



MICHIGAN INDIGENT DEFENSE COMMISSION

Date: Tuesday, April 19, 2022, Time: 11:00 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**)
 - a. February 15, 2022 Meeting Minutes
6. Chair Report
 - a. Mediation update – D 43-1 Hazel Park
 - b. New ad hoc committee on local system communication
 - c. Commissioner Vacancy – member submitted by the Michigan District Judges Association
7. Executive Director Report
8. Commission Business
 - a. 2021 Annual Report (**action item**)
 - b. Standing Committee Reports
 - i. Executive Committee – *Christine Green, Chair*
 - o Memorandum of Understanding – MIDC/LARA
 - o Standards pending approval by LARA
 - c. Ad hoc committee reports
 - i. Diversity, Equity, and Inclusion Committee – *Hakim Crampton, Chair*
 - ii. Unexpended Balances Committee – *Andrew DeLeeuw, Chair*
(**action item**)

~~ Break for lunch ~~

d. Regional Update: Wayne County – *Kelly McDoniel, Regional Manager*

e. Compliance Planning and MIDC Standards Implementation

i. FY21 Compliance Planning -

o Update on system compliance

▪ City of Hazel Park

▪ City of Inkster

ii. FY22 Compliance Planning

o Status updates and funding distributed to date

▪ Notice of noncompliance – Muskegon County

o Plan changes

▪ Berrien County (action item)

▪ Oakland County (action item)

▪ D40 St. Clair Shores (action item)

▪ Tuscola County (information item)

o Budget adjustments (information items)

iii. FY23 Compliance Planning

o EGrAMS is open for submissions through April 26, 2022, at 11:59 p.m. and all submissions will be action items at the June 21, 2022 meeting.

9. Adjourn

Next meeting: June 21, 2022, beginning at 11:00 a.m. in Lansing

Online Access: For members of the public who wish to join the meeting online, please email Marcela Westrate at WestrateM1@michigan.gov or call (517) 648-3143 to request a Zoom link. This link will be provided in the morning before the meeting begins.

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

February 15, 2022

Time: 11:00 am

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

Commission Members Participating

The following members participated in person in Lansing:

- Chair Christine Green
- Joshua Blanchard
- Tracy Brame
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- Debra Kubitskey
- Margaret McAvoy
- Judge Robinson Garrett
- William Swor
- Rob VerHeulen

The following member qualified to participate with an accommodation under the Americans with Disabilities Act:

- Gary Walker (Chocolay Township, Marquette County, Michigan)

The following member did not qualify for a remote participation exemption, was not counted as part of the quorum and did not vote:

- Tom McMillin (Oakland County, Michigan)

The following Commissioners were absent:

- James Krizan
- Cami Pendell

Chair Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:00 am.

Public Comment

The following individuals provided public comment:

- Karen Moore
- David Jones
- Matthew Knecht
- Chante Parker
- Brandy Robinson
- Robin Dillard-Russaw
- Eric Wilson

Additions to the agenda

Commissioner McAvoy moved that the agenda be adopted as presented. Commissioner Swor seconded. The motion carried.

Consent Agenda

Commissioner VerHeulen moved that the consent agenda containing the minutes from the December and January meetings be adopted. Commissioner Kubitskey seconded. The motion carried.

Chair Report

Chair Green congratulated Judge Robinson Garrett on her appointment to the Court of Appeals. Judge Robinson Garrett will serve as the Commission’s representative on the Michigan Supreme Court’s Diversity, Equity, and Inclusion Committee.

Executive Director Report

Kristen Staley provided an overview of staff activities since the January meeting. Quarterly financial and program reports are now being submitted by systems using EGrAMS. The State Court Administrative Office added several codes to the Judicial Information Services (JIS) to help with MIDC’s data collection. The Governor’s FY23 budget recommendation included full-funding of the MIDC grants and the same level of funding for MIDC staff as prior years.

Letters of noncompliance were sent to the Cities of Inkster and Hazel Park. MIDC staff will continue to work with these systems to become compliant with MIDC’s standards.

Commission Business

Standing Committee Reports

Chair Green provided an update from the Executive Committee. Deputy Director Adam Sandoval, Deputy Operations Officer Courtney Adams, and Director of Finance and Administrative Services Dan Horn from the Department of Licensing and Regulatory Affairs (LARA) participated in the committee's last meeting to discuss MCL 780.985(2). The LARA leadership team and the committee agreed to pursue a common understanding of the statute and the committee invited LARA leadership to join its future meetings to continue this conversation.

The committee is working with LARA on potentially having Standard 8 on Attorney Compensation (Economic Disincentives or Incentives) approved later this year.

Chair Green provided an update on the Indigence and Compensation Committee. Staff presented frequently asked questions and other documents for the committee's review.

Ad Hoc Committee Reports

Commissioner Crampton provided an update on the Diversity, Equity, and Inclusion Committee. That committee will have its first meeting in February.

Commissioner DeLeeuw provided an update on the Unexpended Balance Committee. The committee has started its work and its goal is to bring a report to the group by its April meeting. The committee is reviewing financial data, court data and thinking about how to best engage local stakeholders.

The Ancillary Spending Committee met and is proposing modifications to the Grant Manual around corrections spending. This is an action item later in the meeting. Chair Green provided an overview of the committee's discussions.

Chair Green presented the Strategic Planning Committee's draft document which was discussed at the January meeting. The plan was discussed in sections.

Chair Green provided an overview of the Mission Statement. Commissioner Brame moved that this section of the strategic plan be adopted. Commissioner Swor seconded. The motion carried.

Chair Green provided an overview of the Core Values section. Commissioner McAvoy moved that this section be adopted with the corrections suggested during the discussion. Commissioner Swor seconded. The motion carried.

Chair Green provided an overview of the document's Vision Statement. Commissioner McAvoy moved to approve the Vision Statement as presented. Commissioner Blanchard seconded. The motion carried.

Chair Green provided an overview of the document's Priorities section. Commissioner Jones moved that the Priorities section be approved as recommended by the Strategic Planning Committee with the typographical changes made to the document and the term "Department" in short term goals changed to "LARA". Commissioner Swor seconded. The motion carried, Commissioner VerHeulen voting no.

The meeting recessed for 20 minutes.

The Commission returned to discussion of the Strategic Plan as a whole. Commission VerHeulen moved that the Commission approve the document in its entirety. Commissioner Bullock seconded. The motion carried.

Regional Update

Melissa Wangler, Regional Manager for the MIDC's Norther Michigan region, provided a regional update.

FY23 Compliance Planning

Grant manual revisions

Marla McCowan presented the changes to the grant manual recommended by the Ancillary Spending Committee.

Commissioner McAvoy moved to adopt all the recommended changes to the grant manual except those on pages 42, 44, and 60 of the meeting materials which modified ancillary spending, supplies and services, and collections and program income. Commissioner DeLeeuw seconded. The motion carried.

Chair Green provided an overview of the Ancillary Spending Committee's drafting of the new language on page 42. After discussion, no motion was made on the ancillary spending language, but the cosmetic reference will be modified as part of the previous motion.

Ms. McCowan provided an overview of the changes in supplies and services on page 44 of the meeting materials. Commissioner VerHeulen moved that the proposed changes be adopted. Commissioner Brame seconded. The motion carried.

Ms. McCowan provided an overview of the changes on page 60 of the meeting materials in the collections and program income section. Commissioner Jones moved that the changes to the collections and program income section be adopted. Commissioner Blanchard seconded. The motion carried.

Compliance planning resources

Ms. McCowan provided an overview of the following documents:

- Updated questions for indigency screening standard
- Sample plans for delivery systems
- Answers to frequently asked questions
- Decision trees for indigence, contribution, and reimbursement

Commissioner Swor moved to approve the compliance planning resources for funding units to address the indigency screening standards in the documents listed above. Commissioner McAvoy seconded. The motion carried.

FY21 Compliance Planning

Notices of noncompliance were sent to the Cities of Hazel Park and Inkster. MIDC staff will continue working with both systems to obtain the missing reporting and will update the Commission at the next meeting.

FY22 Compliance Planning

Mecosta County requested a revision to its approved plan and cost analysis to study the possibility of creating a Special Assignment Team to provide criminal defense attorneys to rural counties in need of outside defense counsel. The request is to fund the initial study and administration costs for a total of \$63,800. Staff recommends approval of this change.

Judge Fisher moved that the proposed revisions to Mecosta County's plan be adopted. Commissioner Blanchard seconded. The motion carried. Commissioner Bullock recused himself from the vote.

The Grants Director processed the following budget adjustment requests:

- Allegan County
- City of Dearborn
- Genesee County
- Menominee County
- Monroe County

Review of FY22 Compliance Plan and Cost Analysis Final Submissions

Ms. McCowan provided an overview for the resubmission from the 43-1 District Court in the City of Hazel Park. The staff recommendation is to disapprove the plan and disapprove the cost analysis. Judge Fisher moved that the staff recommendation be adopted and that the City of Hazel Park's compliance plan and cost analysis be disapproved. Commissioner Swor seconded. The motion carried.

Ms. McCowan provided an overview of the resubmissions from the 32a District Court in the City of Harper Woods and the 62a District Court in the City of Wyoming. The staff recommendation is to approve the compliance plans and cost analyses for both systems. Commissioner VerHeulen moved that the staff recommendation be adopted and that the resubmissions from the 32a District Court in the City of Harper Woods and the 62a District Court in the City of Wyoming be adopted. Commissioner DeLeeuw seconded. The motion carried.

Ms. McCowan provided an overview of the cost analyses resubmitted by the 36th District Court in the City of Detroit, the 43-3 District Court in the City of Madison Heights and Macomb County. The plans for these systems were previously approved by the Commission. Judge Fisher moved that the cost analyses resubmitted by the three systems listed above be approved. Commissioner Swor seconded. The motion carried.

Ms. McCowan provided an overview of the cost analysis resubmitted by Wayne County. The compliance plan was previously approved by the Commission. The Commission discussed the

resubmission. The County submitted supplemental materials requesting an increase in FY22 over the FY21 budget for its contractor, the Neighborhood Defender Services. The amount requested by the County is an \$851,088 increase from what was awarded in FY21 for NDS. That increase includes the following:

- FY21 Budget: \$8,343,660
- 5% COLA: \$ 417,183 for
- Paralegal Personnel: \$ 344,250 Included in the plan
- Paralegal OTPS: \$ 89,655 Prorated by headcount (5/77)
- New Total: \$9,194,748

The new total for the County's cost analysis would be \$33,583,501.86.

Commissioner Jones moved that the cost analysis resubmitted by Wayne County be modified to include the additional funding listed above, and that the revised cost analysis be adopted by the Commission. Commissioner Swor seconded. The motion carried.

Judge Robinson Garrett thanked the Commission, this will be her last meeting as a Commissioner because of her appointment to the Court of Appeals.

Commissioner Kubitskey moved that the meeting be adjourned. Commissioner Brame seconded. The motion carried.

The meeting adjourned at 4:17 pm.

Respectfully submitted,

Marcela Westrate

To: Michigan Indigent Defense Commission

From: Commissioner Crampton

Re: DEI Committee Update

Date: April 12, 2022

This ad hoc committee was formed in August 2021 by then-Chair Jeffrey Collins and preliminary assignments were made last fall and in early 2022 by MIDC Chair Christine Green:

- Hakim Crampton, Committee Chair
- Tracey Brame
- Andrew DeLeeuw
- David Jones
- Debra Kubitskey

Chair Green regularly participates in the committee meetings, along with Executive Director Kristen Staley. MIDC staff members Marla McCowan, Nicole Smithson, and Melissa Wangler are assigned to support the committee's work.

The committee met by zoom on the following dates:

- February 23, 2022 – discuss preliminary assignment and tasks of committee
- March 8, 2022 – finalize committee's task and review long and short term goals from the MIDC's Strategic Plan
- March 30, 2022 – continue to work on long and short term goals, identifying tasks for the Commission, committee, and staff to complete and timeline for doing so.

The mission statement for the committee has been revised and is attached for review. The committee will next meet by zoom on April 27, 2022 at 1:00 p.m. to continue to work on short and long term goals from the strategic plan.

Mission Statement and Goals

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. No one receives equal justice under law when implicit bias is a factor in their case. A person's culture, ethnicity, race, sex, gender identity and expression, nation of origin, age, languages spoken, color, religion, disability, sexual orientation, height, weight, familial status, marital status, income level or socioeconomic status, or any other factor irrelevant to their rights should never adversely impact the outcome of their case. Additionally, failing to follow diversity, equity, and inclusion (DEI) principles and best practices can result in a loss of talent and less successful public defense teams. The MIDC recognizes that DEI is critical to its mission of ensuring that quality public defense services are accessible to all eligible adults charged with a criminal offense in Michigan.

In order to create a just and equitable criminal legal system and improve public defense, the DEI committee is tasked with the following:

Internal Assessment: Regularly review all Commission policies and standards with a DEI lens and assess whether revisions or new policies are needed.

Training: Develop implicit bias and cultural competency training for staff and the Commission.

Data Collection: Collect data to help identify disparities at various stages of criminal prosecutions.

Employment: Follow best DEI practices in hiring and retaining the Commission's staff.

Collaboration and Outreach: Support training for appointed counsel on implicit bias, cultural competency, and how to litigate issues like racial disparity. Promote local efforts to collect data to help identify disparities. Encourage local systems to use best practices in hiring indigent defense service providers. Consult with scholars and local groups working on DEI.

Final Report and Recommendations

April 2022



MICHIGAN INDIGENT
DEFENSE COMMISSION

Ad Hoc Committee on
Unexpended Balances

Introduction

The Michigan Indigent Defense Commission (MIDC) was created through Public Act 93 of 2013 to ensure that all adults involved in the justice system within the State of Michigan had access to legal representation consistent with the rights enshrined in the 6th amendment of the United States Constitution. The MIDC operates through the establishment of standards for public defense, the review and approval of the plans of local indigent defense systems for compliance with these standards, and through the granting of funds appropriated by the legislature to support the additional costs associated with these services.

In the Fall of 2021 preliminary year-end financial reports showed an unspent balance of \$43.7 million, or 26.1% of the \$167.6 million in total indigent defense spending in plans approved by the MIDC. In December of 2021, MIDC Chair Christine Green created an Ad Hoc Subcommittee on Unexpended Balance charged with researching the issue of unspent grant dollars, assessing the likelihood and risks of future unexpended balances and crafting recommendations to ensure our funding process is sound for future grant years. Five Commissioners were appointed to the Committee: Andrew DeLeeuw (Chair), Tracey Brame, James Krizan, Margaret McAvoy, and Robert VerHeulen. Chair Green also requested assistance from MIDC's staff. The Committee is especially grateful for the hard work provided by Executive Director Kristen Staley, Deputy Director Marla McCowan, and Grants Director Rebecca Mack throughout this process.

This report represents the Committee's evaluation of current grant spending, budgeting process and provides recommendations to the MIDC.



MIDC Compliance Plan, Cost Analysis, and Grantmaking Process

Compliance Plan and Cost Analysis

The MIDC Act guides the Commission's grantmaking process and responsibilities. Each year all indigent defense systems must submit a compliance plan and cost analysis specifically addressing how the minimum standards established by the MIDC and approved by LARA will be met. MCL 780.993(3). There are many ways an indigent defense system can achieve compliance and it is a local decision on how to meet these goals. However, at a minimum, the plan must be "reasonably and directly related to an indigent defense function" MCL 780.993(4) and the cost analysis must indicate how much funding is needed by a system beyond its local share to comply with the MIDC Standards. MCL 780.993(3)

Once a plan is submitted, the "MIDC shall approve or disapprove all or any portion of a plan or cost analysis" within 90 days. MCL 780.993(4). The review process utilized by the MIDC includes discussion with local systems during plan development, staff review of submissions, development of recommendations by senior staff, and discussion and consideration of each local system compliance plan and cost analysis at a public meeting of the MIDC. If there is a disapproved portion of the plan or cost analysis, the indigent defense system has 60 days to resubmit a new version to the MIDC for review. If after three submissions a plan or cost analysis is still disapproved, a formal mediation process outlined in MCL 780.995 begins. Per the MIDC act, should the legislature fail to appropriate the funding needed for the costs of compliance, then local systems are not required to fully comply with the standards adopted by the MIDC.



Local Share

Under the MIDC Act, a “local share” is a “system's average annual expenditure for indigent criminal defense services in the 3 fiscal years immediately preceding the creation of the MIDC.” The time frame for computing this spending was FY2011 through FY2013. When coming into compliance with the MIDC Standards each year, systems must maintain an equivalent to their local share for indigent defense services. MCL 780.983(i).

However, “an indigent criminal defense system must not be required to provide funds in excess of its local share. The MIDC shall provide grants to indigent criminal defense systems to assist in bringing the systems into compliance with minimum standards established by the MIDC.” MCL 780.993(8). The statute does not dictate the order in which the state dollars and local share be spent during the contract year. The local share can be contributed at any time during the contract year. Local shares must be adjusted each year by either the Consumer Price Index or by 3%, whichever is less. MCL 780.983(i).

State Appropriations

Occurring simultaneously to the MIDC compliance grantmaking is the state’s appropriations process, which follows a Fiscal Year starting on October 1. Like all state agencies, the MIDC prepares its budget requests about a year in advance of the start the next Fiscal Year. Typically by November, a final estimate of state grant dollars needed over and above local shares is sent to the State Budget Office (SBO) and then to the Michigan House and Senate fiscal agencies. As the year continues and the MIDC approves the compliance plans, state budget estimates are altered and provided to the necessary appropriating bodies. Figure 1 below illustrates this process.



FY 23 Basic Budgeting Timeline

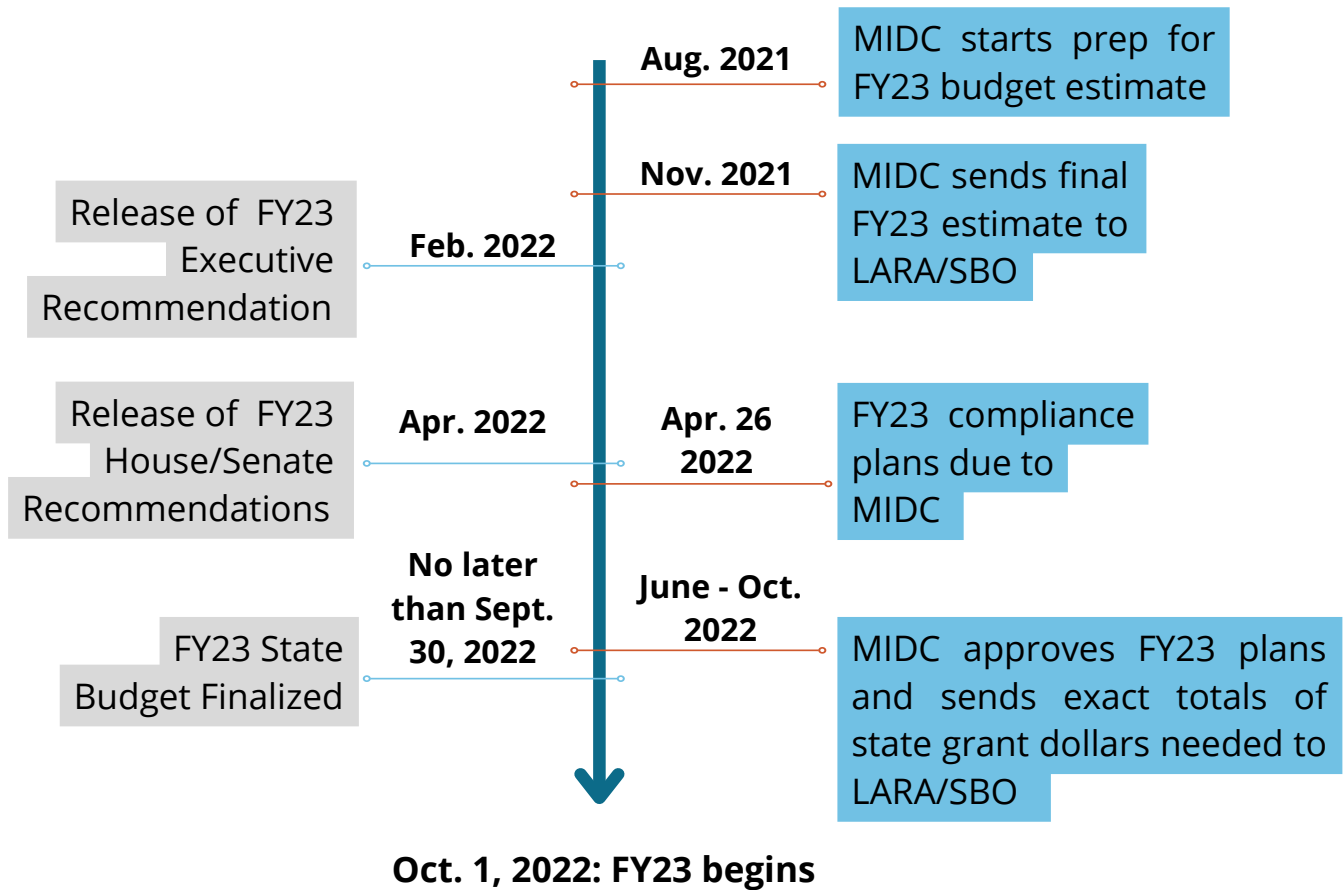


Figure 1: A broad overview of the state appropriations timeline and the MIDC granting timeline

Grant Agreement

After the Commission approves a system’s plan and cost analysis, a grant contract, or the Grant Agreement, is issued and signed by the local funding unit, the MIDC executive director, and LARA. Upon full execution of the Grant Agreement, funding is then sent by the Michigan Department of Treasury to the local unit to be deposited in the designated local fund. Once funding is received, the indigent defense system has 180 days to implement its grant, and if needed, the MIDC may extend this timeframe. MCL 780.933(11).



