



MICHIGAN INDIGENT DEFENSE COMMISSION

Date: Tuesday, April 18, 2023, Time: 9:30 a.m.

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

MEETING AGENDA

1. Call to Order
2. Roll call and opening remarks
3. Introduction of Commission members and guests
4. Public comment
5. Additions to agenda
6. Consent agenda (**action item**)
 - a. February 7, 2023 Meeting Minutes
7. Chair Report
 - a. Committee Assignments – Judge Mathes
8. Executive Director Report
 - a. OJJDP Grant Opportunity – Youth Defense (**action item**)
9. Commission Business
 - a. Standing Committee Reports
 - Executive – *Christine Green, Chair*
 - Recognition for Commission Work: MIDC Frank D. Eaman Award for Excellence in Indigent Defense (**action item**)
 - Indigence & Compensation Standards – *Judge Fisher, Chair*
 - Revised Rubric – Indigency Screening (**action item**)
 - Financial Services presentation – *Experis Accounting Firm*
 - Flat Monthly Rate Invoicing Requirements (**action item**)
 - b. Ad Hoc Committee Reports
 - Data – *Kim Buddin, Committee Chair*

- Local System Communication – *Paul Bullock, Committee Chair*
 - OMA and Public Official Standards of Conduct
Presentation - *Assistant Attorney General Bridget Smith*

~ Break for Lunch ~

- c. Regional Update: Western Michigan – *Susan Prentice-Sao, Regional Manager*
 - d. FY23 Compliance Planning
 - Status of contracts and funding distribution
 - Reporting overview
 - Updates on system compliance
 - Increase to total system costs (**action item**)
 - Funding requested pursuant to MCL 780.993(16)
 - Clinton County
 - Budget adjustments (information items)
 - e. FY24 Compliance Planning
 - Status Updates
10. Adjourn

Next meeting: June 13, 2023, beginning at 9:30 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 7, 2023

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
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- Deborah Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- John Shea
- William Swor
- Rob VerHeulen

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

- Hakim Crampton (Jackson County)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

The following Commissioners were absent:

- James Krizan

Chair Green called the meeting to order at 11:00 am.

Approval of Agenda

Commissioner DeLeeuw moved that the agenda be amended to move public comment to the beginning of the meeting. Commissioner McAvoy seconded.

Commissioner McMillin moved an amendment to also have public comment at the end of the meeting as indicated on the agenda. Commissioner Shea seconded the amendment.

The Commission considered Commissioner McMillin's amendment. The motion to adopt the amendment carried, the following members voting no: Blanchard, Bullock, Crampton, Jones, Kubitskey, and McAvoy.

The Commission considered Commissioner DeLeeuw's motion as amended by Commissioner McMillin. The motion carried.

Commissioner Shea moved to adopt the agenda as amended. Commissioner McMillin seconded. The motion carried.

Public Comment

The following people provided public comment:

- Jill Recker
- Angela Peterson
- Craig Paull
- Lillian Diallo

Matthew Sawicki submitted written comments for the Commission's consideration.

Consent Agenda

Commissioner Blanchard moved that the consent agenda containing the minutes from the December 20, 2022 meeting be adopted. Commissioner VerHeulen seconded. The motion carried.

Chair Report

Chair Green recognized Black History Month and presented the link to the American Bar Association's 21-Day Racial Equity Habit-Building Challenge.

Chair Green asked for members' input regarding the time of the Commission's meetings. The Commission meetings will be held at 9:30 am beginning in April.

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.

Ms. Staley presented an overview of a Request for Proposals for a Recruitment and Support for Rural Defense. This project would aid systems who are coming into compliance with Standards 6 and 7.

Commissioner Brame moved that the Executive Director be allowed to seek RFPs for Recruitment and Support for Rural Defense. Commissioner Shea seconded. The motion carried, Commissioners Kubitskey and McAvoy opposing.

Commission Business

Chair Green provided a report on the Executive Committee's meeting.

Judge Fisher provided a report on the Indigence and Compensation Committee. The committee met to discuss an appropriate guideline for a maximum rate if a funding unit wishes to pay more than the minimum set by the Commission. The second issue discussed is how the cost of living adjustment is applied.

