



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, December 19, 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. October 17, 2023 Meeting Minutes
7. Chair Report
8. Executive Director Report
 - a. 2023 Year in Review
 - i. Attorney Lists
 - ii. Quarterly Program Reporting
 - iii. Financial Status Reports and Unexpended Balances
9. Commission Business
 - a. Standing Committee Reports
 - i. Executive Committee – *Christine Green, Chair*
 - ii. Performance Standards – *Josh Blanchard, Committee Chair*
 - iii. Training and Evaluation – *Tracey Brame, Committee Chair*
 - b. Ad hoc Committee Reports
 - i. Equity and Inclusion – *David Jones, Committee Chair*
 - ii. Legislative – *John Shea, Committee Chair*

- iii. Nominations – *Andrew DeLeeuw, Committee Chair (action item)*
- c. Report: *2021 Michigan Indigent Defense Commission Financial Reporting Review (September 2023)* – Jefferson Wells
- d. MIDC Standards Implementation
 - i. FY23 Compliance Year End Reporting
 - Budget adjustments (information items)
 - ii. FY24 Compliance Planning
 - Overview of FY24 submissions approved and funding distributed to date
 - Changes to approved plans
 - 1. Alpena County (action item)
 - 2. City of Southfield (action item)
 - 3. City of Pontiac (information item)
 - 4. City of Waterford (information item)
 - 5. Muskegon County (information item)
- e. Regional Update: Lapeer, Macomb, Oakland, St. Clair Counties – Nicole Smithson, *Regional Manager*

~ Break for Lunch ~

10. 2024 Meeting Dates

February 20, 2024

April 30, 2024

June 25, 2024

August 20, 2024

October 15, 2024

December 17, 2024

11. Annual Review of Executive Director (action item to move to closed session pursuant to MCL §15.268(a))

12. Adjourn – next meeting February 20, 2024 beginning at 11:00 a.m.

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.

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. 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 24th. 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 – 25th 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 – 25th District Court, Commissioner Blanchard abstained with respect to St. Joseph County.

Chair Green adjourned the meeting at 11:09 am.

Respectfully submitted,
Marcela Westrate

2021 Michigan Indigent Defense Commission Financial Reporting Review

Reporting Period	October 1, 2020 – September 30, 2021	Report Date	September 30, 2023
Client	Michigan Indigent Defense Commission (MIDC)		
Client Contacts	Rebecca Mack Grant Director 517-281-4782		
Jefferson Wells Contacts	Paula Patterson Director, Client Services 248-408-3699 (Cell)	Laurence Talley Director, Risk Advisory 216-533-2293 (Cell)	Kerry Sitar Engagement Lead 616-581-4789 (Cell)

The MIDC is responsible for creating and enforcing minimum standards for indigent defense. To ensure the program standards are satisfied, MIDC has engaged an independent advisory firm, Jefferson Wells, to perform a financial reporting review of each system. The objective of the review is to substantiate the accuracy and completeness of grant financial reporting by the Grantees. Jefferson Wells will also advise on opportunities to improve financial reporting processes if such opportunities are identified during the review.

The scope of the financial reporting reviews included: 1) a financial analysis; 2) general ledger analysis; and 3) a review of invoices. This was performed for the fiscal year October 1, 2020, through September 30, 2021

The following summarizes the result of the review.

Overview & Accomplishments

The original grant compliance goal was to complete 30 to 40 full compliance reviews of the 120 grantees who receive funding from the Michigan Indigent Defense Commission (MIDC) in the grant year 2021. A full compliance review consists of: 1) a financial analysis; 2) a general ledger review; and 3) attorney invoice reviews. A 2021 compliance review was chosen based on its first year's transition from the judicial system to city and county government offices.

MIDC and Jefferson Wells were able to exceed review goals as evidenced by the completion financial analysis of all 120 grantees, general ledger review for 59 grantees, and attorney invoice reviews for 40 grantees. The completion of these reviews established a foundation for more in-depth compliance reviews in future years. Specifically, grantees with variances should be evaluated further to determine if these variances influence the 2021 year-end unexpended balance and in turn, its impact on future year balances and carryover funds. See attached Summary Variance report for additional details.

Financial Analysis Review

The objectives of financial reviews were to:

1. Verify grantee's budget, as reported in their Cost Analysis Report, matched what was reported and approved on the MIDC's Budget Report.
2. Verify Carryover Funds as of October 1, 2020, reported by the grantee agreed to MIDC's carryover balance.
3. Verify MIDC payments to grantees were properly recorded by the grantee.
4. Verify expenditures reported quarterly by grantee in their FSRs matched MIDC records.
5. Verify that the unexpended balance as of September 30, 2021, reported by the grantee reconciled to the MIDC records.