The language of the Grant Agreement is reviewed and approved each year by the MIDC, with input from staff and local systems incorporated. The Grant Agreement indicates the annual schedule of grant award disbursements, detailed budgeting requirements for the local systems, the schedule of financial and program reporting, and other general provisions for the uses for the grant dollars.

Per the Grant Agreement, funding is provided to the local systems in advance of their expenditures rather than reimbursed. The schedule of these payments currently includes four distributions: 25% within 15 days of the execution of the agreement, 25% on January 15 of the grant year, 25% on April 15, 2022, and the remaining 25% on July 15 of the grant year. The quarterly financial and program reports are due to the MIDC on January 31, April 30, July 31, and October 31. Because of this schedule, a grant contract may be executed before the final reporting of the subsequent grant year is received.

Local Fund to receive Grant

The MIDC grant funds, per state Department of Treasury guidance, are to be deposited along with the local share into a restricted local fund in the chart of accounts adopted by the local unit. The purpose of this fund is for the accounting of the complete local adult indigent defense services by the local unit, expenses and revenues, and that funds do not lapse to the local general fund at the close of the funding unit's fiscal year.

Compliance within the Grant Year

During the grant year, the MIDC staff works with the system partners to help them come into compliance and implement the best practices and innovations put forth by their annual plans. Systems provide quarterly financial and grant program reports and MIDC staff conduct onsite assessments, problem-solving, and other assistance throughout the year. The MIDC receives compliance and financial reports from MIDC staff at their regular meetings.



Unexpended and Overspent Grant Funds

By October 31 of each year, systems submit an end of the year financial report indicating whether distributed grant dollars remain unspent or if overspending occurred. If system expends funds above its local share and the approved MIDC grant, “the MIDC shall recommend the inclusion of the funds in a subsequent year’s grant if all expenditures were reasonably and directly related to indigent criminal defense functions.” MCL 780.993(16). On the other hand, if a “system does not fully expend a grant toward its costs of compliance, its grant in the second succeeding fiscal year must be reduced by the amount equal to the unexpended funds.” MCL 780.993(15). The Grant Agreement requires a local system’s grant award to “be reduced by the amount of unexpended funds from the prior fiscal year’s grant by reducing the 2nd and 3rd disbursement equally.” Grant Agreement 1.4.

Figure 2 depicts the flow of funding from year to year, including the local share, state funding and unexpended balances from previous years. In FY20 and FY21, the local shares increased from the base calculation by the CPI rates of 2.2% and 2.1% respectively. As shown, the actual amount of state funding distributed to the local system will be the total approved amount, minus the local share and any unexpended balance from the previous year.

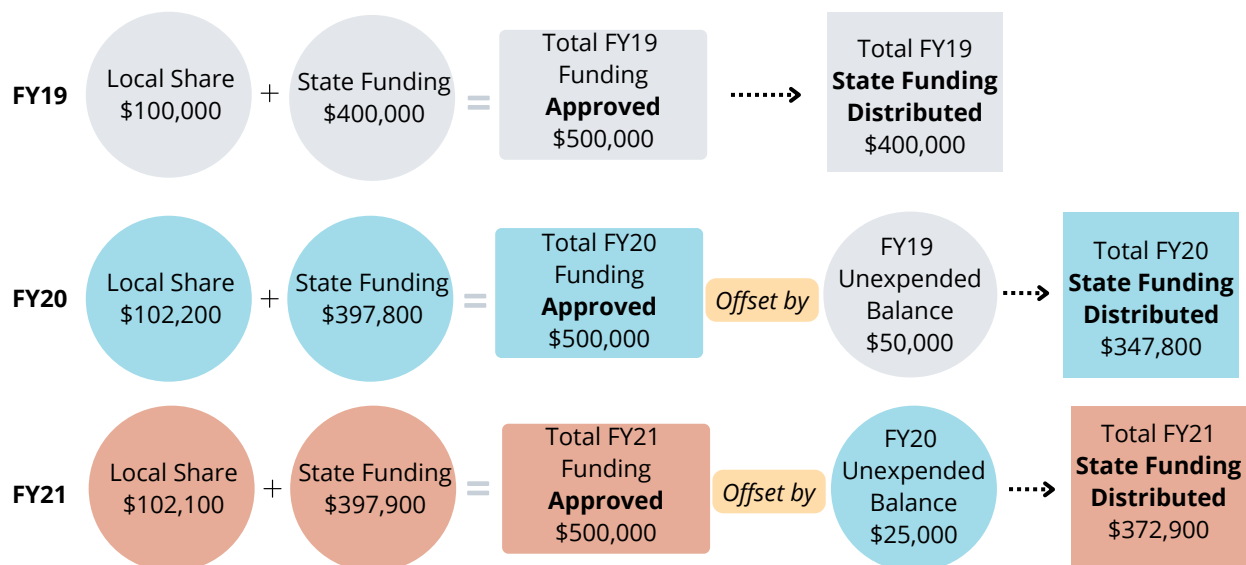


Figure 2: Example process of grant fund distribution



Ad Hoc Subcommittee Evaluation Process

Given the relatively large and consistent unexpended balances by many systems in each of the first three grant years of the MIDC, the Ad Hoc Committee was charged with:

1. Explaining the cause of unexpended balances
2. Assessing the likelihood and risks thereof of future unexpended balances
3. Considering and proposing recommendations to the MIDC to address these concerns and risks

The Committee set a calendar which would allow for a thorough review of all relevant data sources and the development of a report to the MIDC by its April 19, 2022 meeting. This target date was chosen so as to provide information to the MIDC, the Legislature, the State Budget Office, local systems, and the executive branch in a timely manner, should it be necessary. To better understand the persistent issue of unexpended grant dollars, the Committee reviewed MIDC grant data, conducted a survey of local system partners, and solicited feedback from staff.

The meeting dates and topics were as follows:

- January 26, 2022 – Organizing, Initial Financial Review
- February 9, 2022 – Continue Financial Review, Develop Local System Survey
- February 23, 2022 – Continue Financial Review, Staff Assessment
- March 9, 2022 – Local System Survey Review
- March 23, 2022 – Court Data, Discussion of Preliminary Findings
- April 6, 2022 – Review, amendment, and approval of report

The financial data reviewed included summary reports from the three completed and available grant years, FY19 through FY21. Reports of this data were presented in a variety of ways: expenditure categories, region, MIDC standard (where possible), and system type. The committee also reviewed financial information on hand for FY22.

The committee also believed it important to hear from representatives of local indigent defense systems, as they are the entities directly responsible for plan development and implementation.



An introductory letter and survey was sent to local stakeholders to solicit feedback and to gain a better understanding of why funding was underspent, overspent, or spent as planned. Fifty-eight responses were returned, a response rate of about 30%.

Finally, MIDC staff were consulted for their input on the grantmaking process, the parallels of the state appropriations cycle, and other key information related to expenditures of the annual grants. They also provided comment and context on the reports reviewed by the subcommittee. Statewide court caseload data was also reviewed and briefly considered as a means of understanding data from elsewhere in the justice system.

The reports and materials reviewed by the Ad Hoc Committee are included for reference within the appendix to this report.

Findings

Current Status of Unexpended Funds

In the FY19, the first year of implementation, there was a total budget of \$127,324,786.55 allocated for systems to come into compliance with the MIDC minimum standards and grants. This total includes a sum of local share dollars of and state dollars

Of that total, \$80,335,795.25 or 63% was actually spent.

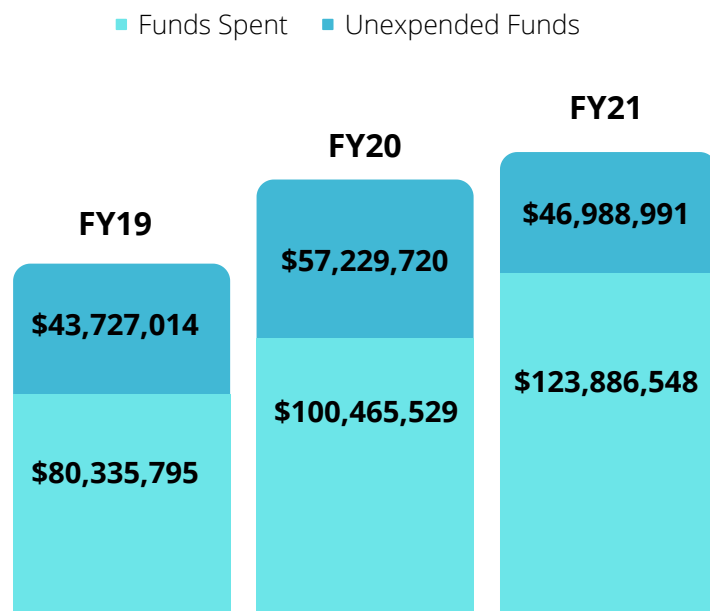


Figure 3: FY19 through FY21 allocated budgets for all indigent defense systems, inclusive of local share and state grants.

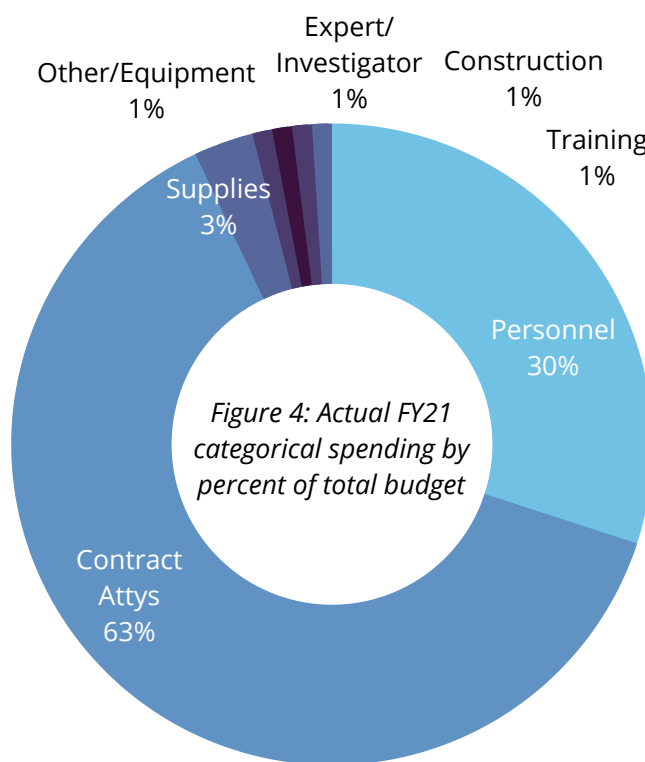


In the following year, a total of \$157,695,250.34 was allocated and \$100,465,529.38 or 64% was spent. And in FY21, a total of \$167,613,562.86 was allocated and \$123,886,548.65 or 74% was expended. (See Figure 3).

While the annual amounts of unexpended dollars remain high, spending trends seem to be headed in the right direction. From the first year of grants, unexpended balances decreased from 37% of the total budget in FY19 to 24% in FY21.

The Committee also broke down spending by use within each budget category. Overall, the annual grant budgets are largely spent on direct services.

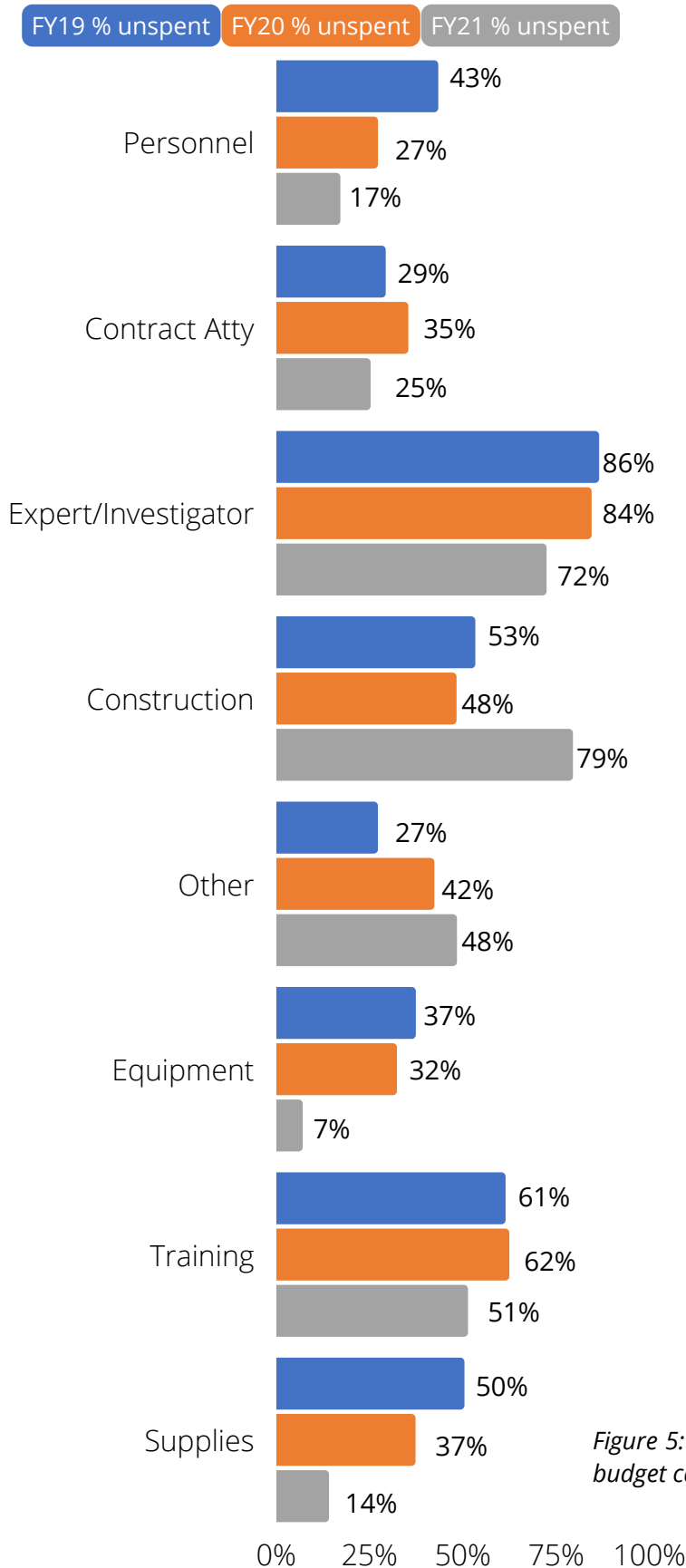
In FY21 alone, 63% of the actual expenditures were used for attorney fees and 30% were dedicated for personnel of public defender offices and other client-serving departments. The remaining 7% went towards investigator/expert expenses, training, construction, and equipment or supplies. (See Figure 4).



Looking across the years of categorical spending, unexpended balances are generally decreasing, especially in the most used areas. (See Figure 5). For example, unspent dollars in the Personnel category decreased from 43% in FY19 to 17% in FY21.



Categorical Budgets - Unexpended from Total



Similarly, the categories of Equipment and Supplies saw large decreases in unexpended balances from the first grant year to the third. (See Figure 5).

This data follows the trends among the systems with spending delays due to initial start-ups and new implementation, especially in systems with new local public defender or managed assigned counsel departments.

Some categories did see an uptick in unexpended dollars from FY19 to FY21. Notably, the Construction category (typically used to create confidential meeting space) increased from 53% to 79% in unexpended dollars. However, this follows common constraints seen on the supply chain due to the pandemic.

Figure 5: Percent unexpended funds of total allocation by budget category



The Committee also considered data by region and system type, focusing primarily on FY21.

Figure 6 shows that the largest populated systems within Wayne, Oakland, Macomb and St. Clair Counties are spending at a significantly slower rate than others. One explanation may be that such areas with large caseloads and high-volume courts take additional time to adjust to implementing the MIDC standards.

Conversely, the Mid-Michigan, Northern, South Central and Western regions all have more sparsely populated systems and could likely take less time to create such dramatic system change.

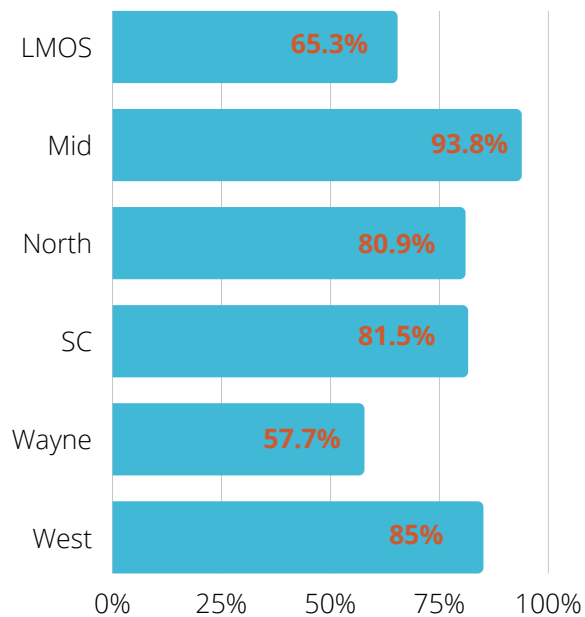


Figure 6: Percent expended of total FY21 budget by region

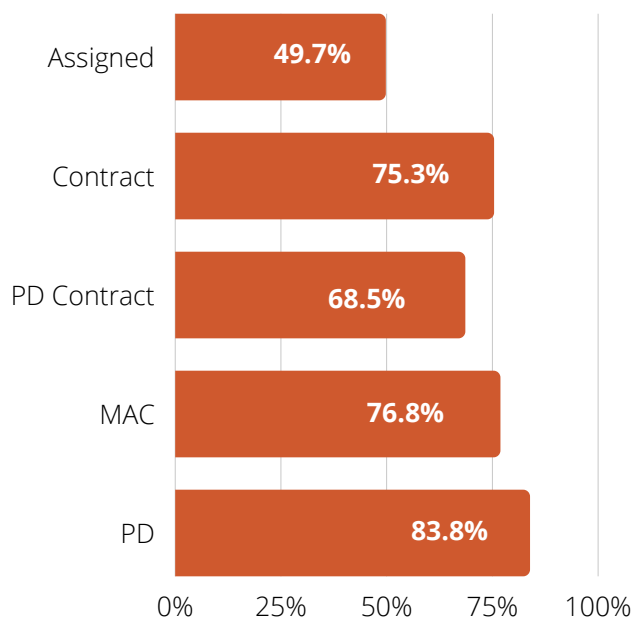


Figure 7: Percent expended of total FY21 budget by system type

The breakdown of data by delivery system type may also explain the differences in regional expenditures.

As seen in Figure 7, local systems using an Assigned System Model are expending grant dollars at a much lower rate, at 49.7% of the total allocation compared to other delivery system types. This model is where a rotation of attorneys is used but there is no oversight of an attorney administrator.

However, with the implementation of the MIDC's new standard requiring independence from the judiciary, Assigned Counsel models without an attorney administrator will be eliminated from future compliance plans.



Charge 1: Explaining the cause of unexpended balances

The Ad Hoc Subcommittee on Unexpended Balances hereby finds that there are reasonable and acceptable unexpended balances after the first three years of indigent defense grants to local systems through the MIDC. The subcommittee determined unexpended balances are caused primarily by the newness of indigent defense programs for most local systems, delays in achieving the full implementation of the compliance plans, and the impact of the COVID-19 pandemic.

To the newness of indigent defense systems. The Michigan Indigent Defense Commission was established in 2013 and first granted funds in 2018 for the FY19 Fiscal Year. The compliance plans of local systems in this first year were required to address standards regarding counsel at first appearance and other critical stages, an initial interview, attorney training, and the use of experts and investigators. These standards represented a significant increase in the expectations of local defense, and plans to achieve these standards were being developed by representatives from local systems from a wide range of defense and administrative backgrounds. In developing these initial plans and budgets, systems were asked to budget for brand new programs such as expanding contract attorneys or establishing defender offices.

Regarding operational delays, the cost analysis prepared by local systems has, generally, been prepared as if all services within the plan would be provided for the entirety of the grant year. However, expenditures such as hiring attorneys, outfitting office spaces and meeting rooms, and even paying invoices from contract attorneys take time to process. Additionally, in FY19, only 92 of 133 local systems had received grant funding by February of 2020. These operational delays reflect the time needed to assemble and implement the staff and materials needed to deliver indigent defense once grant funds were made available. Further, the MIDC Act allows systems up to 180 days from receipt of funding to achieve compliance with the standards. MCL 780.993 (11).



It was also abundantly clear that the COVID-19 pandemic affected public defense systems to the same degree as the rest of the world. Cost Analysis for the 19-20 grant year were approved in the summer of 2019, well before COVID was a known threat. While cost analysis for the 20-21 grant year were established during COVID, they did not generally assume that there would be any reduction in need of defense services, and in fact total system spending increased from \$157.7m in FY20 to \$167.6m in FY21.

