



Michigan Indigent Defense Commission

**PO Box 14271
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James H. Fisher, Chair
Jonathan Sacks, Executive Director

Michigan Indigent Defense Commission Meeting Minutes
State Bar of Michigan Board Room
306 Townsend, Lansing, Michigan
Date: Tuesday February 17, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell (arrived late), Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner (arrived late), Brandy Robinson (arrived late), William Swor (arrived late), and Gary Walker.

Participating via Telephone

Nancy Diehl.

Commission Members Absent

David Schuringa and Cletus Smith.

Others Present

Peter Cunningham (State Bar of Michigan), Marla McCowan (State Appellate Defender Office), Kay Perry (Michigan CURE), Christine Piatkowski (private attorney), Jonathan Sacks (Michigan Indigent Defense Commission), Jonah Siegel (State Appellate Defender Office), Dawn Van Hoek (State Appellate Defender Office) and Marcela Westrate (Michigan Indigent Defense Commission).

The meeting was called to order at 1:12 p.m.

Roll call

Chair Fisher asked Ms. Westrate to call roll. Dr. Schuringa and Mr. Smith indicated that they would not be able to attend the meeting.

Public comment

No members of the public wished to comment.

Approval of minutes from December open and closed meetings

Judge Boyd moved that the two sets of minutes from the December meeting be approved. Mr. Lindsey seconded. The motion carried; all members present unanimously supported the motion.

Report from the Chair

Chair Fisher reported that Kimberly Thomas formally resigned from the Michigan Indigent Defense Commission (MIDC or the Commission). John Shea has been appointed by the Governor's office to fill her position.

Ms. Van Hoek and John Nussbaumer contacted Mr. Fisher about working together to obtain funding through the Edward Byrne Memorial Justice Assistance Grant Program (Byrne grant). Chair Fisher is interested in the discussion to change the State Administering Agency (SAA) from the Michigan State Police (MSP) to a broad-based commission to administer those funds.

Executive Director report

Jonathan Sacks gave a presentation that summarized his actions to date and a timeline for future actions. He indicated that he is working with David Carroll and Mr. Carroll will be invited to attend the April meeting. Mr. Sacks would like to have a set of standards before the Commission in April for approval.

Mr. Sacks reviewed the statutory requirements that applied to the development and implementation of standards. Michigan has a set of appellate defender standards that are already promulgated; he expects that MIDC initial standards will follow these.

The Commission discussed Mr. Sacks' plan for standards.

Mr. Sacks discussed staffing the office. He has hired Ms. Westrate who will serve as State Office Administrator/Legislative Director. Marla McCowan will serve as Director of Training, Outreach and Support; and Jonah Siegel will serve as Research Director. Ms. McCowan will begin MIDC employment in March; Mr. Siegel will begin in the fall. Mr. Sacks has requested two additional FTEs from the legislature for the current fiscal year. He anticipates hiring at least one support staff person from the current appropriations.

Chair Fisher updated the Commission on Mr. Sacks' terms of employment. He asked for a motion to support the terms since the Chair was given the authority to negotiate them at the December meeting.

Judge Boyd moved that the terms of Mr. Sacks' employment be approved by the Commission. Mr. Eaman seconded the motion. The motion carried; all members present unanimously supported the motion.

The Commission discussed the office's budget. Chair Fisher asked Mr. Sacks to have a preliminary budget before the members at the April meeting.

The MIDC received its first Freedom of Information Act (FOIA) request. Ms. Westrate discussed the response to the request. She is working on a FOIA policy that will be before the Commission for its approval.

Mr. Sacks gave an overview of the MIDC/State Appellate Defender Office (SADO) proposal that was briefly discussed by Chair Fisher earlier in the meeting. Chair Fisher indicated that he would like the Commission's direction to work with Mr. Nussbaumer on pursuing a change in the SAA for Michigan.

Mr. Walker moved that Chair Fisher be given the ability to work with Mr. Nussbaumer on changing Michigan's SAA from the MSP. Judge Boyd seconded. The motion carried; all members unanimously supported the motion.

The Commission discussed whether its enacting statute provided the authority to administer the funds and programs as proposed by Ms. Van Hoek.

Judge Boyd moved that the Commission send a signal to Governor Snyder that, as previously found by the Governor's Indigent Defense Advisory Commission, a lack of resources and systems for investigators and experts is a real problem in indigent defense. The MIDC supports SADO's request to use Byrne grant funding to address these areas. The MIDC is willing to work with SADO in the future to the extent that the MIDC's statute permits it to do so. Mr. Campbell seconded the motion.

The Commission discussed the motion.

Chair Fisher called for a vote on the motion. The motion passed with 11 yeas, and 1 nay. The following members voted yea: Chair Fisher, Judge Boyd, Mr. Campbell, Ms. Diehl, Mr. Eaman, Mr. Lindsey, Ms. Motley, Mr. Oeffner, Mr. Puerner, Mr. Swor and Mr. Walker. Ms. Robinson voted nay.

Bylaws approval

Mr. Puerner reviewed the Commission's previous action on the bylaws.

Judge Boyd moved that the bylaws be accepted with the following changes:

- The reference to the Executive Order that appointed the Commissioners be removed since the appointments were done via press release;
- Language be added that it is the Secretary's responsibility to assure minutes are taken; and,
- The "Old Business" consent agenda item be relabeled "Unfinished Business".

Ms. Diehl seconded the motion. The motion carried; all members present unanimously supported the motion.

Appointment of members to committees

Members were provided a draft committee list. Chair Fisher would like to make some changes and encouraged members to contact him if they would like assignments changed.

Adjourn

The next meeting is April 14, 2015 at 1:00 pm in Lansing.

Mr. Eaman moved to adjourn. Ms. Motley seconded the motion. The motion carried; all members present supported the motion. The meeting adjourned at 2:52 p.m.

Respectfully submitted,
Marcela Westrate



Michigan Indigent Defense Commission

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James H. Fisher, Chair
Jonathan Sacks, Executive Director

Michigan Indigent Defense Commission Meeting Minutes
State Bar of Michigan Board Room
306 Townsend, Lansing, Michigan
Date: Tuesday April 14, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell, Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, John Shea, Cletus Smith and Gary Walker.

Participating via Telephone

William Swor.

Commission Members Absent

David Schuringa.

Staff Members Present

Jonathan Sacks, Marla McCowan and Marcela Westrate.

Others Present

Marilena David-Martin (State Appellate Defender Office), Brad Hall (Michigan Appellate Assigned Counsel System), Michael Middlestat (State Appellate Defender Office), Kay Perry (Michigan CURE), Christine Piatkowski (private attorney) and Bryan Vance (State Appellate Defender Office).

The meeting was called to order at 1:02 p.m.

Roll call

Chair Fisher asked Ms. Westrate to call roll.

Public comment

No members of the public wished to comment.

Approval of minutes from February 17, 2015 meeting

Mr. Smith moved that the minutes from the February meeting be approved. Ms. Motley seconded. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher provided a written report to members with an overview of the Michigan Indigent Defense Commission's (MIDC's) activities since the last meeting. Mr. Campbell, Mr. Oeffner and Dr. Schuringa were reappointed to the MIDC, their terms will now expire April 1, 2019.

Chair Fisher appointed Judge Boyd Chair of the Nominating Committee in a memo distributed via email in March. Mr. Campbell, Mr. Eaman and Ms. Motley will serve on this committee. The MIDC's bylaws anticipate that the Nominating Committee would meet in the fall. Chair Fisher would like to have officers in place for the balance of this year.

Ms. Diehl made a motion to suspend the bylaws to allow the Nominating Committee to meet and present nominations for Vice Chair and Secretary at the MIDC's June meeting. Mr. Puerner seconded the motion. The motion carried; all members participating unanimously supported the motion.

Presentation from David Carroll, Sixth Amendment Center

The MIDC received a grant from the Bureau of Justice Assistance to allow Mr. Carroll and the Sixth Amendment Center to consult with members of the commission and staff. The primary focus of Mr. Carroll's work will be to assist with drafting standards and identifying best practices.

Mr. Carroll's presentation included an overview of the right to counsel, a history of Michigan's reforms, the MIDC's statutory powers and suggestions for moving forward with standards.

Executive Director Report

Mr. Sacks provided an overview of the initial standards drafts. He discussed the process for developing the draft standards and the timeline for approval that would work with the Michigan Supreme Court's schedule and the schedule for legislative appropriations. The members discussed the drafts and provided feedback.

Chair Fisher made committee assignments on March 6, 2015 through a memo e-mailed to MIDC members. Mr. Eaman moved that the draft standards be referred to the following committees: Standard 1 (Education and Training of Defense Counsel) to the Training and Evaluation Committee, Standards 2 (Initial Interview) and 3 (Investigation and Expert Witnesses) to the Performance Standards Committee and Standard 4 (Timing for Appointment of Counsel) to the Selection Standards Committee. Mr. Smith seconded. The motion carried; all members participating unanimously supported.

Mr. Sacks would like the committees to have recommendations prepared for the June meeting and plans to have the August meeting serve as the public hearing before final submission to the Michigan Supreme Court. MIDC staff will serve as liaisons to the committees. Ms. McCowan will assist with the Training and Evaluation Committee, Mr. Sacks will assist with the Performance Standards Committee and Ms. Westrate will assist with the Selection Standards Committee.

Mr. Sacks updated the MIDC on the agency's appropriations status. The House and the Senate subcommittees followed the Governor's recommendation for funding for the MIDC of \$996,000 for the 2016 fiscal year. The subcommittees included language that would allow the MIDC to accept federal grant funding.

A long-term lease was signed for space in the Capital National Bank Center, 200 North Washington Square in Lansing. MIDC continues to occupy temporary space on the 4th floor of the building and will move into its new space in early fall.

Members were given a summary of the MIDC's proposed grant solicitation for the Smart Defense Initiative Answering Gideon's call: Improving Public Defense Delivery Systems. Mr. Shea moved that the MIDC apply for the grant. Mr. Swor seconded. The motion carried; all members participating unanimously supported the motion.

Staff Reports

Ms. Westrate updated the MIDC on the agency's draft Freedom of Information Act and document retention policies. She also reviewed the agency's draft budget.

Legislation that would prevent a member of a public body from casting a vote while participating via telephone has been reintroduced by Representative Price. The legislation has been referred to the House Committee on Oversight and Ethics. That committee heard testimony on the legislation in March but no action has been taken. Members discussed the legislation and the travel costs for attending MIDC meetings. Mr. Smith moved that the MIDC communicate its position on the legislation to the appropriate members of the House of Representatives. Mr. Walker seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. McCowan discussed the development of the MIDC's logo. She has been working with a consultant on a new website. MIDC currently has the domain name "www.michiganidc.org" and is working to secure a .gov domain.

Mr. Siegel was unable to attend, however members received an update on the MIDC's survey of courts from Mr. Sacks. Mr. Shea requested that a question asking whether the entity had a written policy for selection of attorneys be added and, if a written policy exists, that it be provided to the MIDC. Mr. Puerner suggested that a similar question be added for compensation.

Adjourn

The next meeting is June 9, 2015 at 1:00 pm in Lansing.

Mr. Campbell moved to adjourn. Mr. Eaman seconded the motion. The motion carried; all members present supported the motion. The meeting adjourned at 3:09 p.m.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 4th Floor
Lansing, MI 48933
Date: June 9, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell, Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, William Swor, and Gary Walker

Commission Members Absent

Cletus Smith

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel, and Marcela Westrate

Others Present

Peter Cunningham (State Bar of Michigan), Justin Hinkley (Lansing State Journal), Kay Perry (Michigan CURE), Andrew Sullivan (ACLU-MI), Shelli Weisberg (ACLU-MI), and Jessica Zimbelman (State Appellate Defender Office)

The meeting was called to order at 1:10 p.m.

Roll call and opening remarks

The members of the Michigan Indigent Defense Commission (MIDC), staff, and guests introduced themselves.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were not any additions to the agenda.

Approval of minutes from April meeting

MIDC members reviewed the April meeting minutes. Mr. Eaman moved that the minutes be adopted. Ms. Diehl seconded the motion. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher provided a report to members with an overview of the activities since the last meeting. Chair Fisher, Judge Boyd, and Mr. Sacks will be presenting at the Michigan District Judges Association conference in August.

Executive Director Report

Mr. Sacks provided an update on the status of appropriations legislation that includes funding for the MIDC. That legislation has been approved by the House and the Senate and is awaiting the Governor's signature.

Mr. Sacks discussed his plan for increasing staff levels to implement the standards and monitor compliance. The plan includes five regional administrators that will be assigned to various areas of the state. Support staff will also be added. MIDC plans to add a grant administrator to oversee the funding that will flow to the counties for compliance plans, and one grant assistant. Total employee increase will be from current 6 FTEs to 15 FTEs by the end of October of 2016. Initial costs of the increased staffing will be met by carryover appropriations from prior fiscal years. Mr. Sacks anticipates a major budget request for the following fiscal year to maintain staffing. Ms. Westrate updated the members on projected spending and carryover amounts. Ms. Diehl asked what the hiring process would be for the new positions. Mr. Sacks indicated that it would be a standard process with advertising in a variety of different publications.

Mr. Sacks reviewed the process the MIDC will use to approve its first set of standards. He plans to widely publish a final set of standards within two weeks. The MIDC will solicit public comment through its website and will hold its August public hearing on the standards at Cooley Law School in Lansing. Cooley will utilize its videoconferencing capabilities to allow members of the public to comment while attending the meeting at the Auburn Hills and Grand Rapids campuses. If the MIDC members support the standards, the vote will occur at the August meeting. If not, an additional meeting will be scheduled prior to October 1. The standards must be submitted to the Michigan Supreme Court by October 1 so that the Court can hold an administrative conference and a second public meeting on the standards prior to the Court's approval.

Mr. Sacks reviewed meetings that he has had with interested parties through the state. Several areas have indicated interest in creating a public defender system. The MIDC will look into creating a blueprint for local systems who choose to utilize this system.

The Answering Gideon's Call grant that was discussed at last month's meeting has been submitted.

Staff Reports

Ms. Westrate updated the MIDC on the status of the organization's Freedom of Information Act policies.

Ms. McCowan provided an overview of the MIDC's website. She also updated the MIDC on her training and outreach activities.

Mr. Siegel updated the MIDC on the status of the survey. It will be distributed in July to chief judges and court administrators and will be accompanied by a letter from the Chief Justice of the Michigan

Supreme Court. Chair Fisher asked about the time required to complete the survey. Mr. Siegel estimates that it will take between 40 and 45 minutes. The survey will be done online but individuals will receive an Adobe pdf of the survey so that they can review the questions prior to beginning the survey. Mr. Oeffner said that he completed the survey and it took approximately 30 minutes.

Reports from standards committees and discussion of draft standards.

Ms. Robinson provided an overview of Standard 1. The MIDC discussed the standard. Judge Boyd stated the importance of providing citations to the MIDC's enabling legislation in each standard, and in making the introductions to the standards as consistent as possible. Staff will review each introduction and make them consistent. Mr. Shea suggested removing "discoverable" from line 3 of C. The MIDC agreed to this change. Mr. Puerner suggested inserting "at least" in line 7 of D. following "complete." The revised sentence would read: "All attorneys shall annually complete at least twelve (12) hours of continuing legal education." The MIDC agreed with this change.

Mr. Puerner provided an overview of Standard 2. The MIDC discussed the standard. Dr. Schuringa raised the issue of communicating with individuals that have various disabilities. Mr. Puerner recommended adding "or other required accommodation" in line 3 of D. 2. Following "interpreter" to address the issue of when a person might need assistance beyond an interpreter to comprehend the proceedings. Mr. Puerner recommended a similar change in line 1 of the same section, following "differences" insert "or other disabilities" so that the standard would include language differences and others. The MIDC agreed with the changes.

Chair Fisher recommended that the sentence beginning with "Counsel" on line 3 of B. be amended to read: "Counsel and the indigent criminal defense system shall assure that there are necessary accommodations for private discussions between counsel and clients in courthouses, lock-ups, jails, prisons, detention centers, and other places where clients must confer with counsel." The MIDC agreed with the change.

Mr. Shea recommended deleting "law enforcement reports" from line 3 of C, and inserting "discoverable material". The MIDC agreed with these changes.

Mr. Puerner provided an overview of Standard 3. The MIDC discussed the standard. Mr. Puerner suggested deleting "court" from line 1 of b and "from the court" in line 1 of c. The MIDC agreed with these changes.

Mr. Shea suggested deleting "witnesses" from line 1 of c. and modifying "expert" in that line to "expert(s)" and deleting "witness" from line 2 of d. He stated that sometimes individuals are used as experts but do not testify as witnesses and the standard should include those individuals. The MIDC agreed with these changes.

Ms. Diehl provided an overview of Standard 4. After a discussion about Standard 4, the MIDC decided that additional research was necessary. Chair Fisher asked that the footnote be clarified to reflect that courts are able to use an arraignment attorney that would only provide counsel on arraignment and a different attorney could be appointed for future proceedings. MIDC staff will work on this language. The MIDC discussed how compliance might be achieved in rural

communities with few attorneys. Judge Boyd indicated that a pilot project was conducted in Kent County using videoconferencing to provide counsel at arraignment.

Judge Boyd suggested that “an interim bond” in line 5 of A. be replaced with “a case-specific interim bond while the defendant is in custody.” Ms. Diehl and the members of the committee (Judge Boyd, Mr. Oeffner, and Mr. Shea) will do additional work on the standard. Staff will work with the State Court Administrative Office on how various bonds are set. The committee will review the standard and will provide its final recommendation to the MIDC at its August meeting.

Mr. Walker moved that the first three standards be approved by the MIDC with the agreed upon changes. Mr. Shea seconded the motion. After discussion, Mr. Walker withdrew the motion. Without objection the motion was withdrawn.

Mr. Walker moved that the MIDC authorize the publication of the four standards after the four committee chairs approve final copies via electronic mail. Mr. Swor seconded the motion. The motion carried; all members present unanimously supported the motion.

Report of Nominating Committee

Judge Boyd provided the report of the nominating committee. The committee met via conference call and respectfully recommends that the MIDC elect Mr. Puerner for Vice Chair and Ms. Robinson for Secretary for the balance of the year. Ms. Diehl moved that nominations be closed and a unanimous vote for those nominated be cast. Mr. Swor seconded. The motion carried; Mr. Puerner and Ms. Robinson abstained from the vote.

Creation of Appropriations/Legislation Committee

Chair Fisher will work on recommendations for this committee over the next several weeks. He stressed the importance of building a relationship with legislators as we move towards requesting increased funding so that statutory mandates could be met. Several MIDC members have relationships with legislators and could assist the MIDC in its efforts.

Adjourn

The next meeting will be August 18, 2015 at 1:00 pm. This meeting will be a public hearing on the proposed standards.

Mr. Walker moved that the meeting be adjourned. Mr. Swor seconded. The motion carried; all members present unanimously supported the motion. The meeting adjourned at 3:39 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
Western Michigan University Thomas M. Cooley Law School
300 S. Capitol Avenue
Lansing, MI 48933
August 18, 2015
Time: 1:00 PM

The meeting was held in Lansing but videoconferencing was available at the law school's Auburn Hills and Grand Rapids locations. Individuals were able to observe the hearing and offer public comment from the satellite locations.

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell (joined the meeting at 1:14 pm), Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, Cletus Smith, William Swor, and Gary Walker

Commission Members Absent

Kevin Oeffner

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel, and Marcela Westrate

The meeting was called to order at 1:02 p.m.

Additions to the agenda

A revised agenda was distributed at the meeting. An item approving the appointment of members to an Appropriations and Legislation Committee was added. No other additions were made.

Approval of minutes from June meeting

Michigan Indigent Defense Commission (MIDC) members reviewed the June meeting minutes. Mr. Swor moved that the minutes be adopted. Ms. Diehl seconded the motion. The motion carried; all members in attendance unanimously supported the motion.

Report from the Chair

Chair Fisher updated members on his activities since the June meeting. Chair Fisher, Judge Boyd, and Mr. Sacks made a presentation at the Michigan District Judges Association conference earlier in the week.

Executive Director Report

Mr. Sacks updated the MIDC on his activities. The MIDC's first survey has been distributed and 116 responses have been received so far. Mr. Sacks is serving as the defense bar representative on the hiring committee for Lenawee County's first public defender. He is working with the State Budget Office on a hiring plan for the 2015-2016 fiscal year that begins October 1. He will prepare a formal proposal for change this fall for increased funding in the 2016-2017 fiscal year.

There will be a vote on submitting the standards to the Michigan Supreme Court on the MIDC's October agenda. Between now and October the various subcommittees will reconvene to consider any amendments to the standards in response to comments and written testimony that the MIDC received. Mr. Sacks intends to begin working white papers to aid delivery systems in drafting their compliance plans.

Public Hearing on Proposed Standards

Chair Fisher asked Mr. Sacks to give introductory comments on the proposed standards. Mr. Sacks stated that there is formal support for the standards from the Criminal Defense Attorneys of Michigan and the State Bar of Michigan. The Michigan Judges Association recently voted to support the standards. Written comments have been submitted and have been forwarded to MIDC members for their review.

Mr. Sacks indicated that he expects compliance plans to address many of the issues that have been raised regarding the standards. The statute does not create an unfunded mandate; the statute is clear that the requirement is triggered once the state pays.

Mr. Puerner noted that there are many operational details that will be included in compliance plans or in best practice guidelines. The MIDC strived for reasonable specificity but it cannot capture all of the subject matter.

Chair Fisher asked if members of the public wished to comment on the standards.

The following individuals provided comments:

- Kyle Trevas from Traverse City contacted the MIDC prior to the public hearing to request that he be able testify via telephone. He also submitted a written statement.
- Marilena David-Martin, State Appellate Defender Office (SADO). SADO submitted a written statement.
- Rodd Monts, ACLU-Michigan.
- Elizabeth Weisenbach on behalf of attorneys in Huron and Sanilac Counties.
- Fred Johnson, Muskegon County Public Defender.

- Ken Overwater, Wayne County Criminal Defense Bar Association, offered comment from the Auburn Hills location.

- Mark Stephenson, Director of Christian Reform Church Disability Concerns, offered comment from the Grand Rapids location.

Closing Comments from Commissioners

Mr. Smith, Mr. Shea, Judge Boyd, Mr. Walker, Mr. Eaman, Dr. Schuringa, and Mr. Swor made closing comments.

Mr. Sacks stated that MIDC staff would be in touch with different commissioners on the committees. His intent is to have final drafts of each standard before the MIDC for its consideration at the October meeting.

Appointment of Appropriations and Legislation Committee

Judge Boyd moved that an Appropriations and Legislation Committee be created to advise the Commission as it moves towards seeking increased funding. Ms. Robinson seconded the motion. There was no opposition; all members present unanimously supported the motion.

Chair Fisher recommended that the following members be appointed to the committee: Mr. Oeffner, Mr. Shea, Mr. Campbell and Mr. Puerner. Mr. Swor moved that Chair Fisher's recommendations be approved. Mr. Lindsey seconded the motion. There was no opposition; all members present unanimously supported the motion.

Mr. Smith moved that the meeting be adjourned. Mr. Campbell seconded. There was no opposition; all members present unanimously supported the motion.

The meeting adjourned at approximately 2:30 pm.



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
October 20, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell (joined the meeting at 1:30 pm), Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, William Swor, and Gary Walker

Members of the Public Present

David Bennett, Peter Cunningham (State Bar of Michigan), Marissa Geyer, Brad Hall (Michigan Appellate Assigned Counsel System), R. Timothy Kohler, Kay Perry (Michigan CURE), and Dawn Van Hoek (State Appellate Defender Office)

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel and Marcela Westrate

The meeting was called to order at 1:05 pm.

Roll call and opening remarks

Chair Fisher asked Ms. Westrate to call roll.

Public Comment

David Bennett asked for time to comment. He is a consultant that has been retained by Macomb County to look at that county's criminal justice policies. Mr. Bennett told the Michigan Indigent Defense Commission (MIDC) members about his project and the potential coordination with the MIDC's efforts.

Approval of August minutes

MIDC members reviewed the August minutes. Judge Boyd moved that the minutes be approved; Ms. Robinson seconded. The motion carried; all members unanimously supported the motion.

Report from the Chair

Chair Fisher gave his report. The MIDC received a letter with Cletus Smith's resignation from the Commission. Mr. Smith submitted a separate letter to Governor Snyder's office. Chair Fisher asked members to contact Mr. Sacks if they have suggestions on a new MIDC member.

Executive Director Report

Mr. Sacks reported on the MIDC's request for increased appropriations, which was completed and forwarded to the State Court Administrative Office in September. As previously discussed, the MIDC is requesting increased funding to support permanent staff levels. Mr. Sacks thanked Mr. Baumann and SCAO for their assistance.

Mr. Sacks discussed the shift from hiring full-time staff with the carry forward funding from previous fiscal years to hiring independent contractors. These contractors will serve as Regional Consultants; Mr. Sacks intends to contract with a maximum of six individuals. Ms. Diehl asked about the hours. Mr. Sacks stated that he anticipated the positions would be for a minimum of 20 hours per week. Additional carry forward funding may be used to develop minimum standards and for other contract employees.

Mr. Sacks discussed the revised standards that were forwarded to MIDC members. All of the committees made changes to their respective standards based on testimony during the public hearing and comments submitted through the website. Mr. Sacks made changes to the preamble based on the suggestions from various groups.

The next step in the process will be for the MIDC to formally approve the final version of the standards and to approve their submission to the Michigan Supreme Court (MSC). This will be on the agenda for the December meeting. After the standards are submitted, the MSC will call for public comment and will hold an administrative conference. After that, they will promulgate the standards.

Mr. Sacks has made several presentations since the August meeting including presentations to the Wayne County District Court, the members of the Kalamazoo bench, the members of the Ottawa bench, and the Kent County Public Defender. Additionally, Mr. Sacks observed the Kent County pilot project that provides attorneys at arraignment. Mr. Sacks participated in the hiring process for Lenawee County's new public defender. Berrien County is also looking at a public defender system and has contacted the MIDC.

Ms. Diehl and Mr. Sacks participated in a panel hosted by the State Bar of Michigan's Criminal Law Section. The panel discussed indigent defense and included representatives of various stakeholder groups.

Ms. Westrate discussed the Regional Consultant positions. She and Mr. Sacks talked to Professor Nicole Appleberry from the University of Michigan's Low-Income Taxpayer Clinic and Ed Zobeck, SCAO Human Resources Director. Mr. Sacks and Ms. Westrate are confident that the positions are properly classified as independent contractor positions.

Ms. McCowan gave an update of her outreach activities. She has been working on the website and is including photographs from various events. She encouraged members to follow on Instagram and Twitter (@michiganidc on both sites) and let members know that they could view the posts from these sites directly from the website. She has also updated the standards portion of the website. The

most recent version of the standards is online and all of the comments the MIDC has received are posted.

Mr. Siegel gave a presentation on the MIDC's survey. He discussed the data collected and the results that he is seeing. He answered questions from commissioners and members of the public. He plans to attend two upcoming conferences on indigent defense data.

The MIDC recessed from 2:45 pm to 3:00 pm

When the meeting resumed, Chair Fisher asked Mr. Sacks to give an overview of the changes made to the standards since the last meeting. Mr. Sacks indicated that the preamble was amended to include suggestions from the Michigan Judges Association.

Each subcommittee chair discussed the changes made to the standards.

Standard 1

Ms. Robinson indicated that changes were made to incorporate suggestions made by the State Bar of Michigan. Ms. Diehl suggested that the language in the staff comment be modified to reference *local* Michigan requirements instead of Michigan requirements.

The Executive Director of the Oakland County Bar Association contacted Mr. Oeffner about the third staff comment and inquired whether a testing component should be within the standard itself instead of in the staff comment. Ms. Robinson stated that the MIDC could look at this in compliance plans.

Standard 2

Mr. Puerner reviewed the changes made to Standard 2. In section A, the requirement that an attorney visit a client was changed from 72 hours to three business days. Language changes were also made in sections B and B2.

The commissioners discussed the language that required counsel and the indigent criminal defense system to ensure that private discussions between attorney and client could be held. The commissioners did not change the language because the defense attorney needs to share the obligation with the system and needs to report instances when there are not appropriate accommodations for discussions. Ms. Diehl suggested changes to be made to make the standards consistent with each other. Staff will make these changes before the December meeting.

Standard 3

Mr. Puerner reviewed the changes made to Standard 3. Ms. Diehl suggested changes for consistency between standards. Ms. Robinson noted that the language requiring reasonable requests to be funded shifted the responsibility to the court to fund so the obligation wasn't solely on counsel to ask.

Standard 4

Ms. Diehl reviewed the changes made to Standard 4. Prior versions included a requirement for attorneys to be appointed when "case-specific interim bonds" were set. The subcommittee reworked the language after comments from Ottawa County and Mr. Walker. Mr. Walker previously stated that an interim bond was not presumed to be valid like other bonds.

The commissioners discussed feedback that has asked how to comply with this standard when an indigency determination has not been made. Judge Boyd discussed the way this was handled in his court's pilot project. Mr. Swor discussed how the federal system addressed this issue.

Staff will modify the standards and have a revised document available prior to the December meeting.

Creation of new work and advisory groups

Chair Fisher and Mr. Sacks have discussed creating additional work groups to assist the MIDC's efforts. Mr. Sacks stated that he anticipates the committees that considered the standards will shift towards considering compliance models between the time that the first set of standards is approved and the second set of standards is developed. Mr. Sacks indicated that the appropriations and legislation committee will likely have a larger role in the MIDC's advocacy and will be engaged if needed for comment on proposed court rules.

Chair Fisher and Mr. Sacks would like to create two new working groups. The first will be on data and best practices and the second will be on recommendations and complaints. Commissioners will receive a survey and will be able to indicate which groups are of interest. Judge Boyd suggested that the appropriations and legislation committee might wish to look at Michigan Court Rule (MCR) 6.005(A)(2) which requires the court to appoint a lawyer. Mr. Sacks indicated that this would be considered as well as modifications to MCR 8.123 which requires data to be collected about appointment of counsel to indigent defendants but does not require criminal cases to be separated from other cases where counsel is appointed.

Mr. Eaman moved to authorize the formation of the data and best practices committee and the recommendations and complaints committee. Judge Boyd seconded the motion. The motion carried; all members unanimously supported the motion.

Mr. Sacks indicated that he and Ms. McCowan would like to have interested commissioners more involved in community outreach. This will be included on the survey and follow-up will be done with commissioners.

Dr. Schuringa asked whether there was a process if commissioners were asked to speak in a public forum or interview. Mr. Sacks said that staff would appreciate knowing about the event or interview and would be happy to assist with talking points if notified ahead of time.

Chair Fisher asked commissioners to begin thinking about how money should be distributed if the MIDC's full request to fund compliance plans is not granted. He said that the MIDC could opt to spread it around the state to impact many areas or focus on an area that is in great need of assistance. Mr. Shea stated that are ways that the MIDC could help attorneys, such as giving funds for training or electronic research. This assistance might help practitioners feel like some of their issues are being addressed. Judge Boyd stated that each of the standards will give practitioners additional compensation. The MIDC agreed that the research component is critical and that lawyers should have access to electronic resources in a way that does not break the bank.

Mr. Swor moved that the meeting be adjourned. Ms. Diehl seconded. The motion carried; all members unanimously supported the motion.

The meeting adjourned at 3:55 p.m.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
December 15, 2015
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Joseph Baumann (non-voting member), Thomas Boyd, Jon Campbell, Nancy Diehl, Frank Eaman, Richard Lindsey, Shela Motley, Kevin Oeffner, Michael Puerner, David Schuringa, John Shea, and Gary Walker

Commission Members Absent: Brandy Robinson and William Swor

Members of the Public Present: Cheryl Carpenter, Alfred Carter, Josephine Carter, Jerry Celmer (31st Circuit Court Administrator), Christopher Dennie, Justin Hinkley (Lansing State Journal), Barbara Klimazewski, Kelly McDoniel, Michael Naughton, Christopher Sadler and Deliah Underwood (State Budget Office)

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel and Marcela Westrate

The meeting was called to order at 1:03 pm.

Roll call and opening remarks

Chair Fisher asked Ms. Westrate to call roll. Ms. Westrate indicated that Ms. Robinson and Mr. Swor are both in trial and intended to call in to the meeting if they were able to do so.

Additions to the Agenda

Chair Fisher added one item to the agenda, officers for the upcoming year.

Judge Boyd, Chair of the Nominating Committee indicated that it was that committee's intent that Judge Fisher (Chair), Mr. Puerner (Vice Chair) and Ms. Robinson (Secretary) all retain their positions for 2016.

Mr. Shea moved that the Nominating Committee's recommendations be approved by the members of the Michigan Indigent Defense Commission (MIDC or "the Commission"). Judge Boyd seconded the motion. The motion carried; all members present unanimously supporting the motion.

Approval of minutes from October meeting

Mr. Eaman moved that the minutes from the October meeting be adopted. Ms. Motley seconded the motion. The motion carried; all members present unanimously supporting the motion.

Report from the Chair

Chair Fisher gave a brief report on his activities. Chair Fisher indicated that he has been in contact with Governor Snyder's office and is hopeful that a new member will be appointed soon to fill the vacant position on the Commission.

Executive Director Report

Jonathan introduced Ms. Underwood from State Budget Office. He is continuing to work on the MIDC's budget request. Mr. Sacks introduced Mr. Sadler who was recently hired to be the MIDC's Research Associate. He will begin his employment on January 4. Mr. Sacks introduced five regional consultants that will be working with the MIDC on a contract basis: Ms. Carpenter, Mr. Dennie, Ms. Klimazewski, Ms. McDoniel, and Mr. Naughton. A sixth consultant, Ashley Carter, will also contract with the MIDC. She is currently relocating, Mr. and Ms. Carter attended the meeting on her behalf. Mr. Sacks gave a brief biography of each consultant and described the region to which each consultant would be assigned.

Mr. Sacks has been working with MIDC members that indicated interest in attending meetings that he and Ms. McCowan have with stakeholders. Chair Fisher, Mr. Puerner and Mr. Swor have been able to attend some of the meetings. Mr. Sacks gave a presentation at the Criminal Defense Attorneys of Michigan conference, several MIDC members attended this event and were able to answer questions.

Van Buren County is taking the lead on the potential formation of a regional defender office. There will be a multi-county meeting to begin discussions. The following counties will be involved: Allegan, Barry, Calhoun, and Kalamazoo.

MIDC staff is looking at various criminal justice grant opportunities that would fund activities directly linked to the MIDC's standards. Potential grants include the Arnold Foundation, the Charles Koch Foundation and the Soros Foundation. Judge Boyd recently attended the National Consortium on Public Defense in Washington, D.C. at David Carroll's invitation. Judge Boyd stated that one of the foundations involved with that meeting was the Kellogg Foundation, which might be another avenue for staff to explore since that foundation is Michigan-based.

Mr. Sacks stated that Ms. McCowan will begin work on the annual report and invited commissioners to contact staff with suggestions on what items should be included. He intends to summarize the goals of the office and the use of appropriations.

Presentation of Robert Boruchowitz, Seattle University School of Law, Partner to the Sixth Amendment Center

Mr. Boruchowitz gave a presentation on national trends within the indigent defense community. He discussed his experience with counsel at first appearance and highlighted Judge Boyd's pilot project. He discussed his work with the American Council of Chief Defenders to determine appropriate workloads. Caseload weighting studies have been completed in several states including Missouri, Texas, Tennessee, Rhode Island, and Colorado.

There was a break in the meeting beginning at 2:39 pm and ending at 2:49 pm.

Staff reports

Ms. Westrate, Ms. McCowan, and Mr. Siegel each updated the Commission on their work.

Nominations to workgroups

Chair Fisher would like to name members to the new workgroups that were discussed at the October meeting. He recommended that the Data and Best Practices workgroup be chaired by Ms. Robinson, and consist of members Mr. Lindsey, Ms. Motley and Mr. Swor; Mr. Siegel will staff this workgroup. Chair Fisher also recommended that the Recommendations and Complaints workgroup be chaired by Mr. Eaman and consist of Mr. Shea, Mr. Walker, and Dr. Schuringa; Ms. McCowan will staff this workgroup.

Mr. Campbell moved to support the recommendations of the chair, Ms. Motley seconded. The motion carried, all members voting to support the motion.

Mr. Eaman reported that the Recommendations and Complaints workgroup had a brief conference call to decide the group's focus. The group plans to work with stakeholders involved in Michigan's indigent defense system and the group will work to identify these groups. Staff will evaluate and log complaints; substantial complaints will be referred to the workgroup for review. The workgroup will determine whether the complaints that it receives should be referred to the Commission as a whole to evaluate.

Submission of standards to the Michigan Supreme Court (MSC)

Judge Boyd moved that the standards be submitted to the MSC; Mr. Walker seconded the motion. Ms. Diehl moved to amend the motion to provide that the standards be submitted with the following changes: assign a number to each staff comment instead of a bullet point; in the last comment of standard 2 add "Michigan" to the reference to the Department of Corrections; and references to the American Bar Association's Ten Principles of a Public Defense Delivery System should be consistently placed in the comments. The Commission agreed with the changes. The amended motion carried; all members unanimously supported the amended motion.