Jefferson Wells utilized the following reports to perform the Financial Analysis Reviews:

- 1) Grantee Reports: Cost Analysis Report; Quarterly FSR reports, Unexpended Balance Report
- 2) MIDC Reports: MIDC Budget Report, MIDC Payment Schedule

General Ledger Review

The objectives of general ledger review were to:

1. Verify the grantee had proper support for each line-item detail expenditure.
2. Verify the grantee properly categorized each expenditure in accordance with the submitted and approved annual Cost Analysis Report.
3. Verify each grantee had established a segregated general ledger account (Fund 260) to separately account for MIDC grant funds and related expenditures.
4. Verify grantee "local share" was properly recorded in Fund 260.
5. Verify the attorneys receiving payments were reflected in the grantee's original Cost Analysis Report submitted to the MIDC.

Attorney Invoice Review

The objectives of invoice reviews were to:

1. Verify the grantee had proper back-up supporting invoice for each line-item detail expenditure related to contracted attorney invoices and capital expenditures.
2. Verify invoices from contracted attorneys included a case number, defendant name and approved signatures.
3. Verify invoice amounts for various services (i.e., initial interview, court appearances, sentencing hearings) agreed with the Cost Analysis budget.
4. Verify the services provided on the invoice at various approved rates reconciled to the invoice total.
5. Verify capital expenditures have an associated invoice and visually inspect capital improvements or renovations during onsite visits.

Observations and Recommendations

Financial Analysis Review

Cost Analysis & MIDC Budget

Observation: - The attached financial summary shows 12 grantees with variances between the grantee's cost analysis and the MIDC Summary budget document. The highlighted areas indicate line-item variances that did not impact the total approved budget.

Recommendation: Verify budget amendments were completed by the grantee to authorize budget adjustments.

Expenditure variances

Observation: – Expense variances were analyzed for each quarter FSR submission as well as the quarterly expense reporting from the Unexpended Balance report. There were 24 exceptions noted on the attached financial summary document.

Recommendations: Expense variances should be further investigated to shore up expenditure financial reporting. Variances that carry over to the unexpended balance should be the highest priority. Expense variances without any other exception notes can be determined as reporting errors that were reconciled by year end.

Unexpended Balance

Observation: – the financial summary document indicates 33 variances in unexpended balances between the grantees reports and MIDC. These variances are of the highest risk because they can be carried into future grant years and impact grantee services provided.

Recommendation: Variances related to differences in unexpended balances should be the highest priority for further review. This may require a complete reconciliation from the first grant to the current grant year.

Carryover and Payment variances

Observation: Payment variances related to carryover funds are most likely related to crossover between grant years. Jefferson Wells identified 46 variances between grantees reports and MIDC reports.

Recommendation: MIDC internal reporting and grantees internal reporting should be updated and noted. No action necessary unless these variances carry over to year-end variances in unexpended balances. Most of these variances are related to activity between grant years.

General Ledger Review

Observation: Grantees ' fiscal years do not match up with grant years which resulted in two accounting reports from different years. Due to the number of different reporting systems and formats, this presents a risk slowing down the review process if any questions or concerns regarding expenditure detail between grant years.

Recommendation: Grantees should be required to submit a full year general ledger detail report as part of the final submission for each grant period. This will create efficiencies in future years grant review process and the ability to audit variances immediately. Requesting the grantee to also provide a reconciliation spreadsheet of the 2 general ledger detail reports would create additional efficiencies.

Invoice Review

Observation: Most grantees who paid flat rates for Public Defenders or “King for the Day” didn’t list the number of arraignments they completed on their invoices submitted.

Recommendation: Identifying the number of arraignments will help identify workload and if payment schedules should be adjusted for an increase or decrease in activity.

Observation: Attorneys who had annual contracts paid at a flat monthly rate did not have detail to support the work for each month. Jefferson Wells was provided with copies of annual contracts when requested. The risk is lack of transparency for publicly funded expenses.

Recommendation: All attorneys should be required to submit invoices based on hourly or event-based detail unless location and proximity don’t allow it. During the 2021 compliance review, several grantees were in the process of converting.

Observation: Administrators of the MIDC program and funds were paid monthly flat rate amounts based on contracts. These invoices do not provide the level of detail required for transparency of publicly funded expenses.

Recommendation: Michigan Indigent Defense Commission addressed this concern at its May 2023 meeting requiring an additional level of detail. No additional action necessary.

