



Michigan Indigent Defense Commission

**PO Box 14271
Lansing, MI 48901
(517) 648-3143**

James H. Fisher, Chair
Jonathan Sacks, Executive Director

Michigan Indigent Defense Commission Meeting Minutes
State Bar of Michigan Board Room
306 Townsend, Lansing, Michigan
Date: Tuesday February 17, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell (arrived late), Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner (arrived late), Brandy Robinson (arrived late), William Swor (arrived late), and Gary Walker.

Participating via Telephone

Nancy Diehl.

Commission Members Absent

David Schuringa and Cletus Smith.

Others Present

Peter Cunningham (State Bar of Michigan), Marla McCowan (State Appellate Defender Office), Kay Perry (Michigan CURE), Christine Piatkowski (private attorney), Jonathan Sacks (Michigan Indigent Defense Commission), Jonah Siegel (State Appellate Defender Office), Dawn Van Hoek (State Appellate Defender Office) and Marcela Westrate (Michigan Indigent Defense Commission).

The meeting was called to order at 1:12 p.m.

Roll call

Chair Fisher asked Ms. Westrate to call roll. Dr. Schuringa and Mr. Smith indicated that they would not be able to attend the meeting.

Public comment

No members of the public wished to comment.

Approval of minutes from December open and closed meetings

Judge Boyd moved that the two sets of minutes from the December meeting be approved. Mr. Lindsey seconded. The motion carried; all members present unanimously supported the motion.

Report from the Chair

Chair Fisher reported that Kimberly Thomas formally resigned from the Michigan Indigent Defense Commission (MIDC or the Commission). John Shea has been appointed by the Governor's office to fill her position.

Ms. Van Hoek and John Nussbaumer contacted Mr. Fisher about working together to obtain funding through the Edward Byrne Memorial Justice Assistance Grant Program (Byrne grant). Chair Fisher is interested in the discussion to change the State Administering Agency (SAA) from the Michigan State Police (MSP) to a broad-based commission to administer those funds.

Executive Director report

Jonathan Sacks gave a presentation that summarized his actions to date and a timeline for future actions. He indicated that he is working with David Carroll and Mr. Carroll will be invited to attend the April meeting. Mr. Sacks would like to have a set of standards before the Commission in April for approval.

Mr. Sacks reviewed the statutory requirements that applied to the development and implementation of standards. Michigan has a set of appellate defender standards that are already promulgated; he expects that MIDC initial standards will follow these.

The Commission discussed Mr. Sacks' plan for standards.

Mr. Sacks discussed staffing the office. He has hired Ms. Westrate who will serve as State Office Administrator/Legislative Director. Marla McCowan will serve as Director of Training, Outreach and Support; and Jonah Siegel will serve as Research Director. Ms. McCowan will begin MIDC employment in March; Mr. Siegel will begin in the fall. Mr. Sacks has requested two additional FTEs from the legislature for the current fiscal year. He anticipates hiring at least one support staff person from the current appropriations.

Chair Fisher updated the Commission on Mr. Sacks' terms of employment. He asked for a motion to support the terms since the Chair was given the authority to negotiate them at the December meeting.

Judge Boyd moved that the terms of Mr. Sacks' employment be approved by the Commission. Mr. Eaman seconded the motion. The motion carried; all members present unanimously supported the motion.

The Commission discussed the office's budget. Chair Fisher asked Mr. Sacks to have a preliminary budget before the members at the April meeting.

The MIDC received its first Freedom of Information Act (FOIA) request. Ms. Westrate discussed the response to the request. She is working on a FOIA policy that will be before the Commission for its approval.

Mr. Sacks gave an overview of the MIDC/State Appellate Defender Office (SADO) proposal that was briefly discussed by Chair Fisher earlier in the meeting. Chair Fisher indicated that he would like the Commission's direction to work with Mr. Nussbaumer on pursuing a change in the SAA for Michigan.

Mr. Walker moved that Chair Fisher be given the ability to work with Mr. Nussbaumer on changing Michigan's SAA from the MSP. Judge Boyd seconded. The motion carried; all members unanimously supported the motion.

The Commission discussed whether its enacting statute provided the authority to administer the funds and programs as proposed by Ms. Van Hoek.

Judge Boyd moved that the Commission send a signal to Governor Snyder that, as previously found by the Governor's Indigent Defense Advisory Commission, a lack of resources and systems for investigators and experts is a real problem in indigent defense. The MIDC supports SADO's request to use Byrne grant funding to address these areas. The MIDC is willing to work with SADO in the future to the extent that the MIDC's statute permits it to do so. Mr. Campbell seconded the motion.

The Commission discussed the motion.

Chair Fisher called for a vote on the motion. The motion passed with 11 yeas, and 1 nay. The following members voted yea: Chair Fisher, Judge Boyd, Mr. Campbell, Ms. Diehl, Mr. Eaman, Mr. Lindsey, Ms. Motley, Mr. Oeffner, Mr. Puerner, Mr. Swor and Mr. Walker. Ms. Robinson voted nay.

Bylaws approval

Mr. Puerner reviewed the Commission's previous action on the bylaws.

Judge Boyd moved that the bylaws be accepted with the following changes:

- The reference to the Executive Order that appointed the Commissioners be removed since the appointments were done via press release;
- Language be added that it is the Secretary's responsibility to assure minutes are taken; and,
- The "Old Business" consent agenda item be relabeled "Unfinished Business".

Ms. Diehl seconded the motion. The motion carried; all members present unanimously supported the motion.

Appointment of members to committees

Members were provided a draft committee list. Chair Fisher would like to make some changes and encouraged members to contact him if they would like assignments changed.

Adjourn

The next meeting is April 14, 2015 at 1:00 pm in Lansing.

Mr. Eaman moved to adjourn. Ms. Motley seconded the motion. The motion carried; all members present supported the motion. The meeting adjourned at 2:52 p.m.

Respectfully submitted,
Marcela Westrate



Michigan Indigent Defense Commission

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Lansing, MI 48901
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James H. Fisher, Chair
Jonathan Sacks, Executive Director

Michigan Indigent Defense Commission Meeting Minutes
State Bar of Michigan Board Room
306 Townsend, Lansing, Michigan
Date: Tuesday April 14, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell, Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, John Shea, Cletus Smith and Gary Walker.

Participating via Telephone

William Swor.

Commission Members Absent

David Schuringa.

Staff Members Present

Jonathan Sacks, Marla McCowan and Marcela Westrate.

Others Present

Marilena David-Martin (State Appellate Defender Office), Brad Hall (Michigan Appellate Assigned Counsel System), Michael Middlestat (State Appellate Defender Office), Kay Perry (Michigan CURE), Christine Piatkowski (private attorney) and Bryan Vance (State Appellate Defender Office).

The meeting was called to order at 1:02 p.m.

Roll call

Chair Fisher asked Ms. Westrate to call roll.

Public comment

No members of the public wished to comment.

Approval of minutes from February 17, 2015 meeting

Mr. Smith moved that the minutes from the February meeting be approved. Ms. Motley seconded. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher provided a written report to members with an overview of the Michigan Indigent Defense Commission's (MIDC's) activities since the last meeting. Mr. Campbell, Mr. Oeffner and Dr. Schuringa were reappointed to the MIDC, their terms will now expire April 1, 2019.

Chair Fisher appointed Judge Boyd Chair of the Nominating Committee in a memo distributed via email in March. Mr. Campbell, Mr. Eaman and Ms. Motley will serve on this committee. The MIDC's bylaws anticipate that the Nominating Committee would meet in the fall. Chair Fisher would like to have officers in place for the balance of this year.

Ms. Diehl made a motion to suspend the bylaws to allow the Nominating Committee to meet and present nominations for Vice Chair and Secretary at the MIDC's June meeting. Mr. Puerner seconded the motion. The motion carried; all members participating unanimously supported the motion.

Presentation from David Carroll, Sixth Amendment Center

The MIDC received a grant from the Bureau of Justice Assistance to allow Mr. Carroll and the Sixth Amendment Center to consult with members of the commission and staff. The primary focus of Mr. Carroll's work will be to assist with drafting standards and identifying best practices.

Mr. Carroll's presentation included an overview of the right to counsel, a history of Michigan's reforms, the MIDC's statutory powers and suggestions for moving forward with standards.

Executive Director Report

Mr. Sacks provided an overview of the initial standards drafts. He discussed the process for developing the draft standards and the timeline for approval that would work with the Michigan Supreme Court's schedule and the schedule for legislative appropriations. The members discussed the drafts and provided feedback.

Chair Fisher made committee assignments on March 6, 2015 through a memo e-mailed to MIDC members. Mr. Eaman moved that the draft standards be referred to the following committees: Standard 1 (Education and Training of Defense Counsel) to the Training and Evaluation Committee, Standards 2 (Initial Interview) and 3 (Investigation and Expert Witnesses) to the Performance Standards Committee and Standard 4 (Timing for Appointment of Counsel) to the Selection Standards Committee. Mr. Smith seconded. The motion carried; all members participating unanimously supported.

Mr. Sacks would like the committees to have recommendations prepared for the June meeting and plans to have the August meeting serve as the public hearing before final submission to the Michigan Supreme Court. MIDC staff will serve as liaisons to the committees. Ms. McCowan will assist with the Training and Evaluation Committee, Mr. Sacks will assist with the Performance Standards Committee and Ms. Westrate will assist with the Selection Standards Committee.

Mr. Sacks updated the MIDC on the agency's appropriations status. The House and the Senate subcommittees followed the Governor's recommendation for funding for the MIDC of \$996,000 for the 2016 fiscal year. The subcommittees included language that would allow the MIDC to accept federal grant funding.

A long-term lease was signed for space in the Capital National Bank Center, 200 North Washington Square in Lansing. MIDC continues to occupy temporary space on the 4th floor of the building and will move into its new space in early fall.

Members were given a summary of the MIDC's proposed grant solicitation for the Smart Defense Initiative Answering Gideon's call: Improving Public Defense Delivery Systems. Mr. Shea moved that the MIDC apply for the grant. Mr. Swor seconded. The motion carried; all members participating unanimously supported the motion.

Staff Reports

Ms. Westrate updated the MIDC on the agency's draft Freedom of Information Act and document retention policies. She also reviewed the agency's draft budget.

Legislation that would prevent a member of a public body from casting a vote while participating via telephone has been reintroduced by Representative Price. The legislation has been referred to the House Committee on Oversight and Ethics. That committee heard testimony on the legislation in March but no action has been taken. Members discussed the legislation and the travel costs for attending MIDC meetings. Mr. Smith moved that the MIDC communicate its position on the legislation to the appropriate members of the House of Representatives. Mr. Walker seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. McCowan discussed the development of the MIDC's logo. She has been working with a consultant on a new website. MIDC currently has the domain name "www.michiganidc.org" and is working to secure a .gov domain.

Mr. Siegel was unable to attend, however members received an update on the MIDC's survey of courts from Mr. Sacks. Mr. Shea requested that a question asking whether the entity had a written policy for selection of attorneys be added and, if a written policy exists, that it be provided to the MIDC. Mr. Puerner suggested that a similar question be added for compensation.

Adjourn

The next meeting is June 9, 2015 at 1:00 pm in Lansing.

Mr. Campbell moved to adjourn. Mr. Eaman seconded the motion. The motion carried; all members present supported the motion. The meeting adjourned at 3:09 p.m.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 4th Floor
Lansing, MI 48933
Date: June 9, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell, Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, William Swor, and Gary Walker

Commission Members Absent

Cletus Smith

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel, and Marcela Westrate

Others Present

Peter Cunningham (State Bar of Michigan), Justin Hinkley (Lansing State Journal), Kay Perry (Michigan CURE), Andrew Sullivan (ACLU-MI), Shelli Weisberg (ACLU-MI), and Jessica Zimbelman (State Appellate Defender Office)

The meeting was called to order at 1:10 p.m.

Roll call and opening remarks

The members of the Michigan Indigent Defense Commission (MIDC), staff, and guests introduced themselves.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were not any additions to the agenda.

Approval of minutes from April meeting

MIDC members reviewed the April meeting minutes. Mr. Eaman moved that the minutes be adopted. Ms. Diehl seconded the motion. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher provided a report to members with an overview of the activities since the last meeting. Chair Fisher, Judge Boyd, and Mr. Sacks will be presenting at the Michigan District Judges Association conference in August.

Executive Director Report

Mr. Sacks provided an update on the status of appropriations legislation that includes funding for the MIDC. That legislation has been approved by the House and the Senate and is awaiting the Governor's signature.

Mr. Sacks discussed his plan for increasing staff levels to implement the standards and monitor compliance. The plan includes five regional administrators that will be assigned to various areas of the state. Support staff will also be added. MIDC plans to add a grant administrator to oversee the funding that will flow to the counties for compliance plans, and one grant assistant. Total employee increase will be from current 6 FTEs to 15 FTEs by the end of October of 2016. Initial costs of the increased staffing will be met by carryover appropriations from prior fiscal years. Mr. Sacks anticipates a major budget request for the following fiscal year to maintain staffing. Ms. Westrate updated the members on projected spending and carryover amounts. Ms. Diehl asked what the hiring process would be for the new positions. Mr. Sacks indicated that it would be a standard process with advertising in a variety of different publications.

Mr. Sacks reviewed the process the MIDC will use to approve its first set of standards. He plans to widely publish a final set of standards within two weeks. The MIDC will solicit public comment through its website and will hold its August public hearing on the standards at Cooley Law School in Lansing. Cooley will utilize its videoconferencing capabilities to allow members of the public to comment while attending the meeting at the Auburn Hills and Grand Rapids campuses. If the MIDC members support the standards, the vote will occur at the August meeting. If not, an additional meeting will be scheduled prior to October 1. The standards must be submitted to the Michigan Supreme Court by October 1 so that the Court can hold an administrative conference and a second public meeting on the standards prior to the Court's approval.

Mr. Sacks reviewed meetings that he has had with interested parties through the state. Several areas have indicated interest in creating a public defender system. The MIDC will look into creating a blueprint for local systems who choose to utilize this system.

The Answering Gideon's Call grant that was discussed at last month's meeting has been submitted.

Staff Reports

Ms. Westrate updated the MIDC on the status of the organization's Freedom of Information Act policies.

Ms. McCowan provided an overview of the MIDC's website. She also updated the MIDC on her training and outreach activities.

Mr. Siegel updated the MIDC on the status of the survey. It will be distributed in July to chief judges and court administrators and will be accompanied by a letter from the Chief Justice of the Michigan

Supreme Court. Chair Fisher asked about the time required to complete the survey. Mr. Siegel estimates that it will take between 40 and 45 minutes. The survey will be done online but individuals will receive an Adobe pdf of the survey so that they can review the questions prior to beginning the survey. Mr. Oeffner said that he completed the survey and it took approximately 30 minutes.

Reports from standards committees and discussion of draft standards.

Ms. Robinson provided an overview of Standard 1. The MIDC discussed the standard. Judge Boyd stated the importance of providing citations to the MIDC's enabling legislation in each standard, and in making the introductions to the standards as consistent as possible. Staff will review each introduction and make them consistent. Mr. Shea suggested removing "discoverable" from line 3 of C. The MIDC agreed to this change. Mr. Puerner suggested inserting "at least" in line 7 of D. following "complete." The revised sentence would read: "All attorneys shall annually complete at least twelve (12) hours of continuing legal education." The MIDC agreed with this change.

Mr. Puerner provided an overview of Standard 2. The MIDC discussed the standard. Dr. Schuringa raised the issue of communicating with individuals that have various disabilities. Mr. Puerner recommended adding "or other required accommodation" in line 3 of D. 2. Following "interpreter" to address the issue of when a person might need assistance beyond an interpreter to comprehend the proceedings. Mr. Puerner recommended a similar change in line 1 of the same section, following "differences" insert "or other disabilities" so that the standard would include language differences and others. The MIDC agreed with the changes.

Chair Fisher recommended that the sentence beginning with "Counsel" on line 3 of B. be amended to read: "Counsel and the indigent criminal defense system shall assure that there are necessary accommodations for private discussions between counsel and clients in courthouses, lock-ups, jails, prisons, detention centers, and other places where clients must confer with counsel." The MIDC agreed with the change.

Mr. Shea recommended deleting "law enforcement reports" from line 3 of C, and inserting "discoverable material". The MIDC agreed with these changes.

Mr. Puerner provided an overview of Standard 3. The MIDC discussed the standard. Mr. Puerner suggested deleting "court" from line 1 of b and "from the court" in line 1 of c. The MIDC agreed with these changes.

Mr. Shea suggested deleting "witnesses" from line 1 of c. and modifying "expert" in that line to "expert(s)" and deleting "witness" from line 2 of d. He stated that sometimes individuals are used as experts but do not testify as witnesses and the standard should include those individuals. The MIDC agreed with these changes.

Ms. Diehl provided an overview of Standard 4. After a discussion about Standard 4, the MIDC decided that additional research was necessary. Chair Fisher asked that the footnote be clarified to reflect that courts are able to use an arraignment attorney that would only provide counsel on arraignment and a different attorney could be appointed for future proceedings. MIDC staff will work on this language. The MIDC discussed how compliance might be achieved in rural

communities with few attorneys. Judge Boyd indicated that a pilot project was conducted in Kent County using videoconferencing to provide counsel at arraignment.

Judge Boyd suggested that “an interim bond” in line 5 of A. be replaced with “a case-specific interim bond while the defendant is in custody.” Ms. Diehl and the members of the committee (Judge Boyd, Mr. Oeffner, and Mr. Shea) will do additional work on the standard. Staff will work with the State Court Administrative Office on how various bonds are set. The committee will review the standard and will provide its final recommendation to the MIDC at its August meeting.

Mr. Walker moved that the first three standards be approved by the MIDC with the agreed upon changes. Mr. Shea seconded the motion. After discussion, Mr. Walker withdrew the motion. Without objection the motion was withdrawn.

Mr. Walker moved that the MIDC authorize the publication of the four standards after the four committee chairs approve final copies via electronic mail. Mr. Swor seconded the motion. The motion carried; all members present unanimously supported the motion.

Report of Nominating Committee

Judge Boyd provided the report of the nominating committee. The committee met via conference call and respectfully recommends that the MIDC elect Mr. Puerner for Vice Chair and Ms. Robinson for Secretary for the balance of the year. Ms. Diehl moved that nominations be closed and a unanimous vote for those nominated be cast. Mr. Swor seconded. The motion carried; Mr. Puerner and Ms. Robinson abstained from the vote.

Creation of Appropriations/Legislation Committee

Chair Fisher will work on recommendations for this committee over the next several weeks. He stressed the importance of building a relationship with legislators as we move towards requesting increased funding so that statutory mandates could be met. Several MIDC members have relationships with legislators and could assist the MIDC in its efforts.

Adjourn

The next meeting will be August 18, 2015 at 1:00 pm. This meeting will be a public hearing on the proposed standards.

Mr. Walker moved that the meeting be adjourned. Mr. Swor seconded. The motion carried; all members present unanimously supported the motion. The meeting adjourned at 3:39 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
Western Michigan University Thomas M. Cooley Law School
300 S. Capitol Avenue
Lansing, MI 48933
August 18, 2015
Time: 1:00 PM

The meeting was held in Lansing but videoconferencing was available at the law school's Auburn Hills and Grand Rapids locations. Individuals were able to observe the hearing and offer public comment from the satellite locations.

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell (joined the meeting at 1:14 pm), Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, Cletus Smith, William Swor, and Gary Walker

Commission Members Absent

Kevin Oeffner

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel, and Marcela Westrate

The meeting was called to order at 1:02 p.m.

Additions to the agenda

A revised agenda was distributed at the meeting. An item approving the appointment of members to an Appropriations and Legislation Committee was added. No other additions were made.

Approval of minutes from June meeting

Michigan Indigent Defense Commission (MIDC) members reviewed the June meeting minutes. Mr. Swor moved that the minutes be adopted. Ms. Diehl seconded the motion. The motion carried; all members in attendance unanimously supported the motion.

Report from the Chair

Chair Fisher updated members on his activities since the June meeting. Chair Fisher, Judge Boyd, and Mr. Sacks made a presentation at the Michigan District Judges Association conference earlier in the week.

Executive Director Report

Mr. Sacks updated the MIDC on his activities. The MIDC's first survey has been distributed and 116 responses have been received so far. Mr. Sacks is serving as the defense bar representative on the hiring committee for Lenawee County's first public defender. He is working with the State Budget Office on a hiring plan for the 2015-2016 fiscal year that begins October 1. He will prepare a formal proposal for change this fall for increased funding in the 2016-2017 fiscal year.

There will be a vote on submitting the standards to the Michigan Supreme Court on the MIDC's October agenda. Between now and October the various subcommittees will reconvene to consider any amendments to the standards in response to comments and written testimony that the MIDC received. Mr. Sacks intends to begin working white papers to aid delivery systems in drafting their compliance plans.

Public Hearing on Proposed Standards

Chair Fisher asked Mr. Sacks to give introductory comments on the proposed standards. Mr. Sacks stated that there is formal support for the standards from the Criminal Defense Attorneys of Michigan and the State Bar of Michigan. The Michigan Judges Association recently voted to support the standards. Written comments have been submitted and have been forwarded to MIDC members for their review.

Mr. Sacks indicated that he expects compliance plans to address many of the issues that have been raised regarding the standards. The statute does not create an unfunded mandate; the statute is clear that the requirement is triggered once the state pays.

Mr. Puerner noted that there are many operational details that will be included in compliance plans or in best practice guidelines. The MIDC strived for reasonable specificity but it cannot capture all of the subject matter.

Chair Fisher asked if members of the public wished to comment on the standards.

The following individuals provided comments:

- Kyle Trevas from Traverse City contacted the MIDC prior to the public hearing to request that he be able testify via telephone. He also submitted a written statement.
- Marilena David-Martin, State Appellate Defender Office (SADO). SADO submitted a written statement.
- Rodd Monts, ACLU-Michigan.
- Elizabeth Weisenbach on behalf of attorneys in Huron and Sanilac Counties.
- Fred Johnson, Muskegon County Public Defender.

- Ken Overwater, Wayne County Criminal Defense Bar Association, offered comment from the Auburn Hills location.

- Mark Stephenson, Director of Christian Reform Church Disability Concerns, offered comment from the Grand Rapids location.

Closing Comments from Commissioners

Mr. Smith, Mr. Shea, Judge Boyd, Mr. Walker, Mr. Eaman, Dr. Schuringa, and Mr. Swor made closing comments.

Mr. Sacks stated that MIDC staff would be in touch with different commissioners on the committees. His intent is to have final drafts of each standard before the MIDC for its consideration at the October meeting.

Appointment of Appropriations and Legislation Committee

Judge Boyd moved that an Appropriations and Legislation Committee be created to advise the Commission as it moves towards seeking increased funding. Ms. Robinson seconded the motion. There was no opposition; all members present unanimously supported the motion.

Chair Fisher recommended that the following members be appointed to the committee: Mr. Oeffner, Mr. Shea, Mr. Campbell and Mr. Puerner. Mr. Swor moved that Chair Fisher's recommendations be approved. Mr. Lindsey seconded the motion. There was no opposition; all members present unanimously supported the motion.

Mr. Smith moved that the meeting be adjourned. Mr. Campbell seconded. There was no opposition; all members present unanimously supported the motion.

