



MICHIGAN INDIGENT
DEFENSE COMMISSION

Date: Tuesday, August 18, 2020, Time: 9:00 a.m.

<https://us02web.zoom.us/j/88068244260>

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MEETING AGENDA

1. Roll call and opening remarks
2. Introduction of Commission members and guests
3. Public comment
4. Additions to agenda
5. Consent agenda – June 16, 2020 Meeting Minutes
6. Chair Report
7. Executive Director Report
8. Commission Business
 - a. FY21 Legislative Appropriation Update
 - b. Byrne JAG Grant (Action requested)
 - c. FY21 Proposed Budget (Action requested)
 - d. FY21 Compliance Planning Process
 - o Report of Compliance Planning Committee (Action requested)
 - o Recommendation to adopt guiding document
 - o Compliance Plan Assessment Tool
 - e. FY20 Compliance Updates
 1. Plan changes (Action requested)
 2. Budget adjustments
 - o FY20 3rd Quarter Reporting
 - o Budget adjustments
 - f. Review of FY21 Compliance Plan Submissions (Action requested)
 - **Staff recommendation: Reject Plan and Reject Cost Analysis**
 - No submission to review:*
 1. D 20 Dearborn Heights
 2. D 30 Highland Park
 3. D 43-1 Hazel Park
 - Rejection of submissions:*
 4. D 22 - Inkster
 5. D 27 - Wyandotte
 6. Grosse Pointe Woods
 7. D 37 – Warren/Centerline
 8. D 38 Eastpointe
 9. D 46 – Southfield
 10. Allegan/Van Buren Counties
 11. Calhoun County

12. D 61 – Grand Rapids
13. D 62a – Wyoming (59-1, 59-2, 62b)
14. Kent County (C17 and D63)
15. Muskegon County
16. Midland County

- **Staff Recommendation: Approve plan, reject cost analysis**

17. Alger County
18. D 43-3 Madison Heights
19. D 51 Waterford
20. Lapeer County
21. Ionia County
22. Kalamazoo County
23. D 17 - Redford
24. D 25 – Lincoln Park
25. D 34- Romulus
26. Wayne County (Circuit only)
27. Alpena County
28. Montmorency County
29. Iosco County
30. Jackson County
31. Monroe County
32. Washtenaw County (all)

- **Staff Recommendation: Approve plan, approve cost analysis**

33. D 19 - Dearborn
34. D 33 - Trenton
35. D 35 - Plymouth
36. D 39 – Roseville/Fraser
37. D 41-a-1 – Sterling Heights
38. D 43-2 – Ferndale
39. D 44 Royal Oak
40. D 45 Oak Park
41. Mackinac County
42. Berrien County
43. Branch County
44. Livingston County
45. Shiawassee County
46. Alcona County
47. Arenac County
48. Isabella County
49. Oscoda County
50. Sanilac County
51. Clare/Gladwin Counties
52. Lake County
53. Mason County
54. Newaygo County
55. Oceana County
56. Bay County
57. Dickinson County
58. Charlevoix County

59. Leelanau County
60. Schoolcraft County
61. Cass County
62. Cheboygan County
63. Wexford-Missaukee Counties
64. D 29 – City of Wayne
65. D 40 – St. Clair Shores
66. Ogemaw County
67. Tuscola County
68. D 41-a-2 – Shelby Twp
69. D 41-b Mt. Clemens
70. Ottawa County
71. Eaton County
72. Saginaw County
73. Montcalm County
74. St. Joseph County
75. Huron County
76. Osceola County
77. Baraga/Houghton/Keweenaw Counties
78. Crawford County
79. Delta County
80. Grand Traverse County
81. Iron County
82. Marquette County
83. Menominee County
84. Presque Isle County
85. Clinton County
86. Gratiot County
87. Genesee County
88. Ingham County
89. Lenawee County
90. Macomb County (C16 & D42s)
91. St. Clair County
92. Grosse Pointe Farms
93. D 16 - Livonia
94. D 21 – Garden City
95. D 23 - Taylor
96. D 32a – Harper Woods
97. D 36 - Detroit
98. Oakland County (C6 and D52s)

g. FY21 13.2 Planning Costs Reimbursement (Action requested)

9. Next meeting – October 20, 2020

10. Adjourn

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held electronically via Zoom.

The notice included information for members of the public on how to participate.

June 16, 2020

Time: 11:00 am

Commission Members Participating

Michael Puerner, Chair, Joshua Blanchard, Tracy Brame, Kimberly Buddin, Judge Jeffrey Collins, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman (joined at 1:10 pm), David Jones, Margaret McAvoy, Tom McMillin, Judge Kristina Robinson Garrett, John Shea, William Swor, Gary Walker

Commission Members Absent:

Nathaniel Crampton, James Krizan and Cami Pendell

Staff Members Participating

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

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:27 am.

Introduction of Commission Members and guests

Chair Puerner announced that three new members were appointed to the Commission on May 22, 2020. He introduced Commissioner Blanchard, Commissioner Jones, and Judge Robinson Garrett.

Public Comment

Drew Van de Grift offered public comment on behalf of Wayne County.

Paulette Loftin offered public comment on behalf of the 50th District Court in Pontiac.

Chantá Parker offered public comment on behalf of NDS – Detroit.

Approval of the Agenda

There were no additions to the agenda. Commissioner Swor moved that the agenda be adopted as presented, Commissioner Green seconded. The motion carried.

Consent Agenda

Commissioner McAvoy moved that the consent agenda containing the minutes from the Commission’s April meeting be approved, Commissioner Shea seconded. The motion carried.

Chair Report

Chair Puerner provided an update on the legislation to implement a portion of the recommendations made by the Joint Task Force on Jail and Pretrial Incarceration. Those bills were introduced on June 11. He provided an overview of the meeting materials.

Executive Director Report

Ms. Khogali provided an overview of the written report given to members prior to the meeting.

She offered the observation that indigent defense attorneys have been critical to reducing local jail populations in the context of COVID-19. She also noted the important role of resourced indigent defense systems acting as a constitutional check on the power of police and prosecutors in a criminal legal system that disproportionately affects Black and Brown communities in Michigan.

Ms. Khogali noted internal and external presentations and committees in which staff members have participated. She also provided an update as to the space in the Ottawa building into which MIDC is supposed to move in anticipation of the expiration of its lease July 31st.

The Commission returned to public comment. Lillian Diallo offered comments on behalf of Wayne County Criminal Defense Bar Association.

Commission Business

MIDC FY19 Annual Report

Ms. Khogali highlighted transformations in indigent defense that are documents in the report.

Commissioner Swor moved that the report be approved and published, Judge Collins seconded the motion. The motion carried.

Legislative/Appropriations Update

Ms. Westrate provided an update on the legislature's annual appropriations process.

FY 21 Compliance Planning Process

FY 21 Grant Agreement

Ms. Khogali provided an overview of the FY 21 grant agreement. MIDC staff solicited feedback from members of the Michigan Association of Counties in drafting the language.

Judge Collins moved that the FY 21 grant agreement be adopted, Judge Fisher seconded the motion. The motion carried.

Proposed Grant Manual

Ms. Khogali provided an overview of the grant manual. The only changes that were made since the last Commission meeting are on pages 10 and 20 and are noted in the red text.

Commissioner Green moved that the grant manual be adopted, Commissioner Swor seconded the motion. The motion carried.

Commissioner Shea had connection issues and was not present for the votes on the FY 21 Grant Agreement and Proposed Grant Manual. Had he been present, he would have supported both motions. He returned to the meeting at 12:22 pm.

Report and Recommendation of Compliance Planning Committee

Judge Collins and Ms. Khogali provided an overview of the Compliance Planning Committee's meeting.

Judge Fisher moved if there were a shortfall in the grant appropriation for FY 21, that the Commission would not address that shortfall through an "across the board" cut to all funding units but rather apply an approach that recognizes the individual nature of the local compliance plans. Commissioner DeLeeuw seconded the motion. After discussion, Judge Fisher requested that the motion be tabled pending the discussion on the compliance plan assessment tool.

Compliance Plan Assessment Tool

Dr. Siegel provided an overview of the various methods that the Commission could use to compare the costs from one system to another. Dr. Siegel and Mr. Sadler have developed a new tool that calculates a standardized score for each system. Scores over "1" indicate that the Commission may want to complete an additional review.

The Commission discussed the new assessment tool.

Judge Fisher moved that his previous motion regarding potential shortfalls in the FY 21 appropriations be removed from the table and considered. Chair Puerner requested a roll call vote. The following Commissioners voted to support the motion: Chair Puerner, Commissioner Blanchard, Commissioner Buddin, Commissioner Brame, Judge Collins, Commissioner DeLeeuw, Judge Fisher, Commissioner Green, Commissioner Jones, Commissioner McAvoy, Commissioner McMillin, Judge Robinson Garrett, Commissioner Shea, Commissioner Swor and Commissioner Walker. The motion carried. No members abstained or voted no.

The Commission recessed from 1:05 pm until 1:20 pm.

FY 20 Compliance Updates

Budget Adjustments

Ms. Mack approved budget adjustment requests for the following systems:

- Bay County
- Benzie/Manistee Counties
- 23rd District Court - Taylor
- 28th District Court - Southgate
- 47th District Court - Farmington
- 51st District Court - Waterford
- 59-1 District Court -Grandville
- Gogebic County
- Iron County
- Lake County
- Livingston County
- Menominee County
- Monroe County
- Montcalm County
- Muskegon County
- Oakland County
- Oceana County
- Osceola County
- Presque Isle County
- Saginaw County
- Sanilac County
- St. Clair County
- St. Joseph County

The approved adjustments did not affect the total system costs.

Ms. Mack denied budget adjustments for two systems, the 50th District Court in Pontiac and Kalamazoo County.

Planning Costs for City of Detroit

The City of Detroit has requested planning costs for FY 20 totaling \$237,014.62. The city submitted invoices for the project manager's time (\$5132.40) and a pilot project for Standard 4 (\$231,822.22).

Judge Collins moved that the Commission approve \$237,014.62 in planning costs for fiscal year 2020 requested by the City of Detroit, Commissioner Walker seconded. The motion carried.

Review of Initial FY 21 Compliance Plan Submissions

Extensions Related to declared State of Emergency

In May of 2020, Governor Whitmer declared a State of Emergency for several counties because of flooding. MIDC staff recommends extending the deadline for submitting plans and cost analysis for the following counties: Iosco, Midland and Saginaw.

Commissioner Haveman moved that the Commission authorize extensions until June 30th for Iosco, Saginaw, and Midland to submit compliance plans due to the State of Emergency declared in those regions. No other extensions for late submissions are approved at this time. All systems should submit their plans and cost analyses as soon as possible. The treatment of plans submitted after the due date of May 31, 2020, will be addressed by the Commission at its August meeting. Judge Fisher seconded. The motion carried.

Committee Review

Several plans were referred to the Commission's Increase to Direct Costs Committee. The committee, chaired by Commissioner Swor, met via Zoom on Thursday June 11 to discuss the following plans:

- Chippewa County
- Luce County
- 24th District Court – Allen Park
- 28th District Court – Southgate
- 48th District Court – Bloomfield Hills

Judge Collins provided an overview of the committee's discussion.

Substantive Review for Commission Decisions

Disapprove plan and disapprove cost analysis

Ms. McCowan and Ms. Prentice-Sao provided an overview of the plan submitted by Barry County. MIDC staff recommends disapproval of the plan and disapproval of the cost analysis submitted by the county.

Commissioner Green moved that the staff recommendation be adopted and that the plan and cost analysis submitted by Barry County be disapproved. Judge Collins seconded the motion. The motion carried.

Approve plan but disapprove cost analysis

Ms. McCowan provided an overview of the plan and cost analysis submitted by the 50th District Court – City of Pontiac.

Ms. Loftin provided additional comments on behalf of the city.

Ms. McCowan and Ms. Klimaszewski provided an overview of the plan and cost analysis submitted by Roscommon County.

MIDC staff recommends that the plans submitted by the 50th District Court – City of Pontiac and Roscommon County be approved and that the cost analyses be disapproved.

Commissioner Swor moved that the staff recommendation be adopted and that the plans for the 50th District Court – City of Pontiac and Roscommon County be approved and that the cost analyses be disapproved. Judge Collins seconded the motion. The motion carried.

Approve the plan and approve the cost analysis

Ms. McCowan and the Regional Managers provided an overview of the plans and cost analyses that had recommendations for approval from MIDC staff. The approval was considered in one motion after all 19 plans had been discussed.

Ms. McCowan and Ms. Wangler provided an overview of the plans and cost analyses from the following systems in the MIDC's Northern Michigan region:

- Antrim County
- Benzie/Manistee Counties
- Chippewa County
- Emmet County
- Gogebic County
- Kalkaska County
- Luce County
- Ontonagon County
- Otsego County

Ms. McCowan and Ms. Staley provided an overview of the plan and cost analysis submitted by Hillsdale County in the MIDC's South Central Michigan region.

Ms. McCowan and Ms. McDoniel provided an overview of the plans and cost analyses from the following systems in the Wayne County:

- 18th District Court – Westland
- 24th District Court – Allen Park
- 28th District Court – Southgate
- 31st District Court – Hamtramck
- Grosse Pointe Park
- Grosse Pointe City/Municipal

Ms. McCowan and Ms. Smithson provided an overview of two plans from the MIDC's Lapeer Macomb, Oakland, and St Clair region:

- 47th District Court – Farmington
- 48th District Court – Bloomfield

Ms. McCowan and Ms. Klimaszewski provided an overview of the plan and cost analyses submitted by Mecosta County in the MIDC's Mid-Michigan region.

Karen Moore provided comments on behalf of Mecosta County.

MIDC staff recommends that the plans and costs analyses for the 19 systems listed above be approved.

Commissioner Swor moved that the staff recommendation be adopted and that the plans and cost analyses for the 19 systems listed above be approved, Commissioner Shea seconded. The motion carried.