Despite COVID, the MIDC made clear through resolution that the standards of indigent defense could not be delayed or lessened due to the pandemic. As such, the provision of indigent defense did not stop but the demand for defense services slowed due to pandemic related changes in other sectors of the justice system. Local systems experienced unprecedented scenarios of closed courts, halted trials, and scarcity of materials for construction or IT equipment. In a few systems this meant overspending and seeking reimbursement the following year. This slowing of demand meant that generally fewer services were needed than expected, and thus awarded funds went unspent.

Many of these scenarios were confirmed by the answers to the survey distributed to local partners. For more detailed information on the survey responses, please see Appendix 8.

Finally, it seems the MIDC Act fully anticipated and is currently designed for local systems to have unexpended grant funds. As mentioned earlier, MCL 780.993(15) states that “[i]f an indigent criminal defense system does not fully expend a grant toward its costs of compliance, its grant in the second succeeding fiscal year must be reduced by the amount equal to the unexpended funds.” Similarly, to ensure local systems have adequate implementation funding to meet the compliance standards, MIDC policy requires all approved grant dollars distributed to local systems, rather than a model of reimbursing local systems once expenses are accrued.



Charge 2: Assessing the likelihood and risks of future unexpended balances

The Ad Hoc Subcommittee on unexpended balances finds that the risks associated with past unexpended balances were significant but appropriately managed, and that future risks can be expected to reduce as the system and its participants mature, and that an appropriate safeguards to understand and manage risks exists. The subcommittee further finds that it is in the best interest of all participants in the indigent defense system to continue the grantmaking and oversight practices currently in place. The reasons for this finding are that unexpended balances from a given fiscal year are still ultimately used to support indigent defense at the local system to which they were awarded, local systems who hold unexpended balances and other indigent defense funds are public bodies subject to the laws of the state of Michigan regarding the holding and reporting of such funds, and the rigorous process by which the MIDC monitors and approves spending ensures awareness of these funds at all important levels of the funding process.

As was previously mentioned, the MIDC Act requires that local systems keep any funds used for the purpose of supporting indigent defense in a special revenue fund. Beyond this statutory requirement, the use of such funds is a typical practice employed by governments to keep monies allocated for unique purposes separate, and ensures that funds restricted for a particular use, such as indigent defense grant funds, are not intermingled with other funds. When a system has an unexpended balance, this balance exists within this fund, meaning that they are still restricted and may only be used to support indigent defense. This feature of fund based governmental accounting, when combined with the statutory language recommending that unspent funds to be used to support the subsequent year cost analysis means that unexpended balances are still ultimately spent on indigent defense, albeit in a delayed manner. The MIDC has incorporated consideration of unexpended balances into its financial practices, grant making processes, and financial reporting.



Additionally, Michigan's Uniform Budgeting and Accounting Act requires local systems to follow certain rules for the recording, planning, and auditing of expenditures. These rules apply to all funds held and managed by local systems, including indigent defense funds. These rules help to ensure that funds managed by governments are appropriately and responsibly managed. These requirements and the professionals at local systems who follow them ensure that unexpended balances for indigent defense are managed in the same manner as the other public funds for which these local systems are responsible and accountable.

Finally, the risks of unexpended balances are lessening as the statewide indigent defense system brought about by the MIDC act matures, even when considering the changes to the justice system brought about by the COVID-19 pandemic. As explained previously, and as demonstrated through Figure 3, unexpended balances are shrinking as a percentage of the total program size, from 36.9% in FY19, to 36.3% during COVID in FY20, and down to 26.1% in FY21. This trend suggests that as systems mature and gain experience, there will be a continued reduction of the unexpended balance totals.

Indigent defense expenditures will never perfectly align with the cost analysis approved by the MIDC. The nature of public defense is that it is a service that must be provided based upon demand. The provision of this service is established within the 6th amendment of the constitution, and within the State of Michigan is further clarified by the standards adopted by the MIDC. Furthermore, the needs of individuals served by local systems supported with state funding can vary greatly depending on the specifics of a given case. As such it is likely that there will always be some amount of unexpended balances within the statewide system, but these balances are a necessary, if unintentional, consequence of the nature of an indigent defense system.



Finally, as to risks associated to with unexpended balances, the subcommittee found that overly focusing on unexpended balances without consideration of the standards for indigent defense adopted by the MIDC could itself pose a risk to the provision of indigent defense. Should the MIDC change the focus of its cost analysis to not provide funding necessary to implement standards but instead to minimize unexpended balances, it would likely have the impact of slowing the tremendous progress which Michigan has seen since the passage of the Act, and would harm the provision of justice which the MIDC and the local systems are a critical component.

Recommendations

Based upon the current status of unexpended funds, the causes of unexpended balances, and the identified risks of such balances, the Ad Hoc Committee on Unexpended Balances finds that there are **no significant recommendations for changes** to the financial systems by which indigent defense is funded in the State of Michigan, and further finds that the system is operating well and as intended, especially when considering the challenges associated with beginning a large, complex system during a global pandemic.

As such, the Committee offers recommendations to diligently continue current practices, including:

- Continue to broadly engage with all indigent defense stakeholders to prioritize the delivery of effective and efficient indigent defense reflective of local systems and priorities.
- Continue the current financial review and approval processes used by the MIDC, with changes and improvements adopted as needed.
- Continue the regular reporting of financial information, inclusive of unexpended balances, from indigent defense system stakeholders.
- Continue to prioritize the development and implementation of indigent defense system standards, and ensure risks associated with the funding required for these services are appropriately understood and managed.



Appendix

1. FY19 Grant Year Spending by Category Table
2. FY20 Grant Year Spending by Category Table
3. FY21 Grant Year Spending by Category Table
4. FY21 Grant Year Spending by Category and Region Table
5. FY22 Grant Payments to Local Systems as of January 15, 2022
6. Letter to Local Systems regarding Unexpended Balances Survey
7. Local Systems Unexpended Balances Survey Questions and Responses Table
8. Statewide Court Caseload Totals, 2017 - 2020



FY19 Grant Year Spending

	Budget	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	% spending
Personnel	\$26,111,926.11	\$1,286,994.52	\$2,191,908.94	\$3,783,833.45	\$7,704,809.81	\$14,967,546.72	57.32%
Contractual Attorneys	\$81,315,084.63	\$5,433,383.48	\$12,105,343.15	\$13,539,326.94	\$26,985,695.32	\$58,063,748.89	71.41%
Experts/Investigators	\$8,251,757.13	\$112,962.99	\$139,901.92	\$251,733.10	\$616,771.49	\$1,121,369.50	13.59%
Construction	\$3,320,890.00	\$122,816.35	\$299,304.00	\$200,800.44	\$929,533.75	\$1,552,454.54	46.75%
Other	\$1,292,555.29	\$134,470.36	\$142,495.58	\$162,647.00	\$508,946.69	\$948,559.63	73.39%
Equipment	\$2,413,391.91	\$90,551.68	\$254,154.73	\$347,118.68	\$838,128.36	\$1,529,953.45	63.39%
Training/Travel	\$1,446,527.54	\$38,341.49	\$74,159.90	\$197,501.21	\$258,327.32	\$568,329.92	39.29%
Supplies/Services	\$3,172,653.94	\$113,598.92	\$167,894.65	\$179,975.25	\$1,122,363.78	\$1,583,832.60	49.92%
Total	\$127,324,786.55	\$7,333,119.79	\$15,375,162.87	\$18,662,936.07	\$38,964,576.52	\$80,335,795.25	63.10%

FY20 Grant Year Spending

	Budget	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	% spending
Personnel	\$40,498,794.81	\$6,641,571.36	\$7,148,771.62	\$7,761,336.63	\$7,990,625.51	\$29,542,305.12	72.95%
Contractual Attorneys	\$97,533,905.72	\$16,160,916.53	\$16,173,129.00	\$13,682,401.50	\$17,040,197.68	\$63,056,644.71	64.65%
Experts/Investigators	\$8,137,123.99	\$344,946.88	\$383,623.52	\$291,646.53	\$265,792.13	\$1,286,009.06	15.80%
Construction	\$1,280,928.83	\$212,709.00	\$209,716.34	\$31,731.34	\$217,220.43	\$671,377.11	52.41%
Other	\$3,334,310.79	\$399,618.77	\$399,871.08	\$688,306.43	\$457,305.56	\$1,945,101.84	58.34%
Equipment	\$1,044,065.08	\$94,239.08	\$265,560.02	\$81,525.18	\$273,050.37	\$714,374.65	68.42%
Training/Travel	\$1,790,104.35	\$221,871.40	\$189,692.87	\$144,016.29	\$126,251.07	\$681,831.63	38.09%
Supplies/Services	\$4,076,016.77	\$498,680.55	\$522,507.76	\$576,503.90	\$970,193.05	\$2,567,885.26	63.00%
Total	\$157,695,250.34	\$24,574,553.57	\$25,292,872.21	\$23,257,467.80	\$27,340,635.80	\$100,465,529.38	63.71%

FY21 Grant Year Spending

	Budget	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	% spending
Personnel	\$ 44,778,103.31	\$ 9,108,947.21	\$ 7,974,375.44	\$ 9,770,447.95	\$ 10,128,873.53	\$ 36,982,644.13	82.59%
Contractual Attorneys	\$ 104,805,220.87	\$ 15,006,221.93	\$ 16,177,856.56	\$ 21,055,183.68	\$ 26,101,090.86	\$ 78,340,353.03	74.75%
Experts/Investigators	\$ 5,904,901.71	\$ 219,031.31	\$ 406,272.49	\$ 434,437.61	\$ 614,894.08	\$ 1,674,635.49	28.36%
Contstruction*	\$ 3,166,566.56	\$ 20,713.29	\$ 27,071.79	\$ 203,027.24	\$ 418,268.58	\$ 669,080.90	21.13%
Other	\$ 2,763,706.27	\$ 305,419.95	\$ 332,474.57	\$ 282,234.59	\$ 518,304.04	\$ 1,438,433.15	52.05%
Equipment	\$ 645,993.75	\$ 86,736.29	\$ 88,973.36	\$ 136,080.05	\$ 287,289.52	\$ 599,079.22	92.74%
Training/Travel	\$ 1,594,709.32	\$ 121,366.71	\$ 226,559.48	\$ 196,857.97	\$ 229,260.71	\$ 774,044.87	48.54%
Supplies/Services	\$ 3,954,361.07	\$ 647,941.61	\$ 718,655.82	\$ 722,717.89	\$ 1,318,962.54	\$ 3,408,277.86	86.19%
Total	\$ 167,613,562.86	\$ 25,516,378.30	\$ 25,952,239.51	\$ 32,800,986.98	\$ 39,616,943.86	\$ 123,886,548.65	73.91%

*includes mediation funding for Wayne County

FY21 Totals by Categories and Region

	LMOS			Mid			Northern		
	Budget	Total \$ Spent	% spend	Budget	Total \$ Spent	% spend	Budget	Total \$ Spent	% spend
Personnel	\$5,865,431.01	\$4,354,085.27	74.23%	\$ 2,415,303.17	\$ 2,128,696.04	88.13%	\$ 3,015,126.20	\$ 2,595,154.64	86.07%
Contractual Attorneys	\$19,872,820.34	\$12,659,075.29	63.70%	\$ 12,771,145.54	\$ 12,597,455.95	98.64%	\$ 8,040,054.93	\$ 6,677,348.97	83.05%
Experts/ Investigators	\$789,632.25	\$278,559.03	35.28%	\$ 526,600.00	\$ 229,161.35	43.52%	\$ 417,688.92	\$ 143,763.77	34.42%
Construction	\$99,325.68	\$70,396.26	70.87%	\$ 10,956.58	\$ 4,652.49	42.46%	\$ 110,545.30	\$ 93,286.52	84.39%
Other	\$83,818.26	\$39,703.65	47.37%	\$ 30,250.00	\$ 30,916.47	102.20%	\$ 252,113.26	\$ 156,672.32	62.14%
Equipment	\$95,467.59	\$69,685.78	72.99%	\$ 26,961.42	\$ 25,857.99	95.91%	\$ 30,090.91	\$ 23,015.65	76.49%
Training	\$443,390.00	\$395,083.20	89.11%	\$ 235,374.86	\$ 63,835.61	27.12%	\$ 165,578.90	\$ 26,303.22	15.89%
Supplies/ Services	\$413,768.24	\$196,719.56	47.54%	\$ 427,590.91	\$ 342,611.98	80.13%	\$ 305,156.23	\$ 265,513.10	87.01%
Total	\$27,663,653.37	\$18,063,308.04	65.30%	\$ 16,444,182.48	\$ 15,423,187.88	93.79%	\$ 12,336,354.65	\$ 9,982,190.19	80.92%

	SC			Wayne*			Western		
	Budget	Total \$ Spent	% spend	Budget	Total \$ Spent	% spend	Budget	Total \$ Spent	% spend
Personnel	\$ 15,755,219.24	\$ 13,602,238.18	86.33%	\$ 4,438,238.97	\$ 2,810,958.32	63.33%	\$ 13,288,784.72	\$ 11,473,032.88	86.34%
Contractual Attorneys	\$ 11,217,234.63	\$ 8,771,841.44	78.20%	\$ 36,659,884.60	\$ 23,523,558.38	64.17%	\$ 16,235,080.83	\$ 14,111,073.00	86.92%
Experts/ Investigators	\$ 597,084.00	\$ 300,641.59	50.35%	\$ 2,950,641.54	\$ 446,236.78	15.12%	\$ 623,255.00	\$ 275,140.97	44.15%
Construction	\$ 323,116.00	\$ 310,160.60	95.99%	\$ 2,385,000.00	\$ 24,163.00	1.01%	\$ 237,623.00	\$ 166,422.03	70.04%
Other	\$ 678,942.58	\$ 282,067.49	41.55%	\$ 806,548.00	\$ 436,248.73	54.09%	\$ 912,034.17	\$ 492,824.49	54.04%
Equipment	\$ 348,240.00	\$ 325,646.89	93.51%	\$ 96,587.98	\$ 51,641.30	53.47%	\$ 157,645.85	\$ 103,231.61	65.48%
Training	\$ 367,493.78	\$ 110,597.58	30.10%	\$ 60,063.77	\$ 41,940.00	69.83%	\$ 322,808.01	\$ 136,285.26	42.22%
Supplies/ Services	\$ 1,382,450.00	\$ 1,280,099.56	92.60%	\$ 226,221.93	\$ 142,820.18	63.13%	\$ 1,099,173.76	\$ 1,180,513.48	107.40%
Total	\$ 30,669,780.23	\$ 25,001,772.13	81.52%	\$ 47,623,186.79	\$ 27,477,566.69	57.70%	\$ 32,876,405.34	\$ 27,938,523.72	84.98%

* Totals as of 2/7/22

FY22 Grant Year Payments To Date

1st payment made upon execution of the grant. 2nd payment made January 15th, 2022

Indigent Defense System	State Grant Funds	25% 1st Pmt	Balance	Unexp. Balance	25% 2nd Pmt	Overpayment
Alcona County	\$117,064.17	\$29,266.00	\$87,798.17	\$6,948.49	\$26,949.88	
Alger County	\$405,885.10	\$101,471.00	\$304,414.10	\$74,595.21	\$76,606.21	
Allegan County	\$2,127,228.86	\$531,807.00	\$1,595,421.86	\$717,859.52	\$292,520.71	
Alpena County	\$513,660.66	\$128,415.00	\$385,245.66	\$62,701.44	\$107,514.69	
Antrim County	\$182,786.23	\$45,696.00	\$137,090.23	\$115,439.21	\$7,216.82	
Arenac County	\$143,646.61	\$35,911.00	\$107,735.61	\$35,908.57	\$23,942.13	
Barry County	\$595,406.47	\$148,851.00	\$446,555.47	\$142,845.53	\$101,236.44	
Bay County	\$901,881.83	\$225,470.00	\$676,411.83	\$0.00	\$225,470.00	
Berrien County	\$3,508,379.23	\$877,094.00	\$2,631,285.23	\$0.00	\$877,094.81	
Branch County	\$959,446.83	\$239,861.00	\$719,585.83	\$0.00	\$239,861.71	
Calhoun County	\$3,076,032.47	\$769,008.00	\$2,307,024.47	\$622,591.80	\$561,477.52	
Cass County	\$244,915.60	\$61,228.00	\$183,687.60	\$46,021.68	\$45,888.34	
Charlevoix County	\$434,236.21	\$108,559.00	\$325,677.21	\$91,761.20	\$77,971.98	
Charter Township of Shelby	\$322,175.00	\$80,543.00	\$241,632.00	\$392,953.01	\$0.00	\$151,321.01
Charter Township of Waterford	\$250,430.85	\$62,607.00	\$187,823.85	\$224,066.67	\$0.00	\$36,242.82
Cheboygan County	\$303,321.19	\$75,830.00	\$227,491.19	\$45,310.19	\$60,726.90	
Chippewa County	\$356,843.11	\$89,210.00	\$267,633.11	\$67,889.43	\$66,580.97	
City of Allen Park	\$156,078.52	\$39,019.00	\$117,059.52	\$42,816.57	\$24,747.44	
City of Birmingham	\$515,257.40	\$128,814.00	\$386,443.40	\$271,408.49	\$38,344.85	
City of Dearborn	\$1,074,502.99	\$268,625.00	\$805,877.99	\$0.00	\$268,625.75	
City of Dearborn Heights	\$190,451.15	\$47,612.00	\$142,839.15	\$86,606.15	\$18,744.07	
City of Eastpointe	\$502,456.41	\$125,614.00	\$376,842.41	\$477,233.44	\$0.00	\$100,391.03
City of Farmington	\$334,786.59	\$83,696.00	\$251,090.59	\$0.00	\$83,696.65	
City of Ferndale	\$542,382.50	\$135,595.00	\$406,787.50	\$204,495.90	\$67,430.33	
City of Garden City	\$122,320.14	\$30,580.00	\$91,740.14	\$3,594.16	\$29,542.84	
City of Grand Rapids	\$978,584.39	\$244,646.00	\$733,938.39	\$44,093.18	\$229,948.37	
City of Grosse Pointe	\$12,099.04	\$3,024.00	\$9,075.04	\$27,549.72	\$0.00	\$18,474.68
City of Grosse Pointe Farms	\$54,631.70	\$13,657.00	\$40,974.70	\$6,888.23	\$11,361.85	
City of Grosse Pointe Park	\$26,164.41	\$6,541.00	\$19,623.41	\$15,678.14	\$1,315.05	

City of Grosse Pointe Woods	\$52,800.00	\$13,200.00	\$39,600.00	\$926.38	\$12,891.21	
City of Hamtramck	\$108,590.15	\$27,147.00	\$81,443.15	\$105,003.44	\$0.00	\$23,560.29
City of Highland Park	\$120,944.03	\$30,236.00	\$90,708.03	\$85,796.81	\$1,637.07	
City of Lincoln Park	\$339,141.73	\$84,785.00	\$254,356.73	\$217,508.10	\$12,282.73	
City of Livonia	\$574,956.13	\$143,739.00	\$431,217.13	\$335,327.92	\$31,963.06	
City of Oak Park	\$408,092.86	\$102,023.00	\$306,069.86	\$179,888.49	\$42,060.39	
City of Pontiac	\$603,133.64	\$150,783.00	\$452,350.64	\$399,020.05	\$17,776.73	
City of Romulus	\$263,562.54	\$65,890.00	\$197,672.54	\$167,962.42	\$9,903.17	
City of Roseville	\$706,665.52	\$176,666.00	\$529,999.52	\$275,667.44	\$84,777.23	
City of Royal Oak	\$598,229.55	\$149,557.00	\$448,672.55	\$270,054.67	\$59,539.17	
City of Southfield	\$491,728.00	\$122,932.00	\$368,796.00	\$437,907.30	\$0.00	\$69,111.30
City of Southgate	\$205,944.57	\$51,486.00	\$154,458.57	\$20,660.55	\$44,599.29	
City of St Clair Shores	\$473,875.83	\$118,468.00	\$355,407.83	\$561,324.90	\$0.00	\$205,917.07
City of Sterling Heights	\$360,353.00	\$90,088.00	\$270,265.00	\$371,576.49	\$0.00	\$101,311.49
City of Taylor	\$361,001.18	\$90,250.00	\$270,751.18	\$37,678.12	\$77,690.93	
City of Warren	\$823,519.65	\$205,879.00	\$617,640.65	\$855,409.31	\$0.00	\$237,768.66
City of Wayne	\$124,979.07	\$31,244.00	\$93,735.07	\$123,323.50	\$0.00	\$29,588.43
City of Westland	\$552,093.78	\$138,023.00	\$414,070.78	\$0.00	\$138,023.45	
City of Woodhaven	\$208,594.07	\$52,148.00	\$156,446.07	\$70,227.12	\$28,739.48	
City of Wyandotte	\$231,217.77	\$57,804.00	\$173,413.77	\$60,031.29	\$37,794.01	
Clare County	\$1,280,120.43	\$320,030.00	\$960,090.43	\$1,262,931.14	\$0.00	\$302,840.71
Clinton County	\$1,155,074.66	\$288,768.00	\$866,306.66	\$79,161.55	\$262,381.49	
Clinton Township	\$480,182.64	\$120,045.00	\$360,137.64	\$290,171.99	\$23,321.66	
Crawford County	\$693,411.84	\$173,352.00	\$520,059.84	\$0.00	\$173,352.96	
Delta County	\$621,355.97	\$155,338.00	\$466,017.97	\$93,030.00	\$124,328.99	
Dickinson County	\$505,099.52	\$126,274.00	\$378,825.52	\$224,432.39	\$51,464.08	
Eaton County	\$1,673,737.93	\$418,434.00	\$1,255,303.93	\$245,498.65	\$336,601.60	
Emmet County	\$332,563.71	\$83,140.00	\$249,423.71	\$137,561.56	\$37,287.08	
Genesee County	\$3,869,213.84	\$967,303.00	\$2,901,910.84	\$1,844,117.89	\$352,597.50	
Gogebic County	\$463,410.81	\$115,852.00	\$347,558.81	\$212,305.69	\$45,084.14	
Grand Traverse County	\$1,116,101.35	\$279,025.00	\$837,076.35	\$105,664.64	\$243,803.79	
Gratiot County	\$678,966.43	\$169,741.00	\$509,225.43	\$242,543.74	\$88,893.70	
Hillsdale County	\$273,765.57	\$68,441.00	\$205,324.57	\$29,371.08	\$58,651.03	
Houghton County	\$632,581.33	\$158,145.00	\$474,436.33	\$22,409.35	\$150,675.55	