The meeting adjourned at approximately 2:30 pm.



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
October 20, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell (joined the meeting at 1:30 pm), Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, William Swor, and Gary Walker

Members of the Public Present

David Bennett, Peter Cunningham (State Bar of Michigan), Marissa Geyer, Brad Hall (Michigan Appellate Assigned Counsel System), R. Timothy Kohler, Kay Perry (Michigan CURE), and Dawn Van Hoek (State Appellate Defender Office)

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel and Marcela Westrate

The meeting was called to order at 1:05 pm.

Roll call and opening remarks

Chair Fisher asked Ms. Westrate to call roll.

Public Comment

David Bennett asked for time to comment. He is a consultant that has been retained by Macomb County to look at that county's criminal justice policies. Mr. Bennett told the Michigan Indigent Defense Commission (MIDC) members about his project and the potential coordination with the MIDC's efforts.

Approval of August minutes

MIDC members reviewed the August minutes. Judge Boyd moved that the minutes be approved; Ms. Robinson seconded. The motion carried; all members unanimously supported the motion.

Report from the Chair

Chair Fisher gave his report. The MIDC received a letter with Cletus Smith's resignation from the Commission. Mr. Smith submitted a separate letter to Governor Snyder's office. Chair Fisher asked members to contact Mr. Sacks if they have suggestions on a new MIDC member.

Executive Director Report

Mr. Sacks reported on the MIDC's request for increased appropriations, which was completed and forwarded to the State Court Administrative Office in September. As previously discussed, the MIDC is requesting increased funding to support permanent staff levels. Mr. Sacks thanked Mr. Baumann and SCAO for their assistance.

Mr. Sacks discussed the shift from hiring full-time staff with the carry forward funding from previous fiscal years to hiring independent contractors. These contractors will serve as Regional Consultants; Mr. Sacks intends to contract with a maximum of six individuals. Ms. Diehl asked about the hours. Mr. Sacks stated that he anticipated the positions would be for a minimum of 20 hours per week. Additional carry forward funding may be used to develop minimum standards and for other contract employees.

Mr. Sacks discussed the revised standards that were forwarded to MIDC members. All of the committees made changes to their respective standards based on testimony during the public hearing and comments submitted through the website. Mr. Sacks made changes to the preamble based on the suggestions from various groups.

The next step in the process will be for the MIDC to formally approve the final version of the standards and to approve their submission to the Michigan Supreme Court (MSC). This will be on the agenda for the December meeting. After the standards are submitted, the MSC will call for public comment and will hold an administrative conference. After that, they will promulgate the standards.

Mr. Sacks has made several presentations since the August meeting including presentations to the Wayne County District Court, the members of the Kalamazoo bench, the members of the Ottawa bench, and the Kent County Public Defender. Additionally, Mr. Sacks observed the Kent County pilot project that provides attorneys at arraignment. Mr. Sacks participated in the hiring process for Lenawee County's new public defender. Berrien County is also looking at a public defender system and has contacted the MIDC.

Ms. Diehl and Mr. Sacks participated in a panel hosted by the State Bar of Michigan's Criminal Law Section. The panel discussed indigent defense and included representatives of various stakeholder groups.

Ms. Westrate discussed the Regional Consultant positions. She and Mr. Sacks talked to Professor Nicole Appleberry from the University of Michigan's Low-Income Taxpayer Clinic and Ed Zobeck, SCAO Human Resources Director. Mr. Sacks and Ms. Westrate are confident that the positions are properly classified as independent contractor positions.

Ms. McCowan gave an update of her outreach activities. She has been working on the website and is including photographs from various events. She encouraged members to follow on Instagram and Twitter (@michiganidc on both sites) and let members know that they could view the posts from these sites directly from the website. She has also updated the standards portion of the website. The

most recent version of the standards is online and all of the comments the MIDC has received are posted.

Mr. Siegel gave a presentation on the MIDC's survey. He discussed the data collected and the results that he is seeing. He answered questions from commissioners and members of the public. He plans to attend two upcoming conferences on indigent defense data.

The MIDC recessed from 2:45 pm to 3:00 pm

When the meeting resumed, Chair Fisher asked Mr. Sacks to give an overview of the changes made to the standards since the last meeting. Mr. Sacks indicated that the preamble was amended to include suggestions from the Michigan Judges Association.

Each subcommittee chair discussed the changes made to the standards.

Standard 1

Ms. Robinson indicated that changes were made to incorporate suggestions made by the State Bar of Michigan. Ms. Diehl suggested that the language in the staff comment be modified to reference *local* Michigan requirements instead of Michigan requirements.

The Executive Director of the Oakland County Bar Association contacted Mr. Oeffner about the third staff comment and inquired whether a testing component should be within the standard itself instead of in the staff comment. Ms. Robinson stated that the MIDC could look at this in compliance plans.

Standard 2

Mr. Puerner reviewed the changes made to Standard 2. In section A, the requirement that an attorney visit a client was changed from 72 hours to three business days. Language changes were also made in sections B and B2.

The commissioners discussed the language that required counsel and the indigent criminal defense system to ensure that private discussions between attorney and client could be held. The commissioners did not change the language because the defense attorney needs to share the obligation with the system and needs to report instances when there are not appropriate accommodations for discussions. Ms. Diehl suggested changes to be made to make the standards consistent with each other. Staff will make these changes before the December meeting.

Standard 3

Mr. Puerner reviewed the changes made to Standard 3. Ms. Diehl suggested changes for consistency between standards. Ms. Robinson noted that the language requiring reasonable requests to be funded shifted the responsibility to the court to fund so the obligation wasn't solely on counsel to ask.

Standard 4

Ms. Diehl reviewed the changes made to Standard 4. Prior versions included a requirement for attorneys to be appointed when "case-specific interim bonds" were set. The subcommittee reworked the language after comments from Ottawa County and Mr. Walker. Mr. Walker previously stated that an interim bond was not presumed to be valid like other bonds.

The commissioners discussed feedback that has asked how to comply with this standard when an indigency determination has not been made. Judge Boyd discussed the way this was handled in his court's pilot project. Mr. Swor discussed how the federal system addressed this issue.

Staff will modify the standards and have a revised document available prior to the December meeting.

Creation of new work and advisory groups

Chair Fisher and Mr. Sacks have discussed creating additional work groups to assist the MIDC's efforts. Mr. Sacks stated that he anticipates the committees that considered the standards will shift towards considering compliance models between the time that the first set of standards is approved and the second set of standards is developed. Mr. Sacks indicated that the appropriations and legislation committee will likely have a larger role in the MIDC's advocacy and will be engaged if needed for comment on proposed court rules.

Chair Fisher and Mr. Sacks would like to create two new working groups. The first will be on data and best practices and the second will be on recommendations and complaints. Commissioners will receive a survey and will be able to indicate which groups are of interest. Judge Boyd suggested that the appropriations and legislation committee might wish to look at Michigan Court Rule (MCR) 6.005(A)(2) which requires the court to appoint a lawyer. Mr. Sacks indicated that this would be considered as well as modifications to MCR 8.123 which requires data to be collected about appointment of counsel to indigent defendants but does not require criminal cases to be separated from other cases where counsel is appointed.

Mr. Eaman moved to authorize the formation of the data and best practices committee and the recommendations and complaints committee. Judge Boyd seconded the motion. The motion carried; all members unanimously supported the motion.

Mr. Sacks indicated that he and Ms. McCowan would like to have interested commissioners more involved in community outreach. This will be included on the survey and follow-up will be done with commissioners.

Dr. Schuringa asked whether there was a process if commissioners were asked to speak in a public forum or interview. Mr. Sacks said that staff would appreciate knowing about the event or interview and would be happy to assist with talking points if notified ahead of time.

Chair Fisher asked commissioners to begin thinking about how money should be distributed if the MIDC's full request to fund compliance plans is not granted. He said that the MIDC could opt to spread it around the state to impact many areas or focus on an area that is in great need of assistance. Mr. Shea stated that are ways that the MIDC could help attorneys, such as giving funds for training or electronic research. This assistance might help practitioners feel like some of their issues are being addressed. Judge Boyd stated that each of the standards will give practitioners additional compensation. The MIDC agreed that the research component is critical and that lawyers should have access to electronic resources in a way that does not break the bank.

Mr. Swor moved that the meeting be adjourned. Ms. Diehl seconded. The motion carried; all members unanimously supported the motion.

The meeting adjourned at 3:55 p.m.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
December 15, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell, Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, David Schuringa, John Shea, and Gary Walker

Commission Members Absent: Brandy Robinson and William Swor

Members of the Public Present: Cheryl Carpenter, Alfred Carter, Josephine Carter, Jerry Celmer (31st Circuit Court Administrator), Christopher Dennie, Justin Hinkley (Lansing State Journal), Barbara Klimazewski, Kelly McDoniel, Michael Naughton, Christopher Sadler and Deliah Underwood (State Budget Office)

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel and Marcela Westrate

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

Roll call and opening remarks

Chair Fisher asked Ms. Westrate to call roll. Ms. Westrate indicated that Ms. Robinson and Mr. Swor are both in trial and intended to call in to the meeting if they were able to do so.

Additions to the Agenda

Chair Fisher added one item to the agenda, officers for the upcoming year.

Judge Boyd, Chair of the Nominating Committee indicated that it was that committee's intent that Judge Fisher (Chair), Mr. Puerner (Vice Chair) and Ms. Robinson (Secretary) all retain their positions for 2016.

Mr. Shea moved that the Nominating Committee's recommendations be approved by the members of the Michigan Indigent Defense Commission (MIDC or "the Commission"). Judge Boyd seconded the motion. The motion carried; all members present unanimously supporting the motion.

Approval of minutes from October meeting

Mr. Eaman moved that the minutes from the October meeting be adopted. Ms. Motley seconded the motion. The motion carried; all members present unanimously supporting the motion.

Report from the Chair

Chair Fisher gave a brief report on his activities. Chair Fisher indicated that he has been in contact with Governor Snyder's office and is hopeful that a new member will be appointed soon to fill the vacant position on the Commission.

Executive Director Report

Jonathan introduced Ms. Underwood from State Budget Office. He is continuing to work on the MIDC's budget request. Mr. Sacks introduced Mr. Sadler who was recently hired to be the MIDC's Research Associate. He will begin his employment on January 4. Mr. Sacks introduced five regional consultants that will be working with the MIDC on a contract basis: Ms. Carpenter, Mr. Dennie, Ms. Klimazewski, Ms. McDoniel, and Mr. Naughton. A sixth consultant, Ashley Carter, will also contract with the MIDC. She is currently relocating, Mr. and Ms. Carter attended the meeting on her behalf. Mr. Sacks gave a brief biography of each consultant and described the region to which each consultant would be assigned.

Mr. Sacks has been working with MIDC members that indicated interest in attending meetings that he and Ms. McCowan have with stakeholders. Chair Fisher, Mr. Puerner and Mr. Swor have been able to attend some of the meetings. Mr. Sacks gave a presentation at the Criminal Defense Attorneys of Michigan conference, several MIDC members attended this event and were able to answer questions.

Van Buren County is taking the lead on the potential formation of a regional defender office. There will be a multi-county meeting to begin discussions. The following counties will be involved: Allegan, Barry, Calhoun, and Kalamazoo.

MIDC staff is looking at various criminal justice grant opportunities that would fund activities directly linked to the MIDC's standards. Potential grants include the Arnold Foundation, the Charles Koch Foundation and the Soros Foundation. Judge Boyd recently attended the National Consortium on Public Defense in Washington, D.C. at David Carroll's invitation. Judge Boyd stated that one of the foundations involved with that meeting was the Kellogg Foundation, which might be another avenue for staff to explore since that foundation is Michigan-based.

Mr. Sacks stated that Ms. McCowan will begin work on the annual report and invited commissioners to contact staff with suggestions on what items should be included. He intends to summarize the goals of the office and the use of appropriations.

Presentation of Robert Boruchowitz, Seattle University School of Law, Partner to the Sixth Amendment Center

Mr. Boruchowitz gave a presentation on national trends within the indigent defense community. He discussed his experience with counsel at first appearance and highlighted Judge Boyd's pilot project. He discussed his work with the American Council of Chief Defenders to determine appropriate workloads. Caseload weighting studies have been completed in several states including Missouri, Texas, Tennessee, Rhode Island, and Colorado.

There was a break in the meeting beginning at 2:39 pm and ending at 2:49 pm.

Staff reports

Ms. Westrate, Ms. McCowan, and Mr. Siegel each updated the Commission on their work.

Nominations to workgroups

Chair Fisher would like to name members to the new workgroups that were discussed at the October meeting. He recommended that the Data and Best Practices workgroup be chaired by Ms. Robinson, and consist of members Mr. Lindsey, Ms. Motley and Mr. Swor; Mr. Siegel will staff this workgroup. Chair Fisher also recommended that the Recommendations and Complaints workgroup be chaired by Mr. Eaman and consist of Mr. Shea, Mr. Walker, and Dr. Schuringa; Ms. McCowan will staff this workgroup.

Mr. Campbell moved to support the recommendations of the chair, Ms. Motley seconded. The motion carried, all members voting to support the motion.

Mr. Eaman reported that the Recommendations and Complaints workgroup had a brief conference call to decide the group's focus. The group plans to work with stakeholders involved in Michigan's indigent defense system and the group will work to identify these groups. Staff will evaluate and log complaints; substantial complaints will be referred to the workgroup for review. The workgroup will determine whether the complaints that it receives should be referred to the Commission as a whole to evaluate.

Submission of standards to the Michigan Supreme Court (MSC)

Judge Boyd moved that the standards be submitted to the MSC; Mr. Walker seconded the motion. Ms. Diehl moved to amend the motion to provide that the standards be submitted with the following changes: assign a number to each staff comment instead of a bullet point; in the last comment of standard 2 add "Michigan" to the reference to the Department of Corrections; and references to the American Bar Association's Ten Principles of a Public Defense Delivery System should be consistently placed in the comments. The Commission agreed with the changes. The amended motion carried; all members unanimously supported the amended motion.

Comments on Proposed Court Rule Amendments

The MSC is considering amendments to several court rules relating to an indigent defendant's ability to pay fees, fines, and costs that would be of interest to the MIDC. Mr. Sacks indicated that the MIDC might consider suggesting an amendment to MCR 8.123 as previously discussed at the October meeting. The Appropriations and Legislation workgroup will be expanded to also consider these court rule changes; that group will hold a conference call in January to discuss and he would like the group to have recommendations for the full Commission in February.

Public comment

Ms. Carter addressed the members of the Commission.

Adjourn

Mr. Shea moved to adjourn; Mr. Eaman seconded. The motion carried; all members unanimously voting to support the motion.

The meeting adjourned at 3:24 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
February 16, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Thomas Boyd, Nancy Diehl, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea

Participating via Telephone

Gary Walker

Commission Members Excused: Joseph Baumann, Jon Campbell, Frank Eaman, and William Swor

Members of the Public Present:

Jill Booth (State Court Administrative Office), Ashley Carter, Claire Corsey, Peter Cunningham (State Bar of Michigan), Chris Dennie, Deborah Green (State Court Administrative Office), Joel Kershaw, Jerry Kole, Kelly McDoniel, Michael Naughton (participating electronically), Kay Perry (MI-Cure), Matt Vititoe

Staff Members Present

Jonathan Sacks, Marla McCowan, Chris Sadler, Jonah Siegel, and Marcela Westrate

The meeting was called to order at 1:01 p.m.

Roll call and opening remarks

Chair Fisher welcomed new member Tom McMillin, a former state legislator who sponsored the MIDC's enacting statute. He introduced three State Court Administrative Office (SCAO) Regional Directors. Ms. Booth, Ms. Green and Mr. Kole introduced themselves to the Commission. Chair Fisher welcomed other members of the public in attendance. No members wished to comment.

Additions to the agenda

There were no additions to the agenda.

Approval of meeting minutes

Mr. Puerner moved that the minutes from the December 15, 2015 meeting be adopted. Ms. Diehl seconded the motion. The motion carried, all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher gave a report on his activities since the December meeting. He would like the Compensation Committee to meet in March. Members of this committee will discuss potential dates following the MIDC meeting.

Chair Fisher would like to appoint Mr. McMillin to the Court Rules, Legislation, and Appropriations Committee. Judge Boyd moved to appoint Mr. McMillin to that committee. Ms. Motley seconded the motion. The motion carried; all members participating unanimously supported the motion.

Executive Director report

Mr. Sacks introduced the regional consultants that were present for the meeting. He gave an overview of their work. The MIDC's Proposal for Change was included in Governor Snyder's Executive Recommendation. The amount requested was \$1.3 million over current appropriations.

The Michigan Supreme Court's hearing on the MIDC's proposed standards will be May 18. He encouraged members to contact Chair Fisher if they were interested in attending or making comments before the court. Mr. Sacks has been in contact with several groups that plan to submit comments to the Court in support of the standards. Mr. Sacks gave an overview of the timeline for implementation of the first set of standards and for drafting the second set of standards. The areas that the next set of standards addresses may include: independence, caseloads, economic incentives and disincentives, attorney qualifications and review, and determining indigency. The presentation concluded with an outline of global compliance plans. Global compliance plans could include the formation of a public defender office, a managed counsel system, or a combination. MIDC is working on a public defender office planning document to aid communities that want to use this as a means to comply with the standards.

Mr. Sacks will work with the MIDC's Executive Committee to make a recommendation for areas of focus; this recommendation will be considered by the full Commission at the April 2016 meeting. Commissioners discussed the areas that could be addressed and expressed opinions on the order in which the standards should be drafted.

The MIDC reviewed the complaint form that has been drafted. Chair Fisher asked for a motion to approve the form and its contents. Judge Boyd so moved. Mr. McMillin seconded the motion. The motion carried, all members participating unanimously approved the form. The form will be posted on the MIDC's website.

Staff reports

Ms. Westrate provided additional details regarding the Executive Recommendation. She and Mr. Sacks met with the new Chair of the Appropriations Subcommittee on the Judiciary, Representative Earl Poleski.

Ms. McCowan reported on the training she provided for the Regional Consultants. MIDC will have a strong presence at the March training hosted by the Criminal Defense Attorneys of Michigan (CDAM).

Dr. Siegel discussed the attorney survey which has been distributed widely. He gave an overview of the draft survey report that was distributed to Commissioners.

Regional Consultant update

MIDC currently has six independent consultants working as Regional Consultants. One consultant will give an overview of his or her activities at each meeting. Chris Dennie, who is based in Kent county, gave an overview of his activities.

Approval of reports

Chair Fisher asked for a motion to approve and publish the 2015 Impact Report. Dr. Schuringa so moved. Judge Boyd seconded the motion. The motion carried; all members participating unanimously supported the motion.

Chair Fisher asked for a motion to approve and publish the results of MIDC's first survey of indigent defense delivery systems. Mr. Shea so moved. Ms. Robinson seconded the motion. The motion carried; all members participating unanimously supporting the motion.

Court rule comment policy

Members reviewed the draft policy for commenting on court rules. Dr. Schuringa moved that the policy be adopted. Ms. Diehl seconded the motion. The motion carried; all members unanimously supported the motion.

Mr. McMillin moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting adjourned at 3:19 p.m.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
April 21, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Thomas Boyd, Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea (arrived at 1:13 pm), William Swor, and Gary Walker.

Participating via Telephone

Nancy Diehl

Commission Members Excused: Joe Baumann, and Jon Campbell

Members of the Public Present:

Ashley Carter, Michael Carter, Cheryl Carpenter, Claire Corsey, Christopher Dennie (via telephone), Barbara Klimaszewski, Kelly McDoniel, Michael Naughton, Kay Perry.

Staff Members Present

Jonathan Sacks, Marla McCowan, Chris Sadler, Jonah Siegel, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) to order at 1:05 p.m.

Roll call and opening remarks

Chair Fisher updated the commissioners on his activities since the last commission meeting. He met with Michigan Supreme Court Chief Justice Robert Young. Chief Justice Young asked Chair Fisher to express the Chief Justice’s support of the Commission and its goals.

Ms. Robinson, Mr. Eaman, Mr. Swor, and Mr. Shea had terms that expired on April 1, 2016. All four were reappointed and have terms that end April 1, 2020.

Additions to the agenda

There were no additions to the agenda.

Executive Director report

Mr. Sacks introduced the regional consultants who are present. He introduced Claire Corsey, an intern who has recently been hired to work for the MIDC part-time while she prepares for the bar examination.

The Michigan Supreme Court is expected to hold a hearing on the Commission's standards on May 18. Mr. Sacks reviewed the procedure for the hearing and noted that the Court will have until July 3 to act or the standards will lapse.

Mr. Sacks discussed the content and timeline for future standards. If the MIDC chooses to follow the same timeline as last year, the Commission will agree on topics at the current meeting, release formal drafts to the public and stakeholders at the June meeting, hold a public hearing in August, finalize the standards in October through December, and submit them to the Court in January of 2017.

Mr. Sacks suggested the following topics for the second set of standards: independence, caseloads, qualification and review, and compensation. Mr. Sacks gave an overview of each standard and the commissioners discussed the topics.

Mr. Eaman moved the following: the issue of independence be referred to the Selection Standards Committee; the issue of caseloads be referred to the Performance Standards Committee; the issue of qualifications and review be referred to the Training and Evaluation Committee; and the issue of reasonable fees be referred to the Indigence and Compensation Committee. Ms. Motley seconded the motion. The motion carried; all members participating unanimously supported the motion.

MIDC staff prepared drafts of white papers for each standard in the first group of standards. The commissioners reviewed the white papers. The goal is to have the white papers available for interested delivery systems to review after the Court approves the first set of standards. The Commission discussed the documents and the approval process.

Mr. Eaman moved the following: The whitepapers be referred to the committees that developed each standard for that committee's review. If the Michigan Supreme Court approves the MIDC standards before the June 21, 2016 MIDC meeting, then the papers may be issued as drafts with the understanding that the documents are subject to the review and approval of the commission at its June 21, 2016 meeting. Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

Mr. Sacks discussed the draft Public Defender Office Planning Guide and guides for other types of systems. Mr. Sacks plans to have information for systems that wish to use a managed assigned counsel approach. The commissioners discussed the guide.

Judge Boyd moved that the Public Defender Office Planning Guide be tabled until the June 21, 2016 meeting and that the document be released with other planned information about operating a managed assigned counsel system. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Mr. Sacks gave updates about various counties. He mentioned his participation in the regional defender meetings for the southwest side of the state (Allegan, Barry, Berrien, Calhoun, Cass, Kalamazoo, and Van Buren counties). There is strong interest in those areas in potentially forming a regional cooperative as part of a compliance plan to meet the minimum standards.

Berrien County hired former Michigan public defender Carl MacPherson to work on a part-time basis as a public defender administrator for that county. The Lenawee Public Defender Office is up and running. The Muskegon County Public Defender Office received a grant from the Bronx Defenders Office to focus on holistic defense.

Staff reports

Ms. McCowan, Dr. Siegel, and Ms. Westrate each updated the Commission on their activities.

Regional Consultant update

The MIDC currently has six independent consultants working as Regional Consultants. One consultant will give an overview of his or her activities at each meeting. Barbara Klimaszewski, whose area includes 23 different counties in central and northern Michigan, gave an overview of her activities.

