



MICHIGAN INDIGENT DEFENSE COMMISSION

FY25 Quarterly Program Reporting and Attorney List Instructions

REVISED – NOVEMBER 2024

This guide discusses reporting requirements, instructions, and tips for compliance reporting for the Quarterly Program Report (QPR) and Attorney List (AL). 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.

In FY25, there are no changes to the QPR. Key changes to the AL include the following:

- Each attorney's Standard 7 Qualification Tier will now be required.
- Systems must now check a box indicating whether each attorney is salaried or non-salaried.
- The number of new assignments will now be split into the following six categories, for the purposes of Standard 6 and 7 tracking: PVs, Traffic Misdemeanors, Non-Traffic Misdemeanors, Low Severity Felonies, High Severity Felonies, and Life Offenses.
- Docket/shift coverage hours are now required for salaried defenders.
- Invoices are now required for each attorney on the AL.

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.

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Quarterly Program Reporting

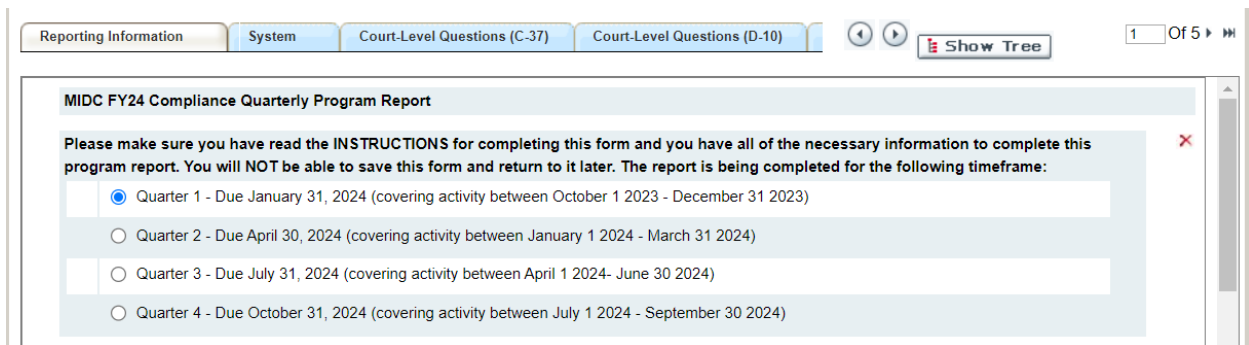
Local funding units are required to complete and submit a quarterly program report to the MIDC at the end of every reporting period in accordance with the dates specified in their grant agreement. The program report asks for some information that is housed within the court, and local funding units may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

County:

Court:

- Barry County (C-5)
- Barry County (D-56b) 

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 were new in FY24 and remain the same in FY25.

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 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) as 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 Q1 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 Q2 for the same case, that still counts as just one case in which expert assistance was utilized, so do not recount that case; you have already reported it in Q1.

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)

A. **CIRCUIT COURT:**

Respond to these questions only if this is a CIRCUIT COURT tab

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?**

Filings and appointments are counted by case. Given the fact that the number of new filings typically comes from the court, this number will likely follow the SCAO guidelines on counting cases.

For appointments, however, please utilize the following definition, excerpted from the MIDC’s Grant Manual: “A case is a charge or set of charges filed against a defendant in a court arising from the same transaction and/or that are being handled together, regardless of how the court assigns case numbers.”

➤ **Do probation violations count as new filings or new assignments?**

For 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.

For assignments: if the case is still open and being handled by the same attorney, it should not count as a new assignment. If the case has been closed, it should count as a new assignment regardless of who handles it.

➤ **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.

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

The first two questions in Section B ask for the total number of new misdemeanor and felony filings, respectively. Question 1 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. 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

These numbers typically come directly from the court and, as such, will follow the SCAO guidelines on counting cases.

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
Attorney Present	Retained	Retained counsel is present on the record with the client at arraignment (CORT).
	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.
Attorney Not Present	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).
	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.

- **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.

Data on post-arraignment assignments is reported separately for misdemeanors and felonies.

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.

