



MICHIGAN INDIGENT
DEFENSE COMMISSION

Date: Monday January 24, 2022 beginning at 10 a.m.
Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

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**)
 - December 21, 2021 Meeting Minutes
6. Chair Report
7. Commission Business
 - Strategic Plan discussion
8. Next meeting – **February 15, 2022 beginning at 11:00 a.m.**
9. 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.

December 21, 2021

Time: 9:00 am

Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Presiding Officer Christine Green
- Joshua Blanchard
- Tracey Brame
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Margaret McAvoy
- John Shea
- William Swor
- Rob VerHeulen

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 (Novi, Oakland County, Michigan)
- Tom McMillin (Oakland County, Michigan)
- Cami Pendell (Eaton County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

Presiding Officer Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:00 am.

Introduction of Commission members and guests

Presiding Officer Green welcomed attendees to the meeting. No guests wished to introduce themselves.

Public Comment

The Commission received public comment from the following individuals: Jill Tynes, Robin Dillard, Viola King, Kimberley Dorsey, Angela Peterson, Neil Leithauser and Matthew Knecht.

Additions to agenda

There were no additions to the agenda. Commissioner McAvoy moved that the agenda be adopted as presented. Commissioner Bullock seconded. The motion carried.

Consent Agenda

Commissioner Kubitskey moved that the consent agenda containing the minutes from the November 22, 2021 meeting be adopted. Commissioner VerHeulen seconded. The motion carried.

Presiding Officer Report

Presiding Officer Green made the following standing and ad hoc committee appointments:

- Rob VerHeulen to the Indigence and Compensation, Line Item Veto committees and to the newly formed committee to study unexpended grant funds.
- Paul Bullock to the Performance Standards committee and the committee that reviews increases to direct service costs.

She established an ad hoc committee to study unexpended grant funds. The following members were appointed to this new committee: Andrew DeLeeuw (Chair), Rob VerHeulen, Tracey Brame, Margaret McAvoy and James Krizan.

Commission Business

Standing Committee Reports

Presiding Officer Green provided a report from the Executive Committee. The committee recommended that the Commission adopt a policy that persons wishing to make public comment identify themselves by their legal name and either (a) appear in person or (b) have their camera on while making their comments. Commissioner Walker moved that this policy be adopted. Commissioner Blanchard seconded. The motion carried.

Commissioner Walker provided an update from the Executive Director Hiring Committee. Ms. Staley has been offered a two-year contract term by the MIDC to begin January 9, 2022 and that contract is being finalized with the Department of Licensing and Regulatory Affairs.

Commissioner Brame provided an update from the Training and Education Committee. Commissioner Brame moved that the Commission adopt the proposed Guidelines for Trainer and Training Providers. Commissioner DeLeeuw seconded. The motion carried.

Commissioner Shea provided a written report from the Nominations Committee. The committee recommends that the following Commissioners serve as officers beginning January 2, 2022: Christine Green, Chair, Tracey Brame, Vice Chair and Gary Walker, Secretary. The committee recommends that Judge Fisher serve as an ex officio member of the Executive Committee.

Commissioner McAvoy moved to adopt the officers nominated in the committee report for a term beginning January 2, 2022. Commissioner Krizan seconded. The motion carried.

Presiding Officer Green provided an update on the Strategic Planning Committee's work and a draft report for the Commission's review. The document will be considered at a special meeting on January 24, 2022. Commissioner Shea moved to approve funding if available for the design and publication of the final Strategic Plan. Commissioner McAvoy seconded. The motion carried.

Ms. McCowan and Dr. Siegel presented the Urban Institute's Evaluation of the MIDC's Minimum Standards for Indigent Defense Services. Judge Fisher moved to accept and submit the report to LARA's Office of Policy and Legislative Affairs pursuant to MCL 780.985(7). Commissioner Kubitskey seconded. The motion carried.

