



MICHIGAN INDIGENT DEFENSE COMMISSION

Date: Tuesday, June 13, 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. April 18, 2023 Meeting Minutes
7. Chair Report
 - a. Welcome and Committee Assignments for New Commissioners (Adams, Moon)
8. Executive Director Report
 - a. FY24 Budget Update; FY25 Proposal for Change for Standards 6 and 7; Website addition (**action items**)
9. Commission Business
 - a. 2022 Annual Report (**action item**)
 - b. 2024 MIDC Grant Contract (**action item**)
 - c. Standing Committee Reports
 - i. Executive Committee – *Christine Green, Chair*
 - d. Ad hoc Committee Reports
 - e. MIDC Standards Implementation
 - i. FY23 Compliance Planning
 - Status updates and funding distributed to date
 - System assessment process

- Update on system compliance – Muskegon County (**action item**)
 - Budget adjustments (information items)
- f. Regional Update: Wayne County – Kelly McDoniel, *Regional Manager*

~ Break for Lunch ~

- g. FY24 Compliance Planning
 - i. Overview of FY24 submissions received
 - ii. Ad Hoc Committee Reports
 - Increase to direct service spending – Bill Swor, Committee Chair
 - General increase to plan spending – Christine Green, Chair
 - Line Item reduction – Tom McMillin, Committee Chair
 - Data – Kimberly Buddin, Committee Chair
 - iii. Senior Staff Recommendations (**action items**)
 - Disapprove plan/disapprove cost analysis (no submission)
 1. Otsego County
 2. Hillsdale County
 - Disapprove plan/disapprove cost analysis
 3. Crawford County
 4. St. Joseph County
 5. Barry County
 6. Isabella County
 7. Alger County
 8. Benzie and Manistee Counties
 9. D 41-a-1 City of Sterling Heights
 10. Emmet County
 11. Kalkaska County
 12. Presque Isle County
 13. Arenac County
 14. Berrien County
 15. Chippewa County
 16. D 25 City of Lincoln Park

17. Iron County
18. Muskegon County
19. Saginaw County
- Approve plan/approve portion of cost analysis
 20. Macomb County
 21. Oakland County
- Approve plan and approve cost analysis
 22. D 16 City of Livonia
 23. D 17 Township of Redford
 24. D 19 City of Dearborn
 25. D 20 City of Dearborn Heights
 26. D 21 City of Garden City
 27. D 22 City of Inkster
 28. D 23 City of Taylor
 29. D 24 City of Allen Park
 30. D 27 City of Wyandotte
 31. D 28 City of Southgate
 32. D 29 City of Wayne
 33. D 30 City of Highland Park
 34. D 31 City of Hamtramck
 35. D 32a City of Harper Woods
 36. D 33 City of Woodhaven (Grosse Ile)
 37. D 34 City of Romulus
 38. D 35 Canton Township
 39. City of Grosse Pointe
 40. City of Grosse Pointe Farms
 41. City of Grosse Pointe Park
 42. City of Grosse Pointe Woods
 43. D 18 City of Westland
 44. D 36 City of Detroit
 45. Wayne County
 46. Clinton County
 47. Gratiot County
 48. Eaton County
 49. Genesee County

50. Ingham County
51. Jackson County
52. Lenawee County
53. Livingston County
54. Monroe County
55. Shiawassee County
56. Washtenaw County
57. Allegan and Van Buren Counties
58. Branch County
59. Calhoun County
60. Cass County
61. City of Grand Rapids
62. City of Wyoming
63. Ionia County
64. Kalamazoo County
65. Kent County
66. Montcalm County
67. Ottawa County
68. Alpena County
69. Montmorency County
70. Oscoda County
71. Clare and Gladwin Counties
72. Lake County
73. Mason County
74. Mecosta County
75. Newaygo County
76. Oceana County
77. Osceola County
78. Bay County
79. Alcona County
80. Huron County
81. Iosco County
82. Midland County
83. Ogemaw County
84. Roscommon County

85. Sanilac County
86. Tuscola County
87. Baraga, Houghton and Keweenaw Counties
88. Wexford and Missaukee Counties
89. Marquette County
90. Antrim County
91. Grand Traverse County
92. Leelanau County
93. Gogebic County
94. Ontonagon County
95. Charlevoix County
96. Cheboygan County
97. Delta County
98. Dickinson County
99. Luce County
100. Mackinac County
101. Menominee County
102. Schoolcraft County
103. St. Clair County
104. Lapeer County
105. D 37 Cities of Warren and Centerline
106. D 38 City of Eastpointe
107. D 39 City of Roseville
108. D 40 City of St Clair Shores
109. D 41-a-2 Charter Township of Shelby
110. D 41b Clinton Township
111. D 43-1 City of Hazel Park
112. D 43-2 City of Ferndale
113. D 43-3 City of Madison Heights
114. D 44 City of Royal Oak
115. D 45 City of Oak Park
116. D 46 City of Southfield
117. D 47 City of Farmington
118. D 48 City of Birmingham
119. D 50 City of Pontiac

120. D 51 Charter Township of Waterford

10. Adjourn

Next meeting: August 15, 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.

April 18, 2023

Time: 9:30 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
- Paul Bullock
- Hakim Crampton
- Judge James Fisher
- David Jones
- James Krizan
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- John Shea
- William Swor
- Rob VerHeulen

The following member observed the meeting via Zoom but did not participate in the discussions or voting:

- Andrew DeLeeuw

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:

- Kimberly Buddin
- Deborah Kubitskey

Chair Green called the meeting to order at 9:32 am.

Introduction of Commission members and guests

Commissioner McAvoy introduced Samantha Gibson from the Michigan Association of Counties.

Public Comment

The following people provided public comment:

- Jill Recker
- Chris Forsyth
- Jonathan Sacks
- Paul Jarboe
- Karen Moore

Approval of Agenda

There were no changes made to the agenda as presented.

Consent Agenda

Commissioner Swor moved that the consent agenda containing the minutes from February 7, 2023 be adopted. Commissioner McAvoy seconded. The motion carried.

Chair Report

Chair Green appointed Commissioner Judge Paula Mathes to the ad hoc committees for line item vetoes in compliance plans and data collection to support the Commission's ongoing work described in the Strategic Plan. Chair Green updated the Commission on her activities since the February Committee meeting.

Executive Director Report

Executive Director Staley updated the Commission on staff's activities.

She provided an overview of the process for applying for a multi-year grant from the Office of Juvenile Justice and Delinquency Prevention for a youth defense training program.

Commissioner Walker moved to authorize the Executive Director to pursue grant funding for a multi-year training program to support the Commission's anticipated development of Youth Defense standards. Judge Fisher seconded. The motion carried; Commissioner Blanchard abstained from the vote.

Standing Committee Reports

Executive Committee

Chair Green, on behalf of the Executive Committee, moved to establish an annual MIDC Award for Excellence in Indigent Defense. The award will be named for, and presented in this first year, to Frank D. Eaman. Commissioners Walker and Shea seconded the motion.

Chair Green began a discussion of the award and of Mr. Eaman's contributions to the creation of the MIDC and the reforms to Michigan's indigent defense system. The following people paid tribute to Mr. Eaman:

- The Honorable David M. Lawson, E.D. Michigan
- Ken Mogill
- Commissioner Shea
- Commissioner Blanchard
- Commissioner Swor
- Judge Fisher
- Barbara Klimaszewski
- Commissioner Walker

The award was accepted on Mr. Eaman's behalf.

Chair Green called for a vote on the motion to create the award. The motion carried.

Indigence and Compensation Standards Committee

Revised Rubric – Indigency Screening

Commissioner Shea moved to approve the assessment rubric for FY23 to include compliance with the indigency screening standard. Commissioner Krizan seconded. The motion carried.

Financial Services Presentation

Kerry Sitar from Experis provided an update on the firm's review of financial documentation submitted to the MIDC.

Flat Monthly Rate Invoice Requirements

The Commission discussed the suggested invoicing template included in the meeting materials. The Commission invited Kevin Kubacki from the Department of Licensing and Regulatory Affairs (LARA) to provide an overview of the information LARA would expect to see in these forms to ensure proper internal controls. Mr. Kubacki indicated that the information in the meeting materials packets is sufficient.

Judge Fisher moved to include the changes to the MIDC's FY24 grant contract, requiring detailed invoicing for Managed Assigned Counsel Administrators using flat rate billing arrangements; and for all attorneys providing direct service representation to track time in hourly increments.

Commissioner McMillin seconded. The motion carried.

Ad Hoc Committees

Jonah Siegel provided an update on the data committee's activities. The committee will be finalizing its data priorities this summer and present them to the Commission.

Commissioner Bullock provided the update on the local system communications committee. The committee had asked for an update from the Attorney General's office regarding the Open Meetings Act. Assistant Attorney General Bridget Smith presented on the Open Meetings Act and Standards of Conduct for Public Officials.

Regional Update

Susan Prentice-Sao presented about the Western Michigan region.

FY23 Compliance Planning

Ms. McCowan provided an overview of the request from Clinton County to increase the FY23 total system cost. Commissioner Shea moved that Clinton County's request be adopted. Commissioner McAvoy seconded. The motion carried.

Chair Green adjourned the meeting at 12:40 pm.

The next meeting will be held on June 13, 2023 at 9:30 am in Lansing.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

April 5, 2023

RE: MIDC Proposed Standards 6 and 7 – Estimated Appropriations Needed to Implement in FY 25

MIDC staff estimates approximately \$12.9 million in additional appropriations above the agency's FY 24 request are necessary to implement MIDC Proposed Standards 6 and 7 in FY 25. The methodology for determining this figure is described below.

| MIDC Proposed Standards 6 and 7 – Estimated Appropriations Needed to Implement in FY 25 | |
|--|---------------------|
| Public Defender Office Cost Estimate – Standard 6 | \$6,075,000 |
| Managed Assigned Counsel System Cost Estimate – Standard 6 | \$890,000 |
| Qualification System Cost Estimate – Standard 7 | \$2,776,000 |
| Attorney Review Cost Estimate – Standard 7 | \$3,112,000 |
| Total Cost Estimate | \$12,853,000 |

MIDC staff notes that at this time data does not exist to evaluate the extent to which local funding units are currently compliant with Proposed Standard 7's qualification component, so its estimate for that portion of the analysis is subject to revision as attorney trial experience data collection is mandated.

MIDC PROPOSED STANDARD 6

MIDC Proposed Standard 6 sets caseload limits for indigent defense attorneys of 150 felony cases or 400 non-traffic misdemeanor cases per attorney per year, or a proportional mix of both felony and misdemeanor cases.¹

MIDC staff estimates implementation of MIDC Proposed Standard 6 in FY 25 will require an additional \$7 million above the MIDC's FY 24 request.

Cost Estimate Calculation Methodology

Michigan deploys indigent defenses services slightly differently across its 133 local funding units, so a variety of strategies are necessary to estimate the cost of approving and implementing MIDC Proposed Standard 6.

¹ The proposed standard envisions the MIDC setting Michigan-specific caseload limits over time which may be more restrictive than the 150-felony/400-misdemeanor maximums.

1. Public Defender Offices

For local funding units that utilize a public defender office model (county-employee or non-profit), the primary question is whether the public defender office has enough full-time equivalent (FTE) indigent defense attorneys to handle the expected felony and misdemeanor caseload² within its system.

- Local funding units that already have sufficient funding for FTEs to meet its predicted caseload will not require additional appropriations to implement MIDC Proposed Standard 6.
- Local funding units that do not have sufficient funding for FTEs to meet its predicted caseload will require additional appropriations to implement MIDC Proposed Standard 6.

MIDC staff reviewed reported indigent defense attorney caseloads for FY 22 (the most recently completed FY)³ and the number of approved FTE indigent defense attorneys authorized in each local funding unit's FY 23 compliance plan to determine the extent to which each local funding unit is currently in compliance with MIDC Proposed Standard 6.⁴ Staff analyzed both:

- The total number of cases that were assigned in the local funding unit (to determine the approximate number of indigent defense attorneys that should be necessary to comply with the caseload maximums in MIDC Proposed Standard 6⁵) AND
- The actual number of assignments for each attorney within the local funding unit (to determine the actual caseload assignment distributions within each system).

If MIDC staff analysis found that local funding units appeared to be compliant under both conditions (i.e., the number of FTE was sufficient and individual attorney caseloads were below the proposed maximums), the funding unit was presumed to be compliant. Local funding units that did not appear to be compliant under one or both conditions were analyzed more closely and MIDC staff estimated the

² The MIDC currently collects caseload data (i.e., attorney assignments) in two ways. One method is via Attorney Lists in which the local funding unit reports the number of assignments each attorney received in a quarter. The other method is via Program Reports, in which the funding unit reports cases handled by assigned attorneys post-arraignment each quarter in each court within the funding unit. While this data, in conjunction with overload case type data from SCAO, can allow us to estimate the felony/misdemeanor case-type breakdown, the MIDC does not currently require systems to report the number of misdemeanor and felony cases handled by the local funding unit or any individual attorney. As a result, the MIDC's caseload and case type expectations for local funding units are estimates. MIDC anticipates requiring local funding units to report this breakdown in FY 24 to develop more precise estimates prior to the implementation of MIDC Proposed Standard 6.

³ The MIDC collects data from 133 separate local funding units which operate on a variety of different case management systems. The nature of this decentralized system means that while MIDC oversees data reporting on indigent defense services, it relies on staff in local funding units and courts to track, gather, and report data. There are a number of local funding units that face significant challenges providing accurate data, which creates additional uncertainty in caseload estimates. MIDC and its local funding units are engaged in ongoing efforts to resolve these issues, but they impact the quality of the data we can rely on for this type of budget estimate.

⁴ Local funding units are currently in the process of submitting compliance plans for FY 24 (Due April 2023) that will be approved by the MIDC during the summer of 2023. MIDC staff will be able to prepare a more precise cost estimate once FY 24 FTE numbers are known.

