

Quarterly Program Reporting and Attorney List Instructions

REVISED – DECEMBER 2023

This guide discusses reporting requirements, instructions, and tips for compliance reporting for the Quarterly Program Report (QPR) and Attorney List. Although local funding units are responsible for submitting all required information to the MIDC, we recognize that courts play a crucial role in the implementation and demonstration of compliance with standards. As such, some of these suggestions are directed at courts in the hopes of providing some guidance about this partnership.

Key changes for FY24:

- New initial interview questions.
- Misdemeanor and felony district court cases and district court assignments will now be reported separately.
- Clarification on which quarter an assignment should be counted.
- Clarification on the inclusion of felony assignments in district court on the program report.
- Expanded requirements on the Attorney List, including:
 - Standard 7 Qualification Tier (if known)
 - New assignments broken down by case type
 - Payments broken down by assignment/docket coverage/expenses, and hours worked on each type of assignment and docket coverage (for non-salaried defenders)

Please reach out to the MIDC's Research Unit with any questions. We are happy to help brainstorm creative solutions to any obstacles in the compliance reporting process. You can reach us at:

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For financial reporting questions, please reach out to Rebecca Mack, Grants Director, at MackR2@michigan.gov.

Links to Specific Questions

Program Report Report Tab System Tab **Question 7 and Question 7a Question 8 and Question 9 Circuit Court** Question 1 **Question 2 Question 3** Question 4 **District Court** Question 1 **Question 2 Question 3 Question 4 Question 5** Question 6 Question 7 **Question 8** Question 9 **Attorney List** Name, P#, Standard 7 Qualification Tier, and Status # of New Assignments **Payments Hours Documentation**

Quarterly Program Reporting

Local funding units are required to complete and submit a quarterly program report to the MIDC at the end of every reporting period in accordance with the dates specified in their grant agreement. The program report asks for some information that is housed within the court, and local funding

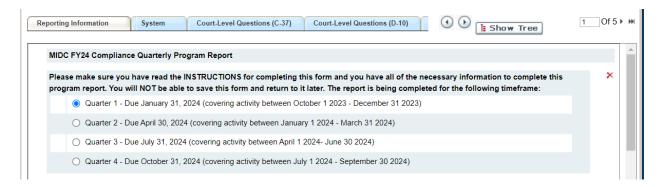


units may need to partner with courts for assistance in completing the template. This document provides guidance on how to track and report the major data points in the program report, many of which require some sort of daily input. At the end of the quarter, you will enter this information into EGrAMS, which can be accessed through https://egrams-mi.com/MIDC/user/login.aspx.

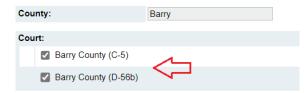
If you already have a username and password, enter this information in the Login box, otherwise you will need to create an account. If you have trouble creating an account, please contact Deborah Mitchell at mitchelld20@michigan.gov or 517-643-6875.

REPORT TABS

The program report consists of three tabs that apply to all systems, and one additional tab for each of your District and Circuit Courts.



Reporting Information Tab



The first tab, Reporting Information, covers basic location and contact information for your system. At the bottom of this tab, please make sure to select every court for which you are reporting.

System Information Tab

The second tab, System Information, asks broad questions related to the execution of each of the MIDC standards in your system. These questions touch on Standards 1 through 5. These questions are asked only once for the entire system. Question 1 through 6 and 10 and 11 do not require daily data collection. The only questions under this tab that require the daily tracking of numbers are the following (Questions 7, 7a, 8, and 9):

How many in-custody initial interviews were conducted (or should have been conducted) this quarter?

Of these in-custody initial interviews, how many were conducted within 3 business days of appointment?

System-wide, what was the total number of cases during the reporting period in which indigent defense program funding was used to pay for an investigator?

System-wide, what was the total number of cases during the reporting period in which indigent defense program funding was used to pay for an expert witness?

Questions 7 and 7a regarding initial interviews are new in FY24. Previously, systems were asked a Yes/No question about whether they had a process to monitor Standard 2 compliance.

For Question 7, the total number of in-custody interviews should include:

- All initial interviews that were conducted while the client was in custody AND
- Any interviews in which the client was interviewed out of custody but was in custody at the end of the third day following appointment (e.g., the client was in custody for five days, bonded out, and was interviewed on the seventh day following appointment)

 AND
- Any instances in which a client was in custody and was not interviewed for any reason. If a client was not interviewed, it should be counted as one missed interview even if the client has multiple *cases* assigned to the attorney who did not complete the interview.

Systems are not expected to track the time of day the appointment was made or the time of day the interview was conducted. If an appointment was made on Monday, the initial interview will be considered completed within three business days as long as it was completed on or before Thursday, even if the period was longer than 72 hours.

Ideally, systems will report the interview in the quarter that it occurred, but systems may instead report the interview during the quarter in which the system received the invoice for the interview as long as the system uses a consistent process and only reports interviews one time.

For Questions 8 and 9 regarding investigators and experts, indigent defense administrators can track this information in one of three ways, so long as the system tracks consistently across reporting periods so that cases are not missed or double-counted.

- The first way is to track during the reporting period when the investigator/expert is utilized.
- The second way is to track during the reporting period when the investigator/expert is paid.
- ➤ The third way is to identify all the cases that closed in the reporting period and calculate the number that utilized an investigator/expert at any point throughout the life of the case.

This last method is most accurate, but we understand that one of the first two methods might work better for your system.

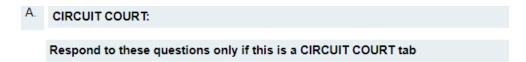
Each case should only be counted once over time (i.e., did the case *ever* use an expert or investigator) because the goal is to track the total number of cases that ever utilized expert or investigative assistance, not the number of times that experts or investigators were used. As an example, if defense counsel hired two expert witnesses in Quarter 1 for a single case, that would count as one case in which an expert was used, since we are counting the number of CASES in which assistance was utilized, not the number of EXPERTS. If defense counsel hires another expert witness in Quarter 2 for the same case, that still counts as just a single case in which expert assistance was utilized, so there is no need to recount that case; you have already reported it in Quarter 1.

