



MICHIGAN INDIGENT
DEFENSE COMMISSION

Date: Tuesday, October 19, 2021, Time: 9:00 a.m.
Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

This meeting will also be accessible by Zoom:

Topic: MIDC Meeting October 2021
Time: Oct 19, 2021 09:00 AM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/85927926945>

Meeting ID: 859 2792 6945
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+13126266799,,85927926945# US (Chicago)

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 (action item)
 - October 13, 2021 Special Meeting Minutes
6. Chair Report
7. Interim Executive Director Report
8. Commission Business
 - a. Standing Committee Reports
 - 1) Executive Committee - *Chair Jeffrey Collins*
 - 2) Executive Search Committee - *Gary Walker, Chair*
 - 3) Strategic Planning Committee - *Christine Green, Chair*
 - 4) Training and Education Committee - *Tracey Brame, Chair*
 - o Guidelines for Trainers and Training Providers (comment period closed)
 - b. Michigan Jail Reform Advisory Council – *Update by Takura Nyamfukudzwa, MIDC Representative to the Advisory Council*
 - c. Wayne County 2018 Planning Grant adjustment request (action item)
 - d. Annual 2020 Impact Report (action item)
 - e. FY21 Compliance Updates
 - 1) FY21 Reporting Update
 - 2) Plan change request – Macomb County (action item)
 - 3) Budget adjustments

~~ Break for lunch ~~

- f. Review of FY22 Compliance Plan and Cost Analysis Submissions (**action items**)
 - 1) Ad Hoc Committee reports
 - 2) Recommendation by senior staff:
 - Disapprove plan, disapprove cost analysis
 - 1. D 32a - City of Harper Woods
 - 2. D 43-1 City of Hazel Park
 - 3. D 62A - City of Wyoming (also covers Grandville, Walker, Kentwood)
 - Approve plan, disapprove cost analysis
 - 4. D 36 - City of Detroit
 - 5. D 43-3 City of Madison Heights
 - 6. Macomb County
 - 7. Wayne County
 - Approve cost analysis (*compliance plans previously approved at June 2021 MIDC meeting*)
 - 8. Midland County
 - 9. Saginaw County
 - Approve plan, approve cost analysis
 - 10. Branch County
 - 11. Chippewa County
 - 12. D 25 - City of Lincoln Park (also covers River Rouge and Ecorse)
 - 13. D 37 – Cities of Warren and Centerline
 - 14. D 41-b - Clinton Township
 - 15. D 44 – City of Royal Oak
 - 16. D 47 - City of Farmington
 - 17. Kalamazoo County
 - 18. Lenawee County
 - 19. Mackinac County
 - 20. Menominee County
 - 21. Otsego County
 - 22. Wexford and Missaukee Counties

- 9. Next meeting –
 - Special meeting TBD
 - Regular Business Meeting December 21, 2021**
- 10. Adjourn

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.

October 13, 2021

Time: 10:00 am

Commission Members Participating

The following members participated in person in Lansing:

- Judge Jeffrey Collins
- Joshua Blanchard
- Tracey Brame
- Andrew DeLeeuw
- Christine Green
- David Jones
- Debra Kubitskey
- Tom McMillin
- Judge Robinson Garrett
- John Shea
- Rob VerHuelen

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.

- Kimberly Buddin (Oakland County, Michigan)
- Hakim Crampton (Jackson, Jackson County, Michigan)
- James Krizan (Lincoln Park, Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

Commission Members Absent

Judge James Fisher
Cami Pendell

Staff Members Participating In Person and via Zoom

Marla McCowan, Shunkea Brown, Barbara Klimaszewski, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, 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 10:00 am.

Introduction of Commission members and guests

Chair Collins welcomed attendees to the meeting. He welcomed new commissioner Rob VerHuelen.

Public Comment

There were no members of the public wishing to provide comments.

Additions to agenda

There were no additions to the agenda.

Consent Agenda

Commissioner McAvoy moved that the consent agenda containing the minutes from the August 17, 2021 meeting be adopted. Commissioner Kubitskey seconded. The motion carried.

Chair Report

Chair Collins announced the assignments for the Ad hoc committee on Diversity, Equity and Inclusion. Commissioner Crampton will serve as Chair, the following Commissioners are appointed to the committee: Commissioners Brame, DeLeeuw, VerHuelen and Jones.

Chair Collins announced that he will call upon Commissioners to serve on the Ad hoc committee for nominations and that this committee will provide a report and recommendation at the December 21, 2021 meeting.

Interim Executive Director’s Report

Ms. McCowan updated the Commission on the contracts that have been returned by systems. MIDC has signed 70 contracts and these have been forwarded to the Department of Licensing and Regulatory Affairs (LARA) for the Finance and Administrative Services Team’s review and signature.

Commission Business

Selection of Executive Director Candidates to interview

All Commissioners were given access to the entire pool of applications submitted for consideration. Commissioner Walker provided a written report prior to the meeting.

Commissioner Walker gave an overview of the Executive Director Search Committee’s work. The committee has met 5 times and scored each of the 19 applications that were submitted for the position. The scoring was used as a tool to determine who the committee would recommend for interviews. The committee unanimously recommends the following three candidates for interviews:

Bradley Hall, Haralambos Mihas and Kristen Staley. There are three additional candidates that the committee identified as potential interviewees: Jolea Mull, Karen Phillips and Ariel Simms.

Commissioner Walker requested that Chair Collins open the floor for the Commission's input and comment.

After discussion, Commissioner Walker moved that the Commission interview six candidates for the Executive Director Position: Bradley Hall, Haralambos Mihas, Jolea Mull, Karen Phillips, Ariel Simms and Kristen Staley. Commissioner Swor seconded. The motion carried.

The Commission discussed the interview process. Chair Collins invited Commissioners to submit potential interview questions to Commissioner Walker by October 19. The Commission will schedule a special meeting to interview the candidates.

Commissioner Shea moved that the meeting be adjourned. Commissioner McAvoy seconded. The motion carried.

The meeting adjourned at 10:40 am. The Commission will meet on October 19, 2021.

Respectfully submitted,
Marcela Westrate

TO: Michigan Indigent Defense Commissioners
FROM: Marla McCowan, Interim Executive Director
DATE: October 14, 2021
RE: Wayne County's Request to Amend/Extend 2018 Planning Grant

On September 2, 2021, I received a request from Wayne County to amend or extend their original 2018 planning grant activity for an additional 18 months to conduct a study on vertical representation beginning at arraignment. The email exchanges and proposal are attached to this memo.

The request came after the MIDC decided in October 2020 to conclude the 2020 planning grant activities in Wayne County at the end of February of 2021. Shortly after that planning activity concluded, Executive Director Khogali worked with the local partners to reconcile all outstanding invoices and ensure payment for all planning grant activity that had been conducted since 2018. In a May 2011 letter (also attached), Ms. Khogali inquired about an outstanding request for a research project in the amount of \$195,000 that had already been paid to Wayne County but not started yet. In a series of emails related to this request and the mediation settlement, Wayne County representatives indicated that a research proposal would be forthcoming (relevant excerpt of email thread attached). This proposal is the subject of the September 2, 2021 request.

My recommendation is to deny the request to amend or extend the 2018 planning grant to include a newly proposed year and a half long study of vertical representation beginning at arraignment in Wayne County. My recommendation is largely informed by the Commission's action in October 2020 to conclude the 2020 planning grant earlier this year on the theory that the time for inception or planning activity should transition to implementation of the currently approved standards. The MIDC has not yet proposed a standard on vertical representation. My recommendation includes the possibility that when the MIDC undertakes that process there could be an opportunity to collaborate on a study in the future and included in a subsequent compliance plan. Finally, my recommendation is that the balance left on the 2018 grant should transfer to the 260 fund for operating the indigent defense system's needs as set forth in the currently approved compliance plan and cost analysis.

2018 Planning Grant as Amended (PG1)

Name	Authorized dollars	Total Expended	Remaining Grant Dollars
Dawn V	\$ 352,616.00	\$ 351,941.67	\$ 674.33
Angela P (assistant)	\$ 50,000.00	\$28,050	\$ 21,950.00
M&B	\$ 27,600.00	\$ 27,600.00	
Drew V	\$ 49,880.00	\$ 42,731.50	\$ 7,148.50
Marianne T	\$ 61,275.00	\$ 61,085.50	\$ 189.50
6AC	\$ 165,000.00	\$ 164,745.00	\$ 255.00
Research Project	\$ 195,000.00	\$ -	\$ 195,000.00
Total	\$ 901,371.00	\$ 676,153.67	\$ 225,217.33

2020 Planning Grant			
Name	Authorized dollars	Total Expended	Remaining Grant
Drew V	\$ 75,992.86	\$ 50,686.07	\$ 25,306.79
Marianne	\$ 63,577.40	\$ 77,797.50	\$ (14,220.10)
Court Coordinator	\$ 77,166.13	\$ -	\$ 77,166.13
Dawn	\$ 133,333.33	\$ 141,275.00	\$ (7,941.67)
Angela	\$ 50,025.00	\$ 50,025.00	
Kevin Haney (M&B)	\$ 950.32	\$ 950.32	
Rich Lynch	\$ 647.00	\$ 647.00	
Total	\$ 401,692.04	\$ 321,380.89	\$ 80,311.15
FY21 Planning Grant Subtraction		(\$7,233.00)	
		\$ 314,147.89	\$ 87,544.15

Payments made:

Dec-20	\$ 72,425.00	Van Hoek & Peterson
Feb-21	24050	Van Hoek
May-21	\$ 86,109.82	Van Hoek, Peterson Haney Lyn
Aug-21	\$ 131,563.07	
	\$ 314,147.89	

Dawn Total \$ 141,275.00 already paid

Angela Total 50,025.00
 already paid 39,712.50

to be paid 10,312.50 For Angela's invoices
 50686.07 for Drew
 77,797.50 for Marianne
 138,796.07

to be paid after development costs **131,563.07** (subtracting \$7233 that was paid already)

Re: 2018 WC Planning Grant - Research Proposal

Robin Dillard <Rdillard@waynecounty.com>

Thu 10/14/2021 5:05 PM

To: McCowan, Marla (LARA) <McCowanM@michigan.gov>

Cc: Viola King <Vking@waynecounty.com>; Jill Tines <jtines@waynecounty.com>; Kimberly Dorsey <kdorsey@chartercountyofwayne.onmicrosoft.com>; Marianne Talon <mtalon@waynecounty.com>; Drew D. Van de Grift <dvandegrift@waynecounty.com>; Mack, Rebecca (LARA) <MackR2@michigan.gov>; Westrate, Marcela (LARA) <WestrateM1@michigan.gov>; McDoniel, Kelly (LARA) <McDonielK@michigan.gov>

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Marla,

After further review, if the Commission is inclined to go with your recommendation, we would prefer that the 225,217.33 be returned and it lapse back to the State.

Robin Dillard

From: McCowan, Marla (LARA) <McCowanM@michigan.gov>

Sent: Tuesday, October 5, 2021 12:55 PM

To: Robin Dillard <Rdillard@waynecounty.com>

Cc: Viola King <Vking@waynecounty.com>; Jill Tines <jtines@waynecounty.com>; Kimberly Dorsey <kdorsey@chartercountyofwayne.onmicrosoft.com>; Marianne Talon <mtalon@waynecounty.com>; Drew D. Van de Grift <dvandegrift@waynecounty.com>; Mack, Rebecca (LARA) <MackR2@michigan.gov>; Westrate, Marcela (LARA) <WestrateM1@michigan.gov>; McDoniel, Kelly (LARA) <McDonielK@michigan.gov>

Subject: Re: 2018 WC Planning Grant - Research Proposal

Wayne County was awarded \$901,371 for the planning grant in 2018 and those funds were distributed to Wayne County already. We show a balance of \$225,217.33 on deposit with the County after reconciling all of the various invoices. Our recommendation would be that the County transfer those remaining dollars to the 260 fund and include it in the balance of available funds moving forward for purposes of complying with the standards. So, just using round numbers, we project you will have an unexpended balance of approximately \$11 million dollars at the end of September in your 260 fund. We would recommend that you add the \$225k to that balance, so now it would be \$11,225,000.

I guess an alternative option if the MIDC goes with my recommendation is that Wayne County could return the \$225,217.33 and it would lapse back to the State of Michigan? I'm open to suggestions.

2018 Planning Grant as Amended (PG1)			
Name	Authorized dollars	Total Expended	Remaining Grant Dollars
Dawn V	\$ 352,616.00	\$ 351,941.67	\$ 674.33
Angela P (assistant)	\$ 50,000.00	\$28,050	\$ 21,950.00
M&B	\$ 27,600.00	\$ 27,600.00	\$ -
Drew V	\$ 49,880.00	\$ 42,731.50	\$ 7,148.50
Marianne T	\$ 61,275.00	\$ 61,085.50	\$ 189.50
6AC	\$ 165,000.00	\$ 164,745.00	\$ 255.00

Research Project	\$ 195,000.00	\$ -	\$ 195,000.00	October 2021 materials page 10
Total	\$ 901,371.00	\$ 676,153.67	\$ 225,217.33	

Marla R. McCowan
 (she/her)
 Interim Executive Director
 Deputy Director/Training Director
 Michigan Indigent Defense Commission
 517-388-6702
 McCowanM@michigan.gov



From: Robin Dillard <Rdillard@waynecounty.com>
Sent: Tuesday, October 5, 2021 10:30 AM
To: McCowan, Marla (LARA) <McCowanM@michigan.gov>
Cc: Viola King <Vking@waynecounty.com>; Jill Tines <jtines@waynecounty.com>; Kimberly Dorsey <kdorsey@chartercountyofwayne.onmicrosoft.com>; Marianne Talon <mtalon@waynecounty.com>; Drew D. Van de Grift <dvandegrift@waynecounty.com>; Mack, Rebecca (LARA) <MackR2@michigan.gov>; Westrate, Marcela (LARA) <WestrateM1@michigan.gov>; McDaniel, Kelly (LARA) <McDanielK@michigan.gov>
Subject: Re: 2018 WC Planning Grant - Research Proposal

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Marla,

In lieu of your recommendation to approve our proposal, I'm seeking clarity on your language of "staff's recommendation will also be that any balance left on the 2018 grant should transfer to the 260 fund for operating the indigent defense system's needs as set forth in the currently approved compliance plan and cost analysis"? Please advise.