⁵ Because MIDC Proposed Standard 6 is a bright-line maximum, MIDC staff believes that public defender offices need to ensure they have sufficient FTEs approved to account for times the office could fall below full staffing (e.g., the time between one attorney resigning and their replacement being hired; new parent leave; etc.). In other words, the approved number of FTE needs to be slightly above the minimum number of FTE that would be required to mathematically satisfy MIDC Proposed Standard 6.

number of indigent defense attorney FTEs that would be necessary to reach compliance with MIDC Proposed Standard 6.⁶

After determining the number of new FTE indigent defense attorneys that were needed in each system, MIDC staff calculated the total estimated compensation for new positions. This estimate was based on the compensation to paid state-employed assistant attorneys general.⁷ For systems where hiring new indigent defense attorneys would potentially precipitate the need for additional support staff for attorney work, cost estimates from FY 23 compliance plans were utilized as a guideline. Additionally, MIDC staff anticipates public defender offices will request additional administrative staff related to monitoring and reporting compliance data.

Appropriations associated with increasing public defender office staff are ongoing expenses that will continue across future fiscal years.

| Public Defender Office Cost Estimate – Standard 6 (FY 25) | |
|--|--------------------|
| # PD Offices Needing Additional Attorneys | 15 |
| # Attorney FTE Needed | 30 |
| Estimated Cost of Attorney FTE ⁸ | \$3,300,000 |
| # Support Staff FTE Needed ⁹ | 37 |
| Estimated Cost of Support Staff FTE ⁸ | \$2,775,000 |
| Total Estimated Cost | \$6,075,000 |

2. Assigned Counsel Systems

For local funding units that utilize a managed assigned counsel system, the primary questions are whether the local funding unit will need to recruit additional private attorneys to participate in indigent defense and what costs are associated with doing so.

- Local funding units that already have a sufficient number of private attorneys taking cases in the system will not require additional appropriations to implement MIDC Proposed Standard 6.
- Local funding units that do not have a sufficient number of private attorneys taking cases in the system **may** require additional appropriations to implement MIDC Proposed Standard 6.

⁶ Additional support staff may also be necessary depending on the number of new attorney FTEs.

⁷ MIDC Standard 8 provides that “The rates paid by the Michigan Attorney General for Assistant Attorneys General, or other state offices serve as guidance for reasonable compensation” for salaried public defenders. This analysis uses \$110,000 as the approximate total compensation for a newly hired attorney. This is based on the MI Civil Service Commission’s hourly pay range for an Attorney Level 15 (\$30.39/hr to \$57.20/hr), plus benefits, and expected cost-of-living increases between now and October 1, 2024. For this analysis, we assume the average salary of new hires would fall into the middle of the Attorney 15 range (~\$85,000/yr plus benefits). Individual public defender offices salary and benefits will vary based on local practices and MIDC staff will be able to provide more accurate localized estimates as FY 24 compliance plans are submitted (the first compliance plans that require Standard 8 compliance).

⁸ These figures included estimated cost-of-living increases that would go into effect by October 1, 2024.

⁹ This includes support staff for attorney work and administrative compliance. Only two of the 15 local funding units have projected attorney FTE increases above 2 (both have 5). MIDC generally uses a 3:1 attorney to support staff ratio as a guide. This estimate assumes some funding units adding 1 or 2 attorneys will request and receive funding for additional support staff. The remaining new staff are related to data monitoring and compliance.

MIDC staff reviewed reported indigent defense attorney caseloads for FY 22 (the most recently completed FY)¹⁰ and the number of private attorneys approved to accept cases in each local funding unit's FY 23 compliance plan to determine the extent to which each local funding unit is currently in compliance with MIDC Proposed Standard 6.¹¹ Staff analyzed both:

- The total number of cases that were assigned in the local funding unit (to determine the minimum number of private attorneys necessary to comply with the caseload maximums in MIDC Proposed Standard 6¹²) AND
- The actual number of assignments for each attorney within the local funding unit (to determine the actual caseload assignment distributions within each system).

If MIDC staff analysis found that local funding units appeared to be compliant under both conditions (i.e., the number of private attorneys eligible to take cases was sufficient and individual attorney caseloads were below the proposed maximums), the funding unit was presumed to be compliant. MIDC staff did additional analysis to identify private attorneys who took cases in multiple local funding units and whose caseloads exceeded the proposed maximums in total.^{13, 14} Local funding units that did not appear to be compliant under one or both conditions were analyzed more closely.

Local funding units that do not currently appear to be in compliance with MIDC Proposed Standard 6 will either need to redistribute their assigned cases among their existing private attorneys or recruit new private attorneys to participate in the assigned counsel system. The local funding units will not incur new costs associated with the actual attorney compensation, as these systems generally pay hourly rates based on the type of case.¹⁵

Local funding units may incur new costs associated with incentivizing attorneys to take additional cases or recruitment of new attorneys. In some local funding units, there are many qualified private attorneys who would be willing to take indigent defense cases and the costs would primarily be related to

¹⁰ The MIDC collects data from 120 separate local funding units which operate on a variety of different case management systems. The nature of this decentralized system means that while MIDC oversees data reporting on indigent defense services, it relies on staff in local funding units and courts to track, gather, and report data. There are a number of local funding units that face significant challenges providing accurate data, which creates additional uncertainty in caseload estimates. MIDC and its local funding units are engaged in ongoing efforts to resolve these issues, but they impact the quality of the data we can rely on for this type of budget estimate.

¹¹ Local funding units are currently in the process of submitting compliance plans for FY 24 (Due April 2023) that will be approved by the MIDC during the summer of 2023. MIDC staff will be able to prepare a more precise cost estimate once FY 24 FTE numbers are known.

¹² Because MIDC Proposed Standard 6 is a bright-line maximum, MIDC staff believes that assigned counsel systems need to ensure they have a sufficient number of attorneys on their roster to account for times that other attorneys on the roster are unable to take cases at their typical levels (e.g., new parent leave; etc.). In other words, the roster needs to be slightly above the minimum number of attorneys that would be required to mathematically satisfy MIDC Proposed Standard 6.

¹³ For instance, an attorney who takes 500 misdemeanor assignments in two local funding units (250 cases each) exceeds the Standard 6 maximum but does not exceed the maximum within an individual funding unit. This attorney could comply by reducing their caseload in both funding units or in one funding unit.

¹⁴ MIDC Proposed Standard 6 sets the maximum number of felony and/or misdemeanor cases that an attorney can work on in total across all jurisdictions for both assigned cases and while working as a retained attorney. MIDC does not currently have any way to estimate the number of cases attorneys on local funding unit rosters handle working as retained counsel.

¹⁵ Example: If Attorney A previously took 160 felony cases, they would only be able to take 150 felony cases, opening up 10 cases for assignment to other attorneys. However, the money the system would have paid to Attorney A for those 10 cases would now be paid to Attorney B for adding those cases to their caseload.

publicizing the need for additional attorneys and administrative onboarding time. However, it is likely that there are systems where finding willing and qualified attorneys may be more difficult and the local administrator may have to spend additional time and resources to successfully recruit new participating attorneys.

For local funding units that cannot easily recruit additional attorneys, the costs associated with compliance could vary widely. Some local funding units may need to pay travel and lodging costs for non-local attorneys and/or develop other programs to establish a financial incentive to take cases in the system. While the current MIDC model would place these burdens on individual systems, statewide and regional efforts could be made to facilitate solutions to this problem (e.g., incentives for attorneys to practice public defense in rural counties, regional public defense offices, statewide public defenders, etc.).

Appropriations associated with increasing managed assigned counsel system rosters are likely to be a mix of one-time expenses that will not continue across future fiscal years (e.g., publicizing the need for additional attorneys) and ongoing expenses (e.g., travel and lodging when a rural local funding unit needs to assign cases to a non-local attorney). However, it is possible that additional recruitment efforts will be necessary to support rural funding units in the future as existing attorneys retire at a faster rate than they are replaced within the attorney ecosystem.

| Managed Assigned Counsel System Cost Estimate – Standard 6 (FY 25) | |
|---|------------------|
| # MAC Systems Needing Additional Attorneys | 30 to 35 |
| # Attorneys Needed in High Population Areas | 105 to 125 |
| Estimated Cost in High Population Areas | \$140,000 |
| # Attorneys Needed in Low Population Areas | 10 to 15 |
| Estimated Cost in Low Population Areas | \$750,000 |
| Total Estimated Cost | \$890,000 |

MIDC PROPOSED STANDARD 7

MIDC Proposed Standard 7 sets case-type qualifications for attorney assignments above the minimum training requirements in MIDC Standard 1. Case types are divided into misdemeanor cases, low-severity felony cases, high-severity felony cases, and life offense cases with higher qualifications required for each level.¹⁶ MIDC Proposed Standard 7 also requires that the “quality of the representation provided by indigent defense providers must be monitored and regularly assessed” and that “evaluation of attorneys must be made by peers in the criminal defense community, allowing for input from other stakeholders in the criminal justice system including judges, prosecutors and clients.”

MIDC staff estimates implementation of MIDC Proposed Standard 7 in FY 25 will require an additional \$5.9 million above the MIDC’s FY 24 request.

Cost Estimate Calculation Methodology

1. Qualification

There are two elements of complying with the qualification requirements in MIDC Proposed Standard 7 that could require additional appropriations.

- First, local funding units will need to determine the case level that each qualified attorney may be assigned to and then modify their assignment practices to ensure only qualified attorneys are assigned to cases in respective categories.
- Second, local funding units that do not currently have a sufficient number of attorneys qualified to handled cases in the respective categories will need to recruit new attorneys or take steps to ensure their existing attorneys receive the necessary experience to qualify for higher severity cases.

| MIDC Proposed Standard 7 Tiers | | | |
|---------------------------------------|--|---|--------------|
| Case Type | Years of Experience Practicing Criminal Law | Trial Experience | Other |
| Misdemeanor Cases | - | Served as co-counsel or second chair in a prior trial (misdemeanor, felony, bench or jury); | |
| Low-Severity Felony Cases | 1 | Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have reached a verdict, one of which having been submitted to a jury | |

¹⁶ The four tiers each have a “years of experience” and a “trial experience” component.

| | | | |
|----------------------------|---|---|---|
| High-Severity Felony Cases | 2 | Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in four criminal cases that have been submitted to a jury | Has a significant record of consistently high quality criminal trial court representation and the ability to handle a high-severity felony case |
| Life Offense Cases | 5 | Has prior experience as lead counsel in no fewer than seven felony jury trials that have been submitted to a jury | Has a significant record of consistently high quality criminal trial court representation and the ability to handle a life offense case |

The additional administrative costs associated with determining existing attorney qualifications and modifying assignment practices are likely to be relatively minor. Chief public defenders and assigned counsel coordinators will be required to spend some additional time implementing these changes, but this is likely to be several hours per system in total. This analysis assumes public defender offices will incur essentially no additional administrative costs implementing a new assignment process and that managed assigned counsel systems will spend approximately 20 hours each requesting the necessary data from attorneys, reviewing it, and establishing tiered lists.

The costs associated with recruiting and training attorneys to meet the qualification tiers could be more substantial, but there is limited data to estimate an answer this question. The qualification tiers generally have two components: years of experience and trial experience. MIDC has data on attorney years of experience for most local funding units, but the data related to trial experience for individual attorneys is limited, as is the number of cases that fall into each case type (i.e., misdemeanor, low-severity felony, high-severity felony, and life offense felony).

MIDC does not currently know the extent to which local funding units would be compliant with MIDC Proposed Standard 7 if it was implemented today.¹⁷ In the event that local funding units do not have enough attorneys who are qualified to handle cases in higher categories, they would need to recruit attorneys with the necessary experience or take steps for their existing attorneys to gain trial experience. A typical approach to facilitating trial experience is the deployment of a “second chair” program in which a more experienced attorney mentors a less experienced attorney while working on a shared case. Essentially, a program of this nature requires paying two attorneys to work on a single case, doubling the cost of a case used for training.¹⁸

A complicating factor for these programs is that MIDC Proposed Standard 7 requires experience on cases *taken to trial* and, in some cases, *submitted to a jury*. Because a very small portion of criminal

¹⁷ In anticipation of possible implementation of MIDC Proposed Standard 7 in FY 25, MIDC staff will recommend the MIDC begin collection more granular data about case categories and attorney experience in FY 24 to establish a better estimate of compliance heading into FY 25 compliance planning.

¹⁸ Training cases of this nature are fundamentally more expensive than the “average” case because they are cases that go to trial and require more hours of work than cases that are pled at earlier stages.

cases reach the trial stage, there are a limited number of opportunities to gain this type of experience. Further, there is no way to know at the outset of a case whether it will go to trial, so implementing wide ranging second chair programs designed to raise the experience level of many attorneys around the state could be difficult. Systems without enough attorneys qualified for higher-tier cases may struggle to have their attorneys gain the necessary trial experience in a timely manner, as the opportunities to do so are limited. This analysis assumes that an average case taken to trial requires approximately 40 hours of attorney work. With felonies billed at \$130/hr, each second-chair case will cost an additional \$5,200. As noted, the MIDC cannot currently estimate the number of case-experiences existing attorneys would need to gain statewide in order for all systems to comply with MIDC Proposed Standard 7, but we have inputted 500 as the baseline for this analysis.¹⁹

Appropriations related to the implementation of a qualification systems are likely to be ongoing expenses, although the costs in the first year are likely to be substantially higher than the ongoing costs of implementation as local funding units will have to devote time to an initial review of attorney experience and may have to expend additional resources on second-chair programs if it turns out that their attorneys lack the necessary trial experience to handle more serious cases.

| Qualification System Cost Estimate – MIDC Proposed Standard 7 (FY 25) | |
|--|---------------------------|
| Estimated Cost of Administrative Time | \$176,000 ²⁰ |
| Estimated Cost of Second-Chair Experience | \$2,600,000 ²¹ |
| Total Estimated Cost for 500 Case-Experiences | \$2,776,000 |

2. Review

The review component of MIDC Proposed Standard 7 will require additional appropriations to implement, but the overall cost of this aspect of the standard will depend significantly on the specific requirements of the review program. The MIDC’s proposed standard does not speak to the nature of the assessments, such as how often they will occur, what aspects of attorney performance will be studied, etc. The MIDC will establish a set of criteria that local funding units will be required to meet to comply with this aspect of the proposed standard, but it has not yet done so.

