

## **Michigan Indigent Defense Commission Meeting Minutes**

The meeting was held in person at the Michigan Bankers Association building in Lansing, MI. Remote access via Zoom was also available for members of the public and Commissioners in compliance with the Open Meetings Act. The MIDC website and meeting notice included information for members of the public on how to participate.

**August 17, 2021**

**Time: 9:00 am**

### **Commission Members Participating**

The following members participated in person in Lansing:

- Judge Jeffrey Collins
- Joshua Blanchard
- Andrew DeLeeuw
- Debra Kubitskey
- Cami Pendell (non-voting member)

The following members participated remotely under exemptions from the Open Meetings Act. During roll call, these Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Christine Green (Washtenaw County, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan, joined at 9:52 am)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

The following members participated remotely but did not have exemptions from the Open Meetings Act and were not included for purposes of quorum or voting:

- Tom McMillin
- Judge James Fisher

### **Commission Members Absent:**

Tracey Brame, Kimberly Buddin, Hakim Crampton, James Krizan, Judge Kristina Robinson Garrett

### **Staff Members Participating In Person and via Zoom**

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

Chair Collins called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:03 am.

### **Introduction of Commission members and guests**

Chair Collins welcomed attendees to the meeting. He welcomed new commissioner Debra Kubitskey.

### **Public Comment**

Robin Dillard Russaw and Pat Sajak offered comments.

### **Additions to agenda**

Commissioner McAvoy moved that FY22 MOU with Attorney General be removed from the Consent Agenda and added as a separate item at the end of the meeting, prior to adjourning. Commissioner Kubitskey supported. The motion carried.

### **Consent Agenda**

Commissioner Walker moved that the consent agenda containing the minutes from the July 8, 2021 meeting and changes to the indigency standard be adopted. Commissioner Blanchard seconded. The motion carried.

### **Chair Report**

Chair Collins would like to form an ad hoc Diversity, Equity and Inclusion Committee. This arose out of discussions with the Strategic Planning Committee and is consistent with efforts started by the Department of Licensing and Regulatory Affairs (LARA) and the State of Michigan. Chair Collins invited Commissioners to contact him if they are interested in participating.

### **Executive Director’s Report**

Ms. McCowan circulated Ms. Khogali’s final report to Commissioners. She provided an update on MIDC staff returning to the field for court watching and meetings.

### **Committee Reports**

#### **Executive Committee**

Chair Collins provided an update from the Executive Committee. Ms. Khogali’s departure has presented an opportunity for the Commission to reimagine staff positions and the current organizational chart. MIDC staff worked with LARA Human Resources staff to create different options for the committee to review.

The Executive Director position cannot be changed from a Civil Service level 19 to 18. The Commission can negotiate critical pay for the level 18 position, which allows for a 20% increase above the normal level 18 salary classification. The Executive Committee recommends that the Hiring Committee be authorized to negotiate for critical pay, that deputy director responsibilities be

added to the existing Indigent Defense Coordinator Manager 18 position, and a new Indigent Defense Coordinator Manager 16 position be created.

Commissioner Walker moved that the Commission adopt the three changes recommended by the Executive Committee. Commissioner Green seconded. The motion carried.

### **Executive Search Committee**

Commissioner Walker updated the Commission on the committee's activities. The Executive Search Committee met twice. It approved a screening document that scores the candidates that have applied. The application period ended on August 15, 2021 and there were 19 applicants.

### **Strategic Planning Committee**

Commissioner Green provided an overview of the committee's work since the July Commission meeting. The committee is in the process of drafting suggested priorities and would like to present these to the Commission potentially at the October meeting. The priorities range widely and include support to systems, ensuring that operations are in place to support the Commission over time, diversity, equity and inclusion, and impact through data collection and performance metrics.

### **Training and Education Committee**

Ms. Brame was unable to attend the Commission meeting, Ms. McCowan provided an update in her absence. The committee has been meeting regularly to work on draft guidelines. These guidelines have been circulated to the MIDC's partners in training. The committee would like to publish the guidelines for more formal feedback, obtain public comment in October and have the Commission vote on finalizing them in December.

Commissioner DeLeeuw moved to publish the new guidelines on the MIDC website for formal comment. Commissioner Walker seconded the motion. The motion carried.

### **Submission of Comments to Michigan Supreme Court on Proposed Court Rule Changes**

MIDC staff has drafted two comments to the Michigan Supreme Court on the following proposed issues:

- ADM File No. 2021-12 – Proposed Amendments of Michigan Court Rules Related to Standard 5
- ADM File No. 2021-14 – Proposed Administrative Order to Require Mandatory Submission of Case Data to the Judicial Data Warehouse

The drafts were distributed to Commissioners prior to the meeting.