A few other notes:

- For investigators, this number should not include cases in which the investigator performed only basic administrative tasks such as running iCHAT reports.
- In some instances, it can be difficult to distinguish between investigative assistance and expert assistance. Please use your judgment to place each instance in the most appropriate category.

After completing the System Information tab, you will fill out a court-specific tab for each court in your system.

Circuit Court Tab(s)



The first two questions ask about the total number of new adult, criminal case filings and assignments during the reporting period. These numbers should be calculated at the end of the

reporting period, when the system runs the final report, so that all instances of assigned counsel are captured in the report. Question 1 should include all new bindovers from district court and any new cases initiated in circuit court. Cases with juvenile clients who are being tried as adults (e.g., a juvenile waiver case) should be counted as new circuit court cases.

Question 2 should include cases qualified for and handled by assigned counsel during the reporting period. This should include bindovers in which the client was represented by an attorney who was appointed while the case was in district court or cases in which an attorney was appointed for the first time while the case was in circuit court.

In order to track these data points accurately, please refer to the following FAQs:

What is the difference between "total number of new adult criminal case filings" and the number "qualified for and assigned to an appointed attorney?"

The first question, "number of new cases," refers to the total number of new adult criminal cases that are filed in your system during the reporting quarter. This includes both cases that were bound over and cases that were initiated in circuit court. Please do not include cases that are not in adult criminal court. You should include any cases against juveniles who are being tried in adult criminal court.

The second question refers to the number of cases that were qualified for and assigned to an appointed attorney during the reporting period. In circuit court, this should include any newly bound over cases during the quarter that were handled by an assigned attorney even if an assignment was made while the case was in district court, and any cases in which an assignment was made for the first time while the case was in circuit court. "Qualified for and assigned to an appointed attorney" does not refer to a formal appointment but rather to any case handled at any point post-arraignment by an appointed attorney, which might include an attorney from a public defender office, a roster attorney, a contract attorney, an MIDC attorney, house counsel, or any other sort of appointed attorney. The data point aims to measure the number of cases that utilize appointed counsel rather than the number of formal appointments.

Are filings and appointments counted by case or by count?

By case, and we ask that you follow the SCAO guidelines on counting cases. Please see Appendix A for the excerpted guidelines. In particular, please note that case counting in criminal complaints differs from case counting in traffic complaints. According to the SCAO guidelines, for traffic case numbers that end in letter designations, each letter counts as its own case. Criminal complaints with multiple counts that are filed under a single case number count as one case.

Do probation violations count as new filings?

Please follow the standard practice in your court. When a probation violation is a new case (i.e., given a new case number), it should be counted as a new filing for the purposes of this data point. This is typically when new criminal charges are filed. If it is not a new case, then do not count it as a new filing even if there is a new arraignment.

➢ If assigned counsel only handles part of the case and retained counsel handle the other part of the case, does it still count as assigned??

Yes. If assigned counsel worked on any part of the case following arraignment, please count it for the purposes of this question.

The third question in the Circuit Court tab asks for the number of requests for appointed counsel that were denied during the reporting period. Ideally, this data point would also be tracked by CASES rather than by clients, but if that is not possible, we ask you to at least specify how you are tracking. Depending on how your system has set up indigency screenings, this data point might be tracked by an indigent defense administrator or might be tracked by court personnel.

The fourth and final question asks whether any of the judges in your court seek reimbursement for attorney fees at sentencing/the conclusion of the case. This is a Yes/No question. If any of the judges in the relevant court seek reimbursement, you should answer "Yes."

After completing the fourth question, scroll down past Section B questions, which are not relevant to Circuit Courts, and save your numbers before moving on to the next tab.

District/Municipal Court Tab(s)

When you click on the District/Municipal Court tab(s), scroll down past Section A (which only applies to Circuit Court) until you get to Section B.

B. DISTRICT / MUNICIPAL COURT

Respond to these questions only if this is a DISTRICT OR MUNICIPAL COURT tab

In previous years, the program report asked for the total number of new adult, criminal filings in each district court. In FY24, this number will be reported separately for misdemeanors and felonies. Question 1 in Section B asks for the number of new adult, misdemeanor filings during the reporting period. Question 2 asks for the number of new adult, felony filings during the reporting period. Court administrators may have to modify their process for running these reports, but these questions should not require new data collection. For reference, in district court:

Misdemeanor district court cases use the following case codes: OM, SM, OD, OT, SD, ST Felony district court cases use the following case codes: EX, FY, FD, FT

Please follow the SCAO guidelines on counting cases to accurately calculate this number (see Appendix A). PVs should count as new filings when they are counted as new filings in your court (i.e., typically when new charges are filed and given a new case number).

Question 3 is tied to Standard 4 and is concerned only with representation at arraignment, not with representation at other stages. Arraignments do not need to be separated by misdemeanor and felony case type. The "total number of arraignments conducted" should be equivalent to the sum of whether clients at each arraignment were represented by retained counsel, represented by appointed counsel, invoked their right of self-representation, or had no counsel due to counsel's absence. Any arraignments not captured in those four categories should be reported as "other" arraignments. Ideally, your system should have no arraignments in the other category, but there are sometimes data entry errors that result in missing codes. If no actual arraignment was conducted (for instance, pleas by mail/at the counter, arraignments that are entirely waived, and cases dismissed before arraignment with the assistance of the arraignment attorney), please do not count them for the purposes of this question. Please see the following FAQs about arraignment questions.

What is the difference between retained counsel, appointed counsel, in pro per, and absent counsel at arraignment?