Comments on Proposed Court Rule Amendments

The MSC is considering amendments to several court rules relating to an indigent defendant's ability to pay fees, fines, and costs that would be of interest to the MIDC. Mr. Sacks indicated that the MIDC might consider suggesting an amendment to MCR 8.123 as previously discussed at the October meeting. The Appropriations and Legislation workgroup will be expanded to also consider these court rule changes; that group will hold a conference call in January to discuss and he would like the group to have recommendations for the full Commission in February.

Public comment

Ms. Carter addressed the members of the Commission.

Adjourn

Mr. Shea moved to adjourn; Mr. Eaman seconded. The motion carried; all members unanimously voting to support the motion.

The meeting adjourned at 3:24 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
February 16, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Thomas Boyd, Nancy Diehl, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea

Participating via Telephone

Gary Walker

Commission Members Excused: Joseph Baumann, Jon Campbell, Frank Eaman, and William Swor

Members of the Public Present:

Jill Booth (State Court Administrative Office), Ashley Carter, Claire Corsey, Peter Cunningham (State Bar of Michigan), Chris Dennie, Deborah Green (State Court Administrative Office), Joel Kershaw, Jerry Kole, Kelly McDoniel, Michael Naughton (participating electronically), Kay Perry (MI-Cure), Matt Vititoe

Staff Members Present

Jonathan Sacks, Marla McCowan, Chris Sadler, Jonah Siegel, and Marcela Westrate

The meeting was called to order at 1:01 p.m.

Roll call and opening remarks

Chair Fisher welcomed new member Tom McMillin, a former state legislator who sponsored the MIDC's enacting statute. He introduced three State Court Administrative Office (SCAO) Regional Directors. Ms. Booth, Ms. Green and Mr. Kole introduced themselves to the Commission. Chair Fisher welcomed other members of the public in attendance. No members wished to comment.

Additions to the agenda

There were no additions to the agenda.

Approval of meeting minutes

Mr. Puerner moved that the minutes from the December 15, 2015 meeting be adopted. Ms. Diehl seconded the motion. The motion carried, all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher gave a report on his activities since the December meeting. He would like the Compensation Committee to meet in March. Members of this committee will discuss potential dates following the MIDC meeting.

Chair Fisher would like to appoint Mr. McMillin to the Court Rules, Legislation, and Appropriations Committee. Judge Boyd moved to appoint Mr. McMillin to that committee. Ms. Motley seconded the motion. The motion carried; all members participating unanimously supported the motion.

Executive Director report

Mr. Sacks introduced the regional consultants that were present for the meeting. He gave an overview of their work. The MIDC's Proposal for Change was included in Governor Snyder's Executive Recommendation. The amount requested was \$1.3 million over current appropriations.

The Michigan Supreme Court's hearing on the MIDC's proposed standards will be May 18. He encouraged members to contact Chair Fisher if they were interested in attending or making comments before the court. Mr. Sacks has been in contact with several groups that plan to submit comments to the Court in support of the standards. Mr. Sacks gave an overview of the timeline for implementation of the first set of standards and for drafting the second set of standards. The areas that the next set of standards addresses may include: independence, caseloads, economic incentives and disincentives, attorney qualifications and review, and determining indigency. The presentation concluded with an outline of global compliance plans. Global compliance plans could include the formation of a public defender office, a managed counsel system, or a combination. MIDC is working on a public defender office planning document to aid communities that want to use this as a means to comply with the standards.

Mr. Sacks will work with the MIDC's Executive Committee to make a recommendation for areas of focus; this recommendation will be considered by the full Commission at the April 2016 meeting. Commissioners discussed the areas that could be addressed and expressed opinions on the order in which the standards should be drafted.

The MIDC reviewed the complaint form that has been drafted. Chair Fisher asked for a motion to approve the form and its contents. Judge Boyd so moved. Mr. McMillin seconded the motion. The motion carried, all members participating unanimously approved the form. The form will be posted on the MIDC's website.

Staff reports

Ms. Westrate provided additional details regarding the Executive Recommendation. She and Mr. Sacks met with the new Chair of the Appropriations Subcommittee on the Judiciary, Representative Earl Poleski.

Ms. McCowan reported on the training she provided for the Regional Consultants. MIDC will have a strong presence at the March training hosted by the Criminal Defense Attorneys of Michigan (CDAM).

Dr. Siegel discussed the attorney survey which has been distributed widely. He gave an overview of the draft survey report that was distributed to Commissioners.

Regional Consultant update

MIDC currently has six independent consultants working as Regional Consultants. One consultant will give an overview of his or her activities at each meeting. Chris Dennie, who is based in Kent county, gave an overview of his activities.

Approval of reports

Chair Fisher asked for a motion to approve and publish the 2015 Impact Report. Dr. Schuringa so moved. Judge Boyd seconded the motion. The motion carried; all members participating unanimously supported the motion.

Chair Fisher asked for a motion to approve and publish the results of MIDC's first survey of indigent defense delivery systems. Mr. Shea so moved. Ms. Robinson seconded the motion. The motion carried; all members participating unanimously supporting the motion.

Court rule comment policy

Members reviewed the draft policy for commenting on court rules. Dr. Schuringa moved that the policy be adopted. Ms. Diehl seconded the motion. The motion carried; all members unanimously supported the motion.

Mr. McMillin moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting adjourned at 3:19 p.m.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
April 21, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Thomas Boyd, Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea (arrived at 1:13 pm), William Swor, and Gary Walker.

Participating via Telephone

Nancy Diehl

Commission Members Excused: Joe Baumann, and Jon Campbell

Members of the Public Present:

Ashley Carter, Michael Carter, Cheryl Carpenter, Claire Corsey, Christopher Dennie (via telephone), Barbara Klimaszewski, Kelly McDoniel, Michael Naughton, Kay Perry.

Staff Members Present

Jonathan Sacks, Marla McCowan, Chris Sadler, Jonah Siegel, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) to order at 1:05 p.m.

Roll call and opening remarks

Chair Fisher updated the commissioners on his activities since the last commission meeting. He met with Michigan Supreme Court Chief Justice Robert Young. Chief Justice Young asked Chair Fisher to express the Chief Justice’s support of the Commission and its goals.

Ms. Robinson, Mr. Eaman, Mr. Swor, and Mr. Shea had terms that expired on April 1, 2016. All four were reappointed and have terms that end April 1, 2020.

Additions to the agenda

There were no additions to the agenda.

Executive Director report

Mr. Sacks introduced the regional consultants who are present. He introduced Claire Corsey, an intern who has recently been hired to work for the MIDC part-time while she prepares for the bar examination.

The Michigan Supreme Court is expected to hold a hearing on the Commission's standards on May 18. Mr. Sacks reviewed the procedure for the hearing and noted that the Court will have until July 3 to act or the standards will lapse.

Mr. Sacks discussed the content and timeline for future standards. If the MIDC chooses to follow the same timeline as last year, the Commission will agree on topics at the current meeting, release formal drafts to the public and stakeholders at the June meeting, hold a public hearing in August, finalize the standards in October through December, and submit them to the Court in January of 2017.

Mr. Sacks suggested the following topics for the second set of standards: independence, caseloads, qualification and review, and compensation. Mr. Sacks gave an overview of each standard and the commissioners discussed the topics.

Mr. Eaman moved the following: the issue of independence be referred to the Selection Standards Committee; the issue of caseloads be referred to the Performance Standards Committee; the issue of qualifications and review be referred to the Training and Evaluation Committee; and the issue of reasonable fees be referred to the Indigence and Compensation Committee. Ms. Motley seconded the motion. The motion carried; all members participating unanimously supported the motion.

MIDC staff prepared drafts of white papers for each standard in the first group of standards. The commissioners reviewed the white papers. The goal is to have the white papers available for interested delivery systems to review after the Court approves the first set of standards. The Commission discussed the documents and the approval process.

Mr. Eaman moved the following: The whitepapers be referred to the committees that developed each standard for that committee's review. If the Michigan Supreme Court approves the MIDC standards before the June 21, 2016 MIDC meeting, then the papers may be issued as drafts with the understanding that the documents are subject to the review and approval of the commission at its June 21, 2016 meeting. Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

Mr. Sacks discussed the draft Public Defender Office Planning Guide and guides for other types of systems. Mr. Sacks plans to have information for systems that wish to use a managed assigned counsel approach. The commissioners discussed the guide.

Judge Boyd moved that the Public Defender Office Planning Guide be tabled until the June 21, 2016 meeting and that the document be released with other planned information about operating a managed assigned counsel system. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Mr. Sacks gave updates about various counties. He mentioned his participation in the regional defender meetings for the southwest side of the state (Allegan, Barry, Berrien, Calhoun, Cass, Kalamazoo, and Van Buren counties). There is strong interest in those areas in potentially forming a regional cooperative as part of a compliance plan to meet the minimum standards.

Berrien County hired former Michigan public defender Carl MacPherson to work on a part-time basis as a public defender administrator for that county. The Lenawee Public Defender Office is up and running. The Muskegon County Public Defender Office received a grant from the Bronx Defenders Office to focus on holistic defense.

Staff reports

Ms. McCowan, Dr. Siegel, and Ms. Westrate each updated the Commission on their activities.

Regional Consultant update

The MIDC currently has six independent consultants working as Regional Consultants. One consultant will give an overview of his or her activities at each meeting. Barbara Klimaszewski, whose area includes 23 different counties in central and northern Michigan, gave an overview of her activities.

Approval of minutes

Mr. McMillin moved that the minutes from the February 16, 2016 meeting be approved. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Public comment

Chair Fisher asked for public comment; no one wished to comment.

The next meeting will be held June 21, 2016 at 1:00 pm at the MIDC's Lansing offices.

Mr. Eaman moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting adjourned at 3:31 p.m.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
June 21, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Thomas Boyd, Thomas Clement (non-voting member), Nancy Diehl, Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea, and Gary Walker.

Participating via Telephone

William Swor

Commission Members Excused: Jon Campbell

Members of the Public Present:

Joanne Vallarelli Adam, Ashley Carter, Cheryl Carpenter, Peter Cunningham, Christopher Dennie, Bradley Hall, Barbara Klimaszewski (via telephone), Kelly McDoniel, Michael Naughton.

Staff Members Present

Jonathan Sacks, Marla McCowan, Jonah Siegel, and Marcela Westrate.

Roll call and opening remarks

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:06 p.m.

Mr. Shea moved to excuse Mr. Campbell. Judge Boyd seconded the motion. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher gave an overview of the Michigan Supreme Court Order 2016-2, which conditionally approved the MIDC’s first four standards, the accompanying letter from Chief Justice Robert P. Young, Jr., and an email from Chief Justice Young that was distributed to chief judges statewide.

Executive Director Report

Mr. Sacks provided an overview of activities since the Supreme Court’s order was issued.

Fees resource and fee complaints

The Indigence and Compensation Committee reviewed and approved the document created by the MIDC staff and recommended that it be published.

Mr. Eaman moved that the document be published. Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

Staff reports

Ms. McCowan, Dr. Siegel, and Ms. Westrate each updated the Commission on their activities.

Regional Consultant Report

Michael Naughton reported on his activities in northern Michigan.

Approval of minutes from April meeting

Ms. Motley moved that the April minutes be adopted. Ms. Diehl seconded the motion. The motion carried; all members participating unanimously supported the motion.

Next Set of Standards

The Commission discussed the next set of standards. The discussion will continue at the next meeting.

Attorney Survey Report

Mr. Shea moved to allow staff to publish the report based on Dr. Siegel's survey of Michigan defense attorneys. Mr. Eaman seconded. The motion carried; all members participating unanimously supported the motion.

Public Comments

Peter Cunningham of the State Bar of Michigan offered that organization's continued support as the legislation described in the Supreme Court's Order moves forward.

The next meeting is August 9, 2016 at 1:00 pm in Lansing.

Ms. Diehl moved that the meeting be adjourned. Mr. Oeffner seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting adjourned at 2:43 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
August 9, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Thomas Boyd, Thomas Clement (non-voting member), Nancy Diehl, Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, David Schuringa, John Shea, and Gary Walker.

Participating via Telephone

Brandy Robinson.

Commission Members Absent

William Swor

Members of the Public Present:

Alfred Carter, Ashley Carter, Josephine Carter, Cheryl Carpenter, Peter Cunningham, Christopher Dennie, Barbara Klimaszewski, Kelly McDoniel, Michael Naughton, Kay Perry, and Brent Turner.

Staff Members Present

Jonathan Sacks, Marla McCowan, Chris Sadler, Jonah Siegel, and Marcela Westrate.

The meeting was called to order at 1:04 pm.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda

Report from the Chair

Chair Fisher reviewed the report he circulated to Michigan Indigent Defense Commission (“MIDC” or “the Commission”) last week. He noted that he and MIDC staff will meet with the State Court Administrative Office to review the way the two agencies work together.

Jon Campbell notified the Commission and Governor Snyder's office that he has resigned from the Commission.

Executive Director Report

Mr. Sacks gave the Commission an update on his activities since the last meeting.

The Complaints and Recommendations Committee has created an accessible process for individuals to file complaints with the Commission. The committee asked staff to respond to personal complaints. Complaints will be compiled and will be presented for that committee to review. Mr. Sacks expects the committee to meet in September. Mr. Puerner asked whether the complaints were subject to the Freedom of Information Act. Language will be added to the complaint materials to note that they may be subject to that Act, depending upon content.

Mr. Sacks has met with each Commissioner individually and thanked them for their time and the input they provided.

Judge Herrington in Huron County is beginning a counsel at first appearance project in his court. He is working with MIDC staff on implementation and data collection. Van Buren, Allegan, and Barry Counties are exploring the potential for regional cooperation. Meetings are on-going and MIDC staff and regional consultants are participating.

Mr. Sacks presented information to the Commission on the Texas Indigent Defense Commission's discretionary grant program. This information was provided as background, the Commission indicated general support for the idea and will discuss it at a future meeting.

Staff reports

Ms. Westrate updated the Commission on the status of the FY 2017 appropriations and the anticipated balance for a FY 2016 work project.

Ms. McCowan gave the Commission a written report on her activities.

Dr. Siegel updated the Commission on the Research Unit's projects.

Regional report

Ashley Carter, MIDC Regional Consultant for south central Michigan gave an overview of her activities.

Approval of June 21, 2016 minutes

Ms. Motley moved that the minutes be approved. Ms. Diehl seconded the motion. The motion carried; all members participating unanimously supported the motion.

New Business

The Commission discussed a draft of legislation to address issues raised in the Michigan Supreme Court's June 1, 2016 order. Members discussed the draft and its implications. The Governor's office and Mr. Clement have been working on the language.

The next meeting date is October 18, 2016.

Mr. Eaman moved that the meeting be adjourned. Mr. Shea seconded the motion. The meeting was adjourned at 3:19 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
October 18, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Frank Eaman, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, David Schuringa, John Shea, William Swor, and Gary Walker.

Participating via Telephone

Nancy Diehl and Brandy Robinson

Members of the Public Present:

Cheryl Carpenter, Peter Cunningham, Barbara Klimaszewski, Carl Macpherson, Billie Jo O'Berry, and Kay Perry

Staff Members Present

Jonathan Sacks, Claire Corsey, Christopher Dennie, Marla McCowan, Kelly McDoniel, Michael Naughton, Chris Sadler, Jonah Siegel, and Marcela Westrate.

The meeting was called to order at 1:01 pm.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Approval of August 2016 minutes

Mr. Swor moved that the minutes be approved. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Report from the Chair

Chair Fisher reviewed the report he circulated to Michigan Indigent Defense Commission members (“MIDC” or “the Commission”). The MIDC will host the State Court Administrative Office’s Regional Directors for a meeting in January to discuss the MIDC and public defense. Members of the Commission will be invited to attend this half-day session.

Chair Fisher reappointed Nominations Committee members Judge Boyd, Shela Motley, and Frank Eaman, and appointed Richard Lindsey to replace Jon Campbell. That committee will present a slate of officers for 2017 at the December meeting.

Executive Director’s report

Mr. Sacks and Ms. Westrate met with the Director of the Michigan Office of Licensing and Legislative Affairs (LARA) and LARA staff to discuss procedural issues associated with the MIDC’s move to the Executive branch.

All of the Regional Consultants except for Cheryl Carpenter accepted full-time positions with the MIDC. Ms. Carpenter addressed the Commission. Ms. Klimaszewski will begin employment in January of 2017.

The Commission discussed the Department of Justice Encouraging Innovation – Field Initiated Programs grant that the MIDC has been awarded. The grant will cover the costs of hosting a social worker in Genesee County and one in the Kent County Office of the Public Defender.

The Commission discussed the process of applying for grants and how this will be handled in the future.

The Commission moved to a discussion of the bylaws and whether those should be amended to include a grant application process.

Mr. Puerner moved that the MIDC accept the grant to be used for the purpose applied for, subject to the approval of a budget proposal for the spending of grant funds. Mr. Walker supported the motion.

The Commission discussed the motion.

Judge Boyd moved to table the motion. Mr. McMillin seconded Judge Boyd’s motion. The motion carried; all members participating unanimously supported tabling Mr. Puerner’s motion.

The Commission began a review of the bylaws with changes suggested by Mr. Sacks. The Executive Committee reviewed the changes and recommended referring them to the full Commission for its review.

Mr. Shea moved that Article III be amended as follows: in section A(3)(a), modify the Chair’s responsibilities to include “(8) Approve press releases of the Commission.” and remove this

language from the Secretary's duties in (c)(3), and renumber the Secretary's duties. Mr. Eaman supported the motion. The motion carried; all members participating unanimously supported the motion.

Judge Boyd moved that Article III, (B) be amended by adding "All committees may recommend to the Commission best practices in their subject areas and assist in the development of potential compliance plan models for approved standards subject to approval by the Commission." Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

The Commission discussed other potential bylaws amendments. Ms. Diehl stated that the Executive Director could prepare internal operating procedures that would be approved by the Commission in lieu of amending the bylaws. Mr. Puerner concurred with Ms. Diehl's statement.

Mr. Swor moved to table the bylaws discussion until the December meeting. Mr. Sacks will draft internal operation procedures to submit to the Commission for its review. Mr. Eaman seconded the motion. The motion carried; all members participating unanimously supported the motion.

Regional Report – Berrien County

Carl Macpherson, Indigent Defense Administrator in Berrien County presented an update on the county's reforms. The county commission approved funding for a county public defender office that will start in January of 2017.

Return to Department of Justice grant discussion

Chair Fisher asked for a motion to resume a discussion of the Department of Justice Grant. Mr. Eaman so moved. Mr. Walker seconded the motion. The motion carried; all members participating unanimously supported the motion.

Dr. Siegel gave an overview of the grant application and funding requested. He discussed the role of social workers in public defense and how the proposed program will work in Kent and Genesee counties.

Mr. Shea moved that the Commission approve and accept the social worker grant and that MIDC staff be authorized to spend the funds that the Department of Justice awarded. Mr. Walker supported the motion. The motion carried; all members participating unanimously supported the motion.

Weighted Caseload Study

Dr. Siegel presented a proof of concept about a weighted caseload study. This study would be conducted by an outside organization and paid for by funding from the 2016 fiscal year work project. If the Commission approves this proof of concept, staff plans to have a formal request for proposals drafted to present to the Commission at its December meeting.

Ms. Diehl moved to approve the proof of concept and authorize staff to proceed with a request for proposals. Ms. Robinson seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. Westrate gave the Commission a proposed budget for the 2017 fiscal year that began October 1, 2016. Judge Boyd moved that the budget be approved. Mr. Eaman seconded the motion. The motion carried; all members participating unanimously supported the motion.

Ms. McCowan gave an overview of the Regional Managers' assigned counties and activities. She updated the Commission on her work.

Chair Fisher asked for a motion authorizing him to look into obtaining legal counsel to advise the Commission on a part-time basis. Judge Boyd so moved. Mr. Swor seconded the motion. The motion carried; all members participating unanimously supported the motion.

The Commission's next meeting will be December 20, 2016 at 1:00 pm.

There being no further business before the commission Mr. McMillin moved that the meeting be adjourned. Mr. Lindsey seconded the motion. The motion carried; all members participating unanimously supported the motion.

The meeting was adjourned at 4:16 p.m.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
December 20, 2016
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Frank Eaman, Derek King, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, John Shea (arrived at 1:24 pm), and Gary Walker.

Participating via Telephone

Thomas Clement (non-voting member), Nancy Diehl, and William Swor (joined at 2:35 pm)

Members of the Public Present:

~~Barbara Klimaszewski~~, and Joanna Kloet

Staff Members Present

Jonathan Sacks, Ashley Carter, Claire Corsey, Christopher Dennie, **BARBARA KLIMASZEWSKI (INDEPENDENT CONTRACTOR SERVING AS REGIONAL CONSULTANT)**, Marla McCowan, Kelly McDoniel, Michael Naughton, Chris Sadler, Jonah Siegel, and Marcela Westrate.

The meeting was called to order at 1:01 pm.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Approval of October 2016 minutes

Judge Boyd moved that the minutes from the October 18, 2016 meeting be approved. Mr. Walker seconded the motion. The motion carried.

Report from the Chair

Chair Fisher reviewed the report he circulated to Michigan Indigent Defense Commission members (“MIDC” or “the Commission”).

The following members’ terms expire in April of 2017: Mr. Lindsey, Mr. McMillin, Ms. Motley, and Mr. Puerner. Chair Fisher intends to work with the Governor’s office on reappointing these members unless they do not wish to be reappointed.

Judge Boyd submitted the Nominating Committee’s report. The committee unanimously recommended the slate of officers for 2017. Chair: Judge Fisher, Vice Chair: Mr. Puerner, Secretary: Ms. Robinson.

Mr. Walker moved that the nominating committee’s report be adopted by the Commission, and that the members be elected officers for 2017. Mr. King seconded the motion. The motion carried.

Chair Fisher intends to appoint a Compliance Committee to establish the procedures for the submission of compliance plans. This committee will make recommendations for approval.

The legislation addressing the issues raised in the Michigan Supreme Court’s order passed both chambers and will be forwarded to Governor Snyder for his signature. Mr. Clement indicated that he will check with the Governor’s legislative liaisons in the House and Senate and see if there is additional information about when the bills will be signed.

Mr. Puerner, Mr. Sacks, and Ms. Westrate attended the November 28 meeting of the Michigan Association of Counties’ Judiciary and Public Safety Committee. Mr. Puerner updated the Commission on the meeting.

Chair Fisher has been in contact with the Attorney General’s office to obtain legal advice for the Commission. A half-time employee would cost the Commission \$90,000 annually. Chair Fisher met with several members of the Attorney General’s staff to update them on the history of the agency, where the Commission is now, and its current issues. Chair Fisher distributed a memorandum of understanding to the Commission for its review. The cost of counsel will not exceed \$30,000 per year; substantially less than a private law firm. Bridget Smith would begin counseling the Commission at the beginning of 2017 if the agreement is approved.

Judge Boyd moved that the Commission enter into the legal counsel memorandum of understanding provided by Chair Fisher. Mr. Eaman seconded. The motion carried.

Executive Director Report

Mr. Sacks presented the Commission with options for moving forward with the standards process. The Commission discussed these options.

Judge Boyd moved to accept the changes the Michigan Supreme Court made to the Commission’s first four standards. Mr. Puerner seconded. The motion carried.

Judge Boyd moved to authorize the Chair to send a letter to the Court thanking the Court for its conditional approval, advising the Court that the legislation has passed both chambers and is awaiting Governor Snyder's signature, and requesting final approval of the first set of standards subject to all of the provisions in the MIDC Act. Mr. Walker seconded the motion. The motion carried.

Judge Boyd moved to submit standards 1 – 4 to the Director of the Michigan Department of Licensing and Regulatory Affairs (LARA) with a letter indicating two public hearings have been held on the standards and the Commission has formally adopted the version of the standards conditionally approved by the Court. Mr. Shea supported the motion. The motion carried.

Mr. Sacks read a **THE ATTACHED** list of the activities that staff would like to take now that the legislation has passed. Mr. Swor moved to approve staff members' upcoming activities. Mr. Walker seconded the motion. The motion passed. (**SEE ATTACHMENT 1 FOR DETAILS**).

The Commission reviewed the proposed document entitled "Delivery System Reform Models." Mr. Eaman moved that the Commission publish and distribute the document. Ms. Robinson seconded the motion. The motion carried.

Mr. Sacks indicated that the meeting with the State Court Administrative Office's Regional Directors and MIDC staff members would be held on January 26, 2017. Ms. McCowan discussed the agenda for the meeting and invited Commission members to contact her if they were interested in attending the meeting. All members of the Commission are welcome to attend and some have already indicated interest.

The Commission discussed the potential for discretionary grants to indigent defense delivery systems and the necessity for a process to review and approve these grants.

Ms. Robinson **MOVED TO AUTHORIZE** ~~authorized~~ staff to draft a process for discretionary grants and to bring this proposal before the Commission for discussion in February. Mr. Puerner seconded. The motion carried.

The Commission continued its discussion from the October 2016 meeting about a potential caseload study request for proposals (RFP).

Judge Boyd moved to approve the RFP subject to the necessary approval or modification by LARA. Mr. Puerner seconded the motion. The motion carried.

Mr. Sacks will work on internal operating procedures (IOPs) and will review these with Ms. Smith from the Attorney General's office. Mr. Puerner requested that Mr. Sacks give the Commission the copy of the IOPs that are submitted to Ms. Smith.

Business Agenda

The Commission moved to item 7c from its Business Agenda, Budget Amendment. Mr. Sacks and Ms. Westrate described the proposed amendment which would fund a sixth Regional Manager at no additional cost to the Commission. Funding had been moved from the insurance line item to cover the cost of this employee.

Judge Boyd moved that the budget amendment be adopted. Mr. King seconded the motion. The motion carried.

The Commission discussed the staff salary matrix and policies. Mr. Puerner requested one document that regulates the administration of the agency. This document should include job descriptions, IOPs, and any performance metrics used to evaluate employees. **JUDGE BOYD ASKED THAT STAFF VERIFY HOW THE CIVIL SERVICE COMMISSION AWARDS COST OF LIVING ADJUSTMENTS AND STEP INCREASES, AND WHETHER THESE INCREASES ARE MADE IN THE SAME YEAR. STAFF WILL REPORT FINDINGS TO THE COMMISSION.**

Judge Boyd moved to strike #3 on the Proposed Staff Salary Schedule narrative which stated “In exceptional circumstances, the Executive Director requests the authority to increase a salary by more than one step, with the review of the Chair.” He further moved to replace this language with “All pay increases shall be submitted to and approved by the MIDC before taking effect.” Mr. Eaman supported the motion. The motion carried.

Mr. Shea moved that the proposed staff salary matrix be approved. Mr. Eaman supported. After discussion, Mr. Shea withdrew his motion and Mr. Eaman withdrew his support.

Judge Boyd asked that a new matrix be prepared that includes the steps for the entire salary range, and not just from current employees’ salaries.

Mr. Shea moved that a revised salary matrix be presented to the Commission in February. Mr. Eaman seconded the motion. The motion carried.

Mr. Eaman moved that the Commission approve staff salaries for the current fiscal year as listed in the chart provided to the Commission. Mr. Walker supported the motion. The motion carried.

Mr. Shea moved that the Commission approve the web portal contract and spending, as well as the leases for the Lansing and Traverse City offices. Mr. Eaman supported the motion. The motion carried.

Mr. Sacks and Ms. Westrate updated the Commission on potential costs to MIDC of the Department of Justice grant that was approved by the Commission in October. These costs are potentially offset by grand funding for indirect costs that the MIDC will receive.

Judge Boyd moved that the grant spending be approved. Ms. Motley supported the motion. The motion carried.

Mr. Walker moved that the Commission go into a closed session to discuss personnel reviews for Jonathan Sacks and Jonah Siegel. Mr. Sacks and Mr. Siegel each submitted requests for their reviews to be considered in a closed session. Mr. Puerner supported the motion. The Chair asked for a roll call vote. The motion passed, the following members voting to support the motion: Chair Fisher, Judge Boyd, Ms. Diehl, Mr. Eaman, Mr. Lindsey, Mr. King, Mr. McMillin, Ms. Motley, Mr. Oeffner, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa, Mr. Swor, and Mr. Walker.

The Commission moved into closed session at 3:36 pm.

Mr. Walker moved that the Commission return to open session. Ms. Motley seconded the motion. Chair Fisher asked for a roll call vote. The motion passed, the following members voting to support the motion: Chair Fisher, Judge Boyd, Ms. Diehl, Mr. Eaman, Mr. Lindsey, Mr. King, Mr. McMillin, Ms. Motley, Mr. Oeffner, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa, Mr. Swor, and Mr. Walker.

The Commission returned to open session at 4:21 pm.

The Commission moved that Mr. Sacks be awarded a 3% salary increase to account for the cost of living adjustments that were not awarded to the Executive Director for the 2016 and 2017 fiscal years. The motion carried.

Judge Boyd moved that Mr. Siegel be given a second step increase for the 2017 fiscal year. Mr. Eaman seconded the motion. The motion carried.

Ms. Robinson moved that the 2017 meeting dates be approved and posted. Mr. McMillin seconded the motion. The motion carried.

The Commission returned to a discussion about the Compliance Plan Committee. The following members were appointed to the committee: Judge Boyd, Mr. McMillin, Mr. Oeffner, Ms. Robinson, and Mr. Shea.

Mr. Eaman moved to adjourn. Mr. Shea seconded. The meeting adjourned at 4:36 pm.

Respectfully submitted,
Marcela Westrate

ATTACHMENT 1

December 20, 2016 Commission Meeting – List of future activities

Minimum Standards

- At the Commission meeting, options presented as to submission and implementation of the four conditionally approved minimum standards and the four draft minimum standards.
- Staff has prepared an RFP for a statewide study to help inform the draft standard on public defense workloads.
- Earlier this year, the Commission approved release of the first MIDC survey of defense attorneys. This survey will be ready for release next year.
- With modest revisions and updates, the Commission can release White Papers for the first four standards.
-

Department of Licensing and Regulatory Affairs (LARA)

- Following an introductory meeting, LARA indicated that they would wait until the amending legislation passed before beginning MIDC's transition. They are now working with Supreme Court finance to assure a proper transition for expenses, payroll, and personnel issues.
- MIDC staff will work with LARA on other administrative transition issues including contracting, civil service requirements, and departmental policies.
- When the Commission makes a decision as to next steps for submission of standards, the Executive Director will set a meeting with the Director of LARA and the Chair to discuss the process for submission and approval of standards.

Michigan Supreme Court / State Court Administrative Office

- As the legislature has complied with the Supreme Court deadline of December 31, 2016, the Court will likely make a decision on the status of the conditionally approved standards.
- The Executive Director will schedule a meeting with the State Court Administrator and Supreme Court legal counsel to update on MIDC activities, cooperation working with SCAO regionals in courts, indigent defense developments in certain counties, and to discuss any questions stemming from these issues.
- The Executive Director also intends to update SCAO on MIDC research initiatives and continue discussions aimed at allowing MIDC access to the Judicial Data Warehouse.
- The MIDC / SCAO meeting on systems development and compliance is scheduled for January 26.

Funding Units / Local Systems

- The Executive Director will continue communication with Michigan Association of Counties (MAC) on messaging to constituents as to the new legislation and a presentation to the MAC Spring conference.
- MIDC Regionals will continue meeting with county commissioners, administrators, and other staff and stakeholders.
- MIDC staff will conduct similar outreach to the Michigan Municipal league and local municipalities that serve as funding units to courts.

Legislature & Executive

- MIDC staff is attempting to place the MIDC on the agenda for the new legislator school in 2017.
- Meet-ups with MIDC staff, interested Commissioners and legislators will restart to discuss the MIDC process and long-term funding of compliance plans.
- Update Executive Branch

Media

- As the new legislation is enacted and minimum standards are formally submitted, the Commission should consider a formal press release and other initiatives to generate publicity to advance these goals. Staff will provide *informal* messaging as requested and appropriate and will place relevant updates on the MIDC website for public access.



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
February 21, 2017
Time: 1:00 PM

Commission Members Present

Michael Puerner, Vice Chair, Judge Thomas Boyd, Thomas Clement (joined at 1:30 pm), Frank Eaman, Derek King, Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner, Brandy Robinson, David Schuringa, and John Shea.

Participating Electronically

Nancy Diehl, Gary Walker

Commission Members Absent

James Fisher and William Swor

Members of the Public Present:

Peter Cunningham, Judge Debra Nance, Kay Perry, Bridget Smith

Staff Members Present

Jonathan Sacks, Ashley Carter, Claire Corsey, Christopher Dennie, Tanya Grillo, Kathy Lloyd, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Marcela Westrate, and Barbara Klimaszewski (via video).

The meeting was called to order at 1:09 pm.

Introduction of Commission members and guests

Mr. Sacks introduced staff members and guests. Mr. Puerner introduced and welcomed Assistant Attorney General Bridget Smith who will service as counsel for the Commission.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Report from the Vice Chair

In Judge Fisher's absence, Mr. Puerner served as Chair for the meeting. He reviewed the report Judge Fisher submitted to the Commission members prior to the meeting. As noted in the report, Judge Fisher met with Chief Justice Steven Markman and provided the Chief Justice with background materials about the Commission. These materials were provided to each member for their reference.

Executive Director Update

Mr. Sacks gave an overview of the office's activities since the last meeting. He continues to work with Ms. Smith on internal operating procedures (IOPs) and will have a proposal before the Commission for its consideration in April.

Meetings with the Department of Licensing and Regulatory Affairs (LARA) regarding the transition to that Department are ongoing. MIDC will continue its operations under the Judicial Branch for the current fiscal year and will make the change to LARA formally beginning October 1, 2017. Judge Boyd asked whether the employees would be classified under Michigan's Civil Service Commission. LARA has an agreement with the State Court Administrative Office that the MIDC employees would continue to be Judicial Branch employees prior to transition to civil service.. MIDC is working with LARA's press office and its Office of Public and Legislative Affairs.

Mr. Sacks introduced Tanya Grillo who will serve as the Regional Manager for Oakland, Lapeer, Macomb, and St. Clair Counties. Ms. Grillo is currently working part-time and will begin working full-time in March. The MIDC hired Kathy Lloyd to fill the role of Administrative Assistant. The Grant Manager position has been posted and Mr. Sacks plans to post the Northern Michigan Regional Manager position next week.

The Governor's Executive Recommendation for the 2018 fiscal year included \$2.4 million in appropriations for the MIDC's operations. This is the amount that was approved last year, adjusted for economic increases.

Mr. Sacks is meeting with staff from the Michigan Association of Counties (MAC) and the Michigan Municipal League. These organizations have both been helpful in distributing information to their membership and in connecting local officials with the MIDC's Regional Managers. MAC invited the MIDC to put together a panel for the organization's March conference. Judge Fisher, Mr. Sacks, Mr. Oeffner, and Mr. Dennie will participate.

Mr. Sacks submitted a request for Ms. McCowan to attend the National Association of Public Defenders Executive Leadership Institute in Frankfort, Kentucky from April 2 – 5, 2017. The conference cost is estimated to be \$1065. This amount includes registration fee, hotel, car rental, and meals at the State of Michigan's meal reimbursement rate.

Ms. Robinson moved that the proposed travel be approved at the estimated rate. Mr. Lindsey seconded the motion. The motion carried, all members participating approved the motion.

Business Agenda

Judge Boyd and Mr. Shea submitted amendments for the December 20, 2016 open session minutes. Judge Boyd moved that the minutes be approved as amended. Mr. Shea seconded the motion. The motion carried, all members participating approved the motion.

Mr. Shea moved that the closed session minutes from December 20, 2016 be approved. Mr. King seconded the motion. The motion carried, all members participating approved the motion.

Judge Fisher requested that Mr. Sacks draft and present a strategic plan for the Commission's review. Mr. Sacks gave the Commission an overview of the plan. The Commission discussed the plan. Members were encouraged to continue to review the plan and provide feedback.

Dr. Siegel gave the Commission an overview of the Research Agenda and follow-up on the attorney survey. The survey has been updated to reflect the new framework for the adoption of standards by LARA.

Judge Boyd moved that the Research Agenda be approved. Mr. Shea seconded the motion. The motion carried, all members participating supported the motion.

The Commission discussed the agency's draft Annual Report. Members made amendments to the report. Mr. Eaman moved that the Annual Report be approved as amended and published. Judge Boyd seconded the motion. The motion carried, all members participating supported the motion.

Draft whitepapers addressing each standard were distributed to members for review. The Commission discussed the whitepapers and the timeline for releasing them.

Judge Boyd moved to approve and publish the whitepapers after the footnotes have been finalized and the language regarding confidentiality has been added to the Standard 4 document. Mr. King supported the motion. The motion carried, all members participating supported the motion.