Commissioner Buddin provided a report on the Data Committee. The committee has proposed changes to the compliance plan and grant manual that will be before the Commission for its consideration later in the meeting.

FY23 Compliance Planning

Alpena County has requested a change to its FY23 compliance plan and cost analysis. The cost analysis change would be an increase to the total system cost. The plan change is to include Oscoda County in the regional office that currently includes Alpena and Montmorency Counties. The increase to the total system cost is related to a double homicide case that resulted in the county underestimating its funding needs for the current fiscal year. The additional funding needed for FY23 is \$165,847.06, the new total for the system cost would be \$941,015.04. Staff recommends approval.

Commissioner Kubitskey moved that Alpena County's requested changes to its compliance plan and cost analysis be approved. Judge Fisher seconded. The motion carried.

Oscoda County has requested a change to its FY23 compliance plan and cost analysis. The cost analysis change would be an increase to the total system cost. Oscoda County proposes joining the regional public defender office that includes Alpena and Montmorency Counties. Oscoda County requested an increase of \$60,051.33 to its FY23 cost analysis, bringing the total system cost to \$369,601.33. Staff recommends approval.

Commissioner Swor moved that Oscoda County's requested changes to its compliance plan and cost analysis be approved. Commissioner Shea seconded. The motion carried.

Allegan, Iosco, and Monroe Counties requested additional funding to reimburse the counties for overspending in FY22 that was not covered by the approved cost analysis. Commissioner McAvoy moved that these three counties be reimbursed for overspending. Commissioner DeLeeuw seconded. The motion carried.

Genessee County requested a change to its FY23 cost analyses to increase the total system cost. The request was made because of unforeseen expenses related to case resentencings after the recent Michigan Supreme Court's decision in *People v Stovall* and *People v Parks*. Additionally, in FY22 the county had funding approved for furniture, this furniture was not delivered in FY22 because of supply chain issues but money was spent in FY23 to pay for these items. The total increase requested is \$470,000, and the new system cost would be \$7,217,929.08. Staff recommends approval.

Commissioner Swor moved that Genessee County's request be approved. Commissioner McAvoy seconded. The motion carried.

FY24 Compliance Planning

Marla McCowan reviewed the changes made to the FY23 compliance plan for submission in FY24. The plans will be submitted through EGrAMS, and a document will be available online for systems to review before the system opens to FY24 plans in April.

Commissioner Brame moved that the compliance plan for FY24 be adopted with the recommended changes. Commissioner Bullock seconded. The motion carried.

Ms. McCowan reviewed the changes made to the Grant Manual.

Commissioner Blanchard moved to approve everything up to page 25 of the Grant Manual as presented, with the language added by the Commission. Commissioner Swor seconded. The motion carried.

Commissioner Swor moved to approve the remainder of the Grant Manual – pages 26 through page 34, with the language added by the Commission. Commissioner Brame seconded. The motion carried.

Ms. McCowan reviewed the revised rubric that is appended to the Grant Manual.

Commissioner Swor moved that the amended rubric be adopted. Commissioner VerHeulen seconded. The motion carried.

Regional Update

Senior Regional Manager Melissa Wangler gave an update on the Northern Michigan Region.

Public Comment

The following people provided public comment:

- Daniel Elman
- Athena Khebari
- Peter Menna

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

The meeting adjourned at 3:00 pm.

The next meeting will be April 18, 2023 at a new time of 9:30 am.

Proposal Abstract

The Michigan Task Force on Juvenile Justice Reform, chaired by Lt. Governor Gilcrest, recently determined that Michigan's young people are unable to consistently access trained or qualified defenders when facing delinquency charges due to a lack of resources and oversight of the state's juvenile defense systems. This outcome confirms a 2020 independent assessment conducted by the Gault Center (formerly the National Juvenile Defender Center) where the constitutional rights of Michigan's young people facing prosecution were deemed consistently unprotected. The Gault Center also identified the absence of state oversight, dedicated resources, and specialized training outlets as primary causes for its delivery of poor-quality defense services.

