Menominee	6/9/19	9/24/19			9/24/19	
Ontonagon	7/27/19	1/14/19	7/15/19		7/15/19	
Otsego	7/12/19	2/11/19	10/14/19		10/14/19	

Presque Isle	6/17/19	6/24/19	8/28/19		8/28/19	
Schoolcraft	6/10/19	11/20/18	4/22/19	9/25/19	9/25/19	
Wexford/Missaukee	6/9/19	11/?/18 3/11/19	4/17/19	9/16/19	9/16/19	

County	Court	Implementation Deadline	Mtg Scheduled
Oceana	78 th District	06/28/19	07/24/19
Isabella	76 th District	09/27/19	10/15/19
Lake	79 th District	09/13/19	10/05/19
Saginaw	70 th District	07/18/19	multiple
Bay	74 th District	07/12/19	07/24/19
Arenac	81 st District	08/10/19	09/16/19
Alpena	88 th District	05/06/19	07/16/19
Huron	73 rd District	05/13/19	08/26/19
Iosco	81 st District	05/05/19	09/18/19
Midland	73 rd District	09/15/19	09/25/19
Montmorency	88 th District	06/14/19	07/15/19
Newaygo	78 th District	09/15/19	07/22/19
Ogemaw	82 nd District	06/14/19	06/10/19
Oscoda	81 st District	06/09/19	07/15/19
Roscommon	82 nd District	06/24/19	04/17/19
Sanilac	73 rd District	06/14/19	10/18/19
Tuscola	71 st District	05/25/19	09/24/19
Osceola			
Mecosta			
Mason			
Alcona			

System	Court(s)	Implementation Deadline	Compliance Review Date	Court Watch
Ann Arbor	D15	8/10/2019	12/5/2019	12/5/2019
Clinton	29C	6/9/2019	8/7/2019	8/7/2019
	D65A		8/7/2019	8/7/2019
Eaton	C56	5/13/2019	7/15/2019	2/27/2019
	D56A		7/15/2019	2/27/19; 7/15/2019
Genesee	C7	6/9/2019	9/25/2019	3/5/2019
	D67-1 Flushing			
	D67-2 Burton			9/25/2019
	D67-2A Davidson			3/29/2019
	D67-3 Mt Morris			3/29/2019
	D67-4 Fenton			
Gratiot	C29	6/17/2019	8/2/2019	8/2/2019
	D65B		8/2/2019	8/2/2019
Hillsdale	C1	6/10/2019	9/17/2019	9/17/2019
	D2B		9/17/2019	9/17/2019
Ingham	C30	6/9/2019	10/9/19	10/9/2019
	D54A Lansing			8/20/2019
	D54B East Lansing			10/9/2019
	D55 Mason			2/1/19;
Jackson	C4	10/21/2019	12/12/2019	
	D12		12/12/2019	
Lenawee	C39	5/6/2019	9/18/2019	9/18/2019
	D2A		9/18/2019	2/6/19; 9/18/19
Livingston	C44	9/15/2019	11/20/2019	11/20/2019
	D53		11/20/2019	11/20/2019
Monroe	C38	6/9/2019	10/16/19	10/16/2019
	D1		10/16/19	4/17/19; 10/16/19
Shiawassee	C35	6/24/2019	8/15/2019	4/1/19; 8/15/2019
	D66		8/15/2019	8/15/2019
Washtenaw	C20	1/13/2020		11/25/2019
	D14A-1 Pittsfield			11/6/2019
	D14A-2 Ypsi			10/31/2019
	D14A-3 Chelsea			
	D14A-4 Saline			11/22/2019
	D14B Ypsi Twnshp			