Commissioner Blanchard moved to submit the comments to the Michigan Supreme Court. Commissioner DeLeeuw supported. The motion carried.

### **Presentation: MIDC Research and Data**

MIDC Research Director Jonah Siegel and Jeanette Husseman presented the findings of the recent standards evaluation study.

Dr. Siegel updated the Commission on his research activities.

### **Annual Budget Presentation**

Ms. McCowan and Ms. Westrate provided a potential budget based upon the Governor's Executive Recommendation.

Commissioner Walker moved that the draft budget be adopted. Commissioner Shea seconded. The motion carried.

### **Local Share Study – Final Report**

Ms. McCowan and Ms. Mack presented Public Sector Consultants' final local share report to the Commission.

Commissioner Green moved that the final report be approved and distributed to the legislature. Commissioner McAvoy seconded. The motion carried.

### **FY22 MOU – Attorney General**

Commissioner McAvoy moved that the Commission approve and sign the MOU with the Attorney General's Office. Commissioner DeLeeuw seconded the motion. The motion carried.

The Commission had a 10-minute recess.

After the recess, Chair Collins requested a roll call vote to confirm a quorum of Commissioners was still present. A quorum was present, the following Commissioners participating in the meeting either in person or remotely under Open Meetings Act exemptions: Collins, Blanchard, DeLeeuw, Green, Jones, Kubitskey, McAvoy, Shea, Swor and Walker.

### **FY21 Compliance Updates**

Ms. McCowan provided an update on quarterly reporting. Ms. Mack approved a budget adjustment for Muskegon County.

Ms. McCowan provided a draft continuity of spending agreement. Some systems will need this agreement for FY21 to continue funding MIDC services between October 1 and when the first payment is distributed in FY22.

Commissioner Green moved to authorize the Interim Executive Director to execute amendments to FY21 contracts to allow for the expenditure of FY21 unexpended funds after October 1, 2021. Commissioner Swor seconded. The motion carried.

### **Review of FY22 Compliance Plans and Cost Analyses**

Commissioner Green gave an overview of the meeting held by the Committee on General Increase to Plans.

Commissioner Swor gave an overview of the meeting held by the Committee on Increase to Direct Costs.

Commissioner Walker gave an overview of the meeting held by the Committee on System Change.

## Substantive Review of Resubmissions

Ms. McCowan provided an overview of the plans and cost analyses for the following systems:

- Alger County
- 17<sup>th</sup> District Court - Township of Redford
- 28<sup>th</sup> District Court - City of Southgate
- 29<sup>th</sup> District Court - City of Wayne
- 38<sup>th</sup> District Court - City of Eastpointe
- 45<sup>th</sup> District Court - City of Oak Park
- Ogemaw County
- Tuscola County
- Washtenaw County

These systems' plans were previously approved but the cost analyses were disapproved. Ms. McCowan recommends that the resubmitted cost analyses for the systems listed above be approved.

Commissioner Swor moved that the staff recommendation be adopted and that the resubmitted cost analyses for the nine systems listed above be approved. Commissioner Walker seconded. The motion carried. Commissioner DeLeeuw abstained from the vote with respect to Washtenaw County because of a conflict.

Ms. McCowan provided an overview of the plans and cost analyses resubmitted by the following systems that previously had both their plans and cost analyses disapproved:

- Alcona County
- Alpena County
- Charlevoix County
- Crawford County
- 18<sup>th</sup> District Court - City of Westland
- 39<sup>th</sup> District Court – Cities of Roseville and Fraser
- 40<sup>th</sup> District Court - City of St Clair Shores
- 41-a-2 District Court - Charter Township of Shelby
- 43-2 District Court - City of Ferndale
- 61<sup>st</sup> District Court - City of Grand Rapids
- Delta County
- Dickinson County
- Eaton County
- Emmet County
- Grosse Pointe Woods
- Hillsdale County
- Houghton, Baraga and Keweenaw Counties
- Iron County
- Jackson County
- Marquette County
- Montmorency County
- Oakland County
- Ontonagon County
- Presque Isle County
- St. Joseph County

She recommends that the plans and cost analyses be approved.

Commissioner McAvoy moved that the plans and cost analyses for the 25 systems listed above be approved. Commissioner Shea seconded. The motion carried; Commissioner Blanchard voting no.

Commissioner Kubitskey abstained from the vote with respect to Jackson County because of a conflict.

Chair Collins moved that the meeting adjourn. Commissioner Shea seconded. The meeting adjourned at 12:12 pm.

The next meeting will be held October 19, 2021, in person at the Michigan Bankers Association building in Lansing. There will be a remote option available for members of the public.

Respectfully submitted,  
Marcela Westrate