FY21 Compliance Updates – City of Wyoming Plan Change Request

The City of Wyoming requested an amendment to its Compliance Plan and Cost Analysis for FY21 to create an Indigent Defense Coordinator/Managed Assigned Counsel full time employee position for the regional plan that includes four funding units and three third class district courts (Grandville, Kentwood, Walker and Wyoming). Judge Fisher moved that the City of Wyoming's request to change its FY21 compliance plan be adopted. Commissioner VerHeulen seconded. The motion carried.

Update on FY22 Compliance Plan and Cost Analysis Submissions

Oakland County requested a plan change to amend its fee schedule to clarify that extraordinary fees are available to attorneys handling non-capital cases. The County does not believe that this request will result in a budget shortage because of continued reduced case levels and fewer trials due to the pandemic. Commissioner Shea moved that the plan change be adopted. Commissioner Brame seconded. The motion carried.

The Commission will hold a special meeting on January 24, 2022 at 10:00 am. The next regular meeting will be held February 15, 2022 at 11:00 am.

Commissioner Swor moved that the meeting be adjourned. Commissioner Kubitskey seconded. The motion carried. The meeting adjourned at 12:59 pm.

Respectfully submitted,

Marcela Westrate

Dear Commissioners,

The MIDC Strategic Planning Committee submits to you the attached draft Strategic Plan for your review and approval. Chair Jeffrey Collins appointed the Committee on February 23, 2021, and the Commission issued the following charge to the Committee:

The ad hoc strategic planning committee will support the Commission's strategic planning process. In doing so, the committee will work with the Executive Director to ensure an effective strategic planning process for the Commission, lead the development of a two-to-five-year plan for the work of the Commission and make recommendations related to its mission, vision and strategic initiatives for consideration and approval of the full Commission.

Judge Collins appointed Commissioner Christine Green as chair of the Committee, and Commissioners Blanchard, Collins, Crampton, McAvoy, and Swor as Committee members. The Committee met every other Friday, beginning on March 5, 2021, and continuing until October 8th, 2021. The Committee reviewed staff comments and suggestions on November 5th.

The Committee began its process with the following assumptions firmly in mind:

- Local funding units are controlled locally but subject to MIDC minimum standards, (*see generally* MCL 780.985(3); 780.989(1));
- The draft strategic plan, together with any and all recommendations, will be subject to Commission review and approval; and
- The MIDC is an “autonomous entity” within LARA and that “MIDC shall exercise its statutory powers, duties, functions, and responsibilities independently of the department.” MCL 780.985 Sec. 5 (2).

Committee members engaged in a series of exercises designed to examine the essence of MIDC's value and purpose, and came up with a shared vision of what MIDC should be doing to fulfill its mandate. The draft Mission, Vision and Values Statement arose out of these discussions. All these statements are contained in the draft, and the proposed Mission statement appears below:

Draft Mission Statement

The Michigan Indigent Defense Commission ensures that quality public defense services are accessible to all eligible adults charged with a criminal offense in Michigan.

To accomplish its mission, the MIDC:

- Develops and supports implementation of minimum standards and best practices for indigent defense;
- Advocates for public and private funding to ensure sustainable, resourced public defense systems that meet MIDC minimum standards and constitutional requirements for effective assistance of counsel;
- Monitors compliance with minimum standards for indigent defense;
- Exercises good stewardship of public funds designated to support indigent defense;
- Collects and analyzes data to assess the impact of the Commission's work and inform its decisions.

To make recommendations on the actions MIDC must take over the next five years to further this mission, the Committee examined every aspect of the organization, including operations, governance, policies, the enabling statute, our standards, and our means of enforcing those standards. During these candid discussions Committee members identified what MIDC does best, where our weaknesses lie, what opportunities await us, and what external threats we might face in the next few years.