The Commission will not meet in July. The next meeting will be August 18, 2020 at 11:00 am.

Commissioner Swor moved that the meeting be adjourned, Judge Fisher seconded. The motion carried.

The meeting adjourned at 2:43 pm.

Respectfully submitted,
Marcela Westrate



Date: August 10, 2020
To: MIDC Commissioners
From: Loren Khogali, Executive Director

Dear Commissioners:

I'm looking forward to seeing you on **August 18th at 9:00 a.m.** The link to participate on the Zoom meeting is in the agenda, as well as the email you received with materials. If you are not able to attend the meeting, please let me know by phone, (517) 275-2845 or by email at khogalil@michigan.gov.

The focus of the August meeting is really the crux of the Commission's statutory mandate - reviewing compliance plans submitted by funding units statewide to ensure that they meet the minimum standards for indigent defense and are supported with resources that are reasonably and directly related to complying with those standards. Although the compliance plan submission date was delayed in response to COVID, thanks to the hard work of the MIDC staff and the local funding units, the Commission's review and approval process remain on track. At the conclusion of this meeting, it is anticipated that over 70% of the compliance plans and cost analyses may be approved by the Commission on initial submission. The streamlined presentation of the compliance plans to the Commission obscures the immense amount of work that goes into the processes leading up to the Commission's review of compliance plans. Many thanks to Marla, Rebecca, the Regional Managers and our local partners for their thoughtful efforts and organization of a comprehensive review process.

As we continue the process of enabling local indigent defense systems to comply with MIDC minimum standards, the evolution of proposed reforms to the criminal legal system in Michigan continues to highlight the importance of having sufficiently resourced, committed indigent defense systems in Michigan. It is worthwhile to highlight some of these movements:

- In July, the Task Force on Pretrial Incarceration and Jails introduced legislation aimed at eliminating driver's license suspension, jail mandatory minimums and removing incarceration as a penalty for some traffic misdemeanor charges. You can see the summary of the introduced bills [here](#). In addition, a recent Bridge Magazine [article](#), explored the reduction in jail populations during COVID as "proof of theory" that the proposed legislative reforms will work as intended.
- On June 29th, the National Juvenile Defender Center issued an [assessment](#) of Michigan's juvenile defense system and made several recommendations for reform. The report looks to the efforts and transformation in adult indigent defense services under the MIDC Act. Hopefully, this report will be the impetus for broader, collective reform of indigent defense for juveniles and adults. Regional Manager Kristen Staley lent her expertise in Michigan juvenile defense to support the work underlying this report in her volunteer role as co-Regional Director of the Midwest JDC. You can read the press release accompanying the report [here](#).
- Last week, Governor Whitmer issued an [Executive Directive](#) addressing racism as a public health crisis and established the Black Leadership Advisory Council by [Executive Order](#). This body will advise the governor and develop, review, and recommend policies and actions designed to eradicate and prevent discrimination and racial inequity in Michigan, including remedying structural inequities in the state.
- These Michigan-based reform efforts align with a recent [joint report](#) by the Black Public Defender Association (BPDA) and the Center for Justice Research, focused on advancing equitable policy solutions to the COVID-19 pandemic within the criminal legal system.

Thank you to the Commission and MIDC staff for the time and thought that you dedicate to ensuring that Michigan's adult indigent defense systems are able to ensure the right to counsel for everyone.

MIDC Response to COVID-19

As we approach our fourth remote Commission meeting, I wanted to pause and acknowledge the excellence the Commission and staff have demonstrated in navigating and responding to COVID-19.

- *Using Stakeholder Networks to Assess Indigent Defense Needs.* MIDC used new statewide public defense networks to assess how COVID would impact indigent defense in Michigan and identify needs that it could assist in addressing.
 - On March 20th, MIDC staff convened a call with indigent defense leadership in Michigan to support the exchange of information, sharing of

innovations and to problem-solve challenges with respect to minimum standards related to initial attorney/client meetings and counsel at first appearance.

- On March 23rd, MIDC published a survey of criminal defense attorneys to provide the Commission with another lens through which to understand how indigent defendants were being provided access to counsel for meetings and arraignments. MIDC received over 500 responses in 2 days. This survey helped the Commission identify where the most significant challenges needed to be addressed to allow for compliance with MIDC standards.
 - On May 6th, MIDC convened the group to provide an opportunity for defender leaders to share concerns, ideas and resources related to responding to COVID-19 and reopening their offices while keeping their staff and clients safe. Some offices shared their reopening plans with other defender offices. Because indigent defense systems are based locally, the centralized opportunity to share information and problem-solve together is a valuable resource provided by MIDC.
- *Conducting Successful Remote Public Meetings.* On March 27th, the Commission held its first remote meeting, convening a special [meeting](#) specifically to address the impact of COVID-19 on indigent defense systems in Michigan. The meeting had over 100 attendees. Substantial public comment, discussion and voting were successfully managed via Zoom. The Commission was able to comply with the Open Meetings Act under the Governor's Executive Order on remote public meetings. The Commission made important substantive decisions at the meeting, including affirming that as fundamental aspects of the constitutional right to counsel, MIDC minimum standards for indigent defense remained in effect during COVID. The Commission's ability to facilitate high-quality remote meetings has enabled it to continue to fulfill its statutory duty to review and approve compliance plans for indigent defense funding for FY21.
 - *Providing Training for Attorneys on COVID-related Issues in Criminal Cases.* MIDC staff partnered with State Appellate Defender Office staff to provide a 1.5 hour training session for defense attorneys in an effort to prepare counsel to identify COVID-related issues that may impact criminal cases and to understand when and how to make objections to protect and preserve a defendant's constitutional rights. Over 250 attorneys registered for this free training session, which received overall ratings of "very good" and "excellent" in post-training

evaluations as to the quality and usefulness of the information provided. The training was recorded and is [available online](#) and the [handout remains on the MIDC's website as well](#).

These highlights capture only a portion of what MIDC has accomplished in the midst of COVID-19, which includes supporting systems in navigating COVID-related budget adjustments, transitioning all staff meetings and stakeholder meetings online and shifting to remote court watching. The flexibility and resilience with which the Commission and staff have met these new challenges is amazing!

Review of FY21 Compliance Plans and Grant Contracts

The Commission began its review of FY21 compliance plans and cost analyses at its June Commission meeting. After that meeting, a [communication](#) was sent to all funding units and other indigent defense stakeholders, providing a general update as to the work of the Commission and identifying upcoming reporting deadlines. In addition, contracts were issued to the 19 funding units with compliance plans and cost analyses approved by the Commission. For your information, this [cover letter](#) was included with the grant contract.

At our August meeting, we will continue the process of reviewing plans and cost analyses submitted by local funding units for approval. In the materials, you will find a summary memo from Marla McCowan, which will walk you through the status and process for review of submitted plans. The plans for review, as indicated on the agenda, are available in the shared drive.

With respect to approaching review of the compliance plan materials in preparation for the meeting, the summary memo is designed to provide the Commission with an update about planning and implementation. Every plan and cost analysis is reviewed at multiple levels by staff: regional managers, grant manager, and senior staff. Additionally, all plans and/or costs that involve changes and increases will be discussed during committee calls this week and notes from committee meetings will be distributed before the Commission meeting. An updated committee list is available in the shared drive [here](#).

In the interest of making the best use of time, Marla will not provide detail on the recommended denials or plans that have no changes, and will limit the discussion to **questions only** from Commissioners only **for those systems (#1-60)**. **The focus for the Commission discussion will be on plans with changes and/or increases that staff recommends approving (#61-98)**. If you have questions regarding the summary memo, please reach out to Marla at McCowanM@michigan.gov.

Research Update

MIDC Research Director Jonah Siegel has provided a written research update, capturing both longer term research initiatives that have or are nearing close, as well projects that are just getting underway. A research update will be included as an agenda item for the October Commission meeting. The research is available in the shared drive [here](#). Please feel free to reach out to Jonah with any questions about the report, siegelj2@michigan.gov.

Appropriations Update

I sent a message to the Commission in late July with a copy of the Governor's Executive Order setting forth reduction to the FY20 budget and the impact on MIDC's operational budget. The funding for FY20 compliance grants was not impacted.

Since that my message in late July, a revenue estimating conference has been scheduled for August 24th, which will drive discussions of the FY21 budget. Marcela will keep the Commission updated as to any impact on MIDC. If you have any questions about the state budget process, please contact Marcela at westratem1@michigan.gov.

LARA

There are a few important developments to advise the Commission of with respect to the Department of Licensing & Regulatory Affairs (LARA).

- *MIDC Minimum Standard 5* – As I indicated in an earlier message to the Commission, the Director of LARA has indicated by letter her intent to sign Standard 5 in October. MIDC minimum standard 5 addresses independence from the judiciary, a fundamental component of a well-functioning indigent defense system. You can read the Director's letter [here](#). While many funding units have already incorporated independence from the judiciary in establishing their local indigent defense systems, the adoption of the standard will continue to strengthen indigent defense statewide. Based on an October timeline, Standard 5 would be incorporated into compliance plans and cost analyses next April, for funding in FY22.
- *MIDC Move to Ottawa Building* – MIDC staff is currently scheduled to move from its current space to the 4th floor of the Ottawa Building at the end of September. DTMB negotiated a lease extension with the landlord in the current space. The move date is dependent on construction on MIDC's space being completed in the Ottawa building. I will keep the Commission updated.

- As mentioned in a previous message to the Commission, in response to Executive Directive 2019-5: *Prohibiting Use of Private Email for State Business*, LARA requires that all State of Michigan Commission and board members obtain State of Michigan email addresses. Commissioners are required to complete this [security agreement](#) to obtain the SOM email account. Please return the completed form to Deborah Mitchell at mitchelld20@michigan.gov. There are also instructions for setting up the email account. If you require any assistance, please feel free to let Deborah know and she will put you in touch with the appropriate IT staff at LARA.
- *LARA Handbook for Boards and Commissions* – LARA recently developed a handbook for boards and commissions housed within the Department. The handbook is available [here](#).

Compliance Planning Committee

The Compliance Planning Committee met July 30th to continue its proactive discussion of the known pressures on FY21 budget and to develop recommendations for the Commission in the case that the FY21 appropriation for compliance grants is less than the total of the approved compliance plans. At its last meeting, the committee members developed a guiding document for recommendation to the Commission for adoption. The document is available [here](#) and is also included in the materials packet, along with [other documents](#) considered by the Committee. In addition, the committee has provided feedback on a tool that complements per capita matrix, which has previously been used in the consideration of compliance plans and cost analyses. The new standardized tool, combined with the previous per capita information is available in the shared drive and [here](#). Thank you to Jonah and Chris for their work on the matrix. Thank you for Commissioner Collins for serving as committee chair.

Indigency Standard

At its April meeting, the Commission reviewed the draft standard on eligibility screening and referred it back to committee to be finalized and published for public comment. The committee reconvened and provided feedback on the draft standard and staff also solicited additional feedback from indigent defense stakeholders.

The indigency standard has been posted to the MIDC website and notice provided to receive public comment. You can see the notice and review the standard [here](#). Thank you to Nicole Smithson for her excellent, quality work in drafting the standard and incorporating feedback from commissioners and stakeholders into the draft.

I anticipate scheduling a public hearing the week of September 14th. A Doodle poll was included in the message to the Commission to assess availability of commissioners during that week

Grant Management System

We are finalizing testing of all of the components of the grant management system. It is exciting to see the grant management system come together in a way that will serve our systems, staff and the Commission. Although the process has been a little slower than initially anticipated, I believe that the additional testing will pay off in the long run as we begin to publicize the use of the system and train our staff and funding units on using the system. We are very pleased with the functionality of the system as reaches the final stages of development.

We are currently uploading approved FY21 contracts in anticipation of piloting reporting in the Winter. We intend for all systems to submit FY21 compliance plans through the grant management system for the FY22 compliance planning cycle, beginning in Spring 2021. Thanks to Rebecca for her continued leadership on this important project.

Office of Internal Audit Services

The Office of Internal Audit Services (OIAS) audit team is in the final processes of writing and editing its report for the Commission. Due to a strain on OIAS resources related to COVID, the process of issuing the report has been slower than they anticipated. I hope to be able to share the report with the Commission prior to the October meeting.

Local Share Study RFP

A 2018 amendment to the MIDC Act added a requirement that the MIDC “submit a report to the governor, the senate majority leader, the speaker of the house of representatives, and the appropriations committees of the senate and house of representatives not later than October 31, 2021 that includes a recommendation regarding the appropriate level of local share, expressed in both total dollars and as a percentage of the total cost of compliance for each indigent criminal defense system.” The RFP received multiple bids. The committee that will review and vote on the vendor proposals will meet at the end of August. With the intention of including multiple perspectives, the review committee includes representatives from MIDC, SBO, MAC and MML. I will keep the Commission updated as to the vendor that is chosen to lead the study.

Byrne JAG Grant

MIDC has been invited again by the Michigan State Police to apply for funding through a Byrne JAG grant. In 2019 and 2020, Byrne JAG funding supported a highly successful statewide skills training program facilitated by attorney Keeley Blanchard. The grant application for 2020/2021 Byrne JAG funding will expand on the initial two years of training to provide simulated trial opportunities in additional geographic areas and online and covering more topics that will allow attorneys to gain the necessary experience to qualify under the MIDC standard and continue to improve the quality of representation. The introduction of virtual courtrooms in Michigan presents an opportunity for the training program to address the unique practical and legal challenges for attorneys advocating for their clients remotely. Staff is seeking approval of the Commission to proceed with the application. A summary of the proposed program is [here](#) and in the materials for your review.