The costs associated with the review aspect of MIDC Proposed Standard 7 will largely be tied to personnel, in the form of extra work for public defender office leadership, managed assigned counsel administrators, and/or outside attorney contractors. Attorneys performing reviews will primarily need to devote time to gathering and reviewing materials, but may also need to communicate with attorneys, clients, and other stakeholders during attorney assessments. The amount of time spent on these activities per year will depend on how often reviews are required and what specific components of attorneys’ work are reviewed. Additional time may also be required to investigate issues that arise outside of scheduled reviews.

¹⁹ It may take more than one fiscal year to conduct 500 second chair cases, as there are a limited number of criminal trials in the state each year, so this money may not all be expended in FY 25.

²⁰ We assume 20 hours of work performed by an attorney billing \$100/hr, multiplied by 88 MAC systems. Some local funding units are likely to spend less time and some are likely to spend more time.

²¹ This assumes 40 hours of work on a trial felony billed at \$130/hr for 500 cases.

While attorneys working in public defender offices are county/non-profit employees who are already subject to normal employment review processes, local funding units that utilize a managed assigned counsel system may incur additional expenses related to MIDC Proposed Standard 7's review provision. In particular, attorneys who work as assigned counsel coordinators (or the attorneys they contract with to perform assessments) may not have experience monitoring and reviewing other attorneys and may need to attend training related to this work.

Local funding units that utilize public defender office models are likely to build these assessments into their normal employment review process and are unlikely to incur significant cost increases for the additional supervising attorney time spent complying with MIDC requirements. This analysis assumes public defender offices will add approximately 5 hours per year per attorney FTE to complete these assessments. It is likely that staff in most local funding units will absorb this work within existing appropriations, but MIDC staff has calculated an approximate cost as if the work was billed hourly.

Local funding units that utilize managed assigned counsel systems will likely need to pay supervisory level attorneys at an hourly rate to perform these assessments, with the number of hours spent annually depending on the frequency for which reviews are mandated and the depth of review that is required. This analysis assumes MAC systems will spend approximately 20 hours per year per attorney to complete these reviews, which will likely be billed hourly.

Appropriations associated with the review aspect of MIDC Proposed Standard 7 are likely to be ongoing appropriations.

| Attorney Review Cost Estimate – MIDC Proposed Standard 7 (FY 25) | |
|---|---------------------------|
| Cost Estimate – Public Defender Offices | \$112,000 ²² |
| Cost Estimate – MAC Systems | \$3,000,000 ²³ |
| Total Cost Estimate | \$3,112,000 |

²² Approximately 5 hours per attorney for 350 attorneys, billed at \$64/hr.

²³ Approximately 20 hours per attorney for 1500 attorneys, billed at \$100/hr.

GRANT NO 202~~43~~-XX

GRANT BETWEEN
THE STATE OF MICHIGAN
MICHIGAN INDIGENT DEFENSE COMMISSION (MIDC)
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA)
AND
XXXXX

GRANTEE/ADDRESS:

Name: XXX
Title:
Address:
Phone: XXX

GRANTOR/ADDRESS:

Michigan Indigent Defense Commission
Department of Licensing and Regulatory Affairs
611 W. Ottawa St.
Lansing, MI 48933
(517) 657-3060

GRANT PERIOD:

From: 10/01/202~~32~~ to 09/30/202~~43~~

TOTAL AUTHORIZED BUDGET: \$XXX

State Grant Contribution: XXX
Local Share Contribution:

ACCOUNTING DETAIL:

Accounting Template No.: XXX

SIGMA Vendor Code: XXX

GRANT

This is Grant # 20243-xx between the Michigan Indigent Defense Commission (Grantor), and XXX (Grantee), subject to terms and conditions of this grant agreement (Agreement).

1.0 Statement of Purpose

The purpose of this Grant is to provide funding to assist the Grantee (also referred to as local funding unit) to comply with the Compliance Plan and Cost Analysis approved by the MIDC for the provision of indigent criminal defense services through the minimum standards approved by LARA on May 22, 2017 and October 28, 2021, and the process described in the Michigan Indigent Defense Commission Act (MIDC Act). The funding for this grant is contingent upon an appropriation by the Legislature that is signed by the Governor. Consistent with the MIDC Act, in the event that the funds appropriated apply to less than all of the minimum standards, the funding unit will not be required to fully comply with all of the minimum standards. In the event that an appropriation is insufficient to fully fund this grant, the amount of the grant will be reduced by the Grantor and the funding unit will not be required to fully comply with the minimum standards the original approved grant was designed to allow.

1.1 Definitions

- A. Budget means the detailed statement of estimated costs approved as the Grantee's Cost Analysis and required to implement the Compliance Plan.
- B. Budget Category means the aggregate of all funds in each of the high-level categories within the approved Cost Analysis.
- C. Compliance Plan or Plan is the plan submitted by the local funding unit and approved by the MIDC that specifically addresses how the Grantee shall meet the approved minimum standards established by the MIDC.
- D. Cost Analysis is a statement of the types of expenditures and funding necessary to bring Grantee's indigent defense system into compliance with the approved minimum standards established by the MIDC, including a statement of the funds in excess of the Grantee's local share as defined under the MIDC Act and as outlined in the Compliance Plan.
- E. MIDC Act means the Michigan Indigent Defense Commission Act, Public Act 93 of 2013, MCL 780.991 et seq., as amended, enacted for the purpose of creating the Michigan Indigent Defense Commission and creating minimum standards for the local delivery of indigent criminal defense services that meet the constitutional requirements for the effective assistance of counsel.
- F. Subgrantee means a governmental agency or other legal entity to which an MIDC subgrant is awarded by the Grantee. This includes nonprofit entities providing indigent defense services on behalf of the Grantee. Attorneys representing indigent defendants, including both public defenders and attorneys contracted to represent indigent defendants, individual public defender office employees, judges, magistrates, court personnel, and professional service contract vendors shall not be considered subgrantees.
- G. "Substantial Change" to a Compliance Plan is a change to the Plan or Cost Analysis that alters the method of meeting the objectives of the standard(s) in the approved Plan.

1.2 Statement of Work

The Grantee agrees to undertake, perform, and complete the services described in its approved Compliance Plan and in accordance with the MIDC Act, specifically Standards 1 through 5. The Parties to this Agreement enter into this Agreement to facilitate the process described in the MIDC Act, which controls or supersedes any terms of this Agreement. Consistent with the Act and when applicable, an indigent criminal defense system shall comply with the terms of this Agreement in bringing its system into compliance with the minimum standards established by the MIDC within 180 days after receiving funds from the MIDC. Grantee may exceed 180 days for compliance with a specific item needed to meet minimum standards as set forth in the Act. Grantee's Compliance Plan, as submitted and approved by the MIDC, addresses the prescribed methods Grantee has chosen to provide indigent criminal defense services pursuant to MCL 780.993(3). Any substantial changes to the work described in the Compliance Plan must be submitted to the MIDC for approval as set forth in this Agreement prior to any changes being implemented. All provisions and requirements of this Agreement shall apply to any agreements the Grantee may enter into in furtherance of its obligations under this Agreement and Grantee shall be responsible for the performance of any Subgrantee work, as defined in subsection 1.1.

1.3 Detailed Budget

- A. This Agreement does not commit the State of Michigan (State) or the Department of Licensing and Regulatory Affairs (LARA) to approve requests for additional funds at any time.
- B. If applicable, travel expenses will not be reimbursed at rates greater than the State Travel Rates, without the prior written consent of the MIDC.
- C. The Grantee agrees that all funds are to be spent as detailed in the Budget, unless a budget adjustment request is approved. See section 1.3(E).
- D. Grantee will maintain a restricted fund within their Local Chart of Accounts for the sole purpose of accounting for the expenses and revenue sources for operation of this grant and the local adult indigent defense system.
- E. All requests for a budget adjustment or substantial changes to the Grantee's Compliance Plan will be submitted quarterly with the Grantee's quarterly report. MIDC staff shall respond to a request in writing within 30 days of receipt.
 - 1) Budget adjustments less than or equal to 5% of the Budget Category total, including adjustments between Budget Categories, do not require approval by MIDC staff, but must be reported quarterly in the next financial status report.
 - 2) A Budget adjustment involving greater than 5% of the aggregate of all funding within a Budget Category requires prior written approval by MIDC Staff and must be reported to the MIDC as soon after the Grantee is aware of the necessity of the Budget adjustment and reported in the Grantee's quarterly report.
 - 3) Any substantial change to a Compliance Plan requires prior approval by MIDC staff and MIDC Commission.

1.4 Payment Schedule

The maximum amount of grant assistance approved is xxxx

Grantee must report and certify to Grantor by October 31st of each year the balance of any unexpended indigent defense grant funds from the prior fiscal year grant plus any interest earned on the advancement of the state grant funds in the previous fiscal year. Any funds from the previous fiscal year contained in an approved extension of the previous fiscal year's grant for projects that will be completed after September 30, 2023~~2~~ will be carried over into the current fiscal year and shall not be considered unexpended funds, nor be included in the balance of unexpended funds. The current fiscal year indigent defense grant funds advanced will be reduced by the amount of unexpended funds from the prior fiscal year's grant by reducing the 2nd and 3rd disbursement equally. The maximum amount of grant assistance approved includes the unexpended funds reported from the previous fiscal year.

An initial advance of 25% of the State Grant shall be made to the Grantee upon receipt by the Grantor of a signed Agreement. The Grantor shall make subsequent disbursements of up to 25% of the total state grant amount in accordance with the following schedule:

Initial Advance of 25% of total grant – Within 15 days of receipt of executed agreement

25% disbursement – January 15, 2023

25% disbursement – April 15, 2023

25% disbursement – July 15, 2023 (final payment)

The above schedule of disbursement of funds is contingent upon receipt of quarterly reporting as addressed in this section and section 1.5 of this document. Any disputed matters shall not cause delay in remitting any disbursements or in issuing a grant contract and funds for the next fiscal year. Disputed matters shall be acted on independently from undisputed matters. The financial status report (FSR) report must be submitted on the form provided by the MIDC/LARA and indicate:

Grant funds received to date;

Expenditures for the reporting period by budget category; and;

Cumulative expenditures to date by budget category;

The quarterly FSR must be supported and accompanied by documentation of those grant funded expenditures incurred for the reporting period, including but not limited to:

- The general ledger for the restricted local indigent defense fund, including a detailed expenditure report with all expenditure detail within the budget categories, which must include documentation of payments to contract attorneys either by individual invoice or by report of payments made, by attorney;

- All invoices related to experts and investigators;
- All invoices related to construction; and
- Personnel detail including full-time equivalency of any grant funded positions, including total compensation for that position;

Invoices are to be provided by contract or non-employee Managed Assigned Counsel Administrators and for all contract attorneys providing direct service representation in the manner or rate in which the service is approved in the cost analysis for the indigent defense system, to track time in hourly increments where hourly rates are provided and provide specific details regarding the services performed for the billing period.

Upon request, Grantee shall provide the MIDC with additional documentation/verification of expenditures under the grant within 30 days of the making of the request. Any additional documentation/verification of expenditures shall not delay issuance of a grant contract or grant disbursements. Grantee's documentation of expenditures shall be maintained according to record retention policies for audit purposes in order to comply with this Agreement. Grantee will be held to the full contribution of the Local Share within the original one-year grant period.

The quarterly FSR and standards compliance report as addressed in Section 1.5, shall be provided in accordance with the following schedule:

Initial FSR and compliance report for 10/1/2~~32~~–12/31/2~~32~~ – January 31,

202~~43~~

2nd FSR and compliance report for 1/1/2~~43~~-3/31/2~~43~~ – April 30, 202~~43~~

3rd FSR and compliance report for 4/1/2~~43~~-6/30/2~~43~~ – July 31, 202~~43~~

Final FSR and compliance report for 7/1/2~~43~~-9/30/2~~43~~ – October

31, 202~~43~~

1.5 Monitoring and Reporting Program Performance

- Monitoring. The Grantee shall monitor performance to assure that time schedules are being met and projected work is being accomplished.
- Quarterly Reports. The Grantee shall submit to the Grantor quarterly program reports on compliance with the minimum standards and participate in follow up and evaluation activities. Compliance reports include narrative responses containing a description of the Grantee's compliance with Standards 1-5 and the Standard on Indigency, identifying problems or delays, actual, real or anticipated and any significant deviation from the approved Compliance Plan. Grantee will use its best efforts to provide data relevant to assessing compliance as contained in the compliance

reporting template requested by MIDC. If Grantee is unable to provide the information requested by the report, Grantee will demonstrate in writing the steps taken to assess what information is currently available and how to retrieve it. Grantee also agrees to work with MIDC research staff to seek additional options or ideas for the collection and retrieval of this information.

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PART II - GENERAL PROVISIONS

2.1 Project Changes

Grantee must obtain prior written approval for substantial changes to the compliance plan from Grantor.

2.2 Delegation

Grantee must notify the MIDC at least 90 calendar days before any proposed delegation with reasonable detail about Subgrantee and the nature and scope of the activities delegated. If any obligations under this Grant are delegated, Grantee must: (a) be the sole point of contact regarding all contractual project matters, including payment and charges for all Grant activities; (b) make all payments to the Subgrantee; and (c) incorporate the terms and conditions contained in this Grant in any subgrant with Subgrantee. Grantee remains responsible for the completion of the Grant activities and compliance with the terms of this Grant.

