



MICHIGAN INDIGENT DEFENSE COMMISSION

The Michigan Indigent Defense Commission ensures that quality public defense services are accessible to all eligible adults charged with a criminal offense in Michigan.

Date: Tuesday, October 17, 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. August 15, 2023 Meeting Minutes
7. Chair Report
8. Executive Director Report
9. Commission Business
 - a. Standing Committee Reports
 - i. Executive Committee – *Christine Green, Chair*
 - ii. Indigence and Compensation – *Judge Fisher, Committee Chair*
 - iii. Performance Standards – *Josh Blanchard, Committee Chair*
 - iv. Training and Evaluation – *Tracey Brame, Committee Chair*
 - b. Ad hoc Committee Reports
 - i. Equity and Inclusion – *Christine Green, Chair*
 - c. MIDC Standards Implementation
 - i. FY23 Compliance Planning
 - o Status updates and funding distributed to date

- System assessment process
 - Update on system compliance – Muskegon County (information item)
- Budget adjustments (information items)

~ Break for Lunch ~

d. Regional Update: Mid Michigan – Barbara Klimaszewski, *Regional Manager*

e. FY24 Compliance Planning

i. Overview of FY24 submissions received and approved to date

- Changes to approved plans and costs
 - Mackinac County (action item)
 - Mecosta County (action item)
 - Dickinson County (information item)

ii. Resubmissions (action items)

- Chippewa County
- Saginaw County
- Hillsdale County
- Otsego County
- Arenac County
- Berrien County
- City of Lincoln Park
- Crawford County
- Iron County
- Muskegon County
- St. Joseph County

10. Adjourn

Next meeting: December 19, 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.

August 15, 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
- Thomas Adams
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- John Shea
- Rob VerHeulen

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

- Tracey Brame

The following Commissioners were absent:

- Kimberly Buddin
- Tom McMillin
- William Swor
- Gary Walker

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission.

Public Comment

The following people provided public comment:

- Jill Recker
- Thomas Hausmann
- Mark Eisenbarth

Approval of Agenda

There were no changes made to the agenda as presented. Commissioner Adams moved that the agenda be adopted, Commissioner Bullock seconded. The motion carried.

Consent Agenda

Judge Mathes moved that the consent agenda containing the minutes from June 2023 meeting be adopted. Commissioner Krizan seconded. The motion carried.

Chair Report

The American Bar Association recently adopted a revised version of the Ten Principles of a Public Defense Delivery System. Chair Green will appoint a committee to review the changes.

Chair Green assigned Commissioner Adams to the Training and Evaluation Standing Committee and the Diversity, Equity, and Inclusion ad hoc committee. She assigned Commissioner Moon to the ad hoc committee on Data Collection.

Executive Director Report

Executive Director Staley received a letter from former Department of Licensing and Regulatory Affairs Director Orlene Hawks indicating that the Department intends to approve Standards 6 and 7. It is not anticipated that the change in LARA leadership will impact this. MIDC staff is working on planning for these new standards and messaging to systems.

Ms. Staley provided an overview of FY23 spending and anticipated FY24 spending. Commissioner Adams moved for the Executive Director to submit the FY25 budget requests for operational and grant funding. Judge Fisher seconded. The motion carried.

MIDC has been asked to apply for Byrne JAG funding through the Michigan State Police again for FY24.

Commission Business

Standing Committee Reports

Chair Green provided an update on the Executive Committee's meeting. The committee drafted the agenda for the meeting. The evaluation for the Executive Director is upcoming.

Judge Fisher provided an update on the Indigence and Compensation meeting. The committee reviewed the plans submitted by Isabella and Chippewa counties at its July 25 meeting.

Ad hoc Committees

Marla McCowan provided an update on the Data Committee's activities. Research Priorities were circulated to the committee and discussed.

MIDC Standards Implementation

Ms. McCowan provided an update on FY23 compliance. MIDC staff continue to work with Muskegon County.

The following budget adjustment requests were approved by the Grants Director:

- Allegan County
- Berrien County
- Branch County
- City of Birmingham
- City of Pontiac
- Ingham County
- Jackson County
- Kent County
- Livingston County
- Macomb County
- Menominee County
- Monroe County
- Oakland County
- Ottawa County
- St. Clair County
- Washtenaw County

Nicole Walter, Regional Manager for South Central Michigan, provided an update on the activities in her region.

FY24 Compliance Planning

Isabella County requested that its compliance plan be revised and the total system costs increased. The increase will fund salary and fringe benefits, rates for contract attorneys, minor increases for managed assigned counsel support, and indirect costs. MIDC staff recommends approval.

Commissioner Bullock moved to approve the increased costs for Isabella County. Commissioner Blanchard seconded. The motion carried.

The meeting adjourned at 12:05 pm.

The next meeting is October 17, 2023 at 9:30 am.

Respectfully submitted,
Marcela Westrate

Report Prepared for the Michigan Indigent Defense Commission

Who Pays the Price? Why Youth Defense Counsel Compensation Matters

Michigan's Juvenile Justice (JJ) System has been in the spotlight for the last several years. Back in 2019, the National Juvenile Defender Center – now called The Gault Center – completed a comprehensive study into Michigan's JJ system¹. In that study, a 10-county sample of Michigan's 83 counties, chosen by The Gault Center, were the backdrop for the report that was released in June 2020. In 2021, Governor Gretchen Whitmer formed the Michigan Task Force on Juvenile Justice Reform (Task Force) to gather data and develop recommendations on improving state law, policy, and appropriations, focusing on six objectives. The Task Force released their report on July 22, 2022.²

All of this happened on the heels of Michigan's overhaul of its adult indigent defense system. The Michigan Indigent Defense Act created the Michigan Indigent Defense Commission (MIDC), through which state grant funding flows to qualifying

indigent defense systems in Michigan. The MIDC created eight standards for effective and competent adult indigent defense:³

- Standard One – Education and Training of Defense Counsel
- Standard Two – Initial Interview
- Standard Three – Investigation and Experts
- Standard Four – Counsel at First Appearance and Other Critical Stages
- Standard Five – Independence from the Judiciary
- Standard Six – Indigent Defense Workloads
- Standard Seven – Qualification and Review
- Standard Eight – Attorney compensation (Economic Disincentives or Incentives)

The implementation of the MIDC standards has allowed adult defense systems to educate and train attorneys, ensured indigent adults have an attorney at arraignment, provided access to investigators, experts, and social workers, and established livable wages for those who practice indigent defense.

