

## Submitter Information

Funding Unit(s)/System Name:

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Submitted By (include name, title, email address and phone number):

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**Date:**

Signature: \_\_\_\_\_

**Please identify the following points of contact (include name, title, email address and phone number):**

Authorizing official who will sign the contract:

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Mailing address for authorizing signatory: \_\_\_\_\_

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**Project Director or** Primary point of contact for implementation and reporting:

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Financial point of contact (please note, financial reporting should be completed and/or submitted by an employee of the indigent defenses system's funding unit who can certify to the correctness and accuracy of the reporting and supporting documentation, including the funding unit's general ledger for the local grant fund):

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## Delivery System Model

1. What type of indigent defense delivery system do you have currently? (indicate all that apply):

- Public Defender Office (county employees)
- Public Defender Office (non-profit/vendor model)
- Managed Assigned Counsel System

Name of MAC Attorney Manager and P#:

- Assigned Counsel System
- Contract Defender System
- Regionalized system or coordination with other trial court funding units

If you are unsure about your type of indigent defense delivery system, more information can be found in MIDC's report entitled *Delivery System Reform Models* (2016), posted here: <https://michiganidc.gov/resources>. Questions can also be directed to your MIDC Regional Manager.

2. Are you proposing to change your type of indigent defense delivery system for next year? Please respond Yes or No.

3. If you are changing your indigent defense delivery system, what model do you plan to use next year?

## Standard 1

## Training of Attorneys

4. Number of attorneys who accept adult criminal defense assignments as of October 1 \_\_\_\_\_
5. Number of attorneys with less than 2 years of Michigan criminal defense experience as of October 1 \_\_\_\_\_

**In EGrAMS, please include a list of names and P#s of all the attorneys who accept adult criminal defense case assignments in your system, including conflict counsel and counsel for youths charged as adults and qualification level for assignments.**

6. What is your plan for training attorneys with less than 2 years of Michigan criminal defense experience?
7. Please describe your system's training plan, including how compliance will be tracked for reporting requirements.

Will you require your attorneys to submit attendance directly through the MIDC's continuing legal education database provider, CE Broker? Please respond Yes or No.

If no, please describe how attendance will be tracked and reported to the MIDC:

8. If an attorney does not complete the required training, how will the system address the noncompliance?

## Standard 2

### Initial Client Interviews

9. The MIDC Standards require the selection and assignments of attorneys to be done independently from the judiciary. How and when are defense attorneys notified of new assignments?
10. How are you verifying that in-custody attorney client interviews occur within three business days?
11. How are you verifying attorneys' introductory communications with out-of-custody clients?
12. How are you compensating attorneys for conducting initial interviews? Please include whether you intend to compensate attorneys differently for in-custody and out-of-custody interviews.

### Confidential Meeting Spaces

13. How many confidential meeting spaces are in the jail?
14. What is the TOTAL amount of confidential meeting spaces in the courthouse?
15. How many confidential meeting spaces in the courthouse are for *in-custody clients*? Please describe these spaces.

16. How many confidential meeting spaces in the courthouse are for *out-of-custody clients*? Please describe these spaces.

17. Any changes from the prior year's *compliance plan* for your confidential meeting spaces? Please respond Yes or No.

If Yes, please describe the proposed changes.

### Standard 3

#### Experts and Investigators

18. The MIDC Standards require approval of expert and investigative assistance to be independent from the judiciary. Describe the process of how attorneys request expert witness assistance for their indigent clients:

19. Any change from the prior year's process to request expert witness assistance? Please respond Yes or No.

If yes, please explain the change:

20. Describe the process of how attorneys request investigative assistance:

21. Any change from the prior year's process to request investigative assistance? Please respond Yes or No.

If yes, please explain the change:

22. How are attorney requests (whether approved or denied) for experts and investigators tracked by the system? Please include approved and denied requests.