Where the Grantee uses a nonprofit entity to provide indigent defense services as contemplated in its compliance plan and cost analysis, this relationship is described as a subrecipient or subgrantee. The Grantee shall ensure that the contract or agreement defining the relationship with the nonprofit entity allows for reasonable access, in its sole discretion, to financial records for monitoring by the Grantee and its representatives.

A Subgrantee is required to comply with all conditions and restrictions applicable to the award given to the Grantee. The Grantee is responsible for ensuring a Subgrantee's compliance to the award's conditions and restrictions.

A Grantee must require a Subgrantee to do the following:

- Provide appropriate progress and financial reports to the Grantee;
- Be accountable to the Grantee for how it uses the State funds provided under the subaward;
- Follow applicable State rules regarding financial management, internal controls, cost principles, and audit requirements;
- Collect and provide performance data for the Grantee to include in its reports.

2.3 Program Income

To the extent that it can be determined that interest was earned on advances of funds, such interest shall be recorded in the Grantee's restricted indigent defense fund and included in the quarterly FSRs. The grant award shall not be increased by the amount of interest earned. Any grant funds attributable to interest and not spent at the end of the grant period shall be returned to the State or included in future grant awards from the MIDC consistent with MCL 780.993(15).

2.4 Share-in-savings

Grantor expects to share in any cost savings realized by Grantee in proportion of the grant funds to the local share.

2.5 Purchase of Equipment

The purchase of equipment must be made pursuant to Grantee's established purchasing policy and if not specifically listed in the Budget, Grantee must have prior written approval of Grantor. Equipment is defined as non-expendable personal property having a useful life of more than one year. Such equipment shall be retained by Grantee unless otherwise specified at the time of approval.

2.6 Accounting

Grantee must establish and maintain a restricted indigent defense fund in its local chart of accounts to record all transactions related to the Grant. The restricted fund will not lapse to the local general fund at the close of Grantee's fiscal year. Grantee shall adhere to the Generally Accepted Accounting Principles and shall maintain records which will allow, at a minimum, for the comparison of actual outlays with budgeted amounts. Grantee's overall financial management system must ensure effective control over and accountability for all indigent defense funds received. Where the Grantee uses a nonprofit entity to provide indigent defense services as contemplated in its compliance plan and cost analysis, the Grantee shall ensure that the contract or agreement defining the nonprofit entities relationship allows for reasonable access, in its sole discretion, to financial records for monitoring by the Grantee and its representatives. Accounting records must be supported by source documentation of expenditures including, but not limited to, balance sheets, general ledgers, payroll documents, time sheets and invoices. The expenditure of state funds shall be reported by line item and compared to the Budget.

2.7 Records Maintenance, Inspection, Examination, and Audit

Grantor or its designee may audit Grantee and the restricted indigent defense fund account to verify compliance with this Grant. Grantee must retain and provide to Grantor or its designee upon request, all financial and accounting records related to the Grant through the term of the Grant and for 7 years after the latter of termination, expiration, or final payment under this Grant or any extension ("Audit Period"). If an audit, litigation, or other action involving the records is initiated before the end of the Audit Period, Grantee must retain the records until all issues are resolved.

Within 10 calendar days of providing notice, Grantor and its authorized representatives or designees have the right to enter and inspect Grantee's premises or any other places where Grant activities are being performed, and examine, copy, and audit all records related to this Grant. Grantee must cooperate and provide reasonable assistance. If any financial errors have occurred, the amount in error must be reflected as a credit or debit on subsequent disbursements until the amount is paid or refunded. Any remaining balance must be reported by Grantee to Grantor by October 31 of each year as required under the MIDC Act.

This Section applies to Grantee, any parent, affiliate, or subsidiary organization of Grantee, and any subgrantee that performs Grant activities in connection with this Grant.

2.8 Competitive Bidding

Grantee agrees that all procurement transactions involving the use of state funds shall be conducted in a manner that provides maximum open and free competition, consistent with Grantee's purchasing policies. Sole source contracts should be negotiated to the extent that such negotiation is possible. Attorney contracts for representation of indigent or partially indigent defendants, and contracts for managed assigned counsel coordinators, are exempt from a competitive bid process but must meet standard internal procurement policies, as applicable.

3.0 Liability

The State is not liable for any costs incurred by Grantee before the start date or after the end date of this Agreement. Liability of the State is limited to the terms and conditions of this Agreement and the total grant amount.

3.1 Safety

Grantee and all subgrantees are responsible for ensuring that all precautions are exercised at all times for the protection of persons and property. Safety provisions of all Applicable Laws and building and construction codes shall be observed. Grantee and every subgrantee are responsible for compliance with all federal, state, and local laws and regulations in any manner affecting the work or performance of this Agreement and shall at all times carefully observe and comply with all rules, ordinances, and regulations. Grantee, and all subgrantees shall secure all necessary certificates and permits from municipal or other public authorities as may be required in connection with the performance of this Agreement.

3.2 Indemnification

Each party to the Grant must seek its own legal representation and bear its own legal costs; including judgments, in any litigation which may arise from the performance of this Grant and/or Agreement. It is specifically understood and agreed that neither party will indemnify the other party in any such litigation.

3.3 Failure to Comply and Termination

A. Failure to comply with duties and obligations under the grant program as set forth in Public Act 93 of 2013, as amended, is subject to the procedures contained in sections 15 and 17 of the Act.

B. Termination for Convenience

Grantor may immediately terminate this Grant in whole or in part without penalty and for any reason, including but not limited to, appropriation or budget shortfalls. If Grantor terminates this Grant for convenience, Grantor will pay all reasonable costs for approved Grant responsibilities. If the parties cannot agree to the cost to be paid by the Grantor, the parties shall attempt to resolve the dispute by mediation pursuant to MCL 780.995. Grantee's duty to comply with MIDC standards is limited to funding covering the cost of compliance as set forth in the Act.

3.4 Conflicts and Ethics

Grantee will uphold high ethical standards and is prohibited from: (a) holding or acquiring an interest that would conflict with this Grant; (b) doing anything that creates an appearance of impropriety with respect to the award or performance of the Grant; (c) attempting to influence or appearing to influence any State employee by the direct or indirect offer of anything of value; or (d) paying or agreeing to pay any person, other than employees and consultants working for Grantee, any consideration contingent upon the award of the Grant. Grantee must immediately notify Grantor of any violation or potential violation of this Section. This Section applies to Grantee, any parent, affiliate, or subsidiary organization of Grantee, and any subgrantee that performs Grant activities in connection with this Grant.

3.5 Non-Discrimination

Under the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 to 37.2804, and the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101, et seq., Grantee and its subgrantees agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. Breach of this covenant is a material breach of this Grant.

3.6 Unfair Labor Practices

Under MCL 423.324, the State may void any Grant with a grantee or subgrantee who appears on the Unfair Labor Practice register compiled under MCL 423.322.

3.7 Force Majeure

Neither party will be in breach of this Grant because of any failure arising from any disaster or act of God that are beyond its control and without its fault or negligence. Each party will use commercially reasonable efforts to resume performance. Grantee will not be relieved of a breach or delay caused by its subgrantees except where the MIDC determines that an unforeseeable condition prohibits timely compliance pursuant to MCL 780.993, Sec. 13(11).

4.0 Certification Regarding Debarment

Grantee certifies, by signature to this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Agreement by any federal or state department or agency. If Grantee is unable to certify to any portion of this statement, Grantee shall attach an explanation to this Agreement.

4.1 **Illegal Influence**

Grantee certifies, to the best of its knowledge and belief that:

- A. No federal appropriated funds have been paid nor will be paid, by or on behalf of Grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this grant, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. Grantee shall require that the language of this certification be included in the award documents for all grants or subcontracts and that all subrecipients shall certify and disclose accordingly.

The State has relied upon this certification as a material representation. Submission of this certification is a prerequisite for entering into this Agreement imposed by 31 USC 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Grantee certifies, to the best of its knowledge and belief that no state funds have been paid nor will be paid, by or on behalf of Grantee, to any person for influencing or attempting to influence an officer or employee of any state agency, a member of the Legislature, or an employee of a member of the Legislature in connection with the awarding of any state contract, the making of any state grant, the making of any state loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state contract, grant, loan or cooperative agreement.

4.2 **Governing Law**

This Grant is governed, construed, and enforced in accordance with Michigan law, excluding choice-of-law principles. All claims relating to, or arising out of, this Grant are governed by Michigan law, excluding choice-of-law principles. Any dispute arising from this Grant must be resolved as outlined in Sec. 15 of PA93 of 2013, as amended.

4.3 Disclosure of Litigation, or Other Proceeding

Grantee must notify Grantor within 14 calendar days of receiving notice of any litigation, investigation, arbitration, or other proceeding (collectively Proceeding) that arises during the term of the Grant against a public defender office, an attorney employed by a public defender office, or an attorney contracted to perform indigent defense functions funded by the Grantee that involves: (a) a criminal Proceeding; (b) a civil Proceeding involving a claim that, after consideration of Grantee's insurance coverages, would adversely affect Grantee's viability; (c) a civil Proceeding involving a governmental or public entity's claim or written allegation of fraud related to performance of the Grant; or (d) a Proceeding challenging any license that an attorney practicing on behalf of a public defender office or an attorney practicing pursuant to a contract to perform indigent defense functions for Grantee is required to possess in order to perform under this Grant.

4.4 Assignment

Grantee may not assign this Grant to any other party without the prior approval of Grantor. Upon notice to Grantee, Grantor, in its sole discretion, may assign in whole or in part, its rights or responsibilities under this Grant to any other party. If Grantor determines that a novation of the Grant to a third party is necessary, Grantee will agree to the novation, provide all necessary documentation and signatures, and continue to perform its obligations under the Grant.

4.5 Entire Grant and Modification

This Grant is the entire agreement and replaces all previous agreements between the parties for the Grant activities. Pursuant to the MIDC Act, the MIDC shall promulgate policies necessary to carry out its powers and duties. The MIDC may also provide guides, instructions, informational pamphlets for the purpose of providing guidance and information with regard to the Grant and MIDC policies. This Agreement supersedes all terms of MIDC policies, guides, instructions, informational pamphlets and any other explanatory material that is in conflict with the Agreement. This Agreement may not be amended except by a signed written agreement between the parties.

4.6 Grantee Relationship

Grantee assumes all rights, obligations, and liabilities set forth in this Grant. Grantee, its employees, and its agents will not be considered employees of the State. No partnership or joint venture relationship is created by virtue of this Grant. Grantee, and not Grantor or the State of Michigan, is responsible for the payment of wages, benefits, and taxes of Grantee's employees. Prior performance does not modify Grantee's status as an independent grantee.

4.7 Dispute Resolution

The parties will endeavor to resolve any Grant dispute in accordance with section 15 of Public Act 93 of 2013. The dispute will be referred to the parties' respective representatives or program managers. Such referral must include a description of the issues and all supporting documentation. The parties will continue performing while a dispute is being resolved, unless the dispute precludes performance or performance would require Grantee to spend in excess of the Local Share as defined by MCL 780.983(h).

5.0 Severability

If any part of this Grant is held invalid or unenforceable, by any court of competent jurisdiction, that part will be deemed deleted from this Grant and the severed part will be replaced by agreed upon language that achieves the same or similar objectives. The remaining Grant will continue in full force and effect.

5.1 Signatories

The signatories warrant that they are empowered to enter into this Agreement and agree to be bound by it.

DRAFT

Signature:

Department of Licensing and Regulatory Affairs Bureau of
Finance and Administrative Services
Department of Licensing and Regulatory Affairs
State of Michigan

Date:

Signature:

Michigan Indigent Defense Commission
Department of Licensing and Regulatory Affairs
State of Michigan

Date:

Signature:

Representative:

Date:

Funding Unit:

GRANT NO. 202~~43~~



To: Michigan Indigent Defense Commission

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

Re: Compliance Planning and Costs:
FY22, 23 status updates and staff recommendations
FY24 plan submissions and staff recommendations

Date: June 5, 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 | \$173,928,393.06 | \$38,825,422.67 | \$212,753,815.73 |

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

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

offset by any unexpended balances on deposit with the local system as of September 30, 2022. Third and fourth distributions will be made this summer. The MIDC annually collects information about 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 report from the following system:

- City of Farmington (corrections pending to the submitted report)

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. Based on communications with the local system stakeholders regarding [compliance planning](#) and [financial reporting](#), staff is seeking permission to proceed to mediation to resolve issues with the FY23 compliance plan and cost analysis.

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 system plans and cost analyses are approved and as of this writing all 120 are fully executed with funding distributed pursuant to the contract terms.

2. [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):

- Barry County
- Cass County
- City of Pontiac
- Ingham County
- Ionia County
- Kent County
- Livingston County
- Macomb County
- Ontonagon County
- Saginaw County
- Sanilac County
- Washtenaw County

IV. FY24 Compliance Planning

A. Overview of process and submissions received

All funding units were required to submit a plan for compliance with all approved MIDC Standards no later than April 26, 2023, pursuant MCL §780.993, which provides:

(3) No later than 180 days after a standard is approved by the department, each indigent criminal defense system shall submit a plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before October 1 of each year. A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis for meeting those minimum standards. The standards to be addressed in the annual plan are those approved not less than 180 days before the annual plan submission date. The cost analysis must include a statement of the funds in excess of the local share, if any, necessary to allow its system to comply with the MIDC's minimum standards.

(4) The MIDC shall approve or disapprove all or any portion of a plan or cost analysis, or both a plan and cost analysis, submitted under subsection (3), and shall do so within 90 calendar days of the submission of the plan and cost analysis. If the MIDC disapproves any part of the plan, the cost analysis, or both the plan and the cost analysis, the indigent criminal defense system shall consult with the MIDC and, for any disapproved portion, submit a new plan, a new cost analysis, or both within 60 calendar days of the mailing date of the official notification of the MIDC's disapproval. If after 3 submissions a compromise is not reached, the dispute must be resolved as provided in section 15. All approved provisions of an indigent criminal defense system's plan and cost analysis must not be delayed by any disapproved portion and must proceed as provided in this act. The MIDC shall not

approve a cost analysis or portion of a cost analysis unless it is reasonably and directly related to an indigent defense function.