Summary

Jefferson Wells’ interactions with grantees were generally productive and positive. Grantees were communicative and responsive to information requests and questions prompted during the compliance review.

The process was greatly improved by moving the management of MIDC grants from the judicial system to city and county governments who are more familiar with grant accounting. The Regional Directors were instrumental in helping Jefferson Wells staff contact grantees when there were issues related to getting emails through the firewall and answering questions.

Overall, half the grantees are larger county government agencies that do a great job managing all the financial aspects of the MIDC grant. The remaining grantees are encouraged by and welcome any assistance or consultative ideas on how to do a better job managing these funds and providing the services required. Providing additional assistance to those grantees who need it would assist in the overall management MIDC funding.

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: December 12, 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	\$280,402,368.78	\$38,825,422.67	\$319,227,791.45

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.

II. FY23 Compliance Plans

A. General Status

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

B. Reporting

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

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

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):

- Alcona County
- Alpena County
- Antrim County
- Barry County
- Calhoun County

- Gogebic County
- Ionia County
- Iron County
- Kent County
- Midland County
- Oceana County
- Washtenaw County

The following funding unit submitted a budget adjustment that requires further information for processing:

- Delta County

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

As of the October 17, 2023 meeting, the Commission approved all 120 compliance plans and cost analyses 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 systems beginning at the end of August through November 2023. As of this writing, all but 5 contracts have been returned for execution and processing the initial funding distribution.

C. Changes to approved plans (action items)

No changes to costs, senior staff recommends approval:

1. Alpena County

Alpena County is seeking to implement a contract for traffic and miscellaneous low-level misdemeanor cases handled by the Northeast Michigan Regional Defender Office in FY23. The NE MI office is prepared to offer contracts to a local law firm to handle the traffic cases in FY24. The proposal is based on the projected case volume from FY23. Based on FY 23 numbers, they project approximately 220 cases for the FY 24 year.

The NE MI office has two attorney slots and has had few applicants. They are actively taking all available steps to fill the slots but have not yet been able to fill them. In addition, it is anticipated that one of the staff attorneys will be out on an extended medical leave in the coming months, which will exacerbate current caseload issues.

The funding unit seeks permission to offer a contract to a local law firm that is willing to help until the slots are filled. That firm has a young attorney who would be handling the bulk of the work, with back up and oversight from senior law firm members. That firm is seeking a minimum monthly fee to insure the availability of that attorney. The firm is willing to contract for a minimum monthly payment of \$3,300.00. Time records will be kept by the contracting attorney and submitted to the NE MI office. If the attorney's time exceeds 27.5 hours in month, those excess hours would be paid at the \$120 per hour rate to ensure compliance with Standard 8. The amount is based on the estimate of 220 cases per year: 1.5 hours per case at \$120 per hour = \$39,600, or \$3,300 per month.

The contract is intended to be temporary, and they anticipate that it will be terminated once they fill the attorney positions within the office.

This change would not result in an increase in expenditures, as the funds are available due to the open attorney positions in the office. This is a good stopgap measure to avoid the caseload issues that are piling up in this system.

The contract is modeled after the one that the Commission previously approved for Saginaw.

2. City of Southfield

When creating its FY24 plan, Southfield decided to move away from a docket/shift model to pure hourly billing for individual assignments/arraignments. Arraignments are conducted 7 days a week including weekends and holidays. PM, weekends, and holidays are conducted by ZOOM. The MACC creates a monthly schedule for attorneys for these scheduled arraignment times:

- Monday AM – 2 AM attorneys from 8:30-11AM / Monday PM – 1 PM Attorney
- Tuesday AM – 1 AM attorney from 8:30-11AM / Tuesday PM – 1 PM Attorney
- Wednesday AM – 1 AM attorney from 8:30-11AM / Wednesday PM – 1 PM Attorney
- Thursday AM – 1 AM attorney from 8:30-11AM / Thursday PM – 1 PM Attorney
- Friday AM – 1 AM attorney from 8:30-11AM / Friday PM – 1 PM Attorney
- Saturday / Sunday /Holidays – 1 AM attorney is scheduled. They are on Standby until 11AM. If warrants are not authorized by 10:30AM, the arraignment is held over until the next day. Attorneys start receiving text messages from the scheduled court clerk at 7:45AM. The earliest the attorney would start interviewing would be 8:30AM.