To correctly track the number of appointed cases, please utilize the following definition, excerpted from the MIDC's Grant Manual: "A case is a charge or set of charges filed against a defendant in a court arising from the same transaction and/or that are being handled together, regardless of how the court assigns case numbers."

As in FY24, 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 Question 6, 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.

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 very end of 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://egramsmi.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 expanded significantly in FY24 to assess compliance with Standard 8 and will further expand in FY25 to assess compliance with Standards 6 and 7. **In FY25, systems will be asked to report whether each attorney is salaried, their Standard 7 qualification tier, their new assignments by (expanded) case type, payments for assignments and docket coverage (for non-salaried defenders), hours worked by case type (non-salaried defenders), and hours worked on dockets/shift coverage (for all defenders). Invoices are required for work on assignments and shift coverage performed by every non-salaried attorney.**

Name, P#, Salary Identifier, and Standard 7 Qualification Tier

The first four data points on the AL pertain to information about the attorney. The first two – the attorney’s name and P# – have been on previous iterations of the AL. **The third and fourth data points are new in FY25 and require systems to report whether each attorney is salaried and their Standard 7 Qualification Tier.** Please see the table below for detailed information on assessing each attorney’s Standard 7 tier.

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 FY25, systems are required to report new assignments to attorneys based on SIX different case types: probation violations, traffic misdemeanors, non-traffic misdemeanors, low-severity felonies, high severity felonies, and life offenses. 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 charge enhancements for the purposes of payments to attorneys. Please see Appendix A, *Standard 6 Tracking FAQs*, as well as the MIDC’s Grant Manual (on the MIDC website) for detailed instructions on how to count assignments.

Early FY25 tip: For the first few quarters of FY25, if you are unable to divide traffic and non-traffic misdemeanors, please record all of them as non-traffic. If you are unable to divide low- and high-severity felonies, please record all of them as high-severity. This will ensure that attorneys do not pass their maximum allowable workload.

Payments

Following the practice that started in FY24, systems are required to separate payments across two categories for non-salaried public defenders: payments for assignments and payments for docket coverage.

For salaried public defenders, 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.*

For non-salaried defenders, systems must report the payment for work on assigned cases and payment for work covering dockets separately. **Systems should report this information in the quarter in which the payment was made, to stay consistent with all invoices and FSRs – please note that this is different than the guidance provided in FY24.** The payments reported on the Attorney List in the quarter should be for the work reported in the hours section on the Attorney List for the quarter. On-call payments should be reported as docket payments.

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.

Payments made to an attorney for performing administrative duties (e.g., MAC, conflict MAC) should NOT be included on the Attorney List.

Hours Worked

In FY25, systems will continue to 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 hourly 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 should report this information in the quarter in which the payment was made, such that the payment and time tracking are associated with the same work, to stay consistent with all invoices and FSRs (see previous section). **Please note that this is different than the guidance provided in FY24.**

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).

Please note: Starting in FY25, systems will need to report hourly time tracking for salaried public defenders but only for shift coverage, not assignments. Any shifts handled by salaried public defenders must be entered in the docket/shift coverage column. Systems can continue filling in zeros on the "hours worked" boxes for assignment.

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 *must 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. Please see Appendix B, *Invoice Essentials*, for more details on what should be included on invoices. 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: Standard 6 Tracking FAQs

*Note: Much of this language is taken directly from Standard 6 or the Michigan Indigent Defense Commission's Grant Manual, available on the grants page of the MIDC website. Additional information has been added as staff guidance and **will continue to be revised** as questions arise and/or the Commission further clarifies the parameters of the standard.*

Standard 6 mandates that “...defender organizations, county offices, public defenders, assigned counsel, and contract attorneys should not exceed the caseload levels adopted by the American Council of Chief Defenders – **150 felonies or 400 non-traffic misdemeanors per attorney per year**. If an attorney is carrying a mixed caseload which includes cases from felonies and misdemeanors, or non-criminal cases, these standards should be applied proportionally.”

