

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.

April 19, 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
- Kimberly Buddin
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- James Krizan
- Debra Kubitskey
- Tom McMillin
- John Shea
- 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 non-voting member was not counted as part of the quorum and participated remotely:

- Cami Pendell

The following Commissioners were absent:

- Margaret McAvoy
- Judge Robinson Garrett
- William Swor

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

Public Comment

The following individuals provided public comment:

- Chante Parker
- Jill Tines
- Angela Peterson
- Robin Dillard-Russaw
- Kim Dorsey
- Michael Naughton

Additions to the agenda

Commissioner Shea moved that the agenda be adopted as presented. Commissioner Kubitskey seconded. The motion carried.

Consent Agenda

Commissioner McMillin moved that the minutes be removed from the consent agenda. Judge Fisher seconded. The motion carried.

Commissioner McMillin moved to add language on page three of the minutes indicating that had he been present he would have voted no. After discussion, Commissioner McMillin withdrew the motion.

Commissioner Shea moved that his name be added to the list of absent members. Judge Fisher seconded. The motion carried.

Commissioner VerHeulen moved that the minutes be approved as adopted. Commissioner Bullock seconded. The motion carried, Commissioner McMillin voting nay.

Chair Report

Chair Green provided an update on the mediation with the 43-1 District Court in Hazel Park. She announced the creation of the Committee on Local System Communication, a new ad hoc committee. Commissioner Bullock will serve as chair and the members include Commissioners Kubitsky, Shea, and Jones.

The Michigan District Judges Association provided the names of three judges that the association has recommended to the Governor’s office to fill Judge Robinson Garrett’s position. Those names are Judges Bitzer, Mathis and Nance.

Executive Director Report

Kristen Staley provided an update on the appropriations process for the 2023 fiscal year that will begin October 1, 2022. The House Appropriations Subcommittee on Licensing and Regulatory Affairs (LARA) reported its version of the budget. The amount appropriated to the MIDC mirrors Governor Whitmer's recommendation.

MIDC staff is currently working with systems on compliance plans and cost analyses for FY23. These are due April 26. Ms. Staley provided an update on staff's activities.

Commission Business

2021 Annual Report

Ms. Staley presented the report for the Commission's review. She thanked Marla McCowan for her work on the document.

Commissioner Shea asked that the language on page 6 in the second and third paragraphs be modified to clarify the difference between the two types of unspent funding.

Judge Fisher moved that the annual report be approved as amended. Commissioner Kubitskey seconded. The motion carried.

Standing Committee Reports

Chair Green provided an update on the Executive Committee's activities. The committee continues to work on a Memorandum of Understanding between LARA and the MIDC. She updated the Commission on the standards that have been submitted to Director Hawks at LARA for her approval. The Executive Committee decided to prioritize the approval of Standard 8 and will send a letter to Director Hawks reflecting this.

Ad Hoc Committee Reports

Commissioner Crampton provided an update on the Diversity, Equity, and Inclusion Committee. The committee submitted a written report that was distributed to Commissioners.

Commissioner DeLeeuw provided an overview of the Unexpended Balance Committee's work and presented a draft report and recommendations for the Commission's consideration. Commissioner Walker moved that the Unexpended Balances Report and Recommendations be approved. Commissioner Shea seconded. The motion carried.

The Commission took a 20-minute recess.

Regional Update

Kelly McDoniel, Regional Manager for Wayne County, provided a regional update.

Compliance Planning and MIDC Standards Implementation

FY21 Compliance Planning

Notices of noncompliance were sent to the Cities of Hazel Park and Inkster. MIDC staff worked with both systems to resolve issues related to FY21 compliance.

FY22 Compliance Planning

A notice of noncompliance was sent to Muskegon County. Ms. McCowan provided an update about the issues. Staff will continue to work with the county on compliance.

Plan Changes

Berrien County would like to create an Emerging Adult Task Force. This plan change will expand the county's compliance plan with respect to standards 1, 2 and 4.

Commissioner Krizan moved that Berrien County's plan change be approved. Judge Fisher seconded. The motion carried.

Oakland County would like to implement a mid-year increase in several of the event-based payments on its attorney fee schedule to address the impact of inflation. There is no additional funding necessary for this change.

Commissioner Kubitskey moved that Oakland County's plan change be approved. Commissioner Brame seconded. The motion carried.

St. Clair Shores would like to increase its house counsel rates and increase the rate for its attorneys so that the attorney rate is consistent with other jurisdictions in the region and with Standard 8. Additionally, St. Clair Shores would like to add staff to have a house counsel attorney for each judge.

Commissioner DeLeeuw moved that St. Clair Shores plan change be adopted. Commissioner Bullock seconded. The motion carried; Commissioner Blanchard opposed.

FY23 Compliance Planning

EGrAMS is open for submissions through April 26, 2022. All submissions will be action items at the June 21, 2022 meeting.

The Commission's next meeting will be June 21, 2022 at 9:00 AM in Lansing.

Judge Fisher moved that the meeting be adjourned. Commissioner DeLeeuw seconded. The motion carried.

The meeting adjourned at 2:06 pm.

Respectfully submitted,

Marcela Westrate