## Standard 4

### Counsel at First Appearance and Other Critical Stages

23. The MIDC Standards require the selection and assignments of attorneys to be done independently from the judiciary. How are you providing counsel at first appearance and all arraignments? Please provide detail for circuit and district court coverage.
24. How are you providing counsel at all other critical stages? Please provide details:
25. How are you compensating attorneys for Standard 4? Please provide detail for compensating counsel at first appearance and compensating counsel at all other critical stages.
26. Do you have a prison in your County? How is counsel provided to people charged with crimes while incarcerated in the prison? Do you seek reimbursement for the cost of counsel from the Michigan Department of Corrections?
27. Are there or will there be any misdemeanor cases where your court accepts pleas without the defendant appearing before a magistrate or a judge? For example, pleas by mail, over the counter pleas, pleas online, etc. Please answer Yes or No.
28. Describe how counsel is offered to a defendant making a plea who does not appear before a magistrate or judge:
29. Any change from the prior year's *attorney compensation* for Standard 4? Please respond Yes or No.
- If yes, please describe in the cost analysis.**

## Standard 5

The MIDC Standards require independence from the court including the selection and assignment of attorneys, attorney compensation and approval of requests for expert and investigative assistance.

30. How will attorneys be selected to provide adult indigent criminal defense services in your indigent defense system? Please describe any eligibility requirements needed by the attorneys as well as the selection process:
31. Will the selection process be facilitated by a committee of stakeholders? If so, please list the titles of participating officials, agencies, or departments as appropriate.
32. Who will approve an attorney's eligibility to receive assigned cases?
33. Who will assign work to the attorneys in the indigent defense system? Please include the person's name, title, employer and/or supervisor.
34. Who will review and approve attorney billing?
35. Who will approve requests for expert and investigative assistance?
36. Who will review and approve expert and investigative billing?
37. What is your appeal process to resolve any potential conflicts between the assigned attorney and the person(s) assigning casework?
38. What is your appeal process to resolve any potential conflicts between the assigned attorney and the person(s) or reviewing/approving billing?

39. What is your appeal process to resolve denied or partially denied requests for expert or investigative assistance?

## Standard 6

### Indigent Defense Workloads

40. Public defender offices, assigned counsel, and contract attorneys should not exceed the caseload levels adopted in MIDC Standard 6. Are there sufficient attorneys in your funding unit to meet the caseload standard? Please answer Yes or No

41. Does the system currently have a process to monitor caseloads? Please answer Yes or No

If yes, please briefly describe your current process for monitoring and auditing caseloads.

If no, what will your plan be for monitoring and auditing caseloads?

42. How many attorneys in your system maintain a private/retained or a partial trial-level criminal caseload? (For example, an attorney working on civil matters, youth defense, family legal matters, appellate cases, etc.) (range will be included)

43. Who will be responsible for monitoring and auditing caseload calculations?

44. How will caseloads be locally monitored throughout the year? How will attorneys be notified when they have reached their caseload cap?



45. Will you have a process to gather information about an attorney's caseload or assignments from other funding units?

46. What action will be taken when the caseload cap is reached?

## Standard 7

### Qualification of Counsel

47. Eligibility for particular case assignments must be based on counsel's ability, training and experience. Are there sufficient attorneys in your funding unit to meet the caseload standard? Please answer Yes or No

Does your funding unit currently have a process to identify qualifications of counsel for particular assignments? Please answer Yes or No.

If yes, briefly describe your current process for identifying counsel's qualifications.

If no, what will your plan be to identify counsel's qualifications?

48. Who will be responsible for assessing counsel's qualifications?

49. How will attorneys be notified of their qualification level?

50. What will be your appeal process if a private/roster attorney disagrees with their qualification level?

### Review of Counsel

51. The quality of the representation provided by indigent defense providers must be monitored and regularly assessed. Does your system currently have a process to review counsel? Please answer Yes or No.

If yes, briefly describe your current process for reviewing counsel, including participants in the review process.

If no, what will your plan be for reviewing counsel?

52. Who will be responsible for reviewing counsel?

53. How often will the reviews occur?

### Determining Indigency, Contribution, Reimbursement

54. Will judges and/or court staff conduct all indigency screening in every proceeding? Please answer Yes or No.

If no, who will screen for indigency?