Approval of minutes

Mr. McMillin moved that the minutes from the February 16, 2016 meeting be approved. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Public comment

Chair Fisher asked for public comment; no one wished to comment.

The next meeting will be held June 21, 2016 at 1:00 pm at the MIDC's Lansing offices.

Mr. Eaman moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting adjourned at 3:31 p.m.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
June 21, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Thomas Boyd, Thomas Clement (non-voting member), Nancy Diehl, Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, and Gary Walker.

Participating via Telephone

William Swor

Commission Members Excused: Jon Campbell

Members of the Public Present:

Joanne Vallarelli Adam, Ashley Carter, Cheryl Carpenter, Peter Cunningham, Christopher Dennie, Bradley Hall, Barbara Klimaszewski (via telephone), Kelly McDoniel, Michael Naughton.

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel, and Marcela Westrate.

Roll call and opening remarks

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:06 p.m.

Mr. Shea moved to excuse Mr. Campbell. Judge Boyd seconded the motion. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher gave an overview of the Michigan Supreme Court Order 2016-2, which conditionally approved the MIDC’s first four standards, the accompanying letter from Chief Justice Robert P. Young, Jr., and an email from Chief Justice Young that was distributed to chief judges statewide.

Executive Director Report

Mr. Sacks provided an overview of activities since the Supreme Court’s order was issued.

Fees resource and fee complaints

The Indigence and Compensation Committee reviewed and approved the document created by the MIDC staff and recommended that it be published.

Mr. Eaman moved that the document be published. Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

Staff reports

Ms. McCowan, Dr. Siegel, and Ms. Westrate each updated the Commission on their activities.

Regional Consultant Report

Michael Naughton reported on his activities in northern Michigan.

Approval of minutes from April meeting

Ms. Motley moved that the April minutes be adopted. Ms. Diehl seconded the motion. The motion carried; all members participating unanimously supported the motion.

Next Set of Standards

The Commission discussed the next set of standards. The discussion will continue at the next meeting.

Attorney Survey Report

Mr. Shea moved to allow staff to publish the report based on Dr. Siegel's survey of Michigan defense attorneys. Mr. Eaman seconded. The motion carried; all members participating unanimously supported the motion.

Public Comments

Peter Cunningham of the State Bar of Michigan offered that organization's continued support as the legislation described in the Supreme Court's Order moves forward.

The next meeting is August 9, 2016 at 1:00 pm in Lansing.

Ms. Diehl moved that the meeting be adjourned. Mr. Oeffner seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting adjourned at 2:43 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
August 9, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Thomas Boyd, Thomas Clement (non-voting member), Nancy Diehl, Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, David Schuringa, John Shea, and Gary Walker.

Participating via Telephone

Brandy Robinson.

Commission Members Absent

William Swor

Members of the Public Present:

Alfred Carter, Ashley Carter, Josephine Carter, Cheryl Carpenter, Peter Cunningham, Christopher Dennie, Barbara Klimaszewski, Kelly McDoniel, Michael Naughton, Kay Perry, and Brent Turner.

Staff Members Present

Jonathan Sacks, Marla McCowan, Chris Sadler, Jonah Siegel, and Marcela Westrate.

The meeting was called to order at 1:04 pm.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda

Report from the Chair

Chair Fisher reviewed the report he circulated to Michigan Indigent Defense Commission (“MIDC” or “the Commission”) last week. He noted that he and MIDC staff will meet with the State Court Administrative Office to review the way the two agencies work together.

Jon Campbell notified the Commission and Governor Snyder's office that he has resigned from the Commission.

Executive Director Report

Mr. Sacks gave the Commission an update on his activities since the last meeting.

The Complaints and Recommendations Committee has created an accessible process for individuals to file complaints with the Commission. The committee asked staff to respond to personal complaints. Complaints will be compiled and will be presented for that committee to review. Mr. Sacks expects the committee to meet in September. Mr. Puerner asked whether the complaints were subject to the Freedom of Information Act. Language will be added to the complaint materials to note that they may be subject to that Act, depending upon content.

Mr. Sacks has met with each Commissioner individually and thanked them for their time and the input they provided.

Judge Herrington in Huron County is beginning a counsel at first appearance project in his court. He is working with MIDC staff on implementation and data collection. Van Buren, Allegan, and Barry Counties are exploring the potential for regional cooperation. Meetings are on-going and MIDC staff and regional consultants are participating.

Mr. Sacks presented information to the Commission on the Texas Indigent Defense Commission's discretionary grant program. This information was provided as background, the Commission indicated general support for the idea and will discuss it at a future meeting.

Staff reports

Ms. Westrate updated the Commission on the status of the FY 2017 appropriations and the anticipated balance for a FY 2016 work project.

Ms. McCowan gave the Commission a written report on her activities.

Dr. Siegel updated the Commission on the Research Unit's projects.

Regional report

Ashley Carter, MIDC Regional Consultant for south central Michigan gave an overview of her activities.

Approval of June 21, 2016 minutes

Ms. Motley moved that the minutes be approved. Ms. Diehl seconded the motion. The motion carried; all members participating unanimously supported the motion.

New Business

The Commission discussed a draft of legislation to address issues raised in the Michigan Supreme Court's June 1, 2016 order. Members discussed the draft and its implications. The Governor's office and Mr. Clement have been working on the language.

The next meeting date is October 18, 2016.

Mr. Eaman moved that the meeting be adjourned. Mr. Shea seconded the motion. The meeting was adjourned at 3:19 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
October 18, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, David Schuringa, John Shea, William Swor, and Gary Walker.

Participating via Telephone

Nancy Diehl and Brandy Robinson

Members of the Public Present:

Cheryl Carpenter, Peter Cunningham, Barbara Klimaszewski, Carl Macpherson, Billie Jo O'Berry, and Kay Perry

Staff Members Present

Jonathan Sacks, Claire Corsey, Christopher Dennie, Marla McCowan, Kelly McDoniel, Michael Naughton, Chris Sadler, Jonah Siegel, and Marcela Westrate.

The meeting was called to order at 1:01 pm.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Approval of August 2016 minutes

Mr. Swor moved that the minutes be approved. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher reviewed the report he circulated to Michigan Indigent Defense Commission members (“MIDC” or “the Commission”). The MIDC will host the State Court Administrative Office’s Regional Directors for a meeting in January to discuss the MIDC and public defense. Members of the Commission will be invited to attend this half-day session.

Chair Fisher reappointed Nominations Committee members Judge Boyd, Shela Motley, and Frank Eaman, and appointed Richard Lindsey to replace Jon Campbell. That committee will present a slate of officers for 2017 at the December meeting.

Executive Director’s report

Mr. Sacks and Ms. Westrate met with the Director of the Michigan Office of Licensing and Legislative Affairs (LARA) and LARA staff to discuss procedural issues associated with the MIDC’s move to the Executive branch.

All of the Regional Consultants except for Cheryl Carpenter accepted full-time positions with the MIDC. Ms. Carpenter addressed the Commission. Ms. Klimaszewski will begin employment in January of 2017.

The Commission discussed the Department of Justice Encouraging Innovation – Field Initiated Programs grant that the MIDC has been awarded. The grant will cover the costs of hosting a social worker in Genesee County and one in the Kent County Office of the Public Defender.

The Commission discussed the process of applying for grants and how this will be handled in the future.

The Commission moved to a discussion of the bylaws and whether those should be amended to include a grant application process.

Mr. Puerner moved that the MIDC accept the grant to be used for the purpose applied for, subject to the approval of a budget proposal for the spending of grant funds. Mr. Walker supported the motion.

The Commission discussed the motion.

Judge Boyd moved to table the motion. Mr. McMillin seconded Judge Boyd’s motion. The motion carried; all members participating unanimously supported tabling Mr. Puerner’s motion.

The Commission began a review of the bylaws with changes suggested by Mr. Sacks. The Executive Committee reviewed the changes and recommended referring them to the full Commission for its review.

Mr. Shea moved that Article III be amended as follows: in section A(3)(a), modify the Chair’s responsibilities to include “(8) Approve press releases of the Commission.” and remove this

language from the Secretary's duties in (c)(3), and renumber the Secretary's duties. Mr. Eaman supported the motion. The motion carried; all members participating unanimously supported the motion.

Judge Boyd moved that Article III, (B) be amended by adding "All committees may recommend to the Commission best practices in their subject areas and assist in the development of potential compliance plan models for approved standards subject to approval by the Commission." Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

The Commission discussed other potential bylaws amendments. Ms. Diehl stated that the Executive Director could prepare internal operating procedures that would be approved by the Commission in lieu of amending the bylaws. Mr. Puerner concurred with Ms. Diehl's statement.

Mr. Swor moved to table the bylaws discussion until the December meeting. Mr. Sacks will draft internal operation procedures to submit to the Commission for its review. Mr. Eaman seconded the motion. The motion carried; all members participating unanimously supported the motion.

Regional Report – Berrien County

Carl Macpherson, Indigent Defense Administrator in Berrien County presented an update on the county's reforms. The county commission approved funding for a county public defender office that will start in January of 2017.

Return to Department of Justice grant discussion

Chair Fisher asked for a motion to resume a discussion of the Department of Justice Grant. Mr. Eaman so moved. Mr. Walker seconded the motion. The motion carried; all members participating unanimously supported the motion.

Dr. Siegel gave an overview of the grant application and funding requested. He discussed the role of social workers in public defense and how the proposed program will work in Kent and Genesee counties.

Mr. Shea moved that the Commission approve and accept the social worker grant and that MIDC staff be authorized to spend the funds that the Department of Justice awarded. Mr. Walker supported the motion. The motion carried; all members participating unanimously supported the motion.

Weighted Caseload Study

Dr. Siegel presented a proof of concept about a weighted caseload study. This study would be conducted by an outside organization and paid for by funding from the 2016 fiscal year work project. If the Commission approves this proof of concept, staff plans to have a formal request for proposals drafted to present to the Commission at its December meeting.

Ms. Diehl moved to approve the proof of concept and authorize staff to proceed with a request for proposals. Ms. Robinson seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. Westrate gave the Commission a proposed budget for the 2017 fiscal year that began October 1, 2016. Judge Boyd moved that the budget be approved. Mr. Eaman seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. McCowan gave an overview of the Regional Managers' assigned counties and activities. She updated the Commission on her work.

Chair Fisher asked for a motion authorizing him to look into obtaining legal counsel to advise the Commission on a part-time basis. Judge Boyd so moved. Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

The Commission's next meeting will be December 20, 2016 at 1:00 pm.

There being no further business before the commission Mr. McMillin moved that the meeting be adjourned. Mr. Lindsey seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting was adjourned at 4:16 p.m.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
December 20, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Frank Eaman, Derek King, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea (arrived at 1:24 pm), and Gary Walker.

Participating via Telephone

Thomas Clement (non-voting member), Nancy Diehl, and William Swor (joined at 2:35 pm)

Members of the Public Present:

~~Barbara Klimaszewski~~, and Joanna Kloet

Staff Members Present

Jonathan Sacks, Ashley Carter, Claire Corsey, Christopher Dennie, **BARBARA KLIMASZEWSKI (INDEPENDENT CONTRACTOR SERVING AS REGIONAL CONSULTANT)**, Marla McCowan, Kelly McDoniel, Michael Naughton, Chris Sadler, Jonah Siegel, and Marcela Westrate.

The meeting was called to order at 1:01 pm.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Approval of October 2016 minutes

Judge Boyd moved that the minutes from the October 18, 2016 meeting be approved. Mr. Walker seconded the motion. The motion carried.

Report from the Chair

Chair Fisher reviewed the report he circulated to Michigan Indigent Defense Commission members (“MIDC” or “the Commission”).

The following members’ terms expire in April of 2017: Mr. Lindsey, Mr. McMillin, Ms. Motley, and Mr. Puerner. Chair Fisher intends to work with the Governor’s office on reappointing these members unless they do not wish to be reappointed.

Judge Boyd submitted the Nominating Committee’s report. The committee unanimously recommended the slate of officers for 2017. Chair: Judge Fisher, Vice Chair: Mr. Puerner, Secretary: Ms. Robinson.

Mr. Walker moved that the nominating committee’s report be adopted by the Commission, and that the members be elected officers for 2017. Mr. King seconded the motion. The motion carried.

Chair Fisher intends to appoint a Compliance Committee to establish the procedures for the submission of compliance plans. This committee will make recommendations for approval.

The legislation addressing the issues raised in the Michigan Supreme Court’s order passed both chambers and will be forwarded to Governor Snyder for his signature. Mr. Clement indicated that he will check with the Governor’s legislative liaisons in the House and Senate and see if there is additional information about when the bills will be signed.

Mr. Puerner, Mr. Sacks, and Ms. Westrate attended the November 28 meeting of the Michigan Association of Counties’ Judiciary and Public Safety Committee. Mr. Puerner updated the Commission on the meeting.

Chair Fisher has been in contact with the Attorney General’s office to obtain legal advice for the Commission. A half-time employee would cost the Commission \$90,000 annually. Chair Fisher met with several members of the Attorney General’s staff to update them on the history of the agency, where the Commission is now, and its current issues. Chair Fisher distributed a memorandum of understanding to the Commission for its review. The cost of counsel will not exceed \$30,000 per year; substantially less than a private law firm. Bridget Smith would begin counseling the Commission at the beginning of 2017 if the agreement is approved.

Judge Boyd moved that the Commission enter into the legal counsel memorandum of understanding provided by Chair Fisher. Mr. Eaman seconded. The motion carried.

Executive Director Report

Mr. Sacks presented the Commission with options for moving forward with the standards process. The Commission discussed these options.

Judge Boyd moved to accept the changes the Michigan Supreme Court made to the Commission’s first four standards. Mr. Puerner seconded. The motion carried.

Judge Boyd moved to authorize the Chair to send a letter to the Court thanking the Court for its conditional approval, advising the Court that the legislation has passed both chambers and is awaiting Governor Snyder's signature, and requesting final approval of the first set of standards subject to all of the provisions in the MIDC Act. Mr. Walker seconded the motion. The motion carried.

Judge Boyd moved to submit standards 1 – 4 to the Director of the Michigan Department of Licensing and Regulatory Affairs (LARA) with a letter indicating two public hearings have been held on the standards and the Commission has formally adopted the version of the standards conditionally approved by the Court. Mr. Shea supported the motion. The motion carried.

Mr. Sacks read a **THE ATTACHED** list of the activities that staff would like to take now that the legislation has passed. Mr. Swor moved to approve staff members' upcoming activities. Mr. Walker seconded the motion. The motion passed. (**SEE ATTACHMENT 1 FOR DETAILS**).

The Commission reviewed the proposed document entitled "Delivery System Reform Models." Mr. Eaman moved that the Commission publish and distribute the document. Ms. Robinson seconded the motion. The motion carried.

Mr. Sacks indicated that the meeting with the State Court Administrative Office's Regional Directors and MIDC staff members would be held on January 26, 2017. Ms. McCowan discussed the agenda for the meeting and invited Commission members to contact her if they were interested in attending the meeting. All members of the Commission are welcome to attend and some have already indicated interest.

The Commission discussed the potential for discretionary grants to indigent defense delivery systems and the necessity for a process to review and approve these grants.

Ms. Robinson **MOVED TO AUTHORIZE** ~~authorized~~ staff to draft a process for discretionary grants and to bring this proposal before the Commission for discussion in February. Mr. Puerner seconded. The motion carried.

The Commission continued its discussion from the October 2016 meeting about a potential caseload study request for proposals (RFP).

Judge Boyd moved to approve the RFP subject to the necessary approval or modification by LARA. Mr. Puerner seconded the motion. The motion carried.

Mr. Sacks will work on internal operating procedures (IOPs) and will review these with Ms. Smith from the Attorney General's office. Mr. Puerner requested that Mr. Sacks give the Commission the copy of the IOPs that are submitted to Ms. Smith.

Business Agenda

The Commission moved to item 7c from its Business Agenda, Budget Amendment. Mr. Sacks and Ms. Westrate described the proposed amendment which would fund a sixth Regional Manager at no additional cost to the Commission. Funding had been moved from the insurance line item to cover the cost of this employee.

Judge Boyd moved that the budget amendment be adopted. Mr. King seconded the motion. The motion carried.

The Commission discussed the staff salary matrix and policies. Mr. Puerner requested one document that regulates the administration of the agency. This document should include job descriptions, IOPs, and any performance metrics used to evaluate employees. **JUDGE BOYD ASKED THAT STAFF VERIFY HOW THE CIVIL SERVICE COMMISSION AWARDS COST OF LIVING ADJUSTMENTS AND STEP INCREASES, AND WHETHER THESE INCREASES ARE MADE IN THE SAME YEAR. STAFF WILL REPORT FINDINGS TO THE COMMISSION.**

Judge Boyd moved to strike #3 on the Proposed Staff Salary Schedule narrative which stated “In exceptional circumstances, the Executive Director requests the authority to increase a salary by more than one step, with the review of the Chair.” He further moved to replace this language with “All pay increases shall be submitted to and approved by the MIDC before taking effect.” Mr. Eaman supported the motion. The motion carried.

Mr. Shea moved that the proposed staff salary matrix be approved. Mr. Eaman supported. After discussion, Mr. Shea withdrew his motion and Mr. Eaman withdrew his support.

Judge Boyd asked that a new matrix be prepared that includes the steps for the entire salary range, and not just from current employees’ salaries.

Mr. Shea moved that a revised salary matrix be presented to the Commission in February. Mr. Eaman seconded the motion. The motion carried.

Mr. Eaman moved that the Commission approve staff salaries for the current fiscal year as listed in the chart provided to the Commission. Mr. Walker supported the motion. The motion carried.

Mr. Shea moved that the Commission approve the web portal contract and spending, as well as the leases for the Lansing and Traverse City offices. Mr. Eaman supported the motion. The motion carried.

Mr. Sacks and Ms. Westrate updated the Commission on potential costs to MIDC of the Department of Justice grant that was approved by the Commission in October. These costs are potentially offset by grand funding for indirect costs that the MIDC will receive.

Judge Boyd moved that the grant spending be approved. Ms. Motley supported the motion. The motion carried.

Mr. Walker moved that the Commission go into a closed session to discuss personnel reviews for Jonathan Sacks and Jonah Siegel. Mr. Sacks and Mr. Siegel each submitted requests for their reviews to be considered in a closed session. Mr. Puerner supported the motion. The Chair asked for a roll call vote. The motion passed, the following members voting to support the motion: Chair Fisher, Judge Boyd, Ms. Diehl, Mr. Eaman, Mr. Lindsey, Mr. King, Mr. McMillin, Ms. Motley, Mr. Oeffner, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa, Mr. Swor, and Mr. Walker.

The Commission moved into closed session at 3:36 pm.

Mr. Walker moved that the Commission return to open session. Ms. Motley seconded the motion. Chair Fisher asked for a roll call vote. The motion passed, the following members voting to support the motion: Chair Fisher, Judge Boyd, Ms. Diehl, Mr. Eaman, Mr. Lindsey, Mr. King, Mr. McMillin, Ms. Motley, Mr. Oeffner, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa, Mr. Swor, and Mr. Walker.

The Commission returned to open session at 4:21 pm.

The Commission moved that Mr. Sacks be awarded a 3% salary increase to account for the cost of living adjustments that were not awarded to the Executive Director for the 2016 and 2017 fiscal years. The motion carried.

Judge Boyd moved that Mr. Siegel be given a second step increase for the 2017 fiscal year. Mr. Eaman seconded the motion. The motion carried.

Ms. Robinson moved that the 2017 meeting dates be approved and posted. Mr. McMillin seconded the motion. The motion carried.

The Commission returned to a discussion about the Compliance Plan Committee. The following members were appointed to the committee: Judge Boyd, Mr. McMillin, Mr. Oeffner, Ms. Robinson, and Mr. Shea.

Mr. Eaman moved to adjourn. Mr. Shea seconded. The meeting adjourned at 4:36 pm.

Respectfully submitted,
Marcela Westrate

ATTACHMENT 1

December 20, 2016 Commission Meeting – List of future activities

Minimum Standards

- At the Commission meeting, options presented as to submission and implementation of the four conditionally approved minimum standards and the four draft minimum standards.
- Staff has prepared an RFP for a statewide study to help inform the draft standard on public defense workloads.
- Earlier this year, the Commission approved release of the first MIDC survey of defense attorneys. This survey will be ready for release next year.
- With modest revisions and updates, the Commission can release White Papers for the first four standards.
-

Department of Licensing and Regulatory Affairs (LARA)

- Following an introductory meeting, LARA indicated that they would wait until the amending legislation passed before beginning MIDC's transition. They are now working with Supreme Court finance to assure a proper transition for expenses, payroll, and personnel issues.
- MIDC staff will work with LARA on other administrative transition issues including contracting, civil service requirements, and departmental policies.
- When the Commission makes a decision as to next steps for submission of standards, the Executive Director will set a meeting with the Director of LARA and the Chair to discuss the process for submission and approval of standards.

Michigan Supreme Court / State Court Administrative Office

- As the legislature has complied with the Supreme Court deadline of December 31, 2016, the Court will likely make a decision on the status of the conditionally approved standards.
- The Executive Director will schedule a meeting with the State Court Administrator and Supreme Court legal counsel to update on MIDC activities, cooperation working with SCAO regionals in courts, indigent defense developments in certain counties, and to discuss any questions stemming from these issues.
- The Executive Director also intends to update SCAO on MIDC research initiatives and continue discussions aimed at allowing MIDC access to the Judicial Data Warehouse.
- The MIDC / SCAO meeting on systems development and compliance is scheduled for January 26.

Funding Units / Local Systems

- The Executive Director will continue communication with Michigan Association of Counties (MAC) on messaging to constituents as to the new legislation and a presentation to the MAC Spring conference.
- MIDC Regionals will continue meeting with county commissioners, administrators, and other staff and stakeholders.
- MIDC staff will conduct similar outreach to the Michigan Municipal league and local municipalities that serve as funding units to courts.

Legislature & Executive

- MIDC staff is attempting to place the MIDC on the agenda for the new legislator school in 2017.
- Meet-ups with MIDC staff, interested Commissioners and legislators will restart to discuss the MIDC process and long-term funding of compliance plans.
- Update Executive Branch

Media

- As the new legislation is enacted and minimum standards are formally submitted, the Commission should consider a formal press release and other initiatives to generate publicity to advance these goals. Staff will provide *informal* messaging as requested and appropriate and will place relevant updates on the MIDC website for public access.



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
February 21, 2017
Time: 1:00 PM

Commission Members Present

Michael Puerner, Vice Chair, Judge Thomas Boyd, Thomas Clement (joined at 1:30 pm), Frank Eaman, Derek King, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Brandy Robinson, David Schuringa, and John Shea.

Participating Electronically

Nancy Diehl, Gary Walker

Commission Members Absent

James Fisher and William Swor

Members of the Public Present:

Peter Cunningham, Judge Debra Nance, Kay Perry, Bridget Smith

Staff Members Present

Jonathan Sacks, Ashley Carter, Claire Corsey, Christopher Dennie, Tanya Grillo, Kathy Lloyd, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Marcela Westrate, and Barbara Klimaszewski (via video).

The meeting was called to order at 1:09 pm.