The Commission discussed draft versions of the next set of standards. Mr. Sacks recommended that the standing committees be reconvened to review and modify the standards. He suggested that revised standards be circulated to the full Commission in March and considered at the April meeting.

Mr. Sacks presented a process for considering and approving discretionary grants using carryover funds from the 2016 fiscal year. These grants would be one-time awards made to innovative ways to improve indigent defense.

The Commission discussed MCL 780.933(2), which allows indigent criminal defense systems to submit estimates for the costs of developing compliance plans. These estimates could be approved by the MIDC and systems could be reimbursed for developing compliance plans and associated costs analyses.

Judge Boyd moved to use \$500,000 of the funds from the 2016 fiscal year to fund estimates submitted under MCL 780.933(2) ~~for the first 30 days of the 180-day compliance plan period. And, after the 30-day period has passed, to use any balance in the work project to fund discretionary grants.~~ Mr. Shea seconded the motion. The motion failed, the majority of members voted no on the proposal.

Mr. Puerner moved that the MIDC accept the staff recommendation to conditionally award cost-of-development grants upon approval of estimates, and the grants be approved and awarded as part of the compliance plan process. He further moved that the MIDC approve the draft discretionary grants process. Mr. Shea seconded the motion. Judge Boyd abstained from voting. The motion carried, the majority of members supported the motion.

Mr. McMillin updated members on the Compliance Committee's work. Staff worked to present the committee with a proposed process for accepting and reviewing the compliance plans prior to the plans being forwarded to the full Commission for its approval. The Compliance Committee will present a final document for the Commission's approval in April.

Mr. Sacks presented three potential grant opportunities that would fund additional MIDC projects. Members were given additional details about the grants. Mr. Puerner asked Mr. Sacks to detail how the opportunities would support the MIDC's core work and core mandates.

The first proposal would be an evaluation of first appearance compliance plans funded by the Department of Justice's Byrne/JAG Grant process. The second proposal is an opportunity suggested by the National Legal Aid and Defender Association (NLADA), who requested that the MIDC partner with NLADA on a mentorship project. The MIDC helped identify northern Michigan as a place with an assigned counsel process in a rural area. The third proposal would fund an item on the Research Agenda that was approved earlier in the meeting. The Urban Institute is interested in partnering with the MIDC on an Evaluation of Delivery Systems Research Project funded by the W.E.B. Du Bois Program of Research on Race and Crime. Through a combination of administrative data analysis and interviews, the MIDC research team will glean best practices from various systems in Michigan. Several counties have already indicated interest in participating.

Judge Boyd moved that MIDC staff be authorized to pursue all three proposals. Mr. Eaman supported the motion. The motion carried, all members supported the motion.

The Commission discussed the timeline for reviewing and approving compliance plans. Extra meetings may need to be scheduled. Members asked that the Chair give the Commission guidance in April.

Mr. McMillin moved that the meeting adjourn. Ms. Diehl seconded the motion. The motion carried, all members supported the motion.

The meeting was adjourned at 4:33 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
April 18, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (joined at 1:30 pm), Nancy Diehl, Derek King, Tom McMillin, Shela Motley, Kevin Oeffner, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea.

Participating via Telephone

Frank Eaman and William Swor

Commission Members Absent

Richard Lindsey and Gary Walker

Members of the Public Present:

Peter Cunningham, Kay Perry, and Bridget Smith

Staff Members Present

Jonathan Sacks, Ashley Carter, Claire Corsey, Christopher Dennie, Tanya Grillo, Kathy Lloyd, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Marcela Westrate, and Jana Mathieu (via telephone).

The meeting was called to order at 1:02 pm.

Introduction of Commission members and guests

Commission members introduced themselves. Chair Fisher asked staff to introduce themselves.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were three additions to the Business Agenda:

- j. Request that the Chair draft a letter in support of the Sixth Amendment Center's DOJ grant
- k. Increase salary for Grant Manager position; and

1. Discussion of additional commission meetings.

Report from the Chair

Chair Fisher updated the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) about his activities since the last meeting. He has been in contact with the Governor’s office regarding the four members whose terms expired April 1, 2017. Ms. Motley requested that her appointment not be renewed. She will continue to serve until a successor is appointed. Chair Fisher thanked Ms. Motley for her service to the Commission.

Executive Director Update

LARA: Standards, administration and policy

Mr. Sacks and Ms. Westrate met with Department of Licensing and Regulatory Affairs (LARA) officials regarding the potential approval of standards. Mr. Sacks is hopeful that the standards will be approved by the beginning of May. As the MIDC continues making the formal transition to LARA several administrative issues have been identified. Mr. Sacks will keep the Commission apprised of these issues as they arise. LARA’s Office of Policy and Legislative Affairs (OPLA) has been assisting the MIDC with legislative meetings. OPLA Director Frank Waters has been attending MIDC’s legislative meetings at LARA’s request.

State Budget Office

Mr. Sacks gave the Commission an overview of his April meeting with State Budget Director Al Pscholka, LARA Director Shelly Edgerton, LARA Chief Financial Officer Allan Pohl, and State Budget Office (SBO) staff members. The SBO requested an estimate of the cost of compliance plans. Mr. Sacks presented potential estimates based on several different models. The Regional Managers are working on calculating the local shares in their particular counties, and will look at how much work various systems must do to be in compliance with the first set of standards. Mr. Sacks will give this information to the SBO and LARA.

Personnel

Jana Mathieu was hired for the Northern Michigan Regional Manager position. Her start date will be May 1, 2017. Rebecca Mack will serve as the Grant Manager. She will start at the beginning of June. MIDC Policy Associate Claire Corsey has accepted a position with the Maryland Office of the Public Defender. Her last day at the MIDC will be April 28, 2017.

Appropriations

The House and Senate LARA appropriations subcommittees reported bills to the full Appropriations Committee. Both chambers included funding for the MIDC in the amount recommended by Governor Snyder in his Executive Recommendation. Mr. Sacks will continue updating members as the budget process continues.

Michigan Association of Counties (MAC)

Chair Fisher, Mr. Oeffner, Mr. Sacks, and Mr. Dennie participated on a panel at MAC’s Annual Legislative Conference. The panel was well attended.

Attorney Survey release

Mr. Sacks discussed potential timing for release. The survey may be released shortly after the standards are approved. Several changes have been made to the document and a redlined version was distributed to members to review. Mr. Sacks will work with commissioners to distribute the report to their constituencies.

Grant updates

Mr. Sacks updated the Commission on the National Legal Aid and Defender Association's proposed mentor program which will take place in the Upper Peninsula. The Urban Institute has applied for a Department of Justice Grant to look at indigent defense systems in Michigan and compare defender offices with assigned counsel systems. MIDC would work with the Urban Institute on this grant. Mr. Sacks met with staff at the Michigan State Police who administer the Byrne JAG grant. The MIDC will not apply for the 2018 fiscal year, but will apply for the next fiscal year. In turn, the State Appellate Defender Office will not apply for the grant the next fiscal year.

June staff travel

Mr. Sacks requested the Commission's approval of travel to the American Council of Chief Defenders conference in Baltimore in June. Jonah Siegel will attend a conference on holistic indigent defense, but his expenses are being covered by the conference. Paige Pearson will attend that same conference and her travel will be covered by the MIDC's Department of Justice Grant.

Judge Boyd moved that the travel request be approved. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Wayne County

Mr. Sacks updated the Commission on recent Wayne County meetings. The county is working to establish a new roster system. Ms. Diehl, Mr. Eaman, and Ms. McDoniel attended various meetings to discuss Wayne County's reforms.

Business Agenda

Approval of minutes from February meeting

Judge Boyd requested that the minutes be amended. On page 4, in the first paragraph, the statutory citation be changed to MCL 780.993(2) and the balance of that sentence be struck.

Mr. Swor moved that the minutes be amended. Mr. Puerner seconded the motion. The motion carried, all members participating unanimously supported the motion.

Mr. Swor moved that the minutes be adopted as amended. Mr. Puerner seconded the motion. The motion carried, all members participating unanimously supported the motion.

Discussion of Draft Standards

The standard on economic incentives and disincentives will be discussed at the June 20, 2017 meeting. The MIDC's Research Unit will calculate a suitable standard hourly pay rate to present at the June meeting.

Standard 5 - Independence

Ms. Diehl reported on the Selection Standard Committee's activities and changes made since the draft was last discussed. The Commission discussed the standard and potential conflict with court rules. Judge Boyd indicated that he is working with Michigan Supreme Court Administrative Counsel Anne Boomer on potential court rule amendments. Commissioners suggested amendments to the standard.

Ms. Diehl moved that Standard 5 – Independence be amended as discussed. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Ms. Diehl moved that the amended version of the standard be adopted by the Commission. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Standard 6 – Indigent Defense Workloads

Mr. Puerner gave an overview of the Performance Standards Committee's work and changes since the last time the standard was discussed. The Commission discussed the standard and suggested amendments.

Mr. Puerner moved that the amendments be adopted. Mr. King seconded the motion. The motion carried, all members participating unanimously supported the motion.

Mr. Puerner moved that the amended version of the standard be adopted by the Commission. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Standard 7 – Qualification and Review

Ms. Robinson updated the Commission on the Training and Evaluation Committee's work and changes that were made to the draft since the last time the standard was discussed. The Commission discussed the standard and suggested amendments.

Ms. Robinson moved that the suggested amendments to Standard 8 be adopted, and that the standard be renumbered to Standard 7 since the former Standard 7 has been placed on hold. Ms. Motely seconded the motion. The motion carried, all members unanimously supported the motion.

Ms. Robinson moved that the amended version of the standard be adopted by the Commission. Ms. Motely seconded the motion. The motion carried, all members unanimously supported the motion.

Judge Boyd moved that an additional amendment be made to Standard 5 – Independence to make that standard consistent with the Qualification and Review standard. Mr. Shea supported the motion. The motion carried, all members participating unanimously supported the motion.

Strategic Plan

Mr. Sacks and Ms. McCowan drafted a revised version of the Strategic Plan. Mr. Sacks updated the Commission on the revisions. Chair Fisher asked for volunteers to work with Ms. McCowan on revising the plan. Mr. Shea, and Dr. Schuringa will work with Ms. McCowan.

Compliance Plan Process

Mr. McMillin updated the Commission on the Compliance Committee's activities and presented a draft summary document that may be distributed to local systems. The Commission discussed the compliance process.

Ms. Diehl moved that the discussion be tabled so that the newly-hired Grant Manager could review the process and modify as necessary. Ms. Robinson seconded the motion. The motion carried, all members participating unanimously supported the motion.

Degree and types of technical assistance

This item was requested by Mr. Walker. In his absence it was removed from the agenda and will be discussed at a later date.

Internal Operating Procedures (IOPs) and Bylaws

Mr. Sacks introduced the draft IOP document. He presented the draft to Bridget Smith, the Commission's legal counsel, and that she had suggested some modifications. Ms. Smith and Mr. Sacks answered questions about the document.

After discussion, Judge Boyd moved that the item be tabled. Mr. Shea seconded the motion. The motion carried, all members participating unanimously supported the motion.

Salary matrix

A revised salary matrix was presented to the Commission for its information. The document uses the Civil Service Commission's titles and steps in pay.

Web Portal storage expenses

Mr. Sacks requested that the Commission approve \$4400 for web portal storage expenses that were unanticipated when the Commission approved the budget for the current fiscal year.

Ms. Diehl moved to approve spending \$4400. Mr. Shea supported the motion. The motion carried, all members participating unanimously supported the motion.

Policy Associate/Interim Regional Manager – Proposed supplemental compensation

Mr. Sacks asked that the Commission approve supplemental compensation in the amount of \$2500 for Claire Corsey since she agreed to fill the role of Regional Manager for Northern Michigan on an interim basis. The Commission discussed how the amount was calculated.

Ms. Diehl moved to approve the \$2500. Dr. Schuringa seconded the motion. The motion carried. Commissioners Fisher, Diehl, Eaman, McMillin, Motley, Oeffner, Puerner, Robinson, Shea, Schuringa, and Swor supported the motion. Judge Boyd opposed the motion.

Request that the Chair draft a letter in support of the Sixth Amendment Center’s DOJ grant

Judge Boyd contacted the Governor’s office to obtain a letter in support of the Sixth Amendment Center’s activities and work in Michigan. Judge Boyd asked that Chair Fisher be authorized to cosign the Governor’s letter or to draft a separate letter on behalf of the Commission in support of the Sixth Amendment Center’s work.

Ms. Diehl moved that Chair Fisher be given this authorization. Ms. Motley seconded the motion. The motion carried, all members participating unanimously supported the motion.

Increase in salary for Grant Manager position

Mr. Sacks started salary negotiations with Rebecca Mack for the Grant Manager position. The Commission previously authorized \$75,000 annually for the position. He would like authorization to offer Ms. Mack \$81,348.80.

Judge Boyd moved to give Mr. Sacks authorization to offer this salary. Ms. Diehl seconded the motion. The motion carried, all members participating unanimously supported the motion.

Additional meetings

The Commission discussed the potential for additional meetings to discuss compliance plans. The Commission will continue this discussion in June.

Mr. Puerner moved that the meeting be adjourned. Ms. Motley seconded the motion. The motion carried. The meeting adjourned at 5:15 PM.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
June 20, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (joined at 1:30 pm), Frank Eaman
Derek King (joined at 1:08 pm), Richard Lindsey, Tom McMillin, Shela Motley, Kevin Oeffner,
Michael Puerner, Brandy Robinson, David Schuringa, John Shea, and Gary Walker.

Participating via Telephone

Nancy Diehl

Commission Members Absent

William Swor

Members of the Public Present:

Robert Boruchowitz, Peter Cunningham, Jerry Hardesty, Kay Perry, ~~Bridget Smith~~, Shelli Weisberg

Staff Members Present

Jonathan Sacks, Ashley Carter, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca
Mack, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Marcela Westrate, and Jana
Mathieu (via telephone).

Bridget Smith, Assistant Attorney General

The meeting was called to order at 1:03 pm.

Public comment

No members of the public wished to comment.

Additions to the agenda

There were no additions to the agenda.

Report from the Chair

Chair Fisher updated the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) about his activities since the last meeting. Chair Fisher noted that the State Budget Office (SBO) had drafted potential changes to the MIDC Act. After discussion with the Governor’s legal counsel, it was decided that there will be discussions this summer with various interest groups to address issues raised.

The Supreme Court appointed Justice Bernstein as its liaison with the MIDC. Mr. Clement will continue as the Chief Justice’s designee on the Commission. Chair Fisher is in the process of scheduling a meeting with Justice Bernstein to discuss the MIDC’s activities.

Executive Director Update

LARA: Standards approval

Mr. Sacks stated that since the 180-day clock started with the May 22, 2017 approval of the first set of standards, things are moving quickly at the MIDC office. The due date for compliance plans is November 20, 2017. Mr. Sacks will continue to meet with the Department of Licensing and Regulatory Affairs (LARA) to finalize the details of the MIDC’s transition to LARA. The transition will be finalized on October 1, 2017.

Legislative Meetings

Mr. Sacks and Ms. Westrate are continuing meetings with legislators. LARA is scheduling the meetings and the Office of Policy and Legislative Affairs attends to learn more about the MIDC.

Personnel

Mr. Sacks welcomed Rebecca Mack to the MIDC as Grant Manager. An Administrative Assistant will start employment July 24. The Policy Associate position is currently posted. Mr. Sacks congratulated Ms. Grillo on being awarded the President’s Award by the Women Lawyers Association of Michigan.

Economic Disincentives or Incentives Standard

Work on the standard continues and the standard will be released at the August meeting. The standard will recommend an hourly rate, and staff is currently working on a recommendation for the Commission’s consideration. The MIDC recently released an attorney compensation survey to determine the costs of representing indigent clients. Mr. Sacks thanked Mr. Eaman and Mr. Puerner for their help.

Compliance Planning

The Regional Managers regularly receive requests for models for compliance and requests for examples of written plans. Mr. Sacks indicated that staff will work to draft these plans and will have them available for the Commission to review in August or in July if an additional meeting is added. Staff is working on a list of allowables and disallowables which will guide systems in creating cost-effective plans. Mr. Sacks discussed the potential for clearinghouse compliance plans with Standards

1 and 3. One potential reason for standard one is assisting with access to trainers. For systems that do not have a public defender office or an assigned counsel system, a clearinghouse compliance plan for standard 3 could increase efficiencies by have a person act as a gatekeeper. North Carolina has a model that MIDC could use. There are issues associated with this plan that will have to be resolved.

Attorney survey release

The Attorney Survey was previously approved for publication by the Commission. Mr. Sacks indicated that it will be released to stakeholders soon, in conjunction with the comment period on the second set of standards.

Grant updates – NLADA mentorship

The work on the MIDC's Social Worker Sentencing Project is on-going. The National Legal Aid and Defender Association (NLADA) chose Marquette as the site for one of its mentorship programs. Meetings are next week, and MIDC will participate.

Staff Report – Field Update and Inventory

Ms. McCowan updated the Commissioners on the work that the Regional Managers have been doing. She discussed the complications with determining local share. She also discussed the obstacles that the Regional Managers have been facing in their respective regions.

Guest Speaker – Professor Robert C. Boruchowitz, Defender Initiative, Seattle University School of Law

Professor Boruchowitz conducted court watching in several counties. He updated the Commission on his observations and potential problems. He discussed the Berrien County system in detail.

Business Agenda

Consent Agenda

Judge Boyd moved that the following four items on the Consent Agenda be approved: the minutes from the April 2017 meeting, longevity pay for Mr. Sacks and Ms. McCowan, DiSC Teamwork for staff members, and out-of-state travel for Dr. Siegel. Mr. Shea seconded the motion. The motion carried; all members participating unanimously supported the motion.

Strategic Plan

The Commission discussed the draft Strategic Plan. Commissioners discussed potential changes.

After discussion, Mr. Eaman moved to table the Strategic Plan and to continue working on it to address changes raised by members of the Commission. Ms. Motley seconded the motion. The motion carried, all members participating unanimously supported the motion.

Internal Operating Procedures (IOPs) and Bylaws

Bridget Smith, the MIDC's Legal Counsel from the Attorney General's office, answered questions about the revised IOPs that were distributed to Commissioners. Commissioners discussed the IOPs and recommended changed.

After discussion, Mr. Eaman moved that the IOPs be approved with the amendments made by the Commission. Mr. King supported the motion. The motion carried, all members participating unanimously supported the motion.

The Commission reviewed the Bylaws, which were amended at a previous meeting. Mr. Walker moved that the Bylaws be adopted as amended. Mr. Eaman seconded the motion. The motion carried, all members participating unanimously supported the motion.

Grants and Compliance Plans

Ms. Mack presented revised documents to the Commission for its review. She described her proposed discretionary grant process and timeline. If this is approved, grant applications will be due to the MIDC by July 28. Applications would be reviewed and presented to the Commission for its approval at the August meeting. Awards would be made out of the MIDC's carry forward funding.

Mr. McMillin moved that the Discretionary Grants Application be approved and published. Mr. Eaman seconded the motion. The motion carried. The following members ~~supported~~ SUPPORTED the motion: Chair Fisher, Ms. Diehl, Mr. Eaman, Mr. Lindsey, Mr. King, Mr. McMillin, Ms. Motley, Mr. Oeffner, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa, and Mr. Walker. Judge Boyd opposed the motion. The motion carried, a majority of members participating supported the motion.

The Commission discussed the Compliance Plan and Cost Analysis Guidelines. Changes were recommended to various sections of the document.

Mr. Shea moved that the Compliance Plan and Cost Analysis Guidelines be approved with the amendments that were discussed, and that the Commission delegate to staff the modification of the paragraph requiring a licensed attorney to manage and supervise attorneys in a managed assigned counsel system. He further moved that the revised document be formally published and distributed. Mr. Eaman seconded the motion. The motion carried; all members participating unanimously supported the motion.

Research Reports

Mr. Walker moved that the Huron County Counsel at First Appearance and the Attorney Caseload Distribution Research Brief both be approved and published. Mr. Eaman seconded the motion. The motion carried, all members participating unanimously supported the motion.

Caseload Request for Proposals

Mr. Sacks, Dr. Siegel, Ms. Westrate, and Mr. Sadler reviewed each proposal that was submitted to the MIDC. Staff members recommend that the Commission approve the RAND Corporation as the vendor to conduct the caseload study.

Judge Boyd moved that the Commission accept the recommendation and approve the RAND Corporation as the caseload study vendor. Mr. Oeffner seconded the motion. The motion carried, all members participating unanimously supported the motion.

Next meeting

Mr. Sacks recommended that a July meeting be added. Several dates were offered and Commissioners indicated their availabilities. The Commission added a meeting on July 31, 2017 at 1:00 PM at the MIDC offices.

Mr. Shea moved that the meeting be adjourned. Mr. Eaman seconded the motion. The motion carried, all members participating unanimously supported the motion.

The meeting adjourned at 4:51 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
Special Meeting
July 31, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Frank Eaman, Joseph Haveman, Michael Puerner, David Schuringa, and John Shea, ~~and Gary Walker~~

Participating via Telephone

Thomas Clement, Nancy Diehl, Derek King, Shela Motley, Brandy Robinson, ~~and~~ William Swor (joined at 2:12 pm), AND GARY WALKER

Commission Members Absent

Tom McMillin

Members of the Public Present:

Kevin Bowling, Malcolm Brown, Barbara Caskey, Peter Cunningham, Michael Day, Justin Dickman, Richard Lynch, John Nizol, Ramona Sain, Marianne Talon, Andy Thalhammer, Drew VandeGrift, Shelli Weisberg

Staff Members Present

Jonathan Sacks, Ashley Carter, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Marla McCowan, Kelly McDoniel, Marcela Westrate, and Jana Mathieu (via telephone)

The meeting was called to order at 1:03 pm.

Chair Fisher welcomed new member Joseph Haveman to the Michigan Indigent Defense Commission (“MIDC” or “the Commission”).

Public comment

No members of the public wished to comment.

Additions to the agenda

Chair Fisher added one item to the agenda, the resignation of Kevin Oeffner from the Commission.

Kevin Oeffner notified the Governor Snyder and the Commission of his resignation.

Dr. Schuringa moved that the resignation be accepted. The motion carried.

Judge Boyd moved that Chair Fisher draft a letter to Mr. Oeffner indicating the Commission's sincere gratitude for the work Mr. Oeffner did on the Commission's behalf. Judge Boyd further moved that a copy of the letter be transmitted to the Chief Judge of the Oakland County Circuit Court. The motion carried.

MIDC Lawsuit

Mr. Sacks gave the Commission an overview of the suits filed by Oakland and Macomb Counties. The Attorney General's Office will give a presentation at a future meeting.

The Attorney General's office drafted a Memorandum of Understanding (MOU) detailing the costs of defending against the Oakland County lawsuit.

Judge Boyd moved that the Commission approve the MOU. Mr. Puerner seconded the motion. The motion carried.

Approval of June 20, 2017 minutes

Judge Boyd moved that the minutes be approved with two amendments. Mr. Shea seconded the motion. The motion carried.

Compliance plan application and instructions

The Commission discussed a draft compliance plan application and instructions. Staff highlighted four areas of concern. The Commission discussed each item.

1. Sheriff Expenses for facilitation and administration. Mr. Sacks indicated that the staff recommendation is that sheriff expenses not be included.

Mr. Eaman moved that the staff recommendation be adopted. Mr. Haveman seconded the motion.

The Commission discussed the motion. After discussion the motion failed.

The Commission suggested that language be added to the document indicating that local systems must explain how these costs are reasonably and directly related to indigent defense.

2. Expert and investigator tiers. Mr. Sacks indicated that the staff recommendation is to limit each indigent defense system to a capped amount of funds for investigators and experts based on the total new circuit criminal filings within the jurisdiction in the most recent calendar year.

Mr. Shea moved that the staff recommendation be adopted. Mr. Puerner seconded the motion.

After discussion, the motion carried.

3. Renovation Expenses. Mr. Sacks indicated that the staff recommendation is that these expenses not exceed \$25,000.

The Commission discussed the recommendation

Mr. Shea moved that the staff be given direction that \$25,000 is the maximum that the Commission would feel comfortable approving absent compelling circumstances. The application should indicate that no existing space could be deployed or redeployed to comply with the standard. Judge Boyd seconded the motion.

The motion carried.

4. Calculation of state reimbursement. Mr. Sacks gave the Commission an overview of the problems the Regional Managers were having calculating the local share in some communities. Ms. Mack provided details on how the Commission could decide to include the State's share in the cost analysis.

The Commission discussed the local share and state share calculations.

Mr. Shea moved that staff be guided to instruct compliance plan applicants that the local share be computed without regard to reimbursements. Mr. Puerner seconded the motion.

The Commission discussed the motion.

The motion carried, Judge Boyd AND MR. KING dissented.

Mr. Sacks indicated that MIDC staff would make changes to the model plans and to the compliance plan applications and instructions in connection with the discussion and motions.

Mr. Eaman moved that the compliance plan applications and instructions be approved subject to the changes discussed by the Commission. Mr. Shea seconded the motion. The motion carried. (MOTION WAS RESCINDED AT THE AUGUST 15, 2017 MEETING. PLEASE SEE MINUTES FOR ADDITIONAL INFORMATION.)

Model Plans

Mr. Puerner moved that the model plans be approved subject to the changes discussed by the Commission. Mr. Eaman seconded the motion. The motion carried.

Budget/legislation ad hoc committee

The Department of Licensing and Regulatory Affairs contacted Mr. Sacks to schedule a meeting to discuss potential legislative changes. Chair Fisher appointed an ad hoc committee to work with Mr. Sacks on legislative changes. Judge Boyd, Mr. Haveman, and Mr. McMillin were appointed to the committee.

Innovation grant application update

The MIDC received 16 grants from 14 different counties. Commissioners will review staff recommendations at the August 15, 2017 meeting and vote on awarding these grants.

There being no further business before the Commission Mr. Shea moved to adjourn. Mr. King seconded the motion. The motion carried.

The meeting adjourned at 3:30 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
August 15, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member) Joseph Haveman (arrived at 1:58 pm), Derek King, Tom McMillin, Shela Motley, Michael Puerner, Brandy Robinson, David Schuringa, William Swor and Gary Walker

Participating via Telephone

Nancy Diehl

Commission Members Absent

Frank Eaman, John Shea

Members of the Public Present:

Deena Bosworth, Malcolm Brown, Peter Cunningham, Justin Dickman, Alethia Kasben, John Nizel, Kristina Robinson, Ramona Sain, Marianne Talon, Drew VandeGrift, Shelli Weisberg

Bridget Smith, Assistant Attorney General

Staff Members Present

Jonathan Sacks, Ashley Carter, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public comment

Malcolm Brown offered comments on behalf of Oakland County. Marianne Talon and Kristina Robinson offered comments on behalf of Wayne County.

Additions to the agenda

There were no additions to the agenda.

Report from the Chair

The Executive Committee met prior to the meeting to review the agenda with Mr. Sacks.

Executive Director Report

Mr. Sacks introduced new Policy Associate Kristen Staley and Administrative Assistant Deborah Mitchell. Mr. Sacks noted that Ms. McCowan resigned from the Criminal Defense Attorneys of Michigan Board.

Field Report – Marla McCowan

Ms. McCowan updated the Commission on the Regional Managers' work. She reviewed the areas included in each employee's region and noted the degree to which the funding units have been working with MIDC staff.

Approval of July 31, 2017 minutes

Mr. King moved that item 4 on page 3 be modified to reflect his dissent on the motion regarding reimbursement. Judge Boyd seconded. The motion carried.

Mr. Walker moved that the attendance be modified to reflect his participation via telephone instead of in person. Judge Boyd seconded. The motion carried.

Judge Boyd moved that the minutes be approved as amended. Mr. Swor seconded. The motion carried, Mr. McMillin abstained from the vote since he did not attend the July 31, 2017 meeting.

Approval of FY 2018 budget

Ms. Westrate reviewed the items included in the proposed financial plan. The plan is broken into the following categories of expenditures: Salaries and Wages, Longevity and Insurance, Retirement and FICA, Terminal Leave, Travel, Communications, Contractual Services, Supplies and Materials, and Equipment. Salaries and Wages includes the state's 3% cost of living adjustment that is being assessed to all employees at the beginning of the new fiscal year. The amount is included for all employees except the Executive Director, any increase for that position will be determined by the Commission as part of a performance review. Rent is included in the Contractual Services line following the Department of Licensing and Regulatory Affairs' format.

The Commission discussed the proposal. Dr. Schuringa moved that the financial plan be adopted. Mr. Swor seconded. The motion carried.

Revisiting the Local Share Definition – Motion to Rescind vote from July 31 meeting

Following the July 31, 2017 Commission meeting, staff reviewed the decision to exclude reimbursements from the local share calculation. Mr. Sacks suggested revisiting the decision. The Commission discussed the local share calculation.

Mr. Swor moved that the motion regarding the local share calculation at the July 31, 2017 meeting be rescinded. Mr. Puerner seconded the motion. The motion carried.

Mr. Swor moved that the Commission direct the adoption of an interpretation of local share that subtracted reimbursements from the local share calculation. Judge Boyd seconded. The motion carried.

Final Approval of Application and Instructions and Model Plans

Members of the Commission reviewed the documents.

Judge Boyd moved that the instructions on page 2 be amended by striking “compelling” and inserting “higher due diligence.” Mr. King seconded. The motion carried.

Mr. Puerner moved that language be added to the document indicating that the amounts set in the document are presumed reasonable but variations would be considered on a case by case basis. Judge Boyd seconded. The motion carried.

Mr. Puerner moved that the Application and Instructions and Model Plans be adopted as previously amended. Mr. Walker seconded. The motion carried.

Standard 8 – Economic Incentives and Disincentives and Supporting Publications

Mr. Sacks gave an overview of the proposed standard. Dr. Siegel gave a presentation on the potential amounts that the Commission could adopt for its compensation standard. The Commission discussed the presentation.

Judge Boyd moved that Standard 8 be referred to the Compensation Committee for that Committee’s review and consideration. Mr. Swor seconded. The motion carried.

Innovation Grants – Recommendation and Approvals

The Commission’s senior staff members reviewed the submissions and recommended that the following seven grants be approved:

Allegan-Van Buren	Allegan/Van Buren Regional Indigent Defense Program (RIDP): To explore an innovative regional model regarding the implementation of a joined/hybrid Public Defender Office to provide Indigent Defense Services
Calhoun County	Calhoun County Indigent Defense Intake Study: To identify and develop best practices for the indigent defense intake and reimbursement process to identify the truly indigent, assure integrity of the system and increase compliance with reimbursement orders.

Isabella County	Isabella County Social Worker Screening & Counsel at First Appearance: Determine whether the assistance of a social worker during the pre-arraignment period improves client outcomes at arraignment
Lenawee County	Obtain a consultant that will meet with a client before the initial hearing to address clients' most pressing legal and social needs.
Mecosta County	Feasibility Study of Multi-County Administration of a Managed Appointment Model for Indigent Defense Services: Study the feasibility of joining with 5 other counties to provide a single administrator to manage each county's indigent service plan
Shelby Township	Feasibility Study for the creation of a Managed Assigned Counsel Model for the 3rd Class District Courts of Macomb County: Study the feasibility of joining with the other 3rd Class District Courts in Macomb County to provide a single administrator to manage each of the district court's indigent service plan
Wayne County	Assessment of Metropolitan Justice Center State Defender Office Felony Practice: Obtain the consulting services of The Defender Initiative at Seattle University and its partner The Sixth Amendment Center with the assistance of the National Legal Aid & Defender Association to study SDO's felony representation

The Commission discussed the recommendation.

Mr. Swor moved that the following grants be approved: Allegan-Van Buren (contingent on final budget review), Calhoun (contingent on final budget review), Mecosta County, Shelby Township, and Wayne County. Mr. Walker seconded.

The motion carried, Judge Boyd dissented. Mr. King abstained to avoid a conflict of interest in awarding Calhoun County a grant.

Ms. Robinson moved that the applications from Isabella and Lenewee Counties be approved. Mr. Haveman seconded. The Commission discussed the motion. The motion did not carry.

Lawsuit Update – Attorney General, Licensing and Regulation Division

Mr. Walker moved that the Commission move into closed session subject to MCL 15.268(h). Mr.

Puerner seconded. The Chair called for a roll call vote. The motion carried, the following members supported the motion: Judge Fisher, Judge Boyd, Ms. Diehl, Mr. Haveman, Mr. King, Mr. McMillin, Ms. Motely, Mr. Puerner, Ms. Robinson, Dr. Schuringa, Mr. Swor, and Mr. Walker. The Commission moved into closed session at 3:24 pm.

Ms. Robinson moved that the Commission return to open session. Mr. Puerner seconded. The Chair called for a roll call vote. The motion carried, the following members supported the motion: Judge Fisher, Judge Boyd, Ms. Diehl, Mr. Haveman, Mr. King, Mr. McMillin, Ms. Motely, Mr. Puerner, Ms. Robinson, Dr. Schuringa, Mr. Swor, and Mr. Walker. The Commission returned to open session at 4:02 pm.

Mr. Haveman moved that the Commission meeting be adjourned. Mr. Walker seconded. The motion carried.

The meeting adjourned at 4:04 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
October 17, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Jeffrey Collins, Frank Eaman, Joseph Haveman, Derek King, Tom McMillin (joined at 1:26 p.m.), Michael Puerner, John Shea, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl, Brandy Robinson, and David Schuringa

Commission Members Absent

Thomas Clement

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Peter Cunningham, Justin Dickman, Meghann Keit, John Lindstrom, Richard Lynch, Jim Miller, Kay Perry, Marianne Talon, Drew VanderGrift, Shelli Weisberg

Staff Members Present

Jonathan Sacks, Ashley Carter, Christopher Dennie, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, Marla McCowan, Kelly McDoniel, Chris Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:05 p.m.

Public comment

Malcolm Brown offered comments on behalf of Oakland County. Marianne Talon and Drew VanderGrift offered comments on behalf of Wayne County.

Consent agenda

Mr. Swor moved that the items on the consent agenda be approved. Mr. Haveman seconded the motion. The motion carried.

Report from the Chair

Chair Fisher reviewed a report provided to Commission members. He has appointed Judge Boyd (Chair), Nancy Diehl, and John Shea to the Nominating Committee. The Commission needs a new Secretary to join the Executive Committee.

There are openings on standing and ad hoc committees including Selection and Appointment Standards, Training and Evaluation Standards, and the Data and Best Practices ad hoc committee. Chair Fisher invited people interested to contact Mr. Sacks.

Chair Fisher announced that Mr. Sacks has accepted the Executive Director position at the State Appellate Defender Office. Chair Fisher thanked Mr. Sacks for his work and noted that the Commission is a lot further along than he expected it would be three years ago because of Mr. Sacks' work.

Executive Director Report

Mr. Sacks provided an update on the following items: the Oakland County lawsuit, the transition to the Department of Licensing and Regulatory Affairs (LARA) and work with the LARA Office of Policy and Legislative Affairs.

Mr. Sacks was invited to present before a joint meeting of the House Appropriations Subcommittee on Judiciary and House Appropriations Subcommittee on LARA and Department of Insurance and Financial Services.

Mr. Sacks informed the Commission that the Allegan and Van Buren County Innovation Grant previously approved would not be needed by the counties. The counties intend to use resources that they have to complete preparation for compliance plans.

Mr. Sacks announced that Regional Manager Ashley Carter resigned from her position effective October 24. Ms. Carter accepted a position in Washington, D.C. with a criminal justice organization.

As part of the transition to LARA, all of the Commission's staff has to become classified in Michigan Civil Service Commission (MCSC) positions. Mr. Sacks worked with LARA to draft new position descriptions. Not all of the new positions were approved by the MCSC and a small number of employees have been classified at a lower level than they were when the Commission was housed within the Judicial branch. Employees were also placed on the MCSC's salary schedule. All state employees received a 3% increase effective October 1. All employees except the Executive Director, the State Office Administrator, and the Research Director have a specific pay scale and many employees received step increases as their salaries were placed on that scale. These three positions are on a Pay for Performance schedule. A budget with revised salaries will be before the Commission for its approval in December.

As part of the transition to LARA and the MCSC, Mr. Sacks suggested changes to the Commission's Internal Operating Procedures (IOPs) that would make those procedures consistent with the new procedures required by the State.

Mr. Shea moved to adopt the amendments to the IOPs. Mr. Eaman seconded the motion. The motion carried.

The Commission discussed the MCSC classification of the Executive Director position. Because this position is classified, the MCSC and LARA ultimately approve the salary and any increases. Mr. Sacks stated that it is his belief that the position should be unclassified because that was consistent with the text of the legislation and the Commission's wishes.

Judge Boyd moved to authorize Judge Fisher to contact Governor Snyder's office to request an unclassified position under LARA for the MIDC's Executive Director. Mr. Swor seconded. The motion carried.

Field Report/Compliance Planning

Ms. McCowan updated the Commission on the Regional Managers' work. She reviewed the areas included in each employee's region and noted the degree to which the funding units have been working with MIDC staff on submission of compliance plans.

