



MICHIGAN INDIGENT
DEFENSE COMMISSION

Date: Tuesday, October 20, 2020, Time: 9:00 a.m.

Zoom meeting link:

<https://us02web.zoom.us/j/81202313713>

Meeting ID: 812 0231 3713

One tap mobile

+19292056099,,81202313713# US (New York)

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
 - August 18, 2020 Meeting Minutes
 - September 15, 2020 Public Hearing and Meeting Minutes
6. Chair Report
7. Executive Director Report
8. Commission Business
 - a. Presentation on National Juvenile Defender Center Michigan Assessment
 - b. Update on Pretrial Incarceration and Jail Task Force Bills
 - c. Report of Eligibility Screening Standard Committee
 - d. FY20 Compliance Updates
 1. Recommendation by Executive Committee to Approve Amendment FY20 Grants Allowing Funding Units to Continue to Spend Unexpended FY20
 2. Recommendation of Executive Committee to Extend Wayne County FY20 Planning Grant
 3. Plan changes
 4. Budget adjustments
 - e. Review of FY21 Compliance Plan Submissions (Action requested)
 - Staff Recommendation:
 - **Plan previously approved; DISAPPROVE resubmitted cost analysis:**
 1. D 17 - Redford
 2. D 43-3 - Madison Heights
 - **Plan and cost analysis previously disapproved; recommend APPROVING resubmitted plan AND cost analysis:**
 3. Allegan and Van Buren Counties
 4. D 20 - Dearborn Heights
 5. D 37 - Warren and Centerline
 6. D 46 - Southfield

7. Grosse Pte Woods
8. Midland County
9. D 38 Eastpointe
10. Barry County
11. Calhoun County
12. D 61 - Grand Rapids
13. D 62 a - Wyoming (incl 59-1, 59-2, 62B)
14. Kent - C 17 & D 63
15. Muskegon County

○ **Plan previously approved, cost analysis previously rejected; recommend APPROVING resubmitted cost analysis:**

16. D 25 - Lincoln Park
17. D 34 - Romulus
18. D 50 Pontiac
19. D 51 - Waterford
20. Lapeer County
21. Washtenaw County
22. Alpena County
23. Montmorency County
24. Ionia County
25. Iosco County
26. Jackson County
27. Monroe County

f. Report of Court Rules Committee

9. Next meeting – **December 15, 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.

August 18, 2020

Time: 9:00 am

Commission Members Participating

Michael Puerner, Chair, Joshua Blanchard (joined at 9:14 am), Tracy Brame, Kimberly Buddin, Judge Jeffrey Collins, Nathaniel Crampton, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman (joined at 9:14 am), David Jones, James Krizan, Cami Pendell (non-voting member), Judge Kristina Robinson Garrett (joined at 10:25 am), John Shea, William Swor, Gary Walker

Commission Members Absent:

Margaret McAvoy and Tom McMillin

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 9:05 am.

Introduction of Commission members and guests

Chair Puerner welcomed attendees to the meeting.

Public Comment

Melanie Young offered commends on behalf of Monroe County.

Kareem Johnson offered comments on behalf of Jackson County.

Approval of the Agenda

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

Consent Agenda

Judge Collins moved that the consent agenda containing the minutes from the Commission’s June meeting be approved, Commissioner Walker seconded. The motion carried.

Chair Report

Chair Puerner thanked MIDC staff members for their hard work in the face of the challenges that have been presented over the last several months. He provided an overview of the materials distributed electronically to Commissioners. He recognized Commissioner Brame and Judge Fisher for awards that they are receiving. Commissioner Brame was recently named Lawyers Weekly

Lawyer of the Year. Judge Fisher is receiving the State Bar of Michigan's Champion of Justice Award.

Executive Director Report

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

The Commission's indigency screening standard has been published and the MIDC is accepting public comments through September 14. A public hearing will be scheduled in mid-September on the proposed standard.

Commission Business

FY21 Legislative/Appropriations Update

Ms. Westrate provided an update about the status of the Commission's FY21 appropriations. She will update the Commission as the process continues.

Byrne JAG Grant

Ms. Khogali and Ms. McCowan provided an overview of the proposed Byrne JAG grant application for FY21. The Commission has received the grant for FY19 and FY20.

Commissioner Shea moved that the Commission authorize staff to apply for up to \$250,000 in Byrne JAG grant funding to support skills training for indigent defense attorneys in Michigan. Commissioner Buddin seconded. The motion carried. Commissioner Blanchard abstained from the vote because of a potential conflict of interest.

FY21 Proposed Budget

Ms. Khogali provided a draft FY21 budget for the Commission's review. The Commission's Internal Operating Procedures require it to approve a budget no later than August for the fiscal year starting the following October 1. Since the FY21 budget has not been finalized, it is unclear what the amount will be. Ms. Khogali's draft is based on the Executive Recommendation presented by Governor Whitmer earlier this year.

Commissioner Shea moved to approve the FY21 proposed budget. Judge Collins seconded. The motion carried.

FY21 Compliance Planning Process

Judge Collins provided an overview of the Compliance Planning Committee's activities. The committee reviewed a document drafted by MIDC staff to guide the Commission in making decisions regarding the to be determined FY21 budget for compliance grants and recommends that the Commission adopt the document.

Judge Fisher moved that the Commission adopt the document presented by the committee to guide the Commission in making decisions in the case that there is a shortfall in the FY21 appropriation for compliance grants. Commissioner Krizan seconded the motion. The motion carried.

The Commission returned to public comment.

Lillian Diallo provided comment on behalf of the Wayne County Criminal Defense Bar Association.

Compliance Plan Assessment Tool

Dr. Siegel provided an updated assessment tool for the Commission's review and to assist in its evaluation of compliance plans. The tool is another way to compare compliance plans and costs between systems. Commissioners discussed the numbers, how they were calculated and provided comments.

The Commission returned to public comment.

Sam Churikian provided comments as a member of Wayne County's private defense bar.

FY20 Compliance Updates

Plan Changes

Ms. McCowan provided an overview of the changes requested by Crawford County. The county would like to have the court administrator take over the MIDC administrative responsibilities for the grant; these duties were previously handled by the magistrate. This change will not result in a substantive change to the approved cost analysis. MIDC staff recommends approval of the change.

Commissioner Swor moved that the staff recommendation be adopted and that Crawford County's plan change be approved. Judge Fisher seconded. The motion carried.

Ms. Mack approved the following budget adjustment requests; these did not impact the total system costs and do not require Commission approval:

- 36th District Court – City of Detroit
- 37th District Court – Warren/Centerline
- Lenawee County
- Jackson County
- Saginaw County

Ms. Mack partially approved Wayne County's budget request. The training and travel portion requires correction of documentation but is otherwise granted, the Sheriff Department benefits reimbursement is denied and the jail/deputy expenses were denied.

The Commission recessed for 15 minutes.

Upon resuming the meeting, Chair Puerner requested a second roll call vote to confirm that a quorum was still present. Ms. Westrate called the roll, a quorum was present.

Ms. McCowan provided a summary of the review done by MIDCs committees. All committees met on August 11 via Zoom.

The System Change Committee chaired by Gary Walker reviewed the following plans (listed by MIDC regions):

Western Michigan

- | | |
|-----------------------------------|----------------------|
| • Calhoun County | • 62A District Court |
| • 61 st District Court | • Muskegon |

- Ottawa

Northern Michigan

- Iron
- Menominee
- Presque Isle

Mid-Michigan

- Alpena/Montmorency
- Saginaw

Lapeer, Macomb, Oakland, St. Clair

- 41A-2 District Court – Shelby Twp.
- 41B District Court - Clinton Township

South Central Michigan

- Eaton County
- Genesee County
- Washtenaw County

The Increase to Direct Costs Committee, Commissioner Swor Chair, met and discussed the following plans (listed by MIDC region):

Western Michigan

- | | |
|-------------|---|
| • Branch | • Grandville, Kentwood, Walker, & Wyoming |
| • Calhoun | • Montcalm |
| • Cass | • Muskegon |
| • Ionia | • St Joseph |
| • Kalamazoo | |
| • Kent | |

Northern Michigan

- | | |
|----------------------------|-------------------------|
| • Baraga/Houghton/Keweenaw | • Grand Traverse County |
| • Crawford County | • Marquette |
| • Delta County | |

Wayne County

- | | |
|---|---|
| • 16 th District Court – Livonia | • 32A District Court – Harper Woods |
| • 17 th District Court – Redford | • 33 rd District Court – Woodhaven |
| • 21 st District Court – Garden City | • 34 th District Court – Romulus |
| • 23 rd District Court – Taylor | • Grosse Pointe Farms/Shores |
| • 29 th District Court – City of Wayne | • 3rd Circuit, Wayne County |