Huron County	\$575,437.43	\$143,859.00	\$431,578.43	\$131,850.86	\$99,909.07	
Ingham County	\$5,566,775.92	\$1,391,693.00	\$4,175,082.92	\$297,157.96	\$1,292,641.33	
Iosco County	\$199,089.24	\$49,772.00	\$149,317.24	\$28,812.83	\$40,168.03	
Iron County	\$533,406.78	\$133,351.00	\$400,055.78	\$267,230.54	\$44,274.85	
Isabella County	\$1,351,810.10	\$337,952.00	\$1,013,858.10	\$183,382.50	\$276,825.03	
Jackson County	\$3,613,252.33	\$903,313.00	\$2,709,939.33	\$1,121,159.46	\$529,593.26	
Kalamazoo County	\$3,383,996.10	\$845,999.00	\$2,537,997.10	\$1,651,560.67	\$295,478.81	
Kalkaska County	\$396,646.87	\$99,161.00	\$297,485.87	\$303,071.03	\$0.00	\$5,585.16
Kent County	\$5,999,666.07	\$1,499,916.00	\$4,499,750.07	\$1,132,433.25	\$1,122,438.77	
Lake County	\$235,547.38	\$58,886.00	\$176,661.38	\$125,504.01	\$17,052.18	
Lapeer County	\$626,929.81	\$156,732.00	\$470,197.81	\$823,629.41	\$0.00	\$353,431.60
Leelanau County	\$206,736.62	\$51,684.00	\$155,052.62	\$139,820.48	\$5,077.33	
Lenawee County	\$1,740,310.79	\$435,077.00	\$1,305,233.79	\$198,203.69	\$369,009.80	
Livingston County	\$1,392,680.60	\$348,170.00	\$1,044,510.60	\$261,758.64	\$260,917.27	
Luce County	\$262,195.93	\$65,548.00	\$196,647.93	\$8,609.81	\$62,679.04	
Mackinac County	\$69,225.97	\$17,306.00	\$51,919.97	\$23,269.14	\$9,550.11	
Manistee County	\$704,673.31	\$176,168.00	\$528,505.31	\$16,018.47	\$170,828.84	
Marquette County	\$1,011,820.06	\$252,955.00	\$758,865.06	\$96,071.65	\$220,931.14	
Mason County	\$615,564.60	\$153,891.00	\$461,673.60	\$262,431.17	\$66,414.09	
Mecosta County	\$310,235.20	\$77,558.00	\$232,677.20	\$29,841.69	\$67,611.57	
Menominee County	\$399,935.96	\$99,983.00	\$299,952.96	\$277,212.13	\$7,579.95	
Midland County	\$304,289.87	\$76,072.00	\$228,217.87	\$185,114.39	\$14,367.67	
Monroe County	\$966,374.61	\$241,593.00	\$724,781.61	\$0.00	\$241,593.65	
Montcalm County	\$718,984.93	\$179,746.00	\$539,238.93	\$0.00	\$179,746.23	
Montmorency County	\$239,992.80	\$59,998.00	\$179,994.80	\$39,772.17	\$46,740.81	
Muskegon County	\$2,361,498.58	\$590,374.00	\$1,771,124.58	\$527,992.00	\$414,377.32	
Newaygo County	\$683,862.70	\$170,965.00	\$512,897.70	\$15,438.25	\$165,819.60	
Oakland County	\$5,799,650.39	\$1,449,912.00	\$4,349,738.39	\$1,944,709.47	\$801,676.11	
Oceana County	\$458,186.10	\$114,546.00	\$343,640.10	\$53,968.65	\$96,556.98	
Ogemaw County	\$614,603.90	\$153,650.00	\$460,953.90	\$141,741.60	\$106,403.78	
Ontonagon County	\$169,334.85	\$42,333.00	\$127,001.85	\$111,847.79	\$5,051.11	
Osceola County	\$361,744.15	\$90,436.00	\$271,308.15	\$122,022.61	\$49,761.84	
Oscoda County	\$154,873.98	\$38,718.00	\$116,155.98	\$21,851.31	\$38,718.50	
Otsego County	\$275,326.20	\$68,831.00	\$206,495.20	\$94,969.69	\$37,174.99	

Ottawa County	\$2,915,257.46	\$728,814.00	\$2,186,443.46	\$77,876.80	\$702,855.44	
Presque Isle County	\$162,699.80	\$40,674.00	\$122,025.80	\$85,827.65	\$12,065.73	
Roscommon County	\$216,530.94	\$54,132.00	\$162,398.94	\$112,523.74	\$16,624.83	
Saginaw County	\$4,626,338.51	\$1,156,584.00	\$3,469,754.51	\$0.00	\$1,156,584.63	
Sanilac County	\$344,203.39	\$86,050.00	\$258,153.39	\$0.00	\$86,050.85	
Schoolcraft County	\$202,899.73	\$50,724.00	\$152,175.73	\$43,212.59	\$36,320.73	
Shiawassee County	\$1,156,393.71	\$289,098.00	\$867,295.71	\$158,862.71	\$236,144.19	
St. Clair County	\$2,350,681.03	\$587,670.00	\$1,763,011.03	\$526,414.60	\$412,198.73	
St. Joseph County	\$464,441.25	\$116,110.00	\$348,331.25	\$231,971.58	\$38,786.45	
Township of Redford	\$354,367.03	\$88,591.00	\$265,776.03	\$0.00	\$88,591.76	
Tuscola County	\$1,249,564.16	\$312,391.00	\$937,173.16	\$0.00	\$312,391.04	
Wexford County	\$990,701.02	\$247,675.00	\$743,026.02	\$201,167.87	\$180,619.30	
Total Approved Plans/Cost Analysis *	\$97,676,802.92	\$24,419,147.00	\$73,257,655.92	\$25,268,064.76	\$16,549,140.54	\$1,635,544.25

* As of 1.15.22, seven systems do not currently have approved plans/cost analyses and are not included in this report

Hazel Park, Madison Heights, Wyoming, Inkster, Detroit, Macomb County, Wayne County

* As of 1.15.22, 3 systems do not currently have executed contracts and are not included in this report

* 13 systems with \$0 unexpended balance went over budget for contract attorneys

* Total unexpended grant balance for FY21 estimated at \$51 million - 10 systems not included in report make up the difference.

* City of Detroit and Washtenaw County have unexpended balances of \$6.8 million and \$3 million respectively

and are estimated to be overpaid for a total of \$4 million



MICHIGAN INDIGENT DEFENSE COMMISSION

February 22, 2022

Dear Indigent Defense Partners –

As part of the MIDC grant reporting requirements, local systems are asked to report their unexpended balance of grant dollars at the end of each fiscal year. Per the MIDC Act, this remaining amount then offsets the system's approved grant amount in the following year.

These past few years have been anything but normal. Aside from the startup costs of implementing countless new ways to provide indigent defense, the COVID-19 pandemic turned everything upside-down in the beginning of the second grant year. Due to these unprecedented events, the initial three years of MIDC grants consistently ended with large unexpended balances, with \$50 million remaining unspent in FY21 alone.

The MIDC Chairperson recently appointed Commissioners to an Ad Hoc Unexpected Balance Committee in December 2021. It is charged with researching the issue of unspent grant dollars and crafting recommendations to ensure our funding process is sound for future grant years. To do this properly, we need your help. Below is a link to a few quick questions from the Committee to help us understand why unexpended balances remain (or do not remain in some systems) and how we can ensure an appropriate amount of grant funding for your system's needs. We respectfully ask for your responses by March 2, 2022.

Unexpended Balance Committee Survey: <http://obsurvey.com/survey/MIDC-Unexpended-Balances-Survey>

Thank you for your help and we look forward to hearing from you!

Sincerely,

Commissioner Andrew DeLeeuw,
Committee Chair

Commissioner James Krizan,
Committee Member

Commissioner Robert VerHuelen,
Committee Member

Commissioner Tracey Brame,
Committee Member

Commissioner Margaret McAvoy,
Committee Member

Kristen Staley, MIDC
Executive Director

Unexpended Balance Committee - Survey to Local Partners Questions and Responses March 2022

MIDC Region (your system/funding unit should appear below)	What factors led your system to spend less than 75% or more than of the amount expected in your approved cost analysis in the 2020-2021 grant year? (choose all that apply):*
Lapeer, Macomb, Oakland, St. Clair Counties	Caseload decrease due to the pandemic, Delay in implementing fee schedule increases or other cost increases
Lapeer, Macomb, Oakland, St. Clair Counties	Caseload decrease due to the pandemic
Lapeer, Macomb, Oakland, St. Clair Counties	Caseload decrease due to the pandemic, Inability to hire personnel, Other, please specify: Delays due to lack of personnel processing attorney bills, cases not being resolved, and late submission of attorney bills
Lapeer, Macomb, Oakland, St. Clair Counties	Caseload decrease due to the pandemic, Other, please specify: In looking at what was expended versus what was initially approved, less than 56% of the amount approved was spent and not less than 75%.
Lapeer, Macomb, Oakland, St. Clair Counties	Caseload decrease due to the pandemic, Delay in implementing fee schedule increases or other cost increases
Lapeer, Macomb, Oakland, St. Clair Counties	Caseload decrease due to the pandemic, Inability to hire personnel, Other, please specify: New standards are still being implemented.
Lapeer, Macomb, Oakland, St. Clair Counties	Caseload decrease due to the pandemic, Delay in implementing fee schedule increases or other cost increases, Inability to hire personnel
Mid-Michigan	Caseload decrease due to the pandemic, Caseload decrease due to other reasons
Mid-Michigan *	Caseload increase or other shift due to the pandemic, Personnel costs higher than anticipated
Mid-Michigan *	Caseload increase or other shift due to the pandemic
Northern Michigan	Caseload decrease due to the pandemic, Inability to hire personnel
Northern Michigan	Caseload decrease due to the pandemic, Inability to hire personnel
Northern Michigan	Caseload decrease due to the pandemic, Delay in implementing fee schedule increases or other cost increases
Northern Michigan	Other, please specify: Our cost analysis included switching to a public defender office model; however, the public defender office wasn't feasible at this time and we fell back on our current contract attorney model.
South Central Michigan	Caseload decrease due to the pandemic, Delay in implementing fee schedule increases or other cost increases, Inability to hire personnel, Other, please specify: the pandemic didn't exactly decrease caseload, but stalled all trials, which led to a major decrease in attorney trial fees, expert fees, etc
South Central Michigan	Inability to hire personnel, Other, please specify: Jury trials postponed, other COVID factors
Wayne County	Caseload decrease due to the pandemic
Wayne County	Delay in implementing fee schedule increases or other cost increases, Inability to hire personnel, Other, please specify: Policy exemptions for vouchers for services by contract attorneys.
Wayne County	Caseload decrease due to the pandemic
Wayne County	Caseload decrease due to the pandemic, Delay in implementing fee schedule increases or other cost increases, Other, please specify: Typically, grants that have a match component, allow a percentage of costs to be allocated over the grant -- i.e. if there is a 50% match, the match is allocated throughout the performance period as opposed to all match being spent and then the remaining expenses charged to the grant dollars. The expenses would be split 50/50 during the performance period.
Wayne County	Caseload decrease due to the pandemic, Inability to hire personnel
Wayne County *	Caseload increase or other shift due to the pandemic
Wayne County *	Other, please specify: An Excel spreadsheet error in the Compliance planning process left some funding unaccounted for.
Western Michigan *	Caseload increase due to other reasons, Increase in experts/investigators (big cold case, juvenile lifer, etc), Personnel costs higher than anticipated
Western Michigan *	Caseload increase or other shift due to the pandemic, Other, please specify: Conflict attorney invoices much higher because of the delays before trial.
Western Michigan *	Caseload increase or other shift due to the pandemic, Caseload increase due to other reasons, Increase in experts/investigators (big cold case, juvenile lifer, etc)

*Of the 33 systems that responded to this question, these 7 systems overspent their allocated grant. The other 26 spent under 75% of their grant total.

MIDC Region (your system/funding unit should appear below)	Did you consider any major changes to your system's 2021-2022 cost analysis submission based on the actual expenditures needed in 2020-2021? Please explain if yes. *
Lapeer, Macomb, Oakland, St. Clair Counties	Major changes include implementation of a new Contract Attorney fee schedule (50% increase in fees). This was based on anticipated return to Contract Attorney case level expenses experienced in 2019. Hiring of additional personnel was based on hires made in 2021, (e.g. 2021 addition of 6 persons, not in place until after April 2021, but anticipated for full year in 2022). Also, anticipated replacement of one FTE and changing one PTE to FTE. Other major changes were based on fee schedule changes in District Courts, implementation of a trial program for weekend arraignments, and second chair program in District Court. New expenditures for construction were based on 2021 estimates and later eliminated from the proposed Cost Analysis because proposals were rejected by MIDC. Rejections caused delays in the approval of the grant contract until late Feb 2022. Unexpected 2021 decrease in 41-1 and 42-2 District Court Contract Attorney fees attributable to a backlog of attorney fee bills due in part due to the pandemic, and in part, due to a change in Court Administrator in both Courts, and loss of personnel in both Courts. Return to normal levels is anticipated. Cost analysis was adjusted downward for experts and investigators, based on past use. Consideration was made to include Juvenile Lifer expert requests that were pending.
Lapeer, Macomb, Oakland, St. Clair Counties	The Township contracted with the Macomb County Public Defender's Office to take over the appointment of attorneys as well as processing invoices/tracking costs to be paid by the Township for indigent defense services. Costs were projected to more closely align with the way that the Public Defender's Office conducts business.
Northern Michigan	In FY22, fee increases were implemented (attorneys were previously paid at \$50/hr). The local public defender contract was also terminated and a MACS administrative structure was put into place in compliance with Standard 5. The attorneys from the public defender firm and the conflict attorneys are now on an evenly divided rotation list at the new rates. The salary for a MACS admin was also added to the cost analysis.
Northern Michigan	We requested an increase in attorney rates to from \$250 to \$275 and the rate for capital or life offense cases from \$85 to \$100 per hour. We also requested and increase in contract and expert costs.
Northern Michigan	In addition to representing criminal indigent defendants in Houghton, Baraga, and Keweenaw Counties, our office began representing inmates from the Baraga Correctional Facility in 2021. This increased our workload and our budget.
Northern Michigan	There may be compensation variations together with other variations after further inspection and discussion with current attorneys and potential conflict attorneys.
Northern Michigan	Meaning, I considered what needs my county will have for additional contract attorney fees, expert and investigative fees and training.
Northern Michigan	The primary change included resorting back to a cost analysis based on a contract attorney model compared to a public defender office model.
South Central Michigan	I am answering yes here because we added on new position LMSW for the defenders office and based fringes and expense on a 2% increase over last years costs for wages and salaries
Wayne County	We requested additional hours for arraignments in anticipation of the backlog of arraignments due to COVID-19 and due to the recent legislative changes regarding arraignments and handling walk-in warrants. We sought to have 2 MIDC attorneys on staff all day Monday-Friday from 8:00 am – 4:30 pm. In past years we only had one attorney in the afternoon.
Wayne County	I asked for less funding due to the overage of unexpended funds, pandemic and appearance citations on non violent crimes vs. arrests.
Wayne County	We eliminated two (2) officer positions that were never filled.
Western Michigan	Increase in homicide cases resulting in a need for more expert / investigator funding.
Western Michigan	We planned for an approximate \$170,000 overspending in conflict budget based upon higher than normal invoices in Q1 and Q2 in FY21. As it turns out these slowed down. I think we only went over by \$40,000 or so, with some of that coming from unspent from FY20.

*41 systems answered this question either No or had no response to this question. Only those 18 systems answering Yes are listed above.

MIDC Region (your system/funding unit should appear below)	There have now been three full years of MIDC Grants to local systems to support legal defense. How have your experiences with prior grant years influenced the development of your subsequent plan and cost analysis?
Lapeer, Macomb, Oakland, St. Clair Counties	No, prior years were predominately impacted by court closures due to pandemic and no MACC was included in previous years.
Lapeer, Macomb, Oakland, St. Clair Counties	I didn't have any experience with prior grant years, but after speaking with the Court Admin and my Regional Director, we were able to make some educated guesses as to need.
Lapeer, Macomb, Oakland, St. Clair Counties	The process has been frustrating, and it creates great uncertainty. I have experience with two prior grant years, FY 20-21 and FY 21-22. Subsequent plans are very uncertain based on the experience from FY 21-22, including uncertainty of not knowing how to meet with the appropriate persons to discuss expansion plans, and frustration with understanding how the grant request is reviewed. The Regional Manager has been helpful to a certain point, but the approval/rejection process of submitting a Plan/Cost Analysis, without candid discussion of proposal, discussion of compromise, discussion of detailed concerns, all makes the process frustrating and uncertain. The inability to have these frank discussions can lead to delays in meeting indigent defense system goals.
Lapeer, Macomb, Oakland, St. Clair Counties	With each coming grant year, new challenges have been presented. Initial budgets were developed based on representation that had previously not been present on as great a scale. Additional implementation of new standards as well as COVID has made it difficult to accurately predict costs. Had caseloads not been reduced due to the onset of COVID, actual costs in more recent years may have aligned more closely with initially budgeted expenditures. With COVID still present (albeit to a lesser extent), it is still possible that numbers estimated for the 2021-2022 grant year may still fall short of initial expectations. With no clear picture of how things will progress, only time will tell as to the actual outcome. Hopefully as the Township continues to operate under the Public Defender model, costs will become clearer with a more accurate prediction of future expectations.
Lapeer, Macomb, Oakland, St. Clair Counties	Due to the pandemic, our caseload numbers are still low, but that is expected to continue to improve in 2023. The court is now hearing more in-person bench and jury trial, which will increase our individual appointment costs.
Lapeer, Macomb, Oakland, St. Clair Counties	Even though the MIDC Grants have been in place for three years, the system was in a start up phase at the beginning and then was greatly impacted by the pandemic.
Lapeer, Macomb, Oakland, St. Clair Counties	Prior years do help set a baseline for future years, but they are only a starting point. Because of the implementation of various new standards throughout the years, and because we have tried to consistently approve our system each year, we do not simply view each subsequent grant year as a carbon copy of the prior year.
Lapeer, Macomb, Oakland, St. Clair Counties	Each year we analyze our spending, volume of cases, and appointments to determine if we need to increase or decrease any line items on our cost analysis. At the onset of our program, we had to make a plan change and a few budget adjustments based on the needs of the court. Since then, we have not had to make any major changes.
Mid-Michigan	Unfortunately, I cannot really gage for sure due to the COVID stops and starts(from # of Cases to Expenditure from Xtra work etc.). The budget for the 2019 was underfunded (DOAC not hired yet). FY2020 was more instep.
Mid-Michigan	Frankly, this is my first year on this job. But, the previous years have served as a baseline in terms of both finances and number of clients.
Mid-Michigan	We have increased costs associated with attorney administrator and anticipated for larger representation at first appearance.
Mid-Michigan	I did not plan for the prior years so I don't know how the experiences helped in the past. Also, Covid changed everything so it was hard to use prior years to plan for FY 22.
Northern Michigan	Our costs have actually increased because of more felony cases and COVID-19 with backlog of court dates, times, and rescheduling jury trials.
Northern Michigan	It has helped with giving us a mean to look at so that we know what the average has been and where we need to adjust our budgets
Northern Michigan	It has helped with giving us a mean to look at so that we know what the average has been and where we need to adjust our budgets
Northern Michigan	In three years, there have been many changes. One year we planned for fee increases that were not implemented, resulting in unexpended funds. The next year we had a pandemic and caseload dropped. This year was a complete overhaul of our system. FY 22 implementation was delayed a quarter, and we became compliant 1/1/22 rather than 10/1/21.