➤ **What does “per year” mean? How is a year defined?**

Standard 6 indicates that, according to a 2007 resolution by the American Council of Chief Defenders Statement on Caseloads and Workloads, “per year” refers to “*any rolling twelve-month period, not a calendar year.*”¹ The MIDC’s Grant manual further clarifies that a “year” is defined as “*any four rolling or consecutive quarters.*”²

➤ **What is a case, for the purposes of Standard 6?**

The MIDC’s Grant Manual defines a case as follows: “*A case is a charge or set of charges filed against a defendant in a court arising from the same transaction and/or that are being handled together, regardless of how the court assigns case numbers.*”³

Please note that this is a departure from how many courts count cases.

➤ **How do we classify traffic and non-traffic misdemeanors?**

Please refer to the SCAO case codes. SM, OM, OD and SD will be counted as non-traffic misdemeanors while OT and ST are traffic misdemeanors. Please note that OD and SD fall under non-traffic misdemeanors because of Endnote 3 in Standard 6: “*Non-traffic misdemeanors include offenses relating to operating a motor vehicle while intoxicated or visibly impaired. MCL 257.625.*” Cases with both non-traffic misdemeanors and traffic misdemeanors count as non-traffic misdemeanor cases.

¹ Standard 6, Endnote 4, <https://michiganidc.gov/standards/#tab-id-6>.

² MIDC Grant Manual, page 30, <https://michiganidc.gov/wp-content/uploads/2024/02/Grant-Manual-revised-text-February-2024-Final-with-appendices.pdf>.

³ *Id.* at 29.

➤ **How do we differentiate between low-severity and high-severity felonies?**

Low-severity and high-severity felonies are defined in the Michigan Legislative Sentencing Guidelines. Any felony that is designated as Class A, B, C, or D is a high severity felony. Any felony that is designated as Class E, F, G, or H is a low severity felony.

➤ **How do we count other types of cases?**

The Grant Manual describes how other types of cases should be weighted:

“Traffic misdemeanor cases count as ½ of a misdemeanor case assignment.”⁴

In other words, an attorney could take 800 traffic misdemeanors per year.

“Probation violations count as ½ of a misdemeanor case assignment.”⁵

In other words, an attorney could take 800 probation violations per year. This includes probation violations in both Circuit and District Courts.

Staff also offers the following guidance on contempt, felony non-support, and bond violation assignments based on questions from local systems. Many of the case types listed below are handled as part of the original assignment; in these instances, they would not count as new assignments. Other times, they are handled by attorneys during docket/shift coverage. In these instances, they would not count as assignments; instead, they would just be counted as part of the shift work. When they are not handled during a shift and they are assigned separate from the original case, please categorize them according to the following:

- **Contempt assignments (PPO violations, show causes/FTA/FTP) count as non-traffic misdemeanors.**
- **Felony non-support assignments (also known as FOC support enforcement) count as felonies.**
- **Bond violations count as non-traffic misdemeanors, when they are handled separately from and by a different attorney than the original case.**

➤ **How do we categorize cases with multiple charges?**

Cases should always be categorized by the highest charge. For example, cases with felony and misdemeanor charges count as felony cases. Cases with both non-traffic misdemeanors and traffic misdemeanors count as non-traffic misdemeanor cases. That

⁴ *Id.*

⁵ *Id. at 30.*

said, please also note that in rare instances where the highest count carries a lower weight than other counts, systems should utilize the higher weighted case type.⁶

The “highest charge” includes any enhancements or habituals.⁷

➤ **Sometimes charging changes throughout the life of a case. Which charge do we use for the purposes of Standard 6 classification?**

Cases should be categorized based on the highest charge at the time of assignment. When charges are reduced through the course of a case, the case should always be categorized by the original charge.⁸ If charges are enhanced as the case goes on, the case should be reclassified based on the highest charge.

➤ **What happens if there is co-counsel on a case?**

The Grant Manual indicates that, “Where multiple attorneys serve as co-counsel in any capacity, the case counts for each attorney assigned.”⁹ The only exception is when second chair work looks more like mentorship, i.e., the “mentor” provides minimal oversight over the case but does not perform significant work. In these instances, the mentor should track their hours and count these the same way they would count shift coverage hours.