From: McCowan, Marla (LARA) <McCowanM@michigan.gov>
Sent: Monday, October 4, 2021 2:22 PM
To: Robin Dillard <Rdillard@waynecounty.com>
Cc: Viola King <Vking@waynecounty.com>; Jill Tines <jtines@waynecounty.com>; Kimberly Dorsey <kdorsey@chartercountyofwayne.onmicrosoft.com>; Marianne Talon <mtalon@waynecounty.com>; Drew D. Van de Grift <dvandegrift@waynecounty.com>; Mack, Rebecca (LARA) <MackR2@michigan.gov>; Westrate, Marcela (LARA)

Subject: Re: 2018 WC Planning Grant - Research Proposal

Robin - I'm writing as a follow up to confirm that this will be an action item on the MIDC's October 19, 2021 regular business agenda. I have discussed this with the Executive Committee in preparing the agenda.

Please note that my *recommendation* to the MIDC is to deny your request to amend or extend the 2018 planning grant to include a newly proposed year and a half long study of vertical representation beginning at arraignment in Wayne County. My recommendation is largely informed by the Commission's action (in October 2020) to conclude the 2020 planning grant earlier this year on the theory that the time for inception or planning activity should transition to implementation of the currently approved standards. The MIDC has not yet proposed a standard on vertical representation. Perhaps when the MIDC undertakes that process there will be an opportunity to collaborate on a study in the future. In the meantime, staff's recommendation will also be that any balance left on the 2018 grant should transfer to the 260 fund for operating the indigent defense system's needs as set forth in the currently approved compliance plan and cost analysis.

You are welcome and encouraged to join the MIDC's meeting on October 19th. The meeting will be in Lansing, there will be an opportunity to join and provide public comment by Zoom.

Marla R. McCowan
(she/her)
Interim Executive Director
Deputy Director/Training Director
Michigan Indigent Defense Commission
517-388-6702
McCowanM@michigan.gov



From: McCowan, Marla (LARA) <McCowanM@michigan.gov>
Sent: Thursday, September 2, 2021 4:35 PM
To: Robin Dillard <Rdillard@waynecounty.com>; McDoniel, Kelly (LARA) <McDonielK@michigan.gov>; Westrate, Marcela (LARA) <WestrateM1@michigan.gov>
Cc: Viola King <Vking@waynecounty.com>; Jill Tines <jtines@waynecounty.com>; Kimberly Dorsey <kdorsey@chartercountyofwayne.onmicrosoft.com>; Marianne Talon <mtalon@waynecounty.com>; Drew D. Van de Grift <dvandegrift@waynecounty.com>
Subject: Re: 2018 WC Planning Grant - Research Proposal

Received.

The MIDC's Executive Committee meets in early October, and I will advise the committee that this should be included as an action item on the MIDC's October 19, 2021 agenda.

Marla R. McCowan
(she/her)

Interim Executive Director
Deputy Director/Training Director
Michigan Indigent Defense Commission
517-388-6702
McCowanM@michigan.gov



From: Robin Dillard <Rdillard@waynecounty.com>
Sent: Thursday, September 2, 2021 3:59 PM
To: McCowan, Marla (LARA) <McCowanM@michigan.gov>; McDoniel, Kelly (LARA) <McDonielK@michigan.gov>; Westrate, Marcela (LARA) <WestrateM1@michigan.gov>
Cc: Viola King <Vking@waynecounty.com>; Jill Tines <jtines@waynecounty.com>; Kimberly Dorsey <kdorsey@chartercountyofwayne.onmicrosoft.com>; Marianne Talon <mtalon@waynecounty.com>; Drew D. Van de Grift <dvandegrift@waynecounty.com>
Subject: 2018 WC Planning Grant - Research Proposal

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Marla,

Please find attached our vertical representation research proposal, budget, and narrative, from the Center for Court Innovation. An update on the project was requested by Loren in her May 11 letter (attached). This project was also referenced by Marianne via email on July 13th.

If you recall, early on this year we conducted a series of stakeholder meetings specifically devoted to exploring vertical representation to understand the feasibility of this within the Wayne County framework. At one of the meetings, we heard from representatives from New York's defender office/assigned counsel system on the successes and challenges they faced in implementing 100% vertical representation there. Recognizing that a standard has not yet been developed on vertical representation from the AOW in Michigan, we thought the area to be ripe for further exploration. Our intention is to come away with detailed research, information, and data that would help guide us in implementing true vertical representation in the County, but also in hopes that it will give some recommendations to the MIDC that might be useful in examining vertical rep as a Standard. We've had much success with CCI as our strategic partner and have no doubt that they are the best fit for this project.

This endeavor would be funded from the 2018 planning grant funds designated for a research project. We welcome your feedback.

Robin



MICHIGAN INDIGENT
DEFENSE COMMISSION

May 11, 2021

Dear Marianne:

Thank you for providing information regarding the expenditures for the FY18 and FY20 planning grants awarded to Wayne County.

As of September 14, 2020, MIDC has distributed all funding from the FY18 grant (see attached details). MIDC continues to work with LARA to review the expenditures for the FY18 grant.

The FY18 grant contract covers the dates of April 10, 2018 through February 28, 2020. The Commission extended the period in which the County is required to spend the money beyond the dates of the FY18 grant contract. The FY20 grant contract period began October 1, 2019 and was extended until February 28, 2021.

For the time period indicated in the FY18 planning grant contract, we have invoices from Dawn Van Hoek totaling \$274,400. Invoice numbers 1-21 were included in this calculation (there were two different invoices both with the number 5; both were included in the total. There was not an invoice numbered 6.). The last invoice that MIDC received for this grant period was for work completed in December of 2019 (invoice 21). If there are invoices for January or February 2020 from Ms. Van Hoek, please provide those. After invoice 21, the next invoice that we have is invoice 27, which falls under the FY20 planning grant's time period. With respect to the FY18 grant allocation, there is \$78,216 remaining in Ms. Van Hoek's line items for consulting and travel. There is also \$50,000 for an additional consultant that was not hired.

We have applied a total of \$125,378.02 for work performed by you and Mr. Van de Grift for the FY18 grant. This amount was calculated using the information you provided for the entire FY18 grant period and subtracting \$7,233 that was paid out of the "development" costs given to Wayne County. This total exceeds what was initially budgeted for you and Mr. Van de Grift's work, but there is funding remaining in the grant. LARA's preference is to pay out of the older funding first.

MIDC shows a balance of \$255.04 in the amount budgeted for the Sixth Amendment Center and \$195,000 budgeted for the Wayne County Public Defense Research Project, which has not been initiated to date.

Based on the invoices MIDC has received, MIDC reflects a total amount of unexpended funds for the FY18 grant remaining with Wayne County of \$309,248.02:

		Budget	Spent to Date
VanHoek			
Consulting		\$347,200.00	\$274,400.00
Travel in State		\$1,620.00	\$0.00
Travel out of State		\$3,796.00	\$0.00
Local Consulting (Assistant)		\$50,000.00	\$0.00
Wayne County Staff			
Management & Budget		\$27,600.00	\$27,600.00
Corporation Counsel Staff 1		\$61,275.00	\$79,468.80
Corporation Counsel Staff 2		\$49,880.00	\$53,142.22
Subtracting Corporation Counsel Staff time included in FY20 development costs payment			-\$7,233.00
National Consultants			
6AC Assessment		\$165,000.00	\$164,744.96
Seattle University/Research Project		\$195,000.00	\$0.00
Total		\$901,371.00	\$592,122.98
Amt. Remaining			\$309,248.02

MIDC will work with LARA to continue issuing payments on the FY20 grant that ran from October 1, 2019 until February 28, 2021. Three payments have been issued, totaling \$105,306.00. Please see attached document for details.¹

We request you do the following:

- Provide missing invoices from Ms. Van Hoek, if any;

¹ In addition, Wayne County was issued payment for FY21 plan development costs of \$5,495.40 (see attached document).

- Provide an update as to the research project as anticipated in the FY18 grant agreement.

Thank you for your attention to this matter and your anticipated cooperation.

Sincerely,

Loren Khogali, Executive Director
Michigan Indigent Defense Commission

FY 18 Planning Grant (PG1) payments:

[Copy](#) [Search](#) First Prev Next Last

Doc Code : GG Vendor Line : 1
 Doc Dept : 641 Vendor : CV0133320
 Doc ID : 180000001776 Vendor Name : CHARTER COUNTY OF WA
 Award Title : MIDC Planning Costs GrantG Requestor Name : 001082314
 Procurement Folder : 168803 Award Date : 03/09/2019
 Historical Procurement Folder :

[Award Document](#)
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Award Line	Comm	Qty	Unit Price	SC Amt	Tax	Item Total	Match Type	Partial Receipts	Matched Qty	Matched SC Amt	Inverse Matched Qty	Inverse Matched SC Amount	Hold PR	Create PRC	PRC Document
✓ 1	G17DCGGMIDC	0.00000	\$0.00	\$901,371.00	\$0.00	\$901,371.00	Order - Invoice	<input checked="" type="checkbox"/>	0.00000	\$0.00	0.00000	\$0.00	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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[Matching Status for only Selected Award Line](#)

Invoice Document	IN Record Date	IN Vend Line No	IN Line	Ref Line	Vend Inv No	Qty	Unit Price	SC Amt	Tax	Total Inv Amt	P/F Indicator	Partial Payment	Pd Qty	Pd SC Amt	Generate Zero dollar document
✓ GFR 641 1800000008400	06/28/2018	1	1	1	GFR10000000000008428	0.00000	\$0.00	\$300,457.00	\$0.00	\$300,457.00	Partial	Yes	0.00000	\$300,457.00	No
GFR 641 1900000004702	03/19/2019	1	1	1	GFR10000000000016452	0.00000	\$0.00	\$510,776.90	\$0.00	\$510,776.90	Partial	Yes	0.00000	\$510,776.90	No
GFR 641 200000010163	09/14/2020	1	1	1	GFR10000000000032370	0.00000	\$0.00	\$90,137.10	\$0.00	\$90,137.10	Final	Yes	0.00000	\$90,137.10	No

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FY 20 Planning Grant (PG2) Payments + \$8,831 development cost payment

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Doc Code : GG Vendor Line : 1
 Doc Dept : 641 Vendor : CV0133320
 Doc ID : 20000002792 Vendor Name : CHARTER COUNTY OF WA
 Award Title : Wayne County FY 20 Plannin Requestor Name : 000213170
 Procurement Folder : 631005 Award Date : 01/07/2021
 Historical Procurement Folder :

[Award Document](#)
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Award Line	Comm	Qty	Unit Price	SC Amt	Tax	Item Total	Match Type	Partial Receipts	Matched Qty	Matched SC Amt	Inverse Matched Qty	Inverse Matched SC Amount	Hold PR	Create PRC	PRC Document
✓ 1	G17DCGGMIDC	0.00000	\$0.00	\$401,692.04	\$0.00	\$401,692.04	Order - Invoice	<input checked="" type="checkbox"/>	0.00000	\$0.00	0.00000	\$0.00	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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[Matching Status for only Selected Award Line](#)

Invoice Document	IN Record Date	IN Vend Line No	IN Line	Ref Line	Vend Inv No	Qty	Unit Price	SC Amt	Tax	Total Inv Amt	P/F Indicator	Partial Payment	Pd Qty	Pd SC Amt	Generate Zero dollar document
GFR 641 210000001985	12/01/2020	1	1	1	GFR10000000000034997	0.00000	\$0.00	\$72,425.00	\$0.00	\$72,425.00	Partial	Yes	0.00000	\$72,425.00	No
GFR 641 210000003842	02/01/2021	1	1	1	GFR10000000000036857	0.00000	\$0.00	\$24,050.00	\$0.00	\$24,050.00	Partial	Yes	0.00000	\$24,050.00	No
✓ GFR 641 210000004035	02/08/2021	1	1	1	GFR10000000000037050	0.00000	\$0.00	\$8,831.00	\$0.00	\$8,831.00	Partial	Yes	0.00000	\$8,831.00	No

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Receiver Document	RC Record Date	RC Vend Line No	RC Line	Ref Line	Qty	SC Amt	P/F Indicator
GFR 641 210000004035	02/08/2021	1	1	1	0.00000	\$8,831.00	Partial

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Payment Request Document	PR Record Date	PR Doc Phase	PR Doc Status	PR Vend Line	PR Comm Line	Pd Qty	Unit Price	Pd SC Amt	Tax	Total Pd Amt	P/F Indicator	Payment Date
✓ GPR1 641 210000001941	12/02/2020	Final	Submitted	1	1	0.00000	\$0.00	\$72,425.00	\$0.00	\$72,425.00	Partial	12/02/2020
GPR1 641 210000003669	02/03/2021	Final	Submitted	1	1	0.00000	\$0.00	\$24,050.00	\$0.00	\$24,050.00	Partial	02/03/2021
✓ GPR1 641 210000003858	02/09/2021	Final	Submitted	1	1	0.00000	\$0.00	\$8,831.00	\$0.00	\$8,831.00	Partial	02/09/2021

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FY21 development cost payment

Invoice Document	IN Record Date	IN Vend Line No	IN Line	Ref Line	Vend Inv No	Qty	Unit Price	SC Amt	Tax	Total Inv Amt	P/F Indicator	Partial Payment	Pd Qty	Pd SC Amt	Generate Zero dollar document
✓ GFR 641 210000004222	02/12/2021	1	1	1	GFR10000000000037238	0.00000	\$0.00	\$5,495.40	\$0.00	\$5,495.40	Partial	Yes	0.00000	\$5,495.40	No

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Mediation Settlement Agreement

Marianne Talon <mtalon@waynecounty.com>

Tue 7/13/2021 3:25 PM

To: Khogali, Loren (LARA) <KhogaliL@michigan.gov>; Drew D. Van de Grift <dvandegrift@waynecounty.com>
Cc: Robin Dillard <Rdillard@waynecounty.com>; James Heath <jheath@waynecounty.com>; jcollins@collinslegal.net <jcollins@collinslegal.net>; McCowan, Marla (LARA) <McCowanM@michigan.gov>; Westrate, Marcela (LARA) <WestrateM1@michigan.gov>

 1 attachments (37 KB)

Mediation Settlement Agreement lk 6.21.21 (shill finalized 7.13.asd_DDV).docx;

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Hi Loren,

We will revise the pertinent invoices in accordance with your directive and resubmit them. I did a word search on the November invoice (Oct time) and there were no references to “media”, which would include mediation, mediator, etc., so I believe our preparation time began in November 2020 and currently appears on the December 2020 invoice. I have included Marcela on this email so that she is aware that I will resubmit invoices indicating time from November 2020 through February 2021. In the meantime, please issue payment for all the other invoices. As you stated below, none of our invoices have been paid, and they were submitted months ago.