Introduction of Commission members and guests

Mr. Sacks introduced staff members and guests. Mr. Puerner introduced and welcomed Assistant Attorney General Bridget Smith who will service as counsel for the Commission.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Report from the Vice Chair

In Judge Fisher's absence, Mr. Puerner served as Chair for the meeting. He reviewed the report Judge Fisher submitted to the Commission members prior to the meeting. As noted in the report, Judge Fisher met with Chief Justice Steven Markman and provided the Chief Justice with background materials about the Commission. These materials were provided to each member for their reference.

Executive Director Update

Mr. Sacks gave an overview of the office's activities since the last meeting. He continues to work with Ms. Smith on internal operating procedures (IOPs) and will have a proposal before the Commission for its consideration in April.

Meetings with the Department of Licensing and Regulatory Affairs (LARA) regarding the transition to that Department are ongoing. MIDC will continue its operations under the Judicial Branch for the current fiscal year and will make the change to LARA formally beginning October 1, 2017. Judge Boyd asked whether the employees would be classified under Michigan's Civil Service Commission. LARA has an agreement with the State Court Administrative Office that the MIDC employees would continue to be Judicial Branch employees prior to transition to civil service.. MIDC is working with LARA's press office and its Office of Public and Legislative Affairs.

Mr. Sacks introduced Tanya Grillo who will serve as the Regional Manager for Oakland, Lapeer, Macomb, and St. Clair Counties. Ms. Grillo is currently working part-time and will begin working full-time in March. The MIDC hired Kathy Lloyd to fill the role of Administrative Assistant. The Grant Manager position has been posted and Mr. Sacks plans to post the Northern Michigan Regional Manager position next week.

The Governor's Executive Recommendation for the 2018 fiscal year included \$2.4 million in appropriations for the MIDC's operations. This is the amount that was approved last year, adjusted for economic increases.

Mr. Sacks is meeting with staff from the Michigan Association of Counties (MAC) and the Michigan Municipal League. These organizations have both been helpful in distributing information to their membership and in connecting local officials with the MIDC's Regional Managers. MAC invited the MIDC to put together a panel for the organization's March conference. Judge Fisher, Mr. Sacks, Mr. Oeffner, and Mr. Dennie will participate.

Mr. Sacks submitted a request for Ms. McCowan to attend the National Association of Public Defenders Executive Leadership Institute in Frankfort, Kentucky from April 2 – 5, 2017. The conference cost is estimated to be \$1065. This amount includes registration fee, hotel, car rental, and meals at the State of Michigan's meal reimbursement rate.

Ms. Robinson moved that the proposed travel be approved at the estimated rate. Mr. Lindsey seconded the motion. The motion carried, all members participating approved the motion.

Business Agenda

Judge Boyd and Mr. Shea submitted amendments for the December 20, 2016 open session minutes. Judge Boyd moved that the minutes be approved as amended. Mr. Shea seconded the motion. The motion carried, all members participating approved the motion.

Mr. Shea moved that the closed session minutes from December 20, 2016 be approved. Mr. King seconded the motion. The motion carried, all members participating approved the motion.

Judge Fisher requested that Mr. Sacks draft and present a strategic plan for the Commission's review. Mr. Sacks gave the Commission an overview of the plan. The Commission discussed the plan. Members were encouraged to continue to review the plan and provide feedback.

Dr. Siegel gave the Commission an overview of the Research Agenda and follow-up on the attorney survey. The survey has been updated to reflect the new framework for the adoption of standards by LARA.

Judge Boyd moved that the Research Agenda be approved. Mr. Shea seconded the motion. The motion carried, all members participating supported the motion.

The Commission discussed the agency's draft Annual Report. Members made amendments to the report. Mr. Eaman moved that the Annual Report be approved as amended and published. Judge Boyd seconded the motion. The motion carried, all members participating supported the motion.

Draft whitepapers addressing each standard were distributed to members for review. The Commission discussed the whitepapers and the timeline for releasing them.

Judge Boyd moved to approve and publish the whitepapers after the footnotes have been finalized and the language regarding confidentiality has been added to the Standard 4 document. Mr. King supported the motion. The motion carried, all members participating supported the motion.

The Commission discussed draft versions of the next set of standards. Mr. Sacks recommended that the standing committees be reconvened to review and modify the standards. He suggested that revised standards be circulated to the full Commission in March and considered at the April meeting.

Mr. Sacks presented a process for considering and approving discretionary grants using carryover funds from the 2016 fiscal year. These grants would be one-time awards made to innovative ways to improve indigent defense.

The Commission discussed MCL 780.933(2), which allows indigent criminal defense systems to submit estimates for the costs of developing compliance plans. These estimates could be approved by the MIDC and systems could be reimbursed for developing compliance plans and associated costs analyses.

Judge Boyd moved to use \$500,000 of the funds from the 2016 fiscal year to fund estimates submitted under MCL 780.933(2) ~~for the first 30 days of the 180-day compliance plan period. And, after the 30-day period has passed, to use any balance in the work project to fund discretionary grants.~~ Mr. Shea seconded the motion. The motion failed, the majority of members voted no on the proposal.

Mr. Puerner moved that the MIDC accept the staff recommendation to conditionally award cost-of-development grants upon approval of estimates, and the grants be approved and awarded as part of the compliance plan process. He further moved that the MIDC approve the draft discretionary grants process. Mr. Shea seconded the motion. Judge Boyd abstained from voting. The motion carried, the majority of members supported the motion.

Mr. McMillin updated members on the Compliance Committee's work. Staff worked to present the committee with a proposed process for accepting and reviewing the compliance plans prior to the plans being forwarded to the full Commission for its approval. The Compliance Committee will present a final document for the Commission's approval in April.

Mr. Sacks presented three potential grant opportunities that would fund additional MIDC projects. Members were given additional details about the grants. Mr. Puerner asked Mr. Sacks to detail how the opportunities would support the MIDC's core work and core mandates.

The first proposal would be an evaluation of first appearance compliance plans funded by the Department of Justice's Byrne/JAG Grant process. The second proposal is an opportunity suggested by the National Legal Aid and Defender Association (NLADA), who requested that the MIDC partner with NLADA on a mentorship project. The MIDC helped identify northern Michigan as a place with an assigned counsel process in a rural area. The third proposal would fund an item on the Research Agenda that was approved earlier in the meeting. The Urban Institute is interested in partnering with the MIDC on an Evaluation of Delivery Systems Research Project funded by the W.E.B. Du Bois Program of Research on Race and Crime. Through a combination of administrative data analysis and interviews, the MIDC research team will glean best practices from various systems in Michigan. Several counties have already indicated interest in participating.

Judge Boyd moved that MIDC staff be authorized to pursue all three proposals. Mr. Eaman supported the motion. The motion carried, all members supported the motion.

The Commission discussed the timeline for reviewing and approving compliance plans. Extra meetings may need to be scheduled. Members asked that the Chair give the Commission guidance in April.

Mr. McMillin moved that the meeting adjourn. Ms. Diehl seconded the motion. The motion carried, all members supported the motion.

The meeting was adjourned at 4:33 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
April 18, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (joined at 1:30 pm), Nancy Diehl, Derek King, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea.

Participating via Telephone

Frank Eaman and William Swor

Commission Members Absent

Richard Lindsey and Gary Walker

Members of the Public Present:

Peter Cunningham, Kay Perry, and Bridget Smith

Staff Members Present

Jonathan Sacks, Ashley Carter, Claire Corsey, Christopher Dennie, Tanya Grillo, Kathy Lloyd, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Marcela Westrate, and Jana Mathieu (via telephone).

The meeting was called to order at 1:02 pm.

Introduction of Commission members and guests

Commission members introduced themselves. Chair Fisher asked staff to introduce themselves.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were three additions to the Business Agenda:

- j. Request that the Chair draft a letter in support of the Sixth Amendment Center's DOJ grant
- k. Increase salary for Grant Manager position; and

1. Discussion of additional commission meetings.

Report from the Chair

Chair Fisher updated the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) about his activities since the last meeting. He has been in contact with the Governor’s office regarding the four members whose terms expired April 1, 2017. Ms. Motley requested that her appointment not be renewed. She will continue to serve until a successor is appointed. Chair Fisher thanked Ms. Motley for her service to the Commission.

Executive Director Update

LARA: Standards, administration and policy

Mr. Sacks and Ms. Westrate met with Department of Licensing and Regulatory Affairs (LARA) officials regarding the potential approval of standards. Mr. Sacks is hopeful that the standards will be approved by the beginning of May. As the MIDC continues making the formal transition to LARA several administrative issues have been identified. Mr. Sacks will keep the Commission apprised of these issues as they arise. LARA’s Office of Policy and Legislative Affairs (OPLA) has been assisting the MIDC with legislative meetings. OPLA Director Frank Waters has been attending MIDC’s legislative meetings at LARA’s request.

State Budget Office

Mr. Sacks gave the Commission an overview of his April meeting with State Budget Director Al Pscholka, LARA Director Shelly Edgerton, LARA Chief Financial Officer Allan Pohl, and State Budget Office (SBO) staff members. The SBO requested an estimate of the cost of compliance plans. Mr. Sacks presented potential estimates based on several different models. The Regional Managers are working on calculating the local shares in their particular counties, and will look at how much work various systems must do to be in compliance with the first set of standards. Mr. Sacks will give this information to the SBO and LARA.

Personnel

Jana Mathieu was hired for the Northern Michigan Regional Manager position. Her start date will be May 1, 2017. Rebecca Mack will serve as the Grant Manager. She will start at the beginning of June. MIDC Policy Associate Claire Corsey has accepted a position with the Maryland Office of the Public Defender. Her last day at the MIDC will be April 28, 2017.

Appropriations

The House and Senate LARA appropriations subcommittees reported bills to the full Appropriations Committee. Both chambers included funding for the MIDC in the amount recommended by Governor Snyder in his Executive Recommendation. Mr. Sacks will continue updating members as the budget process continues.

Michigan Association of Counties (MAC)

Chair Fisher, Mr. Oeffner, Mr. Sacks, and Mr. Dennie participated on a panel at MAC’s Annual Legislative Conference. The panel was well attended.

Attorney Survey release

Mr. Sacks discussed potential timing for release. The survey may be released shortly after the standards are approved. Several changes have been made to the document and a redlined version was distributed to members to review. Mr. Sacks will work with commissioners to distribute the report to their constituencies.

Grant updates

Mr. Sacks updated the Commission on the National Legal Aid and Defender Association's proposed mentor program which will take place in the Upper Peninsula. The Urban Institute has applied for a Department of Justice Grant to look at indigent defense systems in Michigan and compare defender offices with assigned counsel systems. MIDC would work with the Urban Institute on this grant. Mr. Sacks met with staff at the Michigan State Police who administer the Byrne JAG grant. The MIDC will not apply for the 2018 fiscal year, but will apply for the next fiscal year. In turn, the State Appellate Defender Office will not apply for the grant the next fiscal year.

June staff travel

Mr. Sacks requested the Commission's approval of travel to the American Council of Chief Defenders conference in Baltimore in June. Jonah Siegel will attend a conference on holistic indigent defense, but his expenses are being covered by the conference. Paige Pearson will attend that same conference and her travel will be covered by the MIDC's Department of Justice Grant.

Judge Boyd moved that the travel request be approved. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Wayne County

Mr. Sacks updated the Commission on recent Wayne County meetings. The county is working to establish a new roster system. Ms. Diehl, Mr. Eaman, and Ms. McDoniel attended various meetings to discuss Wayne County's reforms.

Business Agenda

Approval of minutes from February meeting

Judge Boyd requested that the minutes be amended. On page 4, in the first paragraph, the statutory citation be changed to MCL 780.993(2) and the balance of that sentence be struck.

Mr. Swor moved that the minutes be amended. Mr. Puerner seconded the motion. The motion carried, all members participating unanimously supported the motion.

Mr. Swor moved that the minutes be adopted as amended. Mr. Puerner seconded the motion. The motion carried, all members participating unanimously supported the motion.

Discussion of Draft Standards

The standard on economic incentives and disincentives will be discussed at the June 20, 2017 meeting. The MIDC's Research Unit will calculate a suitable standard hourly pay rate to present at the June meeting.

Standard 5 - Independence

Ms. Diehl reported on the Selection Standard Committee's activities and changes made since the draft was last discussed. The Commission discussed the standard and potential conflict with court rules. Judge Boyd indicated that he is working with Michigan Supreme Court Administrative Counsel Anne Boomer on potential court rule amendments. Commissioners suggested amendments to the standard.

Ms. Diehl moved that Standard 5 – Independence be amended as discussed. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Ms. Diehl moved that the amended version of the standard be adopted by the Commission. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Standard 6 – Indigent Defense Workloads

Mr. Puerner gave an overview of the Performance Standards Committee's work and changes since the last time the standard was discussed. The Commission discussed the standard and suggested amendments.

Mr. Puerner moved that the amendments be adopted. Mr. King seconded the motion. The motion carried, all members participating unanimously supported the motion.

Mr. Puerner moved that the amended version of the standard be adopted by the Commission. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Standard 7 – Qualification and Review

Ms. Robinson updated the Commission on the Training and Evaluation Committee's work and changes that were made to the draft since the last time the standard was discussed. The Commission discussed the standard and suggested amendments.

Ms. Robinson moved that the suggested amendments to Standard 8 be adopted, and that the standard be renumbered to Standard 7 since the former Standard 7 has been placed on hold. Ms. Motely seconded the motion. The motion carried, all members unanimously supported the motion.

Ms. Robinson moved that the amended version of the standard be adopted by the Commission. Ms. Motely seconded the motion. The motion carried, all members unanimously supported the motion.

Judge Boyd moved that an additional amendment be made to Standard 5 – Independence to make that standard consistent with the Qualification and Review standard. Mr. Shea supported the motion. The motion carried, all members participating unanimously supported the motion.

Strategic Plan

Mr. Sacks and Ms. McCowan drafted a revised version of the Strategic Plan. Mr. Sacks updated the Commission on the revisions. Chair Fisher asked for volunteers to work with Ms. McCowan on revising the plan. Mr. Shea, and Dr. Schuringa will work with Ms. McCowan.

Compliance Plan Process

Mr. McMillin updated the Commission on the Compliance Committee's activities and presented a draft summary document that may be distributed to local systems. The Commission discussed the compliance process.

Ms. Diehl moved that the discussion be tabled so that the newly-hired Grant Manager could review the process and modify as necessary. Ms. Robinson seconded the motion. The motion carried, all members participating unanimously supported the motion.

Degree and types of technical assistance

This item was requested by Mr. Walker. In his absence it was removed from the agenda and will be discussed at a later date.

Internal Operating Procedures (IOPs) and Bylaws

Mr. Sacks introduced the draft IOP document. He presented the draft to Bridget Smith, the Commission's legal counsel, and that she had suggested some modifications. Ms. Smith and Mr. Sacks answered questions about the document.

After discussion, Judge Boyd moved that the item be tabled. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Salary matrix

A revised salary matrix was presented to the Commission for its information. The document uses the Civil Service Commission's titles and steps in pay.

Web Portal storage expenses

Mr. Sacks requested that the Commission approve \$4400 for web portal storage expenses that were unanticipated when the Commission approved the budget for the current fiscal year.

Ms. Diehl moved to approve spending \$4400. Mr. Shea supported the motion. The motion carried, all members participating unanimously supported the motion.

Policy Associate/Interim Regional Manager – Proposed supplemental compensation

Mr. Sacks asked that the Commission approve supplemental compensation in the amount of \$2500 for Claire Corsey since she agreed to fill the role of Regional Manager for Northern Michigan on an interim basis. The Commission discussed how the amount was calculated.

Ms. Diehl moved to approve the \$2500. Dr. Schuringa seconded the motion. The motion carried. Commissioners Fisher, Diehl, Eaman, McMillin, Motley, Oeffner, Puerner, Robinson, Shea, Schuringa, and Swor supported the motion. Judge Boyd opposed the motion.

Request that the Chair draft a letter in support of the Sixth Amendment Center’s DOJ grant

Judge Boyd contacted the Governor’s office to obtain a letter in support of the Sixth Amendment Center’s activities and work in Michigan. Judge Boyd asked that Chair Fisher be authorized to cosign the Governor’s letter or to draft a separate letter on behalf of the Commission in support of the Sixth Amendment Center’s work.

Ms. Diehl moved that Chair Fisher be given this authorization. Ms. Motley seconded the motion. The motion carried, all members participating unanimously supported the motion.

Increase in salary for Grant Manager position

Mr. Sacks started salary negotiations with Rebecca Mack for the Grant Manager position. The Commission previously authorized \$75,000 annually for the position. He would like authorization to offer Ms. Mack \$81,348.80.

Judge Boyd moved to give Mr. Sacks authorization to offer this salary. Ms. Diehl seconded the motion. The motion carried, all members participating unanimously supported the motion.

Additional meetings

The Commission discussed the potential for additional meetings to discuss compliance plans. The Commission will continue this discussion in June.

Mr. Puerner moved that the meeting be adjourned. Ms. Motley seconded the motion. The motion carried. The meeting adjourned at 5:15 PM.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
June 20, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (joined at 1:30 pm), Frank Eaman
Derek King (joined at 1:08 pm), Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner,
Michael Puerner, Brandy Robinson, David Schuringa, John Shea, and Gary Walker.

Participating via Telephone

Nancy Diehl

Commission Members Absent

William Swor

Members of the Public Present:

Robert Boruchowitz, Peter Cunningham, Jerry Hardesty, Kay Perry, ~~Bridget Smith~~, Shelli Weisberg

Staff Members Present

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

Bridget Smith, Assistant Attorney General

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

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Report from the Chair

Chair Fisher updated the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) about his activities since the last meeting. Chair Fisher noted that the State Budget Office (SBO) had drafted potential changes to the MIDC Act. After discussion with the Governor’s legal counsel, it was decided that there will be discussions this summer with various interest groups to address issues raised.

The Supreme Court appointed Justice Bernstein as its liaison with the MIDC. Mr. Clement will continue as the Chief Justice’s designee on the Commission. Chair Fisher is in the process of scheduling a meeting with Justice Bernstein to discuss the MIDC’s activities.

Executive Director Update

LARA: Standards approval

Mr. Sacks stated that since the 180-day clock started with the May 22, 2017 approval of the first set of standards, things are moving quickly at the MIDC office. The due date for compliance plans is November 20, 2017. Mr. Sacks will continue to meet with the Department of Licensing and Regulatory Affairs (LARA) to finalize the details of the MIDC’s transition to LARA. The transition will be finalized on October 1, 2017.

Legislative Meetings

Mr. Sacks and Ms. Westrate are continuing meetings with legislators. LARA is scheduling the meetings and the Office of Policy and Legislative Affairs attends to learn more about the MIDC.

Personnel

Mr. Sacks welcomed Rebecca Mack to the MIDC as Grant Manager. An Administrative Assistant will start employment July 24. The Policy Associate position is currently posted. Mr. Sacks congratulated Ms. Grillo on being awarded the President’s Award by the Women Lawyers Association of Michigan.

Economic Disincentives or Incentives Standard

Work on the standard continues and the standard will be released at the August meeting. The standard will recommend an hourly rate, and staff is currently working on a recommendation for the Commission’s consideration. The MIDC recently released an attorney compensation survey to determine the costs of representing indigent clients. Mr. Sacks thanked Mr. Eaman and Mr. Puerner for their help.

Compliance Planning

The Regional Managers regularly receive requests for models for compliance and requests for examples of written plans. Mr. Sacks indicated that staff will work to draft these plans and will have them available for the Commission to review in August or in July if an additional meeting is added. Staff is working on a list of allowables and disallowables which will guide systems in creating cost-effective plans. Mr. Sacks discussed the potential for clearinghouse compliance plans with Standards

1 and 3. One potential reason for standard one is assisting with access to trainers. For systems that do not have a public defender office or an assigned counsel system, a clearinghouse compliance plan for standard 3 could increase efficiencies by have a person act as a gatekeeper. North Carolina has a model that MIDC could use. There are issues associated with this plan that will have to be resolved.

Attorney survey release

The Attorney Survey was previously approved for publication by the Commission. Mr. Sacks indicated that it will be released to stakeholders soon, in conjunction with the comment period on the second set of standards.

Grant updates – NLADA mentorship

The work on the MIDC's Social Worker Sentencing Project is on-going. The National Legal Aid and Defender Association (NLADA) chose Marquette as the site for one of its mentorship programs. Meetings are next week, and MIDC will participate.

Staff Report – Field Update and Inventory

Ms. McCowan updated the Commissioners on the work that the Regional Managers have been doing. She discussed the complications with determining local share. She also discussed the obstacles that the Regional Managers have been facing in their respective regions.

Guest Speaker – Professor Robert C. Boruchowitz, Defender Initiative, Seattle University School of Law

Professor Boruchowitz conducted court watching in several counties. He updated the Commission on his observations and potential problems. He discussed the Berrien County system in detail.

Business Agenda

Consent Agenda

Judge Boyd moved that the following four items on the Consent Agenda be approved: the minutes from the April 2017 meeting, longevity pay for Mr. Sacks and Ms. McCowan, DiSC Teamwork for staff members, and out-of-state travel for Dr. Siegel. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Strategic Plan

The Commission discussed the draft Strategic Plan. Commissioners discussed potential changes.

After discussion, Mr. Eaman moved to table the Strategic Plan and to continue working on it to address changes raised by members of the Commission. Ms. Motley seconded the motion. The motion carried, all members participating unanimously supported the motion.

Internal Operating Procedures (IOPs) and Bylaws

Bridget Smith, the MIDC's Legal Counsel from the Attorney General's office, answered questions about the revised IOPs that were distributed to Commissioners. Commissioners discussed the IOPs and recommended changed.

After discussion, Mr. Eaman moved that the IOPs be approved with the amendments made by the Commission. Mr. King supported the motion. The motion carried, all members participating unanimously supported the motion.

The Commission reviewed the Bylaws, which were amended at a previous meeting. Mr. Walker moved that the Bylaws be adopted as amended. Mr. Eaman seconded the motion. The motion carried, all members participating unanimously supported the motion.

Grants and Compliance Plans

Ms. Mack presented revised documents to the Commission for its review. She described her proposed discretionary grant process and timeline. If this is approved, grant applications will be due to the MIDC by July 28. Applications would be reviewed and presented to the Commission for its approval at the August meeting. Awards would be made out of the MIDC's carry forward funding.

Mr. McMillin moved that the Discretionary Grants Application be approved and published. Mr. Eaman seconded the motion. The motion carried. The following members ~~supported~~ SUPPORTED the motion: Chair Fisher, Ms. Diehl, Mr. Eaman, Mr. Lindsey, Mr. King, Mr. McMillin, Ms. Motley, Mr. Oeffner, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa, and Mr. Walker. Judge Boyd opposed the motion. The motion carried, a majority of members participating supported the motion.

The Commission discussed the Compliance Plan and Cost Analysis Guidelines. Changes were recommended to various sections of the document.

Mr. Shea moved that the Compliance Plan and Cost Analysis Guidelines be approved with the amendments that were discussed, and that the Commission delegate to staff the modification of the paragraph requiring a licensed attorney to manage and supervise attorneys in a managed assigned counsel system. He further moved that the revised document be formally published and distributed. Mr. Eaman seconded the motion. The motion carried; all members participating unanimously supported the motion.