Wayne County	Implementation Deadline	Compliance Meeting	Court Watching
D 16 - Livonia	6/17/2019	10/14/2019	3/5/2019; 10/14/19
D 17 - Redford	6/6/2019	10/28/2019	11/1/18; 11/14/18; 3/27/19; 10/28/19
D 18 - Westland	7/22/2019	10/16/2019	10/16/2019
D 19 - Dearborn	9/1/2019	11/25/2019	3/27/2019; 4/25/19; 6/25/19
D 20 - Dearborn Heights	9/1/2019	12/5/2019	12/5/2019
D 21 - Garden City	7/22/2019	10/1/2019	2/20/19; 4/29/19; 10/1/2019
D 22 - Inkster	9/15/2019		4/26/2019
D 23 - Taylor	6/14/2019	7/16/2019	7/16/2019
D 24 - Allen Park	9/7/2019	9/11/2019	9/11/2019
D 25 - Lincoln Park	6/14/2019	12/9/2019	2/20/2019
D 27 - Wyandotte	7/12/2019	12/6/2019	12/21/18; 3/6/19; 3/26/19; 8/12/19
D 28 - Southgate	6/9/2019	10/7/2019	4/10/19; 10/7/19
D 29 - Wayne	7/12/2019	10/29/2019	4/10/2019; 4/17/19; 10/29/19
D 30 - Highland Park	9/7/2019	12/10/2019	1/30/2019; 4/15/19
D 31 - Hamtramck	9/13/2019	11/4/2019	11/4/2019
D 32a - Harper Woods	6/6/2019	11/6/2019	4/26/2019; 11/6/19
D 33 - Woodhaven	8/26/2019	10/7/2019	10/7/2019
D 34 - Romulus	9/10/2019	10/31/2019	11/20/18; 1/17/19; 2/13/19; 4/9/19; 4/29/19
D 35 - Plymouth	5/25/2019	8/15/2019	2/6/19; 8/15/19 5/7/19; 5/21/19;
D 36 - City of Detroit	N/A	N/A	10/21/19
Grosse Pointe Park	7/12/2019	11/13/2019	5/20/2019; 11/13/19
Grosse Pte Farms, Shores	7/17/2019	10/9/2019	5/20/19; 10/9/2019
Grosse Pte City Municipal	7/12/2019	11/7/2019	5/20/2019; 11/7/19
Grosse Pte Woods	7/18/2019	10/9/2019	10/9/2019
Wayne C3	11/2/2019	11/19/2019	11/18/2019

MIDC FY20 Approved Compliance Plan and Cost Analysis		Total system cost	FY 20 local share	MIDC grant	13.2 request
Lapeer, Macomb, Oakland, St. Clair					
D 37 - Warren and Centerline	1	\$1,427,025.82	\$122,807.75	\$1,304,218.07	
D 38 - Eastpointe	1	\$770,886.95	\$53,008.41	\$717,878.54	
D 39 - Roseville and Fraser	1	\$1,031,602.97	\$90,249.75	\$941,353.22	\$0.00
D 40 St Clair Shores	1	\$551,999.08	\$7,079.46	\$544,919.62	\$798.90
D 41-a-1 Sterling Heights	1	\$483,457.33	\$0.00	\$483,457.33	\$76,159.20
D 41-a-2 Shelby Twp	1	\$500,232.87	\$0.00	\$500,232.87	
D 41b - Mt Cl, Harris., Clinton	1	\$479,800.00	\$43,619.16	\$436,180.84	
D 43-2 Ferndale	1	\$642,131.00	\$15,308.54	\$626,822.46	
D 44 - Royal Oak	1	\$861,833.36	\$22,692.49	\$839,140.87	
D 45 - Oak Park	1	\$515,430.00	\$42,169.76	\$473,260.24	
D 46 - Southfield	1	\$600,500.00	\$82,782.00	\$517,718.00	
D 47 Farmington/Hills	1	\$203,339.69	\$21,910.94	\$181,428.75	
D 48 Bloomfield	1	\$454,114.00	\$17,463.52	\$436,650.48	
D 50 Pontiac	1	\$1,052,015.00	\$18,022.97	\$1,033,992.03	
D 51 - Waterford	1	\$351,679.06	\$31,807.20	\$319,871.06	
Macomb C 16 & D 42-1, 42-2	1	\$7,071,336.20	\$2,242,139.23	\$3,620,490.20	
Oakland C 6 & D 52-1, 2, 3, 4*	1	\$6,564,397.00	\$1,868,990.68	\$4,153,895.32	\$587,163.00
St. Clair County	1	\$2,439,289.10	\$750,172.53	\$1,689,116.57	
Mid- Michigan					
Alcona County	1	\$152,650.00	\$41,012.12	\$111,637.88	
Alpena County	1	\$670,326.00	\$163,361.25	\$506,964.75	
Arenac County	1	\$281,417.70	\$114,335.96	\$167,081.74	\$0.00
Bay County	1	\$1,143,261.00	\$606,198.78	\$537,062.22	\$0.00
Clare/Gladwin Counties	1	\$1,959,252.00	\$236,525.87	\$1,722,726.13	
Huron County	1	\$541,000.67	\$81,183.18	\$459,817.49	
Iosco County	1	\$194,264.04	\$171,806.31	\$22,457.73	
Isabella County	1	\$1,632,191.16	\$238,439.63	\$1,393,751.83	\$2,215.50
Lake County	1	\$296,795.00	\$77,894.39	\$218,900.61	
Mason County	1	\$626,149.00	\$156,855.56	\$469,293.44	
Mecosta County	1	\$454,239.00	\$166,909.97	\$287,329.03	
Midland County	1	\$543,605.00	\$259,598.83	\$284,006.17	\$0.00
Montmorency County	1	\$287,425.00	\$16,915.12	\$270,509.88	
Newaygo County	1	\$713,645.00	\$201,412.11	\$512,232.89	
Oceana County	1	\$546,200.00	\$92,953.97	\$453,246.03	
Ogemaw County	1	\$531,209.00	\$147,849.67	\$383,359.33	
Osceola County	1	\$368,270.00	\$70,307.47	\$297,962.53	