Mid-Michigan

- Huron County
- Iosco County
- Ogemaw County
- Osceola County
- Tuscola County

Lapeer, Macomb, Oakland and St. Clair

- 37th District Court - Warren
- 40th District Court - St. Clair Shores
- 41B District Court - Clinton Township
- 46th District Court – Southfield
- Lapeer County
- Macomb County
- Oakland County
- St. Clair County

South Central Michigan

- Clinton County
- Eaton County
- Genesee County
- Gratiot County
- Ingham County
- Jackson County
- Lenawee County
- Monroe County
- Washtenaw County

The General Increase to Plan Committee, chaired by Commissioner Green, considered the following plans (organized by MIDC region):

Western Michigan

- Calhoun County
- Ionia County
- Kalamazoo County
- Kent County
- Grandville, Kentwood, Walker, & Wyoming
- Montcalm County
- Muskegon County
- St Joseph County

Northern Michigan

- Cheboygan County
- Crawford County
- Wexford/Missaukee Counties

Mid-Michigan

- Oceana County

Wayne County

- 21st District Court – Garden City
- 23rd District Court – Taylor
- 25th District Court – Lincoln Park
- 36th District Court – Detroit
- Grosse Pointe Farms/Shores
- 3rd Circuit, Wayne County

Lapeer, Macomb, Oakland, St. Clair

- 40th District Court - St. Clair Shores
- 43-3 District Court - Madison Heights
- 46th District Court - Southfield
- Lapeer County
- Macomb County
- Oakland County
- St. Clair County

South Central MI

- Eaton County
- Genesee County
- Ingham County
- Jackson County
- Lenawee County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County

No submission to review

The following three systems did not submit final documents for the Commission and staff to review:

- 20th District Court – Dearborn Heights
- 30th District Court – Highland Park
- 43-1 District Court – Hazel Park

MIDC staff recommends that the failure to submit a plan and/or cost analysis be treated a rejection.

Commissioner Swor moved that the staff recommendation to treat the failure to submit a plan and/or cost analysis as a rejection of the plan and rejection of the cost analysis be adopted. Commissioner Walker seconded. The motion carried.

Rejection of submission

MIDC staff recommends that the plans and cost analyses for the following plans be rejected:

- 22nd District Court - Inkster
- 27th District Court - Wyandotte
- Grosse Pointe Woods
- 37th District Court – Warren/Centerline
- 38th District Court - Eastpointe
- 46th District Court – Southfield
- Allegan/Van Buren Counties
- Calhoun County
- 61st District Court – Grand Rapids
- 62a District Court – Wyoming (59-1, 59-2, 62b District Courts)
- Kent County (17th Circuit and 63rd District Courts)
- Muskegon County
- Midland County

Commissioner Krizan moved that the staff recommendation be adopted and that the Commission reject the plans and reject the cost analyses for the systems listed above. Judge Collins seconded. The motion carried.

Approve plan, reject cost analysis

MIDC staff recommends that the plans for the following systems be approved and the corresponding cost analyses be rejected:

- Alger County
- 43-3 District Court - Madison Heights
- 51st District Court - Waterford
- Lapeer County
- Ionia County
- Kalamazoo County
- 17th District Court - Redford
- 25th District Court – Lincoln Park
- 34th District Court - Romulus
- Wayne County (Circuit only)
- Alpena County
- Montmorency County
- Iosco County
- Jackson County
- Monroe County
- Washtenaw County (all)

The Commission returned to public comment. Drew Van de Grift offered public comment on behalf of Wayne County.

Commissioner Walker moved that the staff recommendation be adopted and that the plans for the systems listed above be approved and the cost analyses be rejected. Commissioner Green seconded the motion. The motion carried. Commissioner DeLeeuw abstained from the vote with respect to Washtenaw County because of his employment with that county.

Approve plan, approve cost analysis

Ms. McCowan provided an overview of the plans that are recommended to have both the plan and cost analysis approved.

The following plans have no change to the plan from the previous fiscal year and no increase in the cost analysis:

- 19th District Court - Dearborn
- 33rd District Court - Trenton
- 35th District Court - Plymouth
- 39th District Court - Roseville/Fraser
- 41-a-1 District Court - Sterling Heights
- 43-2 District Court - Ferndale
- 44th District Court - Royal Oak
- 45th District Court - Oak Park
- Mackinac County
- Berrien County
- Branch County
- Livingston County
- Shiawassee County
- Alcona County
- Arenac County
- Isabella County
- Oscoda County
- Sanilac County
- Clare/Gladwin Counties

- Lake County
- Mason County
- Newaygo County
- Oceana County

The Commission returned to public comment. Marianne Talon offered public comment on behalf of Wayne County.

The following systems did not request any change to their current plans and the only increase in the cost analyses were for cost of living adjustments:

- Bay County
- Dickinson County
- Charlevoix County
- Leelanau County
- Schoolcraft County

The following systems did not request any change to the current plans and had minor increases (less than 5%) to their cost analyses based on demonstrated need and/or standards implementation:

- Cass County
- Cheboygan County
- Wexford-Missaukee Counties
- 29th District Court – City of Wayne
- 40th District Court – St. Clair Shores
- Ogemaw County
- Tuscola County

The following systems requested changes to their compliance plans but no additional cost in their cost analyses:

- 41-a-2 District Court – Shelby Twp.
- 41-b District Court - Mt. Clemens
- Ottawa County
- Eaton County
- Saginaw County

Commissioner Swor moved that the Commission adopt the staff recommendation and approve the plan and approve the cost analysis for the 40 plans listed above. Commissioner Brame seconded. The motion carried.

Ms. McCowan provided an overview of the systems whose submissions included a change to the current plan and/or an increase to direct services greater than 5%. MIDC staff recommends approval of these plans:

- Montcalm County
- St. Joseph County
- Huron County
- Osceola County
- Baraga/Houghton/Keweenaw Counties
- Crawford County
- Delta County
- Grand Traverse County
- Iron County
- Marquette County
- Menominee County
- Presque Isle County
- Clinton County
- Gratiot County
- Genesee County
- Ingham County
- Lenawee County
- Macomb County (16th Circuit & 42 District Courts)

- St. Clair County
- Grosse Pointe Farms
- 16th District Court - Livonia
- 21st District Court - Garden City
- 23rd District Court - Taylor
- 32a District Court - Harper Woods
- 36th District Court - Detroit

The Commission recessed at 1:10 pm for 10 minutes. Commissions Crampton and Swor left the meeting during the recess. Upon resuming the meeting, Chair Puerner requested a roll call vote to confirm that a quorum was still present. Ms. Westrate called the roll, a quorum was present.

Commissioner Green moved that the staff recommendation be adopted and that the plans and cost analyses for the 25 systems listed above be approved. Judge Collins seconded. The motion carried. Judge Robinson Garrett abstained from the vote with respect to the plan for 36th District Court because she serves on that court's bench.

MIDC staff recommends conditional approval of the plan and cost analysis submitted by Oakland County. The approval would be subject to the resolution of the FY20 planning grant being executed and the corresponding amount (\$597,456.21) being removed from the FY21 cost analysis.

Commissioner Shea moved that the staff recommendation be adopted and that Oakland County's plan be conditionally approved. Judge Collins seconded the motion. The motion carried.

Planning costs

Ms. Khogali provided an overview of the planning costs requested by systems for FY 21 plans.

Commissioner Walker moved that the Commission approve planning costs submitted for fiscal year 2021 as request by funding units to date. Commissioner Krizan seconded the motion. The motion carried.

The next meeting is October 20, 2020.

Commissioner Shea moved that the meeting be adjourned. Commissioner Green seconded the motion. The motion carried. The meeting was adjourned at 1:40 pm.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes
Proposed Standard on Indigency Screening Public Hearing & Business Meeting

The meeting was held electronically via Zoom.

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

September 15, 2020

Time: 11:00 am

Commission Members Participating

Michael Puerner, Chair, Joshua Blanchard, Kimberly Buddin, Judge Jeffrey Collins, Nathaniel Crampton, Andrew DeLeeuw, Cami Pendell (non-voting member), Judge Kristina Robinson Garrett, John Shea

Commission Members Absent:

Tracy Brame, Judge James Fisher, Christine Green, Joseph Haveman, David Jones, James Krizan, Margaret McAvoy, Tom McMillin, William Swor, Gary Walker

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 11:04 am.

Introduction of Commission members and guests

Chair Puerner welcomed attendees to the public hearing on the Commission’s proposed indigency standard.

He requested a roll call be conducted. There was not a quorum of Commissioners present for the meeting.