Research Reports

Mr. Walker moved that the Huron County Counsel at First Appearance and the Attorney Caseload Distribution Research Brief both be approved and published. Mr. Eaman seconded the motion. The motion carried, all members participating unanimously supported the motion.

Caseload Request for Proposals

Mr. Sacks, Dr. Siegel, Ms. Westrate, and Mr. Sadler reviewed each proposal that was submitted to the MIDC. Staff members recommend that the Commission approve the RAND Corporation as the vendor to conduct the caseload study.

Judge Boyd moved that the Commission accept the recommendation and approve the RAND Corporation as the caseload study vendor. Mr. Oeffner seconded the motion. The motion carried, all members participating unanimously supported the motion.

Next meeting

Mr. Sacks recommended that a July meeting be added. Several dates were offered and Commissioners indicated their availabilities. The Commission added a meeting on July 31, 2017 at 1:00 PM at the MIDC offices.

Mr. Shea moved that the meeting be adjourned. Mr. Eaman seconded the motion. The motion carried, all members participating unanimously supported the motion.

The meeting adjourned at 4:51 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

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

Commission Members Present

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

Participating via Telephone

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

Commission Members Absent

Tom McMillin

Members of the Public Present:

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

Staff Members Present

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

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

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

Public comment

No members of the public wished to comment.

Additions to the agenda

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

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

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

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

MIDC Lawsuit

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

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

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

Approval of June 20, 2017 minutes

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

Compliance plan application and instructions

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

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

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

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

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

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

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

After discussion, the motion carried.

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

The Commission discussed the recommendation

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

The motion carried.

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

The Commission discussed the local share and state share calculations.

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

The Commission discussed the motion.

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

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

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

Model Plans

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

Budget/legislation ad hoc committee

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

Innovation grant application update

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

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

The meeting adjourned at 3:30 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
August 15, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member) Joseph Haveman (arrived at 1:58 pm), Derek King, Tom McMillin, Shela Motley, Michael Puerner, Brandy Robinson, David Schuringa, William Swor and Gary Walker

Participating via Telephone

Nancy Diehl

Commission Members Absent

Frank Eaman, John Shea

Members of the Public Present:

Deena Bosworth, Malcolm Brown, Peter Cunningham, Justin Dickman, Alethia Kasben, John Nizel, Kristina Robinson, Ramona Sain, Marianne Talon, Drew VandeGrift, Shelli Weisberg

Bridget Smith, Assistant Attorney General

Staff Members Present

Jonathan Sacks, Ashley Carter, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public comment

Malcolm Brown offered comments on behalf of Oakland County. Marianne Talon and Kristina Robinson offered comments on behalf of Wayne County.

Additions to the agenda

There were no additions to the agenda.

Report from the Chair

The Executive Committee met prior to the meeting to review the agenda with Mr. Sacks.

Executive Director Report

Mr. Sacks introduced new Policy Associate Kristen Staley and Administrative Assistant Deborah Mitchell. Mr. Sacks noted that Ms. McCowan resigned from the Criminal Defense Attorneys of Michigan Board.

Field Report – Marla McCowan

Ms. McCowan updated the Commission on the Regional Managers' work. She reviewed the areas included in each employee's region and noted the degree to which the funding units have been working with MIDC staff.

Approval of July 31, 2017 minutes

Mr. King moved that item 4 on page 3 be modified to reflect his dissent on the motion regarding reimbursement. Judge Boyd seconded. The motion carried.

Mr. Walker moved that the attendance be modified to reflect his participation via telephone instead of in person. Judge Boyd seconded. The motion carried.

Judge Boyd moved that the minutes be approved as amended. Mr. Swor seconded. The motion carried, Mr. McMillin abstained from the vote since he did not attend the July 31, 2017 meeting.

Approval of FY 2018 budget

Ms. Westrate reviewed the items included in the proposed financial plan. The plan is broken into the following categories of expenditures: Salaries and Wages, Longevity and Insurance, Retirement and FICA, Terminal Leave, Travel, Communications, Contractual Services, Supplies and Materials, and Equipment. Salaries and Wages includes the state's 3% cost of living adjustment that is being assessed to all employees at the beginning of the new fiscal year. The amount is included for all employees except the Executive Director, any increase for that position will be determined by the Commission as part of a performance review. Rent is included in the Contractual Services line following the Department of Licensing and Regulatory Affairs' format.

The Commission discussed the proposal. Dr. Schuringa moved that the financial plan be adopted. Mr. Swor seconded. The motion carried.

Revisiting the Local Share Definition – Motion to Rescind vote from July 31 meeting

Following the July 31, 2017 Commission meeting, staff reviewed the decision to exclude reimbursements from the local share calculation. Mr. Sacks suggested revisiting the decision. The Commission discussed the local share calculation.

Mr. Swor moved that the motion regarding the local share calculation at the July 31, 2017 meeting be rescinded. Mr. Puerner seconded the motion. The motion carried.

Mr. Swor moved that the Commission direct the adoption of an interpretation of local share that subtracted reimbursements from the local share calculation. Judge Boyd seconded. The motion carried.

Final Approval of Application and Instructions and Model Plans

Members of the Commission reviewed the documents.

Judge Boyd moved that the instructions on page 2 be amended by striking “compelling” and inserting “higher due diligence.” Mr. King seconded. The motion carried.

Mr. Puerner moved that language be added to the document indicating that the amounts set in the document are presumed reasonable but variations would be considered on a case by case basis. Judge Boyd seconded. The motion carried.

Mr. Puerner moved that the Application and Instructions and Model Plans be adopted as previously amended. Mr. Walker seconded. The motion carried.

Standard 8 – Economic Incentives and Disincentives and Supporting Publications

Mr. Sacks gave an overview of the proposed standard. Dr. Siegel gave a presentation on the potential amounts that the Commission could adopt for its compensation standard. The Commission discussed the presentation.

Judge Boyd moved that Standard 8 be referred to the Compensation Committee for that Committee’s review and consideration. Mr. Swor seconded. The motion carried.

Innovation Grants – Recommendation and Approvals

The Commission’s senior staff members reviewed the submissions and recommended that the following seven grants be approved:

Allegan-Van Buren	Allegan/Van Buren Regional Indigent Defense Program (RIDP): To explore an innovative regional model regarding the implementation of a joined/hybrid Public Defender Office to provide Indigent Defense Services
Calhoun County	Calhoun County Indigent Defense Intake Study: To identify and develop best practices for the indigent defense intake and reimbursement process to identify the truly indigent, assure integrity of the system and increase compliance with reimbursement orders.

Isabella County	Isabella County Social Worker Screening & Counsel at First Appearance: Determine whether the assistance of a social worker during the pre-arraignment period improves client outcomes at arraignment
Lenawee County	Obtain a consultant that will meet with a client before the initial hearing to address clients' most pressing legal and social needs.
Mecosta County	Feasibility Study of Multi-County Administration of a Managed Appointment Model for Indigent Defense Services: Study the feasibility of joining with 5 other counties to provide a single administrator to manage each county's indigent service plan
Shelby Township	Feasibility Study for the creation of a Managed Assigned Counsel Model for the 3rd Class District Courts of Macomb County: Study the feasibility of joining with the other 3rd Class District Courts in Macomb County to provide a single administrator to manage each of the district court's indigent service plan
Wayne County	Assessment of Metropolitan Justice Center State Defender Office Felony Practice: Obtain the consulting services of The Defender Initiative at Seattle University and its partner The Sixth Amendment Center with the assistance of the National Legal Aid & Defender Association to study SDO's felony representation

The Commission discussed the recommendation.

Mr. Swor moved that the following grants be approved: Allegan-Van Buren (contingent on final budget review), Calhoun (contingent on final budget review), Mecosta County, Shelby Township, and Wayne County. Mr. Walker seconded.

The motion carried, Judge Boyd dissented. Mr. King abstained to avoid a conflict of interest in awarding Calhoun County a grant.

Ms. Robinson moved that the applications from Isabella and Lenewee Counties be approved. Mr. Haveman seconded. The Commission discussed the motion. The motion did not carry.

Lawsuit Update – Attorney General, Licensing and Regulation Division

Mr. Walker moved that the Commission move into closed session subject to MCL 15.268(h). Mr.

Puerner seconded. The Chair called for a roll call vote. The motion carried, the following members supported the motion: Judge Fisher, Judge Boyd, Ms. Diehl, Mr. Haveman, Mr. King, Mr. McMillin, Ms. Motely, Mr. Puerner, Ms. Robinson, Dr. Schuringa, Mr. Swor, and Mr. Walker. The Commission moved into closed session at 3:24 pm.

Ms. Robinson moved that the Commission return to open session. Mr. Puerner seconded. The Chair called for a roll call vote. The motion carried, the following members supported the motion: Judge Fisher, Judge Boyd, Ms. Diehl, Mr. Haveman, Mr. King, Mr. McMillin, Ms. Motely, Mr. Puerner, Ms. Robinson, Dr. Schuringa, Mr. Swor, and Mr. Walker. The Commission returned to open session at 4:02 pm.

Mr. Haveman moved that the Commission meeting be adjourned. Mr. Walker seconded. The motion carried.

The meeting adjourned at 4:04 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
October 17, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Jeffrey Collins, Frank Eaman, Joseph Haveman, Derek King, Tom McMillin (joined at 1:26 p.m.), Michael Puerner, John Shea, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl, Brandy Robinson, and David Schuringa

Commission Members Absent

Thomas Clement

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Peter Cunningham, Justin Dickman, Meghann Keit, John Lindstrom, Richard Lynch, Jim Miller, Kay Perry, Marianne Talon, Drew VanderGrift, Shelli Weisberg

Staff Members Present

Jonathan Sacks, Ashley Carter, Christopher Dennie, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:05 p.m.

Public comment

Malcolm Brown offered comments on behalf of Oakland County. Marianne Talon and Drew VanderGrift offered comments on behalf of Wayne County.

Consent agenda

Mr. Swor moved that the items on the consent agenda be approved. Mr. Haveman seconded the motion. The motion carried.

Report from the Chair

Chair Fisher reviewed a report provided to Commission members. He has appointed Judge Boyd (Chair), Nancy Diehl, and John Shea to the Nominating Committee. The Commission needs a new Secretary to join the Executive Committee.

There are openings on standing and ad hoc committees including Selection and Appointment Standards, Training and Evaluation Standards, and the Data and Best Practices ad hoc committee. Chair Fisher invited people interested to contact Mr. Sacks.

Chair Fisher announced that Mr. Sacks has accepted the Executive Director position at the State Appellate Defender Office. Chair Fisher thanked Mr. Sacks for his work and noted that the Commission is a lot further along than he expected it would be three years ago because of Mr. Sacks' work.

Executive Director Report

Mr. Sacks provided an update on the following items: the Oakland County lawsuit, the transition to the Department of Licensing and Regulatory Affairs (LARA) and work with the LARA Office of Policy and Legislative Affairs.

Mr. Sacks was invited to present before a joint meeting of the House Appropriations Subcommittee on Judiciary and House Appropriations Subcommittee on LARA and Department of Insurance and Financial Services.

Mr. Sacks informed the Commission that the Allegan and Van Buren County Innovation Grant previously approved would not be needed by the counties. The counties intend to use resources that they have to complete preparation for compliance plans.

Mr. Sacks announced that Regional Manager Ashley Carter resigned from her position effective October 24. Ms. Carter accepted a position in Washington, D.C. with a criminal justice organization.

As part of the transition to LARA, all of the Commission's staff has to become classified in Michigan Civil Service Commission (MCSC) positions. Mr. Sacks worked with LARA to draft new position descriptions. Not all of the new positions were approved by the MCSC and a small number of employees have been classified at a lower level than they were when the Commission was housed within the Judicial branch. Employees were also placed on the MCSC's salary schedule. All state employees received a 3% increase effective October 1. All employees except the Executive Director, the State Office Administrator, and the Research Director have a specific pay scale and many employees received step increases as their salaries were placed on that scale. These three positions are on a Pay for Performance schedule. A budget with revised salaries will be before the Commission for its approval in December.

As part of the transition to LARA and the MCSC, Mr. Sacks suggested changes to the Commission's Internal Operating Procedures (IOPs) that would make those procedures consistent with the new procedures required by the State.

Mr. Shea moved to adopt the amendments to the IOPs. Mr. Eaman seconded the motion. The motion carried.

The Commission discussed the MCSC classification of the Executive Director position. Because this position is classified, the MCSC and LARA ultimately approve the salary and any increases. Mr. Sacks stated that it is his belief that the position should be unclassified because that was consistent with the text of the legislation and the Commission's wishes.

Judge Boyd moved to authorize Judge Fisher to contact Governor Snyder's office to request an unclassified position under LARA for the MIDC's Executive Director. Mr. Swor seconded. The motion carried.

Field Report/Compliance Planning

Ms. McCowan updated the Commission on the Regional Managers' work. She reviewed the areas included in each employee's region and noted the degree to which the funding units have been working with MIDC staff on submission of compliance plans.

MIDC Act Amendments

Judge Boyd updated the Commission on the Ad Hoc Legislative Committee's activities. The group has worked with the Michigan Association of Counties to address that organization's concerns.

Judge Boyd moved that the Commission approve the concept of the draft, and that the Ad Hoc Legislative Committee continue working on a final version for Commission approval. Mr. Shea seconded the motion. The motion carried.

Economic Incentives and Disincentives – Standard 8

Mr. Puerner updated the Commission on the Indigence and Compensation Committee's activities, and gave an overview of the draft standards. Mr. Sacks distributed two draft versions of Standard 8 for the Commission's review. The Commission discussed the standards and made amendments to the drafts.

Mr. Shea moved that version two of Standard 8 be approved as amended. Judge Boyd seconded. The motion carried, Mr. Eaman voted in opposition to the motion.

Timing of comments, public hearing, and submission – next set of minimum standards

Mr. Sacks requested that the Commission extend its comment period for the full second set of standards so that additional comments can be solicited for Standards 5-7, and comments can be received on the newly-published Standard 8.

Judge Boyd moved that the Commission's comment period be extended through February 1, 2018. Mr. Puerner seconded the motion. The motion carried.

Discussion of next meeting and potential meetings

Chair Fisher reviewed the process the Commission used to hire Mr. Sacks in 2014. Chair Fisher recommended that the Executive Committee serve as the ad hoc search committee and screen all applications. Chair Fisher suggested that the Commission publish the employment opportunity by October 27, and set a November 30 deadline for applications to be submitted. The Commission will determine who to interview at its December 19 meeting and will hold interviews on January 8, 2018.

The Commission set two tentative special meeting dates. On December 1, 2017 at 10:00 am, the Commission will meet to review compliance plans if plans are available. The Executive Director interviews will occur on January 8 at 10:00 am, and the Commission may also review compliance plans following the interviews if it is necessary to do so.

Mr. Shea moved that the meeting be adjourned. Mr. Swor seconded the motion. The motion carried and the meeting adjourned at 5:02 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
December 19, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Joseph Haveman, Derek King, Tom McMillin, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea

Participating via Telephone

Nancy Diehl and Gary Walker

Commission Members Absent

William Swor

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Beth Dick, Justin Dickman, Justin Hinkley, Frederick Johnson, Mickey Knight, Richard Lynch, Marianne Talon, Drew Vande Grift, Prosecutor Matt Wiese, Prosecutor Kym Worthy, Shelli Weisberg

Staff Members Present

Jonathan Sacks, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, Marla McCowan, Kelly McDoniel, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public Comment

Mickey Knight, representing Muskegon County, introduced Frederick Johnson, Muskegon County Public Defender and Beth Dick, Assistant County Administrator and Director of Finance. Mr. Johnson offered comments on behalf of Muskegon’s compliance plan.

Marquette County Prosecutor Matt Wiese offered comments on behalf of the Prosecuting Attorneys Association of Michigan (PAAM).

Drew Vande Grift offered comments on behalf of Wayne County.

Wayne County Prosecutor Kym Worthy offered comments on behalf of that county.

Malcolm Brown offered comments on behalf of Oakland County.

Eaton County Controller/Administrator John Fuentes offered comments on behalf of that county.

Consent Agenda

Judge Boyd moved that the minutes from the October meeting be adopted. Judge Collins seconded. The motion carried.

Executive Director Report

Mr. Sacks updated the commission on Oakland County's lawsuit. The county has appealed the Court of Claims' decision.

Mr. Sacks, Ms. McCowan, and Ms. Westrate attended meetings with representatives from the Governor's office, the State Budget Office, and the Department of Licensing and Regulatory Affairs (LARA). MIDC staff provided an overview of the types of compliance plans that were received, and highlighted issues that staff anticipated would be addressed by the Commission.

Legislative Workgroup Update

Judge Boyd updated the Commission on the Ad Hoc Legislative Committee's activities. Judge Boyd provided an overview of legislative changes discussed in a workgroup comprised of the Governor's Office, the State Budget Office, LARA, MIDC, and the Michigan Association of Counties.

Nominating Committee

Judge Boyd reported the Nominating Committee's recommendation for officers beginning January 1, 2018. The Nominating Committee concluded that there should not be any Commission chairs that are judges or prosecutors going forward. The committee recommended the following: Mr. Puerner, Chair; Ms. Robinson, Vice Chair; and Mr. Walker, Secretary. Mr. Walker accepted the nomination of Secretary with the understanding that he will not advance to Chair.

Mr. McMillin moved to adopt the Nominating Committee's recommendations. Mr. Eaman seconded. The motion carried.

Executive Director Hiring

Judge Fisher reported on the Executive Committee's meeting. That committee reviewed the applications submitted for the position and recommended that two individuals be interviewed: Loren Khogali and Marla McCowan. The interviews will be scheduled for January 19, 2018. All applications were emailed to Commissioners. Chair Fisher indicated that Commissioners could add additional applicants to the list of those to be interviewed. No additional names were suggested.

Judge Boyd moved that the Commission interview Ms. Khogali and Ms. McCowan for the Executive Director position. Mr. King seconded. The motion carried.

Compliance Plan Review

Mr. Sacks gave the Commission an overview of the staff review process and how recommendations were compiled.

Plans will be referred to committees of Commissioners for review on specific areas. The following Ad Hoc Review Committees were created:

- **Third Class District Courts:** Mr. King (Chair), Judge Boyd, Mr. Walker, Mr. Swor
- **Construction Spending:** Ms. Diehl (Chair), Mr. Shea, Mr. Puerner
- **Sheriff and Other Ancillary Spending:** Dr. Schuringa (Chair), Mr. Eaman, Mr. Haveman, and Chair Fisher
- **Other review:** Mr. McMillin (Chair), Ms. Robinson, Judge Collins.

The Huron County plan was referred to the Sheriff and Other Ancillary Spending Committee for that committee's review and recommendations. Dr. Schuringa convened a conference call with members of the committee. Ms. McCowan and Ms. Klimaszewski participated. The committee reviewed Huron County's compliance plan. The committee recommends approval of the plan and cost analysis.

Requests for Disapproval to Submit MCL 993.2 Applications

MAC informed MIDC staff that several counties did not include calculations for compliance planning in the requests for grants.

Judge Boyd moved that the Commission disapprove a plan if it received a request from a county wishing to add costs for compliance planning. Mr. McMillin seconded the motion. The motion carried.

Failure to Submit Compliance Plans

Mr. Sacks updated the Commission on the two local systems that did not submit compliance plans by the November 20, 2017 deadline. One system, Romulus' 34th District Court in Wayne County, has been working Regional Manager McDoniel on a draft plan. The second system, St. Clair Shores' 40th District Court in Macomb County, had a representative present at the Commission's meeting. That system intends to submit a plan.

Mr. Puerner moved that the non-submission of a plan by these two systems count as a disapproval, and that each system be notified that it would have 30 days to submit a plan to the MIDC. Mr. Haveman seconded the motion. The motion carried.

Plans Identified by Staff as Incomplete

MIDC staff reviewed compliance plans and identified plans from the following systems as being incomplete for various reasons:

- Grosse Pointe Woods Municipal Court (Wayne County)
- 20th District Court – Dearborn Heights (Wayne County)
- 24th District Court – Allen Park (Wayne County)
- 39th District Court – Roseville (Macomb County)
- 48th District Court – Bloomfield Hills (Oakland County)
- 50th District Court – Pontiac (Oakland County)

MIDC staff recommends that these plans be disapproved and that the systems submit revised plans with completed information for the Commission's review.

Mr. Shea moved that the incomplete plans listed above be disapproved. Mr. Eaman seconded. The motion carried.

Prosecution spending

Staff identified the following plans as including funding for prosecuting attorneys:

- 25th District Court – Lincoln Park (Wayne County)
- 41-a-1 District Court – Sterling Heights (Macomb County)
- Eaton County
- Grand Traverse County
- Montcalm County
- Oakland County – 6th Circuit Court and 52nd District Courts
- St. Clair County
- Wayne County – 3rd Circuit Court

Judge Boyd moved to disapprove the plans for the eight systems that included prosecutor costs. Mr. Shea seconded.

After discussion, Chair Fisher called for a roll call vote. The motion carried with the following 10 members voting yay: Judge Fisher, Judge Boyd, Mr. Eaman, Mr. Haveman, Mr. King, Mr. McMillin, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa. The following three members voted nay: Judge Collins, Ms. Diehl, and Mr. Walker.

Substantive Compliance Plan Review

Ms. McCowan provided an overview of the plans and the associated staff recommendations. Ms. Mack and the Regional Managers provided details and answered questions as needed.

After review, MIDC staff recommends that the Commission disapprove the plans and disapprove the cost analyses for the following systems:

- Iosco County
- Missaukee and Wexford Counties
- Monroe County
- Shiawassee County

Mr. Shea moved that the staff recommendation be adopted and that the four plans and cost analyses listed above be disapproved. Mr. Haveman seconded the motion. The motion carried.

After review, MIDC staff recommends that the Commission approve the plans but disapprove the cost analyses for the following systems:

- Arenac County

- Baraga, Houghton, and Keweenaw Counties
- Barry County
- Benzie and Manistee Counties
- Dickinson County
- Grosse Pointe Farms and Shores Municipal Court (Wayne County)
- Grosse Pointe City Municipal Court (Wayne County)
- Grosse Pointe Park Municipal Court (Wayne County)
- Lenawee County
- Luce County
- Mason County
- Oscoda County
- Sanilac County
- Schoolcraft County

Judge Boyd moved that the staff recommendation be adopted and that the plans listed above be approved, but the cost analyses be disapproved. Mr. Eaman seconded. The motion carried.

After review, the MIDC staff recommends that the Commission approve the plans and approve the costs analyses for the following systems:

- 15th District Court – Ann Arbor (Washtenaw County)
- Alcona County
- Alpena County
- Cass County
- Chippewa County
- Emmet County
- Huron County
- Livingston County
- Montmorency County
- Muskegon County
- Ogemaw County

The total cost for the plans above is \$3,568,766.90.

Mr. Eaman moved that the staff recommendation be adopted and that both the plans and cost analyses for the systems listed above be approved. Mr. Haveman seconded. The motion carried.

Next meetings

The Commission will hold three special meetings in January: the 5th, the 8th, and the 19th. The meetings on the 5th and the 8th will be held at 10:00 am in the lower level of the Capitol National Bank Building. The time for the 19th will be determined.