You can use the following guidelines to sort arraignments into categories:

Presence	Category	Summary	
	Retained	Retained counsel is present on the record with the client at arraignment (CORT).	
Attorney Present	Appointed	A public defender/appointed attorney is present on the record with the client at arraignment (COAP). If an attorney provides assistance prior to arraignment but does not enter a limited appearance on the record at the arraignment, this should be captured in the attorney's workload but it does not count as appointed counsel at arraignment for the purposes of data collection.	
	In Pro Per	No attorney is present with the client while they are being arraigned either because (a) the client has waived counsel, or (b) the client is not eligible for appointed counsel (COPP).	
Attorney Not Present	Absent	No attorney appears with the client while they are being arraigned even though (a) the client is eligible for counsel, and (b) the client has not waived counsel (COAB). Examples might include the following: counsel has been retained but is not present at court or assigned counsel is absent that day and arraignments continue regardless.	
Other	Other	Unable to place into any of the other four categories. Ideally, there shouldn't be anything in this category, it is just a catchall for oddities or missing data.	

> Do the arraignment questions refer to all types of arraignments, including in custody arraignments, court scheduled arraignments, and walk in arraignments?

Yes, all types of arraignments should be tracked.

➤ If a client has multiple case numbers relating to a single event or ticket for arraignment, does it count as a single arraignment, or do I list the number of individual cases? For example, if a ticket has three misdemeanors on it (for instance, DWLS, Expired Plate and No Insurance), do I report this as one arraignment or three arraignments?

If a client is arraigned simultaneously on multiple distinct cases, then each case would count as its own arraignment. If a client is arraigned on multiple charges within a single case, it would only count as a single arraignment. Please make sure that this is recorded accurately in your case management system. If you use a case management system that uses a different record for every charge in a criminal complaint, please make sure to only record it as a single arraignment, which may mean attaching an arraignment code to only one of the counts. Please also note that counting arraignments for the purposes of the Program Report is not the same as accounting for an attorney's arraignment workload, and systems might utilize a different method to calculate each.

- ➢ If a client doesn't show up for their arraignment, do I count that as an arraignment?
 If a client does not show up, this should not be recorded as an arraignment.
- If a client waives their arraignment, do I count that as an arraignment?

If only the reading of the charges is waived, not the arraignment proceeding itself, this would fall into one of the following four categories: retained counsel, appointed counsel, pro per, counsel absent. If there is a formal waiving of the arraignment itself, then this would not be counted in Question 3.

➢ If there is a guilty plea at arraignment and sentencing is scheduled for another day with assigned counsel, does it count as assigned?

Yes. If the case was not completely resolved at arraignment and is handled on any other day by an appointed attorney, it counts as "qualified for and assigned to appointed counsel."

➤ How would an indigent defense administrator know the number of arraignments conducted by retained counsel or the number of waived arraignments or pleas by mail? Why do you need to know this?

This information will typically need to be provided by the court, since the court is the only entity that has access to these numbers. Without the number of arraignments conducted by retained counsel, we cannot calculate the percentage of arraignments

handled by appointed counsel, which is a critical data point for our agency and your funding.

Question 4 asks for the number of dispositions that occurred at arraignment during this reporting period. For example, if you reported 500 arraignments in Question 3, and 40 of these were resolved at arraignment, you'd enter '40' for Question 4. For courts that have combined arraignment/pre-trial, please consider any disposition at the client's *first appearance* to fall into this category. Please report the number of CASES that received a disposition, not the number of clients. Courts should be able to identify this number by searching for the cases where the arraignment and disposition date match in their case management system. For courts that use JIS, courts may also utilize the event code "DIAR" to track these types of cases.

In FY24, data on post-arraignment assignments is now reported separately for misdemeanors and felonies, and we have provided additional clarity on when cases should be reported. Question 5 asks for the number of misdemeanor cases that were qualified and assigned to an appointed attorney during the reporting period following arraignment. Question 6 asks for the number of felony cases that were qualified and assigned to an appointed attorney during the reporting period following arraignment.

"Qualified for and assigned to an appointed attorney" does not refer to formal appointments, but rather to any case handled by an appointed attorney, which might include an attorney from a public defender office, a roster attorney, a contract attorney, an MIDC attorney, house counsel, or any other sort of appointed attorney. The data point aims to measure the number of cases that utilize appointed counsel after arraignment rather than the number of formal appointments. For instance, if there is a plea at arraignment but sentencing is scheduled for another day with assigned counsel, this should be counted as a post arraignment appointment. Similarly, if assigned counsel only handles part of the case and retained counsel handles another part, it should still be counted as an appointment for the purposes of this data point.

In FY24, both assignment questions have been reworded to clarify that systems should be reporting cases in the reporting period in which the assignment was made, regardless of when the case was filed. A case should be counted for Question 5 or 6 in the quarter in which the appointed attorney was assigned to the case. Specifically:

- ➤ If a case was filed in Q1 and the assignment was made in Q1, the case should be reported as a new case (Question 1/2) in Q1 and a new assignment in Q1 (Question 5/6).
- ➤ If a case was filed in Q1 and the assignment was made in Q2, the case should be reported as a new case (Question 1/2) in Q1 and a new assignment in Q2 (Question 5/6).

- ➤ If a case was filed in Q1, handled by retained counsel for a period of time, and then assigned to an appointed attorney in Q3, the case should be reported as a new case (Question 1/2) in Q1 and a new assignment in Q3 (Question 5/6).
- ➤ If a case was filed in Q1 but there was no formal appointed (e.g., house counsel system), it should be reported as a new case in Q1 and a new assignment in whatever quarter the house counsel attorney appeared on behalf of the client for the first time following arraignment.

In FY24, Question 6 clarifies that felony assignments should be counted on the district court tab if the assignment was made while the case was in district court, even if a different funding unit made the assignment. Felony cases that are assigned in district court and later bound over to circuit court should be counted as an assigned case in both district court and circuit court. Systems covering third-class district courts that do not currently have information on felony assignments in their system should work with their court or associated felony assigning system to gather this data. In the event that your system is not able to gather this data at the start of FY24, please report "0" assignments in this question and indicate this as the reason in the "Final Questions" section of the QPR.