Committee presentation of proposed standard on indigency screening

Ms. Khogali provide an overview of the contents of the standard and the statutory authority to draft the standard. She highlighted the role that various stakeholders played in providing insight and feedback throughout the process of drafting the proposed standard. This included focus groups of criminal defense attorneys and judges, a survey regarding retainers, and meetings with stakeholder groups. Feedback was incorporated into the draft standard that was reviewed by an MIDC committee and referred to the full Commission for its review.

Ms. Smithson provided an overview of the standard as it is currently drafted.

Written comments submitted to the MIDC were distributed to Commissioners for their review prior to the public hearing.

Public Comment

Chair Puerner asked for public comment.

The following people provided public comment:

- Marianne Talon;
- Robin Dillard-Russaw;
- John Nizol;
- Craig Paull;
- Thomas Hausmann.

There being no further public comment, Commissioner Blanchard moved that the public hearing be adjourned. Commissioner Shea seconded the motion. The motion carried. Because of the lack of quorum, Chair Puerner indicated that, had there been no motion to adjourn, he would have adjourned without a motion in his role as Chair.

The public hearing adjourned at 11:45 am.

Business Meeting

The Commission moved to a business meeting at 11:45.

Chair Puerner requested a roll call vote be conducted to determine whether a quorum of Commissioners was present.

Commission Members Participating

Michael Puerner, Chair, Joshua Blanchard, Kimberly Buddin, Judge Jeffrey Collins, Nathaniel Crampton, Cami Pendell (non-voting member), Judge Kristina Robinson Garrett, John Shea

Commission Members Absent:

Tracy Brame, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman, David Jones, James Krizan, Margaret McAvoy, Tom McMillin, William Swor, Gary Walker

A quorum of Commissioners was not present.

Chair Puerner moved the adoption of the consent agenda to the October meeting. The following two items were changed from action items to discussion items because of the lack of quorum: the amendment to allow for expenditure of fiscal year 2020 unexpended funds and the Executive Committee's Recommendation to extend Wayne County's fiscal year 2020 planning grant until December 31, 2020.

Ms. Khogali provided an overview of the administrative amendment to allow for expenditure of fiscal year 2020 unexpended funds. She will recirculate the amendment to the Commission and if there are no objections, then she recommends that ratification be put on the October agenda. The amendment is necessary for some systems, who will not have an executed contract in place by October 1 and need the amendment so that compliance with MIDC standards does not stop.

Chair Puerner provided an overview of the Wayne County planning grant. The Commission's Executive Committee recommends changing the end date from September 30, 2020 to December 31, 2020. This administrative change is the only part of the contract that is being modified. The end of the State's fiscal year is approaching, and the date must be changed by September 15.

Chair Puerner requested that MIDC staff convene the committee that considered the proposed indigency standard to complete a technical review of the standard and make any corrections that are necessary. He asked that the committee consider the comments that were submitted to the MIDC.

The next meeting will be October 20, 2020 at 9:00am.

Chair Puerner adjourned the meeting without a motion at 12:03 pm.

Respectfully submitted,
Marcela Westrate

AMENDMENT TO ALLOW FOR EXPENDITURE OF FY2020 UNEXPENDED FUNDS

Subject to the terms and conditions below, the State of Michigan, the Michigan Indigent Defense Commission (MIDC) and the Department of Licensing and Regulatory Affairs (LARA) (collectively “Grantor”) and _____ (“Grantee”) enter into this Agreement to allow Grantee to use funds remaining from Grant No. _____ after September 30, 2020.

BACKGROUND

In 2019, the Michigan Legislature appropriated funds to cover the cost of indigent defense services under the Michigan Indigent Defense Commission Act. Funding for fiscal year 2020 was distributed to 124 funding units pursuant to a grant contract executed between each funding unit and Grantor. The funds distributed under these grant contracts included the state grant amount and the local share. The amount of the grants included funding for the period of October 1, 2019 through September 30, 2020.

Pursuant to the MIDC Act, all indigent defense grant funds are required to be held in a restricted fund. MCL 780.993(14)(b). The MIDC Act also provides that unexpended funds in a system’s restricted fund (not subject to MCL 780.993(11)) will be included in the system’s subsequent fiscal year’s expenditures through the subsequent year’s compliance plan and cost analysis.

The parties are unable to fully execute a new grant contract for fiscal year 2021 on or before October 1, 2020. The parties agree, however that Grantee should make indigent defense related expenditures with unexpended funds from fiscal year 2020 in order to ensure the uninterrupted provision of indigent defense services.

TERMS

1. **SCOPE OF AUTHORITY:** This agreement incorporates by reference the fiscal year 2020 grant contract and associated fiscal year 2020 compliance plan and cost analysis. If Grantee received a budget adjustment during fiscal year 2020, it should continue spending funds in accordance with the budget adjustment. Any funds used pursuant to this agreement shall be used consistent with the FY20 approved compliance plan and cost analysis, or where the funding unit has an approved compliance plan *and* cost analysis for FY21, consistent with the approved FY21 compliance plan and cost analysis, pending execution of an FY21 grant contract. Grant funds shall not be used for any other purpose.
2. **VARIATION FROM FISCAL YEAR 2020 SPENDING:** Any variation in Grantee’s spending requires prior written approval from the MIDC. Grantee must follow MIDC policy and procedure when applying for approval.
3. **OFFSET:** The state grant for fiscal year 2021 will be offset by the amount of unexpended funds (not subject to MCL 780.993(11)) remaining on September 30, 2020.
4. **FUND BALANCE REPORTING:** Michigan Compiled Laws 780.993(15) requires Grantee to report all unexpended funds as of September 30th by October 31, 2020.
5. **INCORPORATION:** All terms and conditions of the parties’ fiscal year 2020 grant agreement, including attachments, are incorporated into this Agreement. If there is a conflict between the terms and conditions of the fiscal year 2020 grant agreement and this Agreement, this Agreement prevails.

MISCELLANEOUS PROVISIONS

6. **LOCAL SHARE:** Nothing in this agreement affects the calculation of the local share pursuant to the MIDC Act. That share is adjusted on an annual basis.
7. **MODIFICATION:** This Agreement, and all documents incorporated hereto, constitute the parties' entire agreement. This Agreement can only be modified by the parties' written agreement.
8. **WAIVER:** Failure to enforce any provision of the Agreement shall not constitute a waiver.
9. **SEVERABILITY:** If any court or competent jurisdiction finds any part of this Agreement to be invalid or unenforceable, that part will be deemed deleted from this Agreement. The severed part will be replaced with a mutually agreeable provision that achieves the same or similar objectives. The remaining Agreement will continue in full force and effect.
10. **HEADINGS:** The use of headings in this Agreement is for convenience only. Headings shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the parties.
11. **TERMINATION:** This agreement shall terminate on December 31, 2020 or the date that the parties sign their FY21 grant contract. Expenditures made under this Agreement, however, shall be included and supported with documentation in the first report required under the fiscal year 2021 grant contract.
12. **SIGNATORIES:** The signatories warrant that they are empowered to enter into this Agreement and agree to be bound by it.

 Loren Khogali, Executive Director
 Michigan Indigent Defense Commission
 Department of Licensing and Regulatory Affairs
 State of Michigan

Date: _____

 LeAnn Droste, Director
 Bureau of Finance and Administrative Services
 Department of Licensing and Regulatory Affairs
 State of Michigan

Date: _____

 Name:
 Title:
 Funding Unit:

Date: _____

From: [Khogali, Loren \(LARA\)](#)
To: ["bramet@cooley.edu"](#); ["kbuddin@aclumich.org"](#); ["jcollins@collinslegal.net"](#); ["hakim@jusa.org"](#); ["deleeuwa@washtenaw.org"](#); ["jfisher@dickinson-wright.com"](#); ["christinegreen4505@gmail.com"](#); ["jhaveman@hopenetwork.org"](#); ["jkrizan@citylp.com"](#); ["mmcavoy@isabellacounty.org"](#); ["mpuerner@hastingsmutual.com"](#); ["jashea@earthlink.net"](#); ["wwwswor@wwnet.net"](#); ["gwalkerpa@aol.com"](#); ["djones@allenbrotherspllc.com"](#); ["Josh Blanchard"](#); ["kristina.robinsongarrett@36thdistrictcourt.org"](#); [Cami Pendell](#); [tom_mcmillin@sbcglobal.net](#)
Cc: [Westrate, Marcela \(LARA\)](#); [McCowan, Marla \(LARA\)](#); [Siegel, Jonah \(LARA\)](#); [Mack, Rebecca \(LARA\)](#); [Sadler, Christopher \(LARA\)](#); [Mitchell, Deborah \(LARA\)](#); [Staley, Kristen \(LARA\)](#); [Klimaszewski, Barbara \(LARA\)](#); [Smithson, Nicole \(LARA\)](#); [Wangler, Melissa \(LARA\)](#); [McDoniel, Kelly \(LARA\)](#); [Prentice-Sao, Susan \(LARA\)](#)
Subject: Revised Indigency Standard
Date: Friday, October 2, 2020 4:38:00 PM
Attachments: [image001.png](#)
[Draft Indigency Standard 10_2_2020.docx](#)

Dear Commissioners:

The committee of commissioners reviewing the standard on indigency determinations met today and had a very productive discussion led by Regional Manager Nicole Smithson. The committee discussed the public comments offered at the public hearing on September 15th and some additional considerations. I am attaching a revised version of the proposed standard that reflects the committee's discussion. If you could please review and provide any feedback or questions by October 9th, that will assist to ensure that we have a focused and productive discussion at our October 20th meeting where the standard will be on the agenda for approval by the Commission before being sent to the Director of LARA for final approval. Thank you to Commissioners Shea, Buddin, Robinson-Garrett, Fisher and Commission Chair Puerner for their participation on the committee meeting today.