Beginning in Fiscal Year 2024, Michigan will remedy these concerns by expanding the responsibilities of its Michigan Indigent Defense Commission (MIDC) to include the state's juvenile public defense systems. This expansion will mirror the MIDC's current statutory mandates covering adult defense systems, including the development, oversight and enforcement of statewide youth defense standards and encouragement of best practices. Two of the new MIDC standards will focus on requiring annual youth defender training and ensuring counsel meet minimum qualifications to match with case assignments.

To bolster the MIDC's expansion, this proposal seeks to create a statewide youth defender trial simulation program that will offer mock trial and specialized immersive learning experiences for the state's youth defense attorneys. This will serve three goals 1) to prepare local juvenile defense systems for meeting MIDC standards by employing qualified and trained attorneys, 2) deliver effective assistance of counsel through improved attorney representation, and 3) to build partnerships and develop best-practices among Michigan's youth defense community.

This multi-year training program led by the MIDC will be available to attorneys statewide and will work in three phases: 1) identification and assessment of gaps in trial-level youth defender quality and experience, 2) curricula and material development, and 3) training implementation.

In all phases of the program, a MIDC project manager will coordinate with experienced youth defense attorneys and other stakeholders in the juvenile defense system, including partners from the University of Michigan Law School Juvenile Justice Clinic, the State Appellate Defender Office, members of the State Bar of Michigan's Children Law Section, youth or their family formerly served by public defenders, and certified Gault Center Youth Defense Advocacy Program (YDAP) trainers from the Michigan legal community.

Biographical Sketch for Frank D. Eaman, Esquire



Frank D. Eaman, a distinguished member of the Michigan Bar, has been one of the state's premier criminal defense attorneys for over five decades, representing clients in criminal investigations, trials and appeals since 1971. For over 10 years, Frank was an adjunct law professor at Thomas M. Cooley Law School, where he taught trial practice, and an instructor at the Criminal Defense Attorneys of Michigan Trial College. He has taught literally hundreds of Michigan criminal defense lawyers the skills needed to be highly competent courtroom attorneys.

Throughout his career, Frank has been active in the Bar, and virtually every organization or committee with which he has been involved has called on him to fill a leadership role, including by the State Bar of Michigan, the Criminal Defense Attorneys of Michigan and the Michigan Trial Lawyers Association (now the Michigan Association for Justice). His dedication and leadership have been recognized by awards from the Criminal Defense Attorneys of Michigan, the National Legal Aid and Defender Association and the Friends of Legal Aid.

Of the many issues Mr. Eaman has championed, securing the right to effective assistance of counsel for indigent Michigan defendants has been the closest to his heart. For decades he was a driving force in the movement to ensure proper training and fair compensation for lawyers who take on the task of representing indigent criminal defendants. For much of this time, his was a lonely task; during those years, one could say that he *was* the movement.

On three occasions he has represented lawyer associations suing judges for refusing to pay reasonable fees to assigned counsel, taking each of those cases to the Michigan Supreme Court. In one, he successfully appealed on behalf of a lawyer who was paid only \$5.00 an hour for defending a man accused of first-degree murder. In another, he led a coalition of lawyers whose suit against the State sought equal justice for those without the means to pay for

their own defense and highlighted that Michigan was one of only a handful of states failing to provide any funds at all for public defense.

In no small part as a result of Mr. Eaman's dogged efforts and his effectiveness in enlisting others in the fight, ten years ago the Legislature passed the Indigent Defense Act of 2013. It was entirely appropriate that then-Governor Rick Snyder invited Frank to be present at the bill-signing ceremony. The act, which created the Indigent Defense Commission, has made an enormous difference throughout the state, including establishing a statewide public defender system and an oversight Commission that sets and enforces standards based on the American Bar Association's standards for indigent defense. Also fittingly, Mr. Eaman was appointed as one of the Commission's inaugural members.