Question 7 asks for the number of requests for appointed counsel that were denied during the reporting period. Ideally, this data point would also be tracked by CASES rather than by clients, but if that is not possible, we ask you to at least specify how you are tracking. Depending on how your system has set up indigency screenings, this data point might be tracked by an indigent defense administrator or might be tracked by court personnel.

Question 8 asks whether any of the judges in your court seek reimbursement for attorney fees at sentencing/the conclusion of the case. This is a Yes/No question. If any of the judges in the relevant court seek reimbursement, you should answer "Yes."

Question 9 identifies cases that were resolved *before* arraignment. Resolutions counted here can include any of the following: pleas by mail, pleas taken at the counter, pleas entered through an online system, pleas taken with the help of the arraignment attorney before an arraignment occurred, or any other form of pre-arraignment pleas. The second part of the question is a subset of the first part and asks how many of the cases reported in the first part received the assistance of counsel. If you need assistance assessing the best way to calculate these numbers, please reach out to the MIDC.

Solutions Using JIS

For systems who use JIS, the following may offer guidance on collecting relevant data points within the court case management system. In order to track some of the data points included in the quarterly program reports, we suggested that courts utilize the three- and four-character codes available in JIS. The specific codes are suggestions and not requirements and can be

replaced with any code if your system already utilizes a suggested code. Prior to assigning a code, court systems should check to make sure the code is available.

Please make sure that you are only recording the codes once for each case, not once for each count. In case management systems that track each count as a separate record (typically district courts), we suggest attaching the relevant codes only to the first count.

Here are some examples of codes that may be useful. The following codes are the same codes that the MIDC has suggested in previous years.

- Represented by retained counsel at arraignment (CORT/COR)
- Represented by appointed counsel at arraignment (COAP/COA)
- Invoked the right of self-representation at arraignment (COPP/COP)
- Counsel absent at arraignment (COAB/COB)
- Represented by assigned counsel following arraignment (COPD/COD)

Although some courts were previously tracking information on experts and investigators, that information should now be tracked by indigent defense administrators, public defender offices, or other funding unit employees who are responsible for approving/paying requests.

New codes that may be helpful include the following:

- Denials of appointed counsel (CODN/COD)
- Case resolved prior to arraignment, ie, "early resolution" (EARN/EAR)
- Dispositions entered at the time of arraignment (DIAR/DIA)

If these codes are entered on a daily basis, you can run reports at the end of the quarter that will automatically calculate the necessary numbers. The State Court Administrative Office released guidance on running these reports in DCS and TCS that is appended to this document.

Attorney List Reporting

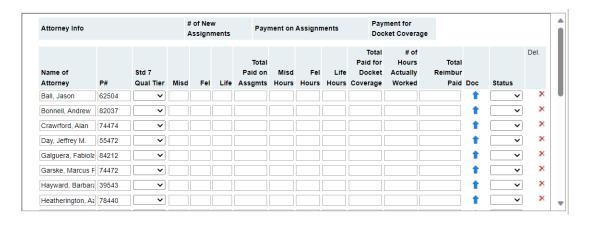
Local funding units are required to complete and submit a quarterly attorney list to the MIDC at the end of every reporting period in accordance with the dates specified in their grant agreement. This document provides guidance on how to track and report the major data points in the attorney



list, many of which require some sort of daily input. At the end of the quarter, you will enter this information into EGrAMS, which can be accessed through https://egrams-mi.com/MIDC/user/login.aspx.

If you already have a username and password, enter this information in the Login box, otherwise you will need to create an account. If you have trouble creating an account, please contact Deborah Mitchell at mitchelld20@michigan.gov or 517-643-6875.

The Attorney List collects data about qualifications, workload, and payment to individual attorneys working in your system. The Attorney List has expanded significantly in FY24 to assess compliance with Standard 8. In FY23, the Attorney List required systems to report an attorney's name, P#, active/inactive status, total assignments, and total amount paid in the quarter. In FY24, systems will be asked to report Standard 7 qualification tier, new assignments by case type, payments for assignments and docket coverage (for non-salaried defenders), hours worked by case type and on dockets (for non-salaried defenders), and total reimbursements (for non-salaried defenders). There will also be an arrow on each line that allows for the upload of payment documentation and a dropdown menu to indicate each attorney's current status.



Name, P#, Standard 7 Qualification Tier, and Status

Four of the data points on the attorney list pertain to information about the attorney. In addition to the attorney's name, P#, and whether they are active or inactive in your system, the

Attorney List now asks systems to report the Standard 7 Qualification Tier for attorneys. This question serves as planning tool for the MIDC and systems to prepare for compliance with Standard 7 in FY25. EGrAMS requires an answer to the question, but it is a drop-down menu that allows you to select "unknown." Systems will not be penalized for reporting unknown during FY24, but systems are encouraged to begin to determine the Standard 7 Qualification Tier for its attorneys during this fiscal year.

MIDC Standard 7 Tiers						
Case Type	Years of Experience Practicing Criminal Law	Trial Experience	Other			
Misdemeanor Cases	-	Served as co-counsel or second chair in a prior trial (misdemeanor, felony, bench or jury);				
Low-Severity Felony Cases	1	Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have reached a verdict, one of which having been submitted to a jury				
High-Severity Felony Cases	2	Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in four criminal cases that have been submitted to a jury	Has a significant record of consistently high quality criminal trial court representation and the ability to handle a high-severity felony case			
Life Offense Cases	5	Has prior experience as lead counsel in no fewer than seven felony jury trials that have been submitted to a jury	Has a significant record of consistently high quality criminal trial court representation and the ability to handle a life offense case			

of New Assignments

In FY24, systems are required to report new assignments to attorneys based on case type (misdemeanor, felony, and life) instead of the total number of new assignments. Assignments should be categorized by the highest severity offense associated with the case during the reporting period. For instance, if a case is charged as a felony but the charge is reduced to a misdemeanor, this counts as a felony assignment. Similarly, if a case charged as a non-life felony is elevated to a life offense, it should be reported as a life offense assignment. If the

charge is reduced or elevated in a future quarter, systems do not need to retroactively update their answers to the assignment questions. However, systems should be mindful of these changes for the purposes of payments to attorneys.