I hope that everyone enjoys the weekend.

Best,
 Loren

Loren Khogali, Executive Director
 (she/her/hers)
 Michigan Indigent Defense Commission
khogali@michigan.gov
 Cell: (517) 275-2845

Check our [website](#) for updates and follow us on [Twitter](#).

Date: October 12, 2020

To: Michigan Indigent Defense Commission

From: Loren Khogali, Executive Director

Re: Wayne County Request to Extend FY20 Planning Grant

Wayne County's FY20 planning grant is included on this meeting agenda for ratification of the Executive Committee's recommendation that that grant be extended.

The Executive Committee originally recommended that the termination date of the planning grant be extended to December 31, 2020. No action was taken on the recommendation due to the lack of a quorum at the September 15, 2020 business meeting.

The County subsequently renewed its request that the grant be extended until "all funds are expended." After consideration of the renewed request, the Executive Committee is recommending that the planning grant be extended through **February 28, 2021**. The request and documents submitted by Wayne County in support of its request are included.

For context, Wayne County was issued a grant for planning associated with its FY20 compliance plan. The planning grant totaled \$401,000. An executed copy of the grant contract was provided to Wayne County in March 2020. It was returned executed by the County in June 2020.

If the Commission adopts the recommendation of the Executive Committee, in compliance with the excerpt of Wayne County's grant contract below, the County will be expected to provide the following on a monthly basis throughout the duration of the extended grant period:

1.4 Monitoring and Reporting Program Performance

- A. **Monitoring.** The Grantee shall monitor performance to assure that time schedules are being met and projected work by time period is being accomplished.
- B. **Monthly Reports.** The Grantee shall submit to the Grant Administrator **monthly** performance reports that briefly present the following information:
 - 1. Percent of completion of the project objectives. This should include a brief outline of the work accomplished during the reporting period and the work to be completed during the subsequent reporting period.
 - 2. Brief description of problems or delays, real or anticipated, which should be brought to the attention of the Grant Administrator.
 - 3. Statement concerning any significant deviation from previously agreed-upon Statement of Work.

Wayne county's request to extend its 2020 13.2 planning grant "until the funds are expended"

For MIDC consideration on 10-20-20

At its September 15, 2020, business meeting, the MIDC considered Wayne County's request for an extension of time for its 2020 planning grant, a request matching the terms of the extension granted for the 2018 planning grant "until the funds are expended." MIDC staff recommended that the request be granted, but with a term limiting the extension until December 31, 2020, and this recommendation was adopted by the MIDC Executive Committee. Due to the lack of a member quorum at its September meeting, the MIDC deferred a ratification vote on the request until the next meeting on October 20, 2020. Staff indicated that another extension could be requested for resolution at the MIDC's December 15, 2020 meeting, if one is needed, because there is no November meeting scheduled. In the meantime, administrative approval to be ratified at the October meeting was intended to serve as authorization for county approval purposes.

Approval of each extension is required by the Wayne County Commission (WCC). Accordingly, Wayne County planners invoked an immediate consideration process for consideration of the grant contract extension by the WCC. This process is disfavored, because it causes County Commission fiscal and legal staff extra, immediate work and because the normal committee hearing process is disrupted.

There are a number of reasons why Wayne County needs the broader extension to be granted when the MIDC meets again on October 20, 2020:

1. Waiting until the December MIDC meeting to present another, inevitable, extension request will make it nearly impossible to obtain approval by the Wayne County Commission in time to avoid service interruption. The MIDC meets on December 15, 2020, and the WCC meets on December 17, 2020. To avoid another immediate consideration request for action from the WCC, earlier MIDC action is needed.
2. A balance of unspent planning grant funds is certain to remain on December 31, 2020: at current spending rates for Van Hoek, Peterson and VandeGrift, the projected budget remaining is \$189,953. Ms. Talon's future work on implementing plans is covered in Wayne County's 2021 compliance grant submission. There is no overlap or duplication of hours between the planning and compliance grants. See attached spreadsheets on planning grant budget.
3. Heavy lifting on implementation/planning will continue into calendar 2021, necessitating continuing work by consultants Talon (on the 2021 compliance grant), Van Hoek (on the 2020 planning grant), and Peterson (on the 2020 planning grant), as well as County staff VandeGrift (on the 2020 planning grant). That work is very challenging, and requires the combined expertise of these consultants/staff on these issues:
 - Organizational structure and location of OPDS within the confines of the county charter
 - Creation of procurement ability in OPDS and the likely need to seek amendment of the county procurement ordinance from the CEO and County Commission
 - Location of OPDS once Criminal Justice Complex opens
 - 2021 Plan implementation
 - 2022 Plan development, including Standard 5

- 2021 plan adoption by the WCC
- Hiring of entire OPDS staff, including clarification of job responsibilities
- Outfitting of staff and office buildout
- Working with the BJA's Center for Court Innovation on strategic planning pursuant to a technical assistance grant, including large stakeholder group involvement
- Working with Third Circuit Court on transition of the case assignment process, payment of vendors (including assigned counsel), and evaluation of assigned counsel performance and qualifications
- Developing a case management system for all Wayne County felony assignments, including tracking of compliance with MIDC standards
- Determining how to administer an indigency standard
- Implementing major fee schedule changes

4. Implementation/planning work into calendar 2021 is more than the OPDS Director can handle by herself. Robin Dillard-Russaw has outlined the need for assistance in an attached letter.

Activity reports on the two 13.2 planning grants are submitted for each MIDC meeting, outlining in detail the progress being made to reform Wayne County's indigent defense system. A September Gantt Chart is attached, and an updated report will be prepared for the meeting on October 20, 2020.

Reconciliation of Planning Grants

9/4/2020

2018 Planning Grant as Amended						
Name	Authorized dollars	Expended Dollars	Remaining Grant/(Carryover Expense)	Authorized hours	Expended Hours	Remaining/(Carryover hours)
Dawn V	\$ 352,616.00	\$ 389,725.00	\$ (37,109.00)			
Angela P (assistant)	\$ 50,000.00	\$ 28,950.00	\$ 21,050.00			
M&B	\$ 27,600.00	\$ 27,600.00	\$ -			
Drew V	\$ 49,880.00	\$ 49,880.00	\$ -	860	1,218.95	(358.95)
Marianne T	\$ 61,275.00	\$ 61,275.00	\$ -	645	1,642.30	(997.30)
6AC	\$ 165,000.00	\$ 164,745.00	\$ 255.00			
Research Project	\$ 195,000.00	\$ -	\$ 195,000.00			
Total	\$ 901,371.00	\$ 722,175.00	\$ 216,305.00			

2020 Planning Grant								
Name	Carryover hours less FY21 development	New rate	Expended Dollars	Authorized dollars	Remaining Grant	Total Remaining 9-4-20	Projected Remaining 12-31-20	
Drew V	303.95	\$ 68.25	\$ 20,744.59	\$ 72,336.98	\$ 51,592.39	\$ 51,592.39	\$25,488	
Marianne	955.30	\$ 75.00	\$ 71,647.50	\$ 60,000.00	\$ (11,647.50)	\$ -	0	
Court Coordinator				\$ 77,166.13	\$ 77,166.13	\$ 77,166.13	\$77,166.13	
Dawn			\$ (37,109.00)	\$ 133,333.33	\$ 96,224.33	\$ 96,224.33	\$36,224.33	
Angela	21,050			\$ 50,025.00	50,025	\$ 71,075.00	\$51,075	
Total				\$ 392,861.44		\$ 296,057.85	\$189,953	