MIDC Act Amendments

Judge Boyd updated the Commission on the Ad Hoc Legislative Committee's activities. The group has worked with the Michigan Association of Counties to address that organization's concerns.

Judge Boyd moved that the Commission approve the concept of the draft, and that the Ad Hoc Legislative Committee continue working on a final version for Commission approval. Mr. Shea seconded the motion. The motion carried.

Economic Incentives and Disincentives – Standard 8

Mr. Puerner updated the Commission on the Indigence and Compensation Committee's activities, and gave an overview of the draft standards. Mr. Sacks distributed two draft versions of Standard 8 for the Commission's review. The Commission discussed the standards and made amendments to the drafts.

Mr. Shea moved that version two of Standard 8 be approved as amended. Judge Boyd seconded. The motion carried, Mr. Eaman voted in opposition to the motion.

Timing of comments, public hearing, and submission – next set of minimum standards

Mr. Sacks requested that the Commission extend its comment period for the full second set of standards so that additional comments can be solicited for Standards 5-7, and comments can be received on the newly-published Standard 8.

Judge Boyd moved that the Commission's comment period be extended through February 1, 2018. Mr. Puerner seconded the motion. The motion carried.

Discussion of next meeting and potential meetings

Chair Fisher reviewed the process the Commission used to hire Mr. Sacks in 2014. Chair Fisher recommended that the Executive Committee serve as the ad hoc search committee and screen all applications. Chair Fisher suggested that the Commission publish the employment opportunity by October 27, and set a November 30 deadline for applications to be submitted. The Commission will determine who to interview at its December 19 meeting and will hold interviews on January 8, 2018.

The Commission set two tentative special meeting dates. On December 1, 2017 at 10:00 am, the Commission will meet to review compliance plans if plans are available. The Executive Director interviews will occur on January 8 at 10:00 am, and the Commission may also review compliance plans following the interviews if it is necessary to do so.

Mr. Shea moved that the meeting be adjourned. Mr. Swor seconded the motion. The motion carried and the meeting adjourned at 5:02 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
December 19, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Joseph Haveman, Derek King, Tom McMillin, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea

Participating via Telephone

Nancy Diehl and Gary Walker

Commission Members Absent

William Swor

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Beth Dick, Justin Dickman, Justin Hinkley, Frederick Johnson, Mickey Knight, Richard Lynch, Marianne Talon, Drew Vande Grift, Prosecutor Matt Wiese, Prosecutor Kym Worthy, Shelli Weisberg

Staff Members Present

Jonathan Sacks, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, Marla McCowan, Kelly McDoniel, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public Comment

Mickey Knight, representing Muskegon County, introduced Frederick Johnson, Muskegon County Public Defender and Beth Dick, Assistant County Administrator and Director of Finance. Mr. Johnson offered comments on behalf of Muskegon’s compliance plan.

Marquette County Prosecutor Matt Wiese offered comments on behalf of the Prosecuting Attorneys Association of Michigan (PAAM).

Drew Vande Grift offered comments on behalf of Wayne County.

Wayne County Prosecutor Kym Worthy offered comments on behalf of that county.

Malcolm Brown offered comments on behalf of Oakland County.

Eaton County Controller/Administrator John Fuentes offered comments on behalf of that county.

Consent Agenda

Judge Boyd moved that the minutes from the October meeting be adopted. Judge Collins seconded. The motion carried.

Executive Director Report

Mr. Sacks updated the commission on Oakland County's lawsuit. The county has appealed the Court of Claims' decision.

Mr. Sacks, Ms. McCowan, and Ms. Westrate attended meetings with representatives from the Governor's office, the State Budget Office, and the Department of Licensing and Regulatory Affairs (LARA). MIDC staff provided an overview of the types of compliance plans that were received, and highlighted issues that staff anticipated would be addressed by the Commission.

Legislative Workgroup Update

Judge Boyd updated the Commission on the Ad Hoc Legislative Committee's activities. Judge Boyd provided an overview of legislative changes discussed in a workgroup comprised of the Governor's Office, the State Budget Office, LARA, MIDC, and the Michigan Association of Counties.

Nominating Committee

Judge Boyd reported the Nominating Committee's recommendation for officers beginning January 1, 2018. The Nominating Committee concluded that there should not be any Commission chairs that are judges or prosecutors going forward. The committee recommended the following: Mr. Puerner, Chair; Ms. Robinson, Vice Chair; and Mr. Walker, Secretary. Mr. Walker accepted the nomination of Secretary with the understanding that he will not advance to Chair.

Mr. McMillin moved to adopt the Nominating Committee's recommendations. Mr. Eaman seconded. The motion carried.

Executive Director Hiring

Judge Fisher reported on the Executive Committee's meeting. That committee reviewed the applications submitted for the position and recommended that two individuals be interviewed: Loren Khogali and Marla McCowan. The interviews will be scheduled for January 19, 2018. All applications were emailed to Commissioners. Chair Fisher indicated that Commissioners could add additional applicants to the list of those to be interviewed. No additional names were suggested.

Judge Boyd moved that the Commission interview Ms. Khogali and Ms. McCowan for the Executive Director position. Mr. King seconded. The motion carried.

Compliance Plan Review

Mr. Sacks gave the Commission an overview of the staff review process and how recommendations were compiled.

Plans will be referred to committees of Commissioners for review on specific areas. The following Ad Hoc Review Committees were created:

- **Third Class District Courts:** Mr. King (Chair), Judge Boyd, Mr. Walker, Mr. Swor
- **Construction Spending:** Ms. Diehl (Chair), Mr. Shea, Mr. Puerner
- **Sheriff and Other Ancillary Spending:** Dr. Schuringa (Chair), Mr. Eaman, Mr. Haveman, and Chair Fisher
- **Other review:** Mr. McMillin (Chair), Ms. Robinson, Judge Collins.

The Huron County plan was referred to the Sheriff and Other Ancillary Spending Committee for that committee's review and recommendations. Dr. Schuringa convened a conference call with members of the committee. Ms. McCowan and Ms. Klimaszewski participated. The committee reviewed Huron County's compliance plan. The committee recommends approval of the plan and cost analysis.

Requests for Disapproval to Submit MCL 993.2 Applications

MAC informed MIDC staff that several counties did not include calculations for compliance planning in the requests for grants.

Judge Boyd moved that the Commission disapprove a plan if it received a request from a county wishing to add costs for compliance planning. Mr. McMillin seconded the motion. The motion carried.

Failure to Submit Compliance Plans

Mr. Sacks updated the Commission on the two local systems that did not submit compliance plans by the November 20, 2017 deadline. One system, Romulus' 34th District Court in Wayne County, has been working Regional Manager McDoniel on a draft plan. The second system, St. Clair Shores' 40th District Court in Macomb County, had a representative present at the Commission's meeting. That system intends to submit a plan.

Mr. Puerner moved that the non-submission of a plan by these two systems count as a disapproval, and that each system be notified that it would have 30 days to submit a plan to the MIDC. Mr. Haveman seconded the motion. The motion carried.

Plans Identified by Staff as Incomplete

MIDC staff reviewed compliance plans and identified plans from the following systems as being incomplete for various reasons:

- Grosse Pointe Woods Municipal Court (Wayne County)
- 20th District Court – Dearborn Heights (Wayne County)
- 24th District Court – Allen Park (Wayne County)
- 39th District Court – Roseville (Macomb County)
- 48th District Court – Bloomfield Hills (Oakland County)
- 50th District Court – Pontiac (Oakland County)

MIDC staff recommends that these plans be disapproved and that the systems submit revised plans with completed information for the Commission's review.

Mr. Shea moved that the incomplete plans listed above be disapproved. Mr. Eaman seconded. The motion carried.

Prosecution spending

Staff identified the following plans as including funding for prosecuting attorneys:

- 25th District Court – Lincoln Park (Wayne County)
- 41-a-1 District Court – Sterling Heights (Macomb County)
- Eaton County
- Grand Traverse County
- Montcalm County
- Oakland County – 6th Circuit Court and 52nd District Courts
- St. Clair County
- Wayne County – 3rd Circuit Court

Judge Boyd moved to disapprove the plans for the eight systems that included prosecutor costs. Mr. Shea seconded.

After discussion, Chair Fisher called for a roll call vote. The motion carried with the following 10 members voting yay: Judge Fisher, Judge Boyd, Mr. Eaman, Mr. Haveman, Mr. King, Mr. McMillin, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa. The following three members voted nay: Judge Collins, Ms. Diehl, and Mr. Walker.

Substantive Compliance Plan Review

Ms. McCowan provided an overview of the plans and the associated staff recommendations. Ms. Mack and the Regional Managers provided details and answered questions as needed.

After review, MIDC staff recommends that the Commission disapprove the plans and disapprove the cost analyses for the following systems:

- Iosco County
- Missaukee and Wexford Counties
- Monroe County
- Shiawassee County

Mr. Shea moved that the staff recommendation be adopted and that the four plans and cost analyses listed above be disapproved. Mr. Haveman seconded the motion. The motion carried.

After review, MIDC staff recommends that the Commission approve the plans but disapprove the cost analyses for the following systems:

- Arenac County

- Baraga, Houghton, and Keweenaw Counties
- Barry County
- Benzie and Manistee Counties
- Dickinson County
- Grosse Pointe Farms and Shores Municipal Court (Wayne County)
- Grosse Pointe City Municipal Court (Wayne County)
- Grosse Pointe Park Municipal Court (Wayne County)
- Lenawee County
- Luce County
- Mason County
- Oscoda County
- Sanilac County
- Schoolcraft County

Judge Boyd moved that the staff recommendation be adopted and that the plans listed above be approved, but the cost analyses be disapproved. Mr. Eaman seconded. The motion carried.

After review, the MIDC staff recommends that the Commission approve the plans and approve the costs analyses for the following systems:

- 15th District Court – Ann Arbor (Washtenaw County)
- Alcona County
- Alpena County
- Cass County
- Chippewa County
- Emmet County
- Huron County
- Livingston County
- Montmorency County
- Muskegon County
- Ogemaw County

The total cost for the plans above is \$3,568,766.90.

Mr. Eaman moved that the staff recommendation be adopted and that both the plans and cost analyses for the systems listed above be approved. Mr. Haveman seconded. The motion carried.

Next meetings

The Commission will hold three special meetings in January: the 5th, the 8th, and the 19th. The meetings on the 5th and the 8th will be held at 10:00 am in the lower level of the Capitol National Bank Building. The time for the 19th will be determined.

The Commission's regular meeting dates for 2018 will be: February 20, April 17, June 19, August 21, October 16, and December 18.

Closing comments

Mr. Sacks thanked Chair Fisher for his work and leadership on the Commission since its inception.

Mr. Shea moved that the meeting be adjourned. Mr. Eaman seconded. The motion carried.

The meeting adjourned at 4:22 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
January 5, 2018
Time: 10:00 AM

Commission Members Present

Michael Puerner, Chair, Thomas Clement (non-voting member), Judge Jeffrey Collins, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson (began the meeting on the telephone and arrived at 1:40 pm), David Schuringa, John Shea, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl and Frank Eaman

Commission Members Absent

Judge Thomas Boyd

Members of the Public Present Included:

Amber Bede, Troy Baker, Kevin Bowling, Malcolm Brown, Barbara Caskey, Bruce Caswell, Dennis Champine, Michael Day, Frank Hardester, Meghann Keit, Judge Bradley Knoll, Tobi Lake, Carl Macpherson, Elliott Nelson, John Nizol, Cynthia Price, Derek Ringman, Mary Swanson

Staff Members Present

Jonathan Sacks, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Judge Fisher introduced former Senator and current Hillsdale County Commissioner Bruce Caswell to the MIDC and thanked Commissioner Caswell for his work on the MIDC Act.

Public Comment

Members of the public were invited to comment at the beginning of the meeting and during the discussion of their particular plans.

Ms. Swanson offered comments in support of the plans submitted by Kent County.

Mr. Nizol offered comments in support of Macomb County's plan.

Mr. Macpherson offered comments in support of Berrien County's plan.

Mr. Bowling offered comments in support of Ottawa County's plan.

Mr. Lake offered comments in support of Lake County's plan.

Ms. Bede offered comments in support of Kalamazoo County's plan.

Mr. Champine offered comments in support of Centerline's plan.

Additions to the Agenda

There were no additions to the agenda. Mr. Shea moved that the agenda be approved. Mr. McMillin seconded the motion. The motion carried.

Consent Agenda

Mr. King moved that the item under the Consent agenda, the December 19, 2017 minutes, be approved. Mr. Shea seconded the motion. The motion carried.

Chair Report

Chair Puerner gave the Commission an update on the Executive Director interview process. Two candidates will be interviewed, and the interviews will be moved to January 8, 2018.

On behalf of the Commission, Chair Puerner thanked Mr. Sacks for being the Commission's first Executive Director and thanked him for his attention to detail, diplomatic handling of change, and leadership of staff in moving the Commission forward.

Chair Puerner thanked Judge Fisher for serving as the Commission's first Chair, and thanked him for his leadership in guiding the new Commission.

Executive Director Report

Mr. Sacks stated that the MIDC should have more information about compliance plan funding once the Governor's Executive Recommendation was released.

Mr. Sacks will mail official notification to funding units with disapproved plans. This mailing starts the second 30-day review period. Regional Managers will continue to work with local systems to revise and resubmit plans.

Compliance Plan Review – Committee Updates

Plans were referred to ad hoc committees of Commissioners for review on specific areas.

Mr. King gave the Commission an overview of the conference call held by the Third Class District Courts Ad Hoc Committee. That committee held a conference call on January 2.

Dr. Schuringa gave the Commission an overview of the conference calls held by the Ancillary Spending Committee. That committee held conference calls on January 2, January 3, and January 4.

Ms. Diehl gave the Commission an overview of the conference call held by the Construction/Building Spending Committee. That committee held a conference call on January 4.

Mr. McMillin gave the Commission an overview of the conference call held by the committee that reviewed all plans requesting more than \$1 million in grant funding. That committee held a conference call on January 4.

Substantive Compliance Plan Review

Ms. McCowan provided an overview of the plans and the associated staff recommendations. Ms. Mack and the Regional Managers provided details and answered questions as needed. Members of the public were invited to again address the Commission to answer questions or provide additional details.

Disapprove plans and disapprove cost analyses

After review, MIDC staff recommends that the Commission disapprove the plans and disapprove the cost analyses for the following systems:

- Delta County
- Jackson County
- Mackinac County
- Macomb County (16th Circuit Court and 42nd District Court)
- Midland County
- Osceola County
- 17th District Court – Redford (Wayne County)
- 27th District Court – Wyandotte (Wayne County)
- 30th District Court – Highland Park (Wayne County)
- 38th District Court – Eastpointe (Macomb County)
- 43-1 District Court – Hazel Park (Oakland County)
- 43-2 District Court – Ferndale (Oakland County)
- 47th District Court – Farmington Hills (Oakland County)

Mr. Walker moved that the staff recommendation be adopted and that the Commission disapprove the plans and disapprove the cost analyses for the thirteen plans listed above. Mr. Shea seconded the motion. The motion carried.

Approve plans, disapprove cost analyses

After review, MIDC staff recommends that the Commission approve the plans but disapprove the cost analyses for the following systems:

- Alger County
- Antrim County
- Bay County
- Berrien County
- Branch County
- Calhoun County
- Charlevoix County
- Cheboygan County
- Clare and Gladwin Counties

The Commission recessed from 12:15 pm to 12:57 pm, and resumed its discussion of the plans in this section.

- Clinton County
- Crawford County
- Genesee County
- Gratiot County
- Gogebic County
- Hillsdale County
- Ionia County
- Ingham County
- Iron County
- Isabella County
- Kalamazoo County
- Kalkaska County
- Kent County – 17th Circuit Court
- 63rd District Court – Kent County
- 59-1 District Court – Grandville (Kent County)
- 59-2 District Court – Walker (Kent County)
- 61st District Court – Grand Rapids (Kent County)
- 62a District Court – Wyoming (Kent County)
- 62b District Court – Kentwood (Kent County)
- Lake County
- Leelanau County
- Marquette County
- Mecosta County
- Menominee County
- Newaygo and Oceana Counties
- Ontonagon County
- Ottawa County
- Otsego County
- Presque Isle County

- Roscommon County
- Saginaw County
- St. Joseph County
- Tuscola County
- Washtenaw County (22nd Circuit Court and 14th District Courts)
- 16th District Court – Livonia (Wayne County)
- 18th District Court – Westland (Wayne County)
- 19th District Court – Dearborn (Wayne County)
- 21st District Court – Garden City (Wayne County)
- 22nd District Court – Inkster (Wayne County)
- 23rd District Court – Taylor (Wayne County)
- 29th District Court – City of Wayne (Wayne County)
- 31st District Court – Hamtramck (Wayne County)
- 32a District Court – Harper Woods (Wayne County)
- 33rd District Court – Trenton/Woodhaven (Wayne County)
- 35th District Court – Plymouth (Wayne County)
- 36th District Court – Detroit (Wayne County)
- 37th District Court – Warren and Centerline (Macomb County)
- 41-a-2 District Court – Shelby Township (Macomb County)
- 41b District Court – Clinton Township (Macomb County)
- 43-3 District Court – Madison Heights (Oakland County)
- 44th District Court – Royal Oak (Oakland County)
- 45th District Court – Oak Park (Oakland County)
- 46th District Court – Southfield (Oakland County)
- 51st District Court – Waterford (Oakland County)

Mr. Fisher moved that Branch County be removed from the above list, and moved that the plans for the remaining systems listed above be approved, but the cost analyses be disapproved. Mr. Walker seconded the motion. Mr. King abstained from the vote with respect to Calhoun County. The motion carried.

Branch County

Mr. Shea moved that the Commission disapprove the plan and disapprove the costs analysis for Branch County. Ms. Diehl seconded the motion. Ms. Robinson abstained from the vote. The motion carried.

The Commission recessed from 2:54 pm until 3:09 pm.

Approve plans and approve cost analyses

After review, the MIDC staff recommends that the Commission approve the plans and approve the costs analyses for the following systems:

- Allegan and Van Buren Counties
- Lapeer County
- Oscoda County
- 28th District Court – Southgate (Wayne County) This plan's approval is recommended to be conditional, pending approval of Criminal Advocacy Program funding for Standard 1 compliance which is included in Wayne County Circuit Court's plan.

The total cost for the plans above is \$3,711,283.84.

Mr. Walker moved that the staff recommendation be adopted and that the plans and the cost analyses for the systems listed above be approved. Mr. Shea seconded the motion. The motion carried.

Next meetings

The Commission will hold a special meeting on January 8 to conduct Executive Director interviews. The special meeting previously scheduled for 1/19 will be cancelled.

The Commission's regular meeting dates for 2018 will be: February 20, April 17, June 19, August 21, October 16, and December 18.

Adjourn

Mr. Shea moved that the meeting be adjourned. Dr. Schuringa seconded the motion. The motion carried.

The meeting adjourned at 4:05 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
January 8, 2018
Time: 10:00 AM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson, David Schuringa, John Shea, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Public Comment

No members of the public were present, there was no public comment.

Chair Report

Chair Puerner reviewed the interview packets that were distributed to Commission members. The Commission discussed the interview process. Jonathan Sacks listed qualifications that were most important to the position.

The Commission interviewed Marla McCowan at 10:30 and Loren Khogali at 11:45.

Mr. Puerner asked for a motion to go into closed session. The Commission moved to go into a closed session to discuss the qualifications of Ms. McCowan and Ms. Khogali, after receiving requests from each candidate to do so. Mr. Puerner asked for a roll call vote. A roll call vote was taken and the motion carried.

The Commission returned from closed session.

Judge Boyd moved that the Commission offer the Executive Director position to Ms. Khogali. Mr. Swor seconded the motion. The motion carried with Mr. Walker voting nay.

Judge Boyd moved that Chair Puerner work with Ms. Khogali to establish a starting salary within the Department of Licensing and Regulatory Affairs' and the Michigan Civil Service Commission's guidelines. The motion carried.

The Commission moved to adjourn. The motion carried.

The meeting was adjourned at 3:00 pm.

The Commission will meet on February 20, 2018.



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
February 20, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson, Kristina Robinson, David Schuringa, John Shea, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl, Frank Eaman, Judge James Fisher, AND GARY WALKER

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Meghann Keit, Richard Lynch, Marianne Talon, and Drew Van De Grift

Staff Members Present

Loren Khogali, Rebecca Mack, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public Comment

Ms. Talon offered comments on behalf of Wayne County.

Mr. Lynch offered comments on behalf of the 3rd Circuit Court in Wayne County.

Additions to the Agenda

Mr. Swor moved that “Consideration of all funding under Section 13(2)” be added to the agenda. Judge Boyd seconded. The motion carried.

Judge Collins moved that the agenda be approved as amended. Dr. Schuringa seconded. The motion carried.

Chair Report

Chair Puerner welcomed Kristina Robinson to the Commission. She was appointed to replace Kevin Oeffner, who resigned. Chair Puerner welcomed Ms. Khogali to the Commission.

Mr. Puerner provided an overview of the Governor's Executive Recommendation which was presented on February 7.

Consent Agenda

Mr. Shea moved to approve the items under the consent agenda; the minutes from January 5, 2018 and the minutes from the open and closed sessions on January 8, 2018. Mr. King seconded. The motion carried.

National Association of Public Defenders (NAPD) Leadership Conference – Out-of-State Travel Request

Ms. Khogali requested authorization to attend the NAPD leadership conference in Kentucky. The Commission reviewed an estimated budget for the travel.

Judge Boyd moved that the travel be approved. Mr. Swor seconded. The motion carried.

Next Standards – Comments and Public Hearing

Ms. McCowan recommended a timeline for extending the comment period and holding a public hearing.

After discussion, Mr. Shea moved to continue the comment period until the public hearing is held. Judge Boyd seconded. The motion carried.

Bylaws Changes

Mr. Puerner intends to review the bylaws with Ms. Khogali and invited interested Commissioners to provide suggestions for potential changes.

LARA/MOU

Ms. Khogali indicated that the Commission may want to work with legal counsel to draft a Memorandum of Understanding (MOU) to memorialize the Commission's working arrangement with the Department of Licensing and Regulatory Affairs in specific areas. Chair Puerner recommended that Ms. Khogali work on the areas that should be included in the MOU, and that the Commission discuss it at a future meeting.

Research Director Report

Standards evaluation authorization

Dr. Siegel presented information about a proposal to contract with a research firm to conduct an evaluation of the standards implementation process and impact. Findings will be used to justify future funding requests and guide the ongoing implementation and oversight of standards.

Judge Boyd moved that the Commission authorize staff to proceed with the standards evaluation project. Mr. McMillin seconded. The motion carried.

Financial incentives report

The Commission reviewed a draft of the financial incentives report and suggested changes.

Mr. Shea moved that the report be approved and the paper be published with the changes requested by the Commission. Judge Boyd seconded. The motion carried.

Byrne JAG approval

Dr. Siegel presented a proposal to use funding from the Byrne JAG program. The Commission discussed the proposal.

Mr. McMillin moved that staff be authorized to proceed with the Byrne JAG project. Mr. Shea seconded the motion. The motion carried.

Innovation grant update – Wayne County and the 6th Amendment Center

The Commission discussed the work that the 6th Amendment Center performed in Wayne County.

Judge Boyd moved that the initial deadline of February 1, 2018 for a report to be issued be extended by six weeks. Mr. Swor seconded the motion. The motion carried.

Compliance Plans

Ms. McCowan presented the staff recommendations for the following plans:

- Lenawee County
- Monroe County
- 35th District Court (Plymouth – Wayne County)
- Grosse Pointe Park
- Mecosta County

The Commission discussed the staff recommendation to approve the plan and approve the cost analyses for the plans listed above.

Judge Collins moved that the staff recommendation be adopted. Ms. B. Robinson seconded. The motion carried.

Discussion of §13(2) Planning Funds

Judge Boyd moved to authorize the MIDC staff to award all §13(2) requests previously made, as reviewed by staff, excluding those §13(2) costs previously rejected, as well as the §13(2) request submitted by Wayne County today, subject to that same staff review with that review not to exceed 10 days. Staff has the authority to work with any and all local systems to amend and modify these requests as long as the amounts do not increase. Mr. McMillin seconded. The motion carried, Ms. K. Robinson abstained to avoid a conflict of interest in awarding funds to Wayne County.

Next Meeting

The Commission will hold a special meeting on March 26, 2018 at 10:00 am to consider resubmissions. The next regular meeting will be April 17, 2018.

Mr. McMillin moved that the meeting be adjourned. Mr. Swor seconded. The motion carried.

The meeting adjourned at 3:45 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
March 26, 2018
Time: 10:00 AM
Special Meeting

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Judge James Fisher (joined at 11:15 am), Joseph Haveman, Derek King, Kristina Robinson, David Schuringa, John Shea, and Gary Walker

Participating via Telephone

Nancy Diehl, Frank Eaman, Brandy Robinson and William Swor (joined at 12:15 pm)

Commission Members Absent

Tom McMillin

Members of the Public Present Included:

Malcolm Brown, Peter Cunningham, Matthew Erickson, Meghann Keit, Elliott Nelson, John Nizol, Mary Swanson and Shelli Weisberg

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo (via telephone), Barbara Klimaszewski, Rebecca Mack, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission. No members of the public wished to comment.

Additions to the Agenda

There were no additions to the agenda. Mr. Shea moved that the agenda be approved. Mr. Walker seconded the motion. The motion carried.

Consent Agenda

Mr. King moved that the minutes be amended by modifying the roll call section to reflect that Mr. Walker participated via telephone and not in person and that the minutes then be approved as amended. Dr. Schuringa seconded the motion. The motion carried.

Executive Director Report

Ms. Khogali gave an overview of her activities in her first month as Executive Director. She has held a number of meetings with staff members from various departments at the Department of Licensing and Regulatory Affairs (LARA).

She updated the Commission on her legislative activities. In February, she and Chair Puerner presented to the House Appropriations Subcommittee on Licensing and Regulatory Affairs. In March, Ms. Khogali presented to the Senate Appropriations Subcommittee on Licensing and Regulatory Affairs. She has held follow-up meetings with legislators on the Governor's Executive Recommendation and updated them on the Commission's work and approval process.

Ms. Khogali is currently working with LARA to finalize payment on the first group of planning costs for approved plans. The Wayne County funding that the Commission authorized in February must go in front of the State Administrative Board for its approval. Wayne County has a draft of the contract so that county can begin its administrative processes.

Consideration of Compliance Plans

Ms. McCowan gave the Commission an update on the compliance plan approval process thus far.

The three committees met and considered plans referred by staff for committee review.

The construction spending/cost allocation committee chaired by Ms. Diehl held a conference call on March 22 and considered the following plans:

- Ionia County
- Kalkaska County
- Kent County (17th Circuit and 63rd District Courts)
- Macomb County (16th Circuit and 42nd District Courts)

The ancillary spending committee chaired by Dr. Schuringa held a conference call on March 22 and considered the following plans:

- 31st District Court – Hamtramck
- 41-a-2 District Court – Utica, Macomb, Shelby
- 41-b District Court – Mt. Clemens, Harrison, Clinton
- 46th District Court – Southfield
- Bay County
- Clare and Gladwin Counties
- Eaton County

- Genesee County
- Gratiot County
- Hillsdale County
- Iron County
- Jackson County
- Kalkaska County
- 17th Circuit Court – Kent
- Kent County District Courts (D59-1, D 59-2, D 61, D 62a, D 62b)
- Leelanau County
- Macomb County
- Newaygo and Oceana Counties
- Osceola County
- St. Clair County
- Tuscola County

The committee for plans seeking grant funding over \$1 million held a conference call on March 23 and considered the following plans:

- Macomb County 16th Circuit and 42nd District Courts
- Genesee County
- Jackson County

Failure to Re-Submit Plans

Ms. McCowan gave the Commission an overview of staff's progress with each of the systems in this section. MIDC staff recommends that the failure to re-submit a plan count as a disapproval of the plan for the following systems:

- 34th District Court – Romulus
- 38th District Court – Eastpointe
- 40th District Court – St. Clair Shores

Mr. Shea moved that the staff recommendation be adopted, and the failure of the three systems listed above to re-submit plans be considered a disapproval. Mr. Haveman seconded the motion. The motion carried.

Compliance Plans with Prosecutor Costs

Oakland County (6th Circuit and 52nd District Courts) re-submitted its plan and included prosecutor costs. The staff recommendation is that both the plan and the cost analysis be disapproved.

Judge Boyd moved that the staff recommendation be adopted and that Oakland County's plan and cost analysis be disapproved. Mr. Shea seconded the motion. The motion carried.

THE COMMISSION CHAIR PUERNER AND MEMBER BOYD REQUESTED MIDC STAFF TO WORK WITH OAKLAND COUNTY TO TRY TO REACH AN AGREEMENT ON ALL PARTS OF THE COUNTY'S COMPLIANCE PLAN AND COST ANALYSIS, EXCEPT

PROSECUTOR COSTS, AND TO SUBMIT SAME TO THE COMMISSION FOR APPROVAL.

Disapprove the cost analyses (the plans were approved at an earlier Commission meeting)

Ms. McCowan gave the Commission an overview of each of the plans in the section. MIDC staff recommends that the Commission disapprove the cost analyses for the plans re-submitted by the following systems:

- Kalkaska county
- Kent County – 17th Circuit Court
- 63rd District Court – Kent County

Mr. Shea moved that the staff recommendation be adopted and that the cost analyses for the plans listed above be disapproved. Judge Collins seconded the motion. The motion carried.

Approve the plans and approve the cost analyses

Ms. McCowan gave the Commission an overview of the following plans:

- Macomb County 16th Circuit Court and 42nd District Court
- St. Clair County
- Iosco County
- Midland County
- Osceola County
- Wexford and Missaukee Counties
- Eaton County
- Jackson County
- Shiawassee County
- Grosse Pointe Woods Municipal Court

MIDC staff recommends that the Commission approve both the plans and the cost analyses re-submitted by the systems listed above.

Mr. Shea moved that the staff recommendation be adopted and that the re-submitted plans and cost analyses from the systems listed above be approved. Dr. Schuringa seconded the motion. The motion carried.

The Commission recessed at 11:45 am and resumed its meeting at 12:15 pm.

Approve the cost analyses

The Commission moved to consideration of the re-submitted cost analyses for the following systems:

- 41 a 2 District Court Shelby Township
- 41 b District Court – Clinton Township
- 44th District Court – Royal Oak
- 45th District Court – Oak Park
- 46th District Court – Southfield

Ms. McCowan and Ms. Grillo gave the Commission an overview of the plans for these systems. MIDC staff recommends that the re-submitted cost analyses for the systems listed above be approved (the plans were approved at a previous Commission meeting).

After discussion, Mr. Haveman moved that the staff recommendation be adopted and that the cost analyses for the plans listed above be approved. Dr. Schuringa seconded the motion. The motion carried.

The Commission moved to consideration of the re-submitted cost analyses for the following systems:

- Arenac County
- Bay County
- Clare and Gladwin Counties
- Lake County
- Mason County
- Newaygo and Oceana Counties
- Sanilac County
- Tuscola County

Ms. McCowan and Ms. Klimaszewski gave the Commission an overview of the re-submitted cost analyses for these plans. MIDC staff recommends that the cost analyses re-submitted by these systems be approved.

After discussion, Mr. Swor moved that the staff recommendation be adopted and the cost analyses for the eight systems listed above be approved. Mr. Shea seconded the motion. The motion carried.

The Commission moved to consider the cost analysis resubmitted by Marquette County. Ms. McCowan gave the Commission an overview of the cost analysis. After discussion, Judge Fisher moved that the Commission adopt the MIDC staff recommendation and approve the re-submitted cost analysis. Mr. Swor seconded the motion. The motion carried, Mr. Walker recusing himself from the vote.

The Commission considered the following plans:

- Crawford County
- Iron County
- Leelanau County
- Ontonagon County
- Otsego County
- Presque Isle County
- Schoolcraft County

Ms. McCowan gave the Commission an overview of the re-submitted cost analyses. The MIDC staff recommends that the re-submitted cost analyses for the seven plans listed above be approved.

After discussion, Mr. Shea moved to adopt the staff recommendation and approve the cost analyses for the seven systems listed above. Judge Collins seconded the motion. The motion carried.

The Commission began discussing the following plans:

- Clinton County
- Gratiot County
- Genesee County
- Hillsdale County

Ms. McCowan and Ms. Staley gave the Commission an overview of these re-submitted cost analyses. The MIDC staff recommends that the cost analyses be approved.

After discussion, Judge Fisher moved that the staff recommendation be adopted and the cost analyses for the four plans listed above be approved. Mr. King seconded the motion. The motion carried.

The Commission began discussing the re-submitted cost analyses for the following systems:

- 31st District Court Hamtramck
- 33rd District Court – Trenton
- Grosse Pointe Farms and Shores Municipal Court
- Grosse Pointe City Municipal Court

Ms. McCowan and Ms. McDoniel gave the Commission an overview of the re-submitted cost analyses for the four plans listed above. The MIDC staff recommends that the cost analyses be approved.

After discussion, Judge Collins moved that the staff recommendation be adopted and the re-submitted cost analyses for the four systems listed above be approved. Judge Boyd seconded the motion. The motion carried.

The Commission began discussing the re-submitted cost analyses for the following systems:

- Barry County
- 59-1 District Court – Grandville
- 59-2 District Court – Walker
- 61st District Court – Grand Rapids
- 62a District Court - Wyoming
- 62b District Court – Kentwood
- Ionia County
- St. Joseph County

Ms. McCowan and Mr. Dennie gave the Commission an overview of the re-submitted cost analyses for the eight plans listed above. The MIDC staff recommends that these cost analyses be approved.

After discussion, Mr. Shea moved that the staff recommendation be adopted and the re-submitted cost analyses for the eight systems listed above be approved. Mr. Swor seconded the motion. The

motion carried. Judge Fisher abstained from the vote with respect to the 61st District Court's resubmitted cost analysis.

The next Commission meeting will be April 17. The Commission will consider the remaining resubmissions at this meeting.

Mr. Swor moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried.

The meeting adjourned at 2:06 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
April 17, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Frank Eaman, Derek King, Brandy Robinson, Kristina Robinson, and John Shea

Participating via Telephone

Judge Jeffrey Collins, Nancy Diehl, Tom McMillin, David Schuringa (left at 5:30 pm), William Swor, and Gary Walker

Commission Members Absent

Judge James Fisher and Joseph Haveman

Members of the Public Present Included:

Sharon Arsenault, Kevin Bowling, Malcolm Brown, Peter Cunningham, State Senator Joanne Emmons, Police Chief Corey Haines, State Representative Roger Hauck, Meghann Keit, Richard Lynch, Margaret McAvoy, Melissa March, Judge Michael Martinez, Sara Spencer-Noggle, Judge Geno Salamone, Drew Van de Grift, Lynette Ward and Shelli Weisberg

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski (via telephone), Rebecca Mack, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:10 pm.

Public Comment

Executive Director Loren Khogali introduced staff members. Members of the public were invited to introduce themselves to the Commission and to offer comments.

Drew Van de Grift offered comments on behalf of Wayne County.

Sara Spencer-Noggle and Margaret McAvoy offered comments on behalf of Isabella County.

Judge Geno Salamone offered comments on behalf of 23rd District Court.

Judge Michael Martinez offered comments on behalf of the 50th District Court in Pontiac.

Kevin Bowling, 20th Circuit Court Administrator, offered comments on behalf of Ottawa County.

Malcolm Brown, Deputy County Executive offered comments on behalf of Oakland County.

State Senator Joanne Emmons, 33rd District, offered her support of Isabella County's plan.

State Representative Roger Hauck, 69th District, offered his support of Isabella County's plan.

Additions to the Agenda

There were no additions to the agenda. Mr. Eaman moved that the agenda be approved. Mr. King seconded the motion. The motion carried.

Consent Agenda

Mr. King moved that the minutes be removed from the consent agenda and that the following language be added to page 3: "The Commission Chair Puerner and Member Boyd requested MIDC Staff to work with Oakland County to try to reach an agreement on all parts of the county's compliance plan and cost analysis, except prosecutor costs, and to submit same to the Commission for approval." Judge Boyd seconded the motion. The motion carried.

Judge Boyd moved that the amended minutes be approved. Mr. Eaman seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing.

Executive Director Report

Ms. Khogali gave an overview of her activities since the March meeting. She submitted a written report to members for their review and invited them to contact her with questions.

Bylaw Amendments

Mr. Shea moved that the bylaws be amended as follows: "The Executive Committee shall be a permanent committee consisting of the Chair, Vice Chair and Secretary. The immediate past Chair of the Commission shall be an ex officio and non-voting member of the committee provided the chair remains a member of the Commission." Mr. Eaman seconded the motion. The motion carried.

Annual Report

A draft of the annual report was distributed to Commissioners for their review. Judge Boyd moved that the annual report be approved and published subject to final edits and suggestions made by Commissioners. Mr. Swor supported the motion. The motion carried.