Attorneys have been completing their work well before the end of the morning/afternoon. The arraignment attorneys have expressed a reluctance to continue dedicating their entire morning or afternoon without additional compensation. Indeed, some attorneys have indicated that they are not sure if they are going to continue to accept arraignment shifts knowing that they would make substantially less for being efficient. Accordingly, Southfield would like to be able to pay arraignment attorneys for shifts rather than hourly. The funding unit is proposing a shift fee of \$300 for AM and anticipate that shift to be 2.5 hours; \$240 for PM, weekends, and holidays and anticipate that shift to be 2 hours. If a shift exceeds expectations, attorney would be compensated at \$120/hr using in .25-hour increments. The standby/ call off fee has historically been \$100, and the system intends to keep this.

Southfield does not believe that this request will result in a budget shortage because it anticipated that it would be paying more for attorney work than it has been.

3. City of Pontiac

When creating its FY24 plan, Pontiac decided to move away from a docket/shift model to pure hourly billing for individual assignments. Unless there are co-defendants, the MACC team individually appoints one attorney to all of the new cases scheduled for a particular morning. Because it is unknown how long the cases will take, attorneys have to set aside the entire morning, but the actual court time is frequently less than the entire morning. The roster attorneys have expressed a reluctance to continue accepting assignments if they are not paid at a shift rate. Two attorneys have removed themselves from the roster because of this issue. To avoid losing more attorneys to other courts, Pontiac would like to be able to pay attorneys for a half day shift. A half day shift would be \$360.

Pontiac does not believe that this request will result in a budget shortage because it anticipated that it would be paying more for attorney work than it has been.

D. Changes to approved plans (information item)

4. City of Waterford

When creating its FY24 plan, Waterford Township decided to move away from a docket/shift model to pure hourly billing for individual assignments. On Mondays, the court regularly has walk-in cases, so the MACC team asks attorneys to make themselves available for the entire morning to handle any walk-ins in addition to their assignments. Attorneys have been completing their work well before the end of the morning/afternoon. The roster attorneys have expressed a reluctance to continue dedicating their entire morning or afternoon without additional compensation. Indeed, some attorneys have indicated that they are not sure if they are going to sign up for January/February assignments. Accordingly, Waterford would like to be able to pay attorneys working on Mondays for a half/full day shift. Other neighboring courts pay shift rates, and being purely hourly has made Waterford less competitive. A half day shift would be \$360 and a full day shift would be \$720.

Waterford does not believe that this request will result in a budget shortage because it anticipated that it would be paying more for attorney work than it has been.

5. Muskegon County

The Muskegon County Public Defender Office is making an adjustment to their organizational chart in light of the upcoming retirement of their Chief Defender. The County Administration intends to advertise for a new Public Defender Director immediately (after the December Board

meeting). The funding unit also intends to make the outgoing Director the Training Manager for Standard 7 compliance (with no reduction in salary). With these changes, the funding unit will have the flexibility to find a successful candidate and allow the new Director time to work with the outgoing Director as well as working to ensure compliance with Standard 7 by training staff until May.

TO: MIDC
FROM: Julie Miller, Deputy Chief Defender, NE MI Regional Defender Office
RE: Plan Change to Add Temporary Contract for Traffic Cases
DATE: November 16, 2023

The Northeast Michigan Regional Defender Office is requesting a plan change for FY24 to add a contract with outside counsel to handle traffic matters. We have had two openings for full-time attorneys posted since June 2023 and have been unable to fill either one. We recently hired a semi-retired attorney to work part-time covering arraignments in Alpena County as a temporary measure to help fill the void, but we are still stretched too thin.

We would like to contract with a local law firm to handle all traffic cases in Alpena County until we are able to hire more full-time attorneys. In looking at caseloads and the hourly rate for misdemeanors, I've determined we could contract for that coverage at an annual cost equal to about half of the annual salary for a staff attorney. (Estimate of 220 cases per year; 1.5 hours per case at \$120 per hour = \$39,600, or \$3,300 per month.)

There is a newer attorney at a local firm who is willing to do the work, and the firm is willing to contract with us for a minimum monthly payment of \$3,300.00. If the attorney's time exceeds 27.5 hours in month, those excess hours would be paid at the \$120 per hour rate. The contract is intended to be temporary and will be terminated once we fill the attorney positions within the office. We think it is fair and appropriate to offer a minimum monthly payment in order to provide some level of certainty for that local firm, given the fact that it is a temporary arrangement.

This contract will lock in the help we desperately need, using funds we have budgeted for one of the vacant attorney positions. We are requesting a plan change to allow us to move forward. Thank you for your consideration!

Julie Miller
Deputy Chief Defender