Heavy lifting for planning in coming months:

County side:

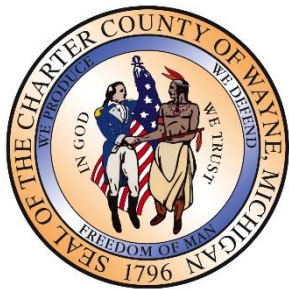
- Organizational location of OPDS within county government
- Creation of procurement ability in OPDS: may need amendment of ordinance
- Location of OPDS once CJC opens
- 2021 Plan implementation
- 2022 Plan development, including Standard 5

MIDC side:

- Standard 5 compliance plan creation, needing input from County stakeholders
- 2021 plan adoption

OPDS side:

- Briefing/introduction of Robin
- Hiring of entire staff, including clarification of job responsibilities
- Outfitting of staff
- Working with CCI on strategic planning, including large stakeholder group involvement
- Working with Third Circuit Court on transition issues
- Developing a case management system for investigators/experts, case assignments
- Determining how to administer an indigency standard



Warren C. Evans
County Executive

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

**RE: Request in Support of Funding for Dawn VanHoek, Angela Peterson,
Marianne Talon, and Drew Van de Grift**

Dear Honorable Commissioners:

As the Director of the Office of Public Defense Services (OPDS) in Wayne County, I am writing to request continued funding for the work provided by Marianne Talon, Dawn VanHoek, Angela Peterson and Drew VandeGrift. These four individuals are crucial not only in planning, but in implementing the plans approved by the MIDC.

As required, the OPDS is beginning the transition of the indigent defense system and its components from the 3rd Circuit Court. This is a huge undertaking, as the 3rd Circuit handles well over 15,000 assignments of counsel in felony cases each year. Part of this transition involves strategic planning with stakeholders within the Court, stakeholders within the County, and external third parties. As you can imagine, this transition is no small feat. Dawn Van Hoek's experience running the State Appellate Defenders Office for 42 years has provided immeasurable value to the transition. Her planning reports outline in detail all of the steps that have so far been planned, and then implemented. From the RFP that was issued for the public defender office, to the administrative handling of assigning experts and investigators, and now looking forward to Standard 5, Dawn is the Chief Planner on the team. Unfortunately, the remaining funds on our 2020 Planning Grant will only cover her services through February of 2021. So that the OPDS may continue to benefit from her services, I request: 1) extension of our 2020 planning grant until the funds are expended; and 2) that our FY '21 Compliance Plan include seven months of funding for Dawn, so that she can continue providing services for all of FY '21.

Angela Peterson is an experienced Wayne County criminal defense attorney who works as an assistant to Dawn VanHoek on the planning grant. Among her numerous research projects, Angela is working closely with the Wayne County team and the Center for Court Innovation to map criminal justice system processes, from arrest through sentencing. She serves as an important conduit for getting, and providing, information about how things work, and how things could be improved. She is a key communicator with the private bar, as a member of the Wayne County Criminal Defense Bar Association. She is actively engaged in most facets of planning and

September 25, 2020

Page 2

implementing system reform. I request approval of our 2020 planning grant until the funds are expended, to allow Angela's continued work on the team.

Marianne Talon's 20 years of experiences in the Office of Corporation Counsel provides the OPDS with the on the ground knowledge of the workings of the County and it's relationship with the Court. Marianne established the stakeholder groups and leads the team in interacting with the CEO and his staff, the Sheriff and his staff, and the County Commission and its staff. This involves institutional knowledge that I just don't have yet, and I need assistance so that the OPDS can function independently. There are no planning funds remaining for Marianne. So that Marianne may continue to assist, I request enough funds be included in the FY '21 Compliance Plan for twelve months of her services.

Drew VandeGrift's experiences working with the State Treasurer's Office, Corporation Counsel, the County Executive and his departments, provide much needed financial and legal support as the OPDS begins transitioning the assignment of counsel functions, such as data collection, procurement advice and suggested changes, implementation of the Compliance plan and cost analysis, and oversight of the grants. Drew's advice is also crucial to determining the actual structure that the OPDS assumes within the structure of the County Charter. Currently, there is not enough funding remaining in the 2020 planning grant for a full year of service for Drew. Therefore, I request that the grant be extended until the funds are expended and I request that our FY '21 Compliance Plan include funding for approximately five months of Drew's time, so that he can continue providing services for all of FY '21.

I am not exaggerating when I express that the sheer magnitude of getting the OPDS office up and running will be severely hampered without the benefit of this experienced team. I don't believe that I, nor my soon to be-hired staff will be able to complete this undertaking without them. I am asking that you consider this when you review our 2020 Planning Grant extension request, as well as our 2021 Compliance Plan and Cost Analysis.

I will be more than happy to discuss this in further detail should you desire.

Kind Regards,

A handwritten signature in black ink, appearing to read 'RD' followed by a stylized flourish.

Robin Dillard-Russaw
Director, OPDS

To: Michigan Indigent Defense Commission

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

Re: FY20 Compliance Planning Updates; FY21 status, resubmissions and staff recommendations

Date: October 12, 2020

I. FY20 Compliance Planning, Funding Distribution Update

A. Overview

The MIDC approved plans and costs for 124 local trial court funding units in FY20.

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, contracts and funding have been distributed to all 124 systems, including the District Court for the City of Inkster (22nd District Court) (contract returned by system to MIDC September 10, 2020).

1. System reporting - progress towards compliance

Staff anticipates receiving the fourth and final quarter reporting from all systems by October 31, 2020. 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 July 1, 2020 – September 30, 2020;

- A **budget adjustment request**, if applicable, to accommodate necessary changes to the line items without exceeding the approved total grant award;
- A **list of attorneys** providing services in the system, including full name and P#, to track progress on continuing legal education; and
- The **actual balance** of the funds in the account used for all spending on adult indigent criminal defense services, due no later than October 31, 2020, as set forth in the MIDC Act, MCL 780.993(15).

The MIDC Staff will offer a short web-based tutorial to complete the unexpended balance form, along with a form revised for 2020. These materials, along with a number of resources for reporting can be found 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 system made changes to their FY20 compliance plan, but no substantive change to the approved cost analysis.

1) **Kent County** – *information item only*

The system made changes to the start date, compensation, and hours work for the indigent defense administrator/attorney position. See budget adjustment documentation.

b. FY20 Q3 Budget adjustments

- 1) The Grant Manager **approved budget adjustment requests** pursuant to the process set forth in the MIDC's [Grant Manual](#) at p.26 (June 2020). **These adjustments did not impact the total system cost:**

- D 46 – City of Southfield
- Macomb County
- Bay County
- Clare and Gladwin Counties
- Isabella County
- Mason County
- Saginaw County

- Alger County
- Benzie and Manistee Counties
- Marquette County
- Clinton County
- Gratiot County
- Jackson County
- Lenawee County
- Washtenaw County
- D 23- City of Taylor
- D 28 – City of Southgate
- Branch County
- Ionia County
- Kent County (includes plan change/info item)
- Ottawa County

[The documentation for these budget adjustment requests can be found in the shared drive of materials.](#)

2) The Grant Manager denied the budget adjustment request from the following system:

- [D 39 – Roseville/Fraser \(equipment for magistrate\)](#)

II. FY21 Compliance Planning, Submissions, and Recommendations

A. Overview

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

(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 submission. 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.

