

September 11, 2020

Michigan Indigent Defense Commission  
200 N. Washington Square, 3<sup>rd</sup> Floor  
Lansing, MI 48913

**RE: Proposed Standard for Determining Indigency and Contribution**

Members of the Commission:

The State Bar of Michigan has advocated for improvements to Michigan's public defense delivery system for decades, and supports the Proposed Standard for Determining Indigency and Contribution with the following two amendments offered by the Bar's Access to Justice Policy Committee and Criminal Jurisprudence and Practice Committee:

- The federal poverty guidelines listed in Indigency Determination (a) should be changed from 140% to 200% of the federal poverty guidelines. The change would make Michigan Indigent Defense Commission (MIDC) indigency determinations consistent with the income eligibility guidelines utilized by the Legal Services Corporation (LSC) for the provision of civil legal services. Furthermore, the 200% federal poverty guideline benchmark is a more realistic and accurate measure of indigency which, if implemented, would help ensure defendants who cannot afford legal defense qualify for it under the MIDC.
- Indigency Determination (f) should be expanded as follows:
  - (f) Defendants who have retained counsel or who are representing themselves can request to be screened for indigency in order to qualify for expert and investigator funding, transcripts, and other case-related expenses.

Thank you for the opportunity to comment. The proposed standard with the above amendments will help advance the goal of effective representation for all criminal defendants.

Sincerely,



Janet K. Welch  
Executive Director

CC: Dennis M. Barnes, President