Northern Michigan	We update our budget each year after looking back at the prior year's expenses, and discussing any anticipated increased costs. A good example is the increase in use of experts and investigators. Also, our attorney fee rate is reviewed each year.
Northern Michigan	Grand Traverse County has always budgeted very conservatively. The early or initial budgets were prepared with some level of uncertainty however now that we have a few years of budgeting and actual history we are able to budget with more confidence. The one variable that still will probably need to be figured out is the ""pandemic"" effect on caseloads and case backlogs in the court system.
Northern Michigan	Each year that I prepare the plan and cost analysis I rely on the previous grant years in determining the costs associated with the subsequent grant period and I adjust the cost analysis accordingly. I had very little budget information to rely on the first year. The Counties that we serve, Houghton, Baraga, and Keweenaw, did not have a public defender's office prior to our office opening on October 1, 2018.
Northern Michigan	Each year that I prepare the plan and cost analysis I rely on the previous grant years in determining the costs associated with the subsequent grant period and I adjust the cost analysis accordingly. I had very little budget information to rely on the first year. The Counties that we serve, Houghton, Baraga, and Keweenaw, did not have a public defender's office prior to our office opening on October 1, 2018.
Northern Michigan	This is the first year I have been appointed to this position so it is difficult to discern.
Northern Michigan	Prior grant years have significantly influenced the development of subsequent plans and cost analysis. When there are little unexpended funds I ask for more funds to cover the next year and if have significant unexpended funds I do not ask for additional funds.
Northern Michigan	The changes in the mandates have helped us to fine tune our plan for providing indigent services.
Northern Michigan	Manistee County has never had a Public Defender's Office, so we have never had the financial history to predict the actual amount of expenditures needed to perform at the standards set by the MIDC during any given year. If you track the unexpended fund reports over the last three years for Manistee County, you would see the amount of unexpended continually decreasing. This is because we have better financial data when preparing subsequent plans and cost analysis.
Northern Michigan	As we have been able to collect actual data, our cost analysis have become more accurate. However, as each new Standard is implemented we need to plan for the unknown without any real idea of how much it is going to cost to implement the new Standard. It takes a couple of years to evaluate, make changes, and figure out how things need to work before we can settle into a routine that becomes more stable and predictable.
Northern Michigan	We are late-comers; I don't have 3 years of experience yet.
Northern Michigan	This is a difficult issue to address because of the shut down in the courts and other issues related to COVID. Ideally, our goal is to yearly evaluate our current/past needs and then use that date to project our future needs in establishing a budget. As we all know, COVID prevented us from doing so.
South Central Michigan	For this next grant year, I will be reviewing the prior 3 years of budget and actual data to determine how the budget requests should be amended, either for an increase or decrease. It was difficult in prior years as we were making changes as we went along and didn't have the historical data to make amendments.
South Central Michigan	Eaton County decided to change over to a Public Defender Office staffed with County employees in the beginning of fiscal year 2020/2021. This was a major undertaking with a lot of unknowns for construction, hiring costs, and a global pandemic, compared to prior years with contracted attorneys. Now that staffing needs have been established and construction is completed, budgeting has been more streamlined and is expected to be more predicable.
South Central Michigan	Genesee County has been slowly moving toward the development and growth of a PD office. Every year is slow progress in that direction, there have been a lot of unknowns and snags (difficulty in hiring, county procedures moving at a snail's pace, and the pandemic). There was also a major backlog of cases to go to trial even before the pandemic, so we want to be prepared for when COVID stops delaying trials.
South Central Michigan	The historical data certainly helps to determine future needs. However, COVID has skewed the data a bit.
South Central Michigan	The key for me was understanding what could be funded by the grant and what could not. A hurdle for me was planning for attorney hours when our case numbers were not truly reflected in the prior years numbers, especially for 2020 due to Covid. Not I understand how to plan for that. There is definitely a learning curve.
South Central Michigan	I feel I am getting better at budgeting closer to the mark I have reduced the amount of unexpended funds each fiscal year.
Wayne County	We based the cost analysis for the prior MIDC grants on the average case filing under pre-COVID conditions. As the caseload declined during COVID, we reduced the staffing of the arrangement council, dropping the staff levels to one attorney a day from two a day, resulting in our system spending less than 75% of the anticipated caseload.

Wayne County	Our system attempts to forecast our funding needs and closely align the request with the information obtained from stakeholders who are the current keepers of our data. However, there appears to be a lack of understanding from the MIDC regarding the time and effort it takes for large scale governmental entities to do administrative tasks, especially when such tasks must be reviewed by the County Commission. County Commission grant acceptance (which takes between 4-6 weeks from MIDC Commission acceptance at minimum) for our ability to operate, and then we have to receive a disbursement, then complete the budget adjustments to appropriate the funds adequately.
Wayne County	Again, with the decriminalization legislation there will be less arrests and in custody prisoners. Secretary of State also unsuspended license's and less civil infractions can now get the suspension on their driving record. So, I planned accordingly.
Wayne County	Our plan has been relatively unchanged. However, we have seen an increase in attorney costs as court-appointed attorneys are required on almost every court case and at each court hearing.
Wayne County	in preparing current grant year's cost analysis an examination is conducted of prior years cost analysis and expenditures for development purposes.
Western Michigan	We were just trying to manage the process and probably didn't do a good enough job in evaluating the prior year budgets to match actual expenses. This will be changed for FY2023 likely resulting in an increase in requested funding.
Western Michigan	Our caseloads have changed over the past 3 years with more violent felony charges than ever before so we are tracking our expert/investigator funds closely to determine if an increase will be needed; we have also experienced increased office supply costs such as postage etc.
Western Michigan	I have used previous quarters, while trying to control for outliers, to make my projections for the Cost Analysis. I conducted time studies to support requests for staffing increases.
Western Michigan	We are increasing the size of our inhouse attorneys and hope to offset the increase in the authorizations in complaints to the inhouse attorneys.
Western Michigan	Prior years have helped us refine our grant request. However, we assumed that job market difficulties and the pandemic would have abated by now which has not been the case. Please see below for further explanation.
Western Michigan	I have certainly tweaked our cost analysis in each grant year based on actual expenditures in the prior grant year. The challenge in March putting together next year's grant budget is that we are only half way through the current fiscal year, and we really are guessing where we may end up at the end of September with unexpended funds.
Western Michigan	Overall, the process has changed each year so we have remained nimble and relied on the excellent Fiscal Services department professionals in our system to assist us with gathering and submitting the information. (examples: COVID, introduction of EGRAMS) We are better at anticipating our needs (despite COVID) and our system is getting closer requesting the actual funds required for any given grant year without generating a huge unexpended balance. Each year is dynamic so we try to get as close as we can with the understanding some flexibility is called for.

MIDC Region (your system/funding unit should appear below)	Is your system concerned with retaining unexpended funds for indigent defense at the end of the grant year? If yes, please explain
Lapeer, Macomb, Oakland, St. Clair Counties	Retention of unexpended funds causes great concerns. The belief is that unexpended funds is influenced by things. In this past year, these things include: - the timing of PD Employee hiring, (job could not be posted until January 2022, and hiring is delayed until at least April 2022), - the timing and impact of attorney fee schedule increases, (could not be implemented until budget approved, and approval was delayed until Feb 2022), - need for office expansion, (which led to delayed approval of budget until Feb 2022), - the need to implement programs like weekend arraignments and Second Chair Programs, (which could not be collaborated with the Jail and District Courts until resolution of budget not approved until Feb 2022), and - proposed provision of investigators at time of appointment, (Still to be drafted and implemented). The concern with retaining unexpended funds is with the view that there will be the same unexpended funds in the future. Moving forward, it is anticipated that unexpended funds will decrease. The rate of decrease is not known. Reducing current grant requests by a presumption that there will be continued unexpended funds can result in leave funding units with a shortfall which would continue until the next grant cycle. I believe that it is risky to make reductions in grant funding based on unusual covid experience years.
Lapeer, Macomb, Oakland, St. Clair Counties	As mentioned above, as the court continues to increase its caseloads, coupled with the shift and hourly increase for attorneys servicing indigent defendants, unexpended funds may be needed.
Lapeer, Macomb, Oakland, St. Clair Counties	There is concern that future budgets will be impacted because of unexpended funds. The recent past is not a good indicator of how things will be going forward.
Lapeer, Macomb, Oakland, St. Clair Counties	We are not concerned with retaining the funds in the sense of actually keeping them in our bank account. But we are concerned if the intent is to penalize systems who have unexpended funds at the end of a grant year.
Lapeer, Macomb, Oakland, St. Clair Counties	Due to the pandemic, we have faced many curveballs. In planning for the upcoming grant year, we try to account, and plan for everything. However, it is difficult to determine the volume and past spending in the middle of a pandemic.
Mid-Michigan	The process for MIDC grant funds should be a match based program based on quarterly expenses. While the annual budget is a 50/50 match, the process of having the County expend all anticipated funds prior to receiving grant funds places a burden on the county as we must comply with MIDC mandates but are still expected to fully fund with no say. Court costs are paid direct from the general fund, for which counties, especially rural counties, have no real mechanism for increasing revenues to offset costs. Save for a Hedlee rollback, which taxpayers are loath to pass, what funds come into the general fund are limited to ad valorem taxes collected and minimal fines and fees. Therefore, a 50/50 grant split per quarter could be a more equitable solution. That way neither the State nor the County is paying a larger than actual cost amount for the fiscal year. The county could and should agree to 'rollover' and unspent MIDC allocated funds to next years MIDC programs.
Northern Michigan	Because we had to completely overhaul the local system to become compliant with Standard 5, we had to estimate costs. We only went live with those changes on 1/1/22. We do not have an idea what 12 months under this system will cost. Unfortunately, our FY23 plan is due long before that. We don't need to retain ALL of the unexpended funds, but it would be helpful to retain 50% until we know what a complete cycle looks like. Additionally, it would always be helpful to have a policy in place to retain a portion of the balance to cover unexpected costs. For example, we are a small, rural county. We do not budget for a 2-week murder trial, as that only happens twice a decade - however, these random things DO happen - so do have a cushion would give peace of mind.
Northern Michigan	I am somewhat concerned and did not want to say No as this would imply that having the potential use of unexpended funds from a prior grant year would not be beneficial to have as a source of funds for subsequent years. It is absolutely beneficial to have the option of using or availability of unexpended funds to use in a subsequent fiscal year.
Northern Michigan	A lot of invoices arrive after the end of the grant year so our expenditures don't accurately represent all the expenses we incurred during the grant year. It is worrisome that our grant for the following year could be reduced because on paper it appears that we have leftover funds.
Northern Michigan	Uncertainty with when the State budget will be passed and contracts being approved generally results in not receiving our first payments for the new grant cycle well into the new fiscal year.
Northern Michigan	My attorneys are not used to hiring investigators and experts; we are encouraging more use of those services. I expect to use more of those funds in the future, so I don't want to lose access to funding.
Northern Michigan	A fund balance would add to stability of the program.
South Central Michigan	The first fiscal year (2018/19) of the MIDC grant, Eaton County had just over \$300,000 in unexpended funds. This amounted to approximately 25% of our total award (with County share) for the year. The next fiscal year (2019/20) we had over \$600,000 remaining in unexpended funds between the two fiscal years which approximated to 35% of the total award (with County share) for the fiscal year. Last fiscal year (2020/21), due to the changes in program methodology, we only had approximately \$250,000 or 17% of our total award (with County share). This means we spent more in the year than we received, by more than \$400,000 in a single fiscal year.
Wayne County	We are concerned that these unexpended balances are being held against systems, without further exploration as to each system's circumstances. We have the tools to spend the funding expeditiously but challenges exist. We appreciate that there is now a Committee dedicated to looking into this, and hope that more in-depth analysis of systems is given. Our system welcomes any Commissioner to sit down with us and discuss the challenges our system faces.
Western Michigan	We have been unable to fill attorney and staff positions due to a shortage of good candidates. This problem is most acute for attorneys. Despite aggressive recruitment efforts, we have had this problem since we opened our office in 2019. In addition, we have lost 4 of our 6 felony contract attorneys this year and there are no replacements. Our remaining in-house attorneys have excessively heavy caseloads as a result. This will result in yet another year with a significant unexpended fund balance. We absolutely need to spend the funds, provide good service to our clients and meet caseload guidelines. We simply do not have the attorneys. We also planned our grant request for this year assuming we would be having trials and that has not happened yet. Our backlog of trials is very large but the courts are not conducting trials due to the COVID-19 pandemic. Expert fees and trial fees are not being spent as anticipated because of this. We also planned our grant request to include funds for travel and on-site training. Again, the pandemic continues and some of these funds will be unspent and add to the unexpended balance at the end of the fiscal year. In short, our year end balance will be due almost entirely to unfilled positions, lack of contract attorneys, and the continued pandemic.

MIDC Region (your system/funding unit should appear below)	What other information would you like to share with the Ad Hoc Committee?
Lapeer, Macomb, Oakland, St. Clair Counties	At this time, I would recommend a cautious approach to reductions in budgets based on unexpended fund levels. The slow increase in cases seems to be approaching pre-pandemic levels. When it comes to the District Court budgets for 42-1 and 42-2, there will likely be unexpended funds for experts and investigators, based on the minimum amounts and based on low usage rates for these items. (This is understood to be the case for most District Courts). This may be an area for cautious reduction. At least in the experience of Macomb County, employee wages and fringe benefits are not areas of unexpended funds as hiring levels are met. Unexpended employee wages / fringe benefits for FTE s is currently expected based on the timing of hiring, but is expected to be more consistent and not a contributor to unexpended funds. Unexpended funds can be traced to Fiscal Year and Calendar Year differences in budgeting and delays in approval of the grant budget. For example, in 2021-22 ... 3 employees were approved by MIDC for hiring (by approved budget in Feb 2022), and were effective Oct 1 2021. Employee positions were approved by Macomb County in late November 2021. Posting for positions did not occur until January 2022. Actual start date for hired employees will be March or April 2022. The result is unexpended funds for FY 21-22 which will not be present in FY 22-23. Unexpended funds for Contract attorneys exist and are related to number of cases in the County. For example, in calendar 2019, in the 16th C, there were 4,013 new criminal case filings (both retained and appointed), bound over to the 16th Circuit. In 2020, this number dropped to 2,447. (A near 40% drop). This means that there was a resulting increase in unexpended funds for 2020. The numbers are not totally in for 2021, but in the 4th Quarter 2021, there were nearly 700 cases bound over to the 16th Cir. (at least a 16% annual increase - presuming equal quarters). The percentage is greater based on the observation that a large percentage of felony cases are being resolved without bind-over based on prosecutor relaxed plea policies. This increase in cases bound over to Circuit is reasonably expected to reach their previous levels. (Another measure may be Jail population - pre-pandemic, MCJ had around 900 to 1000 inmates. This dropped to just under 300 in mid 2020. Currently, the MCJ population is around 700 even with the advent of new Court Rules concerning personal bonds, which is about 78% the pre-pandemic levels). In all, it is anticipated that the number of county-wide cases will increase and eventually approach the 2019 levels, resulting in greater Contract Attorney fees. These fees will also be increased by increased fee schedule levels. A reduction in Contract Attorney fees will be commensurate with those cases handled by Public Defender Employee Attorneys.
Lapeer, Macomb, Oakland, St. Clair Counties	It is of great concern that a newly started program that was heavily impacted by the pandemic will have it's funding decreased just as the program regains momentum. Our MIDC program has been very mindful of providing quality services while being conscious of costs.
Lapeer, Macomb, Oakland, St. Clair Counties	There are many systems in the state that have already transitioned out of their COVID backlogs and are on track to have a ""normal"" grant year in 2022 and beyond. Oakland County, like many of the other larger counties, is not such a system. Trial work in our Circuit Court has essentially been halted for the past two years. Not only are we dealing with a significant backlog of cases, especially capital cases, but we are also seeing our current case numbers trending up. It is undeniable that our system has had a high unexpended fund balance the last two grant years, but I worry that judging our system on these years will not give the Committee a true picture of the impact that we expect the COVID backlog to have on our budget in FY22 (assuming COVID restrictions are lifted and trials continue) and into FY23. The attorney vouchers on these cases will come due, and we will see a deluge in trial vouchers once COVID restrictions are lifted. These cases will take a significant toll on our attorney fee budget. I firmly believe that examining the unexpended fund levels of systems is a worthwhile undertaking. But I fear that attempting to formulate any opinions or make any value judgments on the subject now, especially when dealing with larger counties with significant COVID backlogs, will not benefit the Committee or the systems in the long run.
Mid-Michigan	Pervious q: I don't know of concerns per se' because I have yet to experience a non COVID year and what expenditures are ""normal"" due to the abnormalities.
Mid-Michigan	Misdemeanor caseload is seeing a reduction this year due to two factors, the pandemic leading to decrease in charges and arrests, and the new reforms in pretrial release and sentencing.
Northern Michigan	Alger County had unexpended funds due to a murder jury trial in 2020 that could not happen because of COVID as well as the restrictions placed by SCAO. COVID made it difficult to arrange the schedule as well as the standards placed by MIDC. We were able to maintain, but it was difficult. The MIDC Office in Alger County did an exceptional job through this period.
Northern Michigan	Covid impacted our courts as well as our Jail. But when I look at my expenditures for the last three years they seem to be consistent and are now increasing
Northern Michigan	Covid impacted our courts as well as our Jail. But when I look at my expenditures for the last three years they seem to be consistent and are now increasing
Northern Michigan	This is still a learning exercise. And we are coming out of two unusual years. I'm not too worried about retaining and reporting on unexpended funds for each of the counties.
Northern Michigan	Nothing specific at this time.
Northern Michigan	It is difficult to find alternate counsel when required but can be accomplished by asking varied attorneys...
Northern Michigan	The EGRAMS system for reporting and application submission is too rigid. We need the flexibility to enter our actual numbers instead of being restrained by a system that forces us to use an equation i.e. A*B*C=D.
Northern Michigan	Would it be possible to start a statewide internship and basic training program for new public defenders?
South Central Michigan	Determining budgets amounts closer to actual may still have some ups and downs with the pandemic. We are still appointing to more misdemeanors than prior to the pandemic to aid folks in communicating effectively with the court for zoom hearings and the like. However, I think the data from the past 3 years will be beneficial in determining a more accurate budget.
South Central Michigan	Eaton County faced many challenges, especially changing staffing models during a global pandemic. Luckily, we had the unexpended fund balance from prior years to allow us the flexibility to meet the challenges. Allowing Counties to retain a small fund balance will help alleviate uncertainties with cash flows between one fiscal year and the next.
South Central Michigan	This year I am concerned about going over budget, but in the future if we have an unexpended balance I would like to be able retain those funds.

South Central Michigan	Basically, personnel expenses are a major part of the unexpended funds, my office was short two full-time positions, we just got them filled this week and I am about halfway through the budget year.
Wayne County	The majority of the grant requests relate to council staffing. The court will continually assess the staffing needs post-COVID. We will adjust any future grant request accordingly once the caseload returns to PRE-COVID normalcy.
Wayne County	MIDC doesn't consider services by attorneys already incurred that are yet to be billed. There is a lack of understanding of accrual accounting. A lot of our unexpended funds are due to delays in hiring our own office personnel. Opening new requests for positions takes anywhere from 4-6 weeks, longer if it's a union position, and the posting, sourcing, interviewing, hiring, and onboarding process can take anywhere from 4 - 20 weeks. We have to ask for positions now, though, because if not, our belief is that Staff won't understand the complexity of this and deny our requests for future personnel positions because we haven't ""hired"" yet. The vouchering policy that currently exists in 3rd Circuit Court creates delays for the system, and there appears to be a lack of common sense reasonable assessment of the court/business climate that causes real life challenges. Attorneys don't have to voucher for services until the case is over, which could be upwards of a year or more given the current circumstances. Once all of these services transition to the County, more stringent policies will be put in place to hopefully bring these issues to a halt. Consequently, there is true lack of direction from MIDC staff to assess a problem, review the rules, figure out solutions within the rules with the funder to do the work of the grant and meet the necessary reporting guidelines. This coupled with the constant demands for justification reliant on data we don't have access to, which staff knows we don't have access to, and which they refuse to believe we don't have access to creates an issue for our system. There is no real brainstorming session on how we can reprogram funds toward the end of the grant year. The last time we spoke to our regional manager was in December. The efforts of staff should be focused on how we all can advocate for the best interest of the indigent community we serve.
Wayne County	In Wayne County we are starting the process of combining systems, which I believe will save the State substantially as local units share resources.
Western Michigan	Turnover in this economy is high. We have trouble recruiting and retaining qualified roster attorneys.
Western Michigan	We generally have unexpected funds at the end of the year but that is mostly attributable to our contract attorneys being on a calendar year and not a fiscal year. We also had not previously utilized much of our expert/investigator funds but with the increase in violent felony charges (3 homicide cases in one year in our county has been extraordinary) we are utilizing more and more of those funds. Here in Barry County we strive to be as fiscally responsible as possible.
Western Michigan	The process got a little confusing for me at the end of FY21 with how to explain the ""covid overspending"" and how to show it was to get paid back to FY21 from the FY22 line item for this purpose. I think we got that sorted out ok. If not, let me know :)
Western Michigan	I do believe that we will be starting trials again soon due to the pandemic finally abating. Unfortunately, I expect to continue to have challenges filling positions. I expect this to continue but hopefully lessen over the next few years due to the following factors: 1. Job market distortions for criminal defense attorneys created by the rapid creation of defender offices in the last three years. This will lessen with time. 2. The old style ""court appointed attorney"" who made a living doing primarily criminal appointments will become a rarity. Attorneys who want a career in criminal defense will be pursuing salaried jobs at defender offices. The remaining pool for roster/conflict attorneys will be attorneys working in private practices that also handle retained criminal cases. The \$100 - \$120 dollar per hour fee will be uncompetitive if the hourly rates are not raised to reflect inflation in my opinion. 3. There are market conditions across the board creating a difficult environment for hiring and retaining good employees. It is not clear how long this situation will last. 4. Counties have very different salary schedules that will continue to make it difficult for the lower paying ones to hire and retain good employees. I realize this is a local control issue. Nonetheless, there are significant inequities. I appreciate this opportunity to provide some feedback. Please feel free to contact me if you have any questions or would like to discuss this topic further.
Western Michigan	The Grant Manual guidance is very helpful and has allowed our department to function a bit more independently. In our first year or two, we contact MIDC staff multiple times per month (if not, each week!). Our Regional Representative is a key component to our success. Her guidance and support are unbeatable and we really value her! Ottawa County is a very professionally run organization which helps us manage all aspects of our fiscal needs. We have a good handle on how much funding to request and manage it responsibly upon receipt. Continued flexibility is required as our system exits the pandemic shutdowns and deals with an incredible backlog of trials.