During his storied career, Frank represented multiple high-profile criminal defendants. A recently published book about the history of Detroit included a section about Detroit's ten most famous trials; unsurprisingly, three were cases in which Frank represented a defendant. Equally unsurprisingly, in two of those cases, Mr. Eaman's client was acquitted despite enormous adverse publicity before and during trial.

Frank's roots in Detroit and the Detroit legal community run deep. His grandfather, also named Frank D. Eaman, was a famous lawyer in Detroit for over fifty years and a founder of the law firm now known as Butzel Long. Mr. Eaman's grandfather was long a strong progressive force in the Detroit community, including during his service as the Commissioner of the Detroit Police Department in the 1940s, when he removed corrupt officers, many of whom were later indicted, and brought civil service governance, racial integration, and order and respect to the Department. The era is known in Detroit history as "The Eaman Earthquake."

Frank's career demonstrates that he shares not just his grandfather's name but also his deep and abiding commitment to equal justice under the law. As a young college student in the 1960s, he engaged in the civil rights

movement in the North, including marching with hundreds of thousands of Detroiters in the 1963 march down Woodward Avenue with Dr. Martin Luther King, Jr. He marched again in the 50th anniversary of that March in 2013.

Frank's passion has been, and remains to this day, ensuring that indigent accused persons are provided the competent and skillful legal representation to which they are entitled. In a June 2015 interview he explained:

Attorney training and education is a huge component of an adequate public defense. The criminal law, and the criminal code, is constantly changing. . . . [T]he United States Supreme Court is constantly deciding cases that affect criminal defendants. . . . Annual training on the changes in the law are necessary. And, the basic skills required of a trial lawyer are different than the skills required of, say, business lawyers. Being able to navigate the court system, and learning how to make opening statements, closing arguments, objections, and how to participate in the jury selection process are usually not taught in law school (unless the student takes a trial skills class). Throwing lawyers into a courtroom to defend someone accused of a crime without any training – and not training lawyers on the changes in the law – is inconsistent with the specific objectives of the Michigan Indigent Defense Commission Act, and the Sixth Amendment requirement of effective assistance of counsel.

Frank retired from practicing in 2018. He and his wife Julie Kiefer Eaman now spend their time between northwest Michigan and Florida, but the fruits of his labor – which could fairly be called “The Second Eaman Earthquake” – live on every day in defender offices and courtrooms throughout the state. Frank's legacy is manifested every time a properly trained and prepared lawyer for an

indigent accused person is able to present a competent defense that would have been impossible without his efforts, commitment and persistence.

FUNDING UNIT: _____
 Date of Required Compliance: _____
 Date 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	
INDIGENCY STANDARD		
<i>Are people being screened for indigency?</i>	<i>non-point</i>	
<i>Is the system screening in a way that is consistent with their compliance plan?</i>	<i>non-point</i>	
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
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From: [McCowan, Marla \(LARA\)](#)
To: [James H. Fisher](#); [Christine Green](#); [John Shea](#); [Tom McMillin](#); [Robert VerHeulen](#); [Andrew DeLeeuw](#)
Cc: [Staley, Kristen \(LARA\)](#); [Wangler, Melissa \(LARA\)](#); [Mack, Rebecca \(LARA\)](#); [Siegel, Jonah \(LARA\)](#); [Smithson, Nicole \(LARA\)](#)
Subject: Re: EXTERNAL: Re: MIDC Committee Meeting: Indigence and Compensation
Date: Tuesday, April 11, 2023 4:20:00 PM
Attachments: [MACC draft invoice.pdf](#)
[Invoice Information.docx](#)

Committee members -

I'm attaching two draft invoices prepared and offered as samples by Paul Jarboe and Karen Moore. I will include these in the materials for next week's meeting. Our auditing firm is reviewing these today and will be available at the Commission meeting next week to provide an overview of their work and make recommendations about financial documentation. We are also meeting with LARA's financial team on Thursday of this week to discuss these drafts.