Indigent Defense in the News

MIDC Commissioners and indigent defense have been in the news. Below are some highlights:

- Congratulations to Commissioner **Tracey Brame**, who has been recognized by Michigan Lawyers Weekly as Lawyer of the Year. You can read about Tracey's contributions to the legal field and meaningful and long-standing commitment to reforming the criminal legal system [here](#).
- Congratulations to **Judge Jim Fisher**, who will be honored with the State Bar of Michigan's Champion of Justice award for his leadership and contributions in reforming Michigan's indigent defense system. Former MIDC Commissioner and State Court Administrator Tom Boyd will also be honored as a champion of justice. You can read about the award [here](#).
- Attorney Michael Morse hosts a podcast, Open Mike, which has been focused specifically on wrongful convictions. Recently, he hosted a series of podcasts focused on indigent defense reform in Michigan.
 - Commissioner **John Shea** talks about the MIDC and indigent defense reform in Michigan [here](#).
 - The Sixth Amendment Center's **David Carroll** talks about indigent defense nationally and in Michigan [here](#).
 - **Chantá Parker**, Managing Director of Neighborhood Defender Services Detroit, talks about indigent defense reform in Wayne County [here](#).

Next Commission Meeting

The MIDC's next meeting is scheduled for October 20th. I will keep the Commission updated as to whether the meeting will be held remotely or in person.

I look forward to seeing you next week. Please do not hesitate to reach out if you have any questions along the way – 517-275-2845.

Loren



June 19, 2020

Dear Indigent Defense Stakeholders:

I hope that this letter finds everyone safe and healthy. Earlier this week, the Commission successfully hosted its third remote public meeting since March. Approximately 40 members of the public attended the meeting in addition to the Commission and its staff.

The Commission welcomed three new commissioners, appointed by Governor Whitmer on May 22nd. Joshua Blanchard was appointed to represent the Criminal Defense Attorneys of Michigan, David Jones was appointed to represent the State Bar of Michigan, and Judge Kristina Robinson Garrett was appointed to represent the Michigan District Judges Association.

FY21 Compliance Planning and Grants

Compliance plans for FY21 were due June 1st. The Commission approved 19 of the 22 plans reviewed at its June meeting. Plan review of FY21 compliance plans and cost analyses will continue at the Commission's August 18th meeting. The list of plans to be reviewed at by the Commission at a meeting will be published on the agenda and posted on the MIDC website in advance of the meeting.

The Commission has adopted a [grant manual](#) to assist funding units in planning and reporting. This manual is available on the MIDC website and will be updated regularly to reflect decisions of the Commission that are relevant to compliance planning. The manual is available on the [grants page](#) of the MIDC website.

The Commission approved the grant contract to be issued upon approval of FY21 plans and cost analyses. The approved contract is attached for your information.

FY20 3rd Quarter Reporting

Quarterly reporting for the third quarter is due by **July 31, 2020**. Quarterly reporting must include the following:

- A quarterly program report detailing compliance with minimum standards 1-4;
- A financial status report with information about spending during the reporting period; and
- A list of the attorneys providing services.

Instructions and forms for submitting quarterly reporting and budget adjustments, as well as a webinar on quarterly reporting and a helpful checklist, are available on the [grants page](#) on the MIDC website.

Additional Information

As part of the State's cost containment efforts, all MIDC staff will continue with a shortened work week through July 25. Just a reminder that regional managers will be unavailable on Fridays and other MIDC staff members will be unavailable on Mondays. MIDC staff remains committed to being accessible and responsive during this time period and asks for your understanding if response times are slightly delayed.

The Commission's next meeting will be **August 18th at 11:00 a.m.** Information about location and an agenda for the meeting will be posted on the MIDC website in advance of the meeting.

Please do not hesitate to contact me if you have any feedback, or your Regional Manager if you have questions about implementation or planning.

Please be well.

Sincerely,

Loren Khogali, Executive Director
Michigan Indigent Defense Commission



Dear Grantee:

Attached is the fiscal year 2021 indigent defense grant contract for your local funding unit. If you are receiving this letter, the Michigan Indigent Defense Commission (MIDC) has approved your plan and cost analysis for compliance with approved MIDC Standards.

Fiscal Year 2021 Grant Contract

This contract covers any spending occurring between **October 1, 2020 and September 30, 2021** that has been approved as part of the cost analysis. Please read the grant contract and review the attachments carefully.¹ The contract should be shared with any person in your funding unit that may be responsible for implementation, compliance reporting, or financial reporting related to the grant. The grant contract contains important information and dates regarding distribution of grant funds, compliance, and requirements for reporting.

Once the grant contract is signed by the authorized signatory for the funding unit, please return the signed contract by email to **LARA-MIDC-Info@michigan.gov**. You should include your Regional Manager on this email. The contract will be signed by MIDC and LARA upon appropriation of sufficient funds and then entered into SIGMA for payment. You will receive a fully executed copy of the contract by email.

Funding, Disbursements and Unexpended Funds

Please note that the funding for this grant is contingent upon an appropriation by the legislature that is signed by the Governor. As noted in Section 1.0 - Statement of Work, in the event that the funds appropriated by the legislature is insufficient to fully fund this grant, "the amount of the grant will be reduced by the Grantor and the funding unit will not be required to fully comply with the minimum standards the original approved grant was designed to allow."

The initial state grant disbursement will be processed for advance payment once the contract is fully executed. Pursuant to section 1.4 – Payment Schedule, the second and third disbursements of funds will be equally reduced to reflect the amount of any unexpended grant funds from the prior fiscal year.

Grant Reporting and Webinars

The first quarterly compliance and financial reports will be due **January 31, 2021**. This report should reflect compliance and financial information for the period of October 1, 2020 through December 31, 2020. *Budget adjustment and substantial plan change requests should only be submitted with the quarterly reports.* In submitting requests for budget adjustments and plan changes, I encourage you to review the [grant manual](#) approved by the Commission in June 2020 and to work with your Regional Manager in submitting those requests.

¹ Attachment A shows the state travel rates for FY20. Please note that the applicable FY21 travel rates will be published October 1, 2020.

MIDC staff will host informational webinars regarding first quarter reporting prior to the due date. Registration information for the webinars will be distributed and posted on the MIDC website.

Please do not hesitate to contact me if you have any feedback, or your Regional Manager if you have questions about implementation under the grant contract. We encourage you to continue to check our [website](#) regularly, where you can find information regarding the Commission's meetings, grants and other updated information.

Sincerely,

Loren Khogali, Executive Director
Michigan Indigent Defense Commission
Phone: (517) 275-2845

Research Update
August 2020
Jonah Siegel, Research Director

The Research Department has been working on a wide range of exciting projects related to current standards, upcoming standards, and best practices.

Standards 1 through 4

Standards Evaluation: In 2018, the Urban Institute (Urban) was awarded a 24-month contract to conduct a rigorous process evaluation of the implementation of indigent defense standards in Michigan. The evaluation will build knowledge on how indigent defense reform is implemented across diverse delivery models, the challenges and barriers associated with implementing indigent defense reform, and how the implementation of indigent defense standards impacts courts, funding units, and attorney practices and procedures, as well as attorney-client relationships, and client outcomes. The evaluation will be wrapping up this fall, and the researchers from Urban will submit a final report to the Commission by the end of November, 2020.

Cost Benefit Analysis of Counsel at First Appearance: Related to Standard 4, the MIDC has been approached by the Right to Counsel (R2C) program at American University to help identify a potential site for the first widescale Cost Benefit Analysis of counsel at first appearance. The analysis would include detailed information from the defense administrator, court and county administrators, the prosecutor and the sheriff. Staff are in the process of helping R2C identify a system in Michigan to serve as a site for this exciting project. Currently, we are in conversation with stakeholders in Barry County about potential participation.

Compliance Planning Tool: For the last several years, the Commission has utilized per capita numbers on spending to assist in the assessment of compliance plans. For this year's review, the Research Unit has calculated a standardized score to serve as an additional measure to assist with comparing funding needs and requests across indigent defense systems. This standardized score is based on systems' requested resource consumption compared to their expected resource consumption – in other words, how much systems ask for in comparison to how much we would expect them to need. These scores allow the MIDC to measure the extent to which individual indigent defense systems either consume more or less resources than expected under ideal circumstances. Similar to the per capita numbers, the standardized scores should not be dispositive. Rather than identifying that a system has received too much or too little funding, they should prompt requests for more information.

Upcoming Standards

Standard 5 Estimate and Signing: Once Standard 5 is signed by LARA and goes into effect, indigent defense systems will be required to have an independent attorney appointment and oversight process that is free of potential political and undue budgetary influence. As a result of shifting this role from the judiciary to an independent authority, new positions will be necessary. The Research Unit has been surveying the current indigent defense landscape to estimate the annual cost of this standard, which includes the full costs of all positions (salary, benefits, and supplies). Several systems have already either fully or partially implemented Standard 5, and so the estimate addresses both the total cost of Standard 5 as well as the total amount of new funding that will be needed.

The Indigency Standard: The MIDC Act requires the MIDC to set objective standards that (1) determine whether a defendant is indigent or partially indigent and (2) to determine the amount a partially indigent defendant must contribute to their defense. To meet these requirements, the MIDC developed an Indigency Standard that outlines factors that may be used to determine the extent to which a defendant is indigent. Additionally, this Standard explains the process that appointing authorities must go through to determine the amount that partially indigent defendants can contribute towards their defense. The Research Unit is developing estimates for the cost of implementing the indigency standard, above and beyond the costs of other standards.

Innovation in Best Practices

Social Worker Defender Program: The Social Worker Defender Program (SWDP), a pilot project funded by the U.S. Department of Justice, ran in the Genesee County Court from fall 2018 through spring 2020. The program aimed to mitigate jail sentences for adult criminal defendants by pairing a licensed clinical social worker with appointed defense counsel. Specifically, the social worker developed appropriate individualized community options for each case in an effort to decrease jail time and reliance on incarceration while increasing collaboration with community service providers. The intervention is currently being evaluated by the Urban Institute. The final report will be completed and made available at either the October or December Commission meeting. The Research Unit is working with social workers in Detroit and Muskegon to create linkages across the state between systems that currently utilize social workers and those that hope to utilize them in the near future.

Participatory Defense: Over the last year, the MIDC has worked in partnership with a California-based non-profit agency called Silicon Valley DeBug (SVD) to implement a model called participatory defense in two jurisdictions in Michigan. Participatory defense

is a grassroots response to the crisis in indigent defense that centers the experience and knowledge of the people moving through the system – people who face criminal charges, their family members, and their communities. With the disproportionate policing and surveilling of communities of color – and their subsequently disproportionate rates of arrest – the participatory defense model explicitly centers the voices of black and brown community members. The model primarily operates through the existence of participatory defense hubs where family members and community members guide each other through the challenges of criminal legal system involvement. In Michigan, the local public defender offices will be closely involved with these hubs and their leaders. Public defender offices can strengthen the work of participatory defense hubs by creating an office culture that values close communication with family members and partnership in advancing the defenses of the people facing criminal charges. SVD has selected Detroit and Kalamazoo as the two Michigan sites and are currently in the midst of training public defenders and local community leaders in these locations. SVD is applying for renewed funding for another year to continue supporting these two sites as well as identifying other potential sites for expansion.

Pretrial Release Data Collection: Finally, in response to shifting pretrial release practices around in the state, we are launching a data collection pilot. As COVID-19 has spread across the country, many local systems have shifted their pretrial release practices to keep more people out of detention. In order to capitalize on these changing practices, we are developing data collection procedures that will hopefully allow us to demonstrate that early release on personal recognizance (PR) bonds is beneficial to individuals without increasing public safety concerns. The additional data points will capture critical pieces of information between release and sentencing and will be pilot tested in 8-10 public defender offices through their case management systems.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

June 24, 2020

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

Re: Michigan Indigent Defense Commission Proposed Standard 5

Dear Ms. Khogali:

On October 15, 2019, the Michigan Indigent Defense Commission (MIDC) voted to request that LARA approve proposed Standard 5 separately from the other three proposed minimum standards, and on November 4, 2019, you requested that I approve Standard 5 and retain the remaining standards for continued consideration.

Consistent with the MIDC Act and with your request on behalf of the Commission, LARA is actively reviewing proposed Standard 5 and has retained the remaining standards for consideration. While recognizing the importance of all minimum indigent defense standards, LARA appreciates the significance of proposed Standard 5 – independence of the indigent defense system from the judiciary – as being a critical function and a core part of a well-accepted indigent defense reform.

As LARA continues to actively review proposed Standard 5, we are also working to ensure that the timing of its approval accounts for fiscal and operational considerations and maximizes efficiencies for the local defense systems. To that end, it is currently LARA's intent to formally approve Standard 5 in October of this year.

As part of my commitment to protecting the people of Michigan and promoting Michigan business through transparent regulatory solutions, please do not hesitate to contact me for further discussion or if you have any questions.

Sincerely,

Orlene Hawks, Director
Department of Licensing and Regulatory Affairs

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Brame chosen as MiLW's Lawyer of the Year

By: Kelly Caplan in News Stories August 5, 2020

Tracey Brame, associate dean at WMU-Cooley Law School in Grand Rapids, is Michigan Lawyers Weekly's 2020 Lawyer of the Year.



Brame received the honor Aug. 3 during MiLW's Leaders in the Law virtual event online. The 30 Class of 2020 honorees voted for the Lawyer of the Year via a secret ballot.

After accepting her award, Brame shared how her career took shape.

"My journey really began my first semester of law school when Bryan Stevenson came to speak to my class — and any of you who have heard him speak can appreciate it when I say that when he finished speaking I was determined that wherever he was, was where I was going to be," she said. "I was fortunate enough to be able to work for a semester with Bryan down in Alabama doing death penalty work and I was sold; the die was cast."

Brame, in response to an MiLW questionnaire, wrote that her parents' hard work and sacrifices gave her all she needed to be successful.

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--	--

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"I hope that my legacy will be that I dedicated my career to the betterment of the lives of the underrepresented and disenfranchised," she wrote. "I would like for my legal career to prove worthy of the sacrifices made by my family and also by the legal legends that paved the way for African Americans to participate in a meaningful way in American society."