Oscoda County	1	\$254,609.00	\$54,337.70	\$200,271.30	
Roscommon County	1	\$652,085.25	\$203,666.89	\$448,418.36	
Saginaw County	1	\$3,907,993.00	\$917,671.17	\$2,990,321.83	
Sanilac County	1	\$436,195.00	\$65,683.90	\$370,511.10	
Tuscola County	1	\$1,121,837.00	\$253,956.78	\$867,880.22	
Northern Michigan					
Alger County	1	\$446,941.78	\$53,463.93	\$393,477.85	\$3,362.19
Antrim County	1	\$258,432.00	\$80,156.48	\$178,275.22	\$0.00
Baraga/Houghton/Keweenaw Counties	1	\$649,626.64	\$158,449.25	\$491,177.39	
Benzie/Manistee Counties	1	\$813,561.86	\$283,150.50	\$530,411.36	
Charlevoix County	1	\$513,540.00	\$168,476.70	\$345,063.30	
Cheboygan County	1	\$380,071.56	\$144,514.89	\$235,556.67	
Chippewa County	1	\$543,811.98	\$224,373.97	\$319,438.01	
Crawford County	1	\$288,669.00	\$15,029.53	\$273,639.47	
Delta County	1	\$399,133.51	\$109,591.10	\$289,542.41	
Dickinson County	1	\$532,670.07	\$68,653.87	\$464,016.20	
Emmet County	1	\$472,652.00	\$162,829.13	\$309,822.87	
Gogebic County	1	\$362,648.65	\$104,379.38	\$258,251.27	\$854.80
Grand Traverse County	1	\$807,550.20	\$156,958.76	\$650,591.44	\$0.00
Iron County	1	\$445,694.95	\$73,071.29	\$372,623.66	\$0.00
Kalkaska County	1	\$450,726.07	\$39,852.89	\$410,873.18	
Leelenau County	1	\$220,225.00	\$52,832.66	\$167,392.34	
Luce County	1	\$246,026.00	\$30,175.57	\$215,850.43	\$0.00
Mackinac County	1	\$200,011.56	\$136,830.47	\$63,181.09	
Marquette County	1	\$958,688.80	\$229,920.36	\$728,768.44	\$0.00
Menominee County	1	\$490,826.59	\$116,201.40	\$374,625.19	
Ontonagon County	1	\$167,291.00	\$27,774.22	\$139,516.78	
Otsego County	1	\$356,903.00	\$141,665.55	\$215,237.45	
Presque Isle County	1	\$199,811.02	\$74,901.69	\$124,909.33	
Schoolcraft County	1	\$233,227.70	\$36,314.19	\$196,918.51	
Wexford/Missaukee Counties	1	\$989,164.36	\$146,902.28	\$842,262.08	
South Central Michigan					
Clinton County	1	\$815,673.30	\$147,841.50	\$667,831.80	
D 15 - Ann Arbor	1	\$393,529.96	\$206,506.85	\$187,023.11	
Eaton County	1	\$2,132,500.68	\$445,328.32	\$1,687,172.36	
Genesee County	1	\$4,825,360.66	\$1,335,598.66	\$3,489,762.00	
Gratiot County	1	\$586,807.51	\$157,448.30	\$429,359.20	
Hillsdale County	1	\$461,814.02	\$113,755.75	\$348,058.25	