From these discussions, it became clear that MIDC must make significant strides over the next few years as the remaining standards are approved and implemented. First, MIDC must work to secure its own future. It must build its capacity to administer additional standards and explore national and private funding options as well. It must use reliable data to demonstrate MIDC's impact to the legislature and to potential funders, and it must fulfill the legislature's direction to establish performance metrics and to implement best practices. Second, MIDC must strengthen its relationships with other agencies and with the local funding units. It must develop a process for reviewing local spending practices, and provide additional resources to local units to ensure compliance with the standards. Finally, MIDC must take a leadership role in improving Michigan's criminal justice system, working together with its criminal legal system partners and local system stakeholders.

With these major themes in mind, the Committee settled on the following priorities for the next five years, each of which is supported by and short-term and long-term goals:

1. Ensure the efficient use of public funds distributed and managed by MIDC.
2. Take action on the MIDC's Commitment to diversity, equity and inclusion.
3. Support compliance with MIDC's standards.
4. Encourage innovation and best practices in public defense systems.
5. Ensure operations and funding are in place to sustain the MIDC's mission over time; explore national and private sources of funding.
6. Provide leadership in the criminal justice system.

7. Fortify relationship with LARA and external criminal legal system partners, including local system stakeholders.

Although the draft Strategic Plan is the product of Committee members, it is informed by the expertise and experience of MIDC's professional staff. Former Executive Director Loren Khogali, and then Interim Executive Director Marla McCowan, participated in Committee meetings. Nicole Smithson and Melissa Wangler prepared a memorandum at the committee's request outlining how MIDC might advance its diversity, equity and inclusion priority. Jonah Siegel made a presentation on the importance of data collection in demonstrating impact, and the barriers we face in gathering that data. After the Committee completed its work, the entire professional staff reviewed the draft plan and made comments and suggestions, many of which were incorporated into the draft plan.

Thank you for the opportunity to participate in this truly inspiring process. The Committee hopes that you will find the draft Strategic Plan reflective of MIDC values and purpose, and that it will be useful as you work toward a final draft.

Yours very truly,

Christine Green

Chair, Strategic Planning Committee
Michigan Indigent Defense Commission



Strategic Plan

Michigan Indigent
Defense Commission

Draft - December 2021

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Strategic Planning Committee Members

Christine Green, Committee Chair

Joshua Blanchard

Hon. Jeffrey Collins

Nathaniel "Hakim" Crampton

Margaret McAvoy

William Swor



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.

Mission Statement

The Michigan Indigent Defense Commission ensures that quality public defense services are accessible to all eligible adults charged with a criminal offense in Michigan.

To accomplish its mission, the MIDC:

- Develops and supports implementation of minimum standards and best practices for indigent defense;
- Advocates for public and private funding to ensure sustainable, resourced public defense systems that meet MIDC minimum standards and constitutional requirements for effective assistance of counsel;
- Monitors compliance with minimum standards for indigent defense;
- Exercises good stewardship of public funds designated to support indigent defense;
- Collects and analyzes data to assess the impact of the Commission's work and inform its decisions.

Core Values

In honoring the legal mandates for quality public defense services and fulfilling its mission, the MIDC is guided by these principles:

The presumption of innocence is of the highest priority in a constitutionally adequate criminal legal system.

The pursuit of equal protection for all persons charged with criminal offenses and the elimination of systemic bias from the criminal legal system are bedrock to the Commission's mission.

Our communities and the broader public welfare are enhanced by a quality public defense system that recognizes the value, dignity and humanity of all persons charged in criminal court through zealous, client-centered advocacy.

Authentic partnership with local governments is fundamental to the successful implementation of quality public defense under the MIDC Act.

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Core values, continued...

Access to comprehensive criminal legal system data is necessary and important to inform the Commission's work.

Training and education of defense attorneys and other defense team members is critical to a quality public defense system.

Diverse partnerships at the state and local level are critical to the Commission's fulfillment of its mission.

Public funding for indigent defense should be used effectively and efficiently to support quality public defense in Michigan.



Vision Statement

Through its contributions, the
Commission envisions:

A sustainable, well-resourced public
defense system that honors the dignity of
all persons that it serves;

Improved trust in the legal process
through the provision of quality public
defense services;

A just and equitable criminal legal system.