Brame, who is passionate about criminal law and defense, is dedicated to advocacy work; she feels there are far too many African Americans in prison who did not receive the appropriate legal representation. Because of her beliefs and commitment to her community, she provides pro bono work that focuses on enriching the lives of the community's youth.

In her first year at WMU-Cooley, Brame worked in partnership to launch the Access to Justice Clinic at the law school's Grand Rapids campus. The clinic provides free legal services to low-income and underrepresented Kent County residents, helping them seek expungement of their convictions to overcome challenges due to their criminal history. Under her leadership, the clinic has helped 100 individuals get their criminal records expunged.

Her service to the community and students extends beyond campus. In partnership with the Kent County Office of Defender, she established the West Michigan Public Defender Clinic, which gives students practical experience in indigent defense and provides the Defender's Office with additional representation resources.

Brame collaborated with the Kent County Probation Department to establish a Teen Court, which offers an alternative to the traditional criminal justice system for first-time, nonviolent juvenile offenders.

Brame also serves as president of the Grand Rapids Bar Association, is past president of the Floyd Skinner Bar Association, which provides a support system for African American lawyers, law graduates, and judges. She is a board member of LINC Community Revitalization Inc.

Giving back to her community outside of a legal context is also important to Brame. She is a volunteer and leader for multiple community organizations, and served as president of the Greater Grand Rapids Chapter of Jack and Jill of America, an organization for mothers dedicated to nurturing future African American leaders by strengthening children through leadership development, volunteer service, philanthropic giving and civic duty.

From 2015-17, Brame was "given the special honor of being the assistant to the United States Attorney's Office in the Western District of Michigan," her nomination read. There she collaborated with business and community leaders to help increase employment opportunities for returning citizens and helped pilot "Justice Scholars," a program to educate seventh graders about the criminal justice system.

Before joining WMU-Cooley in 2006, Brame was a staff attorney at Legal Aid of Western Michigan. She represented low-income residents of Kent County in family law and housing cases, served Spanish-speaking clients, provided legal services for the sexual assault and domestic violence programs at the YWCA and worked with area agencies and returning citizens regarding issues related to reentry.

Previously, Brame was a staff attorney for Public Defender Services for the District of Columbia, a research and writing specialist with the Federal Defender Office and an assistant defender with the State Appellate Defender Office in Detroit. She served as law clerk to the Hon. Julian Abele Cook Jr. in the U.S. District Court in Detroit, as well as with the Federal Defender Office and with the Scott Correctional Facility.

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Posted August 5, 2020

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Judge James Fisher to receive 2020 State Bar Champion of Justice Award



James Fisher

Dickinson Wright PLLC is pleased to announce that Judge James (Jim) Fisher (retired) will receive a prestigious 2020 State Bar Champion of Justice Award. Fisher will be honored with the Champion of Justice Award at the Inauguration & Awards Luncheon on September 17, 2020 in Grand Rapids.

Fisher is receiving this award primarily due to his efforts to improve indigent defense



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systems throughout Michigan. He is a member and the first chair of the Michigan Indigent Defense Commission, created in 2014 from legislation recommended by Governor Rick Snyder's Indigent Defense Advisory Commission, which was also chaired by Mr. Fisher.

The Commission is mandated to adopt minimum standards for indigent defense systems throughout the state, recommend best practices to local courts, and fund grants to improve these services throughout the state. The Michigan Indigent Defense Commission is responsible for oversight of grants in excess of 100 million dollars each year for improvement of legal services to indigent defendants, and as a result Michigan is now considered a national leader in this area.

Of Counsel in the firm's Grand Rapids office, Fisher brings several decades of experience as a successful litigator and distinguished jurist to his active ADR practice, and he is a member of the National Academy of Distinguished Neutrals. Trained as both a Civil and Domestic mediator, he provides skilled mediation and arbitration services to attorneys and their clients in all types of cases. He has successfully mediated over 400 cases in the last 8 years involving divorce, valuation of closely held businesses, medical and legal malpractice, personal injury and wrongful death, construction and real estate claims, and estate disputes. He has also arbitrated dozens of disputes in these areas, and for the last two years has served as a Special Master assisting the trial judge with management of discovery disputes arising from the over 200 cases filed against Wolverine Worldwide and 3M in Kent County involving contamination of water wells with PFAS.

An alumnus of Kettering University and Wayne State University School of Law, Fisher is on the Board of Directors of Highpoint Community Bank and a former board member of the Michigan Judges Association, Spectrum Pennock Hospital, the YMCA of Barry County, and the Kiwanis Club of Hastings.

He was a consultant to the Michigan Supreme Court helping trial courts across the state improve their services and is the recipient of the 2012 Michael Franck Professional Responsibility Award for leading Michigan's Indigent Defense Advisory Commission.

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**INDIGENT DEFENSE
BYRNE JUSTICE ASSISTANCE GRANT (BYRNE JAG)
FISCAL YEAR (FY) 2021
PROGRAM DESCRIPTION**

PROBLEM STATEMENT

The Michigan Indigent Defense Commission (MIDC) establishes and implements standards for attorneys who defend indigent clients in Michigan (indigent clients make up over 80% of those charged with criminal offenses). The goal is to improve representation and provide services to the indigent that are on par with those given to people who are able to hire attorneys, such that a person's constitutional right to counsel is not driven by their access to monetary resources. It is anticipated that a proposed standard will be implemented in the near future that requires appointed attorneys to have trial experience commensurate with the seriousness of the offense charged. In low-population counties that have fewer serious offenses, it is difficult for attorneys to obtain the experience needed to handle more serious offenses. Many attorneys who presently take such cases will not qualify under the new standard. In those jurisdictions, there are few attorneys available to accept appointed criminal cases.

PROGRAM DESCRIPTION

The original program is being implemented as designed for FY19 and FY20. For the initial trainings, the program manager surveyed attorneys and judges for information to help design the model and received significant input from these stakeholders. The FY19 and FY20 trainings have been advertised as planned and are extremely popular, reaching capacity in all locations and online. This program will expand on the initial two years of training to provide simulated trial opportunities in additional geographic areas and online and covering more topics that will allow attorneys to gain the necessary experience to qualify under the MIDC standard and improve the quality of representation. When trained, experienced attorneys provide improved representation and this improves the entire criminal legal system. Experienced attorneys perform proper investigation and preparation, handle trials that result in fewer reversals, and have a better idea of how to advise clients on potential pleas. The introduction of online courtrooms statewide presents an opportunity to expand the training program in order to address the unique practical and legal challenges for attorneys advocating for their clients remotely.

Proposed Framework for Approaching Potential Reduction to FY21 Compliance Grants

In light of the significant budget deficit anticipated for fiscal year 2021 as a result of COVID-19, the Compliance Planning subcommittee has initiated a discussion to identify recommendations and guidance as to how the Commission would approach an FY21 appropriation that does not fund the total cost of all compliance plans.

The subcommittee met on May 7 and June 4. At the June 16th Commission meeting, the subcommittee moved and the Commission adopted the position that in addressing any shortfall to the compliance plan grant budget, the Commission would not employ an “across the board” cut to all funding units but rather apply an approach that recognizes the individual nature of the local compliance plans.

The subcommittee reconvened on July 30 to discuss a framework for approaching a potential FY21 budget shortfall and to formulate corresponding recommendations to the Commission. The following represents the committee’s consensus as to a general approach.

1. Guiding principles:

The following guiding principles will frame this committee’s recommendations to the Commission. Any approach to a grant budget shortfall must:

- Focus on preserving costs closest to funding the core of the minimum standards and minimize impact on the ability of a system to fully implement the standards;
- Include a process in which local systems provide insight as to what costs are most fundamental to implementation of the standards in their system;
- Avoid an across the board, one-size fits all approach and should include an opportunity for a system to provide guided justification for the costs (i.e., ranking or alternative reductions);
- Provide for flexibility, in recognition of the individual nature of the indigent defense systems.

2. Potential Areas for Cost Savings in Grants:

What funding is critical to ensuring implementation and compliance with the standards and where might there be opportunities to reduce grant budgets in a way that does not fundamentally impair a system’s ability to comply with the standards?

- a. *Standard 1 – Training:*

Training and travel for attorneys that is necessary to achieve compliance with minimum Standard 1 requirements. Comparatively, funding under Standard 1 is minimal at under \$2 million of the entire compliance plan grant budget. Reductions here would result in very little financial savings but have the impact of impairing the education and training of indigent attorneys statewide, thereby resulting in a reduction to the quality of representation received by clients.

- Potential areas for reduction: This is not an area to which the Commission should look for savings but if it were required to do so, any reduction should be focused on training and travel for non-attorneys, which is not required under Standard 1.

b. Standards 2 & 4 – Counsel at First Appearance and Initial Meetings:

The primary areas of funding under these standards are payments for direct services to attorneys and costs associated with ancillary staff, which fall into two categories: (1) staff responsible for financial and compliance reporting to MIDC that aids in assessing compliance with standards; and (2) corrections/jail/law enforcement staff to assist with compliance of MIDC standards.

- Potential areas for reduction:
 - Payments for direct services should largely remain unimpacted. Any reductions should be applied first to systems where the prior years' spending patterns indicate that amount allocated for attorney payments was excessive;
 - Funding for court clerks in systems that have implemented independence from the judiciary under Standard 5;
 - Corrections/jail/law enforcement where hours and/or funding cannot be justified as necessary and dedicated to MIDC only through accountability measure (i.e., time study).

c. Standard 3 – Experts and Investigators:

All systems must have access to sufficient funding for experts and investigators.

- Potential areas for reductions:
 - Where systems have spent an extremely low percentage of requested funding in previous year and cannot provide justification for level of requested funding;

- Encouraging consolidation of Standard 3 funding and services for multiple systems, i.e., in Mid-Michigan, an eight-county regional MAC administrator could manage one pool of funding for all eight counties;

Additional strategies for reducing Standard 3 funding:

- Circuit court systems hold and manage one pool of Standard 3 funding for district courts in circuit and manage requests for investigators and experts. To be cost-effective, the positions managing the funding must be consolidated as well as the funding;
- County systems reduce request for Standard 3 funding to justifiable amount based on prior spending and MIDC is appropriated \$250k to hold in reserve in the case that there is an unexpectedly expensive case.

d. Pending Minimum Standards (5 & 8):

Standard 5: Funding related to implementation to Standard 5 should be preserved for the following reasons:

- We anticipate that Standard 5 will be signed in October 2020 for inclusion in the FY22 compliance planning cycle, so those funding units that have implemented Standard 5 are moving in the right direction;
- Independence from the judiciary is of fundamental importance to a constitutional indigent defense system;
- The implementation of Standard 5 may result in efforts to share resources across multiple systems, which may reduce the overall cost of standards implementation;
 - *Potential area to track for savings:* Multiple systems using the same MAC may result in efficiencies and consolidation of systems long-term. However, where salaries seem excessive, a statement of services provided by the MAC should be provided to the MIDC upon request.

e. *Standard 8:* Costs related to paying attorneys should be preserved. For too long, attorneys providing direct services to indigent clients have been under-resourced, impacting their ability to provide constitutional-level representation to indigent defendants. The risk of reducing payments to attorneys where the Commission has approved implementation of Standard 8 rates is losing qualified attorneys currently taking indigent defense cases.

- *Potential area to track for savings:* Any reductions should be limited to systems paying over \$100/hour, which is only a handful of systems.

f. *Other Areas of Funding for Consideration:*

- State bar dues/license fees for any employee, *i.e.* investigators;
- Construction costs – consider general moratorium for FY21 unless clear justification;
- Cost allocation/indirect costs;
- Equipment replacement, furniture, books.

3. Strategies Beyond FY21 Reductions:

- Monitoring areas in which spending has been markedly and consistently lower than requested grant funding for compliance plan;
- Identifying and proposing restricted funding sources, outside of the general fund, to provide stream of funding for indigent defense;
- Considering whether a reimbursement or partial reimbursement funding model would better enable tracking of spending and resources.

To: Michigan Indigent Defense Commission

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

Re: FY20 Compliance Planning Updates; FY21 Submissions and Recommendations

Date: August 10, 2020

I. FY20 Compliance Planning, Funding Distribution Update

A. Overview

As of the June 16, 2020 meeting, all 124 systems have their FY20 plans and cost analyses approved.

Fiscal Year	Total System Cost	Local Share	MIDC Grant Funding
2019	\$124,685,576.92	\$37,925,642.17	\$86,759,934.75
2020	\$155,948,764.37	\$38,523,883.90	\$117,424,880.47

B. Contracts distributed

As of this date, 123 contracts have been distributed to systems and 123 have been returned for processing and the initial distribution of payment by the Department of Licensing and Regulatory Affairs. Systems reported their unexpended funds in FY19 to offset the initial 50% distribution of MIDC grant funding pursuant to MCL §780.993(15). The distributions are proceeding as described in the contracts with the systems. The District Court for the City of Inkster (22nd District Court) is in the process of finalizing their FY19 contractual obligations including reporting their unspent balance. The contract for FY20 should be finalized in the near future and distributions will begin shortly thereafter.

Awaiting Finalization	Total System Cost	Local Share	MIDC Grant Funding
D 22 Inkster	\$157,602.50	\$45,990.00	\$111,612.50

1. System reporting - progress towards compliance

The third quarterly reporting for fiscal year 2020 was to be filed by systems on July 31, 2020 and is in the process of being review by staff. The reporting is composed of:

- A **program report**, detailing the progress towards compliance with the approved plan. All program reports are submitted online through a survey-type of system for ease in submitting, receiving, and organizing the information to be provided;
- A **financial status report**, in the format approved by the Commission, to provide information regarding the spending on indigent defense between April 1, 2020 – June 30, 2020;
- A **budget adjustment request**, if applicable, to accommodate necessary changes to the line items without exceeding the approved total grant award; and
- A **list of attorneys** providing services in the system, including full name and P#, to track progress on continuing legal education.