	Appellate				Criminal			Civil					Total
	Criminal Appeals	Civil Appeals	Agency Appeals	Other Appeals	Criminal Capital	Criminal Non Capital	Felony Juvenile	General Civil	Auto Neg	Other Civil Damage	Other Civil*	Court of Claims	
Beginning Pending	83	188	547	69	1,342	9,169	23	8,610	18,002	5,325	262	131	43,751
New Filings	237	611	2,072	423	3,026	48,755	67	17,243	17,646	4,194	1,193	329	95,796
Reopened	5	22	45	1	355	4,796	10	939	1,121	290	48	46	7,678
Total Caseload	325	821	2,664	493	4,723	62,720	100	26,792	36,769	9,809	1,503	506	147,225
Jury Verdict	0	0	0	0	480	711	6	37	114	73	4	0	1,425
Bench Verdict	0	0	0	0	83	365	0	108	22	17	3	24	622
Order Entered	114	189	1,339	66	0	0	0	0	0	0	0	0	1,708
Guilty Plea	0	0	0	0	2,193	41,773	52	0	0	0	0	0	44,018
Uncontested/Dflt/Settled	0	0	0	0	0	0	0	9,633	9,076	1,757	482	127	21,075
Transferred	15	32	56	5	90	2,128	0	400	251	190	11	5	3,183
Dismissed by Party	0	0	0	0	128	2,663	5	4,342	6,946	1,814	457	161	16,516
Dismissed by Court	107	382	676	324	174	1,601	4	2,853	2,296	770	146	24	9,357
Inactive Status	0	6	18	0	245	3,498	11	394	223	132	30	38	4,595
Other Disposition	0	0	0	0	0	0	0	206	41	16	49	0	312
Case Type Change	0	0	0	0	2	15	0	19	5	3	0	0	44
Total Dispositions	236	609	2,089	395	3,395	52,754	78	17,992	18,974	4,772	1,182	379	102,855
Ending Pending	89	212	575	98	1,328	9,966	22	8,800	17,795	5,037	321	127	44,370

	Domestic Relations							Adult Personal Protection			
	Divorce Children	Divorce No Children	Paternity	UIFSA	Support	Other Domestic	Total	Domestic	Non Domestic	Total	
Beginning Pending	8,968	6,168	6,430	302	6,059	1,562	29,489	Beginning Pending	65	40	105
New Filings	18,113	20,023	15,718	991	20,509	4,413	79,767	New Filings	24,094	11,508	35,602
Reopened	650	527	124	4	133	96	1,534	Reopened	859	412	1,271
Total Caseload	27,731	26,718	22,272	1,297	26,701	6,071	110,790	Total Caseload	25,018	11,960	36,978
Bench Verdict	234	144	11	0	14	35	438	Orders Issued Ex Parte	14,806	5,003	19,809
Uncontested/Default/Settled	14,022	16,122	9,383	441	13,473	3,097	56,538	Orders Issued After Hrg	193	83	276
Transferred	30	8	16	9	24	16	103	Transferred	2	12	14
Dismissed by Party	1,388	1,232	1,602	293	1,177	351	6,043	Dis./Denied Ex Parte	9,180	6,374	15,554
Dismissed by Court	2,968	2,900	5,065	143	4,854	1,017	16,947	Dis./Denied After Hrg	493	275	768
Inactive Status	116	165	6	1	7	10	305	Dismissed by Party	96	60	156
Case Type Change	8	19	13	1	4	8	53	Orders Issued After Den	181	103	284
Total Dispositions	18,766	20,590	16,096	888	19,553	4,534	80,427	Case Type Change	1	0	1
Ending Pending	8,965	6,128	6,176	409	7,148	1,537	30,363	Total Dispositions	24,952	11,910	36,862
								Ending Pending	66	50	116
								Adult PPOs Issued	15,180	5,189	20,369
								Adult PPOs Rescinded	1,834	516	2,350
								Out of County Violators	30		

* Other Civil does not include personal protection

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	Appellate				Criminal			Civil					Total
	Criminal Appeals	Civil Appeals	Agency Appeals	Other Appeals	Criminal Capital	Criminal Non Capital	Felony Juvenile	General Civil	Auto Neg	Other Civil	Other Civil*	Court of Claims	
Beginning Pending	87	211	531	91	1,353	9,894	22	8,675	17,756	5,026	303	126	44,075
New Filings	278	533	1,863	425	3,053	47,396	58	17,046	17,950	3,890	1,211	263	93,966
Reopened	4	21	64	3	399	5,233	9	957	1,017	312	35	14	8,068
Total Caseload	369	765	2,458	519	4,805	62,523	89	26,678	36,723	9,228	1,549	403	146,109
Jury Verdict	0	0	0	0	440	720	2	32	86	57	3	0	1,340
Bench Verdict	0	0	0	0	60	337	1	122	20	10	3	14	567
Order Entered	136	166	1,236	145	0	0	0	0	0	0	0	0	1,683
Guilty Plea	0	0	0	0	2,211	40,827	53	0	0	0	0	0	43,091
Uncontested/Dflt/Settled	0	0	0	0	0	0	0	9,659	8,321	1,646	541	96	20,263
Transferred	13	22	34	2	70	1,698	2	332	246	189	7	4	2,619
Dismissed by Party	0	0	0	0	128	2,921	4	4,362	7,250	1,747	460	81	16,953
Dismissed by Court	120	394	643	255	118	1,531	3	2,713	2,335	758	146	26	9,042
Inactive Status	3	10	25	0	271	3,952	7	390	238	183	25	56	5,160
Other Disposition	0	0	0	0	0	0	0	180	35	16	56	0	287
Case Type Change	0	0	0	0	0	18	0	21	0	2	0	0	41
Total Dispositions	272	592	1,938	402	3,298	52,004	72	17,811	18,531	4,608	1,241	277	101,046
Ending Pending	97	173	520	117	1,507	10,519	17	8,867	18,192	4,620	308	126	45,063

	Domestic Relations							Adult Personal Protection			
	Divorce Children	Divorce No Children	Paternity	UIFSA	Support	Other Domestic	Total	Domestic	Non Domestic	Total	
Beginning Pending	8,955	6,123	6,133	407	7,087	1,464	30,169	Beginning Pending	59	46	105
New Filings	17,822	20,048	15,255	653	20,322	4,766	78,866	New Filings	23,130	10,883	34,013
Reopened	661	545	136	4	94	91	1,531	Reopened	868	487	1,355
Total Caseload	27,438	26,716	21,524	1,064	27,503	6,321	110,566	Total Caseload	24,057	11,416	35,473
Bench Verdict	234	166	12	0	12	47	471	Orders Issued Ex Parte	14,238	4,450	18,688
Uncontested/Default/Settled	13,877	16,141	8,604	378	13,986	3,171	56,157	Orders Issued After Hrg	90	37	127
Transferred	31	9	23	8	27	30	128	Transferred	0	1	1
Dismissed by Party	1,427	1,295	1,455	250	1,612	388	6,427	Dis./Denied Ex Parte	9,069	6,444	15,513
Dismissed by Court	2,889	2,762	5,039	92	5,319	973	17,074	Dis./Denied After Hrg	297	273	570
Inactive Status	113	171	4	0	0	3	291	Dismissed by Party	80	37	117
Case Type Change	16	15	7	5	3	7	53	Orders Issued After Den	206	133	339
Total Dispositions	18,587	20,559	15,144	733	20,959	4,619	80,601	Case Type Change	1	0	1
Ending Pending	8,851	6,157	6,380	331	6,544	1,702	29,965	Total Dispositions	23,981	11,375	35,356
								Ending Pending	76	41	117
								Adult PPOs Issued	14,534	4,620	19,154
								Adult PPOs Rescinded	1,635	472	2,107
								Out of County Violators	29		

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	Appellate				Criminal			Civil					Total
	Criminal Appeals	Civil Appeals	Agency Appeals	Other Appeals	Criminal Capital	Criminal Non Capital	Felony Juvenile	General Civil	Auto Neg	Other Civil Damage	Other Civil*	Court of Claims	
Beginning Pending	93	166	513	95	1,533	10,461	16	8,763	18,138	4,609	293	125	44,805
New Filings	287	496	1,851	372	2,948	46,359	88	16,657	19,615	4,322	1,269	194	94,458
Reopened	8	15	48	2	337	5,533	10	912	960	262	38	49	8,174
Total Caseload	388	677	2,412	469	4,818	62,353	114	26,332	38,713	9,193	1,600	368	147,437
Jury Verdict	0	0	0	0	495	722	4	46	100	67	2	0	1,436
Bench Verdict	0	0	0	0	58	328	0	104	19	18	7	24	558
Order Entered	125	143	1,223	114	0	0	0	0	0	0	0	0	1,605
Guilty Plea	0	0	0	0	2,152	39,864	51	0	0	0	0	0	42,067
Uncontested/Dflt/Settled	0	0	0	0	0	0	0	9,434	8,219	1,575	588	105	19,921
Transferred	19	31	32	2	59	1,445	1	372	215	168	2	6	2,352
Dismissed by Party	0	0	0	0	127	2,982	9	4,497	7,832	1,432	445	81	17,405
Dismissed by Court	120	320	629	214	144	1,592	3	2,625	2,436	706	168	20	8,977
Inactive Status	3	2	20	0	249	4,359	8	412	234	141	22	22	5,472
Other Disposition	0	0	0	0	0	0	0	164	33	10	50	0	257
Case Type Change	0	0	0	0	1	19	0	32	2	6	0	0	60
Total Dispositions	267	496	1,904	330	3,285	51,311	76	17,686	19,090	4,123	1,284	258	100,110
Ending Pending	121	181	508	139	1,533	11,042	38	8,646	19,623	5,070	316	110	47,327

	Domestic Relations							Adult Personal Protection			
	Divorce Children	Divorce No Children	Paternity	UIFSA	Support	Other Domestic	Total	Domestic	Non Domestic	Total	
Beginning Pending	8,846	6,159	6,309	326	6,460	1,614	29,714	Beginning Pending	60	22	82
New Filings	17,020	19,575	14,145	439	18,905	4,713	74,797	New Filings	23,215	10,540	33,755
Reopened	492	469	97	6	102	87	1,253	Reopened	864	407	1,271
Total Caseload	26,358	26,203	20,551	771	25,467	6,414	105,764	Total Caseload	24,139	10,969	35,108
Bench Verdict	202	121	12	0	5	39	379	Orders Issued Ex Parte	13,508	3,677	17,185
Uncontested/Default/Settled	13,216	15,719	8,474	286	13,110	3,124	53,929	Orders Issued After Hrg	273	141	414
Transferred	31	9	24	4	36	25	129	Transferred	0	1	1
Dismissed by Party	1,241	1,176	1,512	215	1,273	435	5,852	Dis./Denied Ex Parte	9,617	6,737	16,354
Dismissed by Court	2,891	2,787	4,775	82	4,845	1,017	16,397	Dis./Denied After Hrg	396	221	617
Inactive Status	104	189	2	0	2	10	307	Dismissed by Party	83	33	116
Case Type Change	17	13	11	2	4	7	54	Orders Issued After Den	183	111	294
Total Dispositions	17,702	20,014	14,810	589	19,275	4,657	77,047	Case Type Change	0	1	1
Ending Pending	8,656	6,189	5,741	182	6,192	1,757	28,717	Total Dispositions	24,060	10,922	34,982
								Ending Pending	79	47	126
								Adult PPOs Issued	13,964	3,929	17,893
								Adult PPOs Rescinded	1,470	351	1,821
								Out of County Violators	53		

* Other Civil does not include personal protection

This is not a workload report of the courts or any of its users.

	Appellate				Criminal			Civil					Total
	Criminal Appeals	Civil Appeals	Agency Appeals	Other Appeals	Criminal Capital	Criminal Non Capital	Felony Juvenile	General Civil	Auto Neg	Other Civil Damage	Other Civil*	Court of Claims	
Beginning Pending	114	176	494	137	1,541	10,929	39	8,539	19,616	5,001	285	110	46,981
New Filings	150	394	1,430	216	2,167	33,930	65	14,043	19,451	3,723	1,003	251	76,823
Reopened	2	16	29	9	275	4,062	16	798	860	228	37	76	6,408
Total Caseload	266	586	1,953	362	3,983	48,921	120	23,380	39,927	8,952	1,325	437	130,212
Jury Verdict	0	0	0	0	113	210	1	18	28	11	0	0	381
Bench Verdict	0	0	0	0	26	156	0	93	8	5	11	22	321
Order Entered	99	123	1,002	99	0	0	0	0	0	0	0	0	1,323
Guilty Plea	0	0	0	0	1,239	24,975	45	0	0	0	0	0	26,259
Uncontested/Dflt/Settled	0	0	0	0	0	0	0	7,165	6,254	1,203	462	97	15,181
Transferred	7	24	35	1	49	970	0	288	223	168	7	4	1,776
Dismissed by Party	0	0	0	0	90	2,329	9	3,776	7,611	1,296	280	92	15,483
Dismissed by Court	76	260	376	173	81	875	2	2,392	2,289	589	151	10	7,274
Inactive Status	2	3	7	0	207	3,420	17	370	258	103	24	27	4,438
Other Disposition	0	0	0	0	0	0	0	127	17	13	39	0	196
Case Type Change	0	0	2	1	6	10	0	54	2	1	0	0	76
Total Dispositions	184	410	1,422	274	1,811	32,945	74	14,283	16,690	3,389	974	252	72,708
Ending Pending	82	176	531	88	2,172	15,976	46	9,097	23,237	5,563	351	185	57,504

	Domestic Relations							Adult Personal Protection			
	Divorce Children	Divorce No Children	Paternity	UIFSA	Support	Other Domestic	Total	Domestic	Non Domestic	Total	
Beginning Pending	8,642	6,167	5,699	176	6,135	1,675	28,494	Beginning Pending	91	43	134
New Filings	13,994	16,321	11,249	444	13,783	3,503	59,294	New Filings	17,827	7,993	25,820
Reopened	422	395	84	5	86	77	1,069	Reopened	892	451	1,343
Total Caseload	23,058	22,883	17,032	625	20,004	5,255	88,857	Total Caseload	18,810	8,487	27,297
Bench Verdict	154	81	2	0	11	31	279	Orders Issued Ex Parte	10,572	2,959	13,531
Uncontested/Default/Settled	10,754	12,707	4,792	206	7,604	2,208	38,271	Orders Issued After Hrg	244	81	325
Transferred	23	6	10	0	17	12	68	Transferred	0	0	0
Dismissed by Party	1,194	1,079	719	87	869	300	4,248	Dis./Denied Ex Parte	7,080	4,890	11,970
Dismissed by Court	2,273	2,262	3,289	85	3,606	830	12,345	Dis./Denied After Hrg	594	390	984
Inactive Status	86	141	0	0	0	12	239	Dismissed by Party	56	37	93
Case Type Change	15	16	9	1	3	7	51	Orders Issued After Den	194	94	288
Total Dispositions	14,499	16,292	8,821	379	12,110	3,400	55,501	Case Type Change	0	0	0
Ending Pending	8,559	6,591	8,211	246	7,894	1,855	33,356	Total Dispositions	18,740	8,451	27,191
								Ending Pending	70	36	106
								Adult PPOs Issued	11,010	3,134	14,144
								Adult PPOs Rescinded	959	243	1,202
								Out of County Violators	27		

* Other Civil does not include personal protection

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To: Michigan Indigent Defense Commission

**From: Marla R. McCowan
Deputy Director/Director of Training**

**Re: Compliance Planning and Costs:
FY21 nearly finalized; FY22 status; FY23 process**

Date: April 12, 2022

I. Funding Awards by Fiscal Year

	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	\$ 129,127,391.54	\$38,486,171.32	\$167,613,562.86
FY 2022 ²	\$137,567,901.57	\$38,128,725.01	\$175,696,653.58

The total system cost, local share, and state grant funds are listed for each system for each fiscal year and can be found on our grants page, <https://michiganidc.gov/grants/>.

We are currently in the process of distributing funding for systems to implement the plans and costs in FY2022. The distributions are offset by any unexpended balances on deposit with the local system as of September 30, 2021. The MIDC annually collects information about the balance in a form completed by the local funding units due no later than October 31, 2021. See the MIDC Act, MCL 780.993(15).

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

² These totals do not include any award for the City of Hazel Park (funding unit D43-1), pending resolution of the mediation process described in MCL 780.993(4) and MCL 780.995.

A. Compliance Resolution Process – FY21

The MIDC approved the implementation of a Compliance Resolution Process at its June 2021 Commission Meeting. This process is designed to officially identify, track, and report all noncompliance issues to Funding Units/Indigent Defense Systems, MIDC Staff, and the MIDC Commission.

1. Notice of Non-Compliance

a. Updates

i. City of Hazel Park

At the February 2022 Commission meeting, staff advised that the compliance resolution process had been initiated for the City of Hazel Park for failing to provide FY21 Q4 program reporting, financial reporting with appropriate documentation, and the unexpended balance form. Pending finalization of the unexpended balance form, that process has been resolved.

ii. City of Inkster

At the February 2022 Commission meeting, staff advised that the compliance resolution process had been initiated for the City of Inkster for failing to provide the FY 20 unexpended balance form, FY21 program reporting, FY21 financial reporting with appropriate documentation, and the FY21 unexpended balance form. Pending finalization of the FY21 unexpended balance form, that process has been resolved.

II. FY22 Compliance Planning Update

A. Overview

As of the February 2022 meeting, 119 of 120 systems have had their plans and cost analyses approved. Contracts have been distributed to those systems. As of this writing, 118 contracts have been returned, signed, and finalized by LARA for distribution of initial funding.

- The funding units for the for the 35th District Court (Wayne County) do not have a contract in place as they are still resolving who will be the authorizing official and which entity will be responsible for overseeing the indigent defense program.
- Mediation with the City of Hazel Park (funding unit for the 43-1 District Court in Oakland County) is ongoing.

In accordance with the contract, most systems received their initial payment in early November 2021 and their second distribution in January 2022. A third disbursement will issue this month. The date of expected compliance with MIDC Standard 5, independence from the judiciary, is May 1, 2022 for these systems.

B. Implementation of Plans and Compliance

The date of first payment received and the date of expected compliance is closely tracked for every system pursuant to MCL 780.993(11). The rubric used for system assessments has been updated to reflect the new requirement of independence from the judiciary. The rubric is included in the MIDC's grant manual and is available for systems to review.

1. System Reporting - Progress Towards Compliance

Staff received the first quarter of reporting from systems for FY22 (covering October 1, 2021 through December 31, 2021) at the end of January 2022. This was the first time funding units entered the following reporting in EGrAMS:

- Attorney List
- Financial Status Report
- Quarterly Program Report

MIDC Staff offered online training sessions in mid-January and posted a recording of the training on the MIDC's YouTube page for anyone to review. Staff also conducted multiple "office hours" or drop-in online support sessions for technical assistance through the end of January.

As of this writing, over 90% of the reporting has been successfully submitted by funding units and approved by staff. All requests for corrections are processed through EGrAMS; local system project directors are able to review the status of reporting, payments, adjustments, and contract terms at any time.

2. Notice of Noncompliance Issued

a. Muskegon County

On April 11, 2022, notice advising that the Compliance Resolution Process was being initiated was sent to the funding unit via U.S. Mail and electronic mail for the following reasons:

- Failure to provide verification and documentation of compliance with Standard 2 – initial interviews of in-custody clients and initial contact with out-of-custody clients;
- Failure to provide verification and documentation of compliance with Standard 4 – walk-in arraignments taken into custody without the opportunity to consult with an attorney; and
- Failure to comply with the approved cost analysis.

C. Revisions to Approved Plans or Costs

1. Plan Changes (action items)

a. Berrien County

Total System Cost: \$4,077,848.90

Local Share: \$569,469.67

MIDC Funding: \$3,508,379.23

No anticipated change to overall costs for FY 2022

Berrien County would like to create an Emerging Adult Task Force to make an immediate impact for those youthful indigent clients most in need of this support and serve as an intense focal point for data collection and proof of concept to support policy change.

The focus will be on youth being treated as adults and young adults under 26 years of age. The plan change will increase the required amount of continuing legal education to add coursework on cutting-edge defense and social support techniques for the attorneys, and ten hours each of targeted training for the social worker. The Task Force will expand Standards 2 and 4 services by elevating the frequency and quality of all client meetings, legal defenses, and social support efforts.

This Task Force will be empowered to operate freely within the juvenile court for those clients meeting the definition of “adult” under MCL 780.983(a) (and therefore qualifying for MIDC-funded services) and adult court in any courtroom in Berrien County for clients younger than 26. In 2021, there were over 200 attempts to treat youth as adults in the County. The Berrien County Public Defender intends to provide intense legal defense and social support to these clients with significant needs.

If approved, the Task Force would assume representation, post-charging only, of a subset of youthful clients who either meet the definition of “adult” but remain at that time in juvenile court and are currently represented by a group of independent attorneys contracting

directly with Berrien County, or who are currently in adult court but have been selected for the additional support of the Task Force.