On behalf of staff, we think these are good samples to recommend for use by Managed Assigned Counsel Administrators in support of any flat rate monthly billing arrangement that could be in place for services in FY24. **Separately**, as to Standard 8, staff will recommend that contract attorneys providing representation on a flat rate, event, or any other non-hourly basis provide time tracking to ensure compliance with the new standard ([see Comments 3 and 4 of the standard](#)). These will be recommended changes to the FY24 MIDC/Funding Unit grant contract for Commission action.

Please let me know if you have any questions.

Marla

517-388-6702

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov



INVOICE

Invoice # 1025
 Date: 04/04/2023
 Due Upon Receipt

Jarboe & Pfeil

160 E. State Street, Suite 100
 Traverse City, MI 49684
 United States
 Phone: (231) 922-3452

Grand Traverse County
 400 Boardman Ave.
 Traverse City, MI 49684

00103-Grand Traverse County

Managed Assigned Counsel Coordinator

Date	Type	Notes	Attorney	Total
03/31/2023	Service	For the following services rendered as Grand Traverse County Managed Assigned Counsel Coordinator for March 2023: - Receive and review case assignment attorney requests. - Assign misdemeanor, felony, and FOC support cases to attorneys. - Coordinate counsel at first appearance coverage for both district and circuit courts. - Attention to attorney scheduling and conflict issues. - Attorney meetings regarding expert and investigator requests. - Review, edit, and approve attorney invoices and provide to county for payment. - Attention to CLE and insurance compliance of attorneys. - Gather data for upcoming quarterly report. - Meetings with court administrators and/or Judges re: ongoing court issues.	PTJ	\$-----
			Subtotal	\$-----
			Total	\$-----

Some months may have additional entries to include preparation and submission of quarterly reports, annual compliance plans and cost analysis; annual performance reviews with individual roster attorneys; quarterly group meeting with roster attorneys.

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1025	04/04/2023	\$-----	\$0.00	\$-----
Outstanding Balance				\$-----
Amount in Trust				\$0.00
Total Amount Outstanding				\$-----

Please make checks payable to: Jarboe & Pfeil

We accept Mastercard, Visa, and Discover. Please contact our office to make a telephone payment.

Payment is due upon receipt.

Summary of services provided by Indigent Defense Consultants, PC (“IDC”) to an eight county region of Clare, Gladwin, Lake, Mason, Mecosta, Newaygo, Oceana and Osceola counties.

1. Daily case processing functions:
 - a. Coordinate counsel at first appearance (preset and last minute court schedules) – and fill in in this role if necessary to meet **Standard 4** compliance
 - b. Receive email logs from arraignment attorneys
 - c. Search Defender Data for conflicts and/or prior representation (from database having been created by IDC since 2019)
 - d. Notify assigned attorney of assignment and provide case details **Standard 5** compliance
 - e. Enter case details into Defender Data/update existing data
2. Ongoing case processing functions:
 - a. Receive case invoices from attorneys. Review for accuracy. Email attorneys for additional information/clarification
 - b. Confirm attorney has complied with **Standard 2** by reviewing certified disclosure on invoices and date of arraignment (from database having been created by IDC since 2019)
 - c. Review prior bills/information on cases to confirm items are properly and not double billed – this requires a search of existing database for prior bills on files – coordinate and review
 - d. Enter information into Defender Data for additional tracking
 - e. Prepare approval excel/coversheet for invoices and provide to county for payment
3. Other functions:
 - a. Review attorney requests for experts and investigators. Approve and/or provide alternatives **Standard 3** compliance
 - b. Provide lists of proposed expert/investigator to meet attorney’s needs (from database having been created by IDC since 2019)
 - c. Review and approve attorney CLEs and process reimbursement for same **Standard 1** compliance
 - d. Provide attorneys with information on training opportunities
 - e. Recruit new attorneys to region in multiple ways (conferences, job fairs, law schools) – continue to build relationships
 - f. Meet with courts, county administrators and county boards on a regular basis
 - g. Accept calls from other regions – assist when asked to improve the program entirely in the state of Michigan
4. Reporting/Grants:
 - a. Weekly review budget reports to understand status
 - b. Gather information and prepare quarterly reports
 - c. Gather information, run data analysis and prepare annual grant requests
 NOTE: Though reports are only due quarterly and grants due annually, we are constantly analyzing data and reports to confirm budget controls, compliance and possible additional needs. This makes this a constant, almost daily process
5. Other functions – Many other things done daily to elevate the counties and be a good partner to all involved.