Ingham County	1	\$5,542,054.00	\$921,865.46	\$4,620,188.54	
Jackson County	1	\$2,892,162.20	\$567,334.39	\$2,324,827.81	\$1,210.75
Lenawee County	1	\$1,314,689.11	\$214,815.46	\$1,099,873.65	
Livingston County	1	\$2,554,318.27	\$936,856.16	\$1,617,462.11	
Monroe County	1	\$863,639.00	\$215,996.63	\$647,642.37	
Shiawassee County	1	\$945,865.40	\$106,081.56	\$839,783.84	
Washtenaw County	1	\$6,529,871.55	\$2,441,932.97	\$4,087,938.58	
Wayne County					
D 16 - Livonia	1	\$504,623.01	\$17,590.52	\$487,032.49	
D 17 - Redford	1	\$291,038.77	\$52,617.22	\$238,421.55	
D 18 - Westland	1	\$447,220.00	\$62,957.24	\$384,262.76	
D 19 - Dearborn	1	\$357,033.44	\$78,855.14	\$278,178.30	
D 20 - Dearborn Heights	1	\$226,780.42	\$9,831.29	\$216,949.13	
D 21 - Garden City	1	\$114,793.07	\$8,938.41	\$105,854.66	\$0.00
D 23 - Taylor	1	\$401,859.00	\$40,370.02	\$361,488.98	
D 24 - Allen Park	1	\$187,102.50	\$14,831.60	\$172,270.90	
D 25 - Lincoln Park	1	\$571,360.11	\$10,735.94	\$560,624.17	
D 27 - Wyandotte	1	\$285,315.80	\$1,462.35	\$283,853.46	
D 28 - Southgate	1	\$188,193.69	\$4,686.89	\$183,506.80	
D 29 - Wayne	1	\$171,784.79	\$23,475.75	\$148,309.04	
D 30 - Highland Park	1	\$167,781.34	\$13,797.00	\$153,984.34	\$0.00
D 31 - Hamtramck	1	\$211,422.00	\$14,486.85	\$196,935.15	
D 32a - Harper Woods	1	\$189,771.90	\$12,660.80	\$177,111.10	
D 33 - Trenton	1	\$297,822.70	\$76,756.97	\$221,065.73	
D 34 - Romulus	1	\$561,179.00	\$55,315.75	\$505,863.25	
Wayne County Circuit Court	1	\$26,800,560.00	\$7,611,175.35	\$19,189,384.60	\$401,692.45
Grosse Pte City Municipal	1	\$31,590.00	\$3,232.59	\$28,357.41	
Grosse Pointe Farms	1	\$58,853.00	\$15,015.22	\$43,837.78	
Grosse Pointe Park	1	\$41,530.00	\$10,185.25	\$31,344.75	
Grosse Pointe Woods	1	\$57,200.00	\$3,150.83	\$54,049.17	
Western Michigan					
Allegan/Van Buren Counties	1	\$3,112,882.00	\$540,903.72	\$2,571,978.28	
Barry County	1	\$808,676.18	\$231,302.44	\$577,373.74	
Berrien County	1	\$3,128,460.00	\$575,096.85	\$2,553,363.15	
Branch County	1	\$663,985.00	\$154,707.29	\$509,278.31	
Calhoun County	1	\$2,866,565.81	\$698,289.68	\$2,168,276.13	\$9,787.47
Cass County	1	\$457,136.00	\$254,342.07	\$202,793.93	
D 59-1 - Grandville	1	\$82,698.81	\$2,826.17	\$79,872.64	\$805.62