For FY24, assignments on violations of probation (VOP) should be categorized according to the offense level of the underlying case (i.e., if the original case was a misdemeanor, a VOP assignment on that case is a misdemeanor assignment; if the original case was a felony, a VOP assignment on that case is a felony assignment). MIDC anticipates utilizing separate columns for VOP assignments in future years.

Reassignments and cases with multiple attorneys should be counted for each attorney who works on the case.

Prior to FY25, the MIDC will provide further guidance on what constitutes an "assignment" for the purposes of Standard 6. For FY24, systems should follow their established practice for determining if a case was an assignment or if the case was covered as part of a docket.

Payments

In FY24, systems are required to separate payments across three categories for non-salaried public defenders: payments for assignments, payments for docket coverage, and total reimbursements.

<u>For salaried public defenders</u>, systems do not need to report payments on the attorney list. Information collected on the Financial Status Report is sufficient for assessing compliance. Systems should fill in zeros on all payment boxes for salaried defenders, otherwise you will not be able to submit your report.

<u>For non-salaried defenders</u>, systems must report the payment for work on assigned cases and payment for work covering dockets separately, along with any reimbursements paid to the attorney. Systems may report this information either in the quarter in which the work occurred, the quarter in which the invoices were received, or the quarter in which the payment was made, but must use a consistent process for all payments and time-tracking so that the payment and time tracking are associated with the same work (see next section).

Systems should note that the distinction between salaried defenders and non-salaried defenders is related to each attorney's employment status. Many systems that utilize a salaried public defender office model also employ contract/conflict attorneys who are paid as part of a contract or hourly model. Systems must report detailed payment and workload breakdowns for these attorneys.

Reimbursemnts are for payments such as mileage, expenses, and related costs. It is not column for totaling the payment to the attorney from the other two columns.

Hours Worked

In FY24, systems must report a breakdown of the hourly workload for non-salaried defenders.

Systems must report the number of hours worked on misdemeanor cases, non-life felony cases, and life offense cases, as well as the number of hours an attorney actually worked covering dockets (not the number of hours they could have been required to cover). Hours worked covering dockets refers to shift/docket work in which the attorney provides representation but is not assigned to a case (e.g., a shift covering an arraignment docket). The four hour columns are mutually exclusive; an attorney is either working on assigned cases or working on docket/shift coverage. There is no column for totaling hours.

Systems may report this information either in the quarter in which the work occurred, the quarter in which the invoices were received, or the quarter in which the payment was made, but must use a consistent process for all payments and time-tracking so that the payment and time tracking are associated with the same work (see previous section).

Note: In some systems that employ a house counsel model in which attorneys regularly cover the same day of week/courtroom/judge and the court attempts to schedule hearings to match the attorney's schedule, the distinction between an assigned case and a case being covered on a docket may be ambiguous. In most circumstances, work on these types of cases should be counted as docket hours even if the work occurs on a different day than the attorney's regular docket day (e.g., an attorney who covers a Monday docket attends a hearing for a client on a Thursday even though that is not their typical docket day).

Systems do not need to report hourly time tracking for salaried public defenders. Systems should fill in zeros on all "hours worked" boxes for salaried defenders, otherwise you will not be able to submit your report. Systems should note that the distinction between salaried defenders and non-salaried defenders is related to the attorney's employment status. Many systems that utilize a salaried public defender office model also employ contract/conflict attorneys who are paid as part of a contract or hourly model. Systems must report detailed payment and workload breakdowns for these attorneys.

Documentation and Status

In the final two columns, systems should (1) upload documentation of attorney payments, and (2) identify each attorney's current status. Invoices *can be attached* for all attorneys taking indigent defense cases who are not salaried; systems *should not* upload invoices for salaried attorneys on the attorney list. The final column asks whether each attorney is actively accepting cases, and this dropdown question should be completed for all attorneys in your system.

Appendix A

Circuit Court¹

A criminal case is counted as a new filing when a bindover is received for filing (it is reported filed based on the bindover date, not the filing date), an order waiving a juvenile from family division to criminal division is received for filing, or a case is received by your court after transfer from another court because of change of venue; do not include cases transferred for purposes of trial only.

- Count a high court misdemeanor as a felony.
- A felony complaint may contain multiple charges against one defendant; do not count
 multiple charges in one complaint as separate cases. If a prosecuting official has filed
 multiple complaints for multiple offenses arising out of one incident by one defendant,
 consolidate the complaints into one case and count as one case.
- A complaint may contain both felony and misdemeanor charges in the same complaint; count as a felony.
- A criminal complaint should be filed against one defendant; each defendant shall be counted as one case. If a prosecuting official has filed a single complaint against more than one defendant, each defendant must be counted as a separate case.

District Court²

A felony criminal case is counted as a new filing when a complaint is received for filing or a when case is received by your court after transfer from another court because of change of venue; do not include cases transferred for purposes of trial only.