1. Status of Submissions to date

a. Approved plans and costs for FY21

As of the August 2020 meeting, **85 of 120 systems have had their plans and cost analyses approved and all of those contracts have been distributed to those systems (see next page for map of distribution and section 2.d. at the end of this memo for the list of systems and approved funding to date).**

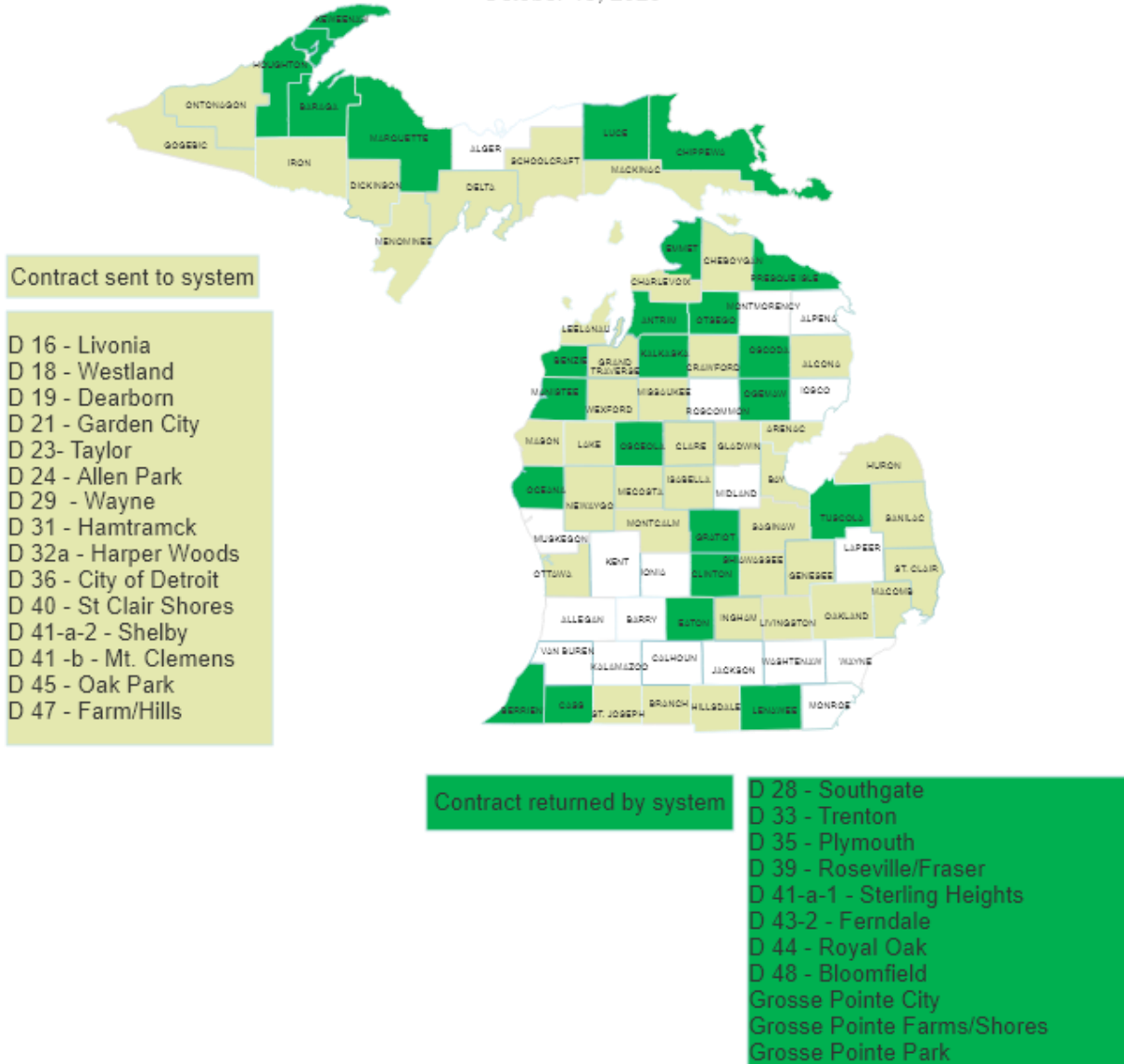
FY21 Total system cost approved (to date): \$90,077,006.16

- Local share (increase of 2.1% from FY19): \$19,732,975.35
- MIDC funding approved for compliance plans: \$70,344,030.80
- MIDC funding approved to reimburse systems for the cost of planning: \$21,716.83

Note: There is a net decrease in the total system cost from the total presented at the August 18, 2020 meeting by \$585,456.21 due to the separate planning grant resolution

in Oakland County (reduction of FY21 grant award by \$597,456.21) and a tabulation error in Presque Isle County (increase of \$12,000).

Michigan Indigent Defense Commission FY21 Contracts - status October 13, 2020



b. Disapproved plans and/or cost analyses for FY21 (first submissions)

As of the August 2020 Commission Meeting, the MIDC rejected the plan and/or cost analysis from 35 systems for their first submission for FY21. Those systems were notified of the MIDC's action through a mailing dated August 21, 2020. The deadline for resubmission is October 20, 2020. Most systems resubmitted on or before September 30, 2020, to be considered by the Commission in October. Of those, 27 systems are set forth with staff recommendations in section 2.b. of this memo. The final 8 systems will have their *resubmission* presented for Commission action at the **December 15, 2020 meeting**:

- Alger County
- D 22 - Inkster
- D 27 - Wyandotte
- D 30 - Highland Park
- D 43-1 Hazel Park
- Kalamazoo County
- Roscommon County
- Wayne County Circuit Court

2. Review of FY21 Compliance Plans and Cost Analyses - Resubmissions
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: October 15, 2020 at 10:00 a.m.

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: October 15, 2020 at 12:00 p.m.

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: October 15, 2020 at 2:00 p.m.

Committee members –

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

b. Substantive Review of Resubmissions – Action Requested

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

Staff Recommendation:

Plan previously approved; DISAPPROVE resubmitted cost analysis

1. D 17 - Redford

FY20 Total system cost: \$291,038.77

FY21 Total system cost: \$389,181.17

(Original FY 21 submission \$386,701.17)

Prior basis for cost analysis disapproval: 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.

Resubmission: Supplies and travel have been revised, but the attorney fees do not correspond with previously approved hourly rates and caseload numbers.

2. D 43-3 Madison Heights

FY20 Total system cost: \$626,516.25

FY21 Total system cost: \$581,888.91

(Original FY 21 submission \$592,088.91)

Prior basis for cost analysis disapproval: Plan is to maintain a managed assigned counsel system; funding for attorney fees is significantly higher than spending projections.

Resubmission: Minor reductions to attorney spending have been made but the request is still significantly inconsistent with spending projections.

Staff Recommendation:

Plan and cost analysis previously disapproved; recommend APPROVING resubmitted plan AND cost analysis

No system change; overall reduction in spending from FY 20

3. Allegan/Van Buren Counties

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

FY21 Total system cost: \$2,650,305.00

(Original FY 21 submission \$2,617,040.00)

Prior basis for disapproval: 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.

Resubmission: Separate compliance plans were submitted for each county based on different policies and all components of the standards have been addressed; a single cost analysis covers both counties with decreases in salaries and attorney payments; minor increases to training and equipment; two construction projects are included for modification of space at the Van Buren defender office and jail.

4. D 20 Dearborn Heights

FY20 Total system cost: \$226,780.42

FY21 Total system cost: \$224,372.18

(No prior FY21 submission)

Assigned counsel system seeking to continue implementing plan; reduction to ancillary spending and fringe benefits due to combining ancillary staff positions.

5. D 37 – Warren/Centerline

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

FY21 Total system cost: \$1,047,942.60

(Original FY 21 submission \$1,355,912.85)

Prior basis for disapproval: 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.

Resubmission: Compliance questions for Standards 2 and 3 have been resolved; reductions were made to

attorney's fees, completion of construction work, and eliminating translator fees; minor increase for supplies/equipment.

6. D 46 – Southfield

FY20 Total system cost: \$600,500.00

FY21 Total system cost: \$579,952.00

(Original FY 21 submission \$584,437.00)

Prior basis for disapproval: 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/investigators 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.

Resubmission: all concerns addressed; minor increase for supplies/equipment.

7. Grosse Pointe Woods

FY20 Total system cost: \$57,200.00

FY21 Total system cost: \$45,375.00

(Original FY 21 submission \$35,000.00 - incomplete)

Prior basis for disapproval: 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.

Resubmission: addressed MIDC Standards 2 and 4; reduced payments to attorneys; clarified rates for other line items.

8. Midland County

FY20 Total system cost: \$543,605.00

FY21 Total system cost: \$489,927.25

(Original FY 21 submission \$545,227.25)

Prior basis for disapproval: 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.

Resubmission: Standards 1 and 3 have been addressed to allow evaluation of implementation of plan; reductions to attorney spending with formulas track projected spending.

System changing model, no increase to spending or reduction in spending

9. D 38 Eastpointe

FY20 Total system cost: \$770,886.95

FY21 Total system cost: \$469,842.12

(Original FY 21 submission \$516,986.70)

Prior basis for disapproval: Assigned counsel system seeking to change 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.

Resubmission: Compliance issues have been addressed in the revised plan that will use a managed assigned counsel coordinator; further reductions were made to attorney fees to be consistent with projected spending.

System changing model, and/or increase in spending

10. Barry County

FY20 Total system cost: \$808,676.18

FY21 Total system cost: \$911,597.41

(Original FY 21 submission \$971,501.41)

Prior basis for disapproval: System is requesting to move from a managed assigned counsel system model to a hybrid model for a public defender office with the addition of 1 FTE attorney and significant additional monthly based costs for the current contract system. System has not submitted a feasibility study for a system change model and the increased costs do not correlate with current spending.