To accomplish this, Berrien's PD Office would like to add four staff members, consisting of one advanced-level and one intermediate-level attorney, as well as one investigator and social worker. These four staff members will be specially trained and focus only on the cases of the Task Force.

Staff recommends approval.

b. Oakland County

Total System Cost: \$7,650,353.49

Local Share: \$1,850,703.10

MIDC Funding: \$5,799,650.39

No anticipated change to overall costs for FY22

Oakland County would like to implement a mid-year increase in several of the event-based payments on its attorney fee schedule. The impact of inflation on this fiscal year has been significant. Oakland does not seek to implement a wholesale increase for all of its payment events but does believe that the following increases are appropriately targeted to the most common events. This means that they will have a real impact on attorney compensation, while still being modest enough to remain fiscally responsible. The increases would apply to cases assigned on or after the effective date, which would April 20th.

Oakland believes that there will be enough surplus within the Contracts for Attorneys category to cover the implementation of these increases as caseloads are still depressed due to the pandemic.

Staff recommends approval.

c. St. Clair Shores

Total System Cost: \$480,886.01

Local Share: \$7,010.18

MIDC Funding: \$473,875.83

No anticipated change to overall costs for FY 2022

St. Clair Shores would like to amend its plan in two ways. First, St. Clair Shores would like to increase its house counsel rate from \$400 for a full day to \$600 for a full day (a half day would be paid for at \$300). St. Clair Shores would like to increase the rate at which it pays its attorneys to be consistent with other jurisdictions in the region and Standard 8. Second, St. Clair Shores would like to employ a house counsel attorney for each judge instead of having the two judges share one house counsel attorney. It would like to employ multiple simultaneous house counsel attorneys so that each client will have more time to work with their attorney.

St. Clair Shores does not believe that these proposed changes will result in a budget shortage. The 40th District Court's caseload has been significantly reduced due to the pandemic, and so St. Clair Shores spent less than 10% of its attorney's fee budget funds during Quarter One.

Staff recommends approval.

2. Plan Change (information item)

a. Tuscola County

Total System Cost: \$1,501,036.04

Local Share: \$251,471.88

MIDC Funding: \$1,249,564.16

No anticipated change to overall costs for FY 2022

This funding unit will be adding a part time deputy Managed Assigned Counsel Administrator (County employee) to comply with Standard 4.

3. Budget Adjustments (information items)

The Grant Director processed the following budget adjustment requests (line item transfers) pursuant to the process set forth in the MIDC's Grant Manual at p. 29 (February 2022):

Funding Unit	Request Dt	Request Remarks	Comment	Status
Barry County	3/16/2022	Hire independent contractor for CAFA project		Approved
Calhoun County	2/18/2022	Request to transfer \$18,580 from Contracts Investigator to Salaries and Fringe (\$17,000 salaries, \$170 cell allowance, \$20 worker's comp, \$90 unemployment, \$1,300 social security) for an in-house PT Investigator. Original FY22 cost analysis had these services contracted to cover any additional needs of our 2 FT Investigators as caseload rose, but having an additional staff member has proved more efficient and cost effective.	Decline. Different info needed.	Denied
Calhoun County	3/2/2022	We have experienced an increase in high severity felony cases. In addition, the volume of discovery materials, in particular video footage has significantly increased. We have systemic challenges obtaining discovery in our jurisdiction leading to further demands on our investigators. Our office requires three full-time investigators to meet our client's needs. During the last quarter, our investigators worked on 212 new cases and it appears the number of cases will continue to increase with the abatement of the COVID-19 pandemic. Due to staffing shortages, we are able to fund this position without the need for additional grant funds.		Approved
Jackson County	2/22/2022	Due to unforeseen circumstances such as an increase in cost for materials, we have exceeded the amount budgeted for construction by \$7258.45. We request that these funds be taken from personnel and moved to contracts for construction, please.	resubmit in Q2	Denied
Montcalm Cour	3/16/2022	FY2021 reimbursement for contract attorney overage.		Approved
Oceana County	2/15/2022	Another scanner is needed to assure efficient transfer of information from jurisdiction to MAC and to attorneys. We would like to transfer \$370 FROM attorney travel/training to equipment.		Approved

III. FY23 Compliance Planning

All funding units will submit a plan for compliance with all approved MIDC Standards no later than April 26, 2022, pursuant MCL §780.993. Funding units will use the MIDC's Grant Management System (EGrAMS) to do so. Training on submission was conducted by MIDC Staff at the end of March 2022, and a [recording](#) is linked on our website along with resources and materials for planning, including:

- An [application](#) for systems to address how they will comply with the MIDC's Standards. [This Word document is offered for convenience in planning; the application must be submitted through the MIDC's grant management system (EGrAMS)].
- A [cost analysis template](#) identifying funding required to comply with the Standards [This Excel document is for convenience in planning; the cost analysis must be submitted through the MIDC's grant management system (EGrAMS)].
 - If a system contracts with a vendor operating as a public defender office, use [this template](#) for planning purposes [Excel document].
- [Answers to Frequently Asked Questions about the Indigency Screening Standard](#) to assist with compliance planning, along with decision trees for [indigency screening](#), [contribution](#), and [reimbursement](#).
- Systems are welcome to incorporate language from sample plans for compliance with the indigency screening standard, using a [public defender model \(non-attorney employee\)](#), [MAC system](#), or if the [court will continue screening](#).
- [Tips from Staff](#) [.pdf document] about FY23 planning.

All submissions will be reviewed at the MIDC's June 2022 meeting.

FUNDING UNIT: _____
 Date of Required Compliance: _____
 Date(s) of Evaluation: _____

STANDARD 1	TOTAL POSSIBLE POINTS	TOTAL POINTS AWARDED	COMMENTS
Has the attorney list been updated and submitted in the most recent quarter?	3		
Has a process been established and implemented to pay for and confirm attorney training (including for new attorneys to complete skills training)?	3		
<i>Is the system tracking and verifying CLE hours and discontinuing case assignments for attorneys who have not completed their CLE hours?</i>	<i>non-point question</i>		
STANDARD 2			
Have confidential meeting spaces been established or have sufficient steps been taken toward this end?	--		
• In holding facilities/jails	3		
• In courtrooms: out-of-custody clients	3		
• In courtrooms: in-custody clients	3		
Are defense attorneys using the confidential meeting space?	3		
Are attorneys being appointed and notified in a timely and effective fashion?	3		
Is the system verifying invoices/other documents to ensure timely client interviews?	3		
Are attorneys being paid for initial interviews?	3		
Does the system have a process to manage attorney non-compliance?	3		
STANDARD 3			
Is there a formal process for attorneys to seek funding for experts and investigators?	3		
Have attorneys been notified of the process?	3		
<i>Have any attorneys utilized this process?</i>	<i>non-point question</i>		
Is a system in place to track requests, approvals and denials?	3		

STANDARD 4		
Is there a process in place to ensure that every client has counsel or a valid waiver?	3	
Is counsel being offered at all arraignments where an MCR 6.104(A) exception does not apply?	3	
Is there a process in place to have counsel at all other critical stages?	3	
Is counsel being offered at all other critical stages?	3	
<i>Who is conducting the waiver of counsel for arraignment?</i>	<i>non-point</i>	
<i>Have you observed the system encouraging waiver of counsel?</i>	<i>non-point</i>	
<i>Is there an advice of rights for counterpleas and pleas by mail, and is the system collecting information on these?</i>	<i>non-point</i>	
<i>Is there a process to provide contact information to the appointed attorney and the client after arraignment?</i>	<i>non-point</i>	
STANDARD 5		
Are all case and docket assignments being managed by people who operate independently from the court?	3	
Is the approval of requests for experts and investigators made independently from the court?	3	
Is the approval of attorney payments made independently from the court?	3	
REPORTING & FINANCIAL COMPLIANCE		
Have quarterly reports been submitted?	--	
• Program Reports	Yes/No	
• FSRs	Yes/No	
• Attorney Lists	Yes/No	
List any areas of concern regarding contract compliance outside of the above.		

Scores	Raw Score	Rank Score
Std. 1	0	Red
Std. 2	0	Red
Std. 3	0	Red
Std. 4	0	Red

Std. 5	0	Red
Plan Compliance	--	Red
Overall (pass/fail)		
Non Compliant		

MIDC Region	Trial Court System		MIDC Funding	FY22 Local Share (+ 1.2%)	Total System Cost	Regional Total Costs
LMOSC	D 37 Cities of Warren/Centerline	1	\$823,519.65	\$121,606.11	\$945,125.76	
	D 38 City of Eastpointe	1	\$502,456.41	\$52,489.74	\$554,946.15	
	D 39 Roseville and Fraser	1	\$706,665.52	\$89,366.68	\$796,032.20	
	D 40 City of St Clair Shores	1	\$473,875.83	\$7,010.18	\$480,886.01	
	D 41a1 Sterling Heights	1	\$360,353.00	\$0.00	\$360,353.00	
	D 41-a-2 Shelby Twp	1	\$322,175.00	\$0.00	\$322,175.00	
	D 41b Clinton Township	1	\$480,182.64	\$43,192.36	\$523,375.00	
	D 43-2 City of Ferndale	1	\$542,382.50	\$15,158.75	\$557,541.25	
	D 43-3 City of Madison Heights	1	\$485,116.23	\$1,763.94	\$486,880.17	
	D 44 City of Royal Oak	1	\$598,229.55	\$22,470.45	\$620,700.00	
	D 45 City of Oak Park	1	\$408,092.86	\$41,757.14	\$449,850.00	
	D 46 Southfield	1	\$491,728.00	\$81,972.00	\$573,700.00	
	D 47 City of Farmington	1	\$334,786.59	\$21,696.55	\$356,483.14	
	D 48 Birmingham	1	\$515,257.40	\$17,292.64	\$532,550.04	
	D 50 Pontiac	1	\$603,133.64	\$17,846.62	\$620,980.26	
	D 51 Waterford	1	\$250,430.85	\$31,495.97	\$281,926.82	
	Lapeer County	1	\$626,929.81	\$108,770.19	\$735,700.00	
	Macomb County	1	\$5,114,430.09	\$2,220,200.49	\$7,334,630.58	
	Oakland County	1	\$5,799,650.39	\$1,850,703.10	\$7,650,353.49	
	St. Clair County	1	\$2,350,681.03	\$742,832.29	\$3,093,513.32	
						\$27,277,702.19
Mid Michigan	Alcona County	1	\$117,064.17	\$40,610.83	\$157,675.00	
	Alpena County	1	\$513,660.66	\$161,762.81	\$675,423.47	
	Arenac County	1	\$143,646.61	\$113,217.22	\$256,863.83	
	Bay County	1	\$901,881.83	\$600,267.28	\$1,502,149.11	
	Clare/Gladwin Counties	1	\$1,280,120.43	\$234,211.53	\$1,514,331.96	
	Huron County	1	\$575,437.43	\$80,388.83	\$655,826.26	
	Iosco County	1	\$199,089.24	\$170,125.24	\$369,214.48	
	Isabella County	1	\$1,351,810.10	\$236,106.56	\$1,587,916.66	
	Lake County	1	\$235,547.38	\$77,132.21	\$312,679.59	
	Mason County	1	\$615,564.60	\$155,320.77	\$770,885.37	
	Mecosta County	1	\$374,035.20	\$165,276.80	\$539,312.00	
	Midland County	1	\$304,289.87	\$257,058.73	\$561,348.60	
	Montmorency County	1	\$239,992.80	\$16,749.61	\$256,742.41	
	Newaygo County	1	\$683,862.70	\$199,441.35	\$883,304.05	
	Oceana County	1	\$458,186.10	\$92,044.44	\$550,230.54	
	Ogemaw County	1	\$614,603.90	\$146,403.00	\$761,006.90	

	Osceola County	1	\$361,744.15	\$69,619.53	\$431,363.68	
	Oscoda County	1	\$154,873.98	\$53,806.02	\$208,680.00	
	Roscommon County	1	\$216,530.94	\$201,674.06	\$418,205.00	
	Saginaw County	1	\$4,626,338.51	\$908,692.00	\$5,535,030.51	
	Sanilac County	1	\$344,203.39	\$65,041.20	\$409,244.59	
	Tuscola County	1	\$1,249,564.16	\$251,471.88	\$1,501,036.04	
						\$19,858,470.05
Northern Michigan	Alger County	1	\$405,885.10	\$52,940.80	\$458,825.90	
	Antrim County	1	\$182,786.23	\$79,372.17	\$262,158.40	
	Charlevoix County	1	\$434,236.21	\$166,828.20	\$601,064.41	
	Cheboygan County	1	\$303,321.19	\$143,100.85	\$446,422.04	
	Chippewa County	1	\$356,843.11	\$222,178.53	\$579,021.64	
	Crawford County	1	\$693,411.84	\$14,882.47	\$708,294.31	
	Delta County	1	\$621,355.97	\$108,518.78	\$729,874.75	
	Dickinson County	1	\$505,099.52	\$67,982.11	\$573,081.63	
	Emmet County	1	\$332,563.71	\$161,235.89	\$493,799.60	
	Gogebic County	1	\$463,410.81	\$103,358.07	\$566,768.88	
	Grand Traverse County	1	\$1,116,101.35	\$155,422.96	\$1,271,524.31	
	Houghton (Baraga, Keweenaw)	1	\$632,581.33	\$156,898.87	\$789,480.20	
	Iron County	1	\$533,406.78	\$72,356.31	\$605,763.09	
	Kalkaska County	1	\$396,646.87	\$39,462.94	\$436,109.81	
	Leelanau County	1	\$206,736.62	\$52,315.70	\$259,052.32	
	Luce County	1	\$262,195.93	\$29,880.31	\$292,076.24	
	Mackinac County	1	\$69,225.97	\$135,491.62	\$204,717.59	
	Manistee/Benzie Counties	1	\$704,673.31	\$280,379.94	\$985,053.25	
	Marquette County	1	\$1,011,820.06	\$227,670.65	\$1,239,490.71	
	Menominee County	1	\$399,935.96	\$115,064.40	\$515,000.36	
	Ontonagon County	1	\$169,334.85	\$27,502.46	\$196,837.31	
	Otsego County	1	\$275,326.20	\$81,468.02	\$356,794.22	
Presque Isle County	1	\$162,699.80	\$74,168.79	\$236,868.59		
Schoolcraft County	1	\$202,899.73	\$35,958.87	\$238,858.60		
Wexford/Missaukee Counties	1	\$990,701.02	\$145,464.88	\$1,136,165.90		
						\$14,183,104.06
South Central Michigan	Clinton County	1	\$1,155,074.66	\$146,394.91	\$1,301,496.57	
	Eaton County	1	\$1,673,737.93	\$440,970.90	\$2,114,708.83	
	Genesee County	1	\$3,869,213.84	\$1,322,530.18	\$5,191,744.02	
	Gratiot County	1	\$678,966.43	\$82,584.93	\$761,551.36	
	Hillsdale County	1	\$273,765.57	\$112,642.68	\$386,408.25	
	Ingham County	1	\$5,566,775.92	\$912,845.25	\$6,479,621.17	
	Jackson County	1	\$3,613,252.33	\$561,783.17	\$4,175,035.50	

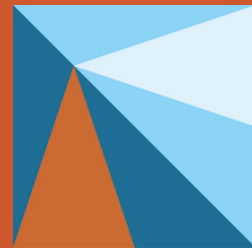
	Lenawee County	1	\$1,740,310.79	\$212,713.55	\$1,953,024.34	
	Livingston County	1	\$1,392,680.60	\$927,689.27	\$2,320,369.87	
	Monroe County	1	\$966,374.61	\$213,883.16	\$1,180,257.77	
	Shiawassee County	1	\$1,156,393.71	\$105,043.58	\$1,261,437.29	
	Washtenaw County	1	\$4,058,515.78	\$2,622,525.54	\$6,681,041.32	
						\$33,806,696.29
Wayne County	D 16 Livonia	1	\$574,956.13	\$17,418.40	\$592,374.53	
	D 17 Township of Redford	1	\$354,367.03	\$52,102.37	\$406,469.40	
	D 18 City of Westland	1	\$552,093.78	\$62,341.22	\$614,435.00	
	D 19 Dearborn	1	\$1,074,502.99	\$78,083.56	\$1,152,586.55	
	D 20 Dearborn Heights	1	\$190,451.15	\$9,735.10	\$200,186.25	
	D 21 Garden City	1	\$122,320.14	\$8,850.95	\$131,171.09	
	D 22 Inkster	1	\$43,676.07	\$45,540.00	\$89,216.07	
	D 23 Taylor	1	\$361,001.18	\$39,975.01	\$400,976.19	
	D 24 Allen Park	1	\$156,078.52	\$14,686.48	\$170,765.00	
	D 25 City of Lincoln Park	1	\$339,141.73	\$10,630.89	\$349,772.62	
	D 27 Wyandotte	1	\$231,217.77	\$1,448.03	\$232,665.80	
	D 28 City of Southgate	1	\$205,944.57	\$4,641.03	\$210,585.60	
	D 29 City of Wayne	1	\$124,979.07	\$23,246.04	\$148,225.11	
	D 30 Highland Park	1	\$120,944.03	\$13,662.00	\$134,606.03	
	D 31 Hamtramck	1	\$108,590.15	\$14,345.10	\$122,935.25	
	D 32a City of Harper Woods	1	\$180,955.82	\$12,536.92	\$193,492.74	
	D 33 Woodhaven	1	\$208,594.07	\$76,005.93	\$284,600.00	
	D 34 Romulus	1	\$263,562.54	\$54,774.50	\$318,337.04	
	D 35 Plymouth	1	\$343,382.78	\$30,837.22	\$374,220.00	
	D 36 City of Detroit	1	\$2,498,651.98	\$1,076,041.25	\$3,574,693.23	
	Grosse Pointe Farms/Shores	1	\$54,631.70	\$14,868.30	\$69,500.00	
	Grosse Pointe Municipal	1	\$12,099.04	\$3,200.96	\$15,300.00	
	Grosse Pointe Park	1	\$26,164.41	\$10,085.59	\$36,250.00	
	Grosse Pointe Woods	1	\$52,800.00	\$3,120.00	\$55,920.00	
	Wayne County	1	\$26,046,799.85	\$7,536,702.01	\$33,583,501.86	
						\$43,462,785.36
Western Michigan	Allegan/Van Buren Counties	1	\$2,127,228.86	\$535,611.12	\$2,662,839.98	
	Barry County	1	\$595,406.47	\$229,039.21	\$824,445.68	
	Berrien County	1	\$3,508,379.23	\$569,469.67	\$4,077,848.90	
	Branch County	1	\$959,446.83	\$153,193.52	\$1,112,640.35	
	Calhoun County	1	\$3,076,032.47	\$691,457.10	\$3,767,489.57	
	Cass County	1	\$244,915.60	\$251,853.40	\$496,769.00	
	City of Wyoming (59-1, 59-2, 62A, 62B)	1	\$710,157.81	\$54,847.30	\$765,005.11	
	D 61 City of Grand Rapids	1	\$978,584.39	\$175,391.74	\$1,153,976.13	

Ionia County	1	\$345,612.24	\$221,226.90	\$566,839.14
Kalamazoo County	1	\$3,383,996.10	\$1,164,600.40	\$4,548,596.50
Kent County	1	\$5,999,666.07	\$2,425,133.52	\$8,424,799.59
Montcalm County	1	\$718,984.93	\$222,976.18	\$941,961.11
Muskegon County	1	\$2,361,498.58	\$670,241.53	\$3,031,740.11
Ottawa County	1	\$2,915,257.46	\$934,164.04	\$3,849,421.50
St. Joseph County	1	\$464,441.25	\$419,081.71	\$883,522.96

\$37,107,895.63

Total approved as of February 15, 2022 **119** **\$137,567,901.57** **\$38,128,725.01** **\$175,696,653.58**

Disapproved by MIDC - pending mediation		Funds Requested	Local Share	Total System Cost
D 43-1 City of Hazel Park	1	\$853,901.57	\$18,195.08	\$872,096.65
Overall Totals				
	120	\$138,421,803.14	\$38,146,920.09	\$176,568,750.23



Annual Impact Report

2021



Michigan Indigent
Defense Commission

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Overview

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 ten times in 2021, including a series of special meetings to interview and select the next Executive Director.

At every meeting, the Commission received updates about the state of the criminal legal system during the ongoing global health pandemic and evaluated support necessary to bring local systems into compliance with the MIDC's Standards. Technical assistance was regularly provided by the MIDC's staff as plans for compliance were implemented through the distribution of over \$129 million in funding statewide for indigent defense services this fiscal year.