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Funding units use the MIDC's Grant Management System (EGrAMS) to submit plans and cost analyses. A detailed, self-guided tutorial was prepared for funding units and [linked on our website](#) along with resources and materials for planning.

B. Ad Hoc Committee Reports

1. [Increase to Direct Costs in Compliance Plans](#) – William Swor, Committee Chair
2. [General Increases in Compliance Plans](#) – Christine Green, Chair
3. [Line Item Reduction](#) – Tom McMillin, Chair
4. [Data Collection](#) – Kim Buddin, Chair

C. Senior Staff Recommendations (action items)

Senior Staff Recommendations (action items)

Disapprove plan/disapprove cost analysis - No plan submitted

1. **Hillsdale County**
FY 23 approved total \$429,707.30
2. **Otsego County**
FY 23 approved total \$363,815.83

Consistent with the MIDC's prior action for non-submissions, it is staff's recommendation to treat these non-submissions as a "disapproval" of the plan and cost analysis for purposes of opening the resubmission opportunity within 60 calendar days of the mailing date of the official notification of the MIDC's disapproval, pursuant to M.C.L. 780.993(4).

Disapprove plan/disapprove cost analysis

Contractual attorney rates do not meet Standard 8 requirements:

3. Crawford County

FY 23 approved total \$650,700.19

FY 24 total system request \$635,841.04

Managed Assigned Counsel (hereafter “**MAC**”) contractor system overseeing attorneys providing services; attorney rates for arraignments at \$100/hr; other rates are \$120 for misdemeanors and \$150 or (possibly) all felonies, without detail and lacking caseload calculation/methodology; MAC rate is \$100/hr.

4. St. Joseph County

FY 23 approved total \$885,752.20

FY 24 total system request \$977,100.94

Contract defender system with salaried MAC administrator; cost analysis includes increases for personnel, attorney contracts, and expert/investigative assistance. On call staff attorney is at \$75/hr without benefits; \$118.21/hr on call contract attorneys; \$130.03/hr for trial fees; plan does not include calculation for contracts or describe process for attorneys to seek additional compensation outside of contract.

Flat rate payment arrangements: \$12,000/wk flat per firm on duty; “Attorneys will provide a quarterly billing statement to the MAC office at the end of each quarter listing their cases and the amount of hours worked per case, and will certify that their compensation has/has not complied with Standard 8.”

Salaried employee(s) below Attorney General (“AG”) scale guidance:

5. Barry County

FY 23 approved total \$901,388.10

FY 24 total system request \$1,729,594.14

Public defender office (county employees) adding one staff attorney with a roster of attorneys moving from contract to hourly rates (+\$606,000); additional increases for attorney travel, contracted social worker, expert witnesses. Rates for salaried defenders are consistent with current *County* pay scale but public defender chief (\$44.49/hr) and line attorney (\$27.29/hr) rates are below AG salary *guidance*; contractual fees are consistent with MIDC Standard 8.

6. Isabella County

FY 23 approved total \$1,600,332.76

FY 24 total system request \$1,818,959.18

Public defender office (county employees) with a managed assigned counsel administrator overseeing roster of attorneys. Increase includes salary and fringe benefits (+\$97,000) and rates for contract attorneys (+\$117,000); minor increases for MAC support and indirect costs. Deputy Public Defender rate of \$41.77/hr with supervisory responsibilities is below AG salary *guidance*; all other rates are consistent with AG *guidance* and minimum contractual fees.

Managed Assigned Counsel Administrator (no direct services provided) below MIDC minimum hourly contractual rates:

7. Alger County

FY 23 approved total \$496,400.21

FY 24 total system request \$638,293.10

Public defender office (county employees) with increase to personnel (+\$10,500) social work services (+\$20,800) contractual attorneys

(+\$46,560) to meet Standard 8; other increases to supplies and services include cost allocation; system is seeking reimbursement for projected overspending (+\$60,000) pursuant to M.C.L. 780.993(16); Rates for public defender and contractual fees are consistent with MIDC Standard 8; **MAC rate is \$100/hr.**

8. [Benzie and Manistee Counties](#)

FY 23 approved total \$993,552.52

FY 24 total system request \$1,117,619.03

Regional public defender office includes increases for salaried staff (+\$61,000) and contractual attorneys (+\$57,000) to meet Standard 8; minor cost analysis changes in other categories; **MAC rate is \$100/hr**; all other rates are consistent with AG guidance and minimum contractual fees.

9. [D 41-a-1 City of Sterling Heights](#)

FY 23 approved total \$511,825.00

FY 24 total system request \$799,785.00

MAC overseeing roster of attorneys changing from event based to hourly pay (\$120/hr; +\$287,960 increase overall); minor increase for expert and investigator services; **MAC rate is \$90/hr.**

10. [Emmet County](#)

FY 23 approved total \$605,458.00

FY 24 total system request \$1,120,348.39

MAC contractor system overseeing attorneys providing services; increase to contracts for attorneys (+\$522,000) to comply with Standard 8, including increase to MAC hours; minor changes elsewhere in cost analysis. **MAC rate is \$100/hr.**

Flat rate payment arrangements: Attorneys will receive a flat monthly contract rate of \$20,000 divided among the attorneys and bill hourly against that at Standard 8 minimum rates. If an attorney exceeds the flat rate one month, they will be compensated the hourly rate per

case type accordingly. If they do not meet the flat rate every month, their advancement will be deducted by that amount the following month. Attorneys will also receive additional compensation for arraignment coverage and second chair duties.

11. [Kalkaska County](#)

FY 23 approved total \$837,094.72

FY 24 total system request \$792,965.22

MAC contractor system overseeing attorneys providing services; overall **decrease** in spending, including personnel (ancillary), decrease in contracts for attorneys, including MAC administration, decrease to supplies & services, slight increase to travel & training; **MAC rate is \$100/hr.**

12. [Presque Isle County](#)

FY 23 approved total \$227,364.79

FY 24 total system request \$324,046.59

MAC contractor system overseeing attorneys providing services; increase to contracts for attorneys (+\$96,000) to comply with Standard 8; minor changes elsewhere in cost analysis. **MAC rate is \$100/hr.**

Other compliance issues:

13. [Arenac County](#)

FY 23 approved total \$435,013.83

FY 24 total system request \$676,598.14

MAC overseeing panel of attorneys paid hourly; increases consistent with Standard 8 rates but clarification on minimum payment formula for arraignments is needed; hours for court clerk continue to be requested but system has not been compliant with data collection

reporting requirements; significant (\$120,000) construction project for jail and courthouse expansion requires further detail.

14. Berrien County

FY 23 approved total \$4,597,652.00

FY 24 total system request \$4,934,924.78

Public defender office (county employees) with a roster of attorneys for conflicts and overflow cases; clarification is required for Standard 1 (tracking CLE for defenders); Standard 4 (access to counsel for pleas by mail); Standard 5 (selection of counsel, appeal process for expert/investigative requests); cost analysis calculations for contractual attorneys is missing; request for construction project can likely be accomplished with existing funding.

15. Chippewa County

FY 23 approved total \$649,473.57

FY 24 total system request \$1,015,599.61

Public defender office (county employees) with a managed assigned counsel administrator overseeing roster of attorneys. Increase includes salary and fringe benefits (+\$66,000) and rates for contract attorneys (+\$227,750); experts and investigators (+\$28,000); intern and stipend (+\$15,000); confidential meeting space modification (+\$25,000 whisper room) to address compliance with MIDC Standard 2 concerns; minor increases for supplies and services. Chief Public Defender rate of \$40.30/hr is below AG *guidance*; all other rates have increased and are consistent with AG guidance and minimum contractual fees; clarification on possibly duplicative supplies requested on resubmission.

16. D 25 City of Lincoln Park

FY 23 approved total \$305,435.08

FY 24 total system request \$329,738.99

MAC salaried part time employee (reduced hours) overseeing roster of attorneys (\$120/hr; +\$38,000 increase); ancillary spending (partial

court clerk, partial court officer, partial police officer) are not necessary to meet MIDC standards or requirements and should be further reduced or eliminated; MAC rate (\$46.57/hr) is below AG *guidance*.

17. [Iron County](#)

FY 23 approved total \$769,495.91

FY 24 total system request \$804,925.46

Public defender office (non-profit/vendor model) with MAC administrator overseeing roster of conflict/overflow cases; increase to vendor and for experts and investigators consistent with Standard 8 and projected needs; clarification in plan and cost analysis required for ancillary staff, data collection.

18. [Muskegon County](#)

FY 23 approved total \$3,967,983.65

FY 24 total system request \$6,584,127.02

Public defender office (county employees) with a roster for conflict and overflow cases. Clarification is required for Standard 2 (meeting clients prior to hearings who are *not* in custody), Standard 5 (resolution of conflicts); indigency screening determinations and appeals. Cost analysis increases are largely for salaries, fringe benefits, and roster attorney increases to meet MIDC Standard 8; corrections staff request that has gone unfilled in two prior years does not seem necessary to meet standards; clerk staff request requires clarification as to potential supplanting.

19. [Saginaw County](#)

FY 23 approved total \$6,891,142.75

FY 24 total system request \$9,043,744.34

Public defender office (nonprofit/vendor model) with MAC overseeing roster of attorneys; Standard 8 increases for MAC and panel attorneys as well as PD attorneys. Addition of corrections officer hours to facilitate client/attorney jail meetings; software for MAC; staff increases and additions for PD office travel/training increases;

computer equipment for Office of Assigned Counsel; increase in MAC fees; added social worker for PD; added clerical staff for PD; increases in operating costs for PD office. Need to clarify, reorganize and add information to support expert requests, payment for attorneys on traffic contract which appear to be capped, additional information needed for ancillary personnel for jail visits.

Approve plan/approve portion of cost analysis

The MIDC Act allows the Commission to approve “all or any portion of a plan or cost analysis.” MCL 780.993(4).

20. Macomb County

FY 23 approved total \$10,225,656.20

FY 24 total system request \$21,154,912.80

Staff recommended FY24 total: \$20,874,900.80

Public defender office (county employees) also serving as the MAC overseeing a robust roster of attorneys. Staffing increases at the PD office (+\$1,966,137.39) will eventually increase the capacity to a 25-35% caseload. Contracts for attorneys shifting from event based to hourly pay (+\$9,113,057.60) (using rates of \$120/\$132/\$144/\$192/hr) and increases for experts and investigators including evaluation fees (+\$853,880.00).

Regionalization efforts: County contracts for CLE for its third-class district courts and two other counties. It also is the MAC for Shelby and it will be doing the appointing of appellate assignments in Eastpointe.

Senior staff recommends deleting the construction reserve request of \$280,012.00 and using currently (FY23) approved costs to cover the project.

Flat rate payment arrangements: Attorneys covering arraignments and providing specialty court representation are paid for a half day

shift: \$360 (district court) \$396 (circuit court). Where the shift exceeds 3 hours, the overage will be billed hourly.

21. Oakland County

FY 23 approved total \$16,622,771.12

FY 24 total system request \$23,187,373.86

Staff recommended FY24 total: \$23,115,345.31

MAC County-based department overseeing a roster of attorneys and developing a public defender office (county employees). Staffing increases at the PD office (+\$1,056,723.80). Contracts for attorneys shifting from event based to hourly pay (+\$4,921,240.01) (using rates of \$120/\$132/\$144/\$192/hr) and increases for construction for confidential space and PD office expansion (+\$382,240.22) and related furniture and supplies (+\$506,890.85).

Regionalization efforts: County contracts for CLE for its third-class district courts.

Senior staff recommends reducing the cost allocation to the amount limited for indirect costs (reduction of \$72,028.55) and awaiting a cost allocation study.

Flat rate payment arrangements: Shift rates cover the following events: district court arraignments (\$720 for a 6 hour shift); jail arraignments (\$720 for a 6 hour shift during the week; \$810 for weekends; \$900 for holidays); circuit court bench warrants (\$264 per 2 hour shift); district court house counsel docket (\$360/3 hour shift). If an attorney works more hours than contemplated by the shift rate, the attorney will be compensated for their time at the appropriate hourly rate.

Approve plan and approve cost analysis

Wayne County

Regional Managed Assigned Counsel System based in Dearborn

Twenty funding units (3rd class district and municipal courts) participate in a regionalized managed assigned counsel office based in Dearborn as of FY23. All courts pay \$120/hr for misdemeanors to comply with Standard 8 for district court case coverage. Slight increase for FY24, but overall the regionalization effort is less than individual system total costs approved in FY22:

| | FY22 Approved Total | FY23 Approved Total | FY 24 REQUEST |
|----------------------------|----------------------------|----------------------------|-----------------------|
| D 16 Livonia | \$592,374.53 | \$456,199.00 | \$362,299.00 |
| D 17 Township of Redford | \$406,469.40 | \$240,000.00 | \$371,000.00 |
| D 19 Dearborn | \$1,152,586.55 | \$932,922.58 | \$1,012,819.51 |
| D 20 Dearborn Heights | \$200,186.25 | \$192,989.00 | \$159,989.00 |
| D 21 Garden City | \$131,171.09 | \$132,394.77 | \$144,958.70 |
| D 22 Inkster | \$89,216.07 | \$65,000.00 | \$87,000.00 |
| D 23 Taylor | \$400,976.19 | \$277,908.21 | \$322,644.59 |
| D 24 Allen Park | \$170,765.00 | \$210,765.00 | \$239,195.60 |
| D 27 Wyandotte | \$232,665.80 | \$182,851.12 | \$261,577.30 |
| D 28 City of Southgate | \$210,585.60 | \$172,500.00 | \$195,000.00 |
| D 29 City of Wayne | \$148,225.11 | \$138,329.32 | \$163,610.43 |
| D 30 Highland Park | \$134,606.03 | \$80,029.30 | \$92,169.30 |
| D 31 Hamtramck | \$122,935.25 | \$106,320.00 | \$145,230.00 |
| D 32a City of Harper Woods | \$193,492.74 | \$187,366.38 | \$175,551.78 |
| D 33 Woodhaven | \$284,600.00 | \$264,600.00 | \$362,000.00 |
| D 34 Romulus | \$318,337.04 | \$220,751.12 | \$286,748.67 |
| D 35 Canton | \$374,220.00 | \$350,003.12 | \$324,000.00 |
| Grosse Pointe Farms/Shores | \$69,500.00 | \$69,500.00 | \$83,400.00 |
| Grosse Pointe Municipal | \$15,300.00 | \$15,300.00 | \$21,225.00 |
| Grosse Pointe Park | \$36,250.00 | \$36,250.00 | \$43,476.00 |
| | \$5,284,462.65 | \$4,331,978.92 | \$4,853,894.88 |
| | | -\$907,990.92 | \$521,915.96 |
| | | -17% | 12% |

*Increase for factors **other than MIDC Standard 8 hourly rate increases or Personnel COLA/steps** noted below:*

22. [D 16 City of Livonia](#)

23. [D 17 Township of Redford](#)

Increase by 400 hours to contract counsel for docket management. System is also seeking reimbursement for projected overspending (+\$35,000) pursuant to M.C.L. 780.993(16).