- Count a high court misdemeanor as a felony.
- A felony complaint may contain multiple charges against one defendant; do not count
 multiple charges contained in one complaint as separate cases. If a prosecuting official
 has filed multiple complaints for multiple offenses arising out of one incident by one
 defendant, consolidate the complaints into one case and count as one case.
- A complaint may contain both felony and misdemeanor charges in the same complaint; count as a felony.
- A criminal complaint should be filed against one defendant; each defendant shall be
 counted as one case. If a prosecuting official has filed a single complaint against more
 than one defendant, each defendant must be counted as a separate case. When a case
 is dismissed to allow for filing of a second complaint for a lesser included offense, do not
 count the second complaint as a new filing. Do not count enhancements as a new filing.
 A misdemeanor criminal case is counted as a new filing when a complaint or citation is

 $^{{\}color{blue} {1 \atop \underline{} https://courts.michigan.gov/education/stats/reporting-materials/Documents/CircuitCourtReportingInstructions.pdf\#search=Case\%20 counts} \\$

² https://courts.michigan.gov/education/stats/reporting-materials/Documents/DistrictCourtReportingInstructions.pdf#search=Case%20counts

- filed or a case is transferred to your court because of change of venue; do not include cases transferred for purposes of trial only.
- A misdemeanor complaint may contain multiple charges against one defendant; do not count multiple charges in one complaint as separate cases. If a prosecuting official has filed multiple complaints for multiple offenses arising out of one incident by one defendant, consolidate the complaints into one case and count as one case (this does not apply to a citation).
- If the charging document is the Uniform Law Citation, each of the 3 parts is considered a separate complaint, and each complaint contains a single charge. Each charge shall be counted as a separate case.
- A misdemeanor offense with a penalty over 93 days shall not be filed on a Uniform Law Citation.
- A complaint may contain both misdemeanor and felony charges in the same complaint; count as a felony.
- A criminal complaint should be filed against one defendant; each defendant shall be counted as one case. If a prosecuting official has filed a single complaint against more than one defendant, each defendant must be counted as a separate case.

Michigan Indigent Defense Commission: Event Category Codes for TCS/WebTCS

The Michigan Indigent Defense Commission Act, MCL 780.981, et seq, requires the MIDC to collect information to ensure that each court funding unit is meeting the minimum standards of implementation of their local compliance plan. This data collection is a requirement of the MIDC grant that funds each compliance plan, and all trial court funding units must provide this information to MIDC. Of the total data requirements, a few components are most accurately collected by courts.

To facilitate the collection of quarterly compliance data, JIS has added a series of codes to the TCS/WebTCS case management system. These codes, listed below, are to be entered at every arraignment, and this will allow for generating reports using the data in TCS/WebTCS.

Recommended Codes

The codes listed below were added to your application in August of 2022 if they did not exist previously. Your court may have its own codes, which may be substituted as needed. Please note that the court only needs to keep track of denials in systems where the court continues to be involved in the indigency determination; if the determination is conducted entirely by an indigent defense administrator or office, the court does not need to track this code.

- **COPD** (refers to any case in which defendant is represented by appointed counsel following arraignment)
- **APDN** (refers to cases where appointed counsel is requested but denied)

Data Points Provided Via Events by Case Report

Purpose: Data is collected when courts use the recommended MIDC codes. To view this data, generate the Events by Case Report (see Create an Event Using MIDC Category Codes and Generate an Event List for MIDC Category Codes below).

- Total number of new adult criminal case filings (Note: This data can come from the Caseload report)
- Number of cases with counsel appointed post-arraignment
- Number of cases in which appointed counsel was requested but denied

Revised 12/15/2022

Create an Event Using MIDC Category Codes

Purpose: This procedure provides the step-by-step process for adding an Event to a case using MIDC Category Codes (see Recommended Codes above).

Steps to Add an Event

- On any screen with the Next Transaction Line, enter AEV (Add Event for Cases) in the Next field.
- 2. In the **Case** field, enter the case year and case number.
 - Example: 2017 0000001106.
 - Note: To add the preceding zeros, press the plus key on the number pad of the keyboard.
- 3. Press Enter.
 - The Edit Event screen displays.
- 4. In the **Evt** (Event) field, enter the code that is applicable for MIDC.
 - The F4 prompt is available to display choices that may be entered in this field.
- 5. Confirm **Dte** (Date).
 - Note: This field defaults to the current date but may be changed if necessary.
 - Note: Other fields on the screen are optional.
- 6. Once all parameters are populated, press **Enter**, and the Event is added to the case.

Generate an Event List for MIDC Category Codes

Purpose: This procedure provides the step-by-step process for generating an Event list for cases using MIDC Category Codes (see Recommended Codes above).

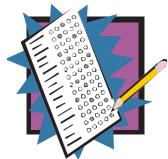
Steps to Generate an Event List

On any screen with the **Next Transaction Line**, enter **EVL** (Event List) in the **Next** field.

- 1. Press Enter.
 - The Event List screen displays.
- 2. In the **Event Date** field, enter the date range for the report.
- 3. In the Case Status field, use the F4 prompt to select the case status for the report.
- 4. In the **Event Jurist/Referee** field, the list can be filtered by jurist/referee.
- 5. In the **Event Category** field, enter **MIDC**.
 - Note: To narrow the list of cases to a single MIDC arraignment or post-arraignment code, enter the desired code in the Event field (see Recommended Codes above).
 - Note: Other fields on the screen are optional.
- 6. In the **By Case** field, enter **1**.
- 7. Once all parameters are populated, press **Enter**.
 - The Events by Case report will generate, listing all cases where an MIDC event code was entered.

MICHELE	UCH1PVK	TCS QA Environment Event List	Rel2106 11/30/22
Next:	Case:	Court: <u>C</u> <u>08</u> <u>34</u>	
	Case Status: t Jurist/Referee:	Event Categ: <u>MIDC</u> _ (Y = Omit) Notice Days: Case Typ Sub-Categ:	

Reports for Michigan Indigent Defense Commission Compliance Data for DCS/WebDCS



The Michigan Indigent Defense Commission (MIDC) requires local funding units to provide data related to the implementation of minimum standards. This data provision is a requirement of the MIDC grant that funds each system's compliance plan. These data allow the MIDC to track progress towards complete implementation of the compliance plan. Additionally, these data allow the MIDC to evaluate the effectiveness of the minimum standards on indigent defense. Of the total data requirements, a few components are most accurately collected by courts.