Is this screener the Appointing Authority?

If the screener is not the Appointing Authority, does the Appointing Authority oversee the screening process?

Briefly describe your process for screening for indigency.

What is the process for appealing a determination that a person does not qualify for appointed counsel?

55. Are you designating an Appointing Authority to conduct indigency screening for purposes of MCR 6.005(B)?

56. In cases where contribution is appropriate, who is going to make request with the court for contribution?

57. In cases where contribution is appropriate, what is your process for determining the amount that a person should contribute during the pendency of the case to their defense?

58. What is your process for obtaining contribution?

59.What is the process for challenging a request for contribution?

60.Do your courts/judges order reimbursement for attorney fees at the conclusion of a case? Please answer Yes or No.

### Attorney Compensation

61.The MIDC Standards set minimum hourly rates for roster attorneys accepting assignments in adult criminal cases. Are roster attorneys (not full time employees of a public defender office) paid on an hourly basis? Please answer Yes or No.

**If yes [hourly rates are paid],** is there any cap or maximum on the hours that can be billed? Please answer Yes or No.

If yes, please explain.

**If no [hourly rates are not paid],** please describe how attorneys are compensated (flat rate contract, event based, shift coverage, etc).

Are attorneys compensated based on caseloads and does the compensation account for increases or decreases in caseload size?

What other factors were considered in arriving at the payment?

Are attorneys able to seek extraordinary compensation?

How do attorneys seek reimbursement for case-related expenses?

How will your system demonstrate that the compensation is equivalent to the MIDC minimum hourly rates? (type of invoicing, etc).

62. All roster attorneys should be provided regular, periodic payments.

How often are attorney invoices processed and paid?

In lengthy cases, is periodic billing and payment during the course of representation allowed?

## Personnel

**In the cost analysis**, please provide detail about all personnel employed by the funding unit. This should include DIRECT SERVICE PROVIDERS (Public Defender Chief, Deputy Chief, Assistant Defenders, and staff of the defender office employed by the system) as well as ANCILLARY STAFF (court clerks, sheriff employees, etc.)

### Ancillary Staff

63. In limited circumstances, the MIDC can fund some other system staffing needs if required to implement one of the MIDC standards. These requests are evaluated each year.

64. Do you have any ancillary staff? Please answer Yes or No.

If yes, what standard(s) or reporting needs do they meet?

If yes, how are you tracking time for ancillary staff?

65. For existing ancillary staff, are there any personnel positions/hours eliminated, reduced or increased from the prior year? Please answer Yes or No.

**If yes, please explain in the cost analysis and attach documentation to support the request for any increase.**

66. Are any **new** ancillary staff positions or hours requested from the prior year? Please answer Yes or No.

**If yes, please explain in the cost analysis and attach documentation to support the new request.**

### Reimbursement Costs for Creating Plan

An indigent criminal defense system may submit to the MIDC an estimate of the cost of developing a plan and cost analysis for implementing the plan under MCL 780.993(2). Please attach documentation of planning time for FY25, if seeking reimbursement under this provision.

Are you requesting reimbursement of planning costs? ☐ Yes | ☐ No

If yes, do you have receipts showing that non-funding unit employees have been paid?  
☐ Yes | ☐ No

What is the amount you are seeking in reimbursement? \$ \_\_\_\_\_

### Costs Associated with Data Collection

The MIDC shall fund reasonable costs associated with data required to be collected under the MIDC Act that is over and above the local unit of government's data costs for other purposes pursuant to MCL 780.993 (10).

Are you requesting funding for costs associated with data collection? ☐ Yes | ☐ No

If yes, please describe (cost for case management system, hiring personnel, etc.)

What is the amount you are seeking for this funding? \$ \_\_\_\_\_

### Reminders

- ✓ You must also complete a cost analysis.
- ✓ In order to complete your application, you must update or confirm the list of the attorneys providing services with P numbers.
- ✓ If applicable, you must submit documentation supporting your request under MCL 780.993(2) for reimbursement for the cost of compliance planning.