Resubmission: The system provided a feasibility study documenting the request to increase PD personnel and provided a time study to support the need for the corrections staff; reduced request for contract attorneys, investigators and experts, transcripts, training costs, supplies; continued request for construction to modify PD office space.

11. Calhoun County

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

FY21 Total system cost: \$3,507,037.02

(Original FY 21 submission \$3,681,554.22)

Prior basis for disapproval: 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.

Resubmission: The compliance plan meets the objectives of the standards; reductions to contractual attorneys, travel, training, supplies and equipment; increase to PD staff and related expenses.

12. D 61 – Grand Rapids

FY20 Total system cost: \$502,130.00

FY21 Total system cost: \$655,510.00

(Original FY 21 submission \$659,350.00)

Prior basis for disapproval: 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.

Resubmission: clarification was made regarding coordinator position, which will not review expert and investigator requests; funding sought for a feasibility study to implement next standards.

13. D 62a – Wyoming (59-1, 59-2, 62b)

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

FY21 Total system cost: \$647,885.74

(Original FY 21 submission \$954,335.74)

Prior basis for disapproval: 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.

Resubmission: Detailed compliance plan was resubmitted addressing all aspects of the MIDC standards; costs significantly reduced from prior year spending for efficiencies in coordinating services; some increases for space modification, equipment, supplies; funding sought for a feasibility study to implement next standards.

14. Kent County (C17 and D63)

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

FY21 Total system cost: \$7,295,853.89

(Original FY 21 submission \$9,093,793.89)

Prior basis for disapproval: 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.

Resubmission: Compliance plan deficiencies were addressed; funding for increased sheriff's time was detailed and is necessary for standard 4 compliance, other expenses eliminated; increase to personnel matches local

pay scale; cost for training and travel match local plan; supplies increased based on demonstrated need; construction project eliminated; funding sought for a feasibility study to implement next standards.

15. Muskegon County

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

FY21 Total system cost: \$2,959,506.88

(Original FY 21 submission \$3,128,288.50)

Prior basis for disapproval: 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.

Resubmission: MIDC Standards 2 and 4 are addressed in resubmission; cost increase includes: 3 additional attorneys for defender office staff, an additional social worker, an additional investigator, a sheriff's deputy to facilitate confidential meetings; supplies for public defender office.

Plan previously approved, cost analysis previously rejected; recommend APPROVING resubmitted cost analysis

No system change; overall reduction in spending from FY 20

16. D 25 – Lincoln Park

FY20 Total system cost: \$571,360.11

FY21 Total system cost: \$516,393.51

(Original FY 21 submission \$584,266.21)

Prior basis for disapproval: 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.

Resubmission: removed local travel reimbursement request and reduced attorney spending; minor increase for fringe benefits.

17. D 34- Romulus

FY20 Total system cost: \$561,179.00

FY21 Total system cost: \$398,233.50

(Original FY 21 submission \$619,289.00)

Prior basis for disapproval: 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.

Resubmission: Minor plan revision to shift coverage for Standard 4 on weekends and holidays to the County (reduction of \$133,875); reduced attorney hours, reduced police officer hours, changed clerk to MAC Assistant and reduced hours.

18. D 50 – City of Pontiac

FY20 Total system cost: \$1,052,015.00

FY21 Total system cost: \$660,703.69

(Original FY 21 submission \$708,708.84)

Prior basis for disapproval: System will maintain managed assigned counsel system in FY21; decrease overall is due to county assuming costs for jail CAFA; additional information is requested for increase in court officer time and increase in attorney hours which does not appear warranted based on system review, current projected spending and caseloads.

Resubmission: reduced attorney fees and officer time.

19. D 51 Waterford

FY20 Total system cost: \$351,679.06

FY21 Total system cost: \$268,258.26

(Original FY 21 submission \$297,458.26)

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

Resubmission: Made further reductions to attorney fees.

20. Lapeer County

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

FY21 Total system cost: \$850,016.00

(Original FY 21 submission \$1,003,178.00)

Prior basis for disapproval: 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.

Resubmission: Request to make MAC an employee has been withdrawn and will remain a contractor without indirect costs to the system; attorney fees reduced overall, some increase to fee schedule submitted by system to match neighboring spending.

21. Washtenaw County

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

FY21 Total system cost: \$6,050,067.42

(Original FY 21 submission \$6,969,515.42)

Prior basis for disapproval: 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.

Resubmission: contractual attorney fees were reduced to track projected spending; increase to PD staff and minor construction to accommodate office expansion; elimination of ancillary spending.

System changing model, reduction in spending

22. Alpena County

FY20 Total system cost: \$670,326.00

FY21 Total system cost: \$610,435.00

(Original FY 21 submission \$594,000.00)

Prior basis for disapproval: 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.

Resubmission: Costs include formulas and detail based on projected estimates for opening a new regional nonprofit defender office.

23. Montmorency County

FY20 Total system cost: \$287,425.00

FY21 Total system cost: \$235,820.00

(Original FY 21 submission \$228,500.00)

Prior basis for disapproval: 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.

Resubmission: Costs include formulas and detail based on projected estimates for opening a new regional nonprofit defender office.

No change to system model; increase in spending

24. Ionia County

FY20 Total system cost: \$453,149.77

FY21 Total system cost: \$521,843.64

(Original FY 21 submission \$527,407.70)

Prior basis for disapproval: 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.

Resubmission: Clarification provided for corrections staff time and is related to standards implementation, time tracking will be in place for this part time employee; other details regarding staff and spending on services was described in detail; equipment reduced or eliminated.

25. Iosco County

FY20 Total system cost: \$194,264.04

FY21 Total system cost: \$307,538.92

(Original FY 21 submission \$322,058.92)

Prior basis for disapproval: 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.

Resubmission: Revision reduces conflict counsel request to \$2,970 and eliminates CDAM membership.

26. Jackson County

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

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

(Original FY 21 submission \$3,522,431.66)

Prior basis for disapproval: 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 pending request). Clarification regarding construction is required prior to staff recommending approval of cost analysis.

Resubmission: Documentation for construction project was provided by the system; budget adjustment request approved by staff.

27. Monroe County

FY20 Total system cost: \$863,639.00

FY21 Total system cost: \$973,072.76

(Original FY 21 submission \$973,072.76)

Prior basis for disapproval: 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.

Resubmission: Clarification about spending projections and caseload was provided by system to substantiate request.

c. Summary of Recommended Approval Totals for October 2020:

Below is a summary of costs (a net reduction of \$4,317,765.06¹ from the original FY21 submissions) for these 25 systems that were previously rejected and now recommended for approval:

October 20, 2020 meeting	Total System Cost	FY 21 Local Share (+2.1%)	MIDC Grant Funding
Allegan/Van Buren Counties	\$2,650,305.00	\$540,374.46	\$2,109,930.54
Alpena County	\$610,435.00	\$163,201.41	\$447,233.59
Barry County	\$911,597.41	\$231,076.12	\$680,521.29
Calhoun County	\$3,507,037.02	\$697,606.42	\$2,809,430.60
D 20 - Dearborn Heights	\$224,372.18	\$9,821.67	\$214,550.51
D 25 - Lincoln Park	\$516,393.51	\$10,725.44	\$505,668.07
D 34 - Romulus	\$398,233.50	\$55,261.63	\$342,971.88
D 37 - Warren and Centerline	\$1,047,942.60	\$122,687.59	\$925,255.01
D 38 - Eastpointe	\$469,842.12	\$52,956.54	\$416,885.58
D 46 - Southfield	\$579,952.00	\$82,701.00	\$497,251.00
D 50 Pontiac	\$660,703.69	\$18,005.34	\$642,698.36
D 51 - Waterford	\$268,258.26	\$31,776.08	\$236,482.18
D 61 - Grand Rapids	\$655,510.00	\$176,951.55	\$478,558.45
D 62 a - Wyoming (59-1, 59-2, 62B)	\$647,885.74	\$55,335.07	\$592,550.67
Grosse Pointe Woods	\$45,375.00	\$3,147.75	\$42,227.25
Ionia County	\$521,843.64	\$223,194.34	\$298,649.30
Iosco County	\$307,538.92	\$171,638.20	\$135,900.72
Jackson County	\$3,522,431.66	\$566,779.27	\$2,955,652.39
Kent County C17/D63	\$7,295,853.89	\$2,446,700.91	\$4,849,152.98
Lapeer County	\$850,016.00	\$109,737.51	\$740,278.49
Midland County	\$489,927.25	\$259,344.82	\$230,582.43
Monroe County	\$973,072.76	\$215,785.28	\$757,287.48
Montmorency County	\$235,820.00	\$16,898.57	\$218,921.43
Muskegon County	\$2,959,506.88	\$676,202.18	\$2,283,304.70
Washtenaw County - all	\$6,050,067.42	\$2,645,848.39	\$3,404,219.03
Recommended Approval Totals	\$36,399,921.45	\$9,583,757.54	\$26,816,163.93