D 59-2 - Walker	1	\$94,973.88	\$6,236.58	\$88,737.30	
D 62 a - Wyoming	1	\$205,850.00	\$7,161.15	\$198,688.85	\$7,757.57
Ionia County	1	\$493,181.27	\$223,412.94	\$269,768.33	
Kalamazoo County	1	\$4,709,000.00	\$1,202,867.98	\$3,506,132.02	
Kent County C17/D63	1	\$6,769,498.13	\$2,449,097.29	\$4,320,400.84	
Montcalm County	1	\$648,628.63	\$225,179.50	\$423,449.13	
Muskegon County	1	\$2,362,268.20	\$676,864.47	\$1,685,403.73	
St. Joseph County	1	\$774,890.80	\$423,222.83	\$351,667.97	\$732.20
Total approved as of October 15, 2019	115	\$143,945,388.46	\$36,230,573.07	\$105,964,584.39	\$1,092,539.65
					Not included in total system cost
December 17, 2019 Commn meeting					
D 35 - Plymouth	1	\$432,761.00	\$31,141.93	\$401,619.09	
D 43-3 Madison Heights	1	\$626,516.25	\$1,781.37	\$624,734.88	
D 61 - Grand Rapids	1	\$502,130.00	\$177,124.86	\$325,005.14	
D 62B - Kentwood	1	\$266,078.60	\$39,165.37	\$226,913.23	
Ottawa County	1	\$3,287,034.00	\$943,394.91	\$2,343,639.09	
Total	5	\$5,114,519.85	\$1,192,608.45	\$3,921,911.43	
February 11, 2020 Commn meeting					
Lapeer County	1	\$1,301,611.78	\$109,844.99	\$1,191,766.79	
D 22 - Inkster	1	\$300,430.00	\$45,990.00	\$254,440.00	
D 36 - Detroit	1	\$2,976,710.75	\$1,086,674.07	\$1,890,036.68	
D 43-1 Hazel Park	1	\$1,364,994.36	\$18,374.88	\$1,346,619.49	
Total	4	\$5,943,746.89	\$1,260,883.94	\$4,682,862.96	\$0.00

Michigan Indigent Defense Commission Resolution

WHEREAS, the Michigan Indigent Defense Commission (MIDC) was created to, among other things, “propose minimum standards for the local delivery of indigent criminal defense services providing effective assistance of counsel to adults throughout this state.” 780.985(3)

WHEREAS, the MIDC’s duties include “developing and overseeing the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that indigent criminal defense services providing effective assistance of counsel are consistently delivered to all indigent adults in this state consistent with the safeguards of the United States constitution, the state constitution of 1963, and this act.” MCL 780.989(1)(a).

WHEREAS, the MIDC’s authority and duties includes, “hiring an executive director and determining the appropriate number of staff needed to accomplish the purpose of the MIDC consistent with annual appropriations. And assigning the executive director the following duties: (i) Establishing an organizational chart, preparing an annual budget, and hiring, disciplining, and firing staff. (ii) Assisting the MIDC in developing, implementing, and regularly reviewing the MIDC's standards, rules, and procedures, including, but not limited to, recommending to the MIDC suggested changes to the criteria for an indigent adult's eligibility for receiving criminal trial defense services under this act. MCL 780.989(1)(c)&(d).

THEREFORE, BE IT RESOLVED, that the MIDC has the authority to develop and implement minimum standards as well as interpret the MIDC Act.

BE IT FURTHER RESOLVED, that the MIDC Executive Director and, through the Executive Director, the MIDC staff are responsible for assisting the MIDC development, implementation regular review of standards rules and procedures created by the MIDC.

BE IT FURTHER RESOLVED, that MIDC staff, as agents for the commission, may not require anything of or prohibit any action/plan of a local criminal indigent defense system unless the MIDC has expressly provided for the same. The MIDC staff may communicate the commission’s previous actions/decisions in the compliance plan approval process.

FINALLY, IT IS FURTHER RESOLVED, that the MIDC instructs the Executive Director to develop appropriate procedures for presentation of all issues involving understanding/implementation of minimum standards and statutory interpretation to the MIDC. This expressly includes all future questions and an organized review of each and every decision already made by staff and currently affecting MIDC operation and/or implementation of any compliance plan.

Submitted by Tom Boyd
Chair, Ad Hoc Committee on MIDC Authority
October 15, 2019