MIDC, with State Court Administrative Office approval, have had JIS add a series of codes to the DCS case management system to assist JIS users with the collection of quarterly compliance data. The recommended codes are provided below. Depending on the code, it may be entered when there is no arraignment, at the time of arraignment, or post-arraignment. The use of the codes will allow for generating reports using the data in JIS. Utilizing the standard report generators will reduce the need for manual counting. These reports will provide numbers for the data points local funding units are required to supply, which are detailed below.

If you are not familiar with creating custom reports using Traffic/Criminal Case Selection Report Generator, please refer to Chapter 11 in the 2007 Traffic/Criminal/Probation User Guide.

Recommended Codes

Many of the codes listed below were updated in your application on December 20, 2021, if they did not exist previously. Effective with this revision, **COPL**, **COWV**, **AINV**, and **AEXP** are no longer required to be tracked and submitted to the MIDC by courts. Three new codes, **EARN**, **CODN** and **DIAR**, will be added to the DCS application sometime in 2023 by JIS. In the meantime, your court may also add these three new codes to track relevant data or create your own codes.

Pre-Arraignment Codes

• EARN (refers to cases that are resolved prior to arraignment)¹ [NEW]

Arraignment Codes

- **CORT** (refers to arraignments in which defendant is represented by retained counsel)
- **COAP** (refers to arraignments in which defendant is represented by appointed counsel)

¹ Note: Cases formerly tracked as COPL (pleas by mail/at the counter) are now integrated into the same category as any other cases resolved before arraignment, which can include any of the following: pleas by mail, pleas taken at the counter, pleas entered through an online system, pleas taken with the help of the arraignment attorney before an arraignment occurs, or any other form of pre-arraignment pleas. This tracking will look different in every court, but we suggest that any cases resolved prior to arraignment now be given the code EARN.

- **COPP** (refers to arraignments in which defendant invokes the right of self-representation)
- COAB (refers to arraignments in which no counsel is present)
- DIAR (refers to dispositions entered at time of arraignment) [NEW]

Post-Arraignment Codes

- COPD (refers to any case in which defendant is represented by appointed counsel following arraignment)
- CODN (refers to cases where appointed counsel is requested but denied following arraignment) [NEW]

Data Points Provided by Report Generators

Arraignment Data to Evaluate Standard 4, Counsel at First Appearance:

- Total number of arraignments
- Number of arraignments represented by retained attorneys
- Number of arraignments represented by appointed counsel
- Number of arraignments conducted In Pro-Per
- Number of arraignments where counsel was absent
- Number of arraignments that received a disposition at arraignment

Criminal Case Filings:

- Number of cases resolved prior to arraignment
- Number of cases with counsel appointed post-arraignment
- Number of cases in which appointed counsel was requested but denied

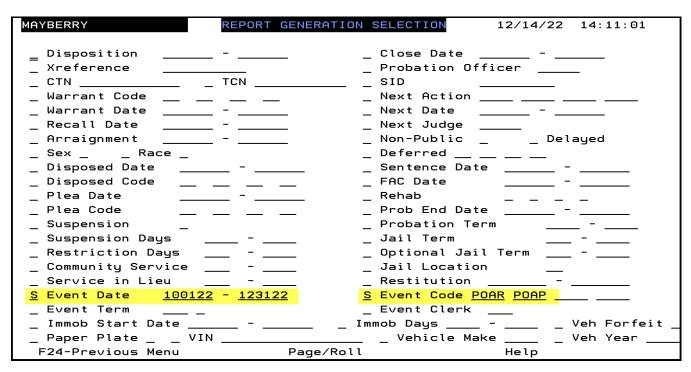
Report Generators for MIDC Compliance

Section I: Counsel at First Appearance

Complete the following steps:

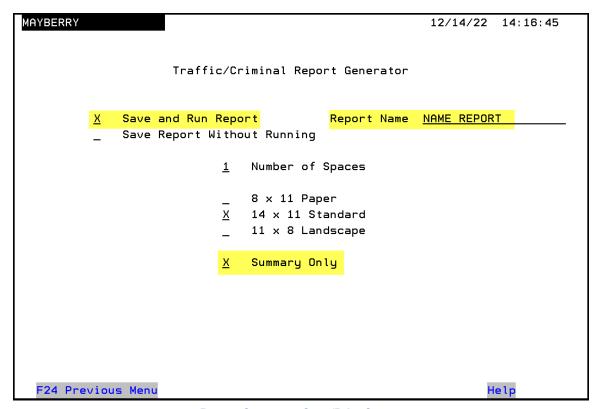
1. Find the total number of arraignments by running a report within the reporting period with the codes **POAR** (Arraignment Held) and **POAP** (Arraignment/Pre-Trial Held).

The DCS report screen will look like:



Case Selection Report Generator - Screen 2

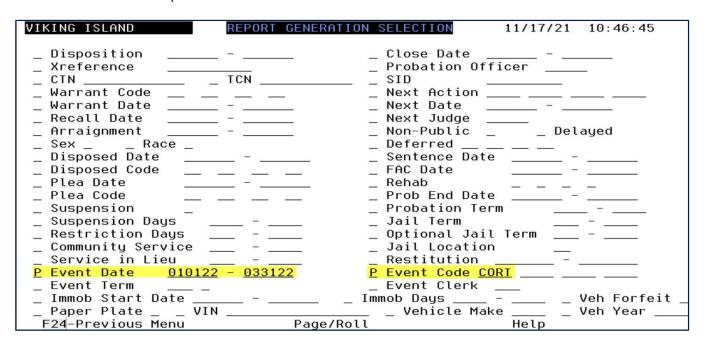
On the Report Generator Save/Print screen, place an **X** in front of Save and Run Report and then name the report. Also place an **X** in front of Summary Only.