Update of status of distribution of 13(2) compliance planning funds

Ms. Khogali updated the Commission on the process of distributing the funds. The grant to Wayne County was approved by the State's Administrative Board. Wayne County also approved the grant, and submitted a signed copy to Ms. Khogali. Staff continues to work with the Department of Licensing and Regulatory Affairs (LARA) to have payments made and is receiving regular updates from LARA on the payment status.

Consideration of Compliance Plans

Ms. McCowan gave the Commission an update on the compliance plan approval process thus far.

Ms. Kristina Robinson noted that her employer does deal with all of the Wayne County district courts, however her relationship with these courts does not warrant an abstention except in the case of the Wayne County Circuit Court plan.

The four committees met and considered plans referred by staff for committee review.

The committee on district court spending over \$500,000 chaired by Mr. King held a conference call on April 11, 2018 and considered the following plans:

- District 25 – Lincoln Park
- District 29 – City of Wayne
- District 36 – City of Detroit
- District 37 – Warren and Centerline
- District 39 – Roseville and Fraser
- District 43-1 – City of Hazel Park
- District 43-2 – City of Ferndale
- District 50 – City of Pontiac

The construction spending/cost allocation committee chaired by Ms. Diehl held a conference call on April 11 and considered the following plans:

- Alger County
- Branch County
- District 17 – City of Redford
- District 25 – City of Lincoln Park
- District 32a - City of Harper Woods
- District 36 – City of Detroit
- District 37 – Warren and Centerline
- District 41-a-1 – Sterling Heights
- District 48 – Bloomfield Hills
- District 50 – City of Pontiac
- Ingham County

- Ottawa County
- Kalamazoo County
- Washtenaw County

The ancillary spending committee chaired by Dr. Schuringa held a conference call on April 12, 2018 and considered the following plans:

- Alger County
- Charlevoix County
- District 16 – City of Livonia
- District 17 – City of Redford
- District 19 – City of Dearborn
- District 20 – City of Dearborn Heights
- District 21 – Garden City
- District 22 – City of Inkster
- District 23 – City of Taylor
- District 24 – City of Allen Park
- District 25 – City of Lincoln Park
- District 27 – City of Wyandotte
- District 29 – City of Wayne
- District 30 – City of Highland Park
- District 32a – City of Harper Woods
- District 39 – Roseville and Fraser
- District 41-a-1 – City of Sterling Heights
- District 43-2 – City of Ferndale
- District 43-3 – City of Madison Heights
- District 47 – Farmington/Farmington Hills
- District 48 – Bloomfield Hills
- District 50 – City of Pontiac
- District 51 – Waterford Township
- Delta County
- Gogebic County
- Grand Traverse County
- Mackinac County
- Washtenaw County
- Wayne County

The committee for plans seeking grant funding over \$1 million chaired by Mr. McMillin held a conference call on April 12 and considered the following plans:

- Berrien County
- Calhoun County
- Ingham County
- Isabella County
- Kalamazoo County

- Ottawa County
- Saginaw County
- Washtenaw County
- Wayne County.

Consideration of plans

50th District Court – City of Pontiac

Ms. McCowan and Ms. Grillo gave the Commission an overview of the plan for District 50 – City of Pontiac. MIDC staff recommends that the Commission approve the plan but disapprove the cost analysis re-submitted by the City of Pontiac. Judge Martinez and Court Administrator Lynette Ward answered questions regarding the plan.

Judge Boyd moved that the staff recommendation be adopted and that the plan for District 50 – City of Pontiac be approved but the cost analysis be disapproved. Mr. Shea seconded the motion. The motion carried.

The Commission recessed for 10 minutes.

Isabella County

Ms. McCowan and Ms. Klimaszewski gave the Commission an overview of Isabella County’s plan. The plan was approved at a previous meeting. The staff recommendation is to disapprove the cost analysis that was resubmitted by Isabella County.

Ms. McAvoy and Ms. Spencer-Noggle answered Commissioners’ questions and responded to concerns about the plan.

Judge Boyd moved that the staff recommendation be adopted and that the resubmitted cost analysis for Isabella County be disapproved. Mr. Shea seconded the motion. The motion carried.

23rd District Court - Taylor

Ms. McCowan and Ms. McDoniel gave the Commission an overview of the plan from the 23rd District Court in Taylor. The staff recommendation is to disapprove the cost analysis that was resubmitted by the 23rd District Court.

Judge Salamone answered Commissioners’ questions and responded to concerns about the plan.

Mr. Eaman moved that the staff recommendation be adopted and that the cost analysis resubmitted by the 23rd District Court be disapproved. Ms. Brandy Robinson seconded. The motion carried.

43-3 District Court – City of Madison Heights

Ms. McCowan, Ms. Mack and Ms. Grillo gave the Commission an overview of the plan from the 43-3 District Court in Madison Heights. The staff recommendation is to disapprove the cost analysis that was resubmitted by the 43-3 District Court.

Ms. March, Chief Haines and Ms. Arsenault answered Commissioners' questions and responded to concerns raised.

Mr. Shea moved that the staff recommendation be adopted and that the cost analysis resubmitted by 43-3 District Court be disapproved. Mr. Eaman seconded the motion. The motion carried.

Ottawa County

Ms. McCowan, Ms. Mack and Mr. Dennie gave the Commission an overview of the plan from Ottawa County. The staff recommendation is to disapprove the cost analysis that was resubmitted by Ottawa County.

Mr. Bowling answered questions about the plan.

Judge Boyd moved to adopt the staff recommendation and disapprove the cost analysis resubmitted by Ottawa County. Mr. King second the motion. The motion carried.

3rd Circuit Court Wayne County

Ms. McCowan, Ms. Mack, and Ms. McDoniel gave the Commission an overview of the plan from Wayne County. The staff recommendation is to disapprove the cost analysis until the local share can be certified. Ms. McCowan reported that staff received a local share calculation just prior to the Commission meeting and will continue to work with Wayne County to finalize the numbers.

Mr. Van de Grift and Mr. Lynch answered questions about the plan.

Judge Boyd moved that the Commission approve the cost analysis not to exceed \$17,275,171. Mr. Shea seconded the motion. The motion carried. Ms. Kristina Robinson abstained from this vote because she is employed by the Wayne County Sheriff's Office.

Calhoun County

Ms. McCowan and Mr. Dennie gave the Commission an overview of Calhoun County's plan. The staff recommendation is to approve the cost analysis, the plan was previously approved.

Judge Boyd moved that the staff recommendation be adopted and the cost analysis be approved. Ms. Brandy Robinson seconded the motion. The motion carried. Mr. King abstained from the vote because of his position on the Calhoun County Board of Commissioners.

Ingham County

Ms. McCowan and Ms. Staley gave the Commission an overview of Ingham County's plan. The staff recommendation is to approve the cost analysis, the plan was previously approved.

Mr. Shea moved that the staff recommendation be adopted and that the cost analysis be approved. Mr. Eaman seconded the motion. The motion carried. Judge Boyd abstained from the vote.

Disapprove the plan and disapprove the cost analysis

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission disapprove the plan and disapprove the cost analyses resubmitted by the following systems:

- District 25 – City of Lincoln Park
- District 30 – City of Highland Park
- District 43-1 – City of Hazel Park
- Mackinac County
- Montcalm County

Judge Boyd moved that the staff recommendations be adopted, and that both the plans and the cost analyses for the systems listed above be disapproved. Mr. Eaman seconded the motion. The motion carried.

Approve the plan and disapprove the costs analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve the plan and disapprove the cost analyses resubmitted by the following systems:

- District 17 – City of Redford
- District 20 – City of Dearborn Heights
- Grand Traverse County

Judge Boyd moved that the staff recommendation be adopted and that the plans for the systems listed above be approved, but the cost analyses be disapproved. Mr. King seconded the motion. The motion carried.

Disapprove the cost analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission disapprove the cost analyses resubmitted by the following systems:

- Alger County
- Charlevoix County
- Roscommon County
- District 18 – City of Westland
- District 21 – Garden City
- District 22 – City of Inkster
- District 29 – City of Wayne
- Kalamazoo County

Mr. Shea moved that the staff recommendation be adopted and that the cost analyses resubmitted by the systems listed above be disapproved. Judge Boyd seconded the motion. The motion carried.

Approve the plan and approve the cost analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve the plans and approve the cost analyses for the following systems:

- Branch County

- District 24 – City of Allen Park
- District 27 – City of Wyandotte
- District 39 – Cities of Roseville and Fraser
- District 41-a-1 – City of Sterling Heights
- District 43-2 – City of Ferndale
- District 47 – Cities of Farmington and Farmington Hills
- District 48 – Bloomfield, Bloomfield Hills
- Delta County

Judge Boyd moved that the staff recommendation be adopted and that the Commission approve the plans and approve the cost analyses for the systems listed above. Mr. Shea seconded the motion. The motion carried.

Approve the cost analyses (plans approved at an earlier meeting)

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve cost analyses of the following systems:

- Antrim County
- Baraga, Houghton, Keweenaw Counties
- Benzie and Manistee Counties
- Cheboygan County
- Dickinson County
- Gogebic County
- Luce County
- Menominee County
- Saginaw County
- District 16 – City of Livonia
- District 19 – City of Dearborn
- District 32a – City of Harper Woods
- District 36 – City of Detroit
- District 37 – Cities of Warren and Centerline
- District 51 – Waterford Township
- Berrien County
- Washtenaw County

Judge Boyd moved that the staff recommendation be adopted and that the Commission approve the cost analyses for the systems listed above. Mr. King seconded the motion. The motion carried.

Next Meeting

Ms. Khogali will contact Commissioners to determine the next meeting date.

Adjourn

Mr. Shea moved that the meeting be adjourned. Mr. Walker seconded the motion. The motion carried.

The meeting was adjourned at 5:48 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
June 12, 2018
Time: 10:00 AM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Judge James Fisher, Derek King, Brandy Robinson, Kristina Robinson, Dr. David Schuringa and Gary Walker

Participating via Telephone

Nancy Diehl and William Swor

Commission Members Absent

Joseph Haveman, Tom McMillin and John Shea

Members of the Public Present Included:

Malcolm Brown, Barbara Caskey, James Gibbs, Linda Howell, Margaret McAvoy, Elliot Nelson, Sarah Spencer-Noggle, Kay Perry and Dawn Van Hoek

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Jana Mathieu (via telephone), Marla McCowan, Kelly McDoniel, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:07 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments. Those individuals with comments on specific plans were also given the opportunity to do that as the plan was being discussed.

Sara Spencer-Noggle offered comments on behalf of Isabella County.

Additions to the Agenda

There were no additions to the agenda.

Consent Agenda

Judge Fisher moved that the consent agenda containing the minutes from April 17, 2018 be adopted. Mr. King seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing.

Executive Director Report

Ms. Khogali provided a written report for Commissioners and welcomed any questions about its content.

Legislative Update

Ms. Khogali updated the Commission on the status of the appropriations bills. She also updated Commissioners on House Bill 5985, which amends the MIDC Act. Judge Boyd thanked the State Bar of Michigan, Marcia Hune, and the State Court Administrative Office for their help with the legislation. Mr. Puerner thanked the ACLU-MI for its assistance.

Update on 13(2) Compliance Planning Funds

With the exception of three plans, all of the plans with planning costs that were approved by the April 17, 2018 meeting have been submitted to the Department of Licensing and Regulatory Affairs (LARA) for payment. Staff will continue working with LARA on the plans approved today.

Implementation of Compliance Plans

Ms. Khogali and Ms. McCowan updated the Commission on how compliance plans would be implemented after funding was secured.

Research Update

Dr. Siegel updated the Commission on the Research Unit's work. The workload study is underway. RAND Corporation is currently recruiting attorneys to participate in the first phase of the study. The study will launch June 25, 2018 and the process will conclude with caseload recommendations in September. A client study will begin with two focus groups this month. A Request for Proposals for the standards evaluation study is in progress, this is the two year study of the process and implementation of first set of standards.

Compliance Plans

The Committee on District Court Spending over \$500,000 held a conference call on June 6th to discuss the following plans:

- D 25 – Lincoln Park (Wayne County)
- D 43-1 – City of Hazel Park (Oakland County)
- D 50 – City of Pontiac (Oakland County)

The Committee for Plans seeking over \$1 Million in grant funding held a conference call on June 7th to discuss the following plans:

- Oakland County
- Isabella County
- Kalamazoo County
- Ottawa County

The Committee on Construction/Cost Allocation held a conference call on June 8th to discuss the following plans:

- Grand Traverse County
- Oakland County
- D 50 – City of Pontiac (Oakland County)
- Kent County – 17th Circuit Court
- Ottawa County

The Committee on Ancillary Staff Spending held a conference call on June 8th to discuss the following plans:

- Alger County
- Charlevoix County
- D 17 – City of Redford (Wayne County)
- D 20 – City of Dearborn Heights (Wayne County)
- D 21 – Garden City (Wayne County)
- D 22 – City of Inkster (Wayne County)
- D 23 – City of Taylor (Wayne County)
- D 25 – City of Lincoln Park (Wayne County)
- D 29 – City of Wayne (Wayne County)
- D 30 – City of Highland Park (Wayne County)
- D 34 – City of Romulus (Wayne County)
- D 38 – City of Eastpointe (Macomb County)
- D 40 – City of St. Clair Shores (Macomb County)
- D 43-1 – City of Hazel Park (Oakland County)
- D 43-3 – City of Madison Heights (Oakland County)
- D 50 – City of Pontiac (Oakland County)
- Grand Traverse County
- Kalkaska County
- Kent County – 17th Circuit Court
- Kalamazoo County
- Oakland County
- Mackinac County

Disapprove Plans and Disapprove Cost Analyses

Ms. McCowan provided an overview of Oakland County's plan. Mr. Malcolm Brown commented on the areas of dispute between Commission staff and Oakland County. Judge Charles Goedert of Hazel Park's 43rd District Court joined via telephone to provide comments about the plans for Oakland County and Hazel Park.

MIDC staff recommends that the Commission disapprove the plan and the cost analysis resubmitted by Oakland County. Judge Boyd moved that the staff recommendation be adopted. Mr. Eaman seconded the motion. The motion carried.

Approve Plans and Disapprove Cost Analyses

Ms. McCowan provided an overview of the following plans:

- Montcalm County
- 43-1 District Court in Hazel Park

MIDC staff recommends that the two plans listed above be approved, but the cost analyses be disapproved. Judge Fisher moved that the staff recommendation be adopted. Judge Collins seconded the motion. The motion carried.

Disapprove the Cost Analyses (Plans Previously Approved)

Ms. McCowan provided an overview of the following plans:

- Isabella County
- 17th District Court, Redford

MIDC staff recommends that the cost analyses resubmitted by the systems listed above be disapproved. Judge Collins moved that the staff recommendation be adopted. Mr. King seconded the motion. The motion carried.

Approve the Plans and Approve the Cost Analyses

Ms. McCowan provided an overview of the following plans:

- 25th District Court, Lincoln Park
- 30th District Court, Highland Park
- 34th District Court, Romulus
- 38th District Court, Eastpointe
- 40th District Court, St. Clair Shores
- Mackinac County

MIDC staff recommends that the Commission approve both the plans and cost analyses resubmitted by the systems listed above. Mr. King moved that the staff recommendation be adopted. Ms. Brandy Robinson seconded the motion. The motion carried.

Approve the Cost Analyses (Plans were approved at previous meetings)

Ms. McCowan gave the Commission an overview of the following plans:

- Alger County

- Charlevoix County
- Grand Traverse County
- Kalkaska County
- 18th District Court, Westland
- 20th District Court, Dearborn Heights
- 21st District Court, Garden City
- 22nd District Court, Inkster
- 23rd District Court, Taylor
- 29th District Court, Wayne
- 43-3 District Court, Madison Heights
- 50th District Court, Pontiac
- 17th Circuit Court, Kent County
- 63rd District Court, Kent County
- Kalamazoo County
- Ottawa County
- Roscommon County

MIDC staff recommends that the Commission approve the cost analyses resubmitted by the systems listed above. Mr. Walker moved that the staff recommendation be adopted. Judge Collins seconded the motion. The motion carried.

Mediation

Ms. Khogali provided an overview of the statutory provisions related to mediation. She provided a written report to Commissioners on the issue and indicated that members of the Commission had suggested two names for potential mediators.

Mr. Walker moved that Judge Fisher and Ms. Khogali work with staff to make recommendations on mediation. Mr. Eaman seconded the motion. The motion carried.

Adjourn

Mr. Eaman moved that the Commission be adjourned until the public hearing on the same date at 1:00 pm. Judge Fisher seconded the motion. The motion carried.

The meeting adjourned at 12:31 pm.

Respectfully submitted,
 Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
June 12, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Judge James Fisher, Derek King, Brandy Robinson, Kristina Robinson, Dr. David Schuringa and Gary Walker

Participating via Telephone

Nancy Diehl

Commission Members Absent

Joseph Haveman, Tom McMillin and John Shea

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) public hearing on proposed standards 5 - 8 to order at 1:07 pm.

Jonathan Sacks, Executive Director of the State Appellate Defender Office provided written comments and offered public comment about all four standards.

Mary Ann Jerge, Oakland County Corporation Counsel, offered public comment about Standard 8

Mark McWilliams, Michigan Protection and Advocacy Services, offered public comment about all four standards and provided written comments.

The Prosecuting Attorneys Association of Michigan provided written comments and Executive Director Larry Burdick did not wish to speak but was available for questions.

Muskegon County Public Defender Fred Johnson previously submitted written comments and was available for questions at the public hearing.

Public comment concluded at 1:28 pm.

Ms. Khogali indicated that the comments the MIDC received have been posted on the Commission's website, and encouraged other interested parties to submit comments.

Adjourn

Mr. Eaman moved that the public hearing be adjourned. Mr. King seconded the motion. The motion carried.

Meeting adjourned at 1:58 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
August 21, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Frank Eaman (joined at 1:20 pm), Judge James Fisher (joined at 1:35 pm), Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson, Kristina Robinson, Dr. David Schuringa (joined at 1:20 pm), John Shea (joined at 1:55 pm), William Swor, and Gary Walker

Participating via Telephone

Judge Jeffrey Collins and Nancy Diehl

Commission Members Absent

None

Members of the Public Present Included:

Nancy Baldwin, Malcolm Brown, Peter Cunningham, Meghann Keit, Brian Kennedy, Richard Lynch, Drew Van de Grift, Shannon Virtue, Shelli Weisberg, Kevin Yee

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo (via telephone), Marla McCowan, Kelly McDoniel (via telephone), Rebecca Mack, Deborah Mitchell, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments.

Drew Van de Grift offered comments on behalf of Wayne County.

Kevin Yee and Nancy Baldwin offered comments on behalf of the 45th District Court in Oak Park.

Shannon Virtue offered comments on behalf of Ottawa County.

Meghann Keit offered comments on behalf of the Michigan Association of Counties. The organization also distributed a letter to members of the Commission.

Malcomb Brown offered comments on behalf of Oakland County.

Additions to the Agenda

There were no additions to the agenda. Mr. McMillin moved that the agenda be adopted, Mr. Swor supported the motion. The motion carried.

Consent Agenda

Judge Boyd moved that the consent agenda containing the minutes from the meeting and public hearing on June 12, 2018 be adopted. Mr. Swor seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing. He thanked the members for their work over the last few months attending extra meetings and meeting the deadlines to review compliance plans.

Executive Director Report

Ms. Khogali provided a written report for Commissioners and welcomed any questions about its content. She thanked the staff and commissioners and staff for their hard work participating in committee meetings and reviewing the standards leading up to the Commission meeting.

Mediation

Ms. Khogali reviewed the settlement agreements for Montcalm County and Redford Township. Both of these local funding units have reached agreement with the MIDC before formal mediation, and both have signed their respective agreements.

Judge Boyd moved that the settlement agreements be approved. Mr. Swor seconded. The motion carried.

Ms. Khogali updated the Commission on the mediation with Isabella County. She thanked Chair Puerner, Ms. McCowan and Barbara Klimaszewski for their help and participation in the mediation. She presented a mediation settlement for the Commission's approval. The agreement provides that the MIDC will approve funding of up to \$35,000 for identified security system components.

Judge Boyd moved that the mediation settlement be approved. Mr. Swor seconded the motion. The motion carried.

Update on 13(2) Compliance Planning Funds

All of the plans with planning costs have been submitted to the Department of Licensing and Regulatory Affairs (LARA) for payment.

Presentation of Operating Budget

Ms. Khogali provided written copies of the MIDC's operating budget and a narrative for the Commissioners to review. Ms. Khogali and Ms. Westrate answered questions about the budget.

Mr. McMillin moved that the operating budget for the 2019 fiscal year beginning October 1, 2018 be approved. Judge Boyd seconded the motion. The motion carried.

Research Update

Dr. Siegel updated the Commission on the Client Study the Research Unit has undertaken. In May and June, Dr. Siegel and Ms. Grillo went to three counties and did seven focus groups with incarcerated clients Ingham, Mason and Wayne Counties. They talked to 30 clients who had already been sentenced and who had been appointed counsel about MIDC Standards 2 and 4, and about the individuals' experiences in current and in past cases. Dr. Siegel answered questions about the study and his process.

Dr. Siegel updated the Commission on the Caseload Study. The time tracking part of the study began in mid-June. The next part of the study is a Time Sufficiency Survey to present results from the time study and determine whether those averages are reasonable. Indigent defense attorneys from throughout the state will be invited to take part in the survey. The final part in the study will be a Delphi Panel that will synthesize the opinions of select attorneys with extensive experience in the delivery of criminal defense in Michigan. The Panel will be held at the MIDC Lansing Office in September. Dr. Siegel anticipates having a draft report in November.

Approval of Standards

Standard 5

Ms. Diehl, Selection Standards Committee Chair, presented an overview of the changes the committee made to Standard 5. Mr. Eaman proposed an additional change to the staff comments. Mr. Eaman moved that the committee changes to Standard 5 and the modification of the staff comment be approved and that the revised version be submitted to LARA Director Shelly Edgerton for her approval. Ms. Diehl seconded the motion. The motion carried.

Standard 7

Ms. Brandy Robinson, Training and Evaluation Committee Chair, presented an overview of the changes the committee made to Standard 7. Judge Boyd moved that the changes to Standard 7 be approved and that the revised version be submitted to Director Edgerton for her approval. Mr. Walker seconded the motion. The motion carried.

Standard 8

Judge Fisher, Indigence and Compensation Committee Chair, presented an overview of the changes the committee made to Standard 8. The Commission discussed amending the title of the standard. Mr. McMillin moved that the changes to Standard 8 be approved, the title be amended, and that the revised version be submitted to Director Edgerton for her approval. Mr. Swor seconded the motion. The motion carried.

Standard 6

Chair Puerner, who also chaired the Performance Standards Committee, gave an overview of the committee's meeting. The committee determined no additional changes were necessary to the proposed standard before its consideration by the Commission.

Judge Boyd moved that Standard 6 be adopted as written. Mr. Swor seconded the motion. After discussion, the motion carried.

Upper Peninsula Regional Meeting

Ms. McCowan gave an overview of the meeting she organized to discuss regional delivery of services in the Upper Peninsula. Ms. Khogali, Ms. Mack, Ms. Klimaszewski and Mr. Walker also participated in the meeting.

The Commission meeting recessed for 20 minutes and resumed at 3:50 pm.

Planning for Distribution of Grants and Implementation

The Commission reviewed the materials provided by staff with the proposed distribution process and timeline.

Ms. Mack gave an overview of the proposed process. The recommendation for distribution is 20% of the grant at the beginning of the grant period with the remainder being distributed on a reimbursement basis. Ms. Mack reviewed the quarterly financial status report form that will be required. She reviewed the process by which local systems could request a budget document and what that process would require. Mr. Shea suggested an amendment to the grant agreement template.

Ms. McCowan reviewed the proposed guideline document to assist local indigent defense delivery systems.

Dr. Siegel gave an overview of the information that would be collected about implementation and noted why this information was important to MIDC's mission. Dr. Siegel presented the idea of piloting the use of a centralized data collection system in the public defender offices for one year. The program that would be used would be defenderData; this is a program that several systems included in their compliance plans.

Judge Boyd moved to support the defenderData pilot project and for the Commission to fund a maximum of \$57,604 towards this project. Mr. Haveman seconded the motion. The motion carried.

Ms. McCowan reviewed proposed internal operating procedures (IOPs) to formalize the processes presented in the draft guide. The Commission proposed an amendment to reference the documents that were approved at today's meeting within the IOPs.

Mr. Swor moved to approve the grant template with the amendment discussed by the Commission, the IOPs as amended by the Commission, and the Guide for Compliance Reporting and Distribution of Funds. Judge Boyd seconded the motion. The motion carried, Mr. King opposed the motion.

The Commission discussed the process of systems' transitions from the current method of providing indigent defense to the method provided in the plans so that there would not be a loss in services.

Judge Fisher moved that the Commission fund systems as the transition to complying with the standards was implemented. Mr. Walker seconded the motion. The motion carried, Judge Boyd and

Ms. Kristina Robinson abstaining because their respective counties would be affected by this decision.

Antrim County Clerical Error

Ms. Khogali and Ms. McCowan reviewed a clerical error that occurred in the approval process for Antrim County.

Judge Boyd moved that Antrim County's cost analysis be changed reflect system costs of \$232,000, a local share of \$78,431, and a state grant amount of \$153,569. Mr. Walker seconded the motion. The motion carried.

Coordination of Standard 1 Resources to Local Systems

Ms. Khogali and Ms. McCowan gave the Commission an overview of the proposal to combine payments to organizations providing training. One check would be provided from the MIDC from its funding for compliance grants to specific organizations who were included in various compliance plans. Ms. Khogali indicated that this method of paying was acceptable provided that each local system had the opportunity to opt out of the arrangement.

Judge Boyd moved that Commission staff contact local systems and allow them to opt out of centralized Standard 1 payments to organizations providing training. Mr. Walker seconded the motion. The motion carried.

Staff Training

Ms. Khogali reviewed a request for out-of-state travel provided to Commissioners for review. Judge Boyd moved that the training request be approved. Mr. Walker seconded the motion. The motion carried.

The Commission's next meeting will be October 16, 2018 at 1:00 pm.

Mr. Shea moved that the meeting be adjourned. Mr. Eaman seconded the motion. The motion carried.

The meeting adjourned at 5:40 pm.

Respectfully submitted,
Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
October 16, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, Brandy Robinson, Kristina Robinson, Dr. David Schuringa, William Swor, and Gary Walker

Participating via Telephone

Nancy Diehl

Commission Members Absent

John Shea

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Eugene Butler, Barbara Caskey, Christopher Forsyth, Jennifer France (via telephone), Mary Ann Jerge, Fred Johnson, Brian Kennedy, Mickey Knight, John Nizol, Donald Parker, Craig Paul, Kay Perry, Laura Porter (via telephone), Mary Ann Talon, Genevieve Taylor (via telephone), Dawn Van Hoek, Nancy Waldman, Frank Waters, Shelli Weisberg,

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Chris Sadler, Jonah Siegel, Kristen Staley (via telephone), and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:08 pm.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments.

Grand Traverse and Oakland Counties submitted letters to the MIDC in September that were distributed to members of the Commission.

Jennifer France offered comments on behalf of the Chippewa County Public Defender's Office.

Nancy Waldman from the 45th District Court in Oak Park offered comments in support of that system's request for additional grant funding.

Deena Bosworth offered comments on behalf of the Michigan Association of Counties.

Mary Ann Jerge offered comments on behalf of Oakland County.

Donald Parker, Chair of the Livingston County Board of Commissioners, offered comments on behalf of that county.

Christopher Forsyth offered comments on behalf of Grand Traverse County.

Craig Paul offered comments on behalf of Kent County.

Fred Johnson, Muskegon County Public Defender, offered comments on behalf of that county.

Dawn Van Hoek offered comments on behalf of Wayne County regarding that county's request to extend the date on its planning grant.

Additions to the Agenda

There were no additions to the agenda. Mr. Swor moved that the agenda be adopted, Mr. Walker supported the motion. The motion carried.

Consent Agenda

Ms. Brandy Robinson moved that the consent agenda containing the minutes from the meeting on August 21, 2018 be adopted. Judge Boyd seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing.

Executive Director Report

Ms. Khogali provided a written report for Commissioners and welcomed any questions about its content. She thanked the staff and commissioners for their ongoing work and participation in meetings, mediation and presentations since the last commission meeting.

Macomb Feasibility Study Presentation and Discussion

Ms. Grillo provided an overview of the study. Ms. Taylor and Ms. Porter presented via telephone about the details of the project and its findings. Ms. Caskey and Mr. Nizol offered their perspectives on the project.

Mediation

Oakland County

Ms. Khogali and Ms. McCowan provided an overview of the unresolved issues in the Oakland County mediation. Ms. Khogali thanked Ms. Brandy Robinson for attending the mediation sessions on behalf of the Commission.

The disapproval of the compliance plan was based on the inclusion of funding for prosecutors and magistrates (and related funding requests). Ms. Khogali and Ms. McCowan advised the Commission that the parties have been unable to reach a resolution to dispute. Pursuant to MCL 780.995(2)(b), MIDC staff worked with Oakland County to complete a final compliance plan and cost analysis.

Judge Fisher moved that Oakland County's final plan and final cost analysis be approved. Mr. Swor seconded the motion. The motion carried.

Isabella County

Ms. Khogali and Ms. McCowan provided an overview of the mediation process with Isabella County. Ms. Khogali thanked Mr. Puerner for attending on behalf of the Commission.

Mr. Swor moved that the mediation settlement and revised cost analysis be approved. Judge Fisher seconded the motion. The motion carried.

Hazel Park

Ms. Khogali and Ms. McCowan provided an overview of the mediation process with Hazel Park.

Judge Fisher moved that the mediation settlement, the revised plan and the revised cost analysis be approved. Judge Boyd seconded the motion. The motion carried.

Discussion of Grant Disbursement and Requests by Local Systems

Wayne County Request for Extension of Planning Grant

Ms. Khogali updated the Commission on the project and its activities. Wayne County has requested a 60-day extension on the grant through May 31, 2019. Ms. Van Hoek provided an overview of the County's Request for Proposals process and current timeline.

Judge Collins moved that Wayne County be given the 60-day extension. Judge Fisher seconded the motion. The motion carried, Ms. Kristina Robinson abstaining from the vote.

The Commission recessed from 2:55 pm until 3:19 pm.

Oak Park Grant Amendment Request

Ms. McCowan provided an overview of the request. Ms. Mack reviewed the initial cost analysis submitted by the local system. Ms. Grillo provided additional details. Ms. Waldman answered questions from the Commission.

Judge Fisher moved that Oak Park's request to amend its grant amount for construction costs be forwarded to the Construction/Cost Allocation Committee chaired by Ms. Diehl for that Committee's review. Mr. Eaman seconded the motion. The motion carried.

Houghton Grant Agreement Request

Ms. McCowan provided an overview of the request. Houghton requested the advance on its grant be increased to 50%. MIDC staff recommends that this amount be advanced.

Judge Boyd moved that the staff recommendation be adopted, and that Houghton be advanced 50% of its grant amount. Judge Fisher seconded the motion. The motion carried.

Discussion of Grant Disbursement to Local Systems

Chair Puerner updated the Commission on the work done with individual counties and the Michigan Association of Counties. Chair Puerner provided an overview of the Executive Committee's proposed changes to the grant agreement including changes in the distribution of funds and a modification of the compliance reporting requirements. The Executive Committee proposes a distribution schedule of a 50% initial distribution, and one 25% distribution in January of 2019 and the final distribution in April of 2019.

Judge Boyd moved that the Commission modify the distribution schedule to a 50% initial disbursement and then two subsequent 25% distributions, contingent upon the passage of a subsequent motion regarding compliance reporting requirements. Judge Fisher seconded the motion. The motion carried.

Judge Boyd moved that the Executive Director be authorized to continue working with individual systems on quarterly reporting requirements, and this schedule be included as part of the grant agreement that will be distributed to and signed by local systems. Judge Fisher seconded the motion. The motion carried.

The Commission did not discuss the calculation and application of the requirement in MCL 780.993 (10) that gives an indigent criminal defense system 180 days to comply with the terms of the approved plan. Judge Fisher moved that the issue be tabled. Judge Boyd seconded the motion. The motion carried.

Standards 5-8 Update

Ms. McCowan gave an overview of some of the questions that she and regional managers were receiving on the implementation of standard 8.

The Standard 6 Caseload Committee met and recommended that the Commission move forward with Standard 6 as written and submitted to the Department of Licensing and Regulatory Affairs (LARA). The Committee further recommends that the Commission review the preliminary recommended case maximums, as well as the RAND Corporation report, which staff expects to receive in November, and determine how to implement the new findings including the eventual submission of an amended standard. Once the report is complete, regional managers will share the findings with their funding units to notify them of what they may expect in future plan and grant cycles.

Dr. Siegel gave an update of the process and results of the workload study.

Judge Boyd moved that the Standard 6 Caseload Committee's recommendation be adopted. Mr. Swor seconded the motion. The motion carried.

Attorney General Memoranda of Understanding (MOU)

Ms. Khogali presented two memoranda for the Commission's review.

Judge Boyd moved that both be adopted. Judge Fisher seconded the motion. The motion carried.

Discussion of Collection of Reimbursements and Workgroup

Ms. Khogali summarized the meetings held between the MIDC, LARA, the State Budget Office and the State Court Administrator's Office to discuss collections of reimbursements from partially indigent defendants pursuant to the amended MIDC Act. Ms. Khogali recommended that a small workgroup be created to work on this issue.

Judge Boyd moved that the workgroup be created. Mr. Swor seconded the motion. The motion carried.

Discussion of Partial Indigency Standards Committee Charge

Ms. Khogali recommended that a combined committee with those members involved in the amendments to the MIDC Act and the Indigence and Compensation Committee begin working on standards to determine whether defendants are defined as indigent or partially indigent.

Judge Boyd moved that the committee be created and that Chair Puerner appoint its members. Mr. Walker seconded the motion. The motion carried.

Judge Collins moved that the meeting be adjourned. Mr. Swor seconded the motion. The motion carried.

The Commission's next meeting will be December 18, 2018.

The meeting adjourned at 5:00 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT
DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
December 18, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins (joined at 1:45 pm), Judge James Fisher, Joseph Haveman, Derek King, Kristina Robinson and John Shea

Participating via Telephone

Nancy Diehl, Frank Eaman, Brandy Robinson, Dr. David Schuringa, William Swor, and Gary Walker

Commission Members Absent

Tom McMillin

Members of the Public Present Included:

Malcolm Brown, Peter Cunningham, Judge Michelle Friedman Appel, Robert Hamilton, Meghann Keitt, Craig Paull, ~~Mary Ann~~ Marianne Talon, Dawn Van Hoek, Nancy Waldman, Sherri Washabaugh and Shelli Weisberg

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo (via telephone), Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Chris Sadler, Jonah Siegel, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:05 pm.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments.

Craig Paull offered comments on behalf of Kent County.

Additions to the Agenda

Judge Fisher moved to add two items to the agenda. The first is to remove from the table the issue of the calculation and application of the requirement in MCL 780.993 (10) that gives systems 180 days to comply with the terms of the approved compliance plan. This issue was tabled on October 16, 2018. Judge Fisher further moved that an agenda item be added to discuss a new Oakland County lawsuit. The motion was seconded by Judge Boyd. The motion carried.

Judge Boyd moved that the amended agenda be adopted. Judge Fisher seconded the motion. The motion carried.

Consent Agenda

Judge Boyd moved that the consent agenda including the minutes from October 16, 2018 be approved. Judge Fisher seconded the motion. The motion carried.

Chair Report

Chair Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing. He welcomed Ms. Wangler, who recently started working as the Commission's Regional Manager for the Northern Michigan region. Chair Puerner thanked Mr. Dennie and Ms. Grillo for their work. Mr. Dennie recently accepted a position as the Kent County Public Defender and Ms. Grillo is returning to private practice.

The comment period for Standards 5 – 8 closed. The comments have been compiled and will be forwarded to the Director of Licensing and Regulatory Affairs (LARA) for her review.

Executive Director Report

Ms. Khogali highlighted the successes of the Commission and its staff over the last few months. She updated the Commission on various topics and invited Commissioners to contact her for additional information.

Update of Distribution of MIDC Grants to Local Funding Units

Ms. McCowan updated the Commission on the number of contracts completed and funding distributed. Staff has scheduled webinars for local systems to assist with compliance reporting.

The Commission reviewed the number of incomplete contracts. Judge Boyd moved that the Executive Director notify systems that the incomplete contracts must be returned and finalized by January 31, 2019. Judge Fisher seconded the motion. The motion carried.

Requests for Plan Changes

Three systems have requested plan adjustments that are significant enough to require Commission review and approval.

Arenac County requested a plan revision to include a clerk to gather reporting data for a maximum of five hours per week at \$17/hour plus fringe benefits. The county requested an attorney administrator to appoint the attorneys, authorize experts and investigators and review and approve hourly bills. This position would be a contract position at a rate of \$100/hour for a maximum of 10 hours per month and an annual maximum of \$12,000. Changes can be made between categories in the budget to make the change without a grant increase.