24. [D 19 City of Dearborn](#)

25. [D 20 City of Dearborn Heights](#)

26. [D 21 City of Garden City](#)

27. [D 22 City of Inkster](#)

Increase by 75 hours to contract counsel for docket management.

28. [D 23 City of Taylor](#)

29. [D 24 City of Allen Park](#)

30. [D 27 City of Wyandotte](#)

Increase by 200 hours to contract counsel for docket management. System is seeking reimbursement for projected overspending (+\$20,000) pursuant to M.C.L. 780.993(16).

31. [D 28 City of Southgate](#)

32. [D 29 City of Wayne](#)

33. [D 30 City of Highland Park](#)

34. [D 31 City of Hamtramck](#)

Increase by 168 hours to contract counsel for docket management.

35. [D 32a City of Harper Woods](#)

36. [D 33 City of Woodhaven \(Grosse Ile\)](#)

Increase by 204 hours to contract counsel for docket management. System is seeking reimbursement for projected overspending (+\$20,000) pursuant to M.C.L. 780.993(16).

37. [D 34 City of Romulus](#)

Increase by 204 hours to contract counsel for docket management.

38. [D 35 Canton Township](#)

39. [City of Grosse Pointe](#)

40. [City of Grosse Pointe Farms](#)

41. [City of Grosse Pointe Park](#)

42. [City of Grosse Pointe Woods](#)

FY 23 approved total \$55,920.00

FY 24 total system request \$57,740.00

MAC system uses Wayne County Regional office for expert/investigative requests. Increase to contracts for attorneys (+\$1,820.00) to comply with Standard 8.

43. [D 18 City of Westland](#)

FY 23 approved total \$536,435.00

FY 24 total system request \$673,230.00

MAC system uses Wayne County Regional office for expert/investigative requests. Increase to contracts for attorneys (+\$137,080.00) due to Standard 8 rates and added 250 hours to contract counsel for caseload increase.

44. **D 36 City of Detroit**

FY 23 approved total \$3,537,809.90

FY 24 total system request \$4,305,800.88

MAC employees oversee roster of attorneys; increase for personnel (steps/COLA +\$15,700); increases for contracts for attorneys (+\$788,960) due to Standard 8; one contract converted from flat fee to hourly (+\$279,660); minor decreases in other categories of cost analysis.

45. **Wayne County**

FY 23 approved total \$38,720,922.37

FY 24 total system request \$55,307,366.52

MAC County-based department overseeing a roster of attorneys accepting 65% of felonies in the County; public defender office (nonprofit vendor model) accepting 35% of felony case assignments. Significant increase to funding for contracts for attorney services for the roster (+\$15,012,948) using projections from the RAND study and using rates of \$144/\$192 hour; increase to vendor office (+\$921,081.65) for staffing, lease, training, equipment, supplies and services. County office increased hourly rates for investigators consistent with MIDC guidance (+\$489,750), reorganized staffing (+\$122,603) and made other minor changes to cost analysis.

Flat rate payment arrangements: Historically, attorneys accepting assignments in Wayne County have been paid on an event-based schedule for services implemented by the Circuit Court. The rates in the schedule doubled in FY22 and hourly rates for some case types were approved by the MIDC in FY23. It is anticipated that when the funding unit's case management system is fully on boarded (calendar year 2023) that the ISDS office will take over the function of making payments to attorneys (currently still facilitated by the Circuit Court) and that hourly rates for all services performed in all cases will be paid beginning in January 2024. The cost analysis has been prorated accordingly.

South Central Michigan Region

46. Clinton County

FY 23 approved total \$1,429,617.40

FY 24 total system request \$1,847,483.42

MAC employee shared with Gratiot County (below) increased MAC salary and increased admin support from part time to full time (+\$49,247); hours and rates for contracts for attorneys (\$+492,236) to meet Standard 8 and projected needs; system is also increasing expert and investigative funding (+\$15,000) consistent with projections and travel/training (+\$7,200) to allow for attorneys to attend two conferences per year.

47. Gratiot County

FY 23 approved total \$656,968.43

FY 24 total system request \$804,568.16

MAC increases consistent with shared office in Clinton County (above); system also increased rates and hours for contract attorneys (\$+99,280); added indirect costs (+\$16,077).

48. Eaton County

FY 23 approved total \$2,176,378.80

FY 24 total system request \$2,408,495.31

PD Office with Chief PD serving as MAC and overseeing a roster of attorneys; Chief assigns cases, acts as appointing authority and administers expert/investigator requests. Increase to PD office (+\$54,273) and to contracts for attorneys (+\$41,880) to meet Standard 8; additional expert resources needed (+\$120,000) for pending youth resentencings; interns included in plan and cost analysis (+\$24,000); other adjustments to cost analysis for supplies and services including data collection.

49. Genesee County

FY 23 approved total \$7,217,929.08

FY 24 total system request \$20,898,478.92

Public Defender office (County employees) with PD serving as MAC responsible for assignment of cases, attorney billing, expert and investigator requests. Office is adding 2 staff attorneys; 1 social worker; 1 paralegal plus steps/COLA's/re-class PD positions to increase pay consistent with prosecutor (+\$555,300.86). Most significant increase is to contracts for attorneys (+\$12,116,000). System was previously contract-based for all misdemeanors; event-based pay for all felonies (minus those handled by salaried PD's). New hourly rate calculations are based on 5 years of SCAO caseload data and RAND hourly guidelines for misdemeanors; felony hours are based on local estimated hours. Expert/investigation funding continues to increase (+\$856,000) based on projected need, including resources for youth resentencings; system is adding funding for interns (+\$10,000), data collection (+\$55,000); adjustments to travel/training and supplies/services including furniture for new staff.

50. Ingham County

FY 23 approved total \$7,039,157.78

FY 24 total system request \$8,065,828.26

Public defender office (County employees) with a roster for conflicts and overflow cases. PD Office/Chief makes assignments, handles billing, and experts/investigative requests. Changes to office (+\$682,800) for increases to Chief/Deputy to seek parity w/ prosecutor pay, adding 2 PD attorneys, 1 social worker. Reclassifying some positions (Admin to Exec Assistant, Investigator & Clerks) to increase salary 5-10%. Yearly COLA's/step increases; decrease 1 clerk; equipment (+\$15,000) and resources for staff (+\$92,000); contractual attorney increases (+\$157,870) for Standard 8 and conflict case projections; other increases to travel/training and supplies.

51. Jackson County

FY 23 approved total \$4,230,599.59

FY 24 total system request \$4,772,791.95

Public defender office (County employees) with roster for conflicts and overflow cases. PD Office screens for indigency, appoints counsel, manages roster attorneys, handles expert/investigator requests. Personnel increases (+\$198,000) includes secretary to support compliance and other staff members, COLAs and step increases; no change to contractual attorneys based on projections; expert and investigative requests (+\$205,000) is consistent with pending and anticipated cases including youth resentencings; travel/training and supplies/services increases consistent with office growth.

52. Lenawee County

FY 23 approved total \$2,214,188.56

FY 24 total system request \$2,616,316.67

Public defender office (county employees) with a contractor serving as MAC. Increase to office includes one new attorney plus steps/COLA for most positions (+\$237,000); increases to contracts for attorneys (+\$184,000) includes additional hours for services consistent with projected needs; adjustments to travel/training and supplies and services.

53. Livingston County

FY 23 approved total \$2,467,725.37

FY 24 total system request \$3,285,978.82

Public defender office (County employees) also serving as MAC for roster of attorneys. System is moving from hybrid PD/MAC (with roster handling about 75% felonies + conflicts) transition to PD/conflict roster with PD assuming most of the felony caseload & conflicts/25% of the felony caseload handled by assigned counsel. Significant increase to PD office staffing (+\$774,000) includes 4 additional PDs, 1 paralegal, 1 admin assistant as well as COLA/step increases scheduled. Related

increases to space/lease (+\$62,100); equipment, furniture, travel/training and supplies added for new staff.

54. Monroe County

FY 23 approved total \$1,464,075.77

FY 24 total system request \$2,996,516.32

MAC is a County employee overseeing a roster of attorneys. Minor increase to personnel (\$36,000) to change coordinator from part time to full time and adding an administrative assistant. Significant increases to contracts for attorneys (+\$1,531,510). In FY23, system pays \$85/hourly for misdemeanors and \$90/hour for felonies. In FY24, rates will increase 40% for misdemeanors, 50% for felonies and 60% for life offenses to bring system into compliance with Std 8. System has historically overspent in this category and is increasing hours based on projected needs. Decreased spending from last year for some one-time purchases and made other adjustments to travel/training and supplies/services.

55. Shiawassee County

FY 23 approved total \$1,420,753.21

FY 24 total system request \$1,647,416.95

Public defender office (county employees) oversees roster of attorneys. PD Office handles indigency screening, appointment of cases, selecting of roster attorneys/roster attorney billing, and expert/investigator requests. Re-classification/step increases for PD's/Chief/Deputy + COLAs (+\$150,683.74); contract attorney increases (+\$63,000) consistent with Standard 8 rate changes; reduced equipment request from last year for one-time purchases; increased other travel/training and supplies/services including data collection needs.

56. Washtenaw County

FY 23 approved total \$7,695,345.80

FY 24 total system request \$10,325,865.20

Public defender office (County employees) with a MAC employee overseeing roster of attorneys for conflicts/overflow. Chief PD oversees assignments, expert/investigator requests; MAC oversees assignments, billing, expert/investigator requests for roster attorneys, and selection of roster attorneys (along with stakeholder committee). Public defender staff increases (+\$1,808,000) includes 4 staff attorneys, 1 senior PD, 1 social worker, 1 investigator, 3 paralegals, 2 office managers, 3 fellowship positions; contracts for attorneys increase (+\$625,000) using \$130/\$160/\$190/hr rates; equipment, travel/training, supplies and services are increasing related to staff expansion.

Western Michigan Region**57. Allegan and Van Buren Counties**

FY 23 approved total \$4,869,691.90

FY 24 total system request \$6,014,281.57

Regional public defender office (county employees) based in Allegan County. Increase to PD personnel for steps/COLA; increases to contracts for attorneys (+\$1,386,000) for Standard 8, significant pending caseload including homicide, cold cases, and COVID backlog; increases to experts/investigators (\$440,000) for these cases as well as pending youth resentencings; adding interns to support attorneys, social worker, and investigator; adjustments to supplies/services and travel/training.

58. Branch County

FY 23 approved total \$1,304,735.10

FY 24 total system request \$1,580,031.36

Public defender office (county employees) adding a social worker to staff along with steps/COLA for existing staff (+\$240,000); contracts for attorneys increased to meet Standard 8 (+\$25,426); minor adjustments to travel/training and supplies/services.

59. Calhoun County

FY 23 approved total \$4,560,736.15

FY 24 total system request \$6,311,128.22

Public defender office (county employees) adding 4th investigator to staff plus COLA/steps (+\$192,207); increases to contracts for attorneys (+\$1,043,755) includes Standard 8 plus attorney fees for a 12 co-defendant RICO case charged by AG; experts/investigators needed as well (\$347,250) including youth resentencings; adding interns; increases to supplies/services (\$111,650) for staff consistent with computer replacement policy; increases to travel/training (+\$31,817) including travel for attorneys for conflict work.

60. Cass County

FY 23 approved total \$610,617.00

FY 24 total system request \$1,164,445.08

County is adding a full time MAC with admin assistant (+\$240,346); increasing rates for contracts for attorneys (+\$190,208) and shifting from a monthly contract to hourly rates; increase to experts/investigators (+\$9,000) for youth resentencings; request for construction for MAC office (+\$60,000); supplies/services and training/travel increases for new staff.

61. [City of Grand Rapids](#)

FY 23 approved total \$1,955,786.56

FY 24 total system request \$2,798,807.82

MAC contractor overseeing roster of attorneys; funding unit has MAC support employees with COLA increases (+\$21,886); system uses the investigators and social workers that are provided for in Kent County's plan; increases to contracts for attorneys to meet Standard 8 and increased hours/need (+\$814,715); minor adjustments to travel/training and supplies/services.

62. [City of Wyoming](#)

FY 23 approved total \$631,475.65

FY 24 total system request \$1,114,110.76

MAC employee overseeing roster of attorneys, salary increased to meet Standard 8; increase to contracts for attorneys (+\$ 508,655) includes increase to non-profit vendor serving Kent County; minor adjustments to experts/investigators, travel/training and supplies/services.