Yet, there are no minimum standards for youth defense attorneys. Michigan has a constitutional obligation to ensure youth have access to effective, competent counsel

¹ KIM TANDY, NAT'L JUVENILE DEFENDER CTR., OVERDUE FOR JUSTICE: AN ASSESSMENT OF ACCESS TO AND QUALITY OF JUVENILE DEFENSE COUNSEL IN MICHIGAN (June 2020).

² MICHIGAN TASK FORCE ON JUVENILE JUSTICE REFORM, REPORT AND RECOMMENDATIONS (July 22, 2022) [hereinafter TASK FORCE REPORT] <https://micounties.org/wp->

<content/uploads/Michigan-Taskforce-on-Juvenile-Justice-Reform-Final-Report.pdf>.

³ MICHIGAN INDIGENT DEFENSE COMMISSION, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES (October 2022) [hereinafter MINIMUM STANDARDS], <https://michiganidc.gov/wp-content/uploads/2022/10/MIDC-Standards-Complete-October-2022.pdf>.

in delinquency proceedings.⁴ “These standards should address, at a minimum, the specialized nature of juvenile defense, including the need for early appointment of counsel and counsel at all critical stages, initial client contact, restrictions on waiver of counsel, training and education of defense counsel, access to experts and support staff, workload limits, independence from the judiciary, qualifications of juvenile defenders, and attorney compensation.”⁵ Youth defense attorneys can only access investigators or experts upon the court granting a motion for that expenditure, there are no minimum training requirements for youth defense attorneys, and the compensation for youth defense attorneys ranges vastly within the state. “One cannot ignore, however, the disparities that exist between the state’s role in criminal defense services for adults and the total void in its role concerning the oversight, regulation, and funding of juvenile defense.”⁶

The Task Force unanimously agreed that an MIDC expansion to include youth defense and establish youth defense standards was a key component to Michigan’s youth justice reformation.⁷ While basic criminal defense skills training (e.g., pretrial motion practice, cross examination, jury voir dire) will apply to both adult indigent defense and youth defense, the training needed to effectively advocate for youth requires special considerations. This will include “training for juvenile defenders on trauma, youth development, and cultural considerations[.]”⁸

⁴ TANDY, *Supra* at 51.

⁵ *Id.*

⁶ TANDY, *Supra* at 50.

⁷ TASK FORCE REPORT, *Supra* at 13.

Considering Standard Eight – The Disparity Between Adult Indigent Defense Attorney Compensation and Youth Defense Attorney Compensation

Standard Eight was approved on October 28, 2022. Standard Eight outlines minimum wages for adult assigned counsel: misdemeanors (\$100 per hour), non-life offense felonies (\$110 per hour), and life offense felonies (\$120 per hour).⁹ Hourly rates that include expense reimbursement are the preferred payment method. “Event based, capped hourly rates, and flat fee payment schemes are discouraged unless carefully designed to minimize disincentives and provide compensation reasonably expected to yield an hourly rate of compensation equivalent to the required minimum rate.”¹⁰

The establishment of the MIDC also established several public defender offices throughout Michigan. However, nearly every county in Michigan has an assigned counsel/roster system for youth defense attorneys. Most counties do adhere to the more desirable hourly rate payment scheme, but those rates vary from as low as \$50 per hour upwards to \$110 per hour, with \$80 being the average.

Youth defense attorneys are not in abundance in Michigan, with rural and remote areas struggling the most to attract new attorneys and keep the youth defense attorneys already working in the field. A glaring downside to the minimum pay

⁸ *Id.*

⁹ MINIMUM STANDARDS at 10.

¹⁰ *Id.*

standards for adult indigent defense counsel is that the more livable wages lured away youth defense attorneys. Youth defense attorneys applied to public defender offices or joined adult indigent defense counsel rosters because, simply put, the pay was better. What's more, youth defense attorneys do not have an independent identity despite how specialized youth defense really is. "Juvenile defenders should have equal opportunities for pay and advancement as those in adult defense units, and should not be required to 'advance' to an adult practice to earn more."¹¹

Flat-fee and pay-per-event payment schemes not only often result in minimal pay, but youth defense attorneys are less incentivized to give a case the necessary time, preparation, and resources needed to adequately and zealously defend their youth clients. "When the county or court is unwilling to pay for a service such as investigation, hearing preparation, motion drafting, or legal research, it suggests to defenders that these are not important parts of practice or that, at a minimum, no one will expect that they do it."¹² The consequences are two-fold: attorney compensation is less, and youth are inadequately represented.

Youth defense attorneys are specialized criminal defense attorneys.

Properly trained, competent youth defense counsel deserve a livable wage. Likewise, youth in the JJ system deserve an attorney who not only knows how to zealously advocate for their constitutional rights, but

is capable of doing so while considering youth development, a youth's trauma, bias, and the impact that sexual orientation and gender identity has on youth in the JJ system. Standard Eight as implemented in the adult indigent defense systems demonstrates why compensation for youth defense attorneys is a crucial component to ensuring youth have proper representation. Seeing their adult indigent defense counterparts earn more is a disincentive to a youth defense attorney to embrace their role as zealous advocate. Youth defense attorneys are specialized criminal defense attorneys. Filing pretrial motions, consulting an expert, setting a case for a jury trial are not reserved only for adult court, but the disparity in compensation and lack of independent identity say otherwise.

Abandoned in the wake of adult indigent defense reform, Michigan's Juvenile Justice System screams for change. And Michigan's youth will continue to pay the price for the inadequacies that plague its JJ system until that reform happens.

¹¹ TANDY, *Supra* at 58.

¹² *Id.* at 59.

Youth Defense Attorney Compensation per County

Of Michigan's 83 counties, 71 provided information on the payment schemes for their youth defense attorneys. Of those responding counties, 37 pay their youth defense attorneys hourly, 17 pay a fixed monthly amount, and seven counties have a yearly amount that may be for one or more attorneys. The remaining 10 counties have a payment scheme outside of these norms, with the most typical being a per-event scheme. See the attached appendix with more detailed payment information for Cass, Eaton, Kent, Livingston, Macomb, Oakland, and Wayne Counties.

Circuit	County	Responded?	Fees	Type	Notes
Mid-Michigan					
23 rd	Alcona	Yes	\$445.00	Monthly	Mileage paid at \$0.62 cents per mile. Appeals pay \$75 an hour.
26 th	Alpena	No			With Montmorency
23 rd	Arenac	Yes	\$15,892.97	Yearly	Family court contract. Reimbursed for training and for travel 50 miles outside of the county.
18 th	Bay	Yes	\$100.00	Hourly	Clare and Gladwin are together. The \$5,700 monthly is currently divided among 3 attorneys who handle DL, NA, and probate cases. Includes 1 appeal- any additional appeals will be compensated.
55 th	Clare	Yes	\$5,700.00	Monthly	Clare and Gladwin are together. The \$5,700 monthly is currently divided among 3 attorneys who handle DL, NA, and probate cases. Includes 1 appeal- any additional appeals will be compensated.
55 th	Gladwin	Yes	\$5,700.00	Monthly	Has requested juveniles match MIDC rates for adults starting October 1, 2023.
52 nd	Huron	Yes	\$100.00	Hourly	Attorneys cover both delinquency and neglect/abuse for monthly fee. Four attorneys. Per Case. \$300 per year after if still on case – 3 attorneys.
23 rd	Iosco	Yes	\$1,270.91	Monthly	The contract attorneys who handle DL/NA receive \$811/month. The non-contract attorneys receive \$100/hour for both NA and DL.
21 st	Isabella	Yes	\$400.00	Other	Review hearing \$75/hour. Prelim, pretrial, and disposition is \$300 total.
27 th	Lake	Yes	\$811.00	Monthly	
51 st	Mason	Yes	\$65.00	Hourly	
49 th	Mecosta	Yes		Other	
42 nd	Midland	No			With Alpena
26 th	Montmorency	No			
27 th	Newaygo	Yes	\$2,600.00	Monthly	
51 st	Oceana	Yes	\$55.00	Hourly	
34 th	Ogemaw	Yes	\$1,890.46	Monthly	Contract \$22,685 yearly and includes mental health and FOC appointments.
49 th	Osceola	No			
23 rd	Oscoda	Yes	\$10,800.00	Yearly	3 attorneys each earn \$10,800 per year handling both DL and NA.

Circuit	County	Responded?	Fees	Type	Notes
34 th	Roscommon	Yes	\$2,000.00	Monthly	Two attorneys who handle both NA and DL cases for \$2,000/month. \$65/hour for out-of-contract attorneys.
10 th	Saginaw	Yes	\$55,000.00	Yearly	3 DL attorneys.
24 th	Sanilac	Yes		Other	They do a per-event system but did not provide documentation.
				Other	A contract that ends this year. 5 attorneys/firms that handle both DL and NA. \$257,500 total (split 5 ways). 3 attorneys each accept 25% of the cases. 2 attorneys each accept 12.5% of the cases.
54 th	Tuscola	Yes			
Northern Michigan					
11 th	Alger	Yes	\$75.00	Hourly	Will sometimes have families pay for part of the fees back.
13 th	Antrim	Yes	\$90.00	Hourly	All cases- DL, DJ, and FJ.
12 th	Baraga	Yes	\$75.00	Hourly	
19 th	Benzie	Yes	\$75.00	Hourly	
33 rd	Charlevoix	Yes	\$100.00	Hourly	
53 rd	Cheboygan	Yes	\$1,575.00	Monthly	Contract with 5 attorneys that handle both DL and NA. \$1,575 per month per attorney. If they need additional attorneys it is 50/hr. They are working to match the MIDC attorney rates because they are struggling to get attorneys. Attorneys are paid \$45,254 per year with three contracted attorneys. Off-contract attorney rate is \$100/hr
50 th	Chippewa	Yes	\$3,771.00	Monthly	Contracted; conflict attorneys paid the same. (Might get bumped \$115/hour for the next fiscal year).
46 th	Crawford	Yes	\$85.00	Hourly	3 contract attorneys that cover both DL and NA. \$29,417 annually. Any additional attorneys are paid \$75/hr.
47 th	Delta	Yes	\$2,451.00	Monthly	Had to raise the rate to keep attorneys. Hearings on zoom or in person to accommodate attorneys. Preliminary hearings, pleas and adjudications are in person. Dispos ½ and ½.
41 st	Dickinson	Yes	\$100.00	Hourly	The attorneys were originally getting paid \$50/hour in 2020; Referee pushed to raise that to keep attorneys, and it went up to \$75/hour. In Feb. 2022 it increased again to the current rate of \$100/hour.
57 th	Emmet	Yes	\$100.00	Hourly	
32 nd	Gogebic	Yes	\$50.00	Hourly	
	Grand				
13 th	Traverse	Yes	\$80.00	Hourly	
12 th	Houghton	Yes	\$75.00	Hourly	
41 st	Iron	No			
46 th	Kalkaska	No			
12 th	Keweenaw	Yes	\$55.00	Hourly	

Circuit	County	Responded?	Fees	Type	Notes
13 th	Leelanau	Yes	\$90.00	Hourly	Requested raise to \$100/hour and hopeful that they will get it. Also reimburse mileage.
11 th	Luce	Yes	\$75.00	Hourly	Reimbursed for mileage- national rate.
11 th	Mackinac	Yes	\$75.00	Hourly	
19 th	Manistee	Yes	\$75.00	Hourly	
25 th	Marquette	Yes	\$110.00	Hourly	
41 st	Menominee	Yes	\$900.00	Monthly	Court-appointed- Contracted- 6 attorneys on the contract- 900 per month- 2.5% increase on October 1 st . Per year, per attorney, billed monthly. Three contracted attorneys with a budget line of \$66,300 for the three attorneys for the year. Can charge for outside travel or outside normal case expectation.
28 th	Missaukee	Yes	\$22,100.00	Yearly	
32 nd	Ontonagon	No			Court-appointed attorney contract. Annual contract renewed for three years \$2,651.03 per month. \$31,812.36 yearly. Does both unless there is a conflict.
46 th	Otsego	Yes	\$2,651.00	Monthly	
53 rd	Presque Isle	Yes	\$100.00	Hourly	
11 th	Schoolcraft	Yes	\$75.00	Hourly	Per year, per attorney (there are 4), billed monthly. Probate and family court attorneys. If attorneys only accept DL or NA, their annual contract is about half.
28 th	Wexford	Yes	\$39,990.00	Yearly	
Lapeer, Oakland, Macomb, & St. Clair					
40 th	Lapeer	Yes	\$100.00	Hourly	13 attorneys.
16 th	Macomb	Yes		Other	Per Event; See Appendix.
6 th	Oakland	Yes		Other	Per Event; See Appendix.
31 st	St. Clair	No			
South Central Michigan					
29 th	Clinton	Yes	\$1,890.46	Monthly	Yearly contract with 5 attorneys for 22,685. This includes DL, NA, mental health, FOC appointments, and custody cases.
56 th	Eaton	Yes		Other	Per Event; See Appendix. They have an attorney team that is yearly contracted for \$591,420 for DL and NA cases that is split among 5 lawyers. If the juvenile is above 17 they get paid more in the form of an event fee of between \$3,500-4,000. They said that this is so that they can keep track of the number of cases involving 17-year-olds.
7 th	Genesee	Yes		Other	
29 th	Gratiot	Yes	\$60.00	Hourly	

Circuit	County	Responded?	Fees	Type	Notes	
1 st	Hillsdale	Yes	\$60.00	Hourly	Hourly rate is for outside of contract. Attorneys are given monthly contracts renewed annually; no specific amount provided. \$50/hour is for in-court time; Out-of-court time is \$35/hour. One contract attorney is paid 1395.17 per month. \$100/ hour if outside of contract hours. People sign up to be on the caseload- no contracted attorneys. In January the hourly rate will go up to \$125 for DL. Per Event; See Appendix. Attorneys average approximately \$100/hr. Out-of-court meetings pay a flat rate of \$100 plus mileage if out of the county.	
30 th	Ingham	Yes	\$50.00	Hourly		
4 th	Jackson	Yes	\$24,000.00	Yearly		
39 th	Lenawee	Yes	\$85.00	Hourly		
44 th	Livingston	Yes		Other		
38 th	Monroe	No				
35 th	Shiawassee	No				
22 nd	Washtenaw	No				
Wayne County						
3 rd	Wayne	Yes		Other		Per Event; See Appendix.
Western Michigan						
48 th	Allegan	Yes	\$5,541.41	Monthly	Per firm.	
5 th	Barry	Yes	\$85.00	Hourly	Approved training and postage also paid. \$200,000 split among 7 attorneys (DL), paid monthly.	
2 nd	Berrien	Yes	\$2,380.95	Monthly	One attorney for both DL and GAL in NA; two-year contract.	
15 th	Branch	Yes	\$72,000.00	Yearly		
37 th	Calhoun	Yes	\$75.00	Hourly		
43 rd	Cass	Yes	\$100.00	Hourly	Also Per Event; See Appendix.	
8 th	Ionia	Yes	\$80.00	Hourly		
9 th	Kalamazoo	No				
17 th	Kent	Yes	\$56.00	Hourly	Also Per Event; See Appendix.	
8 th	Montcalm	Yes	\$80.00	Hourly		
14 th	Muskegon	Yes	\$80.00	Hourly		
20 th	Ottawa	Yes	\$4,000.00	Monthly	2-year contract bids- Current two year contract is for 96,000 or \$4,000 monthly for both NA and DL.	
45 th	St. Joseph	Yes	\$100.00	Hourly		
36 th	Van Buren	Yes	\$100.00	Hourly	Pay for 8 hours of training (required to do at least 6 hours of training).	

APPENDIX

EVENT FEE SCHEDULES FOR

CASS COUNTY

EATON COUNTY

KENT COUNTY

LIVINGSTON COUNTY

MACOMB COUNTY

OAKLAND COUNTY

WAYNE COUNTY

Cass County

In the matter of: _____
Party represented: _____

Representation consisted of the following services:	<u>DATE</u>	<u>RATE</u>	<u>FEE</u>
1st Client meeting at case onset (not during hearing):	_____	\$100	_____
Preliminary/Adj. Preliminary Hearing:	_____	\$100	_____
Settlement Conference:	_____	\$100	_____
Trial, scheduled for 1/2 day:	_____	\$300	_____
Trial, scheduled for full day:	_____	\$600	_____
Disposition Hearing:	_____	\$100	_____
Review/Permanency/Post Term/Other Hearing:	_____	\$100	_____
Family Team Meeting:	_____	\$75	_____
GAL visits with child(ren):	_____	\$100/hr	_____
Other, explain below (subject to Court approval):	_____	\$100/hr	_____
Appeals:	_____	\$100/hr	_____
Mileage for out of County travel:	_____	IRS rate	_____
TOTAL:			_____

By submission of this invoice, I hereby certify that for the time period covered and with respect to representation as identified above, the information supplied is true to the best of my information and belief. I have complied with all statutory duties. If I am the Court appointed GAL, I have submitted a completed Affidavit of Service Performed by Lawyer-Guardian Ad Litem, SCAO form JC 82, as well as a Statement of Service of Court-Appointed Representative, SCAO form MC 221, page 1.

Date: _____
Vendor Number: _____

Signature

Address

City, State, Zip

Telephone number

Eaton County

56th Circuit Court - Family Division
Attorney Voucher - Juvenile Delinquency

All vouchers are subject to approval by the Division Director. Attorneys shall submit vouchers no later than 30 days following the hearing date. Vouchers submitted after 30 days may be denied by the Juvenile Division for payment. All extraordinary expenses must be preapproved by the Juvenile Division Director and do not include what would be considered typical for case preparation.

Date Submitted:	
Invoice #:	
Attorney Name:	
Address:	
Attorney Vendor #:	
Case #:	
Case Name:	
Date of Appt:	

Service Provided - In Court	Date	#	Fee	Total
Consent Calendar Cases				
Consent Calendar Conference			\$ 125.00	\$ -
Motion to Formal (if not combined with another hearing)			\$ 75.00	\$ -
General Case Billing				
Inquiry Hearing/Preliminary Hearing			\$ 125.00	\$ -
+ Low Severity Felony Petition			\$ 100.00	\$ -
+ High Severity Felony Petition			\$ 200.00	\$ -
Adjourned Preliminary Hearing			\$ 75.00	\$ -
Pretrial			\$ 125.00	\$ -
Adjourned Pretrial			\$ 75.00	\$ -
Jurisdiction Trial (hourly)			\$ 100.00	\$ -
Disposition			\$ 125.00	\$ -
Probation Violation Hearing			\$ 100.00	\$ -
Motion Hearing (hourly)			\$ 100.00	\$ -
Detention Hearing (if not combined with another hearing)			\$ 75.00	\$ -
Review Hearing			\$ 75.00	\$ -
Extraordinary expenses/ Hourly Rate (must be preapproved)			\$ 100.00	\$ -
Traditional Waiver and Designation Cases				
<i>Hearings not listed below are to be billed as listed above</i>				
Traditional Waiver - First Phase, Probable Cause (hourly)			\$ 100.00	\$ -
Traditional Waiver - Second Phase, Best Interest Hearing			\$ 200.00	\$ -
Designation - Arraignment			\$ 125.00	\$ -
Designation Hearing			\$ 200.00	\$ -
Designation - Preliminary Examination (hourly)			\$ 100.00	\$ -
Sentencing (hourly)			\$ 100.00	\$ -
Service Provided - Out of Court				
In-person visits (lodged Juveniles)			\$ 100.00	\$ -
Appeals (hourly with maximum of \$1,000.00)			\$ 50.00	\$ -
Bonus Payment for Mentorship (flat fee)			\$500.00	\$ -
Training Incentive (per training, attach agenda)			\$50.00	\$ -
			TOTAL	\$ -

Attorney Signature: _____

_____ Date

Kent County

2023 DELINQUENCY INVOICE**Attorney Name:****Attorney Address:****Phone Number:****Case Name:****Juvenile Case Number:****Judge:**

Service (X)	Statement of Service	Hearing Date	Amount
	Preliminary Hearing		\$112.00
	Pretrial Conference		\$168.00
	Pretrial Conference with Plea		\$364.00
	Adjudication/Disposition Hearing		\$196.00
	Disposition Hearing		\$141.00
	Trial and Initial Disposition Hearing		\$504.00
	(Each additional ½ day \$141.00)		
	Review Hearing (includes motions and other Miscellaneous Hearings)		\$141.00
	Adjourned/Cancelled Hearings w/o Notice		\$56.00
	GAL-Appointed GAL for child or parent who is not also The child's DL attorney		\$56.00/hr.
	Dual Wards-Event bill until Adjudication; hourly bill DL Portion only After adjudication		\$56.00/hr.
	Designated or Waiver Cases		\$56.00/hr.
	Truancy cases – Bill \$56 per new child for initial hearing; event bill adjudication and forward		\$56.00/child.
	Extraordinary Time (may require judicial approval)		\$56.00/hr.
		Total	\$

Dated:**Attorney Signature:**

Please note that effective January 1, 2015 invoices received after 60 days from the date of the event will not be paid.

Livingston County

In the matter of _____
Name(s)

Attorney Name _____ Phone # _____ P# _____

Address _____ Vendor ID _____

City, State, ZIP _____ Appointment Date _____

The above named attorney was appointed to serve as attorney or LGAL for _____, Name(s). A complete and accurate record of services rendered appears below.

This IS a RTA case. **This is NOT a RTA case.**

DELINQUENCY PROCEEDINGS

STANDARD PROCEEDINGS THROUGH DISPOSITION	CODE	FEE PER CASE	HEARING COMPLETION DATE
Case Resolved at Preliminary Inquiry / Hearing	CRPH	\$150	
Case Resolved through Consent Contract	CC	\$250	
Adjudication	ADJ	\$200	
Adjudication with Immediate Disposition	AID	\$250	
Disposition Hearing Following Plea	DFP	\$200	
Trial (includes preparation and disposition, if found responsible)	TRIAL	\$500 per 1 st half day	
Each Additional ½ Day of Trial	TR ADDL	\$300 per ½ day	

POST-DISPOSITION AND OTHER PROCEEDINGS	CODE	FEE PER CASE	HEARING COMPLETION DATE
Motion/Evidentiary Hearing (hearing time only)	MOT	\$100 per hour	
Post-Disposition Hearings (e.g. Reviews, PVs, Show Cause)	REV	\$100	
Saturday Preliminary Hearing	SAT	\$150	
Appeals (attach Itemized Statement; maximum \$1000 per case)	APP	\$60 per hour	

I declare that the above statements are true to the best of my information, knowledge and belief.

Date

Attorney Signature

Please Return to: Livingston County Juvenile Court
204 S. Highlander Way
Howell, MI 48843
juvenilecourt@livgov.com

For Court Use Only

Verified By: _____

Date: _____

Total Due: _____

Macomb County

9/12/23, 12:32 PM

16th Circuit Court Transcript Request for Payment

1st Case (Standard Fees Apply) ▼

NEGLECT AND ABUSE CASE

DELINQUENCY CASE

	NUMBER OF EVENTS	DATE(S)	FEE(S) TO APPLY
PRELIMINARY INQUIRY: \$150	<input type="text" value="0"/>	<input type="text"/>	\$0.00
PRELIMINARY HEARING: \$100	<input type="text" value="0"/>	<input type="text"/>	\$0.00
DISMISSAL: \$200	<input type="text" value="0"/>	<input type="text"/>	\$0.00
ADJOURNMENT: \$50	<input type="text" value="0"/>	<input type="text"/>	\$0.00
FACILITY VISIT: \$100	<input type="text" value="0"/>	<input type="text"/>	\$0.00
VIRTUAL VISIT: \$50	<input type="text" value="0"/>	<input type="text"/>	\$0.00
PRE-TRIAL HEARING: \$100	<input type="text" value="0"/>	<input type="text"/>	\$0.00
PLEA: \$150	<input type="text" value="0"/>	<input type="text"/>	\$0.00
TRIAL HALF-DAY: \$150	<input type="text" value="0"/>	<input type="text"/>	\$0.00
TRIAL FULL-DAY: \$300	<input type="text" value="0"/>	<input type="text"/>	\$0.00
DISPOSITION HEARING: \$100	<input type="text" value="0"/>	<input type="text"/>	\$0.00
HEARINGS: \$100 PROBATION VIOLATION; SHOW CAUSE; REVIEW; AWOLP	<input type="text" value="0"/>	<input type="text"/>	\$0.00

OTHER

UPLOAD SUPPORTING DOCUMENTS (Limited to 3 Documents)

Oakland County

**Oakland County Circuit Court – Family Division
Court Appointed Attorney/GAL/Juvenile Fee Schedule**

CASE PHASE	DESCRIPTION	BASIC FEE
I. Preliminary Phase (Preliminary and Initial/Pretrial hearings)	Paid if matter is dismissed at this stage, without regard to the number of hearings held.	\$140 / case
I-A. Pretrial/Disposition Phase (one hearing/one day)	Paid if matter adjudicated and disposed at the same hearing on the same day.	\$175 / case
II. Plea or Dismissal Phase (multiple hearings/multiple days)	Paid if matter adjudicated and disposed by plea or dismissal at any stage including the first scheduled day of trial. Fee includes any or all disposition hearings.	\$350 / case
III. Trial or Permanent Wardship (Testimony Taken)	Paid if matter cannot be resolved in any of the stages described above and requires trial to resolve the matter at which testimony is given. Fee includes all hearings held prior to trial and first ½ day of trial. Fee also includes any or all disposition hearings.	\$525 / case
- - - - Each additional ½ day of trial - - - -		\$145 / ½ day
OTHER JUVENILE PROCEEDINGS		BASIC FEE
Neglect Dispositional Review hearings		\$150 / hearing
Pre-Termination Permanency Planning hearings		\$165 / hearing
Delinquent Dispositional Review hearings		\$90 / hearing
Permanent Custody Review hearings (including Post-Termination Permanency Planning Hearings)		\$90 / hearing
Family Team Meetings (GALs and attorneys paid) – Flat Rate		\$70 / meeting
Adoption hearings		\$145 / ½ day
Parental By-Pass consultations		\$145 / case
Saturday Preliminary hearings		\$145 / ½ day
Appeals (\$1,000 maximum per case)		\$60 / hour
Stand-by attorney (if no cases assigned)		\$145 / ½ day
Motion Hearing (for court time only)		\$70 / hour
Additional Pretrials (maximum of 3)		\$90 / hearing
Children's Village (CV) Visit (<i>in-person only</i>)		\$60 / visit
L-GAL/GAL Visit (<i>in-person only</i>)		\$70 / visit
OTHER FAMILY DIVISION PROCEEDINGS		BASIC FEE
Paternity cases (flat fee)		\$350 / case
Violation of Personal Protection Order (PPO) Hearing Held		\$115 / case
<u>Additional</u> Violation of PPO Hearings Adjourned by Court/On the Record (maximum of 3)		\$60 / hearing
<ul style="list-style-type: none"> • PPO Delayed Sentence follow up hearing • PPO Review • PPO Bench Warrant 		\$90 / hearing \$90 / hearing \$90 / hearing
Friend of the Court Show Cause / Show Cause for failure to pay court costs		\$115 / hearing
Friend of the Court Bench Warrant / Retained Out without notice		\$90 / event

Note: Family Division Fee Schedule is based on stages in the life of a case. Depending on which of the four stages the case concludes, attorneys will be paid the fees listed above. Requests for fees beyond the scope of this schedule must be accompanied by an itemized explanation of reasons for the request. Extraordinary fees are to be submitted to the Business Office for consideration by the Judge of record. Fees of this nature, when approved, will be paid at a rate of \$60/hour. **BASIC FEE** includes the following: review of file, case preparation, client interviews, consultations (phone or visit), required visit with ward/parents, and hearings. Mileage may be submitted if distance from courthouse to client exceeds 30 miles round trip (with attached documentation-MapQuest), at \$0.65 cents per mile, up to a maximum of 230 miles.

Wayne County

Court Appointed Attorney Fee Schedule

Phase	Description	Fee
Pre-Trial	<i>Payment is made if matter is adjudicated and disposed or dismissed at the first pretrial hearing, or is set for trial or disposition.</i>	\$225
First Half-Day Trial	<i>Paid if matter requires bench or jury trial at which testimony is given. If a plea is taken, the trial fee will not be paid, unless assignment begins at trial.</i>	\$175
Each additional ½ Day Trial		\$125
Initial Dispositional Hearing	<i>Not paid if case is disposed of at pretrial hearing.</i>	\$100
Each additional Dispositional Hearing		\$100
Review Hearing (Child Protection)	<i>If multiple review hearings are on the same day, only one fee is paid. Reviews are not paid if a phase hearing is held the same day.</i>	\$100
Review Hearing (Delinquency)	<i>If multiple review hearings are on the same day, only one fee is paid. Reviews are not paid if a phase hearing is held the same day.</i>	\$50
Motion Hearings	<i>To be paid only if no other hearing type occurs that day.</i>	\$100

House Counsel/Other Fees	Description	Fee
House Counsel	<i>Attorney assigned to attend preliminary hearing docket, or to be available as Emergency House Counsel (EHC). There will be no deductions to this fee if you are assigned cases.</i>	\$150 – no deductions
Stand-by Counsel	<i>Attorney available in the building for emergency needs when EHC is not available. Hourly rate applies to services rendered, not hours of availability. Attorney must complete "Verification of Services form (MJC 910).</i>	\$60 per hour
Multiple Petition Fee	<i>One-time payment when multiple petitions are open pre-disposition. No fee will be paid for petitions that are post-disposition.</i>	\$75 – one-time payment
Appeals	<i>Attorney must complete MJC 910 form. There is a \$1000 maximum fee allowed.</i>	\$500 – full appeal \$250 – partial appeal \$250 – oral argument and transcript fee
Show-Up	<i>Payment is based on the number of witnesses attending show-up. Police Line Up Report must have signature of supervising police officer. Attorney must complete MJC 910 form.</i>	\$50 – one witness \$100 – two or more witnesses

Guardian Ad-Litem	<i>Fee is paid per day regardless of number or type of petitions or hearings.</i>	\$150 per day
Extraordinary Fees	<i>Attorney must prepare and submit a motion/petition to the Office of Budget and Finance with a completed MJC 910 form (signature of jurist must be provided). The request will be forwarded to the Chief Judge for approval of payment of extraordinary fees.</i>	
Miscellaneous Activity		
FOR JUVENILE MENTAL HEALTH COURT THERAPIST USE ONLY		
Therapist Fees	<i>Therapist assigned to attend Juvenile Mental Health Court (JMHC) pre-conference and conference review hearings to report on status of participants.</i>	\$60 per hour
Please Note: No payment is due for attending hearings that are adjourned, canceled, or reset.		

NORTH COAST LEGAL, PLC

Michigan Rural Triage Defense Attorney



System

NORTH COAST LEGAL, PLC

EXECUTIVE SUMMARY

Objective

The Michigan Indigent Defense Commission (MIDC) is a state agency that is responsible for ensuring that all Michigan residents have access to quality legal representation in criminal cases. The MIDC has identified a shortage of criminal defense attorneys in rural communities, and has developed a program to address this shortage.

The program would be designed to address the shortage of defense attorneys in rural communities. This shortage is a serious problem because it makes it difficult for people in rural areas to get the legal representation they need. The program would help to ensure that everyone in Michigan has access to quality legal representation, regardless of where they live.

Goals

Here are some of the objectives of the triage program:

- Increased access to quality legal representation for Michigan residents in rural communities.
 - Create and administer a roster of attorneys from across the State of Michigan who are willing to represent clients in rural communities.
 - Create a mechanism to notify attorneys of cases needing representation and assigning the cases and provide discovery to those attorneys.
 - Provide training and support for attorneys to develop skills needed to represent clients in rural communities.
 - Provide access to technologies that can allow attorneys efficient methods for better communication and representation of clients in rural communities.
 - Engage in outreach and education to attorneys handling criminal matters in rural communities.
 - Strengthen relationships between managed assigned counsel and public defender offices in rural communities and other attorneys and resources from across the State of Michigan.
 - Meet with stakeholders in communities experiencing attorney shortages to ensure cooperation and compliance with standards 6 and 7 through a rural criminal defense attorney triage program.
-

Project Outline

- Design of the Rural Triage Attorney System (“System”), create criteria for attorney eligibility to participate in the System, identify and outreach to rural communities that may have the most need for the System to be implemented right away, including travel.
 - Outreach to attorneys to determine interest in the Rural Triage Attorney System, compile a list of participating attorneys.
 - Meeting with stakeholders, including judges, county administrators, MIDC Regional Managers, local defense attorneys, and members of the public
 - Create a training platform for attorneys coming into the program and conduct regular trainings.
 - Create a training platform for rural managed assigned counsel and public defenders on the System.
 - Anticipated cost of hiring a developer to create an electronic platform to intake and assign System cases to participating attorneys.
 - Administration of the System is estimated to require two people at least forty (40) hours of work per month. Administration entails intake of cases requiring assignment, assignment of cases to System-approved attorneys, conduct on-going training, outreach and retention of participating System attorneys, address unforeseen issues as they arise.
 - Originally, it was anticipated that this project would focus on northern Michigan communities. However, it has since become clear that this is a problem encompassing the entire State of Michigan.
 - This modified proposal encompasses the roles of an administrator and a liaison.
-

COMPANY NAME

BUDGET

Description	Hours	Unit Price	Cost
Design of the Rural Triage Attorney System ("System"), create criteria for attorney eligibility to participate in the System, identify and outreach to rural communities that may have the most need for the System to be implemented right away, including travel.	200	\$200	\$40,000
Outreach to attorneys to determine interest in the Rural Triage Attorney System, compile a list of participating attorneys.	100	\$200	\$20,000
Create a training platform for attorneys coming into the program, conduct training.	50	\$200	\$10,000
Create a training platform for rural managed assigned counsel and public defenders on the System.	50	\$200	\$10,000
Anticipated cost of hiring a developer to create an electronic platform to intake and assign System cases to participating attorneys.	1	\$10,000	\$10,000
Administration of the System is estimated to require at least forty (40) hours of work per month. Administration entails intake of cases requiring assignment, assignment of cases to System-approved attorneys, conduct on-going training, outreach and retention of participating System attorneys, address unforeseen issues as they arise.	700	\$200	\$140,000
Total			\$230,000

To: Michigan Indigent Defense Commission

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

**Re: Compliance Planning and Costs:
FY23, 24 status updates and staff recommendations**

Date: October 10, 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
FY 2024 ²	\$256,391,850.65	\$38,825,422.67	\$291,965,586.70

The MIDC annually collects information about the balance of funds distributed to systems in a form completed by the local funding units due no later than October 31. See the MIDC Act, MCL 780.993(15).

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

² Amount approved as of June 13, 2023. Eleven funding units have plans pending approval at the October 2023 MIDC meeting and two additional systems (Mackinac, Mecosta) have changes pending to total system costs.

II. FY23 Compliance Plans

A. General Status

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

B. Reporting

Staff received the third quarter of reporting from systems for FY23 (covering April 1 - June 30, 2023) at the end of July. Funding units were required to enter the following reporting in EGrAMS:

- Attorney List
- Financial Status Report
- Quarterly Program Report

MIDC Staff regularly updates the [Grants page](#) of our website with training and resources to assist with reporting.

All reporting is submitted and processed through EGrAMS; local system project directors are able to review the status of reporting, payments, adjustments, and contract terms at any time.

C. Adjustments

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):

- Alger County
- Berrien County
- Cass County
- City of Birmingham
- City of Eastpointe
- City of Grand Rapids

- City of Southfield
- Crawford County
- Genesee County
- Gogebic County
- Ionia County
- Jackson County
- Lenawee County
- Macomb County (2 requests)
- Monroe County

The following funding unit submitted a budget adjustment request that was denied and requires further information for processing:

- City of Madison Heights

D. 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, all concerns relating to compliance have been resolved and no further action is needed. Regional Manager Susan

Prentice-Sao will resume working with the funding unit to continue to support compliance for the current and next fiscal years.

III. 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.

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

B. Status of FY24 Compliance Plans

At the June 2023 meeting, the Commission approved 107 compliance plans and cost analyses as submitted, and 2 plans (Macomb County and Oakland County) had their plans approved and costs partially³ approved, pursuant to M.C.L. 780.993(4). The individual funding for each system is available on the MIDC's website [and at this link](#).

Contracts were distributed to all 109 systems beginning at the end of August through September 2023. As of this writing, 70 have been returned and the contracts are being finalized and executed by the MIDC's Executive Director and LARA for processing the initial funding distribution.

³ Oakland County's original request was for \$23,187,373.86, which the MIDC reduced to \$23,115,345.31 in the category of indirect costs. However, EGrAMS rounded (down) the percentage of funding allowed, and the revised total system costs are now \$23,115,344.86. The funding unit was advised of the \$.45 difference by email.

C. Changes to approved plans (action items)

1. Mackinac County

FY 24 total system costs approved \$471,270.00

FY24 CORRECTED total system costs \$504,654.00

Senior staff recommends approval.

In the process of contract execution, an error was discovered where a technical/math correction resolved post submission did not carry over to the source of funds and cover sheet, resulting in a different total presented to the MIDC for approval. There is no change substantively to the compliance plan or any of the line items in the cost analysis presented to the Commission originally, just an error correction.

2. Mecosta County

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

FY24 REVISED total system costs requested: \$1,365,841.5

Senior staff recommends approval.

This is an expansion of the project designed to address the rural attorney shortage, which was approved as part of the FY24 Mecosta County grant. The plan is to establish a panel of attorneys who are willing to accept case assignments from shortage areas. These assignments would be on a case-by-case basis.

The request is to add more hours to establish added training component, and to meet with stakeholders in the shortage areas. The need for the expanded request is due to identified shortages in areas not originally anticipated. The shortage problem is, essentially, a statewide problem. The only areas not experiencing shortages are the largest urban areas. Since so many systems are affected by the attorney shortage crisis, the project will involve many additional stakeholder meetings. Many of these meetings will need to occur in person, involving added travel time.

These meetings will include meetings with participating attorneys, meetings with local attorneys, and meetings with other stakeholders such as court administrators, judges, prosecutors and others. Both the training component and the additional stakeholder meetings, which will need to occur throughout the state, will require additional time from the originally anticipated number of hours. In addition, establishing and administering the system for assignment of attorneys and oversight of participating attorneys and systems on a statewide basis will also increase needed time.

The request that the commission has already approved was for **\$160,600**. The amended request for this project is for **\$253,000**. The total amount requested to be added to the Mecosta budget for FY 24 is **\$92,400**.

D. Changes to approved plans (information item)

3. Dickinson County

Original plan included co-MACs overseeing a roster of attorneys; system will use just one MAC for assignments and all other functions moving forward.

E. Resubmissions (action items)

Senior Staff Recommendation:

Disapprove plan/disapprove cost analysis

1. [Chippewa County](#)

FY 23 approved total \$649,473.57

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

FY 24 resubmission: \$1,014,734.61

Original Submission: 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.

Second submission: duplicative supplies removed. The funding unit provided some preliminary [communication regarding the County's wage system](#); at the request of the Indigence and Compensation committee, the MIDC's [Executive Director sent a letter requesting clarification of the wages](#); a [response from the County Administrator](#) was received in August. The resubmitted compliance plan reflects no change to the Chief Public Defender's Salary.

Senior Staff Recommendation:***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).

2. Saginaw County

FY 23 approved total \$6,891,142.75

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

FY 24 resubmission: \$9,007,609.28

Staff *recommended* total system costs: \$8,936,841.09

Original submission: 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.

Second submission: Clarification provided as to payments for attorneys and support for expert funding; request for corrections staff salary (4 hours per day) and fringe benefits is not required for standards implementation and does not seem warranted based on documentation provided. MIDC Staff recommends deleting the personnel and fringe benefits (ancillary spending totaling \$70,768.19), and approve the plan and cost analysis in all other respects.

Approve plan and approve cost analysis

3. Hillsdale County

FY 23 approved total \$429,707.30

FY 24 total system request \$1,124,021.43

No initial submission.

The Managed Assigned Counsel administrator will screen for indigency, assign cases to roster of attorneys, and oversee all aspects of compliance planning. Slight reduction to ancillary spending (-\$19,000) and minor adjustments to other expense categories including increase to experts (+\$15,000) and training (+\$1,500); significant increase to contracts for attorneys (+\$668,000) due to system moving from flat rate contracts to base rate contract + hourly tracking/billing for excess hours.

4. Otsego County

FY 23 approved total \$363,815.83

FY 24 total system request \$727,615.91

No initial submission.

Managed Assigned Counsel administrator using contract defenders; minor decrease to ancillary spending; significant (+\$367,000) increase to Contracts for Attorneys, including increase to MAC (\$140/hr); additional funding to address significant trial backlog (+\$52,000); new funding (+\$15,000) in compensation for primary contract attorney to conduct indigency screening and assign cases (\$120/hr) and increase (+\$300,000) to assigned counsel to comply with Standard 8.

5. Arenac County

FY 23 approved total \$435,013.83

FY 24 original total system request \$676,598.14

FY 24 resubmission: \$609,354.19

Original submission: 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.

Second submission: Eliminated unused data clerk hours. Arraignment fee language clarified to detail pay arrangement; MAC fees increased as did increases for contracts for attorneys (+\$196,400) using rates \$120/135/150/hr; construction proposal for attorney meeting space will serve both jail visits and in-court client meetings. Cost reduced to \$60,257.75 (from \$120,000). Eliminated \$75,000 overspend request.

6. Berrien County

FY 23 approved total \$4,597,652.00

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

FY 24 resubmission: \$5,045,510.56

Original submission: 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.

Second submission: Compliance plan issues addressed and resolved; corrections made to contracts for attorneys and experts and increased based on projected spending; deputy added to jail (+\$70,000 plus fringes) to facilitate client visits with professional staff supported with documented need; construction removed and facilitated in FY23 through the budget adjustment process.

7. **D 25 City of Lincoln Park**

FY 23 approved total \$305,435.08

FY 24 original total system request \$329,738.99

FY 24 resubmission: \$313,796.65

Original submission: 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.

Second submission: Attorney MAC rate increased; police cadet position removed; court officer hours reduced.

8. **Crawford County**

FY 23 approved total \$650,700.19

FY 24 original total system request \$635,841.04

FY 24 resubmission: \$650,247.04

Original submission: 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.

Second submission: methodology for caseload calculations has been included; rates are \$120/hr for misdemeanors and \$150/hr for all felonies; MAC rate is \$125/hr.

9. **Iron County**

FY 23 approved total \$769,495.91

FY 24 original total system request \$804,925.46

FY 24 resubmission: \$802,738.12

Original submission: 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.

Second submission: funding for defenderData included in resubmission; adjustments to vendor cost analysis and all other concerns resolved.

10. **Muskegon County**

FY 23 approved total \$3,967,983.65

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

FY 24 resubmission: \$6,795,982.90

Original submission: 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.

Second submission: system revised client communication samples to reflect meetings consistent with Standard 2 requirements; review partner with another defender office has been established to resolve conflicts; screening and appeals process clarified and implementation is underway; clerk and corrections staff positions are included based on demonstrated need and with documentation to support the requests. The funding unit has been advised that if the corrections positions remain unfilled staff will not recommend approval in future compliance plans.

11. **St. Joseph County**

FY 23 approved total \$885,752.20

FY 24 original total system request \$977,100.94

FY 24 resubmission: \$1,085,713.84

Original submission: 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.”

Second submission: information and funding has been added to clarify payments for contract attorneys using \$120/131/142 hourly rates with a mechanism in the contract to ensure compliance with standard 8; construction project planned to create attorney-client meeting space in the courthouse (+\$25,000); minor increases for travel and training.