Delta County requested several adjustments to account for contract revisions currently occurring in that county. The county would like to hire an attorney to serve as house counsel for arraignments and appointment administration. Changes can be made between categories in the budget to make the change without a grant increase.

Wayne County requested several changes to enable the county to move towards judicial independence by hiring an MIDC Administrator. This Administrator will review requests for investigators and experts and develop and administer screening protocols for eligibility for these requests. Changes can be made between categories in the budget to make the change without a grant increase.

Judge Boyd moved that the adjustments requested by Arenac, Delta and Wayne Counties be approved. Mr. Shea seconded the motion. The motion carried.

Requests to change the cost analysis

The 48th District Court in Bloomfield Hills is participating in Oakland County's county-wide program to implement Standard 4. Funding for Standard 4 was inadvertently omitted from the system's cost analysis. MIDC staff recommends that \$41,219 be added to the 48th District Court plan and that this amount be deducted from Oakland County's plan.

Judge Boyd moved that \$41,219 be moved from Oakland County's plan to the 48th District Court plan. Mr. Swor seconded the motion. The motion carried.

The 45th District Court in Oak Park requested an increase in grant funding of \$29,346 to supplement \$7500 which was included in the approved plan (for a total of \$36,846) for court construction costs. Judge Friedman Appel and Ms. Waldman commented on behalf of the 45th District Court.

Ms. Diehl moved that the Commission approve a total of \$36,846 for the construction project and that the Commission empower staff to make the adjustment within the existing budget's line items to cover the cost of the project. Ms. Diehl further moved that, if after six months there is not money in the budget to pay for this request, it be reconsidered by the Commission. Judge Boyd seconded the motion. After discussion, Chair Puerner called for a roll call vote. The motion carried. Eight members voting yea (Chair Puerner, Judge Boyd, Judge Collins, Ms. Diehl, Mr. Eaman, Mr. King, Mr. Swor and Mr. Walker), four members voting nay (Judge Fisher, Mr. Haveman, Ms. Kristina Robinson and Mr. Shea), and two members abstaining (Ms. Brandy Robinson and Dr. Schuringa).

Regional Highlights and Leadership Gathering

Ms. McCowan provided an overview of the status of systems by region. There will be a leadership gathering for the heads of public defender offices on February 8, additional information will be on the MIDC's website.

MATCP proposal for Standard 4 implementation

Ms. McCowan will submit a program proposal for the Michigan Association of Treatment Court Professionals (MATCP) statewide conference.

The Commission recessed at 3:00 pm for 10 minutes.

Process for providing the State Budget Office and estimate for FY 20 Grant Funding

Ms. Khogali provided an update on her communications with the State Budget Office (SBO) regarding a plan to develop estimates for the funding needed in the 2020 fiscal year that begins October 1, 2019. Ms. Khogali and staff will work with systems on developing a budget for the next fiscal year and will bring changes in compliance plans to the Commission for approval at its April meeting.

Additional agenda item: Calculation and Application of the 180-day Requirement in MCL 780.993 (10)

Judge Fisher moved that the issue, which was tabled on October 16, 2018, be removed from the table. Judge Boyd seconded the motion. The motion carried.

Judge Boyd moved that the Commission actively interpret MCL 780.993 (10) (MCL 780.993 (11) after the modifications to the statute go into effect on December 23, 2018) to read that the 180-day period begins with the first dollar arrives from the state to the local system. Judge Fisher seconded the motion. The motion carried.

Committee/Workgroup Updates

The Commission received updates on the Court Rules Committee, the Standard 8 Committee and the MIDC/SCAO Workgroup on Collection of Reimbursements.

Research Update

Dr. Siegel provided an update on the Standards Implementation Study and the RAND Caseload Report. He presented on the need for a uniform case management system and described the challenges of collecting data without this system.

Judge Boyd moved to authorize Dr. Siegel and MIDC staff to spend up to \$200,000 on the development on a new case management system and to work with LARA to make sure that state requirements for bidding, procurement and development are followed. Mr. Swor supported the motion. The motion carried.

Wayne County Update

Ms. Van Hoek updated the Commission on Wayne County's progress on implementing changes to that County's indigent defense system.

Nominations Committee Report

Judge Boyd reported that the Nominations Committee met via conference call and recommended that the current officers be reelected for the 2019 calendar year. Chair Puerner would remain as Chair, Ms. Brandy Robinson would remain as Vice Chair and Mr. Walker would remain as Secretary. Judge Fisher moved that the Nominations Committee's recommendation be adopted. Mr. Shea seconded the motion. The motion carried.

Judge Fisher moved that, pursuant to MCL 15.268 (e), [that the Commission meet in closed session under section 8\(e\) of the Open Meetings Act to consult with counsel regarding trial/settlement strategy in connection with Oakland County v. MIDC..](#)

Judge Boyd seconded the motion. Chair Puerner requested a roll call vote. The motion carried with 13 members voting yea (Chair Puerner, Judge Boyd, Judge Collins, Ms. Diehl, Mr. Eaman, Judge

Fisher, Mr. King, Ms. Brandy Robinson, Ms. Kristina Robinson, Dr. Schuringa, Mr. Shea, Mr. Swor and Mr. Walker), 0 members voting nay and 0 abstentions. The motion carried. The Commission moved to closed session at 4:50 pm.

Judge Fisher moved that the Commission return to open session. Judge Boyd seconded the motion. Chair Puerner requested a roll call vote. The motion carried with 13 members voting yea (Chair Puerner, Judge Boyd, Judge Collins, Ms. Diehl, Mr. Eaman, Judge Fisher, Mr. King, Ms. Brandy Robinson, Ms. Kristina Robinson, Dr. Schuringa, Mr. Shea, Mr. Swor and Mr. Walker), 0 members voting nay and 0 abstentions. The Commission returned to open session at 5:14 pm.

Judge Fisher moved that the meeting be adjourned. Mr. Shea seconded. The motion carried. The meeting adjourned at 5:15 pm.

The next meeting will be February 12, 2019 at 11:00 am.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
February 12, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd and Derek King

Participating via Telephone

Thomas Clement, Nancy Diehl, Frank Eaman, Judge James Fisher, Joseph Haveman, Brandy Robinson, Kristina Robinson, Dr. David Schuringa, William Swor, and Gary Walker

Commission Members Absent

Judge Jeffrey Collins, Tom McMillin and John Shea

Members of the Public Participating Included:

Malcolm Brown (via telephone), Ken Hinton, Meghann Keit, Karen Moore (via telephone), Courtney Pendleton, Ramona Sain (via telephone), Marianne Talon and Dawn Van Hoek

Staff Members Present

Loren Khogali, Barbara Klimaszewski (via telephone), Marla McCowan, Kelly McDoniel (via telephone), Rebecca Mack, Jonah Siegel, Nicole Smithson (via telephone), Kristen Staley (via telephone), Melissa Wangler (via telephone) and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:05 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments.

Ms. Van Hoek updated the Commission on Wayne County’s activities.

Additions to the Agenda

Mr. King moved that the agenda be adopted as presented and that no items be added. Judge Boyd seconded. The motion carried.

Consent Agenda

Judge Boyd moved that the consent agenda including the minutes from the open and closed sessions of the January 11, 2019 special meeting be approved. Mr. Walker seconded the motion. The motion carried.

Chair Report

Chair Puerner gave the Commission an overview of the process that will be used for Executive Director Loren Khogali's annual review. He would like this completed by the April meeting, and the Commission will move into closed session for discussion if requested by Ms. Khogali to do so.

Executive Director Report

Ms. Khogali welcomed Nicole Smithson to the MIDC. Ms. Smithson will be the Regional Manager for Lapeer, Oakland, Macomb and St. Clair Counties. Ms. Khogali updated the Commission on a number of matters, including transition meetings, research opportunities, the implementation of compliance plans by local systems, the grant contracting process and the Oakland County lawsuits.

Contracts Completed and Funding Distributed

As of February 5, 2019, 92 systems have finalized their contracts and received the initial 50% distribution of grant funding, for a total of \$24,124,290.77.

Discussion of Assessment of Compliance with Standards 1-4

Ms. McCowan gave an overview of the issue, and when the Commission could expect the first plans to reach the 180-day compliance date.

Judge Boyd moved that the Commission ask staff to develop a framework for compliance review and make a recommendation of guidelines and benchmarks to be used by the Commission. Mr. King seconded the motion. The motion carried.

First Quarter Reporting

Ms. McCowan and Dr. Siegel gave an overview of the reporting process and preliminary results.

Budget Adjustments

Ms. McCowan updated the Commission on the budget adjustments approved by staff pursuant to the process previously approved by the Commission. The adjustments for the following areas did not impact the total system cost:

- 28th District Court – Southgate
- 44th District Court – Royal Oak
- Barry County
- Mason County
- Tuscola County

Requests for Plan Adjustments

The following plan adjustments were placed before the Commission for its consideration:

- Clare/Gladwin Counties: These counties submitted separate plans that provided for joint administration. The counties have requested a single contract with Clare as the fiduciary, and a shift of funds to provide for a part-time clerical employee and an attorney manager.

- Kalkaska County: The county is requesting a plan revision to include an attorney administrator, which would be a contract position. The funds needed for the change are available without a grant increase.

Staff recommends approval of both adjustments.

Judge Fisher moved that the staff recommendation be adopted and the Commission approve the adjustments for Clare/Gladwin Counties and for Kalkaska County. Mr. Walker supported the motion. The motion carried.

Policy Addressing Changes in Local Share

Staff updated the Commission on the requests from local systems to change their local shares. The Commission discussed the issue but did not take any action.

Regional Highlights, Standard 1 Spotlight

Ms. McCowan highlighted activities throughout the state. A Leadership Gathering was held on February 8, 2019 in Lansing for Michigan public defenders and managed assigned counsel administrators. Staff members received very positive feedback regarding the conference. Ms. Khogali and Ms. McCowan gave the Commission an overview of the event. Ms. McCowan will begin working with the Training and Evaluation Standards Committee to develop standards for training providers and trainers for the Commission to review and approve.

Oakland County District Courts Standard 1 Discussion

Ms. McCowan updated the Commission on Oakland County's plan for complying with Standard 1. Attorneys who practice in Oakland County have contacted the MIDC offices to inquire how to comply with the standard. Since the contract has not yet been signed, the plan has not been implemented. Ms. McCowan provided several options for the Commission's consideration.

Mr. Brown offered comments on Oakland County's plan for complying with Standard 1.

Discussion of Incomplete Contracts

Ms. Khogali gave an overview of the contracts that have not yet been executed. Ms. Khogali recommends that staff communicate to systems with outstanding contracts that these contracts must be executed by March 1, 2019 or be in the process of being executed. After March 1, 2019, the MIDC will contact the State Court Administrative Office to request that a mediator be appointed pursuant to the MIDC Act and that mediation be conducted.

Ms. Brandy Robinson moved that Ms. Khogali's recommendation above be adopted. Mr. Swor seconded. The motion carried.

Wayne County Request for Extension of Grant Contract

Ms. Khogali updated the Commission on Wayne County's progress. Wayne County submitted a request to the Commission to extend the planning grant from May 31, 2019 to March 31, 2020.

Judge Boyd moved that the planning grant be extended to March 31, 2020. Mr. Swor supported the motion. The motion carried. Ms. Kristina Robinson abstained from voting on the motion.

Discussion of Process for Annual Compliance Plans

Ms. Khogali informed the Commission that, as part as the first quarter reporting, local systems were asked to provide an estimate of the funding required for FY 2020. MIDC staff will review these estimates and are in the process of gathering background information to support the requests. The estimate will be communicated to the State Budget Office.

Ms. Khogali recommended that MIDC staff work to finalize a process for accepting compliance plans for FY 2020. Under the proposed process, local systems would submit annual compliance plans for 2020 beginning in April. Staff would review the plans and present them to the Commission at the June 2019 for review and approval.

Judge Boyd moved that Ms. Khogali's recommendation be adopted, designating to staff the development of a process for receiving, reviewing and presenting annual compliance plans to the Commission for approval. Judge Fisher seconded the motion. The motion carried.

Judge Boyd moved that the meeting be adjourned. Mr. Walker seconded the motion. The motion carried. The meeting was adjourned at 1:11 pm.

The next meeting is April 16, 2019 at 11:00 am.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
April 16, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Judge Jeffrey Collins, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, John Shea and Gary Walker.

Participating via Telephone

Nancy Diehl, Dr. David Schuringa and William Swor

Commission Members Absent

Frank Eaman

Members of the Public Participating Included:

Malcolm Brown, Tim Havis, Ashley Johnson, Meghann Keit, Brian Kennedy, Karen Moore, Craig Paull, Courtney Pendleton, Kay Perry, Drew Van de Grift (via telephone), Dawn Van Hoek (via telephone) and Judge Cynthia Walker (via telephone)

Staff Members Present

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler (via telephone) and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:05 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments.

Additions to the Agenda

There were no additions to the agenda. Mr. Swor moved that the agenda be approved as presented. Mr. Shea seconded. The motion carried.

Consent Agenda

Mr. McMillin moved that the consent agenda containing the minutes from the February meeting be approved. Mr. Swor seconded the motion. The motion carried.

Chair Report

Chair Puerner announced the resignation of two Commission members, Brandy Robinson and Kristina Robinson. Brandy Robinson resigned to become more involved with Wayne County's reform efforts. Kristina Robinson was appointed to the 36th District Court. Chair Puerner thanked them both for their commitment to the Commission and its work.

Brandy Robinson's resignation created a vacancy on the Executive Committee. Chair Puerner appointed Judge Boyd, Ms. Diehl and Mr. Shea to the Nominating Committee to recommend a new Vice Chair, AFTER THE COMMISSION VACANCIES ARE FILLED.

Chair Puerner noted that Mr. King's county recently hired a public defender for its new office. Mr. King discussed the process Calhoun County used to hire its new public defender, David Makled.

Chair Puerner announced that the 36th District Court submitted a letter to the MIDC indicating that it will work towards compliance.

Judge Fisher reported that he had a conversation with Chief Justice Bridget McCormack and Justice Elizabeth Clement to update them on the Commission's work and progress distributing grants.

The Executive Committee is still working on the form for Ms. Khogali's evaluation.

Executive Director Report

Ms. Khogali provided an overview of staff activities since the last Commission meeting. She continues to work with staff to evaluate the capacity to meet its responsibilities.

She provided an overview of contracts. Jackson and Oakland Counties have signed their respective grant agreements. Warren/Centerline is currently reviewing its budget and has submitted a budget to the MIDC. Grant agreements for Washtenaw, Wayne and the 36th District Court are currently outstanding. Staff continues to work with these systems to finalize and execute grant agreements.

Ms. Khogali recognized Brandy and Kristina Robinson for their contributions to the Commission. The Governor's Appointments Office contacted Ms. Khogali and she is working with that office on appointments for the open Commission seats.

The Trial Court Funding Commission, chaired by Judge Boyd, issued an interim report. Ms. Mack assisted that Commission and received recognition for this work. Judge Boyd will email the report to Commissioners.

Ms. Khogali recognized the Research Unit for its work. North Carolina began studying effective pay rates and used work compiled by Dr. Siegel and Mr. Sadler to begin that state's study.

Requests for Plan Adjustments

50th District Court, Pontiac

Ms. McCowan and Ms. Smithson gave an overview of the adjustment requested by the 50th District Court in Pontiac. Judge Walker and Ms. Johnson assisted with the overview. The court requests a plan change that would allow it to contract with an attorney to serve as its Managed Assigned Counsel Coordinator and provide an executive assistant who would be onsite full-time to ensure compliance with the standards. MIDC Staff recommends approval.

Judge Boyd moved that the 50th District Court's adjustment be approved. Mr. Walker seconded. The motion carried.

Oceana County

Ms. McCowan and Ms. Klimaszewski provided an overview of the county's request. Ms. Moore participated in the discussion. Oceana County requested a plan change to modify how its attorneys will be paid for the current fiscal year. MIDC staff recommends approval.

Judge Boyd moved that Oceana County's plan change be approved. Judge Fisher seconded the motion. After discussion, the motion carried.

Annual Report

Ms. Khogali and Ms. McCowan provided an overview of the annual report. A letter from the Chair will be added before the report is distributed.

Mr. Walker moved that the annual report be approved. Mr. Shea seconded. The motion carried.

Budget Adjustments

Ms. Mack provided an overview of the budget adjustments that she has approved; these adjustments did not rise to the level of Commission action. Adjustments were approved for the following systems: 29th District Court (City of Wayne), 45th District Court (Oak Park), Benzie and Manistee Counties, Gogebic County, Marquette County, Monroe County and Montcalm County.

The Construction Committee met via telephone on March 4, 2019 to discuss adjustments to construction projects requested by Oakland and Macomb Counties. That Committee had no objection to Ms. Mack's approval of the budget adjustments for these systems.

Wayne County Progress Report on Planning Grant

Ms. Van Hoek and Mr. Van de Grift gave an overview of Wayne County's progress. Ms. Van Hoek stated that the grant agreement will be before the Wayne County Commission for its approval on April 18, 2019. The county is working on a contract with the Neighborhood Defender Service, which was the winning bidder on the county's RFP. The Sixth Amendment Center's report on Wayne County's system is expected to be released in May.

Mr. Van de Grift requested that the grant agreement be extended past the end of the 2019 fiscal year.

Judge Fisher moved that the matter be tabled because the grant agreement has not yet been executed. Judge Boyd seconded the motion. The motion carried.

The Commission recessed from 12:40 pm until 12:55 pm.

Annual Compliance Plans Process, Timing and Review

Regional Managers are currently working with systems to have plans for the 2020 fiscal year submitted to the Commission by the end of April. Staff will follow a similar review process to what was done with the initial set of plans, and will present these plans to the Commission for its review beginning in June.

Research and Data

Dr. Siegel updated the Commission on the Research Unit's data collection efforts. He reported that the defenderData pilot project with public defender offices was going well. The offices have been working with defenderData to make changes to the program that will improve the MIDC's data collection efforts. MIDC staff continues to work with the Department of Licensing and Regulatory Affairs on potentially obtaining a case management system for statewide use.

The Committees for Standards 6 and 8 will be convened to address two issues. The first issue is the consideration of the draft report from RAND. The Research Unit has been working on a cost estimate for Standards 6 and 8 and will present this to the Committees for their review.

Dr. Siegel gave an overview of the challenges of collecting data when various case management systems are used throughout the state. One system, JMS, is willing to work with the MIDC and the systems that use its software to make changes to collect data for the MIDC more efficiently. The MIDC would pay \$21,750 for JMS to make these changes.

Judge Boyd moved that the Commission pay \$21,750 for JMS to make the changes. Judge Fisher seconded the motion. The motion carried.

Training Standards Committee Report

Ms. McCowan provided an informational update regarding the committee's meeting and two focus groups held to explore concepts related to potential training standards.

Brandy Robinson's resignation created a vacancy in this Committee; Ms. Robinson served as Chair. Chair Puerner appointed Mr. Eaman Chair of this Committee.

Discussion of Assessment of Compliance with Standards 1-4

Ms. Khogali indicated that she would like to lean towards flexibility and supporting systems as the Commission begins to determine systems' compliance with the first four standards with an overarching focus on ensuring that local systems are successful with implementation. She indicated that she would like to ensure that this approach is consistent with what the Commission wants so that both the Commission and its staff anticipate the same approach. No members of the Commission voiced opposition to this approach.

The next meeting is June 18, 2019 at 11:00 am.

Mr. Shea moved that the meeting be adjourned. Judge Collins seconded the motion. The motion carried.

The meeting adjourned at 1:41 pm.

Respectfully submitted,

Marcela Westrate



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
June 18, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Kimberly Buddin, Tracey Brame, Judge Thomas Boyd, Nathaniel Crampton, Andrew DeLeeuw, Frank Eaman, Judge James Fisher, Christine Green, Joseph Haveman, James Krizan, Margaret McAvoy, John Shea, Gary Walker

Participating via Telephone

Nancy Diehl, Tom McMillin and William Swor

Commission Members Absent

Thomas Clement and Judge Jeffrey Collins

Members of the Public Participating Included:

Malcolm Brown (via telephone), Russell Church, Chris Dennie, Tim Havis, Mary Ann Jerge (via telephone), Meghann Keit, Brian Kennedy, Karen Moore, Craig Paull, Courtney Pendleton, Scott Smith, Sara Spencer-Noggle, Marianne Talon (via telephone), Dawn Van Hoek, Shelli Weisberg

Staff Members Present

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Susan Prentice-Sao, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:02 am.

Members of the Commission introduced themselves. Ms. Khogali introduced herself and asked each staff member to introduce themselves.

Public Comment

Christopher Dennie, Kent County Public Defender, offered public comment.

Additions to the Agenda

Judge Boyd requested that a report from the Nominating Committee be added to the agenda.

Chair Puerner requested that agenda item 8f, Defense Counsel in Specialty Courts, be moved ahead of agenda item 8e, FY 20 Compliance Plans.

Judge Fisher moved that the agenda be adopted as amended. Mr. Walker seconded the motion. The motion carried.

Consent Agenda

Mr. Shea moved that page two of the April minutes be amended by adding “after the commission vacancies are filled” at the end of the third paragraph on page 2. Mr. Swor moved that the minutes be adopted as amended. Mr. Walker seconded the motion. The motion carried.

Chair Report

Chair Puerner summarized his meeting with Department of Licensing and Regulatory Affairs Director Orlene Hawks. MIDC staff met with a group of stakeholder systems from the Michigan Association of Counties to discuss the grant agreement for the next fiscal year. Those meetings will continue. Chair Puerner has appointed new Commissioners to MIDC Committees. Commissioners were asked to let Chair Puerner know if they would prefer a different committee assignment.

Executive Director Report

Ms. Khogali provided submitted a written report and invited questions from Commissioners. She welcomed new Commissioners. She welcomed the new Regional Manager for Western Michigan, Susan Prentice-Sao.

Standard 8 Proposed Technical Amendment

Ms. Khogali presented a proposed technical amendment for the Commission’s consideration. Standard 8 currently references “The rates paid by the Michigan Attorney General for Special Assistant Attorneys General” as guidance for reasonable salaries. The rates for “Special Assistant Attorneys General” are not public, are based on individual contracts that vary greatly and are not standard from contract to contract. This matter was discussed by the Commission’s committees on Standards 6 and 8. The Commission’s discussion indicated that the reference to the Assistant Attorneys General compensation should be read as a permissible range rather than a salary scale.

The amendment would strike the word “Special” and the revised Standard 8 language would read as follows:

“A. Rates of Payment for Salaried Public Defenders. Reasonable salaries and benefits and resources should be provided to indigent defense counsel. The rates paid by the Michigan Attorney General for Special Assistant Attorneys General, or other state offices serve as guidance for reasonable compensation.”

Judge Fisher moved that the technical amendment be adopted, and that the change be communicated to Director Hawks at LARA. Mr. Haveman seconded the motion. After discussion, the motion carried.

MIDC Transition to DTMB/State of Michigan Network

Ms. Khogali updated the Commission on the work being done to move MIDC staff to the State’s Executive Branch technology services.

Incomplete Contracts

There are two contracts outstanding, Washtenaw County and 36th District Court/City of Detroit. Ms. Staley updated the Commission on Washtenaw County's status. Ms. McDoniel updated the Commission on the 36th District Court in Detroit's status.

Budget Adjustments

Commissioners were provided a summary of the budget adjustments approved by Grant Manager Rebecca Mack. Ms. Mack answered questions from Commissioners.

Budget adjustments were approved for the following systems:

- Barry County
- Cheboygan County
- Chippewa County
- Clinton County
- D 19 – Dearborn
- D 25 – Lincoln Park
- D 28 – Southgate
- D 29 – City of Wayne
- D 40 – St. Clair Shores
- D 43-2 – Ferndale
- D 48 – Bloomfield
- D 51 – Waterford
- D 61- Grand Rapids
- D 62A - Wyoming
- Eaton County
- Monroe County
- Huron County
- Lake County
- Marquette County
- Mason County
- Ogemaw County
- Ontonagon County
- Presque Isle County
- Saginaw County
- St. Joseph County
- Tuscola County

The following budget adjustment requests were denied by the Grant Manager:

- Baraga, Houghton, Keweenaw Counties
- Cass County

Requests for Plan Adjustments

Ms. McCowan provided an overview of the plan change requested by St. Joseph County. The County is requesting a plan revision to include a Managed Assigned Counsel administrator beginning July 1, 2019. Staff recommends approval of the change.

Judge Boyd moved that the Commission approve the compliance plan adjustment requested by St. Joseph County. Mr. Walker seconded the motion. The motion carried.

Implementation Update

Dr. Siegel presented a rubric developed by staff to determine whether a system was compliant. He discussed the need for the document in evaluating compliance in the field. Commissioners were invited to present feedback by June 25, 2019.

Failure to Submit Quarterly Reports and Incomplete Submissions

Ms. Khogali and Ms. Mack updated the Commission on the financial status reports received as of the first two quarters.

Judge Boyd moved that the Commission authorize staff to withhold 25% from any system that is not in compliance with the reporting requirements. Mr. Haveman seconded the motion. After discussion, the motion carried with Commissioners DeLeeuw, Krizan and McAvoy voting nay.

Wayne County Update

Commissioners reviewed a written updated provided by Wayne County. Ms. Van Hoek answered questions from Commissioners. Judge Boyd expressed his appreciation for Ms. Van Hoek's work in Wayne County. Ms. Talon requested that the Commission consider extending the county's grant agreement beyond the September 30 deadline.

The Commission recessed from 1:00 pm until 1:20 pm.

Court Rules Committee Report and Recommendation

Ms. Khogali presented proposed court rule changes to make the rules consistent with the MIDC Act. Commissioners were asked to give any comments to Ms. Westrate by June 28. After that date, Ms. Khogali will work with Mr. Clement to finalize the drafts of the rules.

Defense Counsel in Specialty Courts

Judge Boyd moved that the Commission:

- (1) declare all indigent criminal defendants equal and deserving of the protections afforded by the MIDC Act and the MIDC,
- (2) specifically declare the representation of indigent criminal defendants in treatment court is an allowable expense that will be treated the same as all other allowable expenses, and
- (3) allow each and every local system that has already submitted a plan and/or cost analysis by the date of the passage of this resolution to submit a supplement to that plan and/or cost analysis to add expenses related to representation of indigent defendants in treatment courts within 60 days. The MIDC will consider these additions for plans and cost analysis whether the system's plan and/or cost analysis has been approved or not.

Judge Fisher seconded the motion.

The Commission discussed the motion. Judge Boyd indicated that Mr. Clement, who did not attend the meeting, supports the motion.

Chair Puerner called for a roll call vote. The motion failed 7 yeas – 10 nays. Yeas: Chair Puerner, Judge Boyd, Mr. Crampton, Judge Fisher, Ms. Green, Ms. McAvoy and Mr. McMillin. Nays: Ms. Buddin, Ms. Brame, Mr. DeLeeuw, Ms. Diehl, Mr. Eaman, Mr. Haveman, Mr. Krizan, Mr. Shea, Mr. Swor and Mr. Walker.

Judge Boyd moved that the Commission:

- (1) declare all indigent criminal defendants equal and deserving of the protections afforded by the MIDC Act and the MIDC, and
- (2) specifically declare the representation of indigent criminal defendants in treatment court is an allowable expense that will be treated the same as all other allowable expenses.

Mr. Eaman seconded the motion. The motion carried.

FY20 Compliance Plans

Ms. Mack presented an overview of the issue of cost allocations and proposed policy drafted by staff members. The Commission discussed the proposed policy.

Mr. DeLeeuw moved that plans including indirect costs under 10% of personnel be allowable and that plans over this amount be subject to additional scrutiny. Mr. Eaman seconded the motion. The motion carried.

Chair Puerner reminded members that, as the Commission begins considering plans for FY 20, Commissioners should recuse themselves when considering their employer's system.

The Commission's ad hoc committees met prior to the Commission to review plans.

The Construction Committee, chaired by Ms. Diehl, met Friday June 14, 2019 at 3:00 pm. It reviewed plans from the following systems:

- Barry County
- Hillsdale County
- Kalkaska County

The Committee for Systems requesting over \$1 million in grant funding, Mr. Puerner Chair, met Monday June 17, 2019 at 8:00 am. The following plans were reviewed:

- Kalamazoo County
- Eaton County

The Committee on District Court funding units requesting over \$500,000 in grant funding met June 17, 2019 at 9:30 am. It reviewed the following plans:

- D 40 – St. Clair Shores (Macomb County)
- D 41-a-2 – Shelby Township (Macomb County)
- D 43-2 – Ferndale (Oakland County)
- D 46 – Southfield (Oakland County)

The Committee on Ancillary Spending met June 17, 2019 at 3:00 pm. It reviewed the following plans:

- Alger County
- Cass County
- Charlevoix County
- D 19 - Dearborn

- D41-a-2 – Shelby Township
- D41b – Mt. Clemens
- D43-2 - Ferndale
- D47 – Farmington/Farmington Hills
- D51 - Waterford
- D62A - Wyoming
- D62b - Kentwood
- Delta County
- Dickinson County
- Emmet County
- Gogebic County
- Gratiot County
- Grosse Pointe Park
- Hillsdale County
- Iron County
- Kalamazoo County
- Kalkaska County
- Lake County
- Mackinac County
- Otsego County
- Presque Isle County

Substantive Review for Commission Decisions

Staff recommends that the Commission approve the plans and disapprove the cost analyses for the following systems:

- Baraga, Houghton and Keweenaw Counties;
- Barry County
- D 41-a-2 – Shelby Township (Macomb County)
- D 62B -Kentwood (Kent County)
- Grosse Point Park Municipal Court (Wayne County)
- Lake County.

Ms. Green moved that the staff recommendation be adopted and the plans for the above systems be approved, and the cost analyses be disapproved. Mr. Krizan seconded the motion. The motion carried.

Staff recommends that the plans and cost analyses from the following systems in the Northern Michigan region be approved:

- Alger County
- Antrim County
- Charlevoix County
- Chippewa County
- Crawford County
- Delta County
- Dickinson County
- Emmet County
- Gogebic County
- Grand Traverse County
- Iron County
- Kalkaska County
- Luce County
- Mackinac County
- Menominee County
- Ontonagon County
- Otsego County
- Presque Isle County

Ms. McCowan and Ms. Wangler provided an overview of the plans.

Mr. Haveman moved that the staff recommendation be adopted and that the plans and cost analyses for the above systems be approved. Mr. Shea seconded the motion. The motion carried.

Staff recommends that the plans and the cost analyses for the following systems in the South Central region be approved:

- Clinton County
- Eaton County
- Gratiot County
- Hillsdale County
- Monroe County
- Shiawassee County

Ms. McCowan and Ms. Staley provided an overview of the plans and answered questions from Commissioners.

Judge Fisher moved that the Eaton County plan be tabled, and that the remaining plans and cost analyses from the systems listed above be approved. Judge Boyd seconded the motion. The motion carried.

The Eaton County plan and cost analysis will be included for consideration on the Commission's July meeting agenda.

Staff recommends that the plans and cost analyses for the following systems in Wayne County be approved:

- D19 – Dearborn
- D20 – Dearborn Heights
- D21 – Garden City
- Grosse Pointe City

Ms. McCowan and Ms. McDoniel provided an overview of the plans and answered questions from Commissioners.

Mr. Haveman moved that the staff recommendation be adopted and the plans and the cost analyses for the systems listed above be approved. Ms. Green seconded the motion. The motion carried.

Staff recommends that the plans and cost analyses for the following systems in the Lapeer/Macomb/Oakland/St. Clair region be approved:

- D40 – St. Clair Shores
- D41-a-1 - Sterling Heights
- D41b – Mt. Clemens
- D43-2 – Ferndale
- D46 – Southfield
- D47 – Farmington/Farmington Hills
- D48 – Bloomfield
- D51 – Waterford

Ms. McCowan and Ms. Smithson provided an overview of the plans and answered questions from Commissioners.

Mr. Shea moved that the plans and cost analyses for D41-a-1 Sterling Heights and D48 Bloomfield be tabled. Judge Fisher seconded the motion. The motion carried.

The plans and cost analyses for D41-a-1 Sterling Heights and D48 Bloomfield will be included for consideration on the Commission's July meeting agenda.

Mr. Eaman moved that the plans and cost analyses for D40 – St. Clair Shores, D41b – Mt. Clemens, D43-2 – Ferndale, D46 – Southfield, D47 – Farmington/Farmington Hills and D51 – Waterford be approved. Judge Fisher seconded. The motion carried.

Staff recommends that the plans and cost analyses for the following systems in the Western Michigan region be approved:

- Branch County
- Cass County
- D59-1 Grandville
- D59-2 – Walker
- D62A – Wyoming
- Ionia County
- Kalamazoo County
- Montcalm County
- St. Joseph County

Judge Fisher moved that the staff recommendation be adopted and that the plans and cost analyses for the systems listed above be approved. Mr. Haveman seconded. The motion carried.

Executive Director Review

Ms. Khogali's annual review will be considered at the July meeting. Chair Puerner will send review materials to Commissioners. Ms. Khogali has requested that the discussion occur in closed session.

Report of Nominating Committee

Judge Boyd stated that the Nominating Committee would meet now that the Commission's vacancies had been filled. In August, the Committee will bring a slate of officers to the Commission for its consideration.

There will be a special meeting of the Commission on July 23, 2019 at 11:00 am in the lower level of the Capitol National Bank Building.

Ms. McAvoy moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried.

The meeting adjourned at 4:20 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
Special Meeting
July 23, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair (participated via telephone initially and arrived at 12:10 pm), Kimberly Buddin, Tracey Brame, Judge Thomas Boyd, Thomas Clement, Andrew DeLeeuw, Frank Eaman, Judge James Fisher, Christine Green, Joseph Haveman, James Krizan, Margaret McAvoy, Tom McMillin, John Shea, William Swor and Gary Walker

Participating via Telephone

Nancy Diehl

Commission Members Absent

Judge Jeffrey Collins and Nathaniel Crampton,

Members of the Public Participating Included:

Connie Bohatch, Malcolm Brown (via telephone), Diane Burton, Chad Catalino, Russell Church, Christopher Dennie, Bob Hamilton, Tim Havis, Ken Hinton, Mary Ann Jerge (via telephone), Elaine Moore (via telephone), Karen Moore, John Nizol, Chanta Parker, Craig Paull, Sandy Shanker, Sara Spencer-Noggle, Drew Van De Grift, Dawn Van Hoek,

Staff Members Present

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Susan Prentice-Sao, Christoper Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

In Chair Puerner's absence, acting-Chair Fisher called the Michigan Indigent Defense Commission ("MIDC" or "the Commission") meeting to order at 11:02 am.

Members of the Commission introduced themselves.

Public Comment

Drew Van De Grift offered comments on behalf of Wayne County.

Chanta Parker, Neighborhood Defender Services Detroit Managing Director, introduced herself to the Commission.

Sara Spencer-Noggle offered comments on behalf of Isabella County.

Additions to the Agenda

There were no additions to the agenda.

Consent Agenda

Judge Boyd moved that the consent agenda containing the minutes from the Commission's June 18, 2019 meeting be approved. Mr. Walker seconded the motion. The motion carried.

Executive Director Report

Ms. Khogali continues to meet with new members of the Commission and encouraged members to contact her with questions or if they need additional information.

Ms. Khogali organized a second meeting with the Michigan Association of Counties to continue reviewing the contract. This meeting focused on reporting requirements and was attended by representatives from several different systems and Mr. DeLeeuw. Dr. Siegel and Ms. Khogali met with the Criminal Justice Policy Commission's Research Director to discuss potential research collaboration between the two commissions. She met with Chief Justice Bridget McCormack to discuss the MIDCs work and overlap with the Michigan Joint Taskforce on Jail and Pretrial Incarceration and its goals.

Chair Fisher requested an update on the 36th District Court's contract. The contract has not been signed. Ms. Khogali provided background on staff's work with the 36th District Court. Judge Boyd noted that he is meeting with that bench in two weeks and is happy to help with the contract.

Conflict of Interest Policy

Chair Fisher introduced the topic. Ms. Khogali provided an overview of the policy used by the Department of Licensing and Regulatory Affairs (LARA). The Commission discussed the policy. Commissioners agreed that for purposes of this meeting, those members with conflicts would not participate in the discussion or vote of the item, which is how the Commission has operated in the past.

Ms. McAvoy moved that the issue be tabled. Judge Boyd seconded the motion. The motion carried.

Chair Puerner encouraged members to review the materials and provide feedback by the end of July so that the issue could be considered at the August meeting.

Update Regarding Treatment Court Discussion at June 18th Meeting

Ms. Khogali met with Mr. Clement regarding the funding that the State Court Administrative Office provides, and the tracking that SCAO does for other grants. Ms. Khogali will continue working with Mr. Clement to determine how much was spend for indigent defendants. Staff will work with individual systems to determine how the system wants to proceed and whether the local share will have to be recertified.