➤ **How do we handle reassignments?**

According to the Grant Manual, “Reassignments do not count as a case for an attorney where reassignment is requested before significant work is performed (i.e., early identification of a conflict of interest).”¹⁰

If more than one attorney performs significant work, the case would count as an assignment for both (or all) attorneys.

➤ **How should we count shift coverage or a house counsel model under Standard 6?**

The Grant Manual speaks to this question: “For systems that use house counsel models or shift coverage for any docket including for arraignments or problem-solving courts,

⁶ For instance, take a case with an OWI (or other misdemeanor punishable by less than one year) along with a No Security (a one-year penalty). The No Security charge will technically be the first count because it has the highest penalty, giving the case as a whole a traffic case code. However, due to the charges and potential penalties, the case should be counted as a non-traffic misdemeanor, which has a higher weight than a traffic misdemeanor.

⁷ As indicated in Staff Comment #3 under Standard 7, “a life offense’ for purposes of this Minimum Standard includes any case where the offense charged or enhancement sought subjects the accused defendant in a criminal case to life in prison.”

⁸ *Id.* “In cases where the final charges are reduced through plea negotiations, the case should be categorized according to the original charge.”

⁹ MIDC Grant Manual, *supra* note 2, at 29.

¹⁰ *Id.*

each hour worked on a shift proportionally reduces the number of hours available for case assignments, using an 1856-hour annual limit.”¹¹

Like all time tracking, time for these shifts should be tracked according to local policy, whether that is to the nearest six minutes, ten minutes, fifteen minutes, etc.

In some instances, it is unclear whether a case is an assignment or part of shift coverage. If an attorney will provide representation on whichever cases are scheduled in a courtroom during a specified period of time, it counts as shift coverage, even if that attorney covers the same case over multiple shifts. If you are unsure whether work on a case should count as an assignment or as part of shift coverage, please reach out to your regional manager or the MIDC Research Director for clarification.

➤ **What about when a case is closed and then reopened?**

If a case was closed and then is reopened, it counts as a new assignment, whether it goes to the same attorney or a new attorney (although if it still has the same case number, it does not count as a new case for the purposes of the QPR). If the case has remained open and stays with the original attorney, it is not a new assignment. Local policy should dictate when and how cases are “closed out.”

¹¹ *Id.* at 30.

Appendix B: Invoice Essentials

As per the FY25 MIDC Grant Contract, local systems must upload attorney invoices for all contract attorneys providing direct service representation as well as contract or non-employee MAC administrators. Please see Section 1.4 in the grant contract for details.¹²

The MIDC does not mandate the use of any specific invoice format, but invoices must contain sufficient information for MIDC to monitor compliance with Standard 8. MIDC has provided sample invoices to local funding units that meet these criteria,¹³ but if systems utilize their own invoice format, invoices must contain the following information:

Assigned Case Invoices

- Court (if system covers multiple courts)
- Case number
- Case code (if not included as part of case number)
- Standard 7 case tier **OR** charge information (charge description, MCL, PACC code all acceptable, as long as the top charge is clear)
- Date of assignment (at least on first invoice of the case)
- Client custody status at time of appointment (at least on first invoice of the case)
- Date of initial interview (at least on invoice in which interview was billed)
- Itemized work:
 - Date
 - Description of work
 - Hours
 - Billed Amt
- Notation if any itemized work was not approved/if a different payment amount was approved
- If any expenses were invoiced, they should be clearly marked as such

Shift/Docket Work Invoices

- Court (if system covers multiple courts)
- Date of shift
- Description of shift (e.g., “arraignments”)
- Hours (the actual number of hours the attorney worked, not just their coverage window)
- Start time and end time are also acceptable
- Billed Amt

¹² “Invoices are to be provided by contract or non-employee Managed Assigned Counsel Administrators and for all contract attorneys providing direct service representation in the manner or rate in which the service is approved in the cost analysis for the indigent defense system, to track time in hourly increments where hourly rates are provided and provide specific details regarding the services performed for the billing period.”

¹³ <https://michiganidc.gov/grants/>.