The Commission's regular meeting dates for 2018 will be: February 20, April 17, June 19, August 21, October 16, and December 18.

Closing comments

Mr. Sacks thanked Chair Fisher for his work and leadership on the Commission since its inception.

Mr. Shea moved that the meeting be adjourned. Mr. Eaman seconded. The motion carried.

The meeting adjourned at 4:22 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
January 5, 2018
Time: 10:00 AM

Commission Members Present

Michael Puerner, Chair, Thomas Clement (non-voting member), Judge Jeffrey Collins, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson (began the meeting on the telephone and arrived at 1:40 pm), David Schuringa, John Shea, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl and Frank Eaman

Commission Members Absent

Judge Thomas Boyd

Members of the Public Present Included:

Amber Bede, Troy Baker, Kevin Bowling, Malcolm Brown, Barbara Caskey, Bruce Caswell, Dennis Champine, Michael Day, Frank Hardester, Meghann Keit, Judge Bradley Knoll, Tobi Lake, Carl Macpherson, Elliott Nelson, John Nizol, Cynthia Price, Derek Ringman, Mary Swanson

Staff Members Present

Jonathan Sacks, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Judge Fisher introduced former Senator and current Hillsdale County Commissioner Bruce Caswell to the MIDC and thanked Commissioner Caswell for his work on the MIDC Act.

Public Comment

Members of the public were invited to comment at the beginning of the meeting and during the discussion of their particular plans.

Ms. Swanson offered comments in support of the plans submitted by Kent County.

Mr. Nizol offered comments in support of Macomb County's plan.

Mr. Macpherson offered comments in support of Berrien County's plan.

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

Mr. Lake offered comments in support of Lake County's plan.

Ms. Bede offered comments in support of Kalamazoo County's plan.

Mr. Champine offered comments in support of Centerline's plan.

Additions to the Agenda

There were no additions to the agenda. Mr. Shea moved that the agenda be approved. Mr. McMillin seconded the motion. The motion carried.

Consent Agenda

Mr. King moved that the item under the Consent agenda, the December 19, 2017 minutes, be approved. Mr. Shea seconded the motion. The motion carried.

Chair Report

Chair Puerner gave the Commission an update on the Executive Director interview process. Two candidates will be interviewed, and the interviews will be moved to January 8, 2018.

On behalf of the Commission, Chair Puerner thanked Mr. Sacks for being the Commission's first Executive Director and thanked him for his attention to detail, diplomatic handling of change, and leadership of staff in moving the Commission forward.

Chair Puerner thanked Judge Fisher for serving as the Commission's first Chair, and thanked him for his leadership in guiding the new Commission.

Executive Director Report

Mr. Sacks stated that the MIDC should have more information about compliance plan funding once the Governor's Executive Recommendation was released.

Mr. Sacks will mail official notification to funding units with disapproved plans. This mailing starts the second 30-day review period. Regional Managers will continue to work with local systems to revise and resubmit plans.

Compliance Plan Review – Committee Updates

Plans were referred to ad hoc committees of Commissioners for review on specific areas.

Mr. King gave the Commission an overview of the conference call held by the Third Class District Courts Ad Hoc Committee. That committee held a conference call on January 2.

Dr. Schuringa gave the Commission an overview of the conference calls held by the Ancillary Spending Committee. That committee held conference calls on January 2, January 3, and January 4.

Ms. Diehl gave the Commission an overview of the conference call held by the Construction/Building Spending Committee. That committee held a conference call on January 4.

Mr. McMillin gave the Commission an overview of the conference call held by the committee that reviewed all plans requesting more than \$1 million in grant funding. That committee held a conference call on January 4.

Substantive Compliance Plan Review

Ms. McCowan provided an overview of the plans and the associated staff recommendations. Ms. Mack and the Regional Managers provided details and answered questions as needed. Members of the public were invited to again address the Commission to answer questions or provide additional details.

Disapprove plans and disapprove cost analyses

After review, MIDC staff recommends that the Commission disapprove the plans and disapprove the cost analyses for the following systems:

- Delta County
- Jackson County
- Mackinac County
- Macomb County (16th Circuit Court and 42nd District Court)
- Midland County
- Osceola County
- 17th District Court – Redford (Wayne County)
- 27th District Court – Wyandotte (Wayne County)
- 30th District Court – Highland Park (Wayne County)
- 38th District Court – Eastpointe (Macomb County)
- 43-1 District Court – Hazel Park (Oakland County)
- 43-2 District Court – Ferndale (Oakland County)
- 47th District Court – Farmington Hills (Oakland County)

Mr. Walker moved that the staff recommendation be adopted and that the Commission disapprove the plans and disapprove the cost analyses for the thirteen plans listed above. Mr. Shea seconded the motion. The motion carried.

Approve plans, disapprove cost analyses

After review, MIDC staff recommends that the Commission approve the plans but disapprove the cost analyses for the following systems:

- Alger County
- Antrim County
- Bay County
- Berrien County
- Branch County
- Calhoun County
- Charlevoix County
- Cheboygan County
- Clare and Gladwin Counties

The Commission recessed from 12:15 pm to 12:57 pm, and resumed its discussion of the plans in this section.

- Clinton County
- Crawford County
- Genesee County
- Gratiot County
- Gogebic County
- Hillsdale County
- Ionia County
- Ingham County
- Iron County
- Isabella County
- Kalamazoo County
- Kalkaska County
- Kent County – 17th Circuit Court
- 63rd District Court – Kent County
- 59-1 District Court – Grandville (Kent County)
- 59-2 District Court – Walker (Kent County)
- 61st District Court – Grand Rapids (Kent County)
- 62a District Court – Wyoming (Kent County)
- 62b District Court – Kentwood (Kent County)
- Lake County
- Leelanau County
- Marquette County
- Mecosta County
- Menominee County
- Newaygo and Oceana Counties
- Ontonagon County
- Ottawa County
- Otsego County
- Presque Isle County

- Roscommon County
- Saginaw County
- St. Joseph County
- Tuscola County
- Washtenaw County (22nd Circuit Court and 14th District Courts)
- 16th District Court – Livonia (Wayne County)
- 18th District Court – Westland (Wayne County)
- 19th District Court – Dearborn (Wayne County)
- 21st District Court – Garden City (Wayne County)
- 22nd District Court – Inkster (Wayne County)
- 23rd District Court – Taylor (Wayne County)
- 29th District Court – City of Wayne (Wayne County)
- 31st District Court – Hamtramck (Wayne County)
- 32a District Court – Harper Woods (Wayne County)
- 33rd District Court – Trenton/Woodhaven (Wayne County)
- 35th District Court – Plymouth (Wayne County)
- 36th District Court – Detroit (Wayne County)
- 37th District Court – Warren and Centerline (Macomb County)
- 41-a-2 District Court – Shelby Township (Macomb County)
- 41b District Court – Clinton Township (Macomb County)
- 43-3 District Court – Madison Heights (Oakland County)
- 44th District Court – Royal Oak (Oakland County)
- 45th District Court – Oak Park (Oakland County)
- 46th District Court – Southfield (Oakland County)
- 51st District Court – Waterford (Oakland County)

Mr. Fisher moved that Branch County be removed from the above list, and moved that the plans for the remaining systems listed above be approved, but the cost analyses be disapproved. Mr. Walker seconded the motion. Mr. King abstained from the vote with respect to Calhoun County. The motion carried.

Branch County

Mr. Shea moved that the Commission disapprove the plan and disapprove the costs analysis for Branch County. Ms. Diehl seconded the motion. Ms. Robinson abstained from the vote. The motion carried.

The Commission recessed from 2:54 pm until 3:09 pm.

Approve plans and approve cost analyses

After review, the MIDC staff recommends that the Commission approve the plans and approve the costs analyses for the following systems:

- Allegan and Van Buren Counties
- Lapeer County
- Oscoda County
- 28th District Court – Southgate (Wayne County) This plan's approval is recommended to be conditional, pending approval of Criminal Advocacy Program funding for Standard 1 compliance which is included in Wayne County Circuit Court's plan.

The total cost for the plans above is \$3,711,283.84.

Mr. Walker moved that the staff recommendation be adopted and that the plans and the cost analyses for the systems listed above be approved. Mr. Shea seconded the motion. The motion carried.

Next meetings

The Commission will hold a special meeting on January 8 to conduct Executive Director interviews. The special meeting previously scheduled for 1/19 will be cancelled.

The Commission's regular meeting dates for 2018 will be: February 20, April 17, June 19, August 21, October 16, and December 18.

Adjourn

Mr. Shea moved that the meeting be adjourned. Dr. Schuringa seconded the motion. The motion carried.

The meeting adjourned at 4:05 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
January 8, 2018
Time: 10:00 AM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson, David Schuringa, John Shea, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Public Comment

No members of the public were present, there was no public comment.

Chair Report

Chair Puerner reviewed the interview packets that were distributed to Commission members. The Commission discussed the interview process. Jonathan Sacks listed qualifications that were most important to the position.

The Commission interviewed Marla McCowan at 10:30 and Loren Khogali at 11:45.

Mr. Puerner asked for a motion to go into closed session. The Commission moved to go into a closed session to discuss the qualifications of Ms. McCowan and Ms. Khogali, after receiving requests from each candidate to do so. Mr. Puerner asked for a roll call vote. A roll call vote was taken and the motion carried.

The Commission returned from closed session.

Judge Boyd moved that the Commission offer the Executive Director position to Ms. Khogali. Mr. Swor seconded the motion. The motion carried with Mr. Walker voting nay.

Judge Boyd moved that Chair Puerner work with Ms. Khogali to establish a starting salary within the Department of Licensing and Regulatory Affairs' and the Michigan Civil Service Commission's guidelines. The motion carried.

The Commission moved to adjourn. The motion carried.

The meeting was adjourned at 3:00 pm.

The Commission will meet on February 20, 2018.



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
February 20, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson, Kristina Robinson, David Schuringa, John Shea, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl, Frank Eaman, Judge James Fisher, AND GARY WALKER

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Meghann Keit, Richard Lynch, Marianne Talon, and Drew Van De Grift

Staff Members Present

Loren Khogali, Rebecca Mack, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public Comment

Ms. Talon offered comments on behalf of Wayne County.

Mr. Lynch offered comments on behalf of the 3rd Circuit Court in Wayne County.

Additions to the Agenda

Mr. Swor moved that “Consideration of all funding under Section 13(2)” be added to the agenda. Judge Boyd seconded. The motion carried.

Judge Collins moved that the agenda be approved as amended. Dr. Schuringa seconded. The motion carried.

Chair Report

Chair Puerner welcomed Kristina Robinson to the Commission. She was appointed to replace Kevin Oeffner, who resigned. Chair Puerner welcomed Ms. Khogali to the Commission.

Mr. Puerner provided an overview of the Governor's Executive Recommendation which was presented on February 7.

Consent Agenda

Mr. Shea moved to approve the items under the consent agenda; the minutes from January 5, 2018 and the minutes from the open and closed sessions on January 8, 2018. Mr. King seconded. The motion carried.

National Association of Public Defenders (NAPD) Leadership Conference – Out-of-State Travel Request

Ms. Khogali requested authorization to attend the NAPD leadership conference in Kentucky. The Commission reviewed an estimated budget for the travel.

Judge Boyd moved that the travel be approved. Mr. Swor seconded. The motion carried.

Next Standards – Comments and Public Hearing

Ms. McCowan recommended a timeline for extending the comment period and holding a public hearing.

After discussion, Mr. Shea moved to continue the comment period until the public hearing is held. Judge Boyd seconded. The motion carried.

Bylaws Changes

Mr. Puerner intends to review the bylaws with Ms. Khogali and invited interested Commissioners to provide suggestions for potential changes.

LARA/MOU

Ms. Khogali indicated that the Commission may want to work with legal counsel to draft a Memorandum of Understanding (MOU) to memorialize the Commission's working arrangement with the Department of Licensing and Regulatory Affairs in specific areas. Chair Puerner recommended that Ms. Khogali work on the areas that should be included in the MOU, and that the Commission discuss it at a future meeting.

Research Director Report

Standards evaluation authorization

Dr. Siegel presented information about a proposal to contract with a research firm to conduct an evaluation of the standards implementation process and impact. Findings will be used to justify future funding requests and guide the ongoing implementation and oversight of standards.

Judge Boyd moved that the Commission authorize staff to proceed with the standards evaluation project. Mr. McMillin seconded. The motion carried.

Financial incentives report

The Commission reviewed a draft of the financial incentives report and suggested changes.

Mr. Shea moved that the report be approved and the paper be published with the changes requested by the Commission. Judge Boyd seconded. The motion carried.

Byrne JAG approval

Dr. Siegel presented a proposal to use funding from the Byrne JAG program. The Commission discussed the proposal.

Mr. McMillin moved that staff be authorized to proceed with the Byrne JAG project. Mr. Shea seconded the motion. The motion carried.

Innovation grant update – Wayne County and the 6th Amendment Center

The Commission discussed the work that the 6th Amendment Center performed in Wayne County.

Judge Boyd moved that the initial deadline of February 1, 2018 for a report to be issued be extended by six weeks. Mr. Swor seconded the motion. The motion carried.

Compliance Plans

Ms. McCowan presented the staff recommendations for the following plans:

- Lenawee County
- Monroe County
- 35th District Court (Plymouth – Wayne County)
- Grosse Pointe Park
- Mecosta County

The Commission discussed the staff recommendation to approve the plan and approve the cost analyses for the plans listed above.

Judge Collins moved that the staff recommendation be adopted. Ms. B. Robinson seconded. The motion carried.

Discussion of §13(2) Planning Funds

Judge Boyd moved to authorize the MIDC staff to award all §13(2) requests previously made, as reviewed by staff, excluding those §13(2) costs previously rejected, as well as the §13(2) request submitted by Wayne County today, subject to that same staff review with that review not to exceed 10 days. Staff has the authority to work with any and all local systems to amend and modify these requests as long as the amounts do not increase. Mr. McMillin seconded. The motion carried, Ms. K. Robinson abstained to avoid a conflict of interest in awarding funds to Wayne County.

Next Meeting

The Commission will hold a special meeting on March 26, 2018 at 10:00 am to consider resubmissions. The next regular meeting will be April 17, 2018.

Mr. McMillin moved that the meeting be adjourned. Mr. Swor seconded. The motion carried.

The meeting adjourned at 3:45 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
March 26, 2018
Time: 10:00 AM
Special Meeting

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Judge James Fisher (joined at 11:15 am), Joseph Haveman, Derek King, Kristina Robinson, David Schuringa, John Shea, and Gary Walker

Participating via Telephone

Nancy Diehl, Frank Eaman, Brandy Robinson and William Swor (joined at 12:15 pm)

Commission Members Absent

Tom McMillin

Members of the Public Present Included:

Malcolm Brown, Peter Cunningham, Matthew Erickson, Meghann Keit, Elliott Nelson, John Nizol, Mary Swanson and Shelli Weisberg

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo (via telephone), Barbara Klimaszewski, Rebecca Mack, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission. No members of the public wished to comment.

Additions to the Agenda

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

Consent Agenda

Mr. King moved that the minutes be amended by modifying the roll call section to reflect that Mr. Walker participated via telephone and not in person and that the minutes then be approved as amended. Dr. Schuringa seconded the motion. The motion carried.

Executive Director Report

Ms. Khogali gave an overview of her activities in her first month as Executive Director. She has held a number of meetings with staff members from various departments at the Department of Licensing and Regulatory Affairs (LARA).

She updated the Commission on her legislative activities. In February, she and Chair Puerner presented to the House Appropriations Subcommittee on Licensing and Regulatory Affairs. In March, Ms. Khogali presented to the Senate Appropriations Subcommittee on Licensing and Regulatory Affairs. She has held follow-up meetings with legislators on the Governor's Executive Recommendation and updated them on the Commission's work and approval process.

Ms. Khogali is currently working with LARA to finalize payment on the first group of planning costs for approved plans. The Wayne County funding that the Commission authorized in February must go in front of the State Administrative Board for its approval. Wayne County has a draft of the contract so that county can begin its administrative processes.

Consideration of Compliance Plans

Ms. McCowan gave the Commission an update on the compliance plan approval process thus far.

The three committees met and considered plans referred by staff for committee review.

The construction spending/cost allocation committee chaired by Ms. Diehl held a conference call on March 22 and considered the following plans:

- Ionia County
- Kalkaska County
- Kent County (17th Circuit and 63rd District Courts)
- Macomb County (16th Circuit and 42nd District Courts)

The ancillary spending committee chaired by Dr. Schuringa held a conference call on March 22 and considered the following plans:

- 31st District Court – Hamtramck
- 41-a-2 District Court – Utica, Macomb, Shelby
- 41-b District Court – Mt. Clemens, Harrison, Clinton
- 46th District Court – Southfield
- Bay County
- Clare and Gladwin Counties
- Eaton County

- Genesee County
- Gratiot County
- Hillsdale County
- Iron County
- Jackson County
- Kalkaska County
- 17th Circuit Court – Kent
- Kent County District Courts (D59-1, D 59-2, D 61, D 62a, D 62b)
- Leelanau County
- Macomb County
- Newaygo and Oceana Counties
- Osceola County
- St. Clair County
- Tuscola County

The committee for plans seeking grant funding over \$1 million held a conference call on March 23 and considered the following plans:

- Macomb County 16th Circuit and 42nd District Courts
- Genesee County
- Jackson County

Failure to Re-Submit Plans

Ms. McCowan gave the Commission an overview of staff's progress with each of the systems in this section. MIDC staff recommends that the failure to re-submit a plan count as a disapproval of the plan for the following systems:

- 34th District Court – Romulus
- 38th District Court – Eastpointe
- 40th District Court – St. Clair Shores

Mr. Shea moved that the staff recommendation be adopted, and the failure of the three systems listed above to re-submit plans be considered a disapproval. Mr. Haveman seconded the motion. The motion carried.

Compliance Plans with Prosecutor Costs

Oakland County (6th Circuit and 52nd District Courts) re-submitted its plan and included prosecutor costs. The staff recommendation is that both the plan and the cost analysis be disapproved.

Judge Boyd moved that the staff recommendation be adopted and that Oakland County's plan and cost analysis be disapproved. Mr. Shea seconded the motion. The motion carried.

THE COMMISSION CHAIR PUERNER AND MEMBER BOYD REQUESTED MIDC STAFF TO WORK WITH OAKLAND COUNTY TO TRY TO REACH AN AGREEMENT ON ALL PARTS OF THE COUNTY'S COMPLIANCE PLAN AND COST ANALYSIS, EXCEPT

PROSECUTOR COSTS, AND TO SUBMIT SAME TO THE COMMISSION FOR APPROVAL.

Disapprove the cost analyses (the plans were approved at an earlier Commission meeting)

Ms. McCowan gave the Commission an overview of each of the plans in the section. MIDC staff recommends that the Commission disapprove the cost analyses for the plans re-submitted by the following systems:

- Kalkaska county
- Kent County – 17th Circuit Court
- 63rd District Court – Kent County

Mr. Shea moved that the staff recommendation be adopted and that the cost analyses for the plans listed above be disapproved. Judge Collins seconded the motion. The motion carried.

Approve the plans and approve the cost analyses

Ms. McCowan gave the Commission an overview of the following plans:

- Macomb County 16th Circuit Court and 42nd District Court
- St. Clair County
- Iosco County
- Midland County
- Osceola County
- Wexford and Missaukee Counties
- Eaton County
- Jackson County
- Shiawassee County
- Grosse Pointe Woods Municipal Court

MIDC staff recommends that the Commission approve both the plans and the cost analyses re-submitted by the systems listed above.

Mr. Shea moved that the staff recommendation be adopted and that the re-submitted plans and cost analyses from the systems listed above be approved. Dr. Schuringa seconded the motion. The motion carried.

The Commission recessed at 11:45 am and resumed its meeting at 12:15 pm.

Approve the cost analyses

The Commission moved to consideration of the re-submitted cost analyses for the following systems:

- 41 a 2 District Court Shelby Township
- 41 b District Court – Clinton Township
- 44th District Court – Royal Oak
- 45th District Court – Oak Park
- 46th District Court – Southfield

Ms. McCowan and Ms. Grillo gave the Commission an overview of the plans for these systems. MIDC staff recommends that the re-submitted cost analyses for the systems listed above be approved (the plans were approved at a previous Commission meeting).

After discussion, Mr. Haveman moved that the staff recommendation be adopted and that the cost analyses for the plans listed above be approved. Dr. Schuringa seconded the motion. The motion carried.

The Commission moved to consideration of the re-submitted cost analyses for the following systems:

- Arenac County
- Bay County
- Clare and Gladwin Counties
- Lake County
- Mason County
- Newaygo and Oceana Counties
- Sanilac County
- Tuscola County

Ms. McCowan and Ms. Klimaszewski gave the Commission an overview of the re-submitted cost analyses for these plans. MIDC staff recommends that the cost analyses re-submitted by these systems be approved.

After discussion, Mr. Swor moved that the staff recommendation be adopted and the cost analyses for the eight systems listed above be approved. Mr. Shea seconded the motion. The motion carried.

The Commission moved to consider the cost analysis resubmitted by Marquette County. Ms. McCowan gave the Commission an overview of the cost analysis. After discussion, Judge Fisher moved that the Commission adopt the MIDC staff recommendation and approve the re-submitted cost analysis. Mr. Swor seconded the motion. The motion carried, Mr. Walker recusing himself from the vote.

The Commission considered the following plans:

- Crawford County
- Iron County
- Leelanau County
- Ontonagon County
- Otsego County
- Presque Isle County
- Schoolcraft County

Ms. McCowan gave the Commission an overview of the re-submitted cost analyses. The MIDC staff recommends that the re-submitted cost analyses for the seven plans listed above be approved.

After discussion, Mr. Shea moved to adopt the staff recommendation and approve the cost analyses for the seven systems listed above. Judge Collins seconded the motion. The motion carried.

The Commission began discussing the following plans:

- Clinton County
- Gratiot County
- Genesee County
- Hillsdale County

Ms. McCowan and Ms. Staley gave the Commission an overview of these re-submitted cost analyses. The MIDC staff recommends that the cost analyses be approved.

After discussion, Judge Fisher moved that the staff recommendation be adopted and the cost analyses for the four plans listed above be approved. Mr. King seconded the motion. The motion carried.

The Commission began discussing the re-submitted cost analyses for the following systems:

- 31st District Court Hamtramck
- 33rd District Court – Trenton
- Grosse Pointe Farms and Shores Municipal Court
- Grosse Pointe City Municipal Court

Ms. McCowan and Ms. McDoniel gave the Commission an overview of the re-submitted cost analyses for the four plans listed above. The MIDC staff recommends that the cost analyses be approved.

After discussion, Judge Collins moved that the staff recommendation be adopted and the re-submitted cost analyses for the four systems listed above be approved. Judge Boyd seconded the motion. The motion carried.

The Commission began discussing the re-submitted cost analyses for the following systems:

- Barry County
- 59-1 District Court – Grandville
- 59-2 District Court – Walker
- 61st District Court – Grand Rapids
- 62a District Court - Wyoming
- 62b District Court – Kentwood
- Ionia County
- St. Joseph County

Ms. McCowan and Mr. Dennie gave the Commission an overview of the re-submitted cost analyses for the eight plans listed above. The MIDC staff recommends that these cost analyses be approved.