63. [Ionia County](#)

FY 23 approved total \$613,971.10

FY 24 total system request \$906,202.52

Public defender office (county employees) takes all cases except conflicts/overflow; adding attorney to staff and salary/steps/COLA to meet Standard 8 (+\$176,637); minimal increases needed to contracts for attorneys; adding interns and stipends (+\$30,000) and funding for experts/investigators (+\$40,000); increase to supplies/services including data collection.

64. [Kalamazoo County](#)

FY 23 approved total \$5,632,666.82

FY 24 total system request \$6,466,520.70

Public defender office (vendor/nonprofit model) takes all cases except conflicts/overflow; increase to vendor staff and contracts for attorneys

including additional hours to track projected need and to meet Standard 8 (+\$562,000); Increase to experts/investigators for several pending youth defense cases (\$275,000).

65. Kent County

FY 23 approved total \$10,702,684.61

FY 24 total system request \$23,884,344.34

MAC administration based in County overseeing roster of attorneys and contracting with nonprofit/vendor PD office for portion of caseload; adding support to administration (+\$108,000); increase to contracts for attorneys including to vendor office (+268,673) and significant changes to roster (+\$11,964,000) shifting from all flat fees to hourly using \$130/\$150/\$180/hr rates. Increases to experts/investigators (+\$585,000) including youth resentencings; NAPD system assessment (+\$50,000); data collection (+\$125,000); increasing training requirements for attorneys accepting cases (\$13,541).

66. Montcalm County

FY 23 approved total \$1,163,142.35

FY 24 total system request \$1,559,800.55

MAC employee with administrator overseeing roster of attorneys. Personnel increases (\$61,000) for steps/COLA/fringes; increase to contracts for attorneys for Standard 8 and additional hours (+\$275,000) as system consistently overspends in this category. System is seeking reimbursement for actual overspending in prior fiscal year (+\$82,849.43) pursuant to M.C.L. 780.993(16). Adding contracted social worker (+\$50,000); minor adjustments to supplies/services.

67. Ottawa County

FY 23 approved total \$4,628,783.17

FY 24 total system request \$5,162,057.78

Public defender office (county employees) with steps/COLA increases for staff (+\$272,000). Increase to contracts for attorneys (+\$317,414)

includes Standard 8 rates and additional hours based on projected need. Funding for experts/investigators increased (+\$145,000) including multiple CSC cases and youth defense resentencings; minor adjustments to supplies/services and travel/training.

Mid-Michigan Region

Alpena, Montmorency, and Oscoda Counties submit individual plans for compliance, but share a regional public defender office (non-profit vendor model). There is a MAC roster for conflicts and overflow in all 3 counties. The PD office operates in all three counties, with primary office in Alpena and small satellite office in Montmorency, with Oscoda satellite office to be added:

68. Alpena County

FY 23 approved total \$941,015.04

FY 24 total system request \$1,321,511.04

Increase to PD office (+\$266,922) adding an attorney, client advocate, interns and funding for data collection needs; MAC rate increase but overall net decrease to contracts for attorneys in other categories due to PD office taking more cases; complicated double homicide necessitating non-local attorneys and other resources continues to require significant funding for experts and investigative assistance (+\$200,850); minor adjustments to travel/training and other supplies.

69. Montmorency County

FY 23 approved total \$282,306.91

FY 24 total system request \$443,296.80

Regional office shares in proportion of staffing increases for vendor/nonprofit firm (+\$113,309.00); increases to MAC and contracts for attorneys (+\$47,000) and minor adjustments to travel/training and other supplies.

70. **Oscoda County**

FY 23 approved total \$369,601.33

FY 24 total system request \$484,373.95

This system began shifting from a MAC contract to join the nonprofit defender office mid-year in FY23. Transition support is ongoing for cases still assigned to the roster; significant changes to cost analysis from prior submission, mid-year adjustments, and Standard 8 rates; overall increase of approx. +\$115,000 adding Standard 8 increases for PD's and panel attorneys; addition of social worker, intern and part-time attorney by PD office; adjustments to supplies/services and travel/training as part of regional office.

Clare, Gladwin, Lake, Mason, Mecosta, Newaygo, Oceana, and Osceola submit individual plans for compliance, but share a regional MAC administrator. There is some sharing of regional resources, such as 2nd chair opportunities, which was put in place in FY 21, and a shared Standard 5 compliance assistant across all 8 counties, which was put in place in FY22. Rates used are \$120/\$135/\$150/hr for contract attorneys.

71. **Clare and Gladwin Counties**

FY 23 approved total \$1,670,441.96

FY 24 total system request \$1,356,958.23

Clare and Gladwin have a single contract for the 2 systems, which is administered by Clare County. MAC and contract attorney rates increased but overall decrease to contracts for attorneys based on projected needs.

72. **Lake County**

FY 23 approved total \$333,474.87

FY 24 total system request \$995,375.08

Minor increase to MAC administration and other categories; change from monthly flat fee contracts to hourly rates (+\$642,000) based on 2019 caseloads.

73. Mason County

FY 23 approved total \$952,961.27

FY 24 total system request \$1,172,804.01

Minor increase to MAC administration and other categories; increase to contracts for attorneys (+\$204,000) and experts/investigators (+\$10,000).

74. Mecosta County

FY 23 approved total \$537,451.28

FY 24 total system request \$1,273,441.50

Minor increase to MAC administration and other categories; change from event-based pay for attorneys to hourly rates (+\$537,000) using MIDC Standard 6 for projections; funding for Rural Attorney Triage Project (+\$160,000) will assist with the ongoing support identified by the contractor in 2022.

75. Newaygo County

FY 23 approved total \$1,036,284.73

FY 24 total system request \$1,188,608.22

Minor increase to MAC administration and other categories; overall increase to contracts for attorneys (\$230,520) includes addition of recovery court; decrease in ancillary spending and last year system costs included reimbursement for overspending (\$65,000) which is not repeated in this year's plan.

76. Oceana County

FY 23 approved total \$612,188.74

FY 24 total system request \$729,908.83

Minor increase to MAC administration and increase to hourly rates for attorneys (+\$123,000), ancillary spending (+\$17,000); minor adjustments to other categories.

77. **Osceola County**

FY 23 approved total \$518,663.58

FY 24 total system request \$1,170,692.60

Minor increase to MAC administration and other categories; change from event-based pay for attorneys to hourly rates (+\$650,000) using 2022 case data for projections. This system continues to include funding for second chair attorneys for all 8 counties in the region (\$80,000).

78. **Bay County**

FY 23 approved total \$1,995,822.77

FY 24 total system request \$2,212,854.72

Two public defender offices (county employees) with a MAC contractor and conflict/overflow panel and contract for arraignment attorneys. Increase to personnel includes Standard 8 rates plus COLA/steps and addition of social worker (+\$229,000); increase to contracts for attorneys (+\$110,000) for Standard 8 and additional hours needed; experts/investigators (+\$25,000) including youth resentencings; minor increases to travel/training and supplies. Last year system costs included reimbursement for overspending (\$175,000) which is not repeated in this year's plan.

Flat rate payment arrangements: Arraignment attorneys are paid \$13,000/mo for up to 27 hrs/wk; time must be tracked and additional work performed is paid \$120/hr.

79. **Alcona County**

FY 23 approved total \$257,925.00

FY 24 total system request \$353,864.60

MAC contractor oversees contract attorneys; shifting from flat contracts to flat rate contracts to flat rate for up to 25 hours/month/attorney and Standard 8 rates for time over 25 hours. (+\$80,300 to contracts for

attorneys); modification of space for in custody clients (+\$11,000); minor adjustments to travel/training and supplies/services.

Flat rate payment arrangements: The funding unit will \$3250/month for the first 25 hours for misdemeanors and felonies (non-capital); \$120/\$135/\$150/hr for all cases thereafter. Hourly time records will be required. Flat rate for arraignments will change to flat rate for minimum time with hourly pay for overage.

80. Huron County

FY 23 approved total \$666,945.78

FY 24 total system request \$814,986.50

MAC contractor overseeing roster of attorneys; increases to contracts for attorneys (+\$123,400) for Standard 8 rates and some adjustment in attorney hours; soundproofing project for jail spaces (+\$13,000) minor increases in travel/training due to rate changes.

81. Iosco County

FY 23 approved total \$505,497.49

FY 24 total system request \$603,773.82

MAC contractor overseeing roster of attorneys; increase to contracts for attorneys (+\$105,000) using Standard 8 rates; increase to experts/investigators (+\$10,000); minor adjustments to supplies/services and reduction in travel/training due to fewer attorneys.

Flat rate payment arrangements: arraignment attorney is paid a weekly availability fee of \$900.00 (1.5 hours per day x \$120.00) plus an hourly fee of \$120.00 for time spent each day in excess of 1.5 hours.

82. Midland County

FY 23 approved total \$653,357.59

FY 24 total system request \$733,655.59

Full-time MAC manager (county employee) who also has primary responsibility for arraignments. Increases for MAC and contracts for attorneys (+\$76,745); minor adjustment to travel/training.

83. Ogemaw County

FY 23 approved total \$850,047.40

FY 24 total system request \$993,927.42

MAC contractor overseeing roster of attorneys shifting from contract to hourly pay. Increase to contracts for attorneys (+\$110,000) includes funding for rural shortages; increase to experts/investigators (+\$20,000); minor adjustments to supplies/services and travel/training.

84. Roscommon County

FY 23 approved total \$672,862.50

FY 24 total system request \$1,007,229.30

MAC contractor overseeing roster of attorneys; increasing contracts for attorneys (+\$279,000) using Standard 8 rates and additional hours for arraignment coverage; increase to MAC support staff (+\$10,000) increase to experts and investigators (+\$30,000); adding part time corrections staff to facilitate Standard 4 (+\$17,000); minor increases to training.

85. Sanilac County

FY 23 approved total \$635,188.42

FY 24 total system request \$672,466.28

Full time MAC employee overseeing panel of attorneys; increase to MAC salary (+\$7,000) and contracts for attorneys (+\$172,550) for Standard 8 rates and additional hours; deleted prior request for social worker; added space modification for confidential meetings (+\$20,000) and other adjustments to supplies/services and travel/training; last year system costs included reimbursement for overspending (\$152,000) which is not repeated in this year's plan.

86. Tuscola County

FY 23 approved total \$1,391,050.50

FY 24 total system request \$1,542,224.85

Full time MAC administrator with staff attorney overseeing panel of hourly-paid attorneys. MAC office increases to accommodate cases (+\$63,000) and increases to contracts for attorneys (\$71,000) for Standard 8 rates; increase to lease for staff attorney (+\$10,800); minor adjustments to supplies/services and travel/training.

Northern Michigan Region**87. Baraga, Houghton and Keweenaw Counties**

FY 23 approved total \$857,528.43

FY 24 total system request \$1,074,178.78

Regional public defender office (nonprofit vendor model). Increase to contracts for attorneys (+\$181,650) including vendor office for Standard 8 rates and for salaried staff; increase to experts/investigators (+\$35,000) for projected needs.

88. Wexford and Missaukee Counties

FY 23 approved total \$1,267,214.70

FY 24 total system request \$1,744,757.65

Regional public defender office (county employees based in Wexford); increase to public defender staff (+\$316,000) for Standard 8 including increase to ancillary spending to facilitate standards 2 and 4; increase to contracts for attorneys (+\$15,580) including non-local travel; intern stipends (+\$15,000), minor adjustments to travel/training and supplies/services; new request for indirect costs (+\$113,000).

89. Marquette County

FY 23 approved total \$1,592,954.97

FY 24 total system request \$2,420,651.10

Public defender office (county employees). Increase to personnel (+\$459,000) including request for three new PD office employees plus related equipment and supplies; increase to contracts for attorneys (+\$56,000) to meet Standard 8; request for funding for 4 interns and stipends for housing (+\$50,000), experts/investigators (+\$10,000), Retention & Recruitment Manager (+\$175,000); adjustments to supplies/services, travel/training (+4,000) including UP conference; cost allocation (+\$29,000).

90. Antrim County

FY 23 approved total \$262,158.40

FY 24 total system request \$515,873.75

MAC contractor also serves in Grand Traverse County and Leelanau Counties overseeing roster of attorneys for continuity within the circuit. Increase to contracts for attorneys (+\$248,192.00) to Standard 8 and MAC for additional support staff. Minor increases to travel/training and supplies/services including data collection (\$5,000).

91. Grand Traverse County

FY 23 approved total \$1,279,246.59

FY 24 total system request \$2,416,209.19

MAC contractor also serving in Antrim and Leelanau Counties; increase to contracts for attorneys (+\$1,112,000) reflecting Standard 8 and increase for MAC, increase in experts and investigators (+\$10,000) based on projected needs, slight decrease to training (3 fewer attorneys), increase to supplies/services (+\$15,000) including data collection.

92. Leelanau County

FY 23 approved total \$236,539.38

FY 24 total system request \$291,476.50

MAC contractor also serving in Antrim and Grand Traverse Counties; increase to contracts for attorneys (+\$49,000) reflecting Standard 8 and increase for MAC, slight increase to training, increase to supplies/services (+\$5,000) including data collection.

93. Gogebic County

FY 23 approved total \$605,666.41

FY 24 total system request \$722,132.26

MAC contractor shared regionally with Ontonagon County; increase to contracts for attorneys (+\$109,000) reflecting Standard 8 and increase for MAC; adding independent contract social worker (+\$31,200).

94. Ontonagon County

FY 23 approved total \$195,372.31

FY 24 total system request \$233,913.48

MAC contractor shared regionally with Gogebic County; increase to contracts for attorneys (+\$34,700) reflecting Standard 8 and increase for MAC; minor increases to travel/training and experts/investigators.

95. Charlevoix County

FY 23 approved total \$695,463.22

FY 24 total system request \$1,249,843.67

MAC employee overseeing roster of contract attorneys; increase to MAC for Standard 8 (+\$15,000) and to contracts for attorneys (+\$584,000) including travel for conflict counsel; minor adjustments in experts/investigators, travel/training and supplies/services.

