

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.

December 20, 2022

Time: 11:00 am

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

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Joshua Blanchard
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Deborah Kubitskey
- Judge Paula Mathes
- Tom McMillin
- John Shea
- William Swor
- Rob VerHeulen

The following member requested an accommodation under the Americans with Disabilities Act to participate via Zoom:

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

The following Commissioners were absent:

- David Jones

- Margaret McAvoy

Chair Green called the meeting to order at 11:03 am.

Public Comment

The following people provided public comment:

- Jill Recker
- Robin Dillard-Russaw
- Peter Menna

Approval of Agenda

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

Consent Agenda

Commissioner Kubitskey moved that the consent agenda containing the minutes from the October 11, 2022 meeting be adopted. Commissioner Bullock seconded. The motion carried.

Chair Report

Chair Green provided an update about Commissioners' activities since the last meeting.

Executive Director Report

Ms. Staley provided an update on MIDC staff activities since the last meeting. She provided an overview of the budget request for FY24 submitted to the State Budget Office.

Commission Business

Standing Committee Reports

Executive Committee

Chair Green provided an update on the committee's meeting. The Executive Committee discussed the FY24 budget and youth defense legislation.

Data Committee

Commissioner Buddin provided an overview of the areas the committee would be reviewing. The committee plans to have a report at the February meeting and will address how to respond to data reporting noncompliance.

Local System Communication

Commissioner Bullock updated the commission on the committee's work.

Commissioner Bullock moved that, if the Attorney General's office is available, that the office schedule a short refresher on the rights and responsibilities of the Commissioners. Commissioner Krizan seconded. The motion carried.

Nominations Committee

Commissioner DeLeeuw provided a report for the Commission's consideration. Commissioners Blanchard and VerHuelen also served on the committee. The Nominations Committee

recommends that the existing Executive Committee be renominated with Commissioner Green serving as Chair, Commissioner Brame serving as Vice Chair, Commissioner Walker serving as Secretary and Judge Fisher serving as an ex officio and non-voting member of the Executive Committee.

Commissioner Shea moved that the Nominations Committee's recommendations be adopted. Commissioner Kubitskey seconded. The motion carried.

Mecosta County/Northern Michigan Pilot Project

Michael Naughton provided a report regarding the rural attorney shortage. He answered questions from Commissioners.

Commissioner Swor moved that the report be accepted for publication on the MIDC website. Commissioner Blanchard seconded. The motion carried.

Report: The Right to Counsel in Oakland County, Michigan: Evaluation of Trial-Level Indigent defense services in Adult Criminal Cases

Jon Mosher from the Sixth Amendment Center provided an overview of the organization's report and answered questions from Commissioners.

Regional Update

Nicole Smithson, Regional Manager for Lapeer, Macomb, Oakland, and St. Clair Counties provided an update about the work in her region.

MIDC Standards Implementation

FY22 Compliance Planning

Ms. McCowan provided an update on Muskegon and the City of Detroit.

FY23 Compliance Planning

Plan Changes

The City of Birmingham requested a change to its compliance plan to increase the rate of pay for its arraignment attorneys from \$250/half day to \$300. The City would also like to increase the hourly rate of pay for its managed assigned counsel coordinator (MACC) from \$50.00 an hour to \$60.00 effective January 1, 2023. There is no anticipated change to overall costs for FY23. Staff supports the request.

Commissioner Shea moved that the City of Birmingham's request to change its compliance plan be approved. Commissioner McMillin supported. The motion carried, Commissioners Blanchard and Swor opposed the motion.

The City of Farmington Hills requested a change to its compliance plan to allow managed assigned counsel coordinators to screen for indigency. There is no anticipated change to the overall costs for FY23. Staff supports the request.

Commissioner Blanchard moved that the City of Farmington Hills' request to change its compliance plan be approved. Commissioner Swor seconded. The motion carried.

Saginaw County requested a change to its compliance plan to implement a contract for misdemeanor traffic cases handled by the Managed Assigned Counsel in FY23.

Commissioner Shea moved that Saginaw County's request for a change to its compliance plan be approved. Judge Fisher seconded the motion. Chair Green requested a roll call vote. The motion carried with 12 yeas (Green, Brame, Buddin, Bullock, DeLeeuw, Fisher, Krizan, McMillin, Shea, Swor, VerHuelen, and Walker) and 4 nays (Blanchard, Crampton, Kubitskey, and Mathes).

Overview of Compliance with MIDC Standards for all funding units

Ms. McCowan, Rebecca Mack, Deborah Mitchell, Jonah Siegel, and Melissa Wangler provided an update on compliance for the 2022 fiscal year.

2023 Meeting Schedule

The Commission will meet the following dates, at 11:00 am at the Michigan Bankers Association Building:

- February 7, 2023
- April 18, 2023
- June 13, 2023
- August 15, 2023
- October 17, 2023
- December 19, 2023

Chair Green adjourned the meeting at 3:54 pm.

Respectfully submitted,
Marcela Westrate