Byrne JAG Grant – FY 20

Ms. McCowan updated the Commission on the progress for the current fiscal year's project. The MIDC is contracting with Keely Blanchard, who is serving as the project manager. The MIDC has been invited to apply for a second year of funding up to \$250,000. The second year of the project would potentially expand the offering for simulated trial and core skills in several areas.

Mr. Eaman moved that staff be authorized to apply for up to \$250,000 in Byrne JAG Grant funding. Mr. Krizan seconded the motion. The motion carried. Mr. Swor abstained from the discussion and vote.

Budget Adjustments

Commissioners were provided a summary of budget adjustments that were approved by staff. These adjustments did not impact the total system cost. Budget adjustments were granted to the following systems:

- 30th District Court – Highland Park
- 37th District Court – Warren/Centerline
- 40th District Court – St. Clair Shores
- 41a2 District Court – Shelby Township
- 48th District Court – Bloomfield
- 50th District Court – Pontiac
- Macomb County
- Oakland County
- Oceana County
- Wexford/Missaukee Counties

Compliance Plan Adjustments

MIDC Staff recommends approval of three compliance plan adjustments.

The 34th District Court in the City of Romulus requested a change in attorney spending that would create a full-time attorney contract attorney. This position would serve as the MIDC coordinator.

The 48th District Court in Bloomfield Hills requested a change in attorney spending to hire a full-time Managed Assigned Counsel Coordinator to replace a non-attorney coordinator position initially included in the system's plan.

The 40th District Court in St. Clair Shores requested a change to its plan to include a Managed Assigned Council Coordinator. Initially the plan did not include this position.

Ms. McAvoy moved that the staff recommendation be adopted and that the three compliance plan adjustments listed above be approved by the Commission. Ms. Brame seconded the motion. After discussion about overall funding for FY 20 compliance plans and increasing costs, the motion carried.

Failure to Submit Financial Quarterly Reports

Ms. Khogali informed the Commission that the 38th District Court in Eastpointe was the only system that failed to provide the required quarterly reporting information.

Judge Fisher moved that the Commission initiate mediation with Eastpointe given the system's failure to comply with the reporting requirements. Mr. Swor seconded the motion. The motion carried.

Chair Puerner joined the meeting at 12:10 pm and assumed the role of Chair for the balance of the meeting.

Chair Puerner provided a report on his activities since the June meeting. He updated Commissioners on his meeting with Director Orlene Hawks and advised that he and Ms. Khogali will be meeting with members and staff of the Liquor Control Commission at her suggestion. Director Hawks suggested meeting might be an opportunity to share information with a long-standing commission about governance and process that would benefit the MIDC.

Chair Puerner informed the Commission that he will create an ad hoc committee to revisit general statements of policy that need to be clarified for staff and the Commission's constituencies. Commissioners who are interested in participating were invited to let Chair Puerner know during the Commission's recess.

The Commission recessed from 1:06 pm until 1:27 pm.

Mr. Hinton offered public comments in support of Livingston County's plan.

Chair Puerner noted that the City of Oak Park submitted a letter requesting that its plan be adopted in lieu of public comment. Ms. Khogali distributed the letter via email to Commissioners.

Discussion and Consideration of FY 20 Compliance Plans

Malpractice Insurance as part of compliance plan cost analyses

Sanilac County and the 25th District Court in Lincoln Park included malpractice insurance in their respective compliance plans. Staff has recommended that both plans be approved. This is a new expense and was not previously included in compliance plans.

Mr. Shea moved to consider the inclusion of malpractice insurance as part of the overall evaluation of the plans for Sanilac and Lincoln Park. Judge Fisher seconded the motion. The motion carried.

Reimbursement of costs from FY 19 included in FY 20 cost analyses

An indigent criminal defense system that expends funds in excess of its local share and the approved MIDC grant to meet unexpected needs in the provision of indigent criminal defense services in FY 19 can include these excess costs in the system's FY 20 grant request pursuant to MCL 780.993(16). The expenses must be reasonably and directly related to indigent criminal defense functions. Ms. McCowan provided an overview of the issue. The Commission will discuss these costs as part of its overall evaluation of the plans.

Committee Review

The Commissioners received a list of the committee meetings that occurred prior to the July 23 meeting.

The Construction Committee did not meet.

The Committee considering District Court funding units requesting more than \$500,000 in grant funding, chaired by Mr. Walker, held a conference call on July 19. Mr. Walker provided an overview of the Committee's discussion. The following plans were discussed:

- 16th District Court – Livonia
- 25th District Court – Lincoln Park
- 34th District Court – Romulus
- 37th District Court – Warren/Centerline
- 38th District Court – Eastpointe
- 39th – Roseville
- 43-1 District Court – Hazel Park
- 43-3 District Court – Madison Heights
- 44th District Court – Royal Oak
- 45th District Court – Oak Park

- 50th District Court – Pontiac

The Committee considering Systems requesting more than \$1 million in grant funding, chaired by Mr. Puerner, held a conference call on July 22. Mr. Puerner provided an overview of the Committee’s discussion. The following plans were discussed:

- | | |
|---|---------------------|
| • Allegan/Van Buren Counties | • Lapeer County |
| • Berrien County | • Lenawee County |
| • Calhoun County | • Livingston County |
| • Clare/Gladwin Counties | • Macomb County |
| • Genesee County | • Ottawa County |
| • Ingham County | • Saginaw County |
| • Isabella County | • St. Clair County |
| • Jackson County | • Washtenaw County |
| • Kent County (17 th Circuit/63 rd District Courts) | |

The Committee on Ancillary Spending, chaired by Judge Collins, held a conference call on July 22. Mr. Eaman provided an overview of the Committee’s discussion. The following plans were discussed:

- | | |
|---|---|
| • Arenac County | • 43-1 District Court – Hazel Park |
| • Cheboygan County | • 43-3 District Court – Madison Heights |
| • Clare/Gladwin Counties | • 44 th District Court – Royal Oak |
| • 23 rd District Court – Taylor | • 50 th District Court - Pontiac |
| • 27 th District Court – Wyandotte | • Genesee County |
| • 28 th District Court – Southgate | • Grosse Pointe Farms |
| • 29 th District Court – Wayne | • Grosse Pointe Woods |
| • 30 th District Court – Highland Park | • Lapeer County |
| • 31 st District Court – Hamtramck | • Mason County |
| • 33 rd District Court - Trenton | • Newaygo County |
| • 37 th District Court – Warren/Centerline | • Osceola County |
| • 38 th District Court – Eastpointe | • Wexford/Missaukee Counties |

Substantive Review for Commission Decisions

Disapprove plans and cost analyses

MIDC staff recommend that both the plans and the cost analyses for the following systems be disapproved:

- Berrien County

- 27th District Court – Wyandotte
- 38th District Court – Eastpointe
- Lapeer County
- Grosse Pointe Farms
- Grosse Pointe Woods

Ms. McCowan provided an overview of the plans.

Mr. Haveman moved that the staff recommendation be adopted and that the plans and cost analyses for the systems listed above be disapproved. Mr. Walker seconded the motion. The motion carried.

Approve plans and disapprove cost analyses

The Commission considered the plans by region.

For the region including Lapeer, Macomb, Oakland and St. Clair, MIDC staff recommend that the following plans be approved and the associated cost analyses be disapproved:

- 37th District Court - Warren and Centerline
- 39th District Court - Roseville and Fraser
- 43-1 District Court - Hazel Park
- 43-3 District Court - Madison Heights
- 45th District Court - Oak Park
- Macomb 16th Circuit & 42-1, 42-2 District Courts
- St. Clair County

Ms. McCowan and Ms. Smithson provided an overview of the plans.

Mr. Nizol and Ms. Shanker offered public comment in support of Macomb County's plan and cost analysis.

Mr. Walker moved that the staff recommendation for Lapeer, Macomb, Oakland and St. Clair be adopted; that the plans for the seven systems listed above be approved and the associated cost analyses be disapproved. Ms. Green seconded the motion. The motion carried.

For the Wayne County region, MIDC staff recommend that the following plans be approved and the associated cost analyses be disapproved:

- D 23 – Taylor
- D 24 - Allen Park
- D 35 – Plymouth

Ms. McCowan and Ms. McDoniel provided an overview of the plans.

Mr. Shea moved that the staff recommendation for the Wayne County region be adopted; that the plans for the three systems listed above be approved and the associated cost analyses be disapproved. Mr. Swor seconded the motion. The motion carried.

For the Mid-Michigan region, MIDC staff recommend that the following plans be approved and the associated cost analyses be disapproved:

- Huron County
- Iosco County
- Isabella County
- Oceana County
- Saginaw County

Ms. McCowan and Ms. Klimaszewski provided an overview of the plans.

Ms. Elaine Moore offered comments via telephone in support of Huron County's plan.

Ms. Karen Moore offered comments in support of Oceana County's plan.

Ms. Spencer-Noggle offered comments on behalf of Isabella County's plan.

Judge Boyd moved that the plans for Huron, Iosco, Isabella and Saginaw Counties be approved and that the associated cost analyses be disapproved. Ms. Brame seconded the motion. The motion carried. Ms. McAvoy abstained from the discussion and vote because of her employment with Isabella County.

Judge Boyd moved that both the plan and the cost analysis for Oceana County be approved. Ms. Brame seconded the motion. The motion carried. Mr. Eaman abstained from the discussion and the vote because of his residency in the county.

For the South Central Michigan region, MIDC staff recommend that the plans for the following systems be approved and the associated cost analyses be disapproved:

- Jackson County
- Lenawee County
- Livingston County

Ms. McCowan and Ms. Staley provided an overview of the plans.

Ms. Brame moved that the staff recommendation for the South Central Michigan region be adopted; that the plans for the three systems listed above be approved and the associated cost analyses be disapproved. Mr. Eaman seconded the motion. The motion carried.

For the Western Michigan region, MIDC staff recommend that the plans for the following systems be approved and the associated cost analyses be disapproved:

- Calhoun County
- 61st District Court – Grand Rapids
- Muskegon County

- Ottawa County

Ms. McCowan and Ms. Prentice-Sao provided an overview of the plans.

Connie Bohatch offered comments in support of the plan for the 61st District Court in Grand Rapids.

Mr. Shea moved that the staff recommendation for the Western Michigan region be adopted; that the plans for the four systems listed above be approved and the associated cost analyses be disapproved. Mr. Haveman seconded the motion. The motion carried. Judge Fisher abstained from the discussion and vote because of a conflict of interest with the 61st District Court.

For the Northern Michigan region, MIDC staff recommend that the plans for the following systems be approved and the associated cost analyses be disapproved:

- Cheboygan County
- Marquette County
- Wexford/Missaukee Counties

Ms. McCowan and Ms. Wangler provided an overview of the plans.

Ms. Green moved that the staff recommendation for the Northern Michigan region be adopted; that the plans for the three systems listed above be approved and the associated cost analyses be disapproved. Mr. Shea seconded. The motion carried.

The Commission recessed for 15 minutes. Ms. Brame left the meeting and rejoined by telephone at 3:15 pm. Mr. Clement and Mr. Swor left the meeting at 3:15 pm.

Approve plans and cost analyses

For the Lapeer, Macomb, Oakland and St. Clair region, MIDC staff recommend that the plans and cost analyses for the systems listed below be approved:

- 41-a-1 District Court – Sterling Heights
- 44th District Court - Royal Oak
- 48th District Court - Bloomfield
- 50th District Court - Pontiac

Ms. McCowan and Ms. Smithson provided an overview of the plans.

Mr. Eaman moved that the staff recommendation for the Lapeer, Macomb, Oakland and St. Clair region be adopted and that the plans and cost analyses for the four systems listed above be approved. Ms. Green seconded the motion. The motion carried, Judge Fisher voting no. Mr. Krizan abstained from the discussion and vote because of his employment with Royal Oak.

For the Wayne County region, MIDC staff recommend that the plans and cost analyses for the systems listed below be approved:

- 16th District Court – Livonia
- 17th District Court – Redford
- 18th District Court – Westland
- 25th District Court - Lincoln Park
- 28th District Court – Southgate
- 29th District Court – Wayne
- 30th District Court - Highland Park
- 31st District Court – Hamtramck
- 32a District Court - Harper Woods
- 33rd District Court – Trenton
- 34th District Court – Romulus

Ms. McCowan and Ms. McDoniel provided an overview of the plans.

Mr. Eaman moved that the staff recommendation for the Wayne County region be adopted and that the plans and the cost analyses for the eleven systems listed above be approved. Mr. Krizan seconded the motion. The motion carried.

For the Mid-Michigan region, MIDC staff recommend that the plans and cost analyses for the systems listed below be approved:

- Arenac County
- Bay County
- Clare/Gladwin Counties
- Mason County
- Mecosta County
- Midland County
- Newaygo County
- Ogemaw County
- Osceola County
- Roscommon County
- Sanilac County
- Tuscola County

Ms. McCowan and Ms. Klimaszewski provided an overview of the plans.

Ms. McAvoy moved that the staff recommendation for the Mid-Michigan region be adopted and that the plans and cost analyses for the twelve systems listed above be approved. Ms. Green seconded the motion. The motion carried.

For the South Central Michigan region, MIDC staff recommend that the plans and cost analyses for the systems listed below be approved:

- 15th District Court – City of Ann Arbor
- Eaton County
- Genesee County
- Ingham County
- Washtenaw County

Ms. McCowan and Ms. Staley provided an overview of the plans.

Ms. McAvoy moved that the staff recommendation for the South Central Michigan region be adopted and that the plans and costs analyses for the five systems listed above be approved. Mr. Eaman seconded the motion. The motion carried, Judge Fisher voting no. Judge Boyd abstained from the

discussion and vote because of his employment with Ingham County. Mr. DeLeeuw abstained from the discussion and vote because of his employment with Washtenaw County.

For the Western Michigan region, MIDC staff recommend that the plans and cost analyses for the systems listed below be approved:

- Allegan/Van Buren Counties
- Kent County (16th Circuit and 63rd District Courts)

Ms. McCowan and Ms. Prentice-Sao provided an overview of the plans.

Judge Fisher moved that the staff recommendation be adopted and that the plans and cost analyses for the two systems listed above be approved. Judge Boyd seconded the motion. The motion carried. Ms. Brame abstained from the discussion and vote because of a conflict of interest with the Kent County plan.

For the Northern Michigan region, MIDC staff recommend that the plans and cost analyses for the systems listed below be approved:

- Benzie/Manistee Counties
- Leelanau County
- Schoolcraft County

Ms. McCowan and Ms. Wangler provided an overview of the plans.

Ms. Green moved that the staff recommendation be adopted and that the plans and cost analyses for the three systems listed above be approved. Mr. Krizan seconded the motion. The motion carried.

Failure to submit FY 20 Compliance Plan and/or Cost Analysis

Two systems, the 22nd District Court in Inkster and the 36th District Court in Detroit, did not submit compliance plans or cost analyses for FY 20.

Judge Boyd moved that the agenda be amended to reflect this item as an action item. He further moved that the systems' failure to submit the FY 20 plan or cost analysis be treated as incomplete, that the Commission disapprove the plan and disapprove the cost analysis, and that this decision be communicated to the systems. Ms. Buddin seconded the motion. The motion carried.

Request for Authorization to Pay Planning Costs

MIDC staff request permission to process planning payments to those systems whose plans have been approved. Judge Boyd moved that staff be given this permission. Mr. McMillin seconded the motion. The motion carried.

Several local systems in Macomb County with third-class district courts are interested in forming a Regional Managed Assigned Counsel (RMAC). The City of Sterling Heights submitted a proposal for

the Commission's consideration and is requesting up to \$75,000 to hire and supervise the consultants needed to: design the office, meet with key stakeholders, draft any necessary inter-local operating agreements, create a budget, prepare operating rules and procedures, and perform other tasks as necessary. The eight systems involved with the projects submitted letters of support. This project would be funded from the planning costs available to systems.

Judge Boyd moved that up to \$75,000 be awarded to City of Sterling Heights to research the feasibility of creating a Regional Managed Assigned Counsel system in Macomb County. Ms. McAvoy seconded the motion. The motion carried.

Chair Puerner announced the members that were interested in serving on the **AD HOC COMMITTEE CREATED EARLIER IN THE MEETING. THIS COMMITTEE WILL REVISIT GENERAL STATEMENTS OF POLICY THAT NEED TO BE CLARIFIED FOR STAFF AND THE COMMISSION'S CONSTITUENCIES.** ~~Ad-Hoc Committee on Funding Standards.~~ Judge Boyd will serve as Chair. The following Commissioners will be on the Committee: Judge Fisher, Ms. Brame, Ms. Green, Mr. McMillin, Mr. Swor, Mr. DeLeeuw.

Mr. McMillin moved that the meeting be adjourned. Mr. Eaman seconded the motion. The motion carried. The meeting adjourned at 4:41 pm.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes
Open Session
Ottawa Building, UL Conference Room 3
611 W. Ottawa
Lansing, MI 48933
August 13, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Nathaniel Crampton, Andrew DeLeeuw, Frank Eaman, Judge James Fisher, Christine Green, James Krizan, Margaret McAvoy, John Shea, William Swor

Participating via Telephone

Kimberly Buddin (joined at 11:30 am), Tracey Brame, Nancy Diehl, Gary Walker

Commission Members Absent

Joseph Haveman, Tom McMillin

Members of the Public Participating Included:

Diane Burton, Malcolm Brown, Barbara Caskey, Peter Cunningham, Mary Ann Jerge, Meghann Keit, Janet Koch, Richard Lynch, Karen Moore, Chris Renna, Sara Spencer-Noggle, Marianne Talon, Drew Van de Grift, Shelli Weisberg

Staff Members Present

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler, Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:15 am.

Public Comment

Barbara Caskey gave public comment on behalf of Macomb County and offered answer any questions regarding the Macomb County plans.

Additions to Agenda

Judge Fisher requested that a new item be added under Commission Business. The new item, “Discussion of a Request to Amend or Supplement the MIDC’s Appropriations Request for the Next Fiscal Year,” would be item 8e on the agenda. Mr. Krizan moved that the item be added. Mr. Walker seconded the motion. The motion carried.

Consent Agenda

Judge Boyd moved that the Consent Agenda be included with an amendment to the July 23, 2019 minutes. The minutes would be amended so that the reference to the ad hoc committee on page 11 (2nd to last paragraph) mirrored the language used on page 4 (first paragraph). Ms. Green seconded the motion. The motion carried.

Chair Report

Chair Puerner updated the Commission on his activities since the July meeting and provided an overview of the meeting materials. He asked Judge Boyd to provide an update on the new ad hoc committee's activities. Judge Boyd provided an overview of the framework the committee was using to evaluate processes. He reported that the committee's framework will be used in evaluating plans for FY 21. The committee will have a report for the October meeting.

The Commission discussed the bylaws' requirements for ad hoc committees. Chair Puerner stated that the Executive Committee will review the ad hoc committees and whether it is necessary to change the by-laws to reflect that some of the committees will have to be permanent.

Executive Director Report

Ms. Khogali provided an overview of the office's activities since the July meeting. A Grant Analyst will begin employment on August 26 supporting Grant Manager Rebecca Mack in her work. Mr. Clement recently accepted a new position with the Michigan Retailers Association; Ms. Khogali wished him well in his new position.

Commission Business

Nominating Committee Report

Judge Boyd reported that the Nominating Committee met electronically and recommended that Judge Collins fill the vacant Vice Chair position. Chair Puerner opened the floor for additional nominations. No additional members were nominated. Judge Fisher moved to adopt the recommendation of the nominating committee and unanimously approve Judge Collins as Vice Chair. Mr. Swor seconded the motion. The motion carried.

Operational Budget

A summary of the budget for the current fiscal year was presented to the Commission for its review. The Commission's internal operating procedures require a budget be presented in August. This year, the annual appropriations process is ongoing, and the final budget for the MIDC is not yet known. The document will be updated once the budget is finalized.

Sixth Amendment Center Report on Wayne County's Assigned Counsel System

Commissioners received the report written by David Carroll who wrote the "Race to the Bottom" report that evaluated Michigan's indigent defense system in 2008. Representatives from Wayne County were invited to offer comments. The Commission discussed the report's recommendations,

how the report relates to the Commission's work and the status of the standards pending with LARA.

FY 19 Grants, Compliance Plan Adjustments and Highlights

Budget Adjustments

Ms. Mack approved budget adjustment requests that did not impact the total system cost for the following 15 systems:

- Berrien County
- Charlevoix County
- Cheboygan County
- Clinton County
- 28th District Court – Southgate
- 33rd District Court – Woodhaven
- 41-a-2 District Court – Shelby Township
- 46th District Court – Southfield
- Delta County
- Genesee County
- Huron County
- Ingham County
- Mason County
- Ogemaw County
- Oseola County

Oceana County requested a budget adjustment; that request was denied by Ms. Mack.

Requests for Plan Adjustments

The 46th District Court in Southfield requested a plan revision to include a Managed Assigned Counsel Coordinator to replace a non-attorney coordinator that is currently included in the plan. There is no change to overall costs, the personnel spending line is modified to hire the full-time employee.

Ms. McAvoy moved that the City of Southfield's request be approved. Ms. Green seconded the motion. The motion carried.

Third Quarter Financial Reporting by Local Systems

Ms. Mack provided an overview of the reporting submitted by systems for the third quarter of the fiscal year. The following systems had not submitted third quarter financial status reports before the Commission met: Warren/Centerline, Eastpointe, Lapeer, Arenac, Montmorency, Oscoda, Garden City, Inkster, Wyandotte, Highland Park, Branch and Ionia.

Extension of Fiscal Year 2019 Grant Contracts

Oakland County requested an extension for its construction costs. Mr. Brown and Ms. Jerge from Oakland County gave an overview of the request and were available for questions.

The Construction Committee met on August 8, 2019 via telephone and reviewed this proposal. The committee did not express any concerns about the extension.

Judge Boyd moved that Oakland County's request for an extension of its FY 19 grant agreement to complete construction projects be approved. Ms. McAvoy seconded. The motion carried.

Wayne County requested an extension of the totality of its unspent funds for the current fiscal year.

At the April 16, 2019 meeting Judge Fisher moved that the issue of granting a contract extension to Wayne County be tabled; the motion to table the issue passed. Mr. Shea moved to take the motion from April 16, 2019 off of the table. Mr. Swor seconded. The motion carried. The Commission discussed the issue and determined that Wayne County would not be the only system in this position. The motion was withdrawn, the Commission recessed to draft a motion that would cover the systems who would be in similar positions.

The Commission recessed from 1:15 pm until 1:55 pm. Mr. Clement left the meeting during the recess.

Chair Puerner allowed Janet Koch to offer public comment on behalf of Wexford County before that County's plan was considered by the Commission.

The Commission returned to the issue raised by Wayne County.

Judge Boyd moved the following:

MCL 780.993 (15) requires each and every system to report unexpended funds as of September 30th by October 31, 2019. This report includes funds subject to section 780.993(11) and funds not subject to 780.993 (15) - both totals must be reported. The action taken by the MIDC today effects only funds not subject to 780.993(11).

The MIDC acknowledges that unexpended funds in each system (not subject to 780.993(11)) will be included in the subsequent fiscal year's expenditures through the subsequent year's compliance plan and cost analysis. The state grant for the subsequent fiscal year will be offset (reduced) by the amount of unexpended funds (not subject to 780.993(11)).

The MIDC authorizes its Executive Director to approve continued - uninterrupted expenditures of unexpended funds from one fiscal year in the subsequent fiscal year by contract, letter agreement, or similar device. The intent of this action is to effectuate MCL 780.993 (15) capture of unexpended funds while allowing their expenditure in the subsequent fiscal year.

Nothing here effects the calculation of the local share pursuant to the MIDC Act. That share is adjusted on an annual basis. The clock/calendar for determining local share is not changed here.

Judge Fisher seconded the motion. After discussion, the motion carried.

Discussion of a Request to Amend or Supplement the MIDC's Appropriations Request for the Next Fiscal Year

Judge Fisher moved to amend or supplement MIDC spending request for FY 19/20 to provide for total expenditures of \$128,848,000 with a clear statement of the one-time funds that the Commission believes to be available within each local system. Further, that the MIDC, with the assistance of the Executive Director, communicate this request to the Governor, State Budget

Office, the Director of LARA, and Chairpersons/staff of the House and Senate Appropriations Committees. Judge Boyd seconded the motion. After discussion, the motion carried.

FY20 Compliance Plans

The following systems resubmitted compliance plans for staff review and the Commission's consideration:

- Baraga/Keweenaw/Houghton
- Berrien
- Cheboygan
- Lake
- Lenawee
- Livingston
- Marquette
- Wexford/Missaukee

Ms. McCowan provided an overview of the plans and indicated what changes were made from previous submissions. MIDC staff recommend that the Commission approve the plans and approve the cost analyses resubmitted by the systems listed above.

Chris Renna presented comments on behalf of Berrien County and answered questions from Commissioners.

Judge Boyd left the meeting at 2:15 pm.

Mr. Swor moved that the staff recommendation be adopted and that the plans and cost analyses resubmitted by the eight systems listed above be approved. Ms. Green seconded the motion. The motion carried.

Review of Compliance Plans

The Commission moved to consideration of compliance plans from Oakland and Wayne Counties.

MIDC staff recommend the adoption of Oakland County's plan and cost analysis. Ms. McCowan and Ms. Smithson provided an overview of the plan. The compliance plan included \$578,490 for modifications to the County's case management system. Staff believe that the modification should be accomplished through a planning grant using funds dedicated for that purpose. MIDC staff will continue to work with the system during the contractual phase to clarify payments for experts and investigators.

Mr. Brown and Ms. Jerge offered comments in support of the plan and answered questions from the Commission. The County expressed concerns regarding the MIDC rates for experts and investigators and being able to find people willing to perform the work for those rates.

Ms. McAvoy moved that the staff recommendation be adopted and that the plan and cost analysis for Oakland County be approved. Mr. Eaman seconded the motion. The motion carried.

The Commission next considered Wayne County's submission.

MIDC staff recommend that the plan be approved and that the cost analysis be disapproved. Ms. McCowan provided an overview of the plans and the areas that she believed should be addressed in a subsequent submission. Chair Puerner stated that he would recommend deferring action on the plan until Ms. McCowan had the information she needed.

Mr. Lynch, Ms. Talon and Mr. Van de Grift offered comments in support of Wayne County's plan and answered questions.

Mr. Shea moved that the staff recommendation be adopted and that Wayne County's plan be approved but its cost analysis be disapproved. Judge Collins seconded the motion. The motion carried.

Conflict of Interest Policy and Discussion of Current Commission Processes Under the Open Meetings Act

Ms. McAvoy moved that these two items be tabled until the October meeting. Mr. Shea seconded the motion. The motion carried.

Goals and Benchmarks Rubric

Dr. Siegel provided an overview of the benchmarks and rubric and answered questions from Commissioners. Ms. Green moved that the document be adopted and that staff begin using it to assess systems. Mr. Swor seconded the motion. The motion carried.

Proposed Request for Proposal for Local Share Study

MCL 780.993(6) in the amended MIDC Act requires the MIDC to "submit a report to the Governor, the Senate Majority Leader, the Speaker of the House of Representatives and the Appropriations Committees of the Senate and House of Representatives not later than October 31, 2021 that includes a recommendation regarding the appropriate level of local share, expressed in both total dollars and as a percentage of the total cost of compliance for each indigent criminal defense system."

Ms. Khogali presented a draft for the Request for Proposal for this project. She would like to have individuals from outside of the MIDC complete the report. After the report is completed, she will present it to the Commission for its consideration. It will be transmitted to state government officials after the Commission's approval.

Mr. Shea moved that staff finalize the request for proposals and proceed as proposed by Ms. Khogali. Mr. Crampton seconded the motion. The motion carried.

Move into Closed Session

Chair Puerner requested a motion to go into closed session under MCL 15.268(a) to consider the periodic personnel evaluation of Ms. Khogali and under MCL 15.268(h) to consider material exemption from disclosure under section 13(1)(g) of the Freedom of Information Act. He noted that Ms. Khogali had submitted a request to have her evaluation considered in the closed session. Judge Collins so moved. Ms. Green seconded. Chair Puerner asked for a roll call vote. The Commission moved into closed session at 4:05 pm, the following members voted yes on the motion: Chair Puerner, Ms. Buddin, Ms. Brame,

Judge Collins, Mr. Crampton, Mr. DeLeeuw, Ms. Diehl, Mr. Eaman, Judge Fisher, Ms. Green, Mr. Krizan, Ms. McAvoy, Mr. Shea, Mr. Swor and Mr. Walker.

The Commission voted to return to open session at 5:00 pm. Mr. Puerner reported on the Commission's activities while in closed session.

On a motion duly made and seconded, the Commission voted unanimously to accept the Executive Director's self-assessment, and the Commission's performance review of the Executive Director.

The Commission adjourned at 5:05 pm.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
October 15, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Kimberly Buddin, Tracey Brame, Judge Thomas Boyd, Nathaniel Crampton, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman, James Krizan, Margaret McAvoy, Tom McMillin, John Shea, Gary Walker

Participating via Telephone

Nancy Diehl and William Swor

Commission Members Absent

Judge Jeffrey Collins and Frank Eaman

Members of the Public Participating Included:

Courtney Adams, Michael Boucher, Malcolm Brown (via telephone), Chris Dennie, Bob Hamilton, Thomas Hausmann, James Heath, Brian Kennedy, Melissa King (via telephone) Deb Kubitskey, David Makled, Manda Mittner, Elaine Moore (via telephone), Karen Moore, Angela Peterson, Brandy Robinson, Scott Smith, Drew Van de Grift, Dawn Van Hoek

Staff Members Present

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Susan Prentice-Sao, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:12 am.

Chair Puerner invited members of the public to introduce themselves.

Additions to the Agenda

Mr. Shea moved that the agenda be approved with no additions. Mr. Walker seconded. The motion carried.

Consent Agenda

Ms. McAvoy moved that the Consent Agenda containing the August minutes be approved. Mr. Krizan seconded the motion. The motion carried.

Chair Report

Chair Puerner provided an overview of the agenda.

The Executive Committee met with Department of Licensing and Regulatory Affairs (LARA) Deputy Director Adam Sandoval prior to the full Commission meeting. Mr. Shea asked whether the

Department had provided a timeline for approval of the second set of standards submitted by the MIDC. The Commission discussed potential timeline.

Public Comment

Ms. Van Hoek offered comments on behalf of Wayne County.

Ms. Robinson updated the Commission on the Neighborhood Defender Office's progress.

Mr. Smith offered comments on behalf of the City of Wyoming's request to modify its already-approved compliance plan.

Mr. Dennie offered comments in support of the City of Wyoming's proposal.

Mr. Hamilton offered comments in support of Ottawa County's plan.

Ms. Karen Moore offered comments on behalf of changes made to the already-approved plans for Newaygo, Lake, Clare and Gladwin Counties.

Mr. Brown updated the Commission on Oakland County's decision to dismiss its lawsuit against the MIDC and LARA with prejudice.

Ms. King offered to answer questions that the Commission had about the City of Roseville's plan.

Ms. Elaine Moore offered to answer questions that the Commission had about Huron County's plan.

Reconsideration of the Agenda

Judge Boyd moved that the approved agenda be amended to include a discussion of potential actions the Commission could take on the second set of standards submitted to LARA. Mr. Shea seconded the motion. The motion carried. The item was added as the first item under Commission Business.

Executive Director Report

Ms. Khogali distributed copies of the RAND caseload report. Nice Pace from RAND will present his findings to the Commission in December.

The MIDC will be a recipient of a Byrne JAG grant for the second consecutive year. The funding will be used to expand the program completed this year which offered hands-on skills training in rural areas.

Ms. Khogali will participate in a panel at the National Legal Aid and Defender Association conference being held in Detroit in November.

The Commission has received 82 requests to spend FY 19 funding in FY 20. These requests have been submitted to LARA for signature and will be signed by Ms. Khogali and the local system.

Commission Business

Standard 5 Discussion

Judge Boyd moved that the Commission specifically request that the director of LARA approve Standard 5 independently and to do it by a date that is more than 180 days ahead of the start of the planning process for FY 21. Mr. McMillin seconded the motion. The motion carried. Ms. Khogali will work to draft a letter to LARA with a recommended date.

Attorney General MOU

Ms. Khogali presented a draft MOU between LARA, the MIDC and the Attorney General. This MOU combined two MOUs that were in place for the previous fiscal year.

Judge Boyd moved that Commission staff be authorized to move forward with the MOU. Ms. Brame seconded the motion. The motion carried.

Approval for Travel/Training for MIDC Staff

Ms. Khogali presented requests for three staff members to travel to two different conferences. Chris Sadler would attend the Criminology Conference and present as part of a panel. The second conference is the NAPD Executive Leadership Institute. Ms. Khogali would like to have two of the managers attend this conference.

Judge Boyd moved that the staff travel be approved. Ms. Green seconded the motion. The motion carried.

2020 Defender Leadership Summit

Ms. Khogali presented a proposal to have the summit occur on two separate days instead of one. One day would be dedicated to helping managed assigned counsel offices and the second for public defender office.

Judge Boyd moved that staff be authorized to hold the 2020 Defender Leadership Summit. Mr. Shea seconded the motion. The motion carried.

FY 19 Grants, Compliance Plan Adjustments and Highlights

Ms. Mack approved budget adjustment requests that did not require Commission approval. These adjustments did not impact the total system costs. Crawford County initially submitted a budget adjustment request but withdrew its request.

Budget adjustment requests were granted to the following counties:

- Cass County
- Calhoun County
- D 29 – Wayne
- D 45 – Oak Park
- D 50 – Pontiac
- D62a - Wyoming
- D63 – Kent County
- Iron County
- Presque Isle
- Macomb County
- Ottawa County
- Saginaw County
- Schoolcraft County
- St. Clair County

Discussion of Systems Operating Outside of Budget Adjustment Process

The Commission discussed systems who had made changes to cost analyses outside of the process previously approved by the Commission. After discussion, Chair Puerner indicated that it was sufficient for Ms. Mack to treat this as any other budget adjustment. No motion was made and staff authority to continue to process requests as approved was continued.

Requests for Plan Adjustments

Ms. McCowan provided an overview of the plan changes requested by Iron and Schoolcraft Counties. Both systems are seeking permission to implement their FY 20 approved plans to create defender offices prior to the signing of the FY 20 contract. MIDC staff recommends approval.

Judge Boyd moved that the staff recommendation be adopted and that the plan changes requested by Iron and Schoolcraft Counties be approved. Mr. Krizan seconded the motion. The motion carried.

Ms. McCowan provided an overview of the plan changes requested by Jackson and Lapeer Counties. Both counties are requesting permission to implement their FY 20 plans in FY 19. Neither county has had its FY 20 plan approved prior to the Commission's October meeting. Staff recommends approval of the requested plan changes.

Judge Boyd moved that the staff recommendation be adopted and that the plan changes requested by Jackson and Lapeer Counties be approved. The motion carried.

Update on Quarterly Financial Reporting by Local Systems

Ms. Khogali and Ms. Mack updated the Commission on the progress in collecting quarterly finance reports from the local systems. Two systems, Inkster and Highland Park, have not yet submitted reports for the 3rd quarter. Ms. Mack indicated that those systems are having resource issues and that she would assist in compiling the information.

Status Report, Compliance Goals and Benchmarks

Status Report on Compliance Monitoring

Ms. McCowan updated the Commission on the Regional Managers' efforts to compile information from each system using the rubric previously approved by the Commission. Dr. Siegel answered questions from the Commission.

Approach to Addressing Noncompliance

The Commission discussed the process that should be in place to address systems that are not in compliance. Chair Puerner asked Ms. Khogali to draft a proposal for the Commission's review. The proposal should distinguish between major issues of noncompliance that frustrate the implementation of justice and more minor technical reporting infractions.

Status of Standard 1 Continuing Legal Education (CLE) Requirements

Ms. McCowan reported that the Training Committee held a call on October 11.

Ms. McCowan presented a memo to the Commission that outlined what she would like to add to the MIDC website regarding training. This would assist MIDC staff, who receive many of calls per

week with questions about complying with the Standard 1. The Commission discussed the approval process for various CLE offerings.

Mr. Haveman moved that MIDC staff be authorized to put the CLE information on the MIDC website with the changes discussed by the Commission. Judge Boyd seconded the motion. The motion carried.

The Commission recessed from 1:23 pm until 1:45 pm. Mr. Haveman left the meeting during the recess.

Ad Hoc Committee on MIDC Authority Report

Judge Boyd distributed a written report of the Committee's activities. He expects that the Committee's work be completed by the December meeting. Judge Boyd presented a resolution for the Commission's review and consideration.

The Commission discussed the Committee's activities and proposed resolution.

Mr. McMillin left the meeting during the discussion.

Mr. Shea moved that the Commission accept the Committee's report. No action was taken on the proposed resolution. The Commission discussed the proposed resolution. Ms. Shea, Ms. Green and Judge Fisher asked that Ms. Khogali work with MIDC staff to compile their thoughts on how the proposed resolution would impact MIDC staff activities. The Commission requested that Ms. Khogali draft a procedure for reviewing issues that arise in the course of compliance planning and present that document to the Commission for its review. Ms. Green supported the motion. The motion carried.