96. Cheboygan County

FY 23 approved total \$460,992.09

FY 24 total system request \$876,810.53

MAC contractor overseeing roster of attorneys; increase to contracts for attorneys (+\$402,000) to transition from flat rate contract model to hourly to comply with Standard 8 and for attorney shortages and travel; increase to training (+\$6,600) and other minor adjustments to ancillary personnel, supplies/services.

97. Delta County

FY 23 approved total \$722,243.69

FY 24 total system request \$831,732.19

Contract defender model with lead attorney position. Increases to contracts for attorneys to comply with and transition towards Standard 8 (+\$111,000); increase to experts and investigators (+\$10,000); minor adjustments to ancillary staff, travel/training and supplies/services. **Flat rate payment arrangements:** Attorneys will receive a flat rate amount of \$4,700 each month for District Court and \$6,500 each month for Circuit Court tracked and billed at MIDC minimum hourly rates; attorneys receive additional hourly compensation if they work beyond tracked hours.

98. Dickinson County

FY 23 approved total \$574,081.63

FY 24 total system request \$592,664.44

MAC contractor (co-MACs) with increases to contracts for attorneys (+\$17,000) to meet Standard 8 rates with a decrease to MAC administration; minor increase to training/travel.

99. Luce County

FY 23 approved total \$292,076.24

FY 24 total system request \$392,649.00

MAC contractor with increases to contracts for attorneys (+\$89,000) to meet Standard 8 rates and increased hours; new part time independent contract for social worker (+\$6,000), increase to experts and investigators (+\$5,000) for projected spending; slight increase in travel/training.

100. Mackinac County

FY 23 approved total \$213,188.97

FY 24 total system request \$471,270.00

MAC contractor shifting from flat rate compensation to hourly funding at Standard 8 rates increasing contracts for attorneys (+\$284,000) including arraignment dockets with 3 hour minimum shift coverage daily.

101. Menominee County

FY 23 approved total \$625,868.78

FY 24 total system request \$770,247.08

Contract defender model with lead attorney position. Increases to contracts for attorneys to comply with and transition towards Standard 8 (+\$121,000); increase travel for attorneys outside of funding unit (+\$15,000); minor adjustments to ancillary staff and supplies/services. **Flat rate payment arrangements:** Attorneys will receive a flat rate amount of \$6,500 each month tracked and billed at MIDC minimum hourly rates; attorneys receive additional hourly compensation if they work beyond tracked hours.

102. Schoolcraft County

FY 23 approved total \$230,112.80

FY 24 total system request \$275,054.70

MAC contractor; increase to contracts for attorneys (+\$39,000) to comply with Standard 8 and increasing caseloads, increase for experts/investigators (+\$5,000) slight increase to travel & training

Flat rate payment arrangements: MAC attorney will receive a flat rate amount of \$10,000.00/month billed at \$120/\$135/\$145/hr and will receive an additional payment for any excess amount due over the base amount for the preceding month.

Lapeer, Macomb, Oakland, St. Clair Counties

103. St. Clair County

FY 23 approved total \$3,305,735.09

FY 24 total system request \$3,593,694.46

Public defender office (County employees) and PD chief serves as MAC for roster of attorneys; increase to personnel (+\$59,421.28) to add part-time attorney, law clerk hours, COLA; overall decrease to contracts for attorneys (-\$141,000) with Standard 8 rates but projecting less reliance on the roster; funding unit needs additional resources for experts and investigators (+\$128,000) for pending youth resentencings; data collection (\$43,462); funding unit included cost allocation (+\$208,000) this year; adjustments to travel/training and supplies/services; system coordinates with Macomb County CLE plan.

104. Lapeer County

FY 23 approved total \$742,595.00

FY 24 total system request \$1,173,540.00

MAC contractor oversees roster of contract attorneys (+\$431,220) shifting from event-based to hourly pay for Standard 8. Minor adjustments to travel/training and supplies.

Flat rate payment arrangements: Attorneys are paid on an hourly basis for initial interviews and for all other critical stages. System uses hourly shifts for arraignments (three hours for the morning and one hour for the afternoon) at MIDC hourly rates. If a shift goes over the contemplated time, the attorney is paid hourly for the overage at the applicable rate.

Macomb District Courts (all participate in Macomb CLE program):

105. [D 37 Cities of Warren and Centerline](#)

FY 23 approved total \$964,145.63

FY 24 total system request \$3,603,151.41

MAC contract attorney with coordinator based in funding unit. Increase to contracts for attorneys (+\$2,633,600) by moving from event based to hourly rates (\$120/hr); increase to experts/investigators including funding for SA evaluations (+\$4,750); minor increase to supplies for mailing attorney contact information to clients (+\$1,000).

Flat rate payment arrangements: Arraignments are paid at \$360 per shift. If an attorney works more than the contemplated three hours for their half-day shift, they will be paid hourly for the overage in quarter hour increments at \$120 per hour.

106. [D 38 City of Eastpointe](#)

FY 23 approved total \$562,612.76

FY 24 total system request \$2,077,430.76

MAC contractor with coordinator based in funding unit; appointments of district to circuit appellate attorneys will be made by Macomb PD Office. Increase to contracts for attorneys (+\$1,496,418) by moving from event based to hourly rates (\$120/hr); increase to experts/investigators including funding for SA evaluations (+\$12,400); increase to supplies for transcripts (\$6,000).

107. [D 39 City of Roseville](#)

FY 23 approved total \$757,353.48

FY 24 total system request \$2,104,682.77

MAC contractor with coordinator based in funding unit; Increase to contracts for attorneys (+\$1,346,000) by moving from event based to hourly rates (\$120/hr); increase to experts/investigators (+\$1,500); minor decrease to supplies.

108. [D 40 City of St Clair Shores](#)

FY 23 approved total \$426,986.26

FY 24 total system request \$482,477.41

MAC contractor; personnel decreased (-\$44,000) for corrections staff as no longer needed. Increase to contracts for attorneys (+\$95,200) by moving from event based to hourly rates (\$120/hr); increase to experts/investigators including funding for SA evaluations (+\$4,500); minor decrease to supplies.

Flat rate payment arrangements: Attorneys serving as house counsel (Wednesday assignments which include misdemeanor traffic) are paid a three-hour, half day rate of \$360 plus other allowable expenses. Attorneys performing arraignments are paid a minimum of one hour for their shift. If the attorney works more than the contemplated number of hours during their shift, they will be paid for the additional time at the rate of \$120 per hour. There is no cap or maximum hours that can be billed.

109. [D 41-a-2 Charter Township of Shelby](#)

FY 23 approved total \$285,050.00

FY 24 total system request \$388,480.00

MAC is Macomb PD. Increases to contracts for attorneys (+\$98,305) moving to S8 rates (\$120/hr), increasing the number of house counsel attorneys for each docket to improve service, and will make more individual appointments; increase to experts/investigators (+\$6,000) includes SA evaluations.

Flat rate payment arrangements: Attorneys are paid a shift rate when they perform arraignments and docket days. The shift prices are based on the anticipated amount of time for a shift--two hours for arraignments and three hours for a docket. If the shift takes longer than the contemplated amount, the attorney is paid hourly for the overage.

- 110. [D 41b Clinton Township](#)**
 FY 23 approved total \$523,375.00
 FY 24 total system request \$1,069,961.60

MAC contractor; increase to contracts for attorneys (+\$535,311) by moving from event based to hourly rates (\$120/hr); increase to experts/investigators including funding for SA evaluations (+\$11,275).

Oakland District Courts (all training for counsel is covered in Oakland County's plan and cost analysis):

- 111. [D 43-1 City of Hazel Park](#)**
 FY 23 approved total \$795,484.54
 FY 24 total system request \$1,036,827.61

MAC contractor with contracted coordinator; increase to contracts for attorneys (+\$235,000) by moving from event based to hourly rates (\$120/hr); increase to experts/investigators including funding for developing a program for attorneys to contract with a social worker (+\$5,200).

Flat rate payment arrangements: Attorneys are paid a shift rate when they perform the dockets for arraignments and show causes, which is a three-hour/half day rate of \$360. If the attorney works more than three hours for their shift, they will be paid \$120/hr for the excess time.

- 112. [D 43-2 City of Ferndale](#)**
 FY 23 approved total \$555,777.00
 FY 24 total system request \$789,251.35

MAC contractor shifting from house counsel to individual appointments with Standard 8 rates (+\$214,160 at \$120/hr). Ancillary spending increase for part time clerk and part time officer (+\$19,000) consistent with COLA and fringe benefit increases.

Flat rate payment arrangements: The weekend arraignment attorney will be paid for a three-hour shift at \$360. Every Wednesday and Friday

afternoon the arraignment attorneys work a four-hour arraignment shift at \$480. Attorneys handling the judge's Tuesday docket are paid for a 4-hour shift at \$480. Attorneys handling the judge's Thursday docket are paid for a 3.5 shift at \$420. If the attorney works more than the contemplated hours during their shift, they will be paid for the additional time at the applicable rate of \$120 per hour. If a docket attorney is called off, they will receive a \$120 standby fee.

113. [D 43-3 City of Madison Heights](#)

FY 23 approved total \$495,197.33

FY 24 total system request \$655,223.15

MAC contractor with contracted coordinator. MAC system moving away from house counsel to individual appointments at (+\$156,000 at \$120/hr). Slight increase for investigators (+\$1,200) and COLA for ancillary staff.

Flat rate payment arrangements: Attorneys are paid a shift rate when they perform the dockets for arraignments and show causes, which is a three-hour/half day rate of \$360. If the attorney works more than three hours for their shift, they will be paid \$120/hr for the excess time.

114. [D 44 City of Royal Oak](#)

FY 23 approved total \$612,900.00

FY 24 total system request \$1,122,760.00

MAC system increasing funding for contracts for attorneys (+\$512,000 at \$120/hr) adding an Operation Drive shift, doubling the numbers of Operation Drive attorneys, continuing representation on VOP cases, and increases in caseloads for attorneys.

Flat rate payment arrangements: Attorneys doing shift work will be paid \$360 per half-day shift (three hours). If the attorney works more than the contemplated hours during their shift, they will be paid for the additional time at the applicable rate of \$120 per hour in quarter-hour increments.

115. [D 45 City of Oak Park](#)

FY 23 approved total \$449,650.00

FY 24 total system request \$590,300.00

MAC system increasing contracts for attorneys (+\$140,850 using \$120/hr).

Flat rate payment arrangements: Attorneys are paid hourly when they are assigned to an individual case (\$120 an hour). Attorneys performing arraignments or providing specialty court representation are paid a three-hour, half-day rate of \$360. Attorneys handling a judge's docket are paid for a 3.5-hour shift at \$420. If the attorney works more than the contemplated hours during their shift, they will be paid for the additional time at the applicable rate of \$120 per hour.

116. [D 46 City of Southfield](#)

FY 23 approved total \$591,900.00

FY 24 total system request \$1,261,628.40

MAC contractor; increase to contracts for attorneys (+\$663,000) by moving from event based to hourly rates (\$120/hr) and adding extra hours for MAC; increase to experts/investigators (+\$2,000) and adding SADO's CDRC for attorneys (+\$4,500).

117. [D 47 City of Farmington](#)

FY 23 approved total \$452,600.00

FY 24 total system request \$696,397.50

MAC system increasing contracts for attorneys (+\$249,000 using \$120/hr) and increase in assignments to attorneys.

Flat rate payment arrangements: Attorneys are paid hourly when they are assigned to an individual case (\$120). Attorneys performing arraignments or providing specialty court representation are paid a three-hour, half-day rate of \$360. Attorneys handling a judge's docket are paid for a 3.5-hour shift at \$420. If the attorney works more than the contemplated hours during their shift, they will be paid for the additional time at the applicable rate of \$120 per hour.

118. [D 48 City of Birmingham](#)

FY 23 approved total \$514,700.00

FY 24 total system request \$675,815.00

MAC contractor; increase to contracts for attorneys (+\$159,000) using \$120/hr; increase to experts/investigators (+\$1,000) and adding SADO's CDRC for attorneys (+\$675).

Flat rate payment arrangements: The system uses a roster of private attorneys that are paid for house counsel shifts and individual appointments. House counsel shifts are 3 hours in duration and are paid at \$120.00 per hour, or \$360 per shift. If a shift exceeds 3 hours, attorneys are paid for the additional time at the same hourly rate. Individual appointments are also paid at \$120.00 per hour. For individual appointments, attorneys are required to bill in .1 increments (.1 = 6 minutes). Individual appointments are not capped, however, the expected average hourly threshold for a misdemeanor case is 5.3 hours.

119. [D 50 City of Pontiac](#)

FY 23 approved total \$612,793.81

FY 24 total system request \$1,759,219.93

MAC system with a funding unit employee serving as an MIDC coordinator (+\$12,988.12 for rescored position and increased benefits). Increases to contracts for attorneys (+\$1,121,000 using \$120/hr) and moving from house counsel to individual appointments. Funding for data collection (+\$2,400) NAPD (+\$1,160) and indirect costs (+\$8,996) is included in plan.

Flat rate payment arrangements: Attorneys are paid \$120 hourly when they are assigned to an individual case. Attorneys performing arraignments are paid a three-hour, half-day rate of \$360. If the attorney works more than three hours during their shift, they will be paid for the additional time at the applicable rate.

120. D 51 Charter Township of Waterford

FY 23 approved total \$273,051.94

FY 24 total system request \$771,968.42

MAC system with a part time employee serving as a coordinator (minor COLA increase). Contracts for attorneys increased (+\$491,000) using \$120/hr and moving away from a house counsel model for services.

Flat rate payment arrangements: Attorneys performing arraignments or providing specialty court representation are paid a three-hour, half-day rate of \$360. If the attorney works more than three hours during their shift, they will be paid for the additional time at the applicable rate. Under no circumstance will an attorney be paid less than \$120 hour for their time.