Commissioners

Christine A. Green, Ann Arbor *Represents the State Budget Office
Chair of the Michigan Indigent Defense Commission*

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, Evart *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*

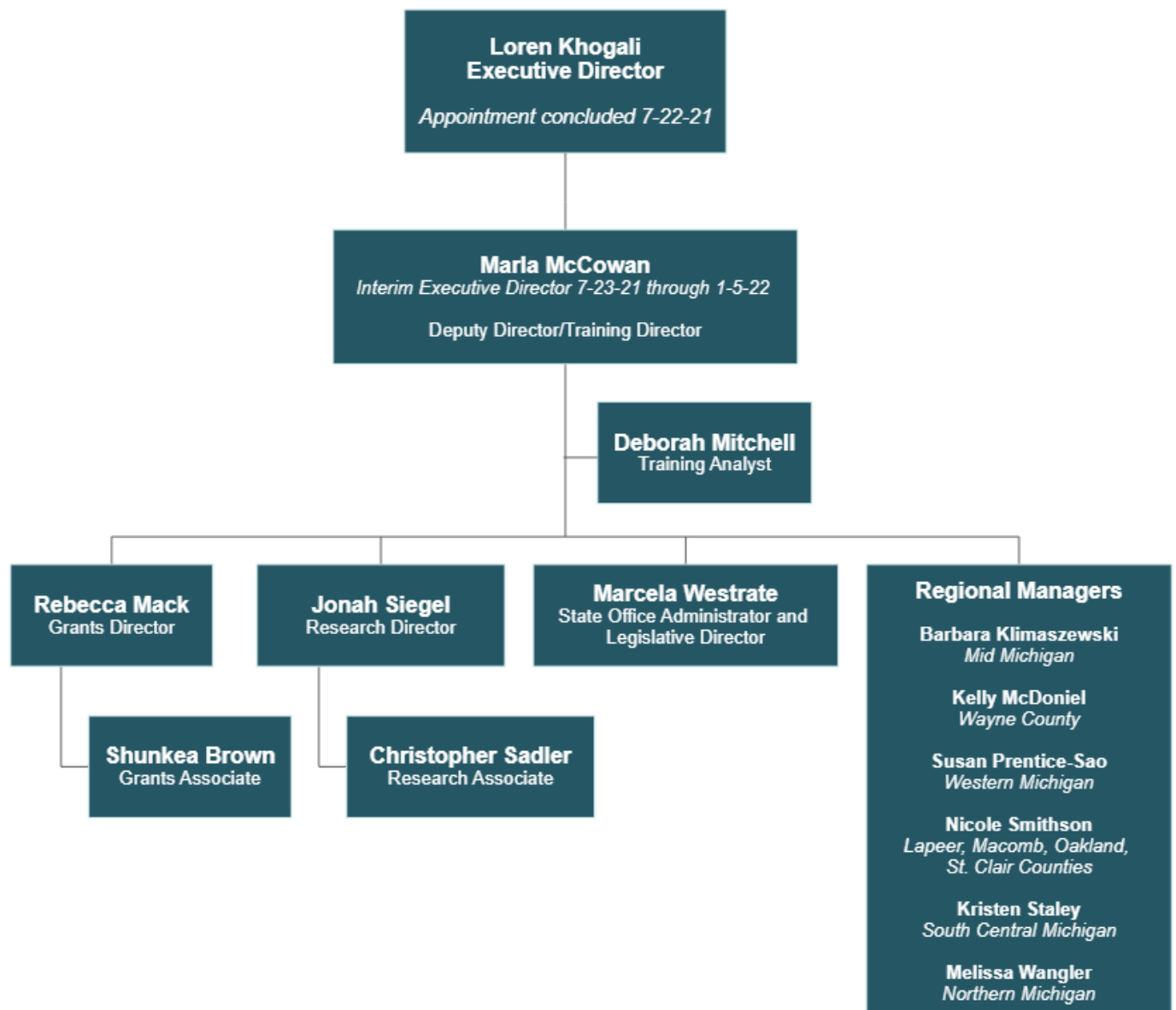
Robert VerHeulen, Walker *Represents the Speaker of the House of Representatives*


Gary Walker, Marquette *Represents the Prosecuting Attorneys Association of Michigan*



MIDC Staff

Executive Director Loren Khogali announced that she was stepping down from her role with the MIDC in June of 2021. At a special meeting in July, the MIDC presented Ms. Khogali with a Resolution of Appreciation to thank her for her extraordinary work with the Commission. Marla McCowan was assigned to be the Interim Executive Director as the Commission worked to fill the role permanently. Below is the organizational chart through the end of the calendar year.





The MIDC spent several months reviewing applications and selecting candidates to interview for the Executive Director position. Interviews were conducted in October and at a special meeting on November 22, 2021, Kristen Staley was selected to be the next Executive Director. Immediately prior to this role, Ms. Staley served the MIDC as its South Central Michigan Regional Manager, where she oversaw the compliance of MIDC standards and development of best practices in public defense among twelve counties.

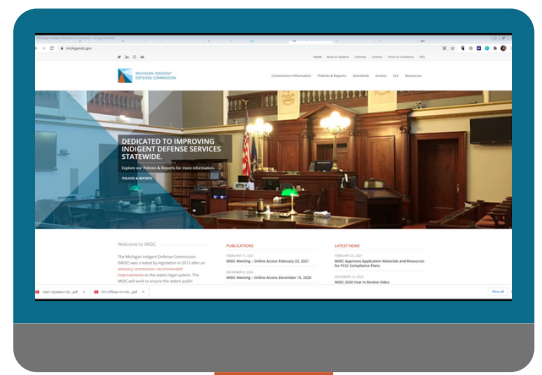
Ms. Staley's term as Executive Director begins in January 2022.

Operations

Fiscal Year 2021 (October 1, 2020 - September 30, 2021)

Salaries and Wages	\$1,292,818.00
Employee Benefits	\$910,495.00
Travel/Training/Memberships and Employee Reimbursements	\$6,740.77
Rent	\$43,400.44
Contracts	\$159,759.78
IT/Telecomm costs including cost allocation to DTMB	\$100,276.05
Office supplies, equipment, misc	\$11,058.48
Cost Allocation to SOM and LARA	\$3,987.48
Total	\$2,528,536.00

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



www.michiganidc.gov

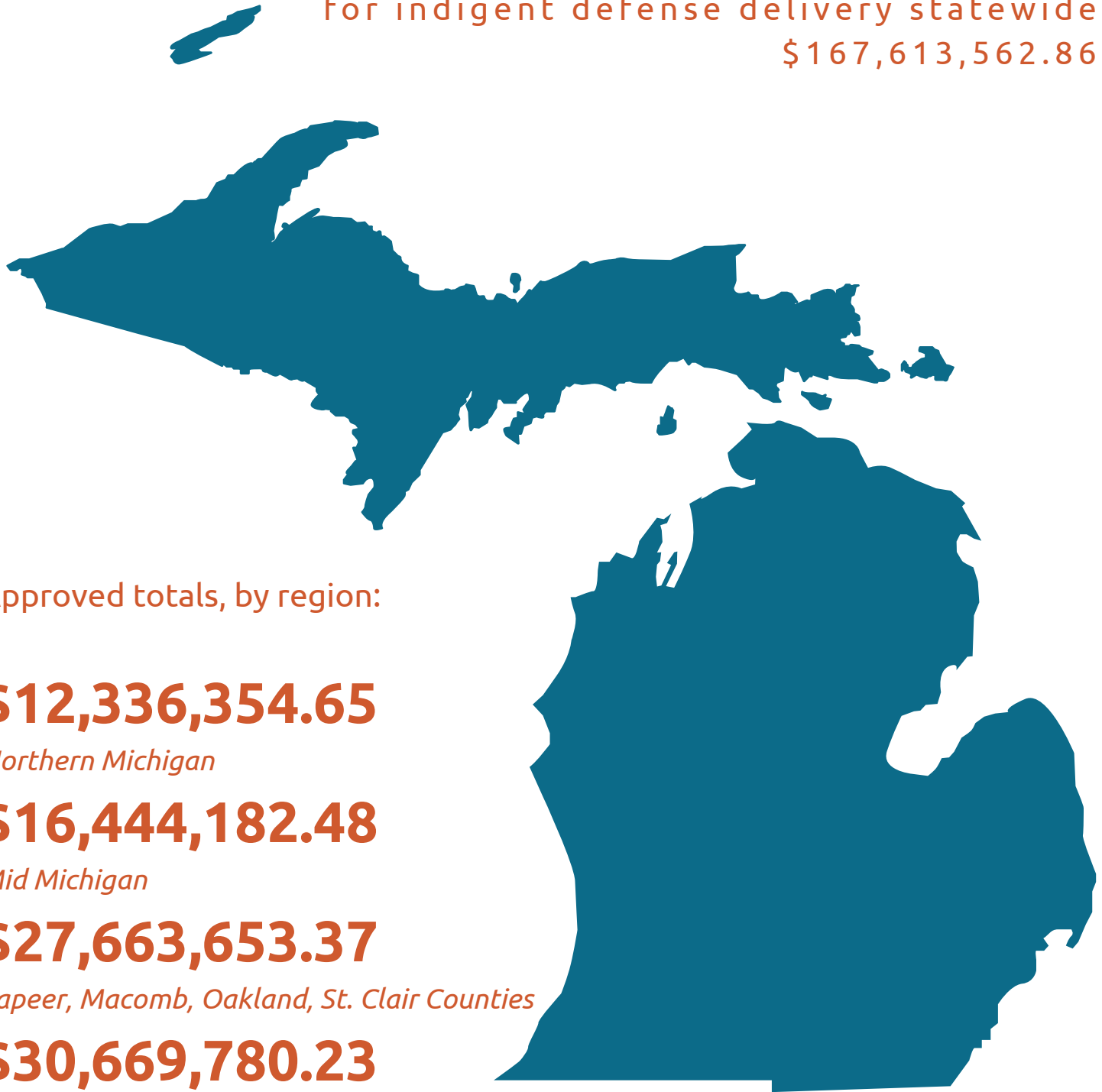
Grants Distributed

Fiscal Year 2021 marked the third 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 \$129,127,391.54 to local systems for indigent defense in Fiscal Year 2021. Funding units contributed an additional \$38,486,171.32 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. As in prior years, 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.

FY2021 total system costs approved
for indigent defense delivery statewide
\$167,613,562.86



Approved totals, by region:

\$12,336,354.65

Northern Michigan

\$16,444,182.48

Mid Michigan

\$27,663,653.37

Lapeer, Macomb, Oakland, St. Clair Counties

\$30,669,780.23

South Central Michigan

\$32,876,405.34

Western Michigan

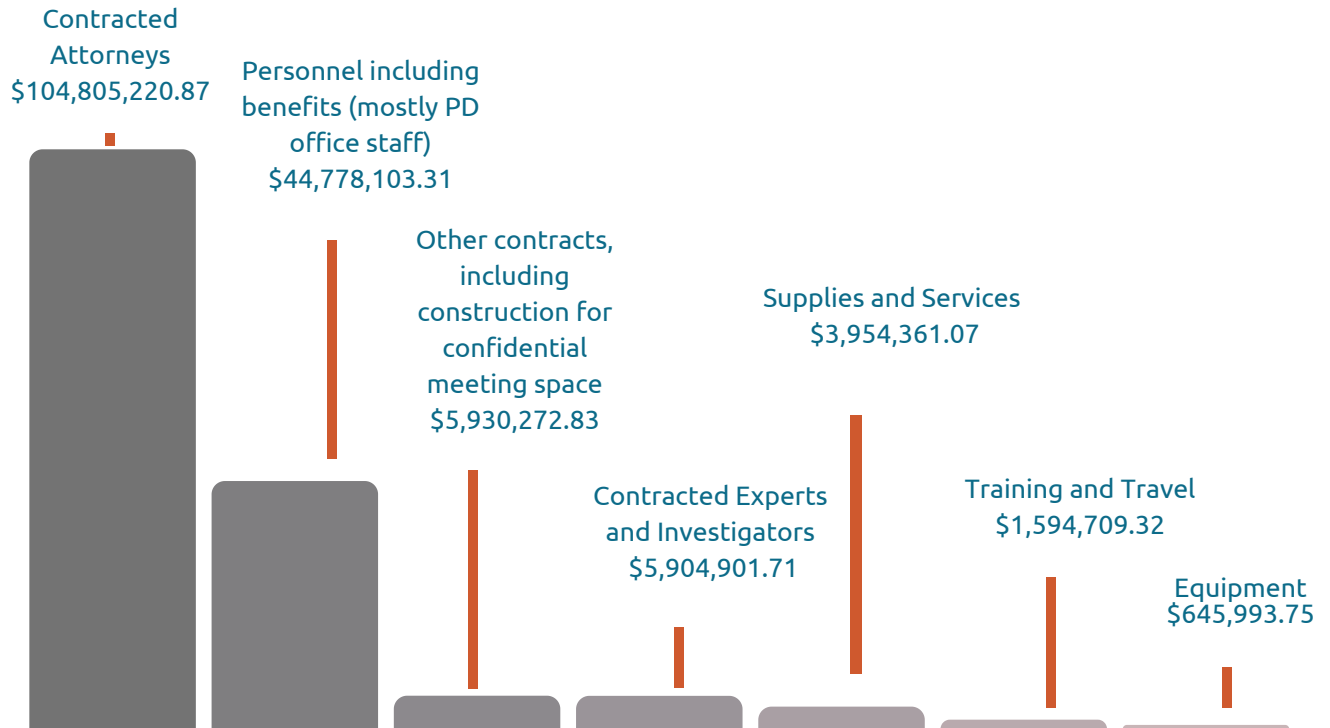
\$47,623,186.79

Wayne County (all court funding units)

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

www.michiganidc.gov/grants

FY2021 total system costs, by category:



Each funding unit is required to provide a quarterly report detailing progress on implementing the MIDC's standards and the expenses incurred for delivering indigent defense services. Throughout 2021, the MIDC worked diligently to increase the ease of quarterly reporting to the MIDC and improve the accuracy of data submitted by local systems. The MIDC researchers and grants team offered virtual trainings for reports submission and provided updated written documentation about how to track and submit relevant data points. The MIDC's *Grant Manual* is updated annually to offer guidance to systems about compliance and reporting through policy decisions adopted by the MIDC.

In 2021, the MIDC launched a new grant management system (EGrAMS) to submit compliance plans and track all reporting requirements, beginning in FY2022. This will promote transparency and efficiency in the compliance planning and reporting process.

Standards

All 120 trial court systems in Michigan had their compliance plans and costs approved by the MIDC this year. These plans address the MIDC's standards covering 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. These standards have been fully funded and implemented statewide over the past three years.

Highlights from this past year are included below.

Education and Training of Defense Counsel

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).

- Most attorneys are continuing to meet this requirement by attending courses online, due to the ongoing health pandemic.
- The MIDC received a third year of funding to offer a unique hands-on training course, covering all trial skills and expanded this year to include sentencing advocacy.
- The MIDC approved and published *Guidelines for Trainers and Training Providers* pursuant to MCL §780.991(4) and will continue to work with local partners to develop training programs and evaluate the effectiveness of required training for assigned counsel.



ATTENTION
ATTORNEYS

Per MIDC standards, all communication with your client must be done privately. If you need to speak with your client, please ask court staff or an officer to direct you to the conference room.

Thank you!

Initial Interview

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 local 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.

- 94% of systems now have confidential meeting space for in-custody clients in courts and jails.
- 96% of systems employ attorneys that meet with their incarcerated client within 3 business days.
- 97% of systems now have confidential meeting space at court for out-of-custody clients.

Experts and Investigators

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.

- Since FY19, local use of expert and investigative services has increased by 49% statewide.
- 16 systems employ 29 investigators on their public defender staff.
- 12 systems employ 21 social workers and client advocates on their public defender staff.

Counsel at First Appearance & Other Critical Stages

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.

- Statewide, about 90% of people using counsel at arraignments are represented by indigent defenders.
- Michigan indigent defenders represent nearly three-quarters of all people charged with felony offenses.
- The MIDC partnered with the Right to Counsel (R2C) program at American University and the Urban Institute to select Barry County as a site for one of the first-ever, widescale cost-benefit analysis of counsel at first appearance. This study will continue through 2022.


Learn more about the MIDC standards on our website.
www.michiganidc.gov/standards

Independence from the Judiciary

In October 2020, LARA approved Standard 5 proposed by the MIDC requiring that public defense function independently from the judiciary. Funding units submitted plans for compliance with this and all approved standards beginning in April 2021.

The MIDC's approved budget for FY2022 included an additional \$12 million in grant funding to distribute to systems to comply with this new standard. Funding was distributed beginning in October 2021, with implementation expected in most systems by early May 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.



"The public defense function, including the selection, funding, and payment of defense counsel, is independent."

First Principle
ABA 10 Principles of a
Public Defense Delivery System

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. This standard was approved by LARA on October 28, 2021, and plans for compliance are due in April 2022. Implementation is expected in the Spring of 2023.

Low-income defendants in Michigan get easier access to no-cost criminal defense



System Change

After a public hearing on Administrative Order 2021-12, the Michigan Supreme Court accepted the MIDC's proposed court rule changes necessary to fully implement the standard requiring independence from the judiciary. The court rule changes were also impacted by the standard on counsel at first appearance and all critical stages of the proceedings and the indigency screening standard. Most significantly, the Court Rules refer to an appointing authority rather than assignment by a trial court judge.



Under the MIDC Act, every funding unit is given an opportunity each year to select its desired indigent defense delivery method to comply with the MIDC's standards.

Prior to the implementation of the MIDC Standards, 8 counties had public defender offices. In 2021, there were 32 public defender offices in Michigan covering 38 counties and more than 70 funding units began using managed assigned counsel administrators. Most of the change is designed to prepare for the independence standard.

Beginning in 2022, the term "court appointed counsel" will be obsolete in Michigan.

Impact Studies

Michigan Indigent Defense Commission: Stakeholder Perspectives on Local Share

(Public Sector Consultants, August 2021)

In 2018, the legislature amended the MIDC Act to include a provision that requires the MIDC to submit a report to the Governor and Legislature by October 31, 2021, that makes recommendations relative to the appropriate level of local share.

To develop informed recommendations, the MIDC contracted with Public Sector Consultants (PSC)—a research, policy, and project management firm based in Lansing—to evaluate the current local share funding contributions. This report reflects PSC’s evaluation activities and recommendations. PSC conducted interviews and collected MIDC data to assess the current program’s functionality and better understand local jurisdictions’ potential funding contributions as the MIDC implements its standards. PSC’s evaluation and recommendations were further informed by additional data collection, focus groups, and a survey of local and state indigent defense system stakeholders that investigated themes, concerns, and ideas raised during interviews and initial data collection.

The report made the following recommendations:

- Delay formula amendments
- Explore further regionalization efforts
- Require reimbursement collection reporting
- Establish a reevaluation timeline

These recommendations were incorporated into the MIDC's Strategic Planning discussions.

Evaluation of the Michigan Indigent Defense Commission's Minimum Standards for Indigent Defense Services

(Urban Institute, December 2021)

In 2018, the Urban Institute was awarded a 24-month contract to conduct a rigorous process evaluation of the implementation of the first four indigent defense standards in Michigan. The evaluation aimed to build knowledge of how indigent defense reform was implemented across diverse delivery models, the challenges and barriers associated with implementing indigent defense reform, and how the implementation of indigent defense standards impacts courts, funding units, and attorney practices and procedures, as well as attorney-client relationships, and client outcomes.

The evaluation found the following:

- Standard 1 has provided additional tools and resources to mount a high-quality defense, opportunities to network and learn from other practicing attorneys, and to share resources and problem solve.
- Standard 2 was noted for improving attorney-client relationships and clients' understanding of their cases, as well as decreasing the number of individuals who fail to appear in court and decreasing the length of cases because attorneys have more information about cases from their beginning.
- Standard 3 has increased the ability of assigned attorneys to use investigators and experts by providing external funding and decreasing their need to make requests to judges and disclose legal strategies to prosecutors.
- Standard 4 was associated with increased efficiency in the courts, increased client comfort with court proceedings, more effective initial arguments, and decreased numbers of individuals being held in jail on bond.

Best Practices

Leadership

The MIDC connects Public Defender Chiefs and Managed Assigned Counsel Administrators statewide who share ideas through an online forum, monthly meetings, and an annual leadership conference.

Over 130 leaders participate regularly in these conversations.

Training

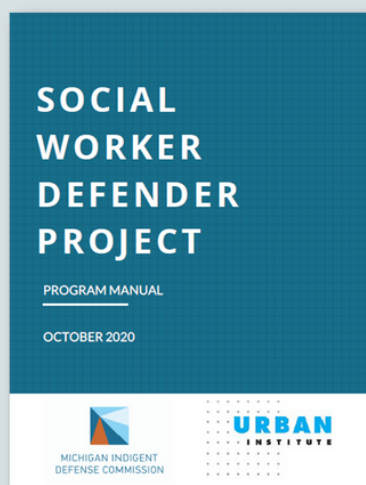
Together with the Bronx Defender's Center for Holistic Defense, the MIDC hosted a two-part online training series on holistic defense, a model that has been transforming case outcomes and clients' lives for 25 years.

The MIDC's Staff created a three-part series on best practices for complying with the approved standards. More than 300 attorneys registered and attended the events online via Zoom.



Resources

In concluding a grant-funded study of social workers in an assigned counsel system, the MIDC and Urban Institute found that the social workers were highly effective in partnering with attorneys, advocating for clients, and providing essential information to judges that shaped the outcomes of cases. In addition to detailed findings, we published a program manual that provides step-by-step guidance to designing and implementing a social worker intervention.



Conclusion

The Commission continued to conduct most business online through 2021. In-person meetings resumed during the summer with opportunities for members of the public to participate remotely. The MIDC continues to ensure 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;
- Undertake a strategic planning process to identify priorities for the Commission over the next several years;
- Establish a framework for securing approval and implementation of the MIDC's pending standards covering caseloads, qualification and review of assigned counsel, and attorney compensation; and
- Review and make recommendations regarding funding approved by and appropriated to the MIDC for compliance planning but not distributed to local systems as described in MCL §780.993(15).



MICHIGAN INDIGENT
DEFENSE COMMISSION