FY 20 Grant Contract

Ms. Khogali thanked MIDC Commissioners Deleeuw and McAvoy for their assistance in finalizing the draft of the FY 20 contract. The draft does contain a section with a waiver that is specific to the Oakland County case that has been dismissed by the County, that section can be removed. Ms. McAvoy thanked the Michigan Association of Counties for that organization's assistance in convening a workgroup to discuss the issues with the contract.

Ms. McAvoy moved that the contract be adopted with the amendment of removing the waiver referring to the Oakland County case. Mr. Shea supported the motion. The motion carried.

FY 20 Compliance Plans

Resubmitted Previously Approved Compliance Plans

The following systems have plans for FY 20 that are already approved by the Commission. These systems, however, resubmitted revised plans for FY 20:

- Bloomfield Hills
- Clare and Gladwin Counties
- Grand Traverse County
- Hillsdale County
- Ionia County
- Lake County
- Newaygo County
- Oakland County
- Ogemaw County
- Otsego County
- Wyoming

The Commission discussed the plans. No action was taken.

Ad Hoc Plan Review Committees

Ms. McCowan updated the Commission on the meetings held by the plan review committees.

The Committee on District Court Spending over \$500,000 held a conference call on Thursday October 10th at 1:30 p.m.

The Committee discussed the following plans and recommendations by MIDC staff:

- 37th District Court – Warren/Centerline
- 38th District Court - Eastpointe
- 39th District Court – Roseville
- 41a2 District Court – Shelby Twp.
- 43-1 District Court – Hazel Park
- 43-3 District Court – Madison Hgts.

The Committee on Plans Seeking over \$1 million in Grant Funding held a conference call on Thursday October 10th at 3:00 p.m.

The committee discussed the following plans and recommendations by MIDC staff:

- Isabella County
- Saginaw County
- Jackson County
- Calhoun County
- Muskegon County
- Ottawa County
- Lapeer County
- Macomb County
- St. Clair County
- Wayne County

The Committee on Construction over \$25,000 held a conference call on Friday October 11th at 9:30 a.m.

The committee discussed the following plans and recommendations by MIDC staff:

- Barry County
- Calhoun County
- 37th District Court – Warren/Centerline
- Saginaw County

The Committee on Ancillary Spending held a conference call on Friday October 11th at 12:30 p.m.

The topic of supplanting was discussed in the following plans. The need for a formal policy is being developed by staff:

- 35th District Court – Plymouth
- 61st District Court – Grand Rapids
- 62b District Court – Kentwood

The new ancillary staffing positions in the following plans were described by staff:

- 27th District Court - Wyandotte
- 37th District Court – Warren
- 38th District Court – Eastpointe
- 39th District Court – Roseville
- 41a2 District Court - Shelby Twp.
- 43-1 District Court - Hazel Park
- 43-3 District Court – Madison Hgts.

Failure to submit a plan or cost analysis

MIDC staff recommends that the Commission treat the failure of the 36th District Court in Detroit to submit a plan and cost analysis be treated as an incomplete plan and disapproved cost analysis.

Judge Boyd moved that the staff recommendation be adopted and that the 36th District Court's failure to submit a plan and cost analysis be treated as an incomplete plan and disapproved cost analysis. Judge Fisher seconded the motion. The motion carried.

Disapprove Plan/Disapprove Cost Analyses

MIDC staff recommends that the Commission disapprove the plan and disapprove the cost analyses submitted by the 22nd District Court in Inkster and the 62B District Court in Kentwood.

Mr. Shea moved that the staff recommendation be adopted and that the Commission disapprove the plan and disapprove the cost analyses for the 22nd District Court in Inkster and the 62B District Court in Kentwood. Ms. Green seconded the motion. The motion carried.

Approve Plan/Disapprove Cost Analysis

Ms. McCowan and Ms. Smithson presented an overview of the plan resubmitted by Lapeer County. MIDC staff recommends that the plan be approved but the cost analysis be disapproved.

Judge Boyd moved that the staff recommendation be adopted and that Lapeer County's resubmitted plan be approved but the cost analysis be disapproved. Mr. Krizan seconded the motion. The motion carried.

Disapprove Cost Analysis (Plan Previously Approved)

Ms. McCowan, Ms. Smithson and Ms. Prentice-Sao presented an overview of the resubmissions from the following systems:

- 35th District Court – Plymouth
- 43-1 District Court – Hazel Park
- 43-3 District Court – Madison Heights
- 61st District Court in Grand Rapids
- Ottawa County

Plans for the systems listed above were approved by the Commission at previous meetings. MIDC staff recommends that the resubmitted cost analyses for the systems listed above be disapproved.

Mr. Hamilton offered comments in support of his county's cost analysis.

Judge Boyd moved that the staff recommendation be adopted and that the cost analyses for the systems listed above be disapproved. Ms. Green supported. The motion carried. Judge Fisher disclosed that, though his wife is employed by the 61st District Court, he had reviewed LARA's conflict of interest policy and did not have a conflict.

Approve Cost Analysis (Plan Previously Approved)

Ms. McCowan and Ms. Prentice-Sao presented an overview of the resubmission from Barry County. Ms. McCowan and Ms. Klimaszewski presented an overview of the resubmission from Isabella County. MIDC staff recommends that the cost analyses for these two counties be approved.

The Commission discussed the inclusion of local bar dues in compliance plans.

Mr. Shea moved that the cost analyses from Barry and Isabella Counties be approved but that the portion of state funding being used for local bar dues be disapproved. Judge Boyd seconded the motion. The motion carried. Ms. McAvoy recused herself from the Commission's vote because of a conflict of interest.

Ms. McCowan and the respective Regional Manager provided overview of the following systems:

- Calhoun County
- 23rd District Court – Taylor
- 24th District Court - Allen Park
- 37th District Court - Warren/Centerline
- 39th District Court – Roseville
- 45th District Court - Oak Park
- 41a2 District Court - Shelby Township
- Grosse Pointe Park
- Huron County
- Iosco County
- Jackson County
- Muskegon County
- Macomb County
- Saginaw County
- St. Clair County
- Wayne County

MIDC staff recommends that the cost analyses resubmitted by the systems listed above be approved.

Judge Boyd moved that the staff recommendation be adopted and that the cost analyses resubmitted by the systems listed above be approved. Mr. Shea supported the motion. The motion carried.

Approve Plan/Approve Cost Analysis

MIDC staff recommends that the plans and cost analyses resubmitted by the following systems be approved:

- 38th District Court – Eastpointe
- 27th District Court – Wyandotte
- Grosse Pointe Farms
- Grosse Pointe Woods

Mr. Shea moved that the staff recommendation be adopted and that the plans and cost analyses resubmitted by the four systems listed above be approved. Ms. Green seconded the motion. The motion carried.

Ms. Brame left the meeting but rejoined via the telephone.

Judge Fisher moved that the Commission go into closed session under section 8(h) of the Open Meetings Act to discuss material that is exempt from public disclosure under section 13(1)(g) of the Freedom of Information Act which exempts from public disclosure information or records subject to attorney-client privilege. Mr. Walker seconded the motion. Chair Puerner requested a roll call vote.

The Commission moved into closed session at 4:05 pm, the following members supported the motion to do so: Chair Puerner, Ms. Buddin, Ms. Brame, Judge Boyd, Mr. Crampton, Mr. DeLeeuw, Ms. Diehl, Judge Fisher, Ms. Green, Mr. Krizan, Ms. McAvoy, Mr. Shea, Mr. Swor and Mr. Walker.

Mr. Walker moved that the Commission return to open session. Judge Boyd seconded the motion. Chair Puerner requested a roll call vote.

The Commission returned to open session at 4:20 pm, the following members supported the motion to do so: Chair Puerner, Ms. Buddin, Ms. Brame, Judge Boyd, Mr. Crampton, Mr. DeLeeuw, Ms. Diehl, Judge Fisher, Ms. Green, Mr. Krizan, Ms. McAvoy, Mr. Shea, Mr. Swor and Mr. Walker.

Mr. Walker moved that the Commission accept the order for dismissal with prejudice in the Oakland County lawsuit. Judge Fisher supported the motion. The motion carried.

Judge Fisher moved that the meeting be adjourned. Ms. Green seconded the motion. The motion carried.

The Commission meeting adjourned at 4:38 pm.

The next meeting is December 17, 2019.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

507 S. Grand Avenue

Lansing, MI 48933

December 17, 2019

Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Kimberly Buddin, Judge Thomas Boyd, Judge Jeffrey Collins, Nathaniel Crampton, Andrew DeLeeuw, Judge James Fisher, Christine Green, James Krizan, Margaret McAvoy, Tom McMillin, Cami Pendell (non-voting member), William Swor

Participating via Telephone

Nancy Diehl and Gary Walker

Commission Members Absent

Tracy Brame, Frank Eaman, Joseph Haveman and John Shea

Members of the Public Participating Included:

Courtney Adams, Michael Boucher, Malcolm Brown (via telephone), Russell Church, Chris Dennie, Chris Forsyth, Tim Havis, Mary Ann Jerge, Meghann Keit, Steve Morton, Karen Moore, Craig Paull, Scott Smith, Eric Wilson

Staff Members Present

Loren Khogali, Marla McCowan, Kelly McDoniel, Rebecca Mack, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:02 am.

Public Comment

Chair Puerner invited members of the public to introduce themselves if they wished and to make comments to Commissioners.

Mr. Forsyth made comments on behalf of Grand Traverse County.

Mr. Smith made comments on behalf of the City of Wyoming

Ms. Moore made comments on behalf of Newaygo County.

Mr. Morton and Mr. Wilson made comments on behalf of the Cities of Hazel Park and Madison Heights.

Additions to the Agenda

Mr. McMillin requested that an item to discuss the Michigan Supreme Court’s proposed amendment to court rule 8.115 be added to the agenda.

Ms. McAvoy moved that the agenda be approved as amended. Mr. Swor seconded. The motion carried.

Consent Agenda

Judge Collins moved that the minutes from the open and closed sessions of the October 18, 2019 meeting be approved. Mr. Walker seconded the motion. The motion carried.

Chair Report

Chair Puerner welcomed Ms. Pendell to the Commission.

Mr. Swor will serve as Chair-Elect of the American Board of Criminal Lawyers. Chair Puerner and the Commission congratulated him on this position.

Chair Puerner provided an overview of the agenda and materials.

Executive Director Report

Ms. Khogali gave an overview of the written report she provided to Commissioners.

Commission Business

Appointment of New Commissioner

Chair Puerner indicated that he received a letter from Chief Justice Bridget McCormack appointing Ms. Pendell as the Chief Justice's designee on the Commission. Ms. Pendell will serve in an ex-officio capacity. Ms. Pendell introduced herself.

Engagement of the Office of Internal Audit Services

Ms. Khogali updated the Commission on staff's work with the Office of Internal Audit Services (OIAS). Ms. Mack provided information to assist with OIAS's work. OIAS will conduct a financial audit and will work with Regional Managers to better understand what is being audited.

Chair Puerner requested that calendar of the timing for review and the plan for reviews be presented to the Commission in February.

Implementation of eGrams Grant Management System

Ms. Khogali provided an update on the progress with the system. MIDC staff continues to work with DTMB and eGrams on developing the system.

Request for Approval of New Position

The MIDC received an additional appropriation for FY 20 to fund one employee to assist Ms. McCowan with tracking training and CLE completion. Ms. Khogali provided an overview of the draft position. Commissioners requested additional information about the pay range for the position. The anticipated civil service classification and corresponding salary range was provided by staff.

Mr. Swor moved that Ms. Khogali move forward with adding this position. Ms. Green seconded the motion. The motion carried, the majority of members voting in support of the motion.

Transition to DTMB

Ms. McCowan is working with the Department of Licensing and Regulatory Affairs (LARA) to transition the MIDC website to LARA and DTMB format. There will be no loss of functionality with this transition.

FY 19 Plan Implementation Update

Program Rubric Completions and Court Watching

Ms. McCowan provided an overview of the court watching Regional Managers are doing. The court watching is being conducted on days planned with the State Court Administrative Office's Regional Directors for the MIDC Regional Manger's corresponding region.

Fourth Quarter Reporting, Final Adjustments, Unexpended Balances

Ms. Mack continues to review the reports from the fourth quarter and working with systems to obtain additional documentation when necessary. She anticipates that local systems will have between \$42 and 43 million in unexpended funds.

JUDGE BOYD STATED THAT THE COMMISSION NEEDS TO REVIEW HOW IT IS DISTRIBUTING FUNDING. HE IS VERY CONCERNED THAT SYSTEMS WILL NOT HAVE MONEY ON OCTOBER 1, 2020 TO MAINTAIN THEIR PLANS SINCE THERE WILL NOT BE THE SAME AMOUNT OF UNEXPENDED FUNDS REMAINING AT THE END OF THE CURRENT FISCAL YEAR. SYSTEMS WILL BE OUT OF MONEY AND WILL NOT BE ABLE TO IMPLEMENT THEIR PLANS FOR THE 2021 FISCAL YEAR.

Financial Reporting

Ms. Khogali and Ms. McCowan provided an overview of the three systems that had not completed FY 19 reporting requirements. Those systems are the 22nd District Court – City of Inkster, the 43-1 District Court – City of Hazel Park and Jackson County. Mr. Crampton joined MIDC staff in attending a meeting with Jackson County officials.

Ms. Green moved that MIDC staff be authorized to advise the local systems to submit the required reporting within 30 days and, if those efforts fail, to activate the mediation process. Judge Fisher seconded the motion. The motion carried.

Ms. Mack approved budget adjustment requests pursuant to the MIDC's process. These adjustments did not impact the total system cost. The following systems had approved requests to their FY 19 plans:

- Alger
- Isabella
- Jackson
- Macomb
- Marquette
- Ottawa

FY 20 Compliance Planning Process

Ms. Khogali and Ms. McCowan updated Commissioners on the total amount of approvals to date and the number of contracts that have been distributed to systems for review.

Calhoun and Oakland Counties had mathematical errors in the planning funding total. Mr. Swor moved that the Commission approve the revised planning costs and that the systems be paid the revised amounts. Judge Collins seconded the motion. The motion carried.

Substantive Change to MIDC Award

Ms. McCowan provided an overview of the change requested by the 44th District Court in Royal Oak. The system requested a plan modification that will allow for the creation of a driving while

license suspended (DWLS) docket to be staffed by house counsel attorneys who will be paid \$400 per docket. MIDC staff recommends approval of this change.

Mr. McMillin moved that the staff recommendation be adopted and that Royal Oak's request be granted. Ms. Green seconded the motion. The motion carried. Mr. Krizan abstained from the vote because of his employment with the City of Royal Oak.

The Commission recessed from 12:50 pm until 1:15 pm.

Report by RAND Corporation – “Caseload Standards for Indigent Defenders in Michigan”

The Commission moved to item 8h on the agenda, Report by RAND Corporation. Nick Pace of the RAND Corporation attended remotely to provide a presentation about the organization's caseload standards report. Commissioners discussed the report and asked questions about the findings.

Substantive Change to MIDC Award

The Commission returned to Substantive Change to MIDC Award to discuss Genesee County's plan. Ms. McCowan provided an overview of the changes to the plan. The plan has been submitted for the Commission's review to correct the total system cost. The staff recommendation is to approve both the plan and the cost analysis.

Mr. Swor moved that the staff recommendation be adopted and that Genesee County's revised plan and cost analysis be approved. Judge Collins seconded the motion. The motion carried.

Resubmission of fully approved plans and cost analysis

The following systems submitted requests to change their respective plans and cost analyses:

- 48th District Court – Bloomfield Hills
- 62a District Court – Wyoming
- Grand Traverse County
- Oakland County
- Otsego County

The following systems submitted requests to change their respective cost analyses:

- Clare/Gladwin Counties
- Hillsdale County
- Ionia County
- Lake County
- Newaygo County
- Ogemaw County
- Sanilac County

The staff recommendation is that the MIDC continue to work with systems to accomplish the plan changes using the amount of money already included in the approved cost analyses, that any requests for changes to the approved totals be denied, and that any reimbursements be included as part of the systems' FY 21 plans.

Mr. McMillin moved that the staff recommendation be adopted and that MIDC staff work with the systems listed above to accomplish the plan changes using the amount of money already included in the approved cost analyses, that any requests for changes to the approved totals be denied, and that any reimbursements be included as part of the systems' FY 21 plans. Mr. Swor seconded the motion.

The Commission discussed the motion.

Mr. Smith again commented on behalf of the City of Wyoming's request.

Ms. Moore again commented on behalf of Newaygo County's request.

Mr. Forsyth again commented on behalf of Grand Traverse County.

Mr. McMillin withdrew his motion.

Judge Fisher moved that the plan changes be approved as requested and that any increase in funding to accomplish the changes be approved for the current fiscal year. Judge Collins seconded the motion. The Commission discussed the motion. Judge Fisher stated that he made the motion because systems brought the issue to the Commission's attention early in the fiscal year and that the Commission will treat such requests on a case by case basis and may decide to handle this issue differently with respect to subsequent requests. Chair Puerner called for a roll call vote. The motion carried, 13 members voting yea, 0 members voting nay and 5 members absent.

Substantive Review of Third/Final Submissions

Staff recommends that the Commission approve the cost analyses for the following systems:

- 35th District Court – Plymouth
- 43-3 District Court – Madison Heights
- 61st District Court – Grand Rapids
- 62B District Court – Kentwood
- Ottawa County

Judge Fisher moved that the staff recommendation be adopted and cost analyses for the five systems listed above be approved. Judge Collins seconded the motion. The motion carried.

Four systems remain for consideration at the February 11, 2020 meeting:

- 22nd District Court – City of Inkster
- 36th District Court – City of Detroit
- 43-1 District Court – City of Hazel Park
- Lapeer County

Discussion of FY 21 Draft Grant Manual

Judge Boyd moved that the resolution presented and tabled at the October 15, 2019 meeting be removed from the table and added to the agenda. Judge Fisher seconded the motion. The motion carried.

Chair Puerner provided a summary of the Commission's previous discussion about this issue.

Ms. Khogali provided an overview of the Draft Grant Manual.

Judge Boyd moved that the resolution he presented (attached at the end of this document) be adopted. Judge Fisher supported the motion. After discussion, Chair Puerner called for a roll call vote. The motion failed with 5 yeas, 7 nays and 6 members absent.

Court Rules Committee Report

Ms. Khogali reported that work on the draft court rules is continuing. Ms. Westrate worked with Judge Boyd on a revised draft that was forwarded to the committee for its review.

Proposed Changes to MCR 8.115

The Commission reviewed the amendment currently being considered by the Michigan Supreme Court. Chair Puerner provided an overview of the issue.

Mr. Swor moved that the Commission support the proposed amendments to MCR 8.115. Mr. McMillin seconded the motion. The motion carried. Judge Boyd abstained from the vote because of his position with the Michigan District Judges Association.

The next meeting is February 11, 2020 at 11:00 am.

Mr. Swor moved that the meeting be adjourned. Ms. Green seconded the motion. The motion carried.

The meeting adjourned at 4:01 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

507 S. Grand Avenue

Lansing, MI 48933

February 11, 2020

Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Tracy Brame, Kimberly Buddin, Judge Thomas Boyd, Nathaniel Crampton, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman, James Krizan, Margaret McAvoy

Participating via Telephone

Judge Jeffrey Collins, William Swor and Gary Walker

Commission Members Absent

Nancy Diehl, Frank Eaman, Tom McMillin, Cami Pendell (non-voting member) and John Shea

Members of the Public Participating Included:

Courtney Adams (via telephone), Dwayne Anderson, John Biscoe, Malcolm Brown, Russell Church, Tim Havis, Mary Ann Jerge (via telephone), Meghann Keit, Debra Kubitskey, Judge William McConico, Karen Moore, Craig Paull, Adam Sandoval, Marianne Talon, Drew Van De Grift, Eric Wilson

Staff Members Present

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:04 am.

Introduction of Commission members and guests

Chair Puerner announced that Commissioner Eaman has asked not to be reappointed to the Commission. His appointment expires in April. The Governor’s Appointments Office will work with CDAM to find a replacement.

Public Comment

Chair Puerner invited members of the public to introduce themselves if they wished and to make comments to Commissioners.

Mary Ann Jerge offered comments in support of written comments submitted by the Michigan Association of Counties.

Meghann Keit offered comments on behalf of MAC.

Marianne Talon offered to answer questions the Commission had regarding Wayne County's request to extend and amend its planning grant.

Karen Moore offered comments on the need for an indigency standard.

Judge William McConico, Chief Judge of the 36th District Court, and Dwayne Anderson offered comments in support of the City of Detroit's compliance plan submission.

Eric Wilson offered comments on behalf of Madison Heights and Hazel Park.

Vicki Wolber offered comments in support of Macomb County's plan revision.

Debra Kubitsky offered comments on behalf of Jackson County.

John Biscoe offered comments in support of Lapeer County's compliance plan submission.

Additions to the Agenda

Mr. Swor moved that the agenda be approved. Ms. McAvoy seconded. The motion carried.

Consent Agenda

Judge Boyd asked that his comments from the December meeting expressing his concern that systems will not have money on October 1, 2020 to maintain their plans be included in the minutes. He is very concerned because systems will not have unexpended funds remaining at the end of the 2020 fiscal year and will be out of money to implement fiscal year 2021 plans on October 1.

Mr. Krizan moved that the minutes be adopted as amended. Ms. Brame seconded. The motion carried.

Chair Report

Chair Puerner provided an overview of the agenda and materials.

The Executive Committee met in January. The Committee is working on ways to consolidate agenda items to have more efficient meetings.

Chair Puerner introduced Department of Licensing and Regulatory Affairs (LARA) Deputy Director Adam Sandoval. Chair Puerner led a discussion of the Commission's autonomy from LARA, stemming from MCL 780.985(2). One issue that has arisen is the MIDC's current lease, which expires in July.

Mr. Sandoval provided an overview of the services that LARA can provide the MIDC. He reviewed the opportunity for the MIDC to be housed within LARA's building and provided the Commission a cost analysis and floor plan for its review. Commissioners discussed and asked questions regarding the proposal that MIDC be housed in the Ottawa building. Commissioners referenced the potential benefits and financial savings and discussed concerns about the potential impact on the autonomy of the Commission. There was additional discussion related to the Commission's autonomy as related to Department policies, specifically the recent Legal Risk Management Procedures.

Chair Puerner indicated that the Executive Committee would take Commissioners' comments into account and would let the Commission know how it would proceed.

Executive Director Report

Ms. Khogali gave an overview of the written report she provided to Commissioners. She expressed her appreciation of the continued support from Governor Whitmer's administration and provided an overview of the Governor's Executive Recommendation for the FY 2021 fiscal year.

Commission Business

Plan Changes

Delta county request a plan change to increase the hourly rate of pay for conflict counsel from \$55/hour to proposed MIDC rates, and to reimburse mileage/travel for attorneys traveling to Delta to provide representation. The County submitted a memo which was provided to Commissioners for their review. MIDC staff recommended approval.

Mr. Haveman moved that the staff recommendation be adopted and that Delta County's plan change be approved. Mr. Swor seconded. The motion carried.

The 33rd District Court in Woodhaven requested a plan change to increase the rates that attorneys are paid. Attorneys in this system are paid on a full day/half day basis. Increasing the rate would mean attorneys are paid approximately \$83 per hour. MIDC staff recommended approval of the change.

Ms. Brame moved that the staff recommendation be adopted and that the plan change for the 33rd District Court be approved. Mr. Swor seconded the motion. The motion carried.

Macomb County submitted a request to change its plan to move towards creating a public defender office earlier than it initially anticipated. The County has requested an amendment to add a new Public Defender and appropriate the workload of the staff involved in opening the new office. MIDC staff recommended approval of the change.

Ms. McAvoy moved that the staff recommendation be adopted and that the change to Macomb County's FY 2020 compliance plan be approved. Mr. Walker seconded. The motion carried.

Substantive Review of Third/Final Submissions

To date, four systems have not had their plans approved: the 36th District Court/City of Detroit, 43-1 District Court in Hazel Park, Lapeer County and the 22nd District Court in Inkster. Three of the plans are before the Commission for its consideration at this meeting; the 22nd District Court in Inkster will be before the Commission at its April meeting.

Ms. McCowan provided an overview of the 36th District Court – City of Detroit's plan. Staff recommended approval of the plan and cost analysis.

Judge Boyd moved that the staff recommendation be adopted and that the 36th District Court – City of Detroit's plan and cost analysis be approved. Judge Fisher seconded. The motion carried.

Ms. McCowan provided an overview of the 43-1 District Court in Hazel Park's revised cost analysis. The Commission previously approved the system's compliance plan. All issues of concern to MIDC staff have been addressed in the final cost analysis; staff recommended approval.

Ms. Brame moved that the staff recommendation be adopted and that the revised cost analysis for 43-1 District Court in Hazel Park be approved. Ms. Buddin seconded the motion. After discussion, Chair Puerner called for a vote. The motion carried; the following Commissioners opposed the motion: Judges Boyd and Fisher.

Ms. McCowan provided an overview of Lapeer County's revised cost analysis. MIDC staff recommended that the Commission disapprove the cost analysis. Staff has concerns with the rate of pay for the salaried attorney administrator and the amount of indirect costs that are assessed. Mr. Biscoe offered comments on behalf of Lapeer County.

Ms. Brame moved that the staff recommendation be adopted and that the revised cost analysis submitted by Lapeer County be disapproved. Ms. Green seconded the motion. After discussion, the motion was withdrawn.

Judge Fisher moved that the cost analysis be approved up to \$1,001,776 and that MIDC staff work with Lapeer County to revise the cost analysis to reflect the approved compliance plan. Mr. DeLeeuw seconded the motion. The motion carried.

Local Share Adjustments

Gratiot County, Kalamazoo County and Otsego County have each requested that their local share be lowered because of errors in initially calculating the share. Ms. McCowan provided an overview of the individual systems and their requests.

Ms. Green moved that the local share for FY 2020 be adjusted for these systems. Mr. Krizan seconded. The motion carried.

Otsego County requested that its FY 2019 local share be adjusted and that it be reimbursed for this adjustment in its FY 2020 plan. The amount of the reimbursement request is \$80,502.

Mr. Swor moved that Otsego County's local share be adjusted for FY 2019 and that the county be reimbursed \$80,502 for this adjustment. Ms. Green seconded the motion. The motion carried.

FY 2019 Plan Implementation Update

Ms. Khogali and Ms. Mack provided an overview of fourth quarter reporting, financial adjustments and unexpended balances. The Commission discussed the process for preparing contracts and distributing them to systems.

Judge Boyd moved that any system with an approved plan and cost analyses be offered a contract for signature as soon as possible. Mr. DeLeeuw seconded the motion. The motion carried.

Ms. Khogali and Ms. Mack gave an overview on the financial reporting from the 22nd District Court in Inkster.

Ms. Green moved that the commission forbear on the mediation with the 22nd District Court in Inkster and that MIDC staff and the local funding unit work to complete the FY 2019 financial reporting. Judge Fisher seconded the motion. The motion carried.

Ms. Khogali provided an overview of the issues MIDC staff has raised with Jackson County's reporting. Ms. Kubitsky provided an overview of the issues from the County's perspective. Commissioners discussed the issues.

Judge Boyd moved that the Commission approve partial payments for corrections officers that would not be needed, but for Public Act 93 of 2013. The payments for the two corrections deputies should be in the amount of \$56,605.26 for the cost of the deputies from March through September of 2019 and that Jackson County be paid for the officers for FY 2020. Ms. McAvoy supported the motion. The motion carried.

The Commission recessed for 20 minutes, the meeting resumed at 2:20 pm.

Mr. Haveman left during the recess.

Wayne County Extension of Planning Grant

Ms. Talon gave an overview of the County's request to extend the term of the planning grant and to transfer \$40,000 from various lines to increase the amount paid to Dawn Van Hoek.

Judge Boyd moved that the County's request be approved, that the planning grant be extended until the funds are expended and that the County be authorized to use remaining funding in the grant to fund the Wayne County Public Defense Services Research Project and to increase the amount of money paid to Ms. Van Hoek. Judge Fisher seconded the motion. The motion carried.

Judge Boyd left the meeting at approximately 2:30 pm.

Update: Office of Internal Audit Services (OIAS)

Ms. Khogali updated the Commission on MIDC staff's work with OIAS.

Training and Education Committee Report

Ms. McCowan provided a written update to the Commission on the Training and Education Committee's recent meeting.

Discussion of FY 2021 Draft Grant Manual

Chair Puerner suggested that he lead the Executive Committee in an editorial session of the grant manual in a way that reflects the input that the Commission has received from its members and stakeholders. Chair Puerner invited Commissioners to contact him within the next three weeks with suggestions for changes to the document.

Ms. Khogali provided a memo to the Commission in the meeting materials, which identified potential subjects that the grant manual may need to address is anticipation of fiscal year 2021 compliance planning. One question was whether there should be any differentiation in the way that the local share and state grant may be spent or for purposes of the grant. In response to a request for a recommendation, Ms. Khogali recommended that the local share and any state grant funding in

excess of the local share, which comprises the total grant amount, be treated as a single pot of funding.

Judge Fisher moved to accept the recommendation with respect to the local share for use as the Executive Committee meets to review and revise the manual. Mr. Krizan seconded the motion. After discussion, the motion carried, Commissioners DeLeeuw and McAvoy opposed the motion.

Indigent Standard Memorandum and Update

Ms. Khogali provided an overview of the focus groups with attorneys and judges that were hosted by MIDC staff and thanked Nicole Smithson for her leadership in organizing the focus groups. Ms. Smithson prepared a memo included in the meeting materials that summarized the staff's efforts in gathering information that will inform a draft standard.

Chair Puerner noted that the next meeting would be April 21, 2020 at 11:00 am.

Ms. Brame moved that the meeting be adjourned. Mr. DeLeeuw seconded the motion. The motion carried. The meeting adjourned at 3:03 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held electronically via Zoom.

The notice included information for members of the public on how to participate.

March 27, 2020

Time: 1:06 pm

Commission Members Participating

Michael Puerner, Chair, Tracy Brame, Kimberly Buddin, Judge Jeffrey Collins, Nathaniel Crampton (left the meeting prior to the final vote because of technological issues), Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman, James Krizan, Margaret McAvoy, Tom McMillin, John Shea, William Swor, Gary Walker

Commission Members Absent

Nancy Diehl, Frank Eaman, Cami Pendell

Staff Members Participating

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:04 am.

Introduction of Commission members and guests

Public Comment

Chair Puerner invited members of the public to introduce themselves if they wished and to make comments to Commissioners.

Kyle Trevas previously emailed a question for the Commission’s consideration:

“In Leelanau, Antrim, and Grand Traverse Counties the compliance plans call for scheduled arraignment days that are assigned to counsel and paid at a flat rate. These scheduled arraignment days have been assigned to contract attorneys though the end of the year. We have been told we will not be paid for scheduled days that have been cancelled by the court. For the most part all arraignments are being handled in Grand Traverse as it is the same District for all three counties. That has effectively ended payments in Leelanau and Antrim Counties. Per the plan in Grand Traverse two attorneys are assigned Monday-Friday to handle arraignments. One for defendants in the jail and one for out of custody defendants. Grand Traverse is still currently scheduling arraignments Monday-Friday but will only pay one attorney.

Grand Traverse has also added weekend arraignment days to get people out of the jail faster. When this was created and scheduled last week we (attorneys) were told we would be paid for both days whether or not we were needed. Now we are being told we will only be

paid for if needed and we will be told at 7:30 am that morning if we need to be there by 8:30 am.

Should these Counties have to honor their plans, grants, and agreements with attorneys?"

Mr. Trevas provided public comment.

Chantá Parker, Managing Director of NDS Detroit officered comments about the work being done by her office and challenges faced in meeting the needs of clients during COVID-19.

Lillian Diallo of the Wayne County Criminal Defense Bar Association offered comments regarding Wayne County's system and the efforts made and challenges faced by the private bar handling appointed cases during COVID-19.

Janet Mistele provided public comment.

Chad Catalino, Chief Public Defender in Allegan/Van Buren Counties offered public comment.

Josh Hilgart, Kalamazoo County Public Defender, offered public comment.

Beth Morrow of the Wayne County Criminal Defense Bar Association offered her comments.

Adoption of the Agenda

Chair Puerner provided an overview of the agenda. Judge Collins moved to approve the agenda as presented. Mr. Krizan seconded the motion. The motion carried.

Consent Agenda

Chair Puerner presented the consent agenda containing the minutes from the February 11, 2020 Commission meeting. Judge Fisher moved that the consent agenda be approved. Ms. McAvoy seconded the motion. The motion carried.

Chair Report

Chair Puerner announced that Judge Boyd has resigned from his position as a district court judge to accept a position as the State Court Administrator. He submitted a letter of resignation from the MIDC to the Governor. The Michigan District Judges Association is working with the Governor's Appointments Office to fill the position.

Executive Director Report

Ms. Khogali invited the MIDC's Regional Managers to provide reports on each of their regions and discuss the innovations they are seeing in response to the COVID-19 crisis.

Kristen Staley presented an update on the South Central Michigan region. She provided examples she is seeing from Genesee and Ingham Counties.

Nicole Smithson presented an update on the Lapeer, Macomb, Oakland and St. Clair region. She provided examples from the 45th District Court in Oak Park and Lapeer County.

Melissa Wangler presented an update on the Northern Michigan region. She provided examples from Iron County.

Barbara Klimaszewski presented an update on the Mid-Michigan region. She provided examples from Tuscola County.

Susan Prentice-Sao presented an update on the Western Michigan region. She provided examples from Kent, Berrien and Kalamazoo Counties.

Kelly McDoniel presented an update on Wayne County. She detailed successes from throughout the county including NDS-Detroit.

Commission Business

MIDC Internal Operational Response to COVID-19

Ms. Khogali provided an update on the operational status of MIDC in response to COVID-19. As of March 23, all staff members have been working remotely. Regional staff members have been working with local systems remotely. Ms. Khogali noted that she has been working in partnership with the MIDC's partners at the Department of Licensing and Regulatory Affairs; Deputy Director Adam Sandoval was helpful in assisting the MIDC in getting the few tools it needed to work remotely. The MIDC continues to meet with legislators to discuss the MIDC's work and appropriations needs, these meetings are being held remotely.

Compliance with MIDC Minimum Standards During COVID-19 Pandemic

The Commission discussed the need to provide access to counsel remotely in response to COVID-19. Ms. Khogali advised the Commission of staff's initial response to reports received from attorneys in some systems that access to counsel was not being provided for meetings and/or hearings. Ms. Khogali urged that all funding units should be actively working to facilitate Standards 1, 2 and 4 through technology solutions. To gather additional information, MIDC staff created and distributed a survey to criminal defense attorneys in Michigan about remote access to clients for meetings and initial appearances during the COVID-19 pandemic. The survey generated over 400 responses over a couple of days.

After discussion, Mr. Shea moved the following: "The MIDC's standards for the timing of initial interviews and counsel appearing at arraignment and all critical proceedings remain in effect. The MIDC staff will work with funding units to facilitate any necessary modifications to compliance plans and/or budgets to ensure confidential attorney-client meetings take place remotely during the state of emergency and that attorneys appear in court for in-custody clients through technological means." Mr. Swor seconded the motion. The motion carried.

Completion of Standard 1 training requirement via video and remote training

Ms. McCowan gave an overview of the questions she is receiving regarding what training is going to look like with a prohibition on gatherings currently in place. She is also receiving questions about web-based training. MIDC staff can work with systems to identify good training opportunities that would be available.

Judge Collins moved the following: "The annual requirement for continuing legal education as set forth in MIDC Standard 1 remains in effect. The Commission strongly recommends, and would deem it to be compliant, that local funding units temporarily lift any restrictions prohibiting training by video as a method of compliance with the CLE requirement. The MIDC's staff will work with

funding units to identify and publicize appropriate options for training by video or video conferencing.” Mr. Swor seconded the motion. The motion carried.

Other Issues Related to COVID-19

Payment of MIDC grant-funded ancillary employees impacted by the slowdown of work as a result of COVID-19

Payment of grant-funded attorneys impacted by the slowdown of work as a result of COVID-19

Ms. Khogali provided an overview of the issues and the questions staff are receiving. The Commission discussed.

Mr. Trevas provided additional comments about what was occurring in the counties with whom he contracts.

Chair Puerner requested that staff continue to gather information on this issue and report to the Commission.

John Fanto provided comments about his experience in the 23rd District Court in Taylor.

Compliance plan submission deadline and reporting deadline

Ms. Khogali stated that some funding units have largely shut down or designated staff as non-essential. Staff has been discussing upcoming compliance plan submission and reporting date internally. The deadline for compliance planning is not statutory. We also have contractual programmatic and financial reporting due at the time.

Ms. McAvoy moved that the compliance plan submission deadline be extended to May 31, 2020. Mr. DeLeeuw seconded the motion. After discussion, