

## 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.

**October 17, 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
- Joshua Blanchard
- Tracey Brame
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Tom McMillin
- William Swor
- Rob VerHeulen

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

- Alicia Moon

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

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

The following Commissioners were absent:

- David Jones

- Margaret McAvoy
- John Shea

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
- Mark Eisenbarth
- Peter Menna

### **Approval of Agenda**

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

### **Consent Agenda**

Commissioner Swor moved that the consent agenda containing the minutes from the August 2023 meeting be adopted. Commissioner Kubitskey seconded. The motion carried.

### **Chair Report**

Chair Green announced that she will appoint a By Laws Committee chaired by Commissioner McAvoy. She also announced the nominating committee which will be chaired by Commissioner Blanchard ~~DELEEUW~~. Commissioner Shea will chair a committee to review the revisions to the American Bar Association's 10 Principles.

### **Executive Director Report**

Executive Director Staley provided an overview of staff's activities. She highlighted the MIDC's UP Conference. She is working with LARA to host a signing ceremony for Standards 6 and 7 on October 24<sup>th</sup>. She also updated the Commission on the bill to expand the MIDC Act to include youth clients. It was reported from committee in the House and will be voted on soon.

### **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 and an update on the status of the Chippewa County plan. The issues identified in the Chippewa County plan have been resolved.

Commissioner Blanchard provided an update on the Performance Standards meeting. The committee continues to discuss workloads and the differences between retained and appointed cases. It will meet again to continue the discussion.

Commissioner Brame provided an update on the Training and Evaluation committee's meeting. The committee made changes to the staff comment in Standard 7.

Chair Green will ask Commissioner Jones to lead the Equity and Inclusion committee.

Barbara Klimaszewski, Regional Manager for the Mid-Michigan region, presented on the work happening in her region.

### **FY24 Compliance Planning**

Senior staff recommends approving a change in Mackinac County's cost analysis to make a technical correction. Commission Adams moved that the change be approved. Commissioner Bullock seconded. The motion carried.

Senior staff recommends approving an increase to the total system costs in Mecosta County. The funding will address the rural attorney shortage by establishing a panel of attorneys who are willing to accept case assignments from shortage areas. Commissioner VerHeulen moved to approve the change in Mecosta County's plan. Commissioner Kubitskey seconded. The motion carried, Commissioner Bullock abstaining from the vote.

Chippewa County will adjust the rate of pay for its two public defenders. The county has addressed other issues identified by senior staff. Senior staff recommends approving the resubmitted FY24 compliance plan and cost analysis. Commissioner Bullock moved to approve Chippewa County's plan and cost analysis. Judge Mathes seconded. The motion carried.

Senior staff recommends that the Commission approve the compliance plan resubmitted by Saginaw County and approve a portion of the resubmitted cost analysis. Staff recommends deleting the personnel and fringe benefits for corrections staff for a revised total system cost of \$8,936,841.09. Commissioner Adams moved that the compliance plan resubmitted by Saginaw County be approved and that the cost analysis be partially approved in the amount of \$8,936,841.09. The motion carried.

Ms. McCowan presented an overview of the compliance plans and cost analyses submitted by the following systems:

- Hillsdale County
- Otsego County
- Arenac County
- Berrien County
- City of Lincoln Park – 25<sup>th</sup> District Court
- Crawford County
- Iron County
- Muskegon County
- St. Joseph County

Senior staff recommends approval of the compliance plans and cost analyses resubmitted by the nine systems listed above.

Commissioner Adams moved that the compliance plans and cost analyses resubmitted by the nine systems listed above be approved. Commissioner Kubitskey seconded. The motion carried. Judge Mathes abstained with respect to Muskegon County. Commissioner Krizan abstained with respect to

the City of Lincoln Park – 25<sup>th</sup> District Court, Commissioner Blanchard abstained with respect to St. Joseph County.

Chair Green adjourned the meeting at 11:09 am.

Respectfully submitted,  
Marcela Westrate