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

2. Changes and adjustments to approved plans and/or cost analysis

a. Plan changes

The following systems have made changes to their FY20 compliance plan, but no substantive change to the approved cost analysis.

1. Crawford County – **action item** (staff recommends approval)

The court administrator will take over the MIDC administrative responsibilities for the grant on July 1, 2020. These duties were previously handled by the magistrate. In addition, counsel has not previously been provided for out of custody defendants who appeared before the magistrate for arraignment (guilty pleas were not accepted, personal bond used). In July 2020, initial arraignments were moved to the District Court judge's

docket. The system now provides counsel for all arraignments before the judge. Initial arraignments are compensated at \$100/hr.

2. **D36 – City of Detroit** – *information item, organizational chart*

The FY20 plan for the City of Detroit, 36th District Court, was prorated at 80% in many areas (personnel, benefits, and attorney visits) due to the late implementation period of the grant. In FY21, changes will be made in personnel and fringes to reflect the hiring of an Indigent Defense Counsel Coordinator, a Deputy Indigent Defense Counsel Coordinator, and an Indigent Defense Counsel Analyst (in FY20, the plan included an Indigent Defense Counsel Coordinator and two Indigent Defense Counsel Analysts). Adjustments/reductions in other line items accomplished this change and will be continued in FY21.

3. **Saginaw County** – *information item, caseload distribution*

When Saginaw established its non-profit PD office last year, the long-range plan was to gradually increase the caseload handled by the PD office and reduce the caseload handled by the MAC side. In light of some losses from the MAC list, and some good potential candidates for the PD office, the system is changing their plan to add 2 attorneys to the PD staff and increase the PD side to 50% of the caseload. This is accomplished through rebalancing the line items and is reflected in the FY21 plan and cost analysis.

b. FY20 Q2 Budget adjustments

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

- **D36 – City of Detroit**
- **D 37 – Warren/Centerline**

- Lenawee County
- Jackson County
- Saginaw County

The documentation for these budget adjustment requests can be found in the shared drive of materials.

b) The Grant Manager partially approved the budget adjustment request made by the following system, and denied the balance of the requests:

- Wayne County
 - Training and travel (\$51,588) requires correction of documentation but otherwise granted
 - Sheriff Department benefits reimbursement (\$77,330) denied
 - Jail/Deputy expenses (\$248,337.58) denied

II. FY21 Compliance Planning, Submissions, and Recommendations

A. Overview

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

(3) No later than 180 days after a standard is approved by the department, each indigent criminal defense system shall submit a plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before **October 1** of each year. A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis **for meeting those minimum standards**. The standards to be addressed in the annual plan are those approved not less than **180** days before the annual plan submission date. The cost analysis must include a statement of the funds in excess of the local share, if any, necessary to allow its system to comply with the MIDC's minimum standards.

(4) The MIDC shall approve or disapprove **all or any portion of** a plan or cost analysis, or both a plan and cost analysis, submitted under subsection (3), and shall do so within 90 calendar days of the submission of the plan and cost analysis. If the MIDC disapproves **any part of** the plan, the cost analysis, or both the plan and the cost analysis, the indigent criminal defense system shall consult with the MIDC and, **for any**

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

B. FY21 Submissions

Staff hosted webinars for compliance planning and made a recording of a webinar available on our website along with the forms and relevant documents for compliance planning.

Staff previously reported that most systems submitted a plan and cost analysis by the June 1, 2020 deadline as of the June 16, 2020 meeting, the due date set by the Commission. The Commission allowed an extension to June 30, 2020 due to flooding for specific funding units, and **that deadline was met by the following systems:**

1. Iosco County (June 30, 2020)
2. Midland County (June 29, 2020)
3. Saginaw County (June 30, 2020)

The remaining systems either submitted plans and/or cost analyses, or have failed to do so as of this date, as indicated below:

1. Alger County (June 10, 2020)
2. D 20 – Dearborn Heights – no submission
3. D 30 – Highland Park – no submission
4. D 39 – Roseville and Fraser (June 30, 2020)
5. D 41-a-2 Shelby Township (June 19, 2020)
6. D 43-1 Hazel Park (June 1, 2020 cost analysis only)
7. Grosse Pointe Woods Municipal Court (June 12, 2020)
8. Menominee County (June 18, 2020)
9. Tuscola County (June 11, 2020)

The MIDC staff **expected to receive a total of 120 compliance plans** and cost analyses from funding units for FY21. The dates of submission are tracked closely by staff to ensure compliance with the statutory timelines for review by the Commission.

Note: Between May-July 2020, half of the MIDC's staff was furloughed on Mondays and the other half was furloughed on Fridays. The dates above **reflect the date of submission by the system *not* date that the files were uploaded for review.**

1. Status of Submissions to date

a. Approved plans and costs for FY21

As of the June 2020 meeting, **19 of 120 systems have their plans and cost analyses approved and those contracts have been distributed.**

FY21 Total system cost approved (to date): \$6,163,617.02

- Local share (increase of 2.1% from FY19): \$1,463,969.92
- MIDC funding approved: **\$4,699,647.10**

b. Disapproved plans and costs for FY21

At the June 2020 Commission Meeting, the MIDC rejected the plan *and* cost analysis for the following system:

- Barry County

The Commission approved the plan but rejected the cost analyses from the following systems:

- D50 – Pontiac (resubmitted August 5, 2020, to be considered at the October 2020 Commission meeting)
- Roscommon County

2. Review of FY21 Compliance Plans and Cost Analyses

a. Committee Review

Committee Description: System Change – Reviews any compliance plan that includes a substantial change to the method or system by which the funding unit will deliver indigent defense services funded under the MIDC grant.

Time: Aug 11, 2020 09:00 AM Eastern Time (US and Canada)

Committee members –

- Gary Walker (Chair)
- Andrew DeLeeuw
- Tracey Brame
- Margaret McAvoy
- Kristina Robinson-Garrett

Committee Description: Increase to Direct Costs – Reviews any plan in which there is an increase to direct indigent defense services.

Time: Aug 11, 2020 12:00 PM Eastern Time (US and Canada)

Committee members –

- William Swor (Chair)
- Joe Haveman
- Jeffrey Collins
- David W. Jones

Committee Description: General Increase to Plan - Reviews any compliance plan that includes an increase to the cost analysis total, excluding direct indigent defense services and annual inflationary increases.

Time: Aug 11, 2020 03:00 PM Eastern Time (US and Canada)

Committee members –

- Christine Green (Chair)
- James Fisher
- Mike Puerner
- Hakim Crampton
- Joshua Blanchard

b. Substantive Review of Submissions – Action Requested

Note: the compliance plans and cost analyses submitted by the systems to be reviewed are contained in a single bookmarked .pdf document in the shared drive of materials. The page number indicates the first page where the system's submission appears in the combined document.

Senior staff recommends, pursuant to MCL 780.993(4), as follows:

Staff Recommendation:

Disapprove Compliance Plan, Disapprove Cost Analysis

Failure to submit:

1. **D 20 Dearborn Heights**
2. **D 30 Highland Park**
3. **D 43-1 Hazel Park (no plan)**

Denial on merits of submission:

Wayne County (all) FY21 Plans and Costs

4. D 22 - Inkster

FY20 Total system cost: \$157,602.50

FY21 Total system cost: \$125,000.00

Compliance plan and cost analysis are incomplete. The plan must be resubmitted to address Standard 4, Personnel, Supplies & Other, Reimbursement Costs, and any relevant attachments. The cost analysis must address fringe benefits, conflict attorneys, experts/investigators, training/travel.

5. D 27 - Wyandotte

FY20 Total system cost: \$285,315.80

FY21 Total system cost: \$285,405.80

Assigned counsel system submitted a draft compliance plan that does not address MIDC Standard 3; cost analysis must be resubmitted to correct math errors, clarify fringe benefits, and reduce or explain need for attorney hours that do not match projections (seeking the same funding level for FY21 but on track to spend less than 50% of request this year).

6. Grosse Pointe Woods

FY20 Total system cost: \$57,200.00

FY21 Total system cost: \$35,000.00

The plan submitted needs to clarify how attorneys will be paid for standards 2 and 4; the cost analysis is incomplete and must include the formula for paying attorneys, as well as funding for experts, investigators, training, and travel.

Lapeer, Macomb, Oakland, St. Clair FY21 Plans and Costs

7. D 37 – Warren/Centerline

FY20 Total system cost: \$1,427,025.82

FY21 Total system cost: \$1,355,912.85

Assigned counsel system is seeking to increase fees for attorneys which is inconsistent with projected spending (approximately 25% of funding for this item through Q2). Plan must provide for timely compliance with Standard 2 (notification of assignment, meeting space) and for tracking requests under Standard 3 (use of experts/investigators); cost analysis should be resubmitted with clarification of attorneys in system for training needs; reduction of attorney fees based on projected spending.

8. D 38 Eastpointe

FY20 Total system cost: \$770,886.95

FY21 Total system cost: \$516,986.70

Cost analysis submitted 6/19/20; plan submitted 7/14/20

Assigned counsel system seeking to change to delivery model but requires clarification, regional managed assigned counsel system previously approved has not materialized. Plan must be resubmitted to address delivery system method, Standard 2 (initial interview verification), and Standard 3 (use of experts/investigators); cost analysis should be resubmitted consistent with projections (has only used 18% of funding for assigned counsel); reductions currently address reduced MACC cost, training costs

transferred to county, system reduced attorney's fees, ancillary personnel.

9. D 46 – Southfield

FY20 Total system cost: \$600,500.00

FY21 Total system cost: \$584,437.00

Managed assigned counsel system seeking to revise attorney for hourly/house counsel (FY20: Flat fee per case/\$150 and \$100 per arraignment shift; FY21: New event-based schedule/\$200 and \$150 per arraignment shift); no net reduction due to the cost of in-custody OCJ arraignments being transferred to the county. Plan must be resubmitted to address process for obtaining experts/investigations under Standard 3; cost analysis must eliminate supplanting for court clerk time; detail is requested for the new fee schedule, the increased MAC administrator's costs, and the absence of soundproofing costs.

Western Michigan FY21 Plans and Costs

10. Allegan/Van Buren Counties

FY20 Total system cost: \$3,112,882.00

FY21 Total system cost: \$2,617,040.00

Regional defender office model continues to be implemented with a roster of attorneys for the balance of assignments. Compliance plans were submitted separately for each system with one cost analysis. Plans require additional detail to ensure compliance with Standards 2 (verification of interviews, meeting space) and 4 (appearances in VB; pleas by mail for both systems); cost analysis requires detail for training, memberships, supplies, equipment, maintenance, and repairs.

11. Calhoun County

FY20 Total system cost: \$2,866,565.81

FY21 Total system cost: \$3,681,554.22

Hybrid public defender office (75%) and roster (25%) system continues to be implemented. Compliance plan must clarify process for assignments to roster attorneys under MIDC Standard 2; cost analysis requires clarification on need for additional FTEs (attorneys and support staff), office space, equipment, and furniture.

12. D 61 – Grand Rapids

FY20 Total system cost: \$502,130.00

FY21 Total system cost: \$659,350.00

System seeks to add an “Indigent Defense Coordinator” to oversee all aspects of roster attorneys. Plan must be resubmitted to clarify inconsistently listed responsibilities of coordinator and court regarding MIDC Standard 3 and clarify whether coordinator who may be approving expert and investigator requests made by counsel is a licensed attorney.

13. D 62a – Wyoming (59-1, 59-2, 62b)

FY20 Total system cost: \$802,001.29 (combined)

FY21 Total system cost: \$954,335.74

Multiple 3rd class district courts in Kent County seek to implement a single compliance plan for FY21 which appears to be an efficient method of delivering services. Significant details are required to ensure compliance with MIDC Standards 1-4; cost analysis must address need for increased spending on contracted attorneys.

14. Kent County (C17 and D63)

FY20 Total system cost: \$6,769,498.13

FY21 Total system cost: \$9,093,793.89

System is maintaining public defender office, increasing overall system costs by 20% for services plus seeking

\$1,714,007.25 for construction, space renovation, and furniture for the defender office based on estimates (a total increase of nearly 50% from FY20). The plan requires additional detail regarding training program for full time defenders and private bar and an explanation of approval process for use of experts and investigators. The cost analysis requires further detail regarding the buildout and furniture spending in this upcoming fiscal year. In addition to construction and furniture, there are increases are to ancillary spending for sheriffs' time and adding a deputy (but reducing program administrator from full time to part time), and requests for various items totaling \$3,548 for the new deputy (uniforms, radio, taser, OC spray, flashlight, handcuffs, seat belt cutter, belt, hat and badges) much of which should be omitted; increased spending on services includes proposed Standard 8 rates for the private bar for felonies, additional attorneys, investigators, social workers and staff for the defender office.

15. Muskegon County

FY20 Total system cost: \$2,362,268.20

FY21 Total system cost: \$3,128,288.50

Public defender office will be maintained, system is seeking a MAC administrator for conflict counsel. Detail regarding Standard 2 and Standard 4 are required to assess compliance and ongoing implementation of standards; cost analysis requires detail for construction, equipment, supplies, and services.

Mid-Michigan FY21 Plans and Costs

16. Midland County

FY20 Total system cost: \$543,605.00

FY21 Total system cost: \$545,227.25

The plan submitted is incomplete. The system appears to be (continuing) using an hourly contract model for indigent defense; detail is required to properly analyze

compliance with Standard 1 for training a new attorney and Standard 3 for using experts and investigators; the cost analysis is incomplete and should be resubmitted on the MIDC's approved form and detail funding by cost category; the current submission lacks sufficient detail to support the request in terms of methodology as well as failing to track prior reports about caseloads or spending.