Priorities



Ensure the effective use of public funds approved and distributed by the MIDC.

Short Term Goals:

1. Identify and communicate best practices and resource sharing.
2. Continue to refine tools to evaluate spending.
3. Promote efficiency through the internal review process.

Long Term Goals:

1. Revisit local share study.
2. Develop processes for monitoring or reviewing spending practices in systems.

Act on the MIDC's commitment to diversity, equity and inclusion.

Short Term Goals:

1. Develop implicit bias and cultural competency training for staff and the Commission.
2. Follow DEI best practices in hiring and retaining the Commission's staff.
3. Encourage local systems to use best practices in hiring indigent defense service providers.
4. Support local efforts to collect data to help identify disparities.
5. Collaborate with systems to support appointed attorneys to receive training on implicit bias, cultural competency, and how to litigate issues like racial disparity.

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Long Term Goals:

1. Regularly review all Commission policies and standards with a DEI lens and assess whether new policies to promote DEI should be adopted.
2. Communicate with scholars and local groups working on DEI.
3. Collect data to help identify disparities at various stages of criminal prosecutions.

Support compliance with the MIDC's standards.

Short Term Goals:

1. Refine and implement a process for dispute resolution between MIDC and local systems and within the local system to resolve compliance issues.
2. Set a regular schedule for review of our Grant Manual and other published policies.
3. Provide technical resources to funding units in accordance with the statutory directive.

Long Term Goals:

1. Propose additional standards if necessary and/or not included in MIDC Act.

Encourage innovation and best practices in public defense systems.

Short Term Goals:

1. Improve communication about best practices.
2. Receive regular updates from staff and systems.

Long Term Goals:

1. Establish innovation grant opportunities from public and private sources.

Ensure operations and funding are in place to sustain the MIDC's mission over time; explore national and private sources of funding.

Short Term Goals:

1. Review onboarding and orientation for new Commissioners.
2. Establish open communications between staff and Commissioners through Executive Director.
3. Revisit organizational structure periodically as necessary.
4. Respond to collective suggestions and concerns from staff through the Executive Director about policy or system reform issues.
5. Demonstrate MIDC's impact through data collection and performance metrics.
6. Establish an ad hoc committee to make recommendations about data collection.

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Long Term Goals:

1. Explore other grant funded opportunities and/or a permanent source of revenue for the MIDC.
2. Explore potential statutory or contract amendments to collect data to standardize the method of reporting and make the process less burdensome for the local units.
3. Take a leadership role in ongoing efforts to modernize and standardize indigent criminal defense data collection.

Provide leadership in the criminal legal system.

Short Term Goals:

1. Identify audiences and leaders whose primary role is to improve public defense services and provide leadership to those stakeholders.
2. Approach supportive role with flexibility, recognition of ongoing trends and developments in the criminal legal system.

Long Term Goals:

1. Engage with and prioritize feedback from justice impacted people.
2. Encourage collaboration and creativity in the community of defender leaders and facilitate access to resources for leaders.

Fortify relationship with LARA and external criminal legal system partners, including local system stakeholders.

Short Term Goals:

1. Explore opportunities to coordinate efforts to educate the public about the work of the MIDC, through regular publications, press releases, etc.
2. Engage Commissioners occasionally in meetings with state leadership.

Christine A. Green, Ann Arbor
Presiding Officer
Represents the State Budget Office

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

Paul E. Bullock, Ewart

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. James Fisher (Retired), Hastings

Represents the Michigan Judges Association

Hon. Kristina Robinson Garrett, Detroit

Represents the Michigan District Judges
Association

David W. Jones, Detroit

Represents the State Bar of Michigan

James R. Krizan, Allen Park

Represents the Michigan Municipal League

Debra Kubitskey, South Lyon

Represents the Senate Majority Leader

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

Robert VerHeulen, Walker

Represents the Speaker of the House of
Representatives

Gary Walker, Marquette

Represents the
Prosecuting Attorneys Association of
Michigan



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