After discussion, Mr. Shea moved that the staff recommendation be adopted and the re-submitted cost analyses for the eight systems listed above be approved. Mr. Swor seconded the motion. The

motion carried. Judge Fisher abstained from the vote with respect to the 61st District Court's resubmitted cost analysis.

The next Commission meeting will be April 17. The Commission will consider the remaining resubmissions at this meeting.

Mr. Swor moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried.

The meeting adjourned at 2:06 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
April 17, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Frank Eaman, Derek King, Brandy Robinson, Kristina Robinson, and John Shea

Participating via Telephone

Judge Jeffrey Collins, Nancy Diehl, Tom McMillin, David Schuringa (left at 5:30 pm), William Swor, and Gary Walker

Commission Members Absent

Judge James Fisher and Joseph Haveman

Members of the Public Present Included:

Sharon Arsenault, Kevin Bowling, Malcolm Brown, Peter Cunningham, State Senator Joanne Emmons, Police Chief Corey Haines, State Representative Roger Hauck, Meghann Keit, Richard Lynch, Margaret McAvoy, Melissa March, Judge Michael Martinez, Sara Spencer-Noggle, Judge Geno Salamone, Drew Van de Grift, Lynette Ward and Shelli Weisberg

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski (via telephone), Rebecca Mack, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:10 pm.

Public Comment

Executive Director Loren Khogali introduced staff members. Members of the public were invited to introduce themselves to the Commission and to offer comments.

Drew Van de Grift offered comments on behalf of Wayne County.

Sara Spencer-Noggle and Margaret McAvoy offered comments on behalf of Isabella County.

Judge Geno Salamone offered comments on behalf of 23rd District Court.

Judge Michael Martinez offered comments on behalf of the 50th District Court in Pontiac.

Kevin Bowling, 20th Circuit Court Administrator, offered comments on behalf of Ottawa County.

Malcolm Brown, Deputy County Executive offered comments on behalf of Oakland County.

State Senator Joanne Emmons, 33rd District, offered her support of Isabella County's plan.

State Representative Roger Hauck, 69th District, offered his support of Isabella County's plan.

Additions to the Agenda

There were no additions to the agenda. Mr. Eaman moved that the agenda be approved. Mr. King seconded the motion. The motion carried.

Consent Agenda

Mr. King moved that the minutes be removed from the consent agenda and that the following language be added to page 3: "The Commission Chair Puerner and Member Boyd requested MIDC Staff to work with Oakland County to try to reach an agreement on all parts of the county's compliance plan and cost analysis, except prosecutor costs, and to submit same to the Commission for approval." Judge Boyd seconded the motion. The motion carried.

Judge Boyd moved that the amended minutes be approved. Mr. Eaman seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing.

Executive Director Report

Ms. Khogali gave an overview of her activities since the March meeting. She submitted a written report to members for their review and invited them to contact her with questions.

Bylaw Amendments

Mr. Shea moved that the bylaws be amended as follows: "The Executive Committee shall be a permanent committee consisting of the Chair, Vice Chair and Secretary. The immediate past Chair of the Commission shall be an ex officio and non-voting member of the committee provided the chair remains a member of the Commission." Mr. Eaman seconded the motion. The motion carried.

Annual Report

A draft of the annual report was distributed to Commissioners for their review. Judge Boyd moved that the annual report be approved and published subject to final edits and suggestions made by Commissioners. Mr. Swor supported the motion. The motion carried.

Update of status of distribution of 13(2) compliance planning funds

Ms. Khogali updated the Commission on the process of distributing the funds. The grant to Wayne County was approved by the State's Administrative Board. Wayne County also approved the grant, and submitted a signed copy to Ms. Khogali. Staff continues to work with the Department of Licensing and Regulatory Affairs (LARA) to have payments made and is receiving regular updates from LARA on the payment status.

Consideration of Compliance Plans

Ms. McCowan gave the Commission an update on the compliance plan approval process thus far.

Ms. Kristina Robinson noted that her employer does deal with all of the Wayne County district courts, however her relationship with these courts does not warrant an abstention except in the case of the Wayne County Circuit Court plan.

The four committees met and considered plans referred by staff for committee review.

The committee on district court spending over \$500,000 chaired by Mr. King held a conference call on April 11, 2018 and considered the following plans:

- District 25 – Lincoln Park
- District 29 – City of Wayne
- District 36 – City of Detroit
- District 37 – Warren and Centerline
- District 39 – Roseville and Fraser
- District 43-1 – City of Hazel Park
- District 43-2 – City of Ferndale
- District 50 – City of Pontiac

The construction spending/cost allocation committee chaired by Ms. Diehl held a conference call on April 11 and considered the following plans:

- Alger County
- Branch County
- District 17 – City of Redford
- District 25 – City of Lincoln Park
- District 32a - City of Harper Woods
- District 36 – City of Detroit
- District 37 – Warren and Centerline
- District 41-a-1 – Sterling Heights
- District 48 – Bloomfield Hills
- District 50 – City of Pontiac
- Ingham County

- Ottawa County
- Kalamazoo County
- Washtenaw County

The ancillary spending committee chaired by Dr. Schuringa held a conference call on April 12, 2018 and considered the following plans:

- Alger County
- Charlevoix County
- District 16 – City of Livonia
- District 17 – City of Redford
- District 19 – City of Dearborn
- District 20 – City of Dearborn Heights
- District 21 – Garden City
- District 22 – City of Inkster
- District 23 – City of Taylor
- District 24 – City of Allen Park
- District 25 – City of Lincoln Park
- District 27 – City of Wyandotte
- District 29 – City of Wayne
- District 30 – City of Highland Park
- District 32a – City of Harper Woods
- District 39 – Roseville and Fraser
- District 41-a-1 – City of Sterling Heights
- District 43-2 – City of Ferndale
- District 43-3 – City of Madison Heights
- District 47 – Farmington/Farmington Hills
- District 48 – Bloomfield Hills
- District 50 – City of Pontiac
- District 51 – Waterford Township
- Delta County
- Gogebic County
- Grand Traverse County
- Mackinac County
- Washtenaw County
- Wayne County

The committee for plans seeking grant funding over \$1 million chaired by Mr. McMillin held a conference call on April 12 and considered the following plans:

- Berrien County
- Calhoun County
- Ingham County
- Isabella County
- Kalamazoo County

- Ottawa County
- Saginaw County
- Washtenaw County
- Wayne County.

Consideration of plans

50th District Court – City of Pontiac

Ms. McCowan and Ms. Grillo gave the Commission an overview of the plan for District 50 – City of Pontiac. MIDC staff recommends that the Commission approve the plan but disapprove the cost analysis re-submitted by the City of Pontiac. Judge Martinez and Court Administrator Lynette Ward answered questions regarding the plan.

Judge Boyd moved that the staff recommendation be adopted and that the plan for District 50 – City of Pontiac be approved but the cost analysis be disapproved. Mr. Shea seconded the motion. The motion carried.

The Commission recessed for 10 minutes.

Isabella County

Ms. McCowan and Ms. Klimaszewski gave the Commission an overview of Isabella County's plan. The plan was approved at a previous meeting. The staff recommendation is to disapprove the cost analysis that was resubmitted by Isabella County.

Ms. McAvoy and Ms. Spencer-Noggle answered Commissioners' questions and responded to concerns about the plan.

Judge Boyd moved that the staff recommendation be adopted and that the resubmitted cost analysis for Isabella County be disapproved. Mr. Shea seconded the motion. The motion carried.

23rd District Court - Taylor

Ms. McCowan and Ms. McDoniel gave the Commission an overview of the plan from the 23rd District Court in Taylor. The staff recommendation is to disapprove the cost analysis that was resubmitted by the 23rd District Court.

Judge Salamone answered Commissioners' questions and responded to concerns about the plan.

Mr. Eaman moved that the staff recommendation be adopted and that the cost analysis resubmitted by the 23rd District Court be disapproved. Ms. Brandy Robinson seconded. The motion carried.

43-3 District Court – City of Madison Heights

Ms. McCowan, Ms. Mack and Ms. Grillo gave the Commission an overview of the plan from the 43-3 District Court in Madison Heights. The staff recommendation is to disapprove the cost analysis that was resubmitted by the 43-3 District Court.

Ms. March, Chief Haines and Ms. Arsenault answered Commissioners' questions and responded to concerns raised.

Mr. Shea moved that the staff recommendation be adopted and that the cost analysis resubmitted by 43-3 District Court be disapproved. Mr. Eaman seconded the motion. The motion carried.

Ottawa County

Ms. McCowan, Ms. Mack and Mr. Dennie gave the Commission an overview of the plan from Ottawa County. The staff recommendation is to disapprove the cost analysis that was resubmitted by Ottawa County.

Mr. Bowling answered questions about the plan.

Judge Boyd moved to adopt the staff recommendation and disapprove the cost analysis resubmitted by Ottawa County. Mr. King second the motion. The motion carried.

3rd Circuit Court Wayne County

Ms. McCowan, Ms. Mack, and Ms. McDoniel gave the Commission an overview of the plan from Wayne County. The staff recommendation is to disapprove the cost analysis until the local share can be certified. Ms. McCowan reported that staff received a local share calculation just prior to the Commission meeting and will continue to work with Wayne County to finalize the numbers.

Mr. Van de Grift and Mr. Lynch answered questions about the plan.

Judge Boyd moved that the Commission approve the cost analysis not to exceed \$17,275,171. Mr. Shea seconded the motion. The motion carried. Ms. Kristina Robinson abstained from this vote because she is employed by the Wayne County Sheriff's Office.

Calhoun County

Ms. McCowan and Mr. Dennie gave the Commission an overview of Calhoun County's plan. The staff recommendation is to approve the cost analysis, the plan was previously approved.

Judge Boyd moved that the staff recommendation be adopted and the cost analysis be approved. Ms. Brandy Robinson seconded the motion. The motion carried. Mr. King abstained from the vote because of his position on the Calhoun County Board of Commissioners.

Ingham County

Ms. McCowan and Ms. Staley gave the Commission an overview of Ingham County's plan. The staff recommendation is to approve the cost analysis, the plan was previously approved.

Mr. Shea moved that the staff recommendation be adopted and that the cost analysis be approved. Mr. Eaman seconded the motion. The motion carried. Judge Boyd abstained from the vote.

Disapprove the plan and disapprove the cost analysis

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission disapprove the plan and disapprove the cost analyses resubmitted by the following systems:

- District 25 – City of Lincoln Park
- District 30 – City of Highland Park
- District 43-1 – City of Hazel Park
- Mackinac County
- Montcalm County

Judge Boyd moved that the staff recommendations be adopted, and that both the plans and the cost analyses for the systems listed above be disapproved. Mr. Eaman seconded the motion. The motion carried.

Approve the plan and disapprove the costs analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve the plan and disapprove the cost analyses resubmitted by the following systems:

- District 17 – City of Redford
- District 20 – City of Dearborn Heights
- Grand Traverse County

Judge Boyd moved that the staff recommendation be adopted and that the plans for the systems listed above be approved, but the cost analyses be disapproved. Mr. King seconded the motion. The motion carried.

Disapprove the cost analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission disapprove the cost analyses resubmitted by the following systems:

- Alger County
- Charlevoix County
- Roscommon County
- District 18 – City of Westland
- District 21 – Garden City
- District 22 – City of Inkster
- District 29 – City of Wayne
- Kalamazoo County

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

Approve the plan and approve the cost analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve the plans and approve the cost analyses for the following systems:

- Branch County

- District 24 – City of Allen Park
- District 27 – City of Wyandotte
- District 39 – Cities of Roseville and Fraser
- District 41-a-1 – City of Sterling Heights
- District 43-2 – City of Ferndale
- District 47 – Cities of Farmington and Farmington Hills
- District 48 – Bloomfield, Bloomfield Hills
- Delta County

Judge Boyd moved that the staff recommendation be adopted and that the Commission approve the plans and approve the cost analyses for the systems listed above. Mr. Shea seconded the motion. The motion carried.

Approve the cost analyses (plans approved at an earlier meeting)

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve cost analyses of the following systems:

- Antrim County
- Baraga, Houghton, Keweenaw Counties
- Benzie and Manistee Counties
- Cheboygan County
- Dickinson County
- Gogebic County
- Luce County
- Menominee County
- Saginaw County
- District 16 – City of Livonia
- District 19 – City of Dearborn
- District 32a – City of Harper Woods
- District 36 – City of Detroit
- District 37 – Cities of Warren and Centerline
- District 51 – Waterford Township
- Berrien County
- Washtenaw County

Judge Boyd moved that the staff recommendation be adopted and that the Commission approve the cost analyses for the systems listed above. Mr. King seconded the motion. The motion carried.

Next Meeting

Ms. Khogali will contact Commissioners to determine the next meeting date.

Adjourn

Mr. Shea moved that the meeting be adjourned. Mr. Walker seconded the motion. The motion carried.

The meeting was adjourned at 5:48 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
June 12, 2018
Time: 10:00 AM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Judge James Fisher, Derek King, Brandy Robinson, Kristina Robinson, Dr. David Schuringa and Gary Walker

Participating via Telephone

Nancy Diehl and William Swor

Commission Members Absent

Joseph Haveman, Tom McMillin and John Shea

Members of the Public Present Included:

Malcolm Brown, Barbara Caskey, James Gibbs, Linda Howell, Margaret McAvoy, Elliot Nelson, Sarah Spencer-Noggle, Kay Perry and Dawn Van Hoek

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Jana Mathieu (via telephone), Marla McCowan, Kelly McDoniel, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:07 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments. Those individuals with comments on specific plans were also given the opportunity to do that as the plan was being discussed.

Sara Spencer-Noggle offered comments on behalf of Isabella County.

Additions to the Agenda

There were no additions to the agenda.

Consent Agenda

Judge Fisher moved that the consent agenda containing the minutes from April 17, 2018 be adopted. Mr. King seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing.

Executive Director Report

Ms. Khogali provided a written report for Commissioners and welcomed any questions about its content.

Legislative Update

Ms. Khogali updated the Commission on the status of the appropriations bills. She also updated Commissioners on House Bill 5985, which amends the MIDC Act. Judge Boyd thanked the State Bar of Michigan, Marcia Hune, and the State Court Administrative Office for their help with the legislation. Mr. Puerner thanked the ACLU-MI for its assistance.

Update on 13(2) Compliance Planning Funds

With the exception of three plans, all of the plans with planning costs that were approved by the April 17, 2018 meeting have been submitted to the Department of Licensing and Regulatory Affairs (LARA) for payment. Staff will continue working with LARA on the plans approved today.

Implementation of Compliance Plans

Ms. Khogali and Ms. McCowan updated the Commission on how compliance plans would be implemented after funding was secured.

Research Update

Dr. Siegel updated the Commission on the Research Unit's work. The workload study is underway. RAND Corporation is currently recruiting attorneys to participate in the first phase of the study. The study will launch June 25, 2018 and the process will conclude with caseload recommendations in September. A client study will begin with two focus groups this month. A Request for Proposals for the standards evaluation study is in progress, this is the two year study of the process and implementation of first set of standards.

Compliance Plans

The Committee on District Court Spending over \$500,000 held a conference call on June 6th to discuss the following plans:

- D 25 – Lincoln Park (Wayne County)
- D 43-1 – City of Hazel Park (Oakland County)
- D 50 – City of Pontiac (Oakland County)

The Committee for Plans seeking over \$1 Million in grant funding held a conference call on June 7th to discuss the following plans:

- Oakland County
- Isabella County
- Kalamazoo County
- Ottawa County

The Committee on Construction/Cost Allocation held a conference call on June 8th to discuss the following plans:

- Grand Traverse County
- Oakland County
- D 50 – City of Pontiac (Oakland County)
- Kent County – 17th Circuit Court
- Ottawa County

The Committee on Ancillary Staff Spending held a conference call on June 8th to discuss the following plans:

- Alger County
- Charlevoix County
- D 17 – City of Redford (Wayne County)
- D 20 – City of Dearborn Heights (Wayne County)
- D 21 – Garden City (Wayne County)
- D 22 – City of Inkster (Wayne County)
- D 23 – City of Taylor (Wayne County)
- D 25 – City of Lincoln Park (Wayne County)
- D 29 – City of Wayne (Wayne County)
- D 30 – City of Highland Park (Wayne County)
- D 34 – City of Romulus (Wayne County)
- D 38 – City of Eastpointe (Macomb County)
- D 40 – City of St. Clair Shores (Macomb County)
- D 43-1 – City of Hazel Park (Oakland County)
- D 43-3 – City of Madison Heights (Oakland County)
- D 50 – City of Pontiac (Oakland County)
- Grand Traverse County
- Kalkaska County
- Kent County – 17th Circuit Court
- Kalamazoo County
- Oakland County
- Mackinac County

Disapprove Plans and Disapprove Cost Analyses

Ms. McCowan provided an overview of Oakland County's plan. Mr. Malcolm Brown commented on the areas of dispute between Commission staff and Oakland County. Judge Charles Goedert of Hazel Park's 43rd District Court joined via telephone to provide comments about the plans for Oakland County and Hazel Park.

MIDC staff recommends that the Commission disapprove the plan and the cost analysis resubmitted by Oakland County. Judge Boyd moved that the staff recommendation be adopted. Mr. Eaman seconded the motion. The motion carried.

Approve Plans and Disapprove Cost Analyses

Ms. McCowan provided an overview of the following plans:

- Montcalm County
- 43-1 District Court in Hazel Park

MIDC staff recommends that the two plans listed above be approved, but the cost analyses be disapproved. Judge Fisher moved that the staff recommendation be adopted. Judge Collins seconded the motion. The motion carried.

Disapprove the Cost Analyses (Plans Previously Approved)

Ms. McCowan provided an overview of the following plans:

- Isabella County
- 17th District Court, Redford

MIDC staff recommends that the cost analyses resubmitted by the systems listed above be disapproved. Judge Collins moved that the staff recommendation be adopted. Mr. King seconded the motion. The motion carried.

Approve the Plans and Approve the Cost Analyses

Ms. McCowan provided an overview of the following plans:

- 25th District Court, Lincoln Park
- 30th District Court, Highland Park
- 34th District Court, Romulus
- 38th District Court, Eastpointe
- 40th District Court, St. Clair Shores
- Mackinac County

MIDC staff recommends that the Commission approve both the plans and cost analyses resubmitted by the systems listed above. Mr. King moved that the staff recommendation be adopted. Ms. Brandy Robinson seconded the motion. The motion carried.

Approve the Cost Analyses (Plans were approved at previous meetings)

Ms. McCowan gave the Commission an overview of the following plans:

- Alger County

- Charlevoix County
- Grand Traverse County
- Kalkaska County
- 18th District Court, Westland
- 20th District Court, Dearborn Heights
- 21st District Court, Garden City
- 22nd District Court, Inkster
- 23rd District Court, Taylor
- 29th District Court, Wayne
- 43-3 District Court, Madison Heights
- 50th District Court, Pontiac
- 17th Circuit Court, Kent County
- 63rd District Court, Kent County
- Kalamazoo County
- Ottawa County
- Roscommon County

MIDC staff recommends that the Commission approve the cost analyses resubmitted by the systems listed above. Mr. Walker moved that the staff recommendation be adopted. Judge Collins seconded the motion. The motion carried.

Mediation

Ms. Khogali provided an overview of the statutory provisions related to mediation. She provided a written report to Commissioners on the issue and indicated that members of the Commission had suggested two names for potential mediators.

Mr. Walker moved that Judge Fisher and Ms. Khogali work with staff to make recommendations on mediation. Mr. Eaman seconded the motion. The motion carried.

Adjourn

Mr. Eaman moved that the Commission be adjourned until the public hearing on the same date at 1:00 pm. Judge Fisher seconded the motion. The motion carried.

The meeting adjourned at 12:31 pm.

Respectfully submitted,
 Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
June 12, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Judge James Fisher, Derek King, Brandy Robinson, Kristina Robinson, Dr. David Schuringa and Gary Walker

Participating via Telephone

Nancy Diehl

Commission Members Absent

Joseph Haveman, Tom McMillin and John Shea

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) public hearing on proposed standards 5 - 8 to order at 1:07 pm.

Jonathan Sacks, Executive Director of the State Appellate Defender Office provided written comments and offered public comment about all four standards.

Mary Ann Jerge, Oakland County Corporation Counsel, offered public comment about Standard 8

Mark McWilliams, Michigan Protection and Advocacy Services, offered public comment about all four standards and provided written comments.

The Prosecuting Attorneys Association of Michigan provided written comments and Executive Director Larry Burdick did not wish to speak but was available for questions.

Muskegon County Public Defender Fred Johnson previously submitted written comments and was available for questions at the public hearing.

Public comment concluded at 1:28 pm.

Ms. Khogali indicated that the comments the MIDC received have been posted on the Commission's website, and encouraged other interested parties to submit comments.

Adjourn

Mr. Eaman moved that the public hearing be adjourned. Mr. King seconded the motion. The motion carried.

Meeting adjourned at 1:58 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
August 21, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Frank Eaman (joined at 1:20 pm), Judge James Fisher (joined at 1:35 pm), Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson, Kristina Robinson, Dr. David Schuringa (joined at 1:20 pm), John Shea (joined at 1:55 pm), William Swor, and Gary Walker

Participating via Telephone

Judge Jeffrey Collins and Nancy Diehl

Commission Members Absent

None

Members of the Public Present Included:

Nancy Baldwin, Malcolm Brown, Peter Cunningham, Meghann Keit, Brian Kennedy, Richard Lynch, Drew Van de Grift, Shannon Virtue, Shelli Weisberg, Kevin Yee

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo (via telephone), Marla McCowan, Kelly McDoniel (via telephone), Rebecca Mack, Deborah Mitchell, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public Comment

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

Drew Van de Grift offered comments on behalf of Wayne County.

Kevin Yee and Nancy Baldwin offered comments on behalf of the 45th District Court in Oak Park.

Shannon Virtue offered comments on behalf of Ottawa County.

Meghann Keit offered comments on behalf of the Michigan Association of Counties. The organization also distributed a letter to members of the Commission.

Malcomb Brown offered comments on behalf of Oakland County.

Additions to the Agenda

There were no additions to the agenda. Mr. McMillin moved that the agenda be adopted, Mr. Swor supported the motion. The motion carried.

Consent Agenda

Judge Boyd moved that the consent agenda containing the minutes from the meeting and public hearing on June 12, 2018 be adopted. Mr. Swor seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing. He thanked the members for their work over the last few months attending extra meetings and meeting the deadlines to review compliance plans.

Executive Director Report

Ms. Khogali provided a written report for Commissioners and welcomed any questions about its content. She thanked the staff and commissioners and staff for their hard work participating in committee meetings and reviewing the standards leading up to the Commission meeting.

Mediation

Ms. Khogali reviewed the settlement agreements for Montcalm County and Redford Township. Both of these local funding units have reached agreement with the MIDC before formal mediation, and both have signed their respective agreements.

Judge Boyd moved that the settlement agreements be approved. Mr. Swor seconded. The motion carried.