Staff Recommendation:

Approve Compliance Plan, Disapprove Cost Analysis

Northern Michigan FY21 Plans and Costs

17. Alger County

FY20 Total system cost: \$446,941.78

FY21 Total system cost: \$428,337.30

Plan is to maintain PD office with assigned counsel for capital cases; cost analysis lacks detail and caseload lacks support/need for full time sheriff's deputy.

Lapeer, Macomb, Oakland, St. Clair FY21 Plans and Costs

18. D 43-3 Madison Heights

FY20 Total system cost: \$626,516.25

FY21 Total system cost: \$592,088.91

Plan is to maintain a managed assigned counsel system; funding for attorney fees is significantly higher than spending projections.

19. D 51 Waterford

FY20 Total system cost: \$351,679.06

FY21 Total system cost: \$297,458.26

Plan is to maintain assigned counsel system; reductions in costs are due to county taking over arraignments; attorney funding requested does not track with projected spending.

20. Lapeer County

FY20 Total system cost: \$1,001,776.00

FY21 Total system cost: \$1,003,178.00

System currently uses an independent contractor for a part-time managed assigned counsel administrator position, seeks to make the part time manager a part time employee (\$6,000/mo, \$72,000/yr) with indirect costs for the MAC administrator. Cost analysis must be resubmitted with a specific hourly rate for the employee and/or maintain contract model and remove indirect costs consistent with prior MIDC action; additionally, attorney fees are not in line with projections (currently at 15% through Q2 spending) and should be reduced or clarified.

Western Michigan FY21 Plans and Costs

21. Ionia County

FY20 Total system cost: \$453,149.77

FY21 Total system cost: \$527,407.70

System will maintain the public defender office. The cost analysis includes a part time officer that does not appear to be directly related to standards implementation and related costs should also be removed and/or explained; detail for supplies and equipment is required; increase for experts and investigators and addition of a contractual social worker requires detail of need.

22. Kalamazoo County

FY20 Total system cost: \$4,709,000.00

FY21 Total system cost: \$4,821,604.00

System is maintaining a non-profit defender office that serves the county except for conflict cases. Detail for spending on travel and training is required; additional description of need for ancillary spending related to standards is required; policy regarding unspent funds by vendor and outside funding to vendor for indigent

defense must be described in detail; math errors in salaries and fringe benefits must be corrected; placeholder construction should be explained or removed.

Wayne County (all) FY21 Plans and Costs

23.D 17 - Redford

FY20 Total system cost: \$291,038.77

FY21 Total system cost: \$386,701.17

Assigned counsel system seeking to increase attorney fees by 38% without explanation or apparent need after evaluation of caseloads; additional detail or clarification is required for payment method (hourly vs shift coverage) and math errors in travel and training budget.

24.D 25 – Lincoln Park

FY20 Total system cost: \$571,360.11

FY21 Total system cost: \$584,266.21

Managed Assigned Counsel System seeking a flat request for roster attorneys which is inconsistent with projections (system only spent 8% of budget through Q2); additional areas require clarification including: fringe benefit increases, mileage reimbursement for local training attendance and local client visits/court appearances.

25.D 34- Romulus

FY20 Total system cost: \$561,179.00

FY21 Total system cost: \$619,289.00

Managed assigned counsel system with a full time administrator and rotating list of attorneys seeks to increase attorney fees by \$104,000 (28%) which is inconsistent with projected spending. Clarification is required for MAC administrator coverage on cases and need for additional attorney hours.

26. Wayne County (Circuit only)

FY20 Total system cost: \$26,800,560.40

FY21 Total system cost: \$31,717,436.85

This system has a nonprofit defender office (25%) and rotating roster of assigned counsel (75%) making progress towards implementing a structured “back office” and managed assigned counsel system. The funding unit seeks to increase the defender office caseload to 35% and increase the fee schedule from the 1998 rates currently in place for the private bar. Multiple budget documents were provided and the system is requesting consideration of all, even though there are different totals on each. The cost analysis should be revised to a single document on the template provided by the MIDC that addresses both the funding unit and the non-profit defender office budgets, and address the following:

- Personnel
 - Hours must include calculation rate
 - Inmate transport deputies: correct math and explain 9% increase; these are overtime hours rather than full-time positions and the cost analysis should reflect that.
 - Schedulers: three positions should be reduced based on system needs.
 - Drew Van de Grift: is already a full-time employee of Corporation Counsel; this appears to be supplanting.
 - MIDC Court Coordinator: requires continued justification, it was approved in the FY20 planning grant but never filled.
 - Fringe Benefits (88.525%) require detail and should be for full time staff only
- Contracts for Attorneys
 - Clarification of caseload is needed
 - Non-profit defender office analysis is incomplete and inconsistent with application

budget, and requires detail for all cost categories, including:

- Hourly rates and number of hours per employee
 - Employee names or initials, or TBD if position is not filled
 - Lease: number of months, monthly rate
 - Supplies/Services: itemization and details
 - Travel/Training: identify conferences, locations, number of employees being trained, etc.
- Contracts for Experts and Investigators
 - Needs rates, hours, caseload numbers and percentage that correlates to caseload of private bar vs defender office
 - Total requested is inconsistent with projected spending, for the first 9 months of FY20 the system has spent \$309,839.31, or 6% of the total requested (the pilot project was in effect during this time).
 - Contracts Other
 - Office Space for OPDS almost doubled from FY20 (from \$408,000 to \$714,000) with no explanation other than it is reasonable for 8 employees. No square foot calculation was provided.
 - Marianne Talon: requires explanation for inclusion and detail on responsibilities
 - Equipment
 - PPE for visits based on per visit use does not correlate to caseload
 - Equipment for OPDS: Was in FY20 plan but not purchased, no details on purchases (quantity, price per unit)
 - \$2,400 in miscellaneous equipment and supplies – need itemization

- Training and Travel
 - All line items except training and travel for OPDS should be in the NDS cost analysis.
 - Research Attorney: need breakdown of hours and hourly rate.
- Supplies and Services
 - Buildout – OPDS: this was in FY20 but not done, no explanation of why it cannot be done yet in FY20.

Mid-Michigan FY21 Plans and Costs

27. Alpena County

FY20 Total system cost: \$670,326.00

FY21 Total system cost: \$594,000.00

System will move from a MAC roster with hourly paid attorneys to a regional nonprofit PD office with Montmorency County with a MAC roster for conflicts and overflow. Detailed feasibility study was undertaken for model and costs. Multiple cost documents are incomplete and must be resubmitted and clarify spending including for conflict and overflow counsel.

28. Montmorency County

FY20 Total system cost: \$287,425.00

FY21 Total system cost: \$228,500.00

Current system of MAC roster with hourly paid attorneys seeks to open a regional nonprofit PD office with Alpena County with MAC roster for conflicts and overflow. Detailed feasibility study was undertaken for model and costs. Multiple cost documents are incomplete and must be resubmitted and clarify spending including for conflict and overflow counsel.

29. Iosco County

FY20 Total system cost: \$194,264.04

FY21 Total system cost: \$322,058.92

System will move from a flat-rate contract with MAC administration to a hybrid contract and hourly system (minimum contract payment with \$90/hr rate when hours exceed minimum of 33 hours per month). System included a funding request (\$16,650) for conflict counsel which should be reduced, eliminated, or explained; CDAM membership must be removed in resubmission.

South Central Michigan FY21 Plans and Costs

30. Jackson County

FY20 Total system cost: \$2,892,162.20

FY21 Total system cost: \$3,522,431.66

Newly-created public defender office with contract/assigned counsel seeks to reduce contracted hours and increase staff (from 9 to 15 attorneys, plus support staff). Significant new construction request (\$121,000) with ongoing (FY20) renovations totaling \$130,977.17 (MIDC approved \$58,904 initially; additional \$72,073.17 requested in budget adjustments throughout the year, including a pending request). Clarification regarding construction is required prior to staff recommending approval of cost analysis.

31. Monroe County

FY20 Total system cost: \$863,639.00

FY21 Total system cost: \$973,072.76

Assigned counsel system has reduced some personnel and equipment expenses but overall seeking significant increase in attorney funding. Prior to FY19, rates were \$52/hr and each year they have increased by \$10/hr, with the goal to eventually be in line with Standard 8 rates. For FY21, the county is requesting an increase from \$70/hr to \$80/hr, with holiday/weekend pay at

\$125/day. An increase to attorney funding of approximately \$110,000 is inconsistent with projected spending, even with increased rates, where currently system has spent 28% of funding through Q2. Clarification or amended projections are requested.

32. Washtenaw County (all)

FY20 Total system cost: \$6,923,401.51 (combined)

FY21 Total system cost: \$6,969,515.42

System will now encompass all courts in the county (all Circuits, 14th District Courts and 15th District Court). New staff will be added to oversee arraignments at D15, but MAC Admin will oversee contracted attorneys who will remain on roster with the Ann Arbor court. The system is seeking a significant increase in spending for attorneys but through Q3 has only spent 26% of contract fees budget; financial reporting is incomplete, staff is unable to recommend approval of the cost analysis while requests for clarification of spending are pending.

Staff Recommendation:

Approve Compliance Plan, Approve Cost Analysis

No change at all to plan; same or decreases to costs, and/or on track with spending

Wayne County (all) FY21 Plans and Costs

33.D 19 - Dearborn

FY20 Total system cost: \$357,033.44

FY21 Total system cost: \$347,081.67

Contract system worked to ensure coverage while overall reducing attorney fees (\$15,600); offset by increase in COLA for personnel and minor increase in hours (\$4,688.23) and training funding increase.

34.D 33 - Trenton

FY20 Total system cost: \$297,822.70

FY21 Total system cost: \$297,090.00

Assigned counsel system increasing attorney rates from \$250/half day, \$300 full day to \$100/hr but overall reduced attorney hours.

35.D 35 - Plymouth

FY20 Total system cost: \$432,761.00

FY21 Total system cost: \$385,370.00

Contract system with a flat request from FY20; No decrease, FY20 included \$47,516 attorney reimbursement from FY19.

Lapeer, Macomb, Oakland, St. Clair FY21 Plans and Costs

36.D 39 – Roseville/Fraser

FY20 Total system cost: \$1,031,602.97

FY21 Total system cost: \$796,130.54

Assigned counsel system remains in place (regional MACC office did not materialize); system reduced officer hours, eliminated indigent defense administrator, reduced attorney's fee request, and training cost shifted to county plan.

37.D 41-a-1 – Sterling Heights

FY20 Total system cost: \$483,457.33

FY21 Total system cost: \$298,931.00

System will maintain assigned counsel system; significant reductions due to the following: training costs transferred to county, system reevaluated attorney needs, and system eliminated ancillary spending.

38.D 43-2 – Ferndale

FY20 Total system cost: \$642,131.00

FY21 Total system cost: \$551,357.44

Managed assigned counsel system reevaluated its attorney, expert, and supply needs and made reductions while ensuring coverage was in place; jail arraignment cost shifted to county.

39.D 44 Royal Oak

FY20 Total system cost: \$861,833.36

FY21 Total system cost: \$638,042.32

System will maintain managed assigned counsel roster; significant decrease in costs: Reduction in ancillary personnel rate and reduction in attorney fees. Part of the attorney's fees reduction is due to county taking over in-custody arraignment counsel.

40.D 45 Oak Park

FY20 Total system cost: \$515,430.00

FY21 Total system cost: \$449,850.00

System will maintain managed assigned counsel system; significant decrease in costs: Part of this is attorney fees for Oakland County Jail arraignments. Additional reductions were attorney fees, experts, and supplies.

Northern Michigan FY21 Plans and Costs

41. Mackinac County

FY20 Total system cost: \$200,011.56

FY21 Total system cost: \$199,707.56

System will maintain contract defender office model; virtually identical request (minor decrease).

Western Michigan FY21 Plans and Costs

42. Berrien County

FY20 Total system cost: \$3,128,460.00

FY21 Total system cost: \$3,095,791.00

System will maintain public defender office and is adding a social worker to replace an unfilled secretarial position; reductions in expert witness fees, translator services, training, offices supplies based on actual need; some increases to basic operational expenses.

43. Branch County

FY20 Total system cost: \$663,985.60

FY21 Total system cost: \$643,176.00

System will maintain public defender office adding an investigator to the staff; reductions to contract attorney fees and some services; new requests for programming evaluations, translators, IT services and supplies based on recent expenses and need.

South Central Michigan FY21 Plans and Costs

44. Livingston County

FY20 Total system cost: \$2,554,318.27

FY21 Total system cost: \$2,266,080.00

Public defender office with managed assigned counsel administrator; overall significant reduction to costs because one-time costs were made in FY20 to set up the new office; contract attorney hours have been reduced based on actual use documented through a new invoicing system; staff hired at lower rates than previously projected; soundproofing in custody meeting space at the courthouse consistent with previous study supplied to MIDC.

45. Shiawassee County

FY20 Total system cost: \$945,865.40

FY21 Total system cost: \$909,815.40

Public defender office continues to be implemented with a roster for conflict cases; one-time costs related to opening PD office from FY20 are not duplicated \$4655; reduction of \$50,000 of contract/overflow attorneys.

Mid-Michigan FY21 Plans and Costs

46. Alcona County

FY20 Total system cost: \$152,650.00

FY21 Total system cost: \$152,650.00

Contract defender system with a flat request; system has a contract for arraignments and separate flat rate for other work; \$120/hr for capital cases.

47. Arenac County

FY20 Total system cost: \$281,417.70

FY21 Total system cost: \$256,678.28

MAC supervises hourly paid panel of attorneys; system reduced attorney fees based on prior spending and reduced caseload - reduction in training costs due to one less attorney.

48. Isabella County

FY20 Total system cost: \$1,632,191.16

FY21 Total system cost: \$1,454,506.28

Public defender office with a MAC roster for overflow and conflicts; net decrease to plan largely due to decreasing PD staff by one attorney and increasing MAC hours to ensure coverage.