Report Generator Save/Print Screen

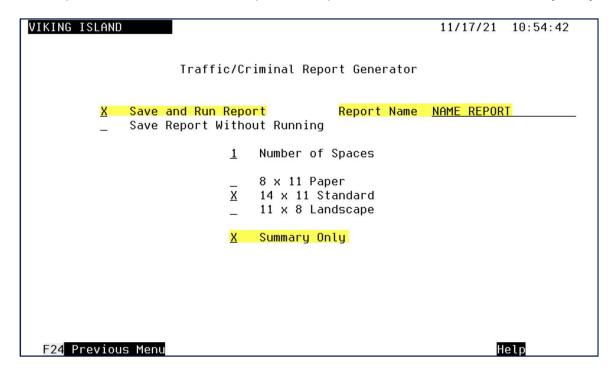
Using the Event Date and Event Code fields, run a report for all arraignments within the reporting period in which the defendant was represented by retained counsel. Use the Event Code CORT.

The DCS report screen will look like:



Case Selection Report Generator - Screen 2

On the Report Generator Save/Print screen, place an 'X' in front of "Save and Run Report" and then name the report. Also place an 'X' in front of "Summary Only."



Report Generator Save/Print Screen

- 3. Repeat the same steps as in step 2 for all cases with court appointed counsel, using the same *Event Dates* and the *Event Code* **COAP**.
- 4. Repeat the same steps as in step 2 for all cases in which defendants invoked their right to self- representation, using the same *Event Dates* and *Event Code* **COPP**.
- 5. Repeat the same steps as in step 2 for all cases with no counsel present, using the same *Event Dates* and *Event Code* **COAB**.
- 6. You will need to complete two steps to identify the number of dispositions at arraignment. First, repeat the same steps as in step 2 for all cases where disposition was entered at time of arraignment. Instead of the P (Print) option, use the A (And) option with the same Event Dates, and Event Codes POAR and DIAR. Hold onto this number. Then, repeat the same steps as in step 2 for all cases where the disposition was entered at time of arraignment/pretrial. Instead of the P (Print) option, use the A (And) option with the same Event Dates and Event Codes POAP and DIAR. Add this number to the first number you calculated in Step 6 to get the total dispositions at arraignment.
- 7. Repeat the same steps as in step 2 to answer the final question about resolutions before arraignment, using the same *Event Dates* and the *Event Code* **EARN**.

Section II: Appointments

To track appointed counsel following arraignment, systems can create and insert the following code for every case that has appointed counsel:

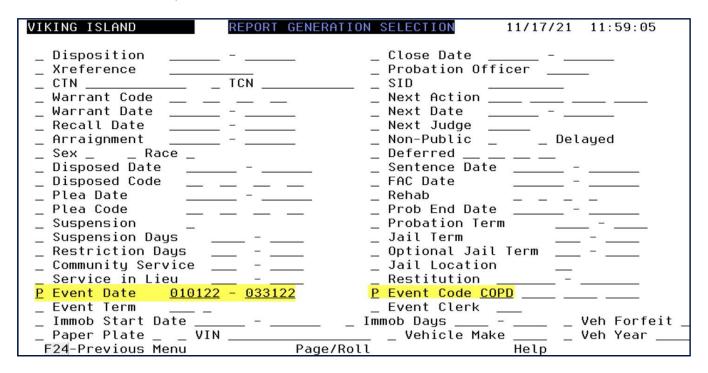
 COPD (refers to any case that is handled at any point following arraignment by a court appointed attorney)

*NOTE: If a defendant is represented by a court appointed attorney and then substitutes retained counsel, do not delete the COPD code as it is an indication a court appointed attorney handled the case at some point following arraignment.

Using the recommended **COPD** code above, complete the following steps:

- 1. Refer to report in Section I, Step 1 for all new arraignment totals.
- 2. Next, run a report for all appointments post-arraignment (COPD) within the reporting period. The date range will be added in the Event Date field. The COPD code will be added in the Event Code field. This provides the total number of appointed cases. See the example on the 2nd screen of the Case Selection report generator below.

The DCS report screen will look like:



Case Selection Report Generator - Screen 2

As a reminder, this set of questions pertains only to **counsel at stages following arraignment**. As a result, defendants' records may include only a code from arraignment or may include a code for both arraignment and a subsequent appointment. For example, defendant John Doe may have retained counsel at arraignment, meaning he is assigned the code **CORT**. During the course of the

case, Mr. Doe loses his job and asks for counsel to be appointed. Since Mr. Doe will be represented by appointed counsel for the remaining stages of his case, **COPD** is added to his JIS record. Mr. Doe's JIS record would therefore include both **CORT** and **COPD** codes.

Section III: Denials

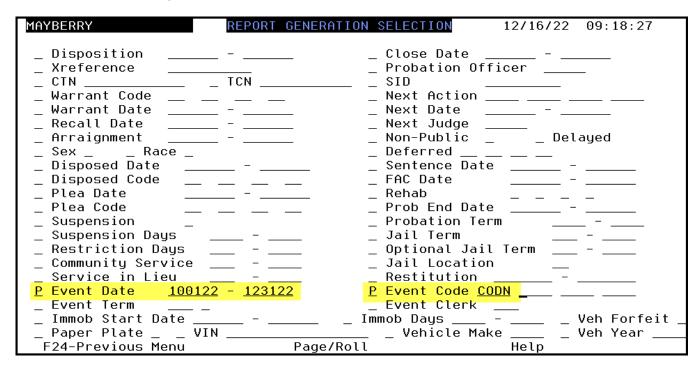
To complete this table, systems can create and insert the following code for every case where counsel was denied:

• **CODN** (refers to cases where appointed counsel is requested but denied)

Using the recommended codes above, complete the following step:

 Using the Event Date and Event Code fields, run a report for all instances within the reporting period in which the defendant was denied appointed counsel. Use the Event Code CODN.

The DCS report screen will look like:



Case Selection Report Generator - Screen 1

To find the total number of records returned, on the Report Generator Save/Print screen place an **X** in front of *Save and Run Report* and then name the report. Also place an **X** in front of *Summary Only*. This provides the total number of denials in the specified date range.