¹ This total reduction does not include D20 Dearborn Heights, which had no prior submission.

d. FY21 Previously Approved Totals (June 2020 and August 2020 meetings):

System Name	FY21 Total System Cost	FY21 Local Share (+2.1%)	MIDC Grant Funding
Alcona County	\$152,650.00	\$40,971.99	\$111,678.01
Antrim County	\$255,891.40	\$80,078.05	\$175,813.35
Arenac County	\$256,678.28	\$114,224.09	\$142,454.19
Baraga/Houghton/Keweenaw Counties	\$700,178.20	\$158,294.21	\$541,883.99
Bay County	\$1,234,010.40	\$605,605.63	\$628,404.77
Benzie/Manistee Counties	\$766,610.24	\$282,873.44	\$483,736.80
Berrien County	\$3,095,791.00	\$574,534.13	\$2,521,256.87
Branch County	\$643,176.00	\$154,555.91	\$488,620.09
Cass County	\$473,540.80	\$254,093.20	\$219,447.60
Charlevoix County	\$514,125.60	\$168,311.85	\$345,813.75
Cheboygan County	\$386,704.00	\$144,373.49	\$242,330.51
Chippewa County	\$513,994.30	\$224,154.43	\$289,839.87
Clare/Gladwin Counties	\$1,481,001.28	\$236,294.44	\$1,244,706.84
Clinton County	\$1,305,287.80	\$147,696.84	\$1,157,590.96
Crawford County	\$316,295.80	\$15,014.82	\$301,280.98
D 16 - Livonia	\$648,950.88	\$17,573.31	\$631,377.57
D 18 - Westland	\$447,280.00	\$62,895.64	\$384,384.36
D 19 - Dearborn	\$347,081.67	\$78,777.98	\$268,303.69
D 21 - Garden City	\$138,584.08	\$8,929.66	\$129,654.42
D 23 - Taylor	\$433,718.56	\$40,330.52	\$393,388.04
D 24 - Allen Park	\$183,718.00	\$14,817.09	\$168,900.91
D 28 - Southgate	\$186,265.04	\$4,682.30	\$181,582.74
D 29 - Wayne	\$179,204.94	\$23,452.78	\$155,752.16
D 31 - Hamtramck	\$189,082.71	\$14,472.68	\$174,610.04
D 32a - Harper Woods	\$221,006.72	\$12,648.41	\$208,358.31
D 33 - Trenton	\$297,090.00	\$76,681.87	\$220,408.13
D 35 - Plymouth	\$385,370.00	\$31,111.46	\$354,258.54
D 36 - Detroit	\$8,323,170.00	\$1,085,610.79	\$7,237,559.21
D 39 - Roseville and Fraser	\$796,130.54	\$90,161.44	\$705,969.10
D 40 St Clair Shores	\$534,636.91	\$7,072.53	\$527,564.38
D 41-a-1 Sterling Heights	\$298,931.00	\$0.00	\$298,931.00
D 41-a-2 Shelby Twp	\$378,519.45	\$0.00	\$378,519.45
D 41b - Mt Cl, Harris., Clinton	\$464,280.86	\$43,576.48	\$420,704.38
D 43-2 Ferndale	\$551,357.44	\$15,293.56	\$536,063.88

D 44 - Royal Oak	\$638,042.32	\$22,670.29	\$615,372.03
D 45 - Oak Park	\$449,850.00	\$42,128.50	\$407,721.50
D 47 Farmington/Hills	\$187,828.22	\$21,889.50	\$165,938.72
D 48 Bloomfield	\$531,500.00	\$17,446.43	\$514,053.57
Delta County	\$585,443.54	\$109,483.87	\$475,959.67
Dickinson County	\$541,144.46	\$68,586.69	\$472,557.77
Eaton County	\$2,085,798.00	\$444,892.58	\$1,640,905.42
Emmet County	\$446,636.00	\$162,669.81	\$283,966.19
Genesee County	\$4,833,546.98	\$1,334,291.81	\$3,499,255.17
Gogebic County	\$298,453.76	\$104,295.23	\$194,158.53
Grand Traverse County	\$1,058,022.80	\$156,805.18	\$901,217.62
Gratiot County	\$757,347.36	\$83,319.37	\$674,027.99
Grosse Pointe Farms	\$65,974.00	\$15,000.53	\$50,973.47
Grosse Pte City Municipal	\$23,750.00	\$3,229.43	\$20,520.57
Grosse Pointe Park	\$41,110.00	\$10,175.28	\$30,934.72
Hillsdale County	\$407,313.37	\$113,644.44	\$293,668.93
Huron County	\$644,827.26	\$81,103.74	\$563,723.52
Ingham County	\$6,068,854.75	\$920,963.44	\$5,147,891.31
Iron County	\$619,053.86	\$72,999.79	\$546,054.07
Isabella County	\$1,454,506.28	\$238,206.32	\$1,216,299.96
Kalkaska County	\$446,774.89	\$39,813.90	\$406,961.00
Lake County	\$286,287.59	\$77,818.17	\$208,469.42
Leelanau County	\$221,985.72	\$52,780.96	\$169,204.76
Lenawee County	\$1,391,202.72	\$214,605.27	\$1,176,597.45
Livingston County	\$2,266,080.00	\$935,939.47	\$1,330,140.53
Luce County	\$266,954.00	\$30,146.04	\$236,807.96
Mackinac County	\$199,707.56	\$136,696.59	\$63,010.98
Macomb C 16 & D 42-1, 42-2	\$7,556,919.62	\$2,239,945.36	\$5,316,974.27
Marquette County	\$1,098,460.18	\$229,695.39	\$868,764.79
Mason County	\$600,658.33	\$156,702.08	\$443,956.25
Mecosta County	\$454,799.00	\$166,746.65	\$288,052.35
Menominee County	\$703,571.00	\$116,087.70	\$587,483.30
Montcalm County	\$841,536.14	\$224,959.17	\$616,576.97
Newaygo County	\$821,607.58	\$201,215.03	\$620,392.55
Oakland C 6 & D 52-1, 2, 3, 4	\$7,203,836.12	\$1,867,161.92	\$5,336,674.20
Oceana County	\$480,459.40	\$92,863.02	\$387,596.38
Ogemaw County	\$608,093.00	\$147,705.00	\$460,388.00
Ontonagon County	\$162,911.00	\$27,747.04	\$135,163.96
Osceola County	\$424,472.82	\$70,238.68	\$354,234.14

Oscoda County	\$178,857.00	\$54,284.53	\$124,572.47
Otsego County	\$352,745.09	\$82,192.54	\$270,552.55
Ottawa County	\$3,279,235.00	\$942,471.82	\$2,336,763.18
Presque Isle County	\$218,468.51	\$74,828.40	\$143,640.11
Saginaw County	\$3,795,287.00	\$916,773.25	\$2,878,513.75
Sanilac County	\$388,001.09	\$65,619.63	\$322,381.46
Schoolcraft County	\$234,547.70	\$36,278.66	\$198,269.04
Shiawassee County	\$909,815.40	\$105,977.76	\$803,837.64
St. Clair County	\$2,788,549.84	\$749,438.51	\$2,039,111.33
St. Joseph County	\$918,293.67	\$422,808.72	\$495,484.95
Tuscola County	\$1,138,982.00	\$253,708.29	\$885,273.71
Wexford/Missaukee Counties	\$998,590.32	\$146,758.54	\$851,831.78
Total approved as of August 18, 2020	\$90,077,006.16	\$19,732,975.35	\$70,344,030.80

Notes from Court Rules Committee

October 6, 2020

Commissioners Present:

Josh Blanchard

John Shea

Not able to attend: Kimberly Buddin, Judge Kristina Robinson Garrett and James Krizan

Staff members present: Loren Khogali, Marla McCowan, Nicole Smithson and Marcela Westrate

- Staff provided background to discuss potential changes to MCR 6.005, 6.104 and 6.610, portions of which are currently inconsistent with MIDC's counsel at first appearance and proposed indigency standards.
- The committee reviewed the December 2019 draft and made recommendations for changes.
- Staff will draft revisions to the court rules consistent with the committee's discussion.
- The committee will review the potential changes and will meet again to discuss if necessary.
- There was a discussion of a proposal made at the State Bar of Michigan's Representative Assembly meeting to recommend changes to MCR 8.120 to allow law students and recent graduates to practice under the supervision of MIDC compliant attorneys. This proposal was withdrawn but could be addressed at the Representative Assembly's April 2021 meeting.