49. Oscoda County

FY20 Total system cost: \$254,609.00

FY21 Total system cost: \$178,857.00

Managed assigned counsel system with hourly pay for attorneys, reduced attorney fee request based on actual use of attorney fee funds and reduced caseload.

50. Sanilac County

FY20 Total system cost: \$463,107.11

FY21 Total system cost: \$388,001.09

Managed assigned counsel system reduced attorney payments to match actual need and slight increases in training and employee costs. FY20 total included a reimbursement for overspending in FY19, not repeated this year.

51. Clare/Gladwin Counties

FY20 Total system cost: \$1,976,939.89

FY21 Total system cost: \$1,481,001.28

Regional (8-county) assigned counsel system reduced attorney fees based on prior spending (attorney fees request reduced by \$450,142.32); additional reduction in system total shifts funding to Osceola county for an innovative 2nd chair program to train less-experienced attorneys (previously funded in each plan for \$27,000; instead all participating counties will use a pool of \$40,000 for this purpose).

52. Lake County

FY20 Total system cost: \$306,795.00

FY21 Total system cost: \$286,287.59

Regional (8-county) assigned counsel system with a flat request, increasing to salaries through COLA; and adding training, transcripts; funding for 2nd chair program reduced, removed and shifted to Osceola system costs.

53. Mason County

FY20 Total system cost: \$626,149.00

FY21 Total system cost: \$600,658.33

Regional (8-county) assigned counsel system Part of 8 county MAC system. Minor additions for transcripts and training; reductions to ancillary personnel hours; funding for 2nd chair program reduced, removed and shifted to Osceola system costs.

54. Newaygo County

FY20 Total system cost: \$834,012.00

FY21 Total system cost: \$821,607.58

Regional (8-county) assigned counsel system with a flat request, increasing to salaries through COLA; funding for 2nd chair program reduced, removed and shifted to Osceola system costs.

55. Oceana County

FY20 Total system cost: \$546,200.00

FY21 Total system cost: \$480,459.40

Regional (8-county) assigned counsel system with essentially a flat request, increasing to salaries through COLA, minor addition to supplies/services; funding for 2nd chair program reduced, removed and shifted to Osceola system costs. Other reduction: system provided incorrect local share calculation FY19 and was reimbursed in FY20 (\$69,971).

No change, COLA is the only increase, on track to spend prior year

Mid-Michigan FY21 Plans and Costs

56. Bay County

FY20 Total system cost: \$1,143,261.00

FY21 Total system cost: \$1,234,010.40

This is a unique 2 PD office model with a roster of attorneys for conflicts and overflow. No change to plan, increases are only due to COLA and steps; reductions

made to conflict attorneys, experts/investigators, and ancillary costs to reflect actual spending.

Northern Michigan FY21 Plans and Costs

57. Dickinson County

FY20 Total system cost: \$532,670.07

FY21 Total system cost: \$541,144.46

Assigned counsel system with an essentially flat request, increase for COLA to personnel and minor increase to training for 8 (instead of 6) attorneys.

58. Charlevoix County

FY20 Total system cost: \$513,540.00

FY21 Total system cost: \$514,125.60

Contract attorney system with lead counsel seeking an essentially flat request from the prior year, adding only COLA for officer and attorney training.

59. Leelanau County

FY20 Total system cost: \$220,225.00

FY21 Total system cost: \$221,985.72

Contract defender system with essentially a flat request, seeking only COLA for the court-based part time clerk position and attorney training.

60. Schoolcraft County

FY20 Total system cost: \$233,227.70

FY21 Total system cost: \$234,547.70

System will maintain contract model with primary contract administrator; nominal change only related to the increase for training/travel.

No change, minor increases based on demonstrated need and/or standards implementation

Western Michigan FY21 Plans and Costs

61. Cass County

FY20 Total system cost: \$457,136.00

FY21 Total system cost: \$473,540.80

Less than 5% increase

System will continue to implement the recently-changed plan for a Managed Assigned Counsel Administrator to oversee the contract attorneys. Minor increase to plan seeking to pay the MAC Admin \$100/hr x 3 hrs/wk; \$100/110/120 for conflict counsel with a flat monthly contract rate for three attorneys.

Northern Michigan FY21 Plans and Costs

62. Cheboygan County

FY20 Total system cost: \$380,071.56

FY21 Total system cost: \$386,704.00

Managed assigned counsel system with a flat request for attorney spending; increase in cost for sheriff deputy time to facilitate attorney client meetings with a new program implemented to track the officer's time.

63. Wexford-Missaukee Counties

FY20 Total system cost: \$989,164.36

FY21 Total system cost: \$998,590.32

Regional public defender office with a MAC administrator seeking essentially a flat request; adding a small paid internship position (\$12/hr) and minor plan increases to facilitate confidential interviews under MIDC Standard 2 including soundproofing, blinds, and equipment/furniture modifications.

Wayne County (all) FY21 Plans and Costs

64.D 29 – City of Wayne

FY20 Total system cost: \$171,784.79

FY21 Total system cost: \$179,204.94

Contract system increasing attorney hours (\$10,600) to facilitate MIDC Standards 2 and 4; minor decrease to personnel overall (court officer/fringes).

Lapeer, Macomb, Oakland, St. Clair FY21 Plans and Costs

65.D 40 – St. Clair Shores

FY20 Total system cost: \$551,999.08

FY21 Total system cost: \$534,636.91

Managed assigned counsel system previously compensated attorneys on a fee schedule and \$100 for some services, will transition to \$100/hr for all attorney fees in FY21. The system added part time ancillary spending (corrections) and equipment; reduced MACC costs and expert fees; transferred training costs to county.

Mid-Michigan FY21 Plans and Costs

66.Ogemaw County

FY20 Total system cost: \$583,209.00

FY21 Total system cost: \$608,093.00

Managed assigned counsel administrator oversees attorneys providing services through a flat rate contract. Some reduction to attorney fees based on shift of funds; increase to expert and investigator funding request based on use, need, and projected spending.

67.Tuscola County

FY20 Total system cost: \$1,121,837.00

FY21 Total system cost: \$1,138,982.00

Managed assigned counsel system with a roster of attorneys; essentially a flat request: deleted equipment purchased in FY20, increased expert and investigator funding based on system need.

Plan change, no additional costs and/or reductions in spending

Lapeer, Macomb, Oakland, St. Clair FY21 Plans and Costs

68.D 41-a-2 – Shelby Twp

FY20 Total system cost: \$500,232.87

FY21 Total system cost: \$378,519.45

System will move from an assigned counsel system to a managed assigned counsel system; significant reductions in part transferred to the county for CLE costs, but it is mostly due to the system reevaluating its needs regarding attorneys (including MACC) and experts.

69.D 41-b Mt. Clemens

FY20 Total system cost: \$479,800.00

FY21 Total system cost: \$464,280.86

System will move from an assigned counsel system to a managed assigned counsel system; overall reduction from prior year's award but some increase to attorney hours (not rates).

Western Michigan FY21 Plans and Costs

70.Ottawa County

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

FY21 Total system cost: \$3,279,235.00

System is maintaining county-based public defender office and seeking to add a managed assigned counsel administrator for the conflict roster; minor increases in staff salaries, addition of MAC administrator; decreases in supplies, services, travel and related expenses upon review of projected spending.

South Central Michigan FY21 Plans and Costs

71. Eaton County

FY20 Total system cost: \$2,132,500.68

FY21 Total system cost: \$2,085,798.00

System will move to open up a full-time PD office and transition away from the MAC Admin and roster model. Overall decrease due to PD office opening. Includes funding for contracted CAFA attys, conflicts and transition atty fees; space modification and equipment; reduction of contract hours under the new model, video visitation schedule based on actual use, reorganized training program.

Mid-Michigan FY21 Plans and Costs

72. Saginaw County

FY20 Total system cost: \$3,907,993.00

FY21 Total system cost: \$3,795,287.00

County uses a hybrid system of a non-profit public defender office (25%) and managed assigned counsel system (75%), seeking to increase PD caseload to 50% in FY21. Shifting the expenses from the contract attorney line item to the defender office has some reductions in savings and efficiency; minor increase to equipment purchases; construction project from FY20 is completed.

Plan change **and/or** (more than 5%) increase to direct services and/or spending

Western Michigan FY21 Plans and Costs

73. Montcalm County

FY20 Total system cost: \$648,628.63

FY21 Total system cost: \$841,536.14

System is maintaining managed assigned counsel system. Increases reflect pay consistent with local system scale and policy with addition of indirect costs; increase in attorney spending due to increase in law enforcement;

minor additions to supplies, services, training budgets based on need.

74. St. Joseph County

FY20 Total system cost: \$774,890.80

FY21 Total system cost: \$918,293.67

System will continue to implement new managed assigned counsel system; overall increase with reduction in costs for the contract attorneys and increase in cost for salaries and fringes looking toward long range efficiencies and savings; indirect costs added as well. Some increases to experts and investigator services based on current caseload needs; minor increases to supplies, dues, and services.

Mid-Michigan FY21 Plans and Costs

75. Huron County

FY20 Total system cost: \$541,000.67

FY21 Total system cost: \$644,827.26

Independent director of assigned counsel manages a panel of assigned attorneys. Increase to system costs is largely attributable to higher requests for experts and investigators based on need and projected use and the system is moving from \$90/hr to MIDC proposed Standard 8 rates of \$100/110/120/hr; equipment and furniture needs for personnel are also requested. System was reimbursed in FY20 for overspending on services in FY19.

76. Osceola County

FY20 Total system cost: \$368,270.00

FY21 Total system cost: \$424,472.82

Regional (8-county) assigned counsel system requires additional funding for the pooled 2nd chair program; additional experts and investigators based on use and projected need in pending cases; increase to benefits for

personnel, transcripts, minimal training changes, and new polycom.

Northern Michigan FY21 Plans and Costs

77. Baraga/Houghton/Keweenaw Counties

FY20 Total system cost: \$649,626.64

FY21 Total system cost: \$700,178.20

System is maintaining non-profit model tri county defender office; salary increases commensurate with local policy, minor equipment added for remote work capabilities; defender office added representation in Baraga prison cases (previously part of a separate contract).

78. Crawford County

FY20 Total system cost: \$288,669.00

FY21 Total system cost: \$316,295.80

System maintains a contract delivery system with a court-based MIDC coordinator. Increase to attorney fees for walk in arraignment coverage and addition of sheriff and bailiff time for arraignment changes.

79. Delta County

FY20 Total system cost: \$399,133.51

FY21 Total system cost: \$585,443.54

This system will be adding a lead attorney to the contract system. Significant but necessary increases to the standard contract will allow for additional compensation to implement Standards 2 and 4 using proposed standard 8 rates (moving from \$55/hr for services to \$100/110/120/hr in addition to monthly contract). Minor increases for COLA, training, equipment purchase for use by contract attorneys and staff at the courthouse and jail.

80. Grand Traverse County

FY20 Total system cost: \$837,550.20

FY21 Total system cost: \$1,058,022.80

System continues to implement managed assigned counsel model. Overall there is a significant increase from the FY20 plan, however, the increases are in the areas of attorney fees and contractual fees for the MAC Manager to perform his duties and fully transition to Standard 5. The MAC Admin hourly rate is increased to \$100/hr (up to \$70,000/yr) (previously \$30/hr); a new line item for life offenses was added to the attorney fees for a total cost of \$102,000.00 for FY21 (\$85/hr).

81. Iron County

FY20 Total system cost: \$445,694.95

FY21 Total system cost: \$619,053.86

Non-profit model 1-attorney defender office recently opened seeking to add two part time defenders and one support staff member to implement proposed Standard 6 (and related equipment); managed assigned counsel administrator will be added as well as additional hours for conflict cases.

82. Marquette County

FY20 Total system cost: \$958,688.80

FY21 Total system cost: \$1,098,460.18

County has a new public defender office in the busiest trial court in the Upper Peninsula. Based on caseloads and need, the system will add a (5th) full time public defender to the staff and related equipment and training costs, with a reduction to the contract attorney line item.

83. Menominee County

FY20 Total system cost: \$490,826.59

FY21 Total system cost: \$703,571.00

System will move from a contract defender model to a nonprofit defender office in order to ensure consistent

delivery of services. Court based manager position will be eliminated and a MAC administrator (\$12,000/yr) for conflict attorney roster (\$110/hr) will be added to the plan and cost analysis. Some of the increase is attributable to one time startup costs for the defender office.

84. Presque Isle County

FY20 Total system cost: \$199,811.02

FY21 Total system cost: \$206,468.51

Contract system will add managed assigned counsel administrator (\$12,000/yr) to make case assignments, review/approve/track requests for experts and investigators, and review and approve attorney invoices. The reporting and planning pieces will still be handled by the part-time court clerk. Minor addition for initial interviews (\$4,000/yr); zoom license removed from final cost analysis.

South Central Michigan FY21 Plans and Costs

85. Clinton County

FY20 Total system cost: \$815,673.30

FY21 Total system cost: \$1,305,287.80

Managed assigned counsel system seeks to increase pay rate from \$100 p/hr for all cases to Standard 8 rates: \$100/\$110/\$120. Overall grant request increased by \$486,326.1. The majority of this comes from the increase to standard 8 attorney rates. Additionally, the following are new or increased requests: additional training hours for attorneys, expert and investigator funding based on current caseload needs, transcripts and COLA for personnel.

86. Gratiot County

FY20 Total system cost: \$586,807.51

FY21 Total system cost: \$757,347.36

Managed assigned counsel system seeking to increase rates this year from \$100/hr for all case types to Standard 8 rates of \$100, 110 and 120/hr. The requested amount is calculated based on an average of time per case type multiplied by the appropriate hourly rate based on tracked use. Minor increase for COLA for personnel; increase for experts and investigators consistent with projected spending.

