

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