To: Michigan Indigent Defense Commission

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

**Re: Compliance Planning and Costs:
FY23 status updates and staff recommendations**

Date: April 11, 2023

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	\$138,348,406.27	\$38,146,920.09	\$176,495,326.36
FY 2023	\$172,424,423.47	\$38,825,422.67	\$211,249,846.14

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 have begun distributing funding for all systems to implement the plans and costs in FY2023. The initial payments reflect 25% of the MIDC grant funded portion of the total; the 2nd disbursements were offset by any unexpended balances on deposit with the local system as of September 30, 2022. The MIDC annually collects information about

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

the balance in a form completed by the local funding units due no later than October 31, 2022. See the MIDC Act, MCL 780.993(15).

II. FY22 Compliance Reporting Update

A. Overview

Staff received the final/fourth quarter of reporting from systems for FY22 (covering June 1, 2022 through September 30, 2022) at the end of October 2022. Funding units were required to enter the following reporting in EGrAMS:

- Attorney List
- Financial Status Report
- Quarterly Program Report
- Unexpended Balance

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 at any time throughout the year. Staff also conducted multiple "office hours" or drop-in online support sessions for technical assistance, and has "help desk" services advertised on the EGrAMS homepage. A [self-guided tutorial](#) for the final quarter of financial reporting was distributed in early October 2022 and posted to the MIDC's website on the grants page.

As of this writing, all FY22 Attorney Lists, Financial Status Reports, and Quarterly Program Reports have been approved. Also, all Unexpended Balance Reports have been approved, *except for* the reports from the following three systems:

- City of Farmington (corrections pending to the submitted report)
- Dickinson County (corrections pending to the submitted report)
- City of Woodhaven (pending submission)

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.

B. Notice of Noncompliance Issued

1. 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.

As of this writing, compliance has not yet been fully achieved. Staff will offer a final extension until May 15, 2023 and I will provide a final update and/or recommendation for next action if necessary at the June 2023 Commission meeting.

III. FY23 Compliance Planning

A. Status of Compliance Plans

1. Approved Plans and Costs for FY23

As of the October 11, 2022 meeting, all 120 systems have had their plans and cost analyses approved and as of this writing all 120 have been fully executed with funding distributed pursuant to the contract terms.

Pursuant to MIDC Action at the February 2023 meeting, the following contracts were revised to increase total system costs:

- Allegan County – contract amendment executed by MIDC 3-15-23
- Alpena County – contract amendment executed by MIDC 3-2-23
- Genesee County – contract amendment executed by MIDC 4-5-23
- Iosco County – pending execution with the funding unit
- Monroe County – contract amendment executed by MIDC 3-8-23
- Oscoda County – contract amendment executed by MIDC 3-2-23

2. Increase to Total System Costs (**action item**)

- **Reimbursement for Overspending in Prior Year**

MCL 780.993(16) provides: “If an indigent criminal defense system expends funds in excess of its local share and the approved MIDC grant to meet unexpected needs in the provision of indigent criminal defense services, 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.”

Clinton County seeks reimbursement for overspending in the prior grant year in the amount of \$144,816.87 as described in the [unexpended balance \(UB\) report submitted by the funding unit.](#)

MIDC Staff recommends approval.

3. **Budget Adjustments (information items)**

The Grants Director processed and approved the following budget adjustment requests (line item transfer requests) pursuant to the process set forth in the MIDC's Grant Manual at p. 32 (February 2023):

- FY22
 - Midland County
- FY23
 - Antrim County
 - Arenac County
 - City of Oak Park
 - City of Royal Oak
 - Clare County
 - Grand Traverse County
 - Lake County
 - Leelanau County
 - Macomb County
 - Mason County
 - Monroe County
 - Osceola County
 - Wayne County

The following requests were denied as unnecessary:

- FY23
 - City of Farmington