87. Genesee County

FY20 Total system cost: \$4,825,360.66

FY21 Total system cost: \$4,833,546.98

A MAC system has existed in Genesee for years, including prior to MIDC. However, this administration has always existed as part of the court, run by the court administrator's office. For FY21, the county requests to move to a different department under county control and to add a Chief Public Defender Administrator, who will oversee the roster system and grant management, along with financial/administrative support. Minor increase to cost only for COLA, basic skills training need, and approximately \$4k for construction on an already approved project from last year.

88. Ingham County

FY20 Total system cost: \$5,542,054.00

FY21 Total system cost: \$6,068,854.75

County based public defender office is requesting 2 additional misdemeanor attorneys and one paralegal to move towards implementing Standard 6. Increase in plan is due to additional 3 staff + benefits, additional leased, construction and equipment for 3 new staff, increase of training funds for new atty staff, conflict counsel, and support staff based on projected needs; additional

software/subscription (Cisco Jabber) for PD staff to work remotely—COVID-related; slight increase to expert and investigator funds following trends of culture change on their use.

89. Lenawee County

FY20 Total system cost: \$1,314,689.11

FY21 Total system cost: \$1,391,202.72

Public defender office with conflict administrator seeks to add one public defender to staff based on caseload needs; conflict hourly rate increase from \$75 to \$100/hr; aside from new felony attorney there are also and COVID-19 related expenses including: social distancing updates to court meeting room, rented off-site remote hearing space for non-custody clients and part-time contractor to assist with setup; minimal increases for training expenses due to vendor increase.

Lapeer, Macomb, Oakland, St. Clair FY21 Plans and Costs

90. Macomb County (C16 & D42s)

FY20 Total system cost: \$7,071,336.20

FY21 Total system cost: \$7,556,919.62

Newly created public defender office (county employees) and managed assigned counsel system (PD office is MACC) will essentially maintain delivery model; increases to personnel (community corrections), space modification, equipment; some reductions to attorney fees; very efficient county-wide all-inclusive training program to be implemented in coordination with CDAM.

91. St. Clair County

FY20 Total system cost: \$2,439,289.10

FY21 Total system cost: \$2,788,549.84*

System continues to implement relatively new county-based public defender office; increase to staff is requested

(senior attorney, attorney, part time custodian), goal is to reduce spending on contractual attorney time (FY20 - \$60.00 hr./\$180 for ½ day; FY21: \$70.00 hr./\$210 for ½ day) by reducing need for ½ day coverage; increase to expert and investigator based on use and projected need; minor increase to training and supplies. *Cost analysis in materials does not reflect reduction for computer purchase.

Wayne County (all) FY21 Plans and Costs

92. Grosse Pointe Farms

FY20 Total system cost: \$58,853.00

FY21 Total system cost: \$65,974.00

Small municipality with an assigned counsel system increasing attorney rates from \$85/\$100/hr to \$100/hr, (\$5,541.00) based on need and projected spending; requesting 2 iPads for video meetings and court proceedings.

93.D 16 - Livonia

FY20 Total system cost: \$504,623.01

FY21 Total system cost: \$648,950.88

Traditional assigned counsel system will be maintained; increases for COLA for part time personnel (arraignment coordinator and police service assistant); increase of \$136,587.34 for assigned counsel due to underestimating in prior year, documented backlog due to COVID cases, and time needed for initial interviews. System is on track to overspend in the current budget year.

94.D 21 – Garden City

FY20 Total system cost: \$114,793.07

FY21 Total system cost: \$138,584.08

Assigned counsel system with an increase to personnel (police officer) COLA and fringe benefits; system seeks to adjust attorney hours from a house counsel rate to

\$100/hourly only and increased hours due to current spending trends; increased training through CDAM.

95.D 23 - Taylor

FY20 Total system cost: \$401,859.00

FY21 Total system cost: \$433,718.56

Contract defender system increasing attorney fees by \$24,000 based on need and spending; \$6,027.78 in personnel and fringes; equipment to facilitate interviews and arraignments, and a minor increase for training.

96.D 32a – Harper Woods

FY20 Total system cost: \$189,771.90

FY21 Total system cost: \$221,006.72

Assigned counsel system with COLA increase for court-based coordinator; increase of attorney hours and rates (from \$80 to \$100/hr, \$34,000) based on projections and system need.

97.D 36 - Detroit

FY20 Total system cost: \$5,791,521.08

FY21 Total system cost: \$8,323,170.00

This court is just beginning to implement as an assigned counsel/contract system with a Coordinator, a Deputy Coordinator, and one analyst. The FY19 contract was not signed so there are no reports to evaluate and FY20 was based on a partial year plan; FY20 was prorated accordingly (represented 8 months of implementation). Significant effort has been made to determine system needs and the following changes were made to the budget:

- Increased overall mainly due to FY20 being prorated
- Decreased experts/investigators by \$33,750.00
- Decreased the inmate transport deputies by \$20,000.00

- Increased personnel due to new structure by \$55,000 + increase in benefits
- Added maintenance contracts for Polycoms \$11,200.00
- Removed supplies (forms) of \$5,890.75

Conditional approval – subject to resolution of the FY20 planning grant (\$589,272.50 for IT; \$8,673 for data collection and planning costs) and removing that funding from FY21 request.

Lapeer, Macomb, Oakland, St. Clair FY21 Plans and Costs

98. Oakland County (C6 and D52s)

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

FY21 Total system cost: \$7,801,292.33 (note: includes FY20 planning grant funds)

This system continues to use an assigned counsel model with a fee schedule for case events. Previously accomplished increases for Level 1 cases; system will expand that model to increase rates per case for Level 2-4 in FY 21; the system will continue to coordinate countywide programs for training and counsel at first appearance; minor increase for jail equipment (tablet), some ancillary staff time pursuant to local bargaining requirements; and an increase to expert/investigator funding based on use and projected need; reductions include \$376,591.57 in court/county personnel costs; system has reexamined its CAFA needs at the 2nd class district courts and it suspended its request for some personnel that were requested in prior budgets. There were also some personnel cost reductions at the local lock up facilities.

c. Request by all systems for planning reimbursement – Action
Requested

Plan and cost approved	
Gogebic County	\$863.60
Plan and cost recommended for approval	
D 16 - Livonia	\$826.10
Saginaw County	\$1,186.00
Cost analysis not recommended for approval	
Alger County	\$2,857.56
Alpena County	\$7,800.00
Wayne County Circuit Court	\$8,183.57
Total 13.2 funding requested	\$21,716.83

d. Summary of Recommended Approval Totals:

System Name		FY21 Total System Cost	FY21 Local Share (+2.1%)	MIDC Grant Funding
Approved Totals				
Antrim County	1	\$255,891.40	80,078.05	\$175,813.35
Benzie/Manistee Counties	1	\$766,610.24	282,873.44	\$483,736.80
Chippewa County	1	\$513,994.30	224,154.43	\$289,839.87
D 18 - Westland	1	\$447,280.00	62,895.64	\$384,384.36
D 24 - Allen Park	1	\$183,718.00	14,817.09	\$168,900.91
D 28 - Southgate	1	\$186,265.04	4,682.30	\$181,582.74
D 31 - Hamtramck	1	\$189,082.71	14,472.68	\$174,610.04
D 47 Farmington/Hills	1	\$187,828.22	21,889.50	\$165,938.72
D 48 Bloomfield	1	\$531,500.00	17,446.43	\$514,053.57
Emmet County	1	\$446,636.00	162,669.81	\$283,966.19
Grosse Pte City Municipal	1	\$23,750.00	3,229.43	\$20,520.57
Grosse Pointe Park	1	\$41,110.00	10,175.28	\$30,934.72
Gogebic County	1	\$298,453.76	104,295.23	\$194,158.53
Hillsdale County	1	\$407,313.37	113,644.44	\$293,668.93
Kalkaska County	1	\$446,774.89	39,813.90	\$406,961.00
Luce County	1	\$266,954.00	30,146.04	\$236,807.96
Mecosta County	1	\$454,799.00	166,746.65	\$288,052.35
Ontonagon County	1	\$162,911.00	27,747.04	\$135,163.96
Otsego County	1	\$352,745.09	82,192.54	\$270,552.55
Total approved June 16, 2020	19	\$6,163,617.02	1,463,969.92	\$4,699,647.10
Recommended Approvals for August 18,2020				
Alcona County	1	\$152,650.00	40,971.99	\$111,678.01
Arenac County	1	\$256,678.28	114,224.09	\$142,454.19
Baraga/Houghton/Keweenaw Counties	1	\$700,178.20	158,294.21	\$541,883.99
Bay County	1	\$1,234,010.40	605,605.63	\$628,404.77
Berrien County	1	\$3,095,791.00	574,534.13	\$2,521,256.87
Branch County	1	\$643,176.00	154,555.91	\$488,620.09
Cass County	1	\$473,540.80	254,093.20	\$219,447.60
Charlevoix County	1	\$514,125.60	168,311.85	\$345,813.75

Cheboygan County	1	\$386,704.00	144,373.49	\$242,330.51
Clare/Gladwin Counties	1	\$1,481,001.28	236,294.44	\$1,244,706.84
Clinton County	1	\$1,305,287.80	147,696.84	\$1,157,590.96
Crawford County	1	\$316,295.80	15,014.82	\$301,280.98
D 16 - Livonia	1	\$648,950.88	17,573.31	\$631,377.57
D 19 - Dearborn	1	\$347,081.67	78,777.98	\$268,303.69
D 21 - Garden City	1	\$138,584.08	8,929.66	\$129,654.42
D 23 - Taylor	1	\$433,718.56	40,330.52	\$393,388.04
D 29 - Wayne	1	\$179,204.94	23,452.78	\$155,752.16
D 32a - Harper Woods	1	\$221,006.72	12,648.41	\$208,358.31
D 33 - Trenton	1	\$297,090.00	76,681.87	\$220,408.13
D 35 - Plymouth	1	\$385,370.00	31,111.46	\$354,258.54
D 36 - Detroit	1	\$8,323,170.00	1,085,610.79	\$7,237,559.21
D 39 - Roseville and Fraser	1	\$796,130.54	90,161.44	\$705,969.10
D 40 St Clair Shores	1	\$534,636.91	7,072.53	\$527,564.38
D 41-a-1 Sterling Heights	1	\$298,931.00	0.00	\$298,931.00
D 41-a-2 Shelby Twp	1	\$378,519.45	0.00	\$378,519.45
D 41b - Mt Cl, Harris., Clinton	1	\$464,280.86	43,576.48	\$420,704.38
D 43-2 Ferndale	1	\$551,357.44	15,293.56	\$536,063.88
D 44 - Royal Oak	1	\$638,042.32	22,670.29	\$615,372.03
D 45 - Oak Park	1	\$449,850.00	42,128.50	\$407,721.50
Delta County	1	\$585,443.54	109,483.87	\$475,959.67
Dickinson County	1	\$541,144.46	68,586.69	\$472,557.77
Eaton County	1	\$2,085,798.00	444,892.58	\$1,640,905.42
Genesee County	1	\$4,833,546.98	1,334,291.81	\$3,499,255.17
Grand Traverse County	1	\$1,058,022.80	156,805.18	\$901,217.62
Gratiot County	1	\$757,347.36	83,319.37	\$674,027.99
Grosse Pointe Farms	1	\$65,974.00	15,000.53	\$50,973.47
Huron County	1	\$644,827.26	81,103.74	\$563,723.52
Ingham County	1	\$6,068,854.75	920,963.44	\$5,147,891.31
Iron County	1	\$619,053.86	72,999.79	\$546,054.07
Isabella County	1	\$1,454,506.28	238,206.32	\$1,216,299.96
Lake County	1	\$286,287.59	77,818.17	\$208,469.42
Leelanau County	1	\$221,985.72	52,780.96	\$169,204.76

Lenawee County	1	\$1,391,202.72	214,605.27	\$1,176,597.45
Livingston County	1	\$2,266,080.00	935,939.47	\$1,330,140.53
Mackinac County	1	\$199,707.56	136,696.59	\$63,010.98
Macomb C 16 & D 42-1, 42-2	1	\$7,556,919.62	2,239,945.36	\$5,316,974.27
Marquette County	1	\$1,098,460.18	229,695.39	\$868,764.79
Mason County	1	\$600,658.33	156,702.08	\$443,956.25
Menominee County	1	\$703,571.00	116,087.70	\$587,483.30
Montcalm County	1	\$841,536.14	224,959.17	\$616,576.97
Newaygo County	1	\$821,607.58	201,215.03	\$620,392.55
Oakland C 6 & D 52-1, 2, 3, 4	1	\$7,801,292.33	1,867,161.92	\$5,934,130.41
Oceana County	1	\$480,459.40	92,863.02	\$387,596.38
Ogemaw County	1	\$608,093.00	147,705.00	\$460,388.00
Osceola County	1	\$424,472.82	70,238.68	\$354,234.14
Oscoda County	1	\$178,857.00	54,284.53	\$124,572.47
Ottawa County	1	\$3,279,235.00	942,471.82	\$2,336,763.18
Presque Isle County	1	\$206,468.51	74,828.40	\$131,640.11
Saginaw County	1	\$3,795,287.00	916,773.25	\$2,878,513.75
Sanilac County	1	\$388,001.09	65,619.63	\$322,381.46
Schoolcraft County	1	\$234,547.70	36,278.66	\$198,269.04
Shiawassee County	1	\$909,815.40	105,977.76	\$803,837.64
St. Clair County	1	\$2,788,549.84	749,438.51	\$2,039,111.33
St. Joseph County	1	\$918,293.67	422,808.72	\$495,484.95
Tuscola County	1	\$1,138,982.00	253,708.29	\$885,273.71
Wexford/Missaukee Counties	1	\$998,590.32	146,758.54	\$851,831.78
August recommended for approval	66	\$84,498,845.35	18,269,005.43	\$66,229,839.91
June and August combined	85	\$90,662,462.37	19,732,975.35	\$70,929,487.01