Ms. Khogali updated the Commission on the mediation with Isabella County. She thanked Chair Puerner, Ms. McCowan and Barbara Klimaszewski for their help and participation in the mediation. She presented a mediation settlement for the Commission's approval. The agreement provides that the MIDC will approve funding of up to \$35,000 for identified security system components.

Judge Boyd moved that the mediation settlement be approved. Mr. Swor seconded the motion. The motion carried.

Update on 13(2) Compliance Planning Funds

All of the plans with planning costs have been submitted to the Department of Licensing and Regulatory Affairs (LARA) for payment.

Presentation of Operating Budget

Ms. Khogali provided written copies of the MIDC's operating budget and a narrative for the Commissioners to review. Ms. Khogali and Ms. Westrate answered questions about the budget.

Mr. McMillin moved that the operating budget for the 2019 fiscal year beginning October 1, 2018 be approved. Judge Boyd seconded the motion. The motion carried.

Research Update

Dr. Siegel updated the Commission on the Client Study the Research Unit has undertaken. In May and June, Dr. Siegel and Ms. Grillo went to three counties and did seven focus groups with incarcerated clients Ingham, Mason and Wayne Counties. They talked to 30 clients who had already been sentenced and who had been appointed counsel about MIDC Standards 2 and 4, and about the individuals' experiences in current and in past cases. Dr. Siegel answered questions about the study and his process.

Dr. Siegel updated the Commission on the Caseload Study. The time tracking part of the study began in mid-June. The next part of the study is a Time Sufficiency Survey to present results from the time study and determine whether those averages are reasonable. Indigent defense attorneys from throughout the state will be invited to take part in the survey. The final part in the study will be a Delphi Panel that will synthesize the opinions of select attorneys with extensive experience in the delivery of criminal defense in Michigan. The Panel will be held at the MIDC Lansing Office in September. Dr. Siegel anticipates having a draft report in November.

Approval of Standards

Standard 5

Ms. Diehl, Selection Standards Committee Chair, presented an overview of the changes the committee made to Standard 5. Mr. Eaman proposed an additional change to the staff comments. Mr. Eaman moved that the committee changes to Standard 5 and the modification of the staff comment be approved and that the revised version be submitted to LARA Director Shelly Edgerton for her approval. Ms. Diehl seconded the motion. The motion carried.

Standard 7

Ms. Brandy Robinson, Training and Evaluation Committee Chair, presented an overview of the changes the committee made to Standard 7. Judge Boyd moved that the changes to Standard 7 be approved and that the revised version be submitted to Director Edgerton for her approval. Mr. Walker seconded the motion. The motion carried.

Standard 8

Judge Fisher, Indigence and Compensation Committee Chair, presented an overview of the changes the committee made to Standard 8. The Commission discussed amending the title of the standard. Mr. McMillin moved that the changes to Standard 8 be approved, the title be amended, and that the revised version be submitted to Director Edgerton for her approval. Mr. Swor seconded the motion. The motion carried.

Standard 6

Chair Puerner, who also chaired the Performance Standards Committee, gave an overview of the committee's meeting. The committee determined no additional changes were necessary to the proposed standard before its consideration by the Commission.

Judge Boyd moved that Standard 6 be adopted as written. Mr. Swor seconded the motion. After discussion, the motion carried.

Upper Peninsula Regional Meeting

Ms. McCowan gave an overview of the meeting she organized to discuss regional delivery of services in the Upper Peninsula. Ms. Khogali, Ms. Mack, Ms. Klimaszewski and Mr. Walker also participated in the meeting.

The Commission meeting recessed for 20 minutes and resumed at 3:50 pm.

Planning for Distribution of Grants and Implementation

The Commission reviewed the materials provided by staff with the proposed distribution process and timeline.

Ms. Mack gave an overview of the proposed process. The recommendation for distribution is 20% of the grant at the beginning of the grant period with the remainder being distributed on a reimbursement basis. Ms. Mack reviewed the quarterly financial status report form that will be required. She reviewed the process by which local systems could request a budget document and what that process would require. Mr. Shea suggested an amendment to the grant agreement template.

Ms. McCowan reviewed the proposed guideline document to assist local indigent defense delivery systems.

Dr. Siegel gave an overview of the information that would be collected about implementation and noted why this information was important to MIDC's mission. Dr. Siegel presented the idea of piloting the use of a centralized data collection system in the public defender offices for one year. The program that would be used would be defenderData; this is a program that several systems included in their compliance plans.

Judge Boyd moved to support the defenderData pilot project and for the Commission to fund a maximum of \$57,604 towards this project. Mr. Haveman seconded the motion. The motion carried.

Ms. McCowan reviewed proposed internal operating procedures (IOPs) to formalize the processes presented in the draft guide. The Commission proposed an amendment to reference the documents that were approved at today's meeting within the IOPs.

Mr. Swor moved to approve the grant template with the amendment discussed by the Commission, the IOPs as amended by the Commission, and the Guide for Compliance Reporting and Distribution of Funds. Judge Boyd seconded the motion. The motion carried, Mr. King opposed the motion.

The Commission discussed the process of systems' transitions from the current method of providing indigent defense to the method provided in the plans so that there would not be a loss in services.

Judge Fisher moved that the Commission fund systems as the transition to complying with the standards was implemented. Mr. Walker seconded the motion. The motion carried, Judge Boyd and

Ms. Kristina Robinson abstaining because their respective counties would be affected by this decision.

Antrim County Clerical Error

Ms. Khogali and Ms. McCowan reviewed a clerical error that occurred in the approval process for Antrim County.

Judge Boyd moved that Antrim County’s cost analysis be changed reflect system costs of \$232,000, a local share of \$78,431, and a state grant amount of \$153,569. Mr. Walker seconded the motion. The motion carried.

Coordination of Standard 1 Resources to Local Systems

Ms. Khogali and Ms. McCowan gave the Commission an overview of the proposal to combine payments to organizations providing training. One check would be provided from the MIDC from its funding for compliance grants to specific organizations who were included in various compliance plans. Ms. Khogali indicated that this method of paying was acceptable provided that each local system had the opportunity to opt out of the arrangement.

Judge Boyd moved that Commission staff contact local systems and allow them to opt out of centralized Standard 1 payments to organizations providing training. Mr. Walker seconded the motion. The motion carried.

Staff Training

Ms. Khogali reviewed a request for out-of-state travel provided to Commissioners for review. Judge Boyd moved that the training request be approved. Mr. Walker seconded the motion. The motion carried.

The Commission’s next meeting will be October 16, 2018 at 1:00 pm.

Mr. Shea moved that the meeting be adjourned. Mr. Eaman seconded the motion. The motion carried.

The meeting adjourned at 5:40 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
October 16, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson, Kristina Robinson, Dr. David Schuringa, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl

Commission Members Absent

John Shea

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Eugene Butler, Barbara Caskey, Christopher Forsyth, Jennifer France (via telephone), Mary Ann Jerge, Fred Johnson, Brian Kennedy, Mickey Knight, John Nizol, Donald Parker, Craig Paul, Kay Perry, Laura Porter (via telephone), Mary Ann Talon, Genevieve Taylor (via telephone), Dawn Van Hoek, Nancy Waldman, Frank Waters, Shelli Weisberg,

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Chris Sadler, Jonah Siegel, Kristen Staley (via telephone), and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:08 pm.

Public Comment

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

Grand Traverse and Oakland Counties submitted letters to the MIDC in September that were distributed to members of the Commission.

Jennifer France offered comments on behalf of the Chippewa County Public Defender's Office.

Nancy Waldman from the 45th District Court in Oak Park offered comments in support of that system's request for additional grant funding.

Deena Bosworth offered comments on behalf of the Michigan Association of Counties.

Mary Ann Jerge offered comments on behalf of Oakland County.

Donald Parker, Chair of the Livingston County Board of Commissioners, offered comments on behalf of that county.

Christopher Forsyth offered comments on behalf of Grand Traverse County.

Craig Paul offered comments on behalf of Kent County.

Fred Johnson, Muskegon County Public Defender, offered comments on behalf of that county.

Dawn Van Hoek offered comments on behalf of Wayne County regarding that county's request to extend the date on its planning grant.

Additions to the Agenda

There were no additions to the agenda. Mr. Swor moved that the agenda be adopted, Mr. Walker supported the motion. The motion carried.

Consent Agenda

Ms. Brandy Robinson moved that the consent agenda containing the minutes from the meeting on August 21, 2018 be adopted. Judge Boyd seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing.

Executive Director Report

Ms. Khogali provided a written report for Commissioners and welcomed any questions about its content. She thanked the staff and commissioners for their ongoing work and participation in meetings, mediation and presentations since the last commission meeting.

Macomb Feasibility Study Presentation and Discussion

Ms. Grillo provided an overview of the study. Ms. Taylor and Ms. Porter presented via telephone about the details of the project and its findings. Ms. Caskey and Mr. Nizol offered their perspectives on the project.

Mediation

Oakland County

Ms. Khogali and Ms. McCowan provided an overview of the unresolved issues in the Oakland County mediation. Ms. Khogali thanked Ms. Brandy Robinson for attending the mediation sessions on behalf of the Commission.

The disapproval of the compliance plan was based on the inclusion of funding for prosecutors and magistrates (and related funding requests). Ms. Khogali and Ms. McCowan advised the Commission that the parties have been unable to reach a resolution to dispute. Pursuant to MCL 780.995(2)(b), MIDC staff worked with Oakland County to complete a final compliance plan and cost analysis.

Judge Fisher moved that Oakland County's final plan and final cost analysis be approved. Mr. Swor seconded the motion. The motion carried.

Isabella County

Ms. Khogali and Ms. McCowan provided an overview of the mediation process with Isabella County. Ms. Khogali thanked Mr. Puerner for attending on behalf of the Commission.

Mr. Swor moved that the mediation settlement and revised cost analysis be approved. Judge Fisher seconded the motion. The motion carried.

Hazel Park

Ms. Khogali and Ms. McCowan provided an overview of the mediation process with Hazel Park.

Judge Fisher moved that the mediation settlement, the revised plan and the revised cost analysis be approved. Judge Boyd seconded the motion. The motion carried.

Discussion of Grant Disbursement and Requests by Local Systems

Wayne County Request for Extension of Planning Grant

Ms. Khogali updated the Commission on the project and its activities. Wayne County has requested a 60-day extension on the grant through May 31, 2019. Ms. Van Hoek provided an overview of the County's Request for Proposals process and current timeline.

Judge Collins moved that Wayne County be given the 60-day extension. Judge Fisher seconded the motion. The motion carried, Ms. Kristina Robinson abstaining from the vote.

The Commission recessed from 2:55 pm until 3:19 pm.

Oak Park Grant Amendment Request

Ms. McCowan provided an overview of the request. Ms. Mack reviewed the initial cost analysis submitted by the local system. Ms. Grillo provided additional details. Ms. Waldman answered questions from the Commission.

Judge Fisher moved that Oak Park's request to amend its grant amount for construction costs be forwarded to the Construction/Cost Allocation Committee chaired by Ms. Diehl for that Committee's review. Mr. Eaman seconded the motion. The motion carried.

Houghton Grant Agreement Request

Ms. McCowan provided an overview of the request. Houghton requested the advance on its grant be increased to 50%. MIDC staff recommends that this amount be advanced.

Judge Boyd moved that the staff recommendation be adopted, and that Houghton be advanced 50% of its grant amount. Judge Fisher seconded the motion. The motion carried.

Discussion of Grant Disbursement to Local Systems

Chair Puerner updated the Commission on the work done with individual counties and the Michigan Association of Counties. Chair Puerner provided an overview of the Executive Committee's proposed changes to the grant agreement including changes in the distribution of funds and a modification of the compliance reporting requirements. The Executive Committee proposes a distribution schedule of a 50% initial distribution, and one 25% distribution in January of 2019 and the final distribution in April of 2019.

Judge Boyd moved that the Commission modify the distribution schedule to a 50% initial disbursement and then two subsequent 25% distributions, contingent upon the passage of a subsequent motion regarding compliance reporting requirements. Judge Fisher seconded the motion. The motion carried.

Judge Boyd moved that the Executive Director be authorized to continue working with individual systems on quarterly reporting requirements, and this schedule be included as part of the grant agreement that will be distributed to and signed by local systems. Judge Fisher seconded the motion. The motion carried.

The Commission did not discuss the calculation and application of the requirement in MCL 780.993 (10) that gives an indigent criminal defense system 180 days to comply with the terms of the approved plan. Judge Fisher moved that the issue be tabled. Judge Boyd seconded the motion. The motion carried.

Standards 5-8 Update

Ms. McCowan gave an overview of some of the questions that she and regional managers were receiving on the implementation of standard 8.

The Standard 6 Caseload Committee met and recommended that the Commission move forward with Standard 6 as written and submitted to the Department of Licensing and Regulatory Affairs (LARA). The Committee further recommends that the Commission review the preliminary recommended case maximums, as well as the RAND Corporation report, which staff expects to receive in November, and determine how to implement the new findings including the eventual submission of an amended standard. Once the report is complete, regional managers will share the findings with their funding units to notify them of what they may expect in future plan and grant cycles.

Dr. Siegel gave an update of the process and results of the workload study.

Judge Boyd moved that the Standard 6 Caseload Committee's recommendation be adopted. Mr. Swor seconded the motion. The motion carried.

Attorney General Memoranda of Understanding (MOU)

Ms. Khogali presented two memoranda for the Commission's review.

Judge Boyd moved that both be adopted. Judge Fisher seconded the motion. The motion carried.

Discussion of Collection of Reimbursements and Workgroup

Ms. Khogali summarized the meetings held between the MIDC, LARA, the State Budget Office and the State Court Administrator's Office to discuss collections of reimbursements from partially indigent defendants pursuant to the amended MIDC Act. Ms. Khogali recommended that a small workgroup be created to work on this issue.

Judge Boyd moved that the workgroup be created. Mr. Swor seconded the motion. The motion carried.

Discussion of Partial Indigency Standards Committee Charge

Ms. Khogali recommended that a combined committee with those members involved in the amendments to the MIDC Act and the Indigence and Compensation Committee begin working on standards to determine whether defendants are defined as indigent or partially indigent.

Judge Boyd moved that the committee be created and that Chair Puerner appoint its members. Mr. Walker seconded the motion. The motion carried.

Judge Collins moved that the meeting be adjourned. Mr. Swor seconded the motion. The motion carried.

The Commission's next meeting will be December 18, 2018.

The meeting adjourned at 5:00 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
December 18, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins (joined at 1:45 pm), Judge James Fisher, Joseph Haveman, Derek King, Kristina Robinson and John Shea

Participating via Telephone

Nancy Diehl, Frank Eaman, Brandy Robinson, Dr. David Schuringa, William Swor, and Gary Walker

Commission Members Absent

Tom McMillin

Members of the Public Present Included:

Malcolm Brown, Peter Cunningham, Judge Michelle Friedman Appel, Robert Hamilton, Meghann Keitt, Craig Paull, ~~Mary Ann~~ Marianne Talon, Dawn Van Hoek, Nancy Waldman, Sherri Washabaugh and Shelli Weisberg

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo (via telephone), Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Chris Sadler, Jonah Siegel, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:05 pm.

Public Comment

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

Craig Paull offered comments on behalf of Kent County.

Additions to the Agenda

Judge Fisher moved to add two items to the agenda. The first is to remove from the table the issue of the calculation and application of the requirement in MCL 780.993 (10) that gives systems 180 days to comply with the terms of the approved compliance plan. This issue was tabled on October 16, 2018. Judge Fisher further moved that an agenda item be added to discuss a new Oakland County lawsuit. The motion was seconded by Judge Boyd. The motion carried.

Judge Boyd moved that the amended agenda be adopted. Judge Fisher seconded the motion. The motion carried.

Consent Agenda

Judge Boyd moved that the consent agenda including the minutes from October 16, 2018 be approved. Judge Fisher seconded the motion. The motion carried.

Chair Report

Chair Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing. He welcomed Ms. Wangler, who recently started working as the Commission's Regional Manager for the Northern Michigan region. Chair Puerner thanked Mr. Dennie and Ms. Grillo for their work. Mr. Dennie recently accepted a position as the Kent County Public Defender and Ms. Grillo is returning to private practice.

The comment period for Standards 5 – 8 closed. The comments have been compiled and will be forwarded to the Director of Licensing and Regulatory Affairs (LARA) for her review.

Executive Director Report

Ms. Khogali highlighted the successes of the Commission and its staff over the last few months. She updated the Commission on various topics and invited Commissioners to contact her for additional information.

Update of Distribution of MIDC Grants to Local Funding Units

Ms. McCowan updated the Commission on the number of contracts completed and funding distributed. Staff has scheduled webinars for local systems to assist with compliance reporting.

The Commission reviewed the number of incomplete contracts. Judge Boyd moved that the Executive Director notify systems that the incomplete contracts must be returned and finalized by January 31, 2019. Judge Fisher seconded the motion. The motion carried.

Requests for Plan Changes

Three systems have requested plan adjustments that are significant enough to require Commission review and approval.

Arenac County requested a plan revision to include a clerk to gather reporting data for a maximum of five hours per week at \$17/hour plus fringe benefits. The county requested an attorney administrator to appoint the attorneys, authorize experts and investigators and review and approve hourly bills. This position would be a contract position at a rate of \$100/hour for a maximum of 10 hours per month and an annual maximum of \$12,000. Changes can be made between categories in the budget to make the change without a grant increase.

Delta County requested several adjustments to account for contract revisions currently occurring in that county. The county would like to hire an attorney to serve as house counsel for arraignments and appointment administration. Changes can be made between categories in the budget to make the change without a grant increase.

Wayne County requested several changes to enable the county to move towards judicial independence by hiring an MIDC Administrator. This Administrator will review requests for investigators and experts and develop and administer screening protocols for eligibility for these requests. Changes can be made between categories in the budget to make the change without a grant increase.

Judge Boyd moved that the adjustments requested by Arenac, Delta and Wayne Counties be approved. Mr. Shea seconded the motion. The motion carried.

Requests to change the cost analysis

The 48th District Court in Bloomfield Hills is participating in Oakland County's county-wide program to implement Standard 4. Funding for Standard 4 was inadvertently omitted from the system's cost analysis. MIDC staff recommends that \$41,219 be added to the 48th District Court plan and that this amount be deducted from Oakland County's plan.

Judge Boyd moved that \$41,219 be moved from Oakland County's plan to the 48th District Court plan. Mr. Swor seconded the motion. The motion carried.

The 45th District Court in Oak Park requested an increase in grant funding of \$29,346 to supplement \$7500 which was included in the approved plan (for a total of \$36,846) for court construction costs. Judge Friedman Appel and Ms. Waldman commented on behalf of the 45th District Court.

Ms. Diehl moved that the Commission approve a total of \$36,846 for the construction project and that the Commission empower staff to make the adjustment within the existing budget's line items to cover the cost of the project. Ms. Diehl further moved that, if after six months there is not money in the budget to pay for this request, it be reconsidered by the Commission. Judge Boyd seconded the motion. After discussion, Chair Puerner called for a roll call vote. The motion carried. Eight members voting yea (Chair Puerner, Judge Boyd, Judge Collins, Ms. Diehl, Mr. Eaman, Mr. King, Mr. Swor and Mr. Walker), four members voting nay (Judge Fisher, Mr. Haveman, Ms. Kristina Robinson and Mr. Shea), and two members abstaining (Ms. Brandy Robinson and Dr. Schuringa).

Regional Highlights and Leadership Gathering

Ms. McCowan provided an overview of the status of systems by region. There will be a leadership gathering for the heads of public defender offices on February 8, additional information will be on the MIDC's website.

MATCP proposal for Standard 4 implementation

Ms. McCowan will submit a program proposal for the Michigan Association of Treatment Court Professionals (MATCP) statewide conference.

The Commission recessed at 3:00 pm for 10 minutes.

Process for providing the State Budget Office and estimate for FY 20 Grant Funding

Ms. Khogali provided an update on her communications with the State Budget Office (SBO) regarding a plan to develop estimates for the funding needed in the 2020 fiscal year that begins October 1, 2019. Ms. Khogali and staff will work with systems on developing a budget for the next fiscal year and will bring changes in compliance plans to the Commission for approval at its April meeting.

Additional agenda item: Calculation and Application of the 180-day Requirement in MCL 780.993 (10)

Judge Fisher moved that the issue, which was tabled on October 16, 2018, be removed from the table. Judge Boyd seconded the motion. The motion carried.

Judge Boyd moved that the Commission actively interpret MCL 780.993 (10) (MCL 780.993 (11) after the modifications to the statute go into effect on December 23, 2018) to read that the 180-day period begins with the first dollar arrives from the state to the local system. Judge Fisher seconded the motion. The motion carried.

Committee/Workgroup Updates

The Commission received updates on the Court Rules Committee, the Standard 8 Committee and the MIDC/SCAO Workgroup on Collection of Reimbursements.

Research Update

Dr. Siegel provided an update on the Standards Implementation Study and the RAND Caseload Report. He presented on the need for a uniform case management system and described the challenges of collecting data without this system.

Judge Boyd moved to authorize Dr. Siegel and MIDC staff to spend up to \$200,000 on the development on a new case management system and to work with LARA to make sure that state requirements for bidding, procurement and development are followed. Mr. Swor supported the motion. The motion carried.

Wayne County Update

Ms. Van Hoek updated the Commission on Wayne County's progress on implementing changes to that County's indigent defense system.

Nominations Committee Report

Judge Boyd reported that the Nominations Committee met via conference call and recommended that the current officers be reelected for the 2019 calendar year. Chair Puerner would remain as Chair, Ms. Brandy Robinson would remain as Vice Chair and Mr. Walker would remain as Secretary. Judge Fisher moved that the Nominations Committee's recommendation be adopted. Mr. Shea seconded the motion. The motion carried.

Judge Fisher moved that, pursuant to MCL 15.268 (e), [that the Commission meet in closed session under section 8\(e\) of the Open Meetings Act to consult with counsel regarding trial/settlement strategy in connection with Oakland County v. MIDC..](#)

Judge Boyd seconded the motion. Chair Puerner requested a roll call vote. The motion carried with 13 members voting yea (Chair Puerner, Judge Boyd, Judge Collins, Ms. Diehl, Mr. Eaman, Judge

Fisher, Mr. King, Ms. Brandy Robinson, Ms. Kristina Robinson, Dr. Schuringa, Mr. Shea, Mr. Swor and Mr. Walker), 0 members voting nay and 0 abstentions. The motion carried. The Commission moved to closed session at 4:50 pm.

Judge Fisher moved that the Commission return to open session. Judge Boyd seconded the motion. Chair Puerner requested a roll call vote. The motion carried with 13 members voting yea (Chair Puerner, Judge Boyd, Judge Collins, Ms. Diehl, Mr. Eaman, Judge Fisher, Mr. King, Ms. Brandy Robinson, Ms. Kristina Robinson, Dr. Schuringa, Mr. Shea, Mr. Swor and Mr. Walker), 0 members voting nay and 0 abstentions. The Commission returned to open session at 5:14 pm.

Judge Fisher moved that the meeting be adjourned. Mr. Shea seconded. The motion carried. The meeting adjourned at 5:15 pm.

The next meeting will be February 12, 2019 at 11:00 am.

Respectfully submitted,

Marcela Westrate