With respect to your request regarding the remaining funds for the 2018 planning grant project, Robin has identified a need for research regarding vertical representation, and she has spoken with Lisa Vavonese, Deputy Director of Criminal Defense Initiatives at the Center for Court Innovation. As you are aware, CCI, in conjunction with the Sixth Amendment Initiative of the Department of Justice’s Bureau of Justice Assistance, has been providing the county a services grant to assist with strategic planning surrounding standard 5, and we have been pleased with the team’s services and responsiveness. Lisa is putting a proposal together that will concentrate on the feasibility of vertical representation in the county, and Robin will follow up with you after she gets that proposal.

With respect to the mediation settlement agreement, attached is the last version in final form, ready for execution. Please sign it and send it back. We will then submit it to our county commission for approval. Thank you,
 Marianne

From: Khogali, Loren (LARA) <KhogaliL@michigan.gov>

Sent: Friday, July 9, 2021 4:06 PM

To: Marianne Talon <mtalon@waynecounty.com>; Drew D. Van de Grift <dvandegrift@waynecounty.com>

Cc: Robin Dillard <Rdillard@waynecounty.com>; James Heath <jheath@waynecounty.com>; jcollins@collinslegal.net; McCowan, Marla (LARA) <McCowanM@michigan.gov>

Subject: Possibly Malicious :RE: Mediation Settlement Agreement

** This email is from outside of the organization and contains language often used in phishing attacks. If you were not expecting it, or are unfamiliar with the sender contact Service Desk. **

Dear Marianne:

I’m writing in follow up to our recent discussion regarding the proposed mediation settlement agreement. I have added Marla McCowan to this thread as she will serve as MIDC’s Interim Executive Director after my departure July 22.

Understanding Vertical Representation In Wayne County, MI

An exploratory research study proposal

Proposal

Principle 7 of the American Bar Association's *Ten Principles of a Public Defense Delivery System* provides that "[T]he same attorney continuously represents the client until completion of the case."¹ Commonly known as vertical representation, this principle recognizes the "confessional" nature of the attorney-client relationship, and that central to that relationship is trust.² In contrast, some jurisdictions may rely upon what is known as horizontal representation, in which a different attorney represents a client at different stages of their case. Horizontal representation asks clients to trust and communicate with multiple attorneys and is often employed as a cost saving measure in response to excessive caseloads.³ In addition to building trust in the attorney/client relationship, vertical representation can benefit clients in earlier requests for investigations (interviews with witnesses, obtaining video footage), bond modifications (establishing community ties), and referrals to services.

In Wayne County, for the overwhelming majority of clients, vertical representation does not start until after the arraignment on the warrant (AOW). There are three groups or categories of representation:

- Neighborhood Defender Services (NDS Detroit) community intake, 100% or true vertical (occurs before and at AOW)
- NDS Detroit traditional assignment, semi-vertical (does not occur until after AOW)
- Wayne County Indigent Defense Services Department (IDSD) assigned counsel representation, semi-vertical (does not occur until after AOW)

The objective of the proposed study is to document the perspectives and experiences of defenders, system stakeholders, and former clients as it relates to the three categories of representation described above and distill key takeaways concerning the strengths and challenges of vertical representation. The data derived from this project will be synthesized for the purposes of decision-making related to the future of vertical representation in Wayne County, including recommendations on how to achieve 100% or true vertical representation.

¹ The American Bar Association's *Ten Principles of a Public Defense Delivery System* (February 2002), Principle 7. See also, for other national and state standards, National Legal Aid and Defender Association (NLADA) *Guidelines for Legal Defense Systems in the United States* (1976), Guideline 7; NLADA *Standards for the Administration of Assigned Counsel Systems* (1989), Standard 2.6; New York State Bar Association's *Standards for Providing Mandated Representation* (2005), Standards 1-5.

² *Powell v. Alabama*, 287 U.S. 45 (1935). See also Alexis Hoag, *Black on Black Representation*, New York University Law Review (forthcoming 2021).

³ *Continuous representation of the defendant by the same attorney - ABA Principle 7*, *The Sixth Amendment Center*, accessed July 16, 2021, found at sixthamendmentcenter.org. See also *Status of Indigent Defense in New York: A Study for Chief Judge Kaye's Commission on the Future of Indigent Defense Services, Final Report*, The Spangenburg Group (June 16, 2006).

Research Inquiry

The Center for Court Innovation (“the Center”) proposes an exploratory research study to document how the process currently functions within the policy context and practices of Wayne County. Specifically, we seek to address the following areas of broad inquiry:

- 1) How do defenders and system stakeholders perceive the value of vertical representation? What would be the barriers and facilitators in shifting to true vertical representation in Wayne County?
- 2) How does the current assignment system in Wayne County impact defenders’ advocacy? Specifically, could true vertical representation increase the effectiveness of representation through improvements in information gathering, case investigation, referrals for services, and pre-trial decisions?
- 3) How does the current assignment system in Wayne County impact client centered practice? In other words, how do defenders and former clients perceive its impact on the attorney/client relationship? Would having the same attorney facilitate greater engagement and trust?

Research Methods

Interviews. A site visit will be conducted in which members of the Center’s research-practice team will work with IDSD and NDS Detroit to convene up to 15 interviews and focus groups with defenders and other system stakeholders. These interviews will serve to document the historic and current representation structure in Wayne County. Additionally, the interviews will document perspectives on the ways that the current representation structure impacts defenders’ advocacy (e.g., information gathering, requests for experts and investigators, negotiations with prosecutors, pretrial decisions, etc.) and relationships with clients (e.g., engagement with the client’s family/friends, trust, collaboration, etc.). Finally, the interviews will be an opportunity to explore whether there is value in shifting to true vertical representation from the perspectives of different stakeholders, their willingness to make the shift, and the many considerations at play in thinking through how to launch a future pilot program.

Additionally, the research-practice team will work with IDSD and other organizations to recruit a sample of former clients to hear firsthand from those most impacted by the criminal legal system about the dynamics of the relationship with their attorney, whether having the same or different attorneys impacted them, and their satisfaction and experience of procedural fairness in working with their attorney. Approximately five-to-ten clients from each of the three representation groups will be recruited to participate in hour-long interviews. The interviews will be conducted in-person by a researcher from the Center currently based in Michigan, with remote interviews offered as an option. All clients participating in interviews will be compensated for their time. All interviews and focus groups will be recorded and transcribed for the purposes of thematic analysis

Defender Survey. The themes observed in interview data will be used to develop a survey to be administered to NDS Detroit and assigned counsel attorneys to gain further insight into the ways the current assignment structure impacts defenders' advocacy, pre-trial decisions, attorney/client relationships, the value in shifting to true vertical, and the considerations for Wayne County in making that shift. The survey will be developed through an iterative process involving the research-practice team and project partners. The web-based survey will be designed to take no longer than 45 minutes to complete and will be disseminated via NDS Detroit and IDSD listservs for a fielding period of approximately three months.

Records Analysis. Researchers from the Center will work with NDS Detroit and IDSD to explore the extent to which local CMS and court data can be extracted to provide additional context for understanding key findings from interviews and surveys. It may be possible to examine how vertical representation affects bail determinations, the rate and speed of defender requests for experts and investigators, and referral to services. Although a formal evaluation is beyond the scope of the proposed project, the identification of available data sources and gaps can prove useful in helping inform any subsequent pilot program.

Deliverables

Deliverables will include a monograph or white paper detailing the overall findings from the interviews and survey. The findings will be framed within the policy and practice context of Wayne County to ensure that they can be translated into actionable next steps. More specifically, the monograph will highlight any recommendations or considerations that IDSD should factor into their decision making as they think through the development of a pilot program. Upon request, Center staff will present on the findings at an MIDC or Wayne County stakeholder meeting.

About the Center's Research and Technical Assistance Expertise

In addition to providing national technical assistance to jurisdictions that incorporate a range of electronic monitoring technologies, the Center for Court Innovation has been uniquely steeped in the intricacies of electronic monitoring for over five years. The Center worked closely with the Manhattan DA's office to implement an alternative to incarceration program that relied on electronic monitoring. More recently, the Center advised the City of New York on electronic monitoring policy and practices in the bail reform context.

Fund for the City of New York: Center for Court Innovation
County of Wayne, Michigan
IDSD Vertical Representation Research
18 Month Period

PERSONNEL		Year 1 FTE	Year 2 FTE (6 months)	Budget - Year 1	Budget - Year 2 (6 months)	Total Budget
Principal Investigator	Tallon, Jennifer	10%	20%			
Practitioner Principal Investigator	Vavonese, Lisa	25%	25%			
Project Director	Naraharisetti, Sruthi	30%	30%			
Coordinator	Ling, Elizabeth	5%	10%			
Subtotal				66,845	42,067	108,912
Fringe @ 32%				21,390	13,461	34,852
TOTAL PERSONNEL				88,235	55,528	143,763
OTPS						
TRAVEL				3,396	-	3,396
SUPPLIES				588	355	943
RENT				9,835	6,063	15,898
OFFICE OCCUPANCY COSTS				1,071	647	1,718
UTILITIES				497	309	806
TELEPHONE/INTERNET				301	182	483
CELL PHONE COSTS				462	279	741
STIPENDS (RESEARCH)				750	-	750
FEES	Transcription			8,775	-	8,775
INDIRECT COSTS @ 10%				11,391	6,336	17,727
TOTAL OTPS				37,066	14,171	51,237
TOTAL				125,301	69,699	195,000

**Fund for the City of New York/Center for Court Innovation
Wayne County Michigan
IDSD Vertical Representation Research**

Budget Justification

Personnel

Principal Investigator, Jennifer Tallon. In Year 1, Dr. Tallon will dedicate 10% of her time to the project, and in Year 2, Dr. Tallon will dedicate 20% of her time to the project.

Practitioner Principal Investigator, Lisa Vavonese. Ms. Vavonese will dedicate 25% of her time to the project in both Years 1 and 2.

Project Director Sruthi Naraharisetti. Ms. Naraharisetti will dedicate 30% of her time to the project in both Years 1 and 2.

Coordinator, Elizabeth Ling. In Year 1, Ms. Ling will dedicate 5% of her time to the project, and in Year 2, Ms. Ling will dedicate 10% of her time to the project.

Over the 18-month project period, the total cost for personnel will be \$101,797 (\$62,850 in Year 1 and \$38,947 in Year 2).

Fringe Benefits:

Fringe Benefits for Fund for the City of New York full-time employees are assessed at 32% of salaries and wages and consist of FICA at 7.65%, Health Insurance at 14.60%, Pension at 6.74%, Unemployment Insurance at 1.09%, Long and Short-Term Disability at 0.49%, Life Insurance and Accidental Death and Dismemberment at 0.33%, Transit Check at 0.05%, and Workers' Compensation at 0.67%, DCAP/Health Flexible Spending at 0.04%, NY Metropolitan Commuting Tax at 0.34%. Over the 18-month project period, fringe benefits will total \$34,852 (\$21,390 in Year 1, \$13,461 in Year 2).

Travel

The Center has budgeted for two staff members to travel to Detroit, Michigan for a site visit in Year 1 of the project period. These staff members will be joined by one local staff member (Ms. Naraharisetti, Ann Harbor, MI). Accordingly, airfare and hotel accommodations are budgeted for only two staff members, while per diem and ground transfer costs are budgeted for three staff members. Travel costs are calculated as follows: Airfare at \$800 (\$400/airfare/person x 2 staff members x 1 trip); hotel accommodations at \$532 (\$133/night/person x 2 staff members x 2 nights/trip x 1 trip); per diem at \$504 (\$56/person/day x 3 staff members x 3 days x 1 trip); and ground transfer costs at \$480 (\$160/person/trip x 3 staff members x 1 trip). The total cost for this travel would be \$2,316.

In addition to site visit travel, the Center has budgeted Ms. Naraharisetti to make five visits in Year 1 to conduct follow up interviews. Travel costs are calculated as follows: per diem at \$280

(\$56/day/person x 1 staff person x 1 day/trip x 5 trips); and ground transfer costs at \$800 (\$160/person/trip x 1 staff person x 5 trips). The total cost for this travel would be \$1,080.

Supplies

Office Supplies

Based on previous experience, general office supplies are budgeted at a rate of \$790/annual FTE working on the project at the Center's headquarters, and includes the costs of copy and fax paper, copier toner, fax drums, writing pads, pens, pencils, file folders, binders, paper clips, post-its, and printing. In Year 1 of the project period, with 0.70 onsite FTEs contributing to the project, supply costs would be \$553. In Year 2 of the project period, with 0.85 onsite FTEs contributing to the project, supply costs would be \$324. Over the 18-month project period, the total cost for office supplies would be \$887.

Postage

Also based on previous experience, the Center budgets for postage at a rate of \$50/annual FTE working on the project at the Center's headquarters. In Year 1 of the project period, with 0.70 onsite FTEs contributing to the project, postage costs would total \$35. In Year 2 of the project period, with 0.85 onsite FTEs contributing to the project, postage costs would total \$21. Over the 18-month project period, the total cost for postage would be \$56.

Other Costs

Office Occupancy Costs: Office occupancy costs for staff working at the Center's headquarters in Manhattan are estimated, based on prior fiscal year actual costs, and contracted costs for office services and the office lease. These estimates are used to calculate the annual office occupancy cost per FTE for an average of 102 full-time staff who work out of the Center's headquarters. Office occupancy costs including rent, utilities, equipment rental and maintenance, office maintenance and repairs, and telephone service are charged to all Center grants and contracts based on the number of assigned full-time equivalents from the Center's headquarters. The annual cost per full-time employee is calculated as follows:

Rent (lease for 520 Eighth Ave, 18th Fl, 23rd Fl and 10th Fl, 24,500 sq ft): \$1,433,100 per yr/102 = \$14,050/pp @ 100% FTE; (with 2% increases in each subsequent year);

Utilities (electric): \$72,420 per yr/102 = \$710/pp @ 100% FTE; (with 2% increases each subsequent year);

Repairs & Maintenance (cleaning, trash removal, exterminator, security, HVAC): \$125,460 per yr/102 = \$1,230/pp @ 100% FTE;

Equipment Rental & Maintenance (copiers, fax machines, postage meter, water coolers): \$30,600 per yr/102 = \$300/pp @ 100% FTE;

Telephone & Internet Service (communications; voice & data): \$43,860 per yr/102 = \$430/pp @ 100% FTE.

With a total of 0.70 onsite FTEs dedicated to the project in Year 1, these costs will total \$11,704 (rent = \$9,835; utilities = \$497; office repairs and maintenance = \$861; office equipment rental and maintenance = \$210; office telephone and internet service = \$301).

With a total of 0.85 onsite FTEs dedicated to the project in Year 2, these costs will total \$7,200 (rent = \$6,063; utilities = \$309; office repairs and maintenance = \$520; office equipment rental and maintenance = \$127; office telephone and internet service = \$182).

Cell Phone Costs

The Center budgets at staff members' cell phone costs at \$660 (\$55/month)/FTE. In Year 1 with 0.70 FTEs contributing to the project, the total cost for cell phone service would be \$462. In Year 2, with 0.85 FTEs contributing to the project, the total cost for cell phone service would be \$279. Over the 18-month project period, the total cost for cell phone service for staff members would be \$741.

Stipends

The Center has budgeted for the provision of stipends for interview subjects. The Center would pay a stipend of \$25 to each of 30 interview subjects for a total cost of \$750 (\$25/person x 30 people).

Transcription Costs

The Center has budgeted for the transcription of interviews by Geneva Worldwide. At a rate of \$3.25/minute, the Center anticipates the transcription of 2,700 minutes of interviews, for a total cost of \$8,775.

Indirect Costs

The Fund for the City of New York/Center for Court Innovation charges a federally-approved indirect cost rate to all of its projects in order to cover administrative expenses. This amount is calculated at 18% of the total direct costs and covers: fiscal services, including payroll, accounts payable, accounts receivable, audit, grant management, tracking and monitoring; human resources, including personnel and benefits administration; administrative oversight of all programs; general management; risk management; and legal support. For this project, the Center will limit its indirect costs to 10%. Over the two-year project period, indirect costs (at 10%) will total \$17,727 (\$11,391 in Year 1 and \$6,336 in Year 2).

To: Michigan Indigent Defense Commission

From: Marla R. McCowan
Interim Executive Director
Deputy Director/Director of Training

Re: FY21 overview and FY22 status and recommendations by Staff

Date: October 13, 2021

I. FY21 Compliance Funding Distribution Update; Q3 and Q4 Reporting

A. Overview

As of the April 2021 meeting, all **120 systems have had their plans and cost analyses approved**, contracts have been distributed to those systems, and all systems have fully executed contracts in place. All have received the final distribution of funding in August 2021 unless the distribution exceeded the funds on deposit with the system or we were awaiting financial reporting from the system.

	MIDC Funding	Local Share	Total System Costs
FY 2019	\$86,722,179.85	\$37,963,396.67 ¹	\$124,685,576.52
FY 2020	\$117,424,880.47	\$38,523,883.90	\$157,698,982.46
FY 2021	\$126,743,000.64	\$38,486,171.32	\$165,229,171.96

1. System reporting - progress towards compliance

Staff is preparing to receive the fourth quarter of reporting from systems for FY21 (covering July 1, 2021 – September 30, 2021) at the end of October. The reporting is composed of:

- A **program report**, detailing the progress towards compliance with the approved plan. All program reports are currently submitted online

¹ The annual inflationary increase described in MCL 780.983(i) is calculated from the FY2019 local share.

through a survey-type of system for ease in submitting, receiving, and organizing the information provided.

- A **financial status report**, in the format approved by the Commission, to provide information regarding the spending on indigent defense between July 1, 2021 – September 30, 2021.
- 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.
- The actual **balance of the funds** in the account as of September 30, 2021 used for all spending on adult indigent criminal defense services, due no later than October 31, 2021, as set forth in the MIDC Act, MCL 780.993(15).

The MIDC staff worked to simplify the reporting process and created a series of short web-based tutorials to provide systems with guidance on completing the necessary reporting documents. The tutorials, 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 Change Request – Macomb County **action item**

Total System Cost: \$7,556,919.62

Local Share: \$2,239,945.36

MIDC Funding: \$5,316,974.27

Other Funding: \$1,208,706.77

No anticipated change to overall costs for FY 2021

Staff recommends approval of this request:

Macomb County is requesting a plan change to add an assistant public defender to its public defender office to service D41A-2 Shelby. D41A-2 Shelby's FY22 plan and cost analysis have been approved by the Commission and contemplate having the Macomb County Public Defender's Office serve as its MACC and provide some representation services. The Commission has not yet approved Macomb County's FY22 plan and cost

analysis. As a result, Macomb County continues to operate under its FY21 plan. Approval of this plan change, however, would allow D41A-2 Shelby and Macomb County to move forward with their collaboration. This plan change will not result in a budget shortage because Macomb County has surplus personnel funds due to delays in hiring and onboarding its staff.

b. Budget adjustments – information item

1) The Grant Manager processed the following **budget adjustment requests** pursuant to the process set forth in the MIDC's [Grant Manual](#) at pp. 27-28 (February 2021):

- [Approved budget adjustments:](#)
 - Alcona County
 - Benzie/Manistee Counties
 - Chippewa County
 - D 37 – Warren/Centerline
 - Delta County
 - Eaton County
 - Livingston County
 - Manistee County
 - St Clair County (2 requests)
 - Tuscola County
- Denied budget adjustment:
 - [Wayne County \(Q2\)](#)

Summary of request and denial:

With the 2nd quarter financial status report of the current grant year submitted by Wayne County, a request was made for a budget adjustment related to project escalations for a build out in office space.

Buildout -OPDS (previously approved budget of \$25,240):

*For FY21, additional work orders for the office space that will house the OPDS staff have come in higher than originally budgeted for, due to the unforeseen technology needs for the office. Current specifications show a need for additional wiring and technical infrastructure. Our total approved budget in FY21 was \$25,240. Current work orders project \$110,434.36 in total build out of the space including technology costs. Therefore, we are requesting an adjustment of **\$85,194.36** to be taken from the Office Space lease amount of \$386,172.00 to cover the outstanding cost.*

This request was submitted in the spring of 2021 but involved a significant adjustment for construction costs and required a site evaluation by staff. MIDC Staff was unable to perform field work until after mid-July 2021 due to the COVID-19 pandemic as instructed by the Office of the State Employer. A site visit was scheduled for August 12, 2021, for a walk through and explanation of the project and attended by Ms. Kelly McDoniel, Regional Manager, MIDC. Several follow up questions were identified by the MIDC staff. A local system partner responded in an email of August 25th. Based on the site visit and the responses from the county, specifically the lack of a timeframe for occupying the space to be renovated and the timing of the project, the MIDC staff denied the request for the budget adjustment. Wayne County was invited to revisit the request in 2022.

II. FY22 Compliance Planning, Submissions, and Recommendations

A. Overview

Statutory authority MCL §780.993 (**as amended with emphasis** 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. FY22 Submissions

Staff hosted several webinars for compliance planning as well as training for the MIDC's new grant management system and made recordings of the webinars available on our YouTube page and 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 FY22. 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 FY22

As of the August 17, 2021 meeting, 98 of 120 systems have had their plans and cost analyses approved and all of those contracts have been distributed to those systems for review and signature. As of this writing, 68 contracts have been returned by these systems, signed by me, and forwarded to LARA for finalization and distribution of initial funding.

FY22 Total system cost approved (to date): \$110,396,853.36

- Local share (increase of 1.2% from FY19): \$23,611,111.09
- MIDC funding approved for compliance plans: \$86,785,715.27
- MIDC funding approved to reimburse systems for the cost of planning: \$38,943.43

b. Disapproved plans and/or cost analyses for FY22 (first submissions)

At the June 15, 2021 Commission Meeting, the MIDC rejected the plan and/or cost analysis from 56 systems for their first submission for FY22. Those systems were notified of the MIDC's action through a mailing dated June 21, 2021. The deadline for resubmission was August 20, 2021. Most systems resubmitted on or before July 23, 2021, to be considered by the Commission. Of those, 34 systems were approved at the MIDC's August 17, 2021 meeting. The final 22

systems have their resubmission (2nd submission) presented for Commission action as set forth in section 2.b, below.

2. Review of [FY22 Compliance Plans and Cost Analyses](#)

a. Committee Work (agendas linked below)

1) [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.

Committee members –

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

2) [Committee Description: Increase to Direct Costs](#)

Reviews any plan in which there is an increase to direct indigent defense services.

Committee members –

- William Swor (Chair)
- Jeffrey Collins
- David W. Jones
- Tom McMillin
- James Krizan

3) [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.

Committee members –

- Gary Walker (Chair)
- Andrew DeLeeuw
- Tracey Brame

- Margaret McAvoy
- Kristina Robinson-Garrett
- Debra Kubitskey

b. Substantive Review of Resubmissions – Action Requested

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

Disapprove plan/disapprove cost analysis

1. D 32a - City of Harper Woods

FY21 Total system cost approved: \$221,006.72

FY22 Total system cost requested: \$271,504.66 (reduced from original request, which was \$308,158.77)

House counsel/assigned counsel system seeking to add a civil litigation firm as the managed assigned counsel coordinator at \$350/hr. Additional details regarding compliance with Standards 1, 2, 4 and 5 are required for analysis; costs include increases for attorneys.

Resubmission: Compliance plan remains incomplete; MAC rate reduced to \$100/hr but further clarification regarding need for hours (totaling \$20,000/yr) and full time MIDC coordinator (\$68,196.16 including fringe benefits) for this system is required.

2. D 43-1 City of Hazel Park

FY21 Total system cost approved: \$848,276.56

FY22 Total system cost requested: \$872,096.65 (reduced from original request, which was \$958,235.41)

Managed assigned counsel system will continue. Plan needs corrections concerning non-attorney deciding expert requests and clarification about the appeal process for MAC decisions; cost analysis contains MAC team compensation increase, supplanting, and employees that were reduced/eliminated in FY21 without accompanying time study to support increase/insertion of these employees into budget.

Resubmission: Plan eliminates non-attorney deciding expert requests and clarifies appeal process for MAC decisions; Quarter 3 reporting, however, reveals that system continues to distribute attorney work inconsistently with the previously approved plan; cost analysis contains employees that were reduced/eliminated in FY21 without accompanying time study to support increase/insertion of these employees into budget.

3. **D 62A - City of Wyoming (also covers Grandville, Walker, Kentwood)**

FY21 Total system cost approved: \$647,885.74

FY22 Total system cost requested: \$707,020.90 (reduced from original request, which was \$809,851.55)

This system contracts with the Kent County Office of the Defender and a roster of attorneys for conflict cases. Selection of attorneys includes judicial input; the cost analysis requires clarification regarding increase for attorney fees; also includes a significant construction project including funds to relocate city attorneys.

Resubmission was submitted by a new entity described as a “public body corporate” identified as the “Kent County Indigent Defense Authority (KCIDA)” instead of an indigent criminal defense system. The MIDC only accepts plans and costs from indigent defense systems pursuant to MCL §780.993(3) as those systems defined in §780.983(h). The system’s profile application as a quasi-governmental authority calls into question budget line items in the proposed cost analysis and requires clarification as to which funding unit will receive funding as a local unit of government (personnel, indirect costs), a subgrantee, and/or a vendor (direct accounting and auditing charges).

Approve plan/disapprove cost analysis

4. **D 36 - City of Detroit**

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

FY22 Total system cost requested: \$7,380,864.11 (reduced from original request, which was \$8,857,176.97)

Assigned counsel and contract defender system with an indigent defense coordinator for services. Clarification regarding selection and assignment process for Standard 2 and services for Standard 4 are required for analysis; detail supporting raises for personnel are requested; costs for attorneys do not track projected spending and require further detail; documentation to support ancillary spending request is required for analysis.

Resubmission: Revised plan makes clear that attorneys are selected by the managed assigned counsel team and assigned in a rotation system; clarified payments and removed duplicative coverage under Standard 4. Expert and investigator funding was reduced, ancillary spending (clerk) was addressed and spending for the MDOC was removed; further documentation is still required for salary increases; correction to Polycom service agreements;

projected contractual attorney spending remains significantly different from tracked projected spending, possibly due to delay in implementation of the FY21 approved fee schedules.

5. [D 43-3 City of Madison Heights](#)

FY21 Total system cost approved: \$558,888.92

FY22 Total system cost requested: \$499,138.65 (reduced from original request, which was \$555,606.18)

Managed assigned counsel system will continue. Plan needs corrections concerning non-attorney deciding expert requests and reviewing hourly billing and clarification about the appeal process for MAC decisions; cost analysis needs support for MAC team's compensation increase and the continued need for significant ancillary support; additionally, the requested attorney fees amount does not track with historical spending.

Resubmission: Concerns about non-attorney deciding expert requests and reviewing hourly billing, as well as appeal process for MACC decisions, have been resolved; compensation increase for MACC team and MIDC clerk position were eliminated; and the requested attorney fees amount was reduced. We will continue working with system to verify need for ancillary support during FY22.

6. [Macomb County](#)

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

FY22 Total system cost requested: \$9,974,345.48 (increased from original request, which was \$9,278,760.58)

Public defender office with a roster for conflict attorneys. Plan and cost analysis contain a significant request (+\$987,575.00) for construction for the PD office; cost analysis contains additional employee that is not actually being requested; and attorney fee schedule for roster attorneys has not been submitted.

Resubmission: System removed employee that was not really being requested; construction costs have increased by \$331,744 since first submission, largely due to system's decision to accommodate a neighboring clinic's desire to expand its space; cost analysis contains unnecessary expenditures for things like court rules and extra Accurint account; expert and investigator funding request is unsupported by historical spending; cost analysis contains incorrect amount for CRDC subscription.

7. Wayne County

FY21 Total system cost approved: \$31,259,985.16

FY22 Total system cost requested: \$46,005,777.01 (reduced from original submission, which was \$50,701,870.11)

The Office of Public Defense Services (MAC system) oversees the public defender office and assigned counsel roster system; system is seeking significant increase (62.19% or \$19,441,885.00) with \$3,847,899.40 of that request in the NDS (PD office) budget, which represents a 46.75% increase for a 10% increase in caseload. Additional information is needed regarding NDS personnel breakdown (not itemized in EGrAMS); the overall increase to the NDS budget; the methodology utilized in the new assigned counsel calculations; the lack of a reduction in expert/investigator funds when only 8.7% has been spent in the first two quarters of FY21 and the lack of reduction in other areas to analyze the request. Additionally, the technology costs associated with the CJC (\$253,245.08) need to be deleted from the cost analysis.

Resubmission: Detail was supplied for vendor spending in the separate cost analysis as requested and the technology costs associated with the CJC were deleted. Review of the vendor cost analysis does not support request for increase to staff, and funding requests for contractual payments to attorneys and experts are significantly inconsistent with projected spending and must be reduced. Spending through Q3 on contractual payments to attorneys is approximately 30% of FY21 award (outside of vendor PD office); payments to experts is approximately 11% of FY21 award. Construction costs mediated in FY21 should be reauthorized in FY22.

Approve cost analysis (plan previously approved)

Increase largely related to implementation of Standard 5

8. Midland County

FY21 Total system cost approved: \$489,927.25

FY22 Total system cost requested: \$561,348.60 (reduction from original request, which was \$598,748.60)

System will shift from an hourly paid contract w/ MAC manager who is a member of the panel to a full-time MAC manager (county employee) who also has primary responsibility for arraignments. Clarification regarding

increase in contractual attorney fees is required--including coverage for arraignments.

Resubmission: Contractual attorney fees clarified and counsel at first appearance coverage was explained; increases for full-time MAC manager (+\$97,926.40 salary + \$42,744.70 fringes - addition of full-time employee MAC manager/CAFA attorney); decrease of \$85,871 for contract attorneys due to addition of MAC manager employee; minor increases for travel and training for assigned counsel and supplies and services for MAC.

System seeking reimbursement for overspending and/or additional funding for COVID backlog

9. Saginaw County

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

FY22 Total system cost requested: \$5,535,030.51 (increase from original submission, which was \$5,297,009.51)

Non-profit PD and MAC assigned counsel (hourly); Substantial increase in MAC attorney hours (\$485,740.00) requires breakdown showing basis/formula for increase; some details of PD office budget require additional detail; ICLE membership needs to be deleted. Construction project (\$86,605.00) needs to be examined and clarified. Malpractice insurance needs to be evaluated. Need clarification of balance of funds on deposit with vendor.

Resubmission: MAC spending has been documented and increases are based on actual spending, reimbursement for overspending (+\$450,000.00), and increase to PD office salaries (+\$619,215.51) and the vendor increase was submitted with local system salary study designed to bring salaries to parity with prosecutors; vendor is adding an investigator and social worker; other increases are to mentor program, 2nd chair program, training, and expert witnesses; ICLE membership was deleted; construction project has been documented as part of renovating existing space to accommodate vendor staff.

Approve plan/approve cost analysis

Plan change

10. Menominee County

FY21 Total system cost approved: \$703,571.00

FY22 Total system cost requested: \$515,000.36 (decrease from original submission, which was \$647,499.20)

Public defender office (nonprofit model) approved in FY21 but not yet implemented; significant detail is required to assess compliance with standards including independence from judiciary; cost analysis requires clarification and/or revisions.

Resubmission: A public defender office (non-profit model) was planned for FY21, however, the PD office has not come to fruition and progress toward establishing the office has been halted. Stakeholders in the system (mainly the attorneys providing services) have decided they do not want to implement a PD office model at this time. The system will continue with its contract delivery system and include an attorney administrator to implement Standard 5; decreases include contracts/nonprofit office (-\$204,711.00), experts and investigators (-\$4,750.00), travel and training (-\$3,955.60), equipment (-36,000.00); increase for clerks to assist lead attorney (+\$8417.40), new lead attorney (+\$24,000); and revisions to other contracts and services (+\$6,738.56).

No change to method of delivering services from prior year; same or decreased costs, and/or on track with spending

11. D 37 - Cities of Warren and Centerline

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

FY22 Total system cost requested: \$945,125.76.00 (reduced from original submission, which was \$945,533.47)

Managed assigned counsel system was approved through a plan change request in FY21; clarification is required for compliance with Standards 1, 2, 3, 4 and particularly independence from the judiciary; several concerns in cost analysis including funding for attorneys that does not track spending projections.

Resubmission: System provided needed clarification on compliance with the Standards (MACC will decide eligibility for assignments and review expert

and investigator requests, system is verifying compliance with Standard 2 using attorney invoices); system's Quarter 3 spending increased by more than \$100,000.00 from Quarter 1 and system projects that Quarter 4 spending will increase even more—provided there is not a pandemic setback. Separately, outside of MIDC-requested funding, the State of Michigan's FY22 budget included a \$125,000 appropriation to the city of Center Line for implementation and compliance with indigent defense standards. This funding was requested by the City through its legislator. MIDC staff is working with the State Budget Office and LARA on the process for monitoring and distributing these funds, which will be distributed outside of the MIDC's granting process.

12. [D 44- City of Royal Oak](#)

FY21 Total system cost approved: \$638,042.32

FY22 Total system cost requested: \$620,700.00 (no change from first submission).

Managed assigned counsel system, however, the plan says that a non-attorney is part of the selection committee who decides which attorneys are on the list. This same person also approves attorney, expert, and investigator billing.

Resubmission: Only MACC decides whether an attorney can be on the appointment list and approves attorney, expert, and investigator billing. Appeals of MACC decisions concerning appointments, compensation, and expert and investigator billing requests are made to the MACC of D51 Waterford.

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

13. [Mackinac County](#)

FY21 Total system cost approved: \$199,707.56

FY22 Total system cost requested: \$204,717.59 (increased from original request, which was \$200,174.51)

Contract defender System w/ lead attorney & MIDC plan administrator; the compliance plan is missing information about many standards and the cost analysis requires significant revision to provide analysis.

Resubmission: Clarification of all standards and how their objectives will be met has been provided, including independence from the judiciary – lead

contract attorney creates the CAFA schedule, automatically takes the majority of indigent cases, and assigns overflow and conflict cases on a rotational basis.; cost revisions include decrease to personnel (corrections staff) due to reduction in hours (-\$1,605.64), decrease in travel and training (-\$2,924.24); increase in contracts for attorneys for conflict counsel (+\$2,521,20), and increase in pay/hours for Grant Administrator (+\$7,600.00).

Standards innovation

14. D 25 - City of Lincoln Park (covers River Rouge and Ecorse)

FY21 Total system cost approved: \$500,380.11

FY22 Total system cost requested: \$349,772.62 (reduced from original request, which was \$434,473.85)

Managed assigned counsel system moving from a full-time MAC Administrator to part time and coordinating approval of experts and investigators with the Wayne County Regional Office. Additional information is required to assess compliance with Standards 1, 2 and 4, and the cost analysis requires support for funding for ancillary spending that was previously approved for a position that was never filled.

Resubmission: Standards compliance has been addressed for training, meeting space, and counsel at first appearance and all critical stages; ancillary spending reduced (-\$135,316.60) by eliminating PD officer for Ecorse and River Rouge and reducing PD officer's hours for Lincoln Park.

15. Kalamazoo County

FY21 Total system cost approved: \$4,312,698.16

FY22 Total system cost requested: \$4,548,596.50 (reduced from original request, which was \$4,800,784.00)

Public defender office (vendor model); a plan for expert and investigative resources under Standard 3 is required for all adult indigent defendants charged with crimes who are not represented by the defender office; clarification in the vendor cost analysis is requested for several categories including increases to staff and contract attorney payments, supplies, services, travel, training, and equipment.

Resubmission: System addresses Standard 3 concerns by placing entire expert and investigator budget with the funding unit (+\$40,000.00); increases for salary consistent with steps/COLA, addition of conflict MAC manager (\$12,000.00).

16. Lenawee County

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

FY22 Total system cost requested: \$1,953,024.34 (decrease from original submission, which was \$5,055,159.85).

Public defender office with managed assigned counsel administrator for conflict cases. Clarification and detail is required regarding selection of attorneys and assignment process; cost analysis requires support for new full time corrections staff and significant (+\$3,327,070.00) request to completely renovate PD office requires more information.

Resubmission: Selection and assignment of attorneys has been addressed and will be made independently from the judiciary; construction project was reduced significantly (now totals \$25,000.00) for renovation and includes cost sharing with the local system. Increases to staff for COLA/reclassifications, social worker, investigator and jail officer (with time study supplied) (+\$257,481.75), contractual attorneys (+\$56,000.00) due to increased monthly pay of MAC admin and increase of attorney time due to trial backlog; equipment (+\$14,775.00) due to new staff; jail Polycom; and white noise machines for court meeting space; transcripts and interpreters (+\$10,000.00); other supplies (+\$24,885.00) for new staff including purchases of scanners, cell phones for PD staff; increase in case management annual cost.

17. Wexford and Missaukee Counties

FY21 Total system cost approved: \$998,590.32

FY22 Total system cost requested: \$1,136,165.90 (increase from original submission, which was \$1,135,833.03)

Regional public defender office with managed assigned counsel administrator for assignments to conflict counsel. Clarification needed regarding Standards 1, 2, 4 is required and support/clarification regarding several increases in cost analysis are requested.

Resubmission: Revisions largely needed to address management of conflict roster and objectives of all standards were made; increase to personnel & fringes for existing staff (COLA), addition of a full-time staff social worker (+\$55,614.00), increase to corrections staff hours from 37.5 hrs/wk to 40/wk; increase to: conflict attorney administrator (+\$400.00), life offense cases (+\$2,000.00), intern hours (+\$1,920.00), new equipment request (+\$6,000.00), experts and investigators (+\$10,400.00), monthly rent due to new building space (+\$7,200.00/year), travel and training (+\$642.87), and supplies/services (+\$741.16).

Changes or increases largely related to implementation of Standard 5

18. Chippewa County

FY21 Total system cost approved: \$513,994.30

FY22 Total system cost requested: \$579,021.64 (decrease from original submission, which was \$624,599.17)

Public defender office appears to be seeking addition of a conflict attorney manager, but the application is missing detail regarding meeting the objectives for several standards, and the cost analysis is unclear for several categories of spending.

Resubmission: Revisions were made to address how the conflict cases are handled, and the plan now meets the objectives of all standards including independence from the judiciary. Some decreases in costs for personnel and fringes for the attorney positions based on anticipated hiring; minor increases for support staff at the defender office including internships, supplies services; larger increases to add a conflict attorney administrator (+\$33,000.00) and conflict cases (+\$18,000.00) including funding for experts and investigators.

19. D 47 - City of Farmington

FY21 Total system cost approved: \$187,828.22

FY22 Total system cost requested: \$356,483.14 (increase from original submission, which was \$355,746.37)

Managed assigned counsel system seeking to hire a non-attorney coordinator for day-to-day responsibilities including selecting attorneys for assignment, appeals of MAC decisions are to be made to a panel of attorneys paid to meet periodically for this review; the plan does not have sufficient involvement and oversight by the MAC; cost analysis requires significant revision or detail in many categories.

Resubmission: Removes the appeal panel and uses an appeal partner; MACC involvement and oversight increased; cost analysis revised/supplemented; and system now seeks funding for projected FY21 shortage (\$25,000.00). Total increase from FY21 is \$168,654.92 (+\$3,742.42 ancillary personnel (COLA); +\$108,900 attorney fees (increase to fixed case cost); +\$25,000 attorney fees (FY21 shortage); +\$28,560.00 contracts other (MIDC coordinator); and +\$2,050.00 experts).

20. Otsego County

FY21 Total system cost approved: \$352,745.09

FY22 Total system cost requested: \$356,794.22 (decrease from original submission, which was \$372,193.54).

Contract defender system with an attorney administrator who reviews and approves attorney invoices and reviews and approves requests for expert and investigative assistance. Clarification is required for compliance with Standards 2, 4 and 5; cost analysis requires clarification or revisions for processing fees associated with assignments and other minor corrections.

Resubmission: To comply with the standard requiring independence, beginning in FY22, the court will refer cases to the contract defender for assignment, the contract defender will continue to manage the CAFA schedule; county employees will be responsible for MIDC planning and reporting; processing fees for contract attorneys have been removed; minor decrease in personnel, minor increase to grant administrator pay.

System seeking reimbursement for overspending and/or additional funding for COVID backlog

21. Branch County

FY21 Total system cost approved: \$643,176.00

FY22 Total system cost requested: \$1,112,640.35 (increase from original request of \$1,067,588.82)

Public defender office; significant additional information is required to clarify meeting the objectives of Standards 2, 4, and 5, particularly in terms of caseload. Additional funding is sought for clerical staff at the defender office, experts/investigators (including in conflict cases), and overspending in FY21.

Resubmission: Public defender office requires two additional attorneys and an additional investigator (+\$176,015.20 plus fringes) based on demonstrated caseload needs and to meet standards; equipment and related furniture expenses are included for these positions and staff (+\$10,600.00); increase for rent (+\$14,160.00) due to increase in staff size plus increase to utilities; increase for experts (+\$8,000.00); increase to contract attorneys (+\$25,200.00) due to increased number of hearings and cases, as well as complexity of cases; system is also seeking \$125,000.00 for reimbursement for overspending on services in FY21.

Revised payment/fee schedules

22. D 41-b - Clinton Township

FY21 Total system cost approved: \$464,280.86

FY22 Total system cost requested: \$523,375.00 (reduced from original request, which was \$610,750.00)

Managed assigned counsel system will continue. Plan needs clarification and additional information concerning Standards 1 and 3; requested attorney fees in cost analysis do not track with current spending even when adjusted for proposed fee schedule increase.

Resubmission: System revised information regarding tracking training and will use a written request process for experts and investigators; removed ancillary spending (-\$22,530.86); increased contractual attorney payments (+\$81,600) due to increase in event-based fee schedule and increase from \$80 to \$100/hr for counsel at first appearance. System will also be the first in Macomb County to conduct weekend arraignments.

Recommended for approval by MIDC Staff		MIDC Funding	FY22 Local Share (+ 1.2%)	Total System Cost
Branch County	1	\$959,446.83	\$153,193.52	\$1,112,640.35
Chippewa County	1	\$356,843.11	\$222,178.53	\$579,021.64
D 47 City of Farmington	1	\$334,786.59	\$21,696.55	\$356,483.14
D 25 City of Lincoln Park	1	\$339,141.73	\$10,630.89	\$349,772.62
D 44 City of Royal Oak	1	\$598,229.55	\$22,470.45	\$620,700.00
D 37 Cities of Warren/Centerline	1	\$823,519.65	\$121,606.11	\$945,125.76
D 41b Clinton Township	1	\$480,182.64	\$43,192.36	\$523,375.00
Kalamazoo County	1	\$3,383,996.10	\$1,164,600.40	\$4,548,596.50
Lenawee County	1	\$1,740,310.79	\$212,713.55	\$1,953,024.34
Mackinac County	1	\$69,225.97	\$135,491.62	\$204,717.59
Menominee County	1	\$399,935.96	\$115,064.40	\$515,000.36
Midland County	1	\$304,289.87	\$257,058.73	\$561,348.60
Otsego County	1	\$275,326.20	\$81,468.02	\$356,794.22
Saginaw County	1	\$4,626,338.51	\$908,692.00	\$5,535,030.51
Wexford/Missaukee Counties	1	\$990,701.02	\$145,464.88	\$1,136,165.90
Total recommended October 19, 2021	15	\$15,682,274.52	\$3,615,522.01	\$19,297,796.53

Approved costs to date:

MIDC Region	Trial Court System	MIDC Funding	FY22 Local Share (+ 1.2%)	Total System Cost	Regional Total Costs Approved
LMOSC	D 38 City of Eastpointe	\$502,456.41	\$52,489.74	\$554,946.15	
	D 39 Roseville and Fraser	\$706,665.52	\$89,366.68	\$796,032.20	
	D 40 City of St Clair Shores	\$473,875.83	\$7,010.18	\$480,886.01	
	D 41a1 Sterling Heights	\$360,353.00	\$0.00	\$360,353.00	
	D 41-a-2 Shelby Twp	\$322,175.00	\$0.00	\$322,175.00	
	D 43-2 City of Ferndale	\$542,382.50	\$15,158.75	\$557,541.25	
	D 45 City of Oak Park	\$408,092.86	\$41,757.14	\$449,850.00	
	D 46 Southfield	\$491,728.00	\$81,972.00	\$573,700.00	
	D 48 Birmingham	\$515,257.40	\$17,292.64	\$532,550.04	
	D 50 Pontiac	\$603,133.64	\$17,846.62	\$620,980.26	
	D 51 Waterford	\$250,430.85	\$31,495.97	\$281,926.82	
	Lapeer County	\$626,929.81	\$108,770.19	\$735,700.00	
	Oakland County	\$5,799,650.39	\$1,850,703.10	\$7,650,353.49	
	St. Clair County	\$2,350,681.03	\$742,832.29	\$3,093,513.32	
					\$17,010,507.54
Mid Michigan	Alcona County	\$117,064.17	\$40,610.83	\$157,675.00	
	Alpena County	\$513,660.66	\$161,762.81	\$675,423.47	
	Arenac County	\$143,646.61	\$113,217.22	\$256,863.83	
	Bay County	\$901,881.83	\$600,267.28	\$1,502,149.11	
	Clare/Gladwin Counties	\$1,280,120.43	\$234,211.53	\$1,514,331.96	
	Huron County	\$575,437.43	\$80,388.83	\$655,826.26	
	Iosco County	\$199,089.24	\$170,125.24	\$369,214.48	
	Isabella County	\$1,351,810.10	\$236,106.56	\$1,587,916.66	
	Lake County	\$235,547.38	\$77,132.21	\$312,679.59	
	Mason County	\$615,564.60	\$155,320.77	\$770,885.37	
	Mecosta County	\$310,235.20	\$165,276.80	\$475,512.00	

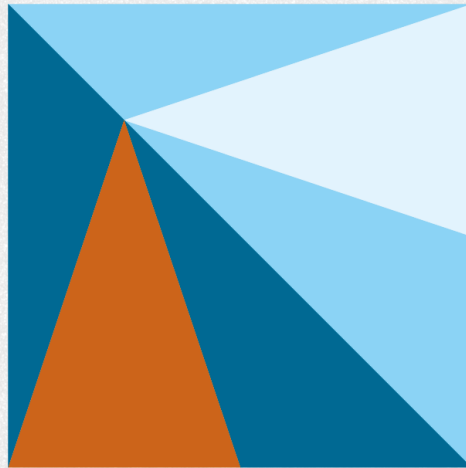
	Montmorency County	\$239,992.80	\$16,749.61	\$256,742.41	
	Newaygo County	\$683,862.70	\$199,441.35	\$883,304.05	
	Oceana County	\$458,186.10	\$92,044.44	\$550,230.54	
	Ogemaw County	\$614,603.90	\$146,403.00	\$761,006.90	
	Osceola County	\$361,744.15	\$69,619.53	\$431,363.68	
	Oscoda County	\$154,873.98	\$53,806.02	\$208,680.00	
	Roscommon County	\$216,530.94	\$201,674.06	\$418,205.00	
	Sanilac County	\$344,203.39	\$65,041.20	\$409,244.59	
	Tuscola County	\$1,249,564.16	\$251,471.88	\$1,501,036.04	
					\$13,698,290.94
Northern Michigan	Alger County	\$405,885.10	\$52,940.80	\$458,825.90	
	Antrim County	\$182,786.23	\$79,372.17	\$262,158.40	
	Charlevoix County	\$434,236.21	\$166,828.20	\$601,064.41	
	Cheboygan County	\$303,321.19	\$143,100.85	\$446,422.04	
	Crawford County	\$693,411.84	\$14,882.47	\$708,294.31	
	Delta County	\$621,355.97	\$108,518.78	\$729,874.75	
	Dickinson County	\$505,099.52	\$67,982.11	\$573,081.63	
	Emmet County	\$332,563.71	\$161,235.89	\$493,799.60	
	Gogebic County	\$463,410.81	\$103,358.07	\$566,768.88	
	Grand Traverse County	\$1,116,101.35	\$155,422.96	\$1,271,524.31	
	Houghton (Baraga, Keweenaw)	\$632,581.33	\$156,898.87	\$789,480.20	
	Iron County	\$533,406.78	\$72,356.31	\$605,763.09	
	Kalkaska County	\$396,646.87	\$39,462.94	\$436,109.81	
	Leelanau County	\$206,736.62	\$52,315.70	\$259,052.32	
	Luce County	\$262,195.93	\$29,880.31	\$292,076.24	
	Manistee/Benzie Counties	\$704,673.31	\$280,379.94	\$985,053.25	
	Marquette County	\$1,011,820.06	\$227,670.65	\$1,239,490.71	
	Ontonagon County	\$169,334.85	\$27,502.46	\$196,837.31	
	Presque Isle County	\$162,699.80	\$74,168.79	\$236,868.59	
Schoolcraft County	\$202,899.73	\$35,958.87	\$238,858.60		
					\$11,391,404.35

South Central Michigan	Clinton County	\$1,155,074.66	\$146,394.91	\$1,301,496.57	
	Eaton County	\$1,673,737.93	\$440,970.90	\$2,114,708.83	
	Genesee County	\$3,869,213.84	\$1,322,530.18	\$5,191,744.02	
	Gratiot County	\$678,966.43	\$82,584.93	\$761,551.36	
	Hillsdale County	\$273,765.57	\$112,642.68	\$386,408.25	
	Ingham County	\$5,566,775.92	\$912,845.25	\$6,479,621.17	
	Jackson County	\$3,613,252.33	\$561,783.17	\$4,175,035.50	
	Livingston County	\$1,392,680.60	\$927,689.27	\$2,320,369.87	
	Monroe County	\$966,374.61	\$213,883.16	\$1,180,257.77	
	Shiawassee County	\$1,156,393.71	\$105,043.58	\$1,261,437.29	
	Washtenaw County	\$4,058,515.78	\$2,622,525.54	\$6,681,041.32	
					\$31,853,671.95
Wayne County	D 16 Livonia	\$574,956.13	\$17,418.40	\$592,374.53	
	D 17 Township of Redford	\$354,367.03	\$52,102.37	\$406,469.40	
	D 18 City of Westland	\$552,093.78	\$62,341.22	\$614,435.00	
	D 19 Dearborn	\$1,074,502.99	\$78,083.56	\$1,152,586.55	
	D 20 Dearborn Heights	\$190,451.15	\$9,735.10	\$200,186.25	
	D 21 Garden City	\$122,320.14	\$8,850.95	\$131,171.09	
	D 22 Inkster	\$43,676.07	\$45,540.00	\$89,216.07	
	D 23 Taylor	\$361,001.18	\$39,975.01	\$400,976.19	
	D 24 Allen Park	\$156,078.52	\$14,686.48	\$170,765.00	
	D 27 Wyandotte	\$231,217.77	\$1,448.03	\$232,665.80	
	D 28 City of Southgate	\$205,944.57	\$4,641.03	\$210,585.60	
	D 29 City of Wayne	\$124,979.07	\$23,246.04	\$148,225.11	
	D 30 Highland Park	\$120,944.03	\$13,662.00	\$134,606.03	
	D 31 Hamtramck	\$108,590.15	\$14,345.10	\$122,935.25	
	D 33 Woodhaven	\$208,594.07	\$76,005.93	\$284,600.00	
	D 34 Romulus	\$263,562.54	\$54,774.50	\$318,337.04	
	D 35 Plymouth	\$343,382.78	\$30,837.22	\$374,220.00	
	Grosse Pointe Farms/Shores	\$54,631.70	\$14,868.30	\$69,500.00	

	Grosse Pointe Municipal	\$12,099.04	\$3,200.96	\$15,300.00	
	Grosse Pointe Park	\$26,164.41	\$10,085.59	\$36,250.00	
	Grosse Pointe Woods	\$52,800.00	\$3,120.00	\$55,920.00	
					\$5,761,324.91
Western Michigan	Allegan/Van Buren Counties	\$2,127,228.86	\$535,611.12	\$2,662,839.98	
	Barry County	\$595,406.47	\$229,039.21	\$824,445.68	
	Berrien County	\$3,508,379.23	\$569,469.67	\$4,077,848.90	
	Calhoun County	\$3,076,032.47	\$691,457.10	\$3,767,489.57	
	Cass County	\$244,915.60	\$251,853.40	\$496,769.00	
	D 61 City of Grand Rapids	\$978,584.39	\$175,391.74	\$1,153,976.13	
	Ionia County	\$345,612.24	\$221,226.90	\$566,839.14	
	Kent County	\$5,999,666.07	\$2,425,133.52	\$8,424,799.59	
	Montcalm County	\$718,984.93	\$222,976.18	\$941,961.11	
	Muskegon County	\$2,361,498.58	\$670,241.53	\$3,031,740.11	
	Ottawa County	\$2,915,257.46	\$934,164.04	\$3,849,421.50	
	St. Joseph County	\$464,441.25	\$419,081.71	\$883,522.96	
					\$30,681,653.67
	Total approved as of August 17, 2021	\$86,785,715.27	\$23,611,111.09	\$110,396,853.36	

MICHIGAN INDIGENT DEFENSE COMMISSION

2020 Annual Impact Report



**A global health pandemic presents opportunities for innovation
as we continue to improve public defense statewide.**

C O N T E N T S

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4	Overview of the MIDC
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8	Grant Funding Distributed
9	By Region
10	By Budget Category
12	Approved Standards
20	Next Standards
21	Pending Standards
22	Conclusion



At the December 15, 2020 meeting, the MIDC presented the accomplishments of the Commission during the year in a short (4 1/2 minute) video available [here](#).

Michigan's commitment to indigent defense reform was critical in 2020.

Being poor and accused of a crime is stressful and frightening at any time. When it happens during a world health pandemic it is even worse. The consequences for those accused were immeasurable this year: most jails were closed to in-person visits as infection rates soared, trials were halted, and everything from court hearings to support groups were conducted online, leaving accused people searching for proper equipment to connect to critical services.

We worked tirelessly to survey assigned attorneys about their needs and to provide systems with necessary resources and support to ensure access to counsel was never interrupted. Like many people, we did our work remotely. We spent several months with reduced staff capacity due to operational budget cuts and required furloughs.

Despite these challenges, we were still able to participate in local, statewide, and national conversations about public defense during a pandemic. We partnered to provide trainings to defenders, ensuring that the most critical constitutional rights remained protected during this unprecedented health crisis. We saw dedicated assigned counsel respond, adapt, and advocate in ways they never thought about before. This was achieved in large part through funding for indigent defense in every local system, and our work to distribute those funds in a timely manner. Through online tools, we were able to continue to observe and collect data about improvements in these systems.

We look forward to the day we can return to courthouses and in-person conversations. Until then, we are proud to be part of many efforts to reform the criminal legal system where the MIDC continues to be cited as a national example for public defense reform.

The Michigan Indigent Defense Commission (MIDC) was created by legislation in 2013. The MIDC Act is found at MCL §780.981 et. seq.

The MIDC develops and oversees the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that criminal defense services are delivered to all indigent adults in this State consistent with the safeguards of the United States Constitution, the Michigan Constitution of 1963, and with the MIDC Act.

The Governor makes appointments to the 18-member Commission pursuant to MCL §780.987, and began doing so in 2014. The interests of a diverse group of partners in the criminal legal system are represented by Commissioners appointed on behalf of defense attorneys, judges, prosecutors, lawmakers, the state bar, bar associations advocating for minorities, local units of government, the state budget office, and the general public.

The MIDC met eight times in 2020, including a special meeting to address compliance with the MIDC's standards during the pandemic, and to conduct a public hearing on a new standard to screen clients for appointed counsel.



Michael Puerner, Chair, Ada

Represents the Senate Majority Leader

Joshua Blanchard, Greenville

Represents the Criminal Defense Attorneys of Michigan

Tracey Brame, Grand Rapids

Represents the Chief Justice of the Michigan Supreme Court

Kimberly Buddin, Novi

Represents those whose primary mission or purpose is to advocate for minority interests

Jeffrey Collins, Detroit

Represents the Senate Majority Leader

Nathaniel "Hakim" L. Crampton, Jackson

Represents the general public

Andrew D. DeLeeuw, Manchester

Represents the Michigan Association of Counties

Hon. Kristina Robinson Garrett, Detroit

Represents the Michigan District Judges Association

Hon. James Fisher (Retired), Hastings

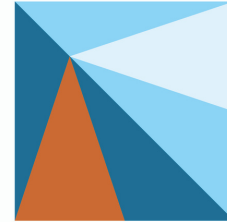
Represents the Michigan Judges Association

Christine A. Green, Ann Arbor

Represents the State Budget Office

Loren Khogali

Executive Director



MICHIGAN INDIGENT DEFENSE COMMISSION

Joseph Haveman, Holland

Represents the Speaker of the House of Representatives

David W. Jones, Detroit

Represents the State Bar of Michigan

James R. Krizan, Allen Park

Represents the Michigan Municipal League

Margaret McAvoy, Owosso

Represents the Michigan Association of Counties

Tom McMillin, Oakland Township

Represents the Speaker of the House of Representatives

Cami M. Pendell

Supreme Court Chief Justice Designee, ex officio member

John Shea, Ann Arbor

Represents the Criminal Defense Attorneys of Michigan

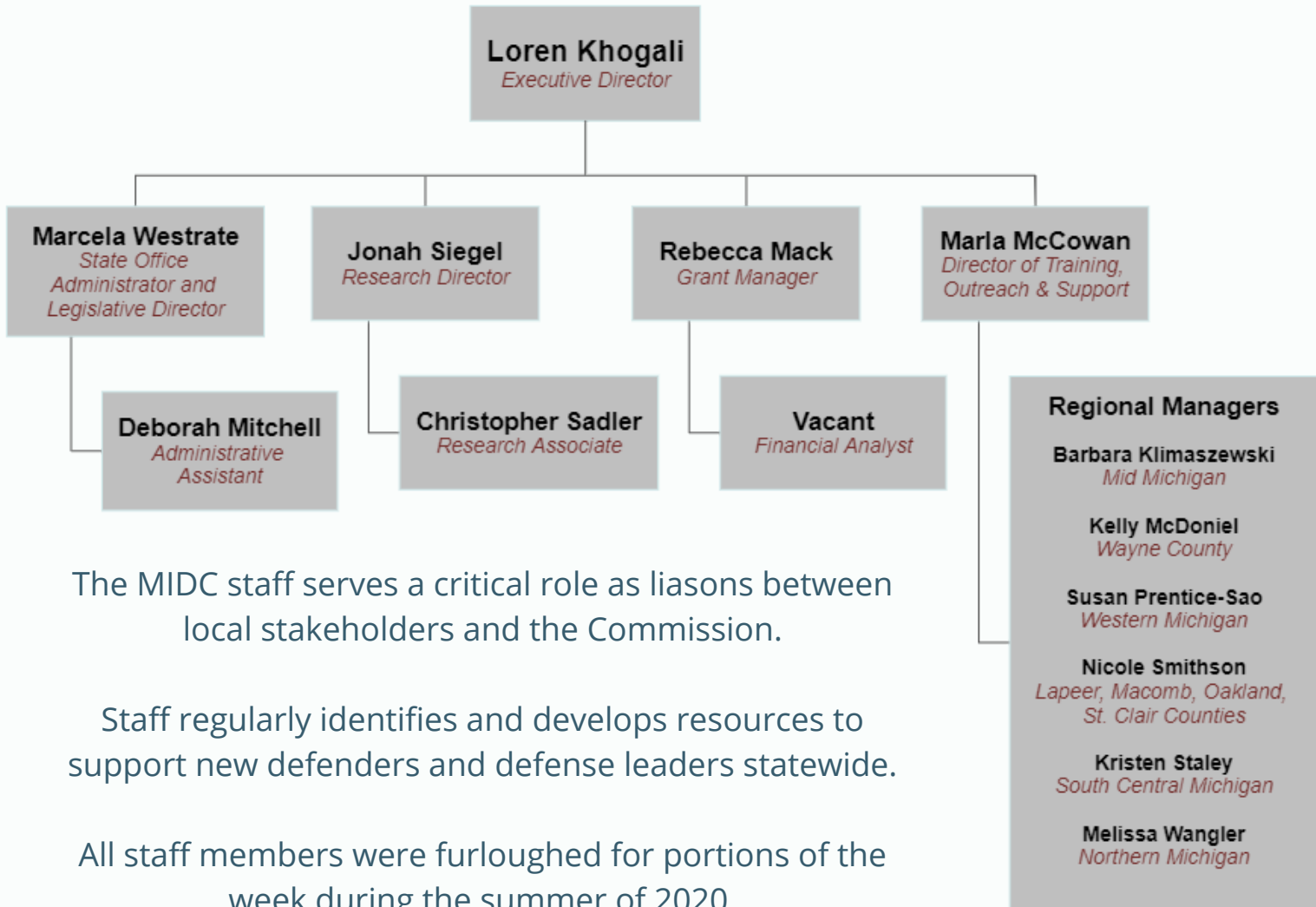
William Swor, Grosse Pointe Woods

Represents the Criminal Defense Attorneys of Michigan

Gary Walker, Marquette

Represents the Prosecuting Attorneys Association of Michigan

In 2020, the MIDC was supported by Executive Director Loren Khogali and thirteen full time staff members. The organizational staff structure was prepared by the Executive Director pursuant to MCL §780.989(1)(d)(i).



\$2,654,400

FY2020 APPROPRIATION

\$1,176,636

Salaries and Wages

\$806,254

Employee Benefits

\$13,900

Travel

\$11,493

Materials & Equipment

\$129,500

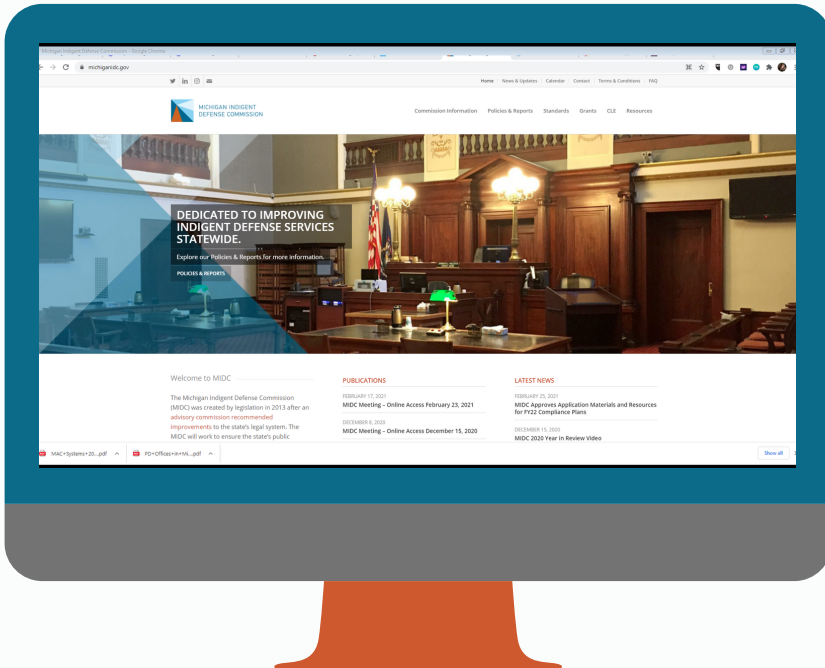
Contracts – Public Sector Consultants and software subscriptions

\$211,098

Lease, IT, Telecommunications and other costs

\$97,841

Cost Allocations



www.michiganidc.gov

Detailed budget information is regularly updated on the *Policies and Reports* page of our website.

Grant Funding Distributed

Fiscal Year 2020 marked the second year for trial court funding units in Michigan to submit plans for compliance with the MIDC's standards. The standards cover training for assigned counsel, initial interviews by attorneys within three business days from assignment, funding for experts and investigators, and counsel at first appearance and other critical stages of the proceedings. Under the MIDC Act, every system is given an opportunity each year to select its desired indigent defense delivery method to comply with the MIDC standards. Multiple models ranging from a defender office, an assigned counsel list, contract attorneys, or a mix of systems are considered compliant.

Pursuant to the MIDC Act, a local system is required to comply with its approved plan within 180 days after receiving funding through the MIDC's grant process. To comply with the standards, the State of Michigan distributed \$117,424,880.47 to local systems for indigent defense in fiscal year 2020. Funding units contributed an additional \$40,274,101.99 for public defense in their trial courts. At the end of each fiscal year, all systems are required to submit the balance of unspent funds distributed for indigent defense. This balance is used to offset the distribution for the following grant year.

A statutory provision allows the MIDC to carry forward any unspent appropriations for a maximum of four fiscal years. Each balance is placed within a specifically defined work project and can only be used to fund activities that fall within that project's definition. In 2020, these work projects served to fund compliance planning costs for funding units and projects related to best practices, data collection, and the development of the MIDC's grant management system.

