

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
- **JOHN SHEA**

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. Commissioner 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 Northern 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