\$80,999,600

FY2020 APPROPRIATION

FY2020 FUNDING BY REGION

\$11,518,019.30

Northern Michigan

\$17,541,585.82

Mid Michigan

\$28,854,585.75

Lapeer, Macomb, Oakland, St. Clair Counties

\$29,891,785.66

South Central Michigan

\$31,346,306.41

Western Michigan

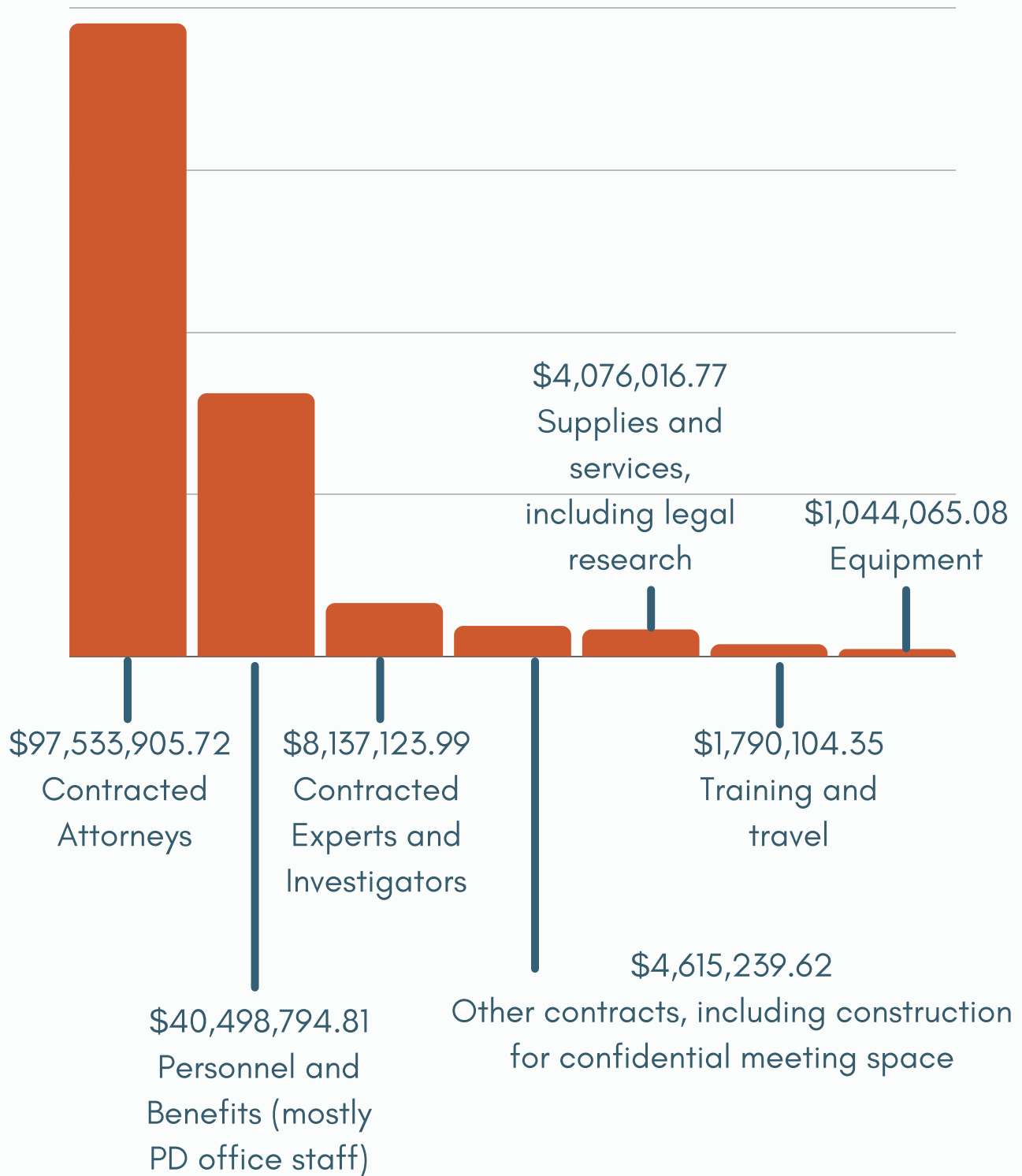
\$38,546,699.52

Wayne County (all court funding units)

Every trial court funding unit's approved plan for compliance and cost analysis in FY2020 is available for review [at this link](#).

Funding awarded to every system each year is detailed on the *Grants* page of our website.

FY2020 FUNDING BY BUDGET CATEGORY



FY2020 COMPLIANCE REPORTING AND REVIEW

Local funding units provide reporting to the MIDC throughout the year.

Each system is required to provide a quarterly report detailing progress on implementing the MIDC's standards and the expenses incurred for delivering indigent defense services. The MIDC staff reviews the quarterly program and financial reporting from systems in a multi-layered process to ensure that the funding approved is related to the MIDC's mandate. Data is collected to track progress with standards and identify best practices. Innovation is encouraged to promote high quality and efficient delivery of services.

All assessments were done remotely after February of 2020.

MIDC staff watched court online through platforms provided by Michigan trial courts, logging into over 570 virtual sessions to ensure the MIDC's standards were complied with during the pandemic.

The MIDC assesses compliance with the standards through court watching and formal reviews with local partners.

Education and Training of Defense Counsel

\$1,790,104.35

Total funds awarded statewide, covering: registration, travel-related expenses including mileage to conferences, and for attorneys to visit clients who are not in local custody.

Requirement:

Attorneys must annually complete at least twelve hours of continuing legal education. Attorneys with fewer than two years of experience practicing criminal defense in Michigan are required to participate in one basic skills acquisition class (minimum of 16 hours).

Purpose:

Criminal defense attorneys must have reasonable knowledge of the relevant law and be able to defend a client's case.

Value to Michigan's Legal System:

Properly trained defense attorneys eliminate unnecessary trials, avoid inappropriate guilty pleas and sentences, and reduce the appellate caseload.

2,368

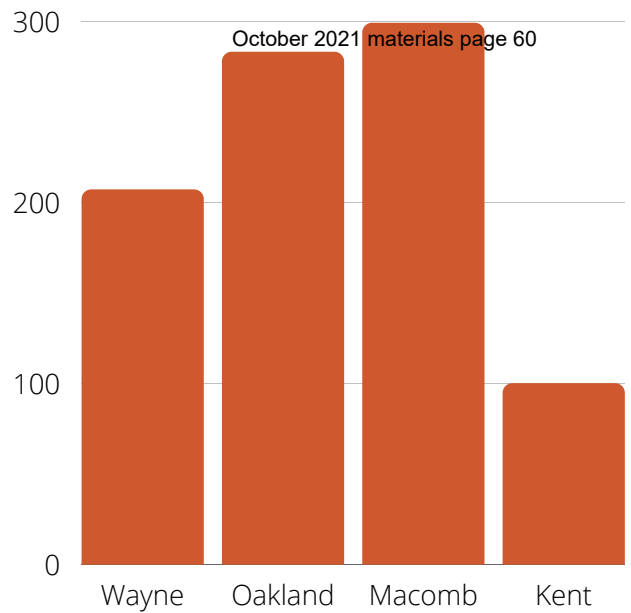
ATTORNEYS ACCEPTING ADULT
CRIMINAL CASE ASSIGNMENTS IN
MICHIGAN IN 2020



Over **300** courses offered to train assigned counsel



2,468 hours of hands-on skills training completed by 296 attorneys through a unique Byrne Jag funded program managed by the MIDC



Most attorneys **met or exceeded** the training requirements, including those practicing in counties with the highest caseloads.



All training moved online after March 2020

COVID-19

THE MIDC CREATED TRAINING PROGRAMS FOR DEFENSE ATTORNEYS TO COMPLY WITH THE STANDARDS DURING THE PANDEMIC, INCLUDING TECHNOLOGY TRAINING TO FACILITATE REMOTE, CONFIDENTIAL MEETINGS WITH CLIENTS DURING HEARINGS.

Initial Interview

To comply with Standard 2, systems may receive grant funding for attorney and defense team personnel, ancillary personnel costs, virtual communication technology, and confidential meeting space construction, alterations, and equipment.

Requirement:

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication. Systems must provide confidential settings for initial interviews in the courthouse and jail to the extent reasonably possible.

Purpose:

To be effective, counsel must have sufficient time for adequate case preparation and a confidential space to meet with their clients.

Value to Michigan's Legal System:

A timely and confidential initial client interview is a crucial first step to defending a criminal case. It lays the groundwork for a positive and trusting relationship, allows time to start a prompt investigation, provides a possibility to decrease a client's pre-trial incarceration, and safeguards attorney-client privileges.

**96% of
systems**

Across all systems in Michigan

- 97% have confidential meeting space at court for out-of-custody clients.
- 94% have confidential meeting space for in-custody clients in courts and jails.



COVID-19

SYSTEMS ADJUSTED MEETING SPACES TO ENSURE THE HEALTH AND SAFETY OF CLIENTS AND ATTORNEYS.

Experts and Investigators

The MIDC awards grant funding under Standard 3 for investigator and expert expenses necessary to assist with a client's defense, including hourly fees or employment costs of licensed investigators, expert witnesses, and related travel costs.

Requirement:

When appropriate, counsel shall request funds to retain an investigator to assist with the client's defense. Counsel shall also request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. All reasonable requests must be funded.

Purpose:

Counsel has a duty to conduct independent investigations in all cases and to continually evaluate for any need of appropriate investigations or expert assistance in specialized areas beyond the lawyer's expertise.

Value to Michigan's Legal System:

A well-defended case requires an attorney to use all reasonable strategies and resources to protect against wrongful criminal convictions.

\$11,140,449

TOTAL AMOUNT OF FUNDING AWARDED
STATEWIDE FOR EXPERT AND
INVESTIGATOR SERVICES

Across all systems in Michigan

- Budgets for investigators grew 58% from the prior year.
- Expert budgets expanded by 15% from the prior year.

Pandemic concerns

RESOURCES FOR THE DEFENSE INCLUDING EXPERT AND INVESTIGATOR ASSISTANCE WERE INDISPENSABLE.

Counsel at First Appearance & Other Critical Stages

To comply with Standard 4, systems receive funding for attorney and other defense team services, virtual communication technology, and any equipment necessary for direct representation of an indigent client facing criminal charges.

Requirement:

Counsel shall be assigned to every critical court proceeding, including arraignments, pre-trial proceedings, and plea negotiations, as soon as a person is determined to be eligible for indigent criminal defense services and their liberty is subject to restriction.

Purpose:

People facing criminal charges have a constitutional right to counsel as soon as their liberty is jeopardized by a judge or magistrate.

Value to Michigan's Legal System:

Counsel at arraignments and all critical stages can provide an explanation of the criminal legal process to their clients, advise on what topics will be discussed in court, increase the possibility for pre-trial release, or help clients achieve dispositions outside of the criminal legal system such as civil infractions or dismissals.

100%

OF SYSTEMS PROVIDE
COUNSEL AT ARRAIGNMENT
AND OTHER CRITICAL STAGES

Across all systems in Michigan

- Assigned counsel was present at over 230,000 arraignments in 2020 - serving clients at a rate of 77 times more than pre-MIDC years.
- Attorneys quickly learned to navigate virtual court, connect with clients in need, and engage in creative solutions to protect the rights of those accused of a crime.

The Herald-Palladium

TOP STORY

Public Defender's Office, law enforcement finding creative ways to keep system moving during pandemic

By JULIE SWIDWA HP Staff Writer Aug 28, 2020

ST. JOSEPH -- Outside the Public Defender's Office in St. Joseph is a tent, several chairs strategically placed for social distancing, and a cooler filled with ice and bottles of water.

COVID-19

COURTS AND JAILS CLOSED,
CRIMINAL DOCKETS SLOWED, AND
ASSIGNED COUNSEL GREW EVEN
MORE RESILANT.

Independence from the Judiciary

In October 2020, LARA approved a standard proposed by the MIDC requiring that public defense function independently from the judiciary. Systems will submit plans for compliance with this and all approved standards in 2021 with implementation expected in 2022.

Requiring assigned counsel and judges to operate independent of one another serves the court's role in protecting the constitutional right to counsel and enhances the ability of appointed counsel to effectively advocate for their clients.

Determining Indigency and Contribution

The indigency standard provides a framework for determining whether an individual qualifies for representation and other defense funding. It also provides guidance regarding the recoupment of defense costs from individuals with the ability to repay. In creating the standard, the MIDC surveyed hundreds of defense attorneys, conducted focus groups with numerous judges and attorneys, and sought feedback from the State Bar of Michigan and the State Court Administrative Office.

With this new standard, defendants are presumed to be indigent if they are receiving personal public assistance or earn an income less than 200% of the federal poverty guidelines. The standard also allows defendants to ask for re-screening at any time during the case due to a change in circumstances. The MIDC held a public hearing on this Standard in September 2020, and it is anticipated that it will be approved by LARA in 2021.



Indigent Defense Workloads

Attorneys must have manageable caseloads and sufficient time to effectively represent the clients whom they have been appointed to defend.



Qualification and Review of Assigned Counsel

Defense counsel's ability, training, and experience match the nature and complexity of the case to which they are appointed.



Attorney Compensation

Attorneys must have the time, fees, and resources to provide the effective assistance of counsel guaranteed by the United States and Michigan Constitutions.

As the COVID-19 pandemic continues, we will work to ensure that public defense services are delivered statewide, without interruption, and maintain Michigan's leadership in nationwide indigent defense reform. In support of these efforts, the MIDC will:

- Secure adequate funding for compliance plans and operational expenses;
- Assist local systems in identifying opportunities for institutionalizing best practices for indigent defense across multiple systems;
- Support local funding units while implementing the MIDC's new grant management system to enable efficient and accurate reporting of grant funds;
- Partner with the Office of Internal Audit services for document review and financial management protocol;
- Work with all stakeholders in the criminal legal system to identify and address any necessary statutory and court rule revisions as implementation of the standards occurs;
- Engage stakeholders in the criminal legal system to comply with standards for determining whether a defendant is partially indigent;
- Establish guidelines for grant funded training programs with an emphasis on client centered advocacy; and
- Undertake a strategic planning process to identify priorities of the Commission over the next several years.



MICHIGAN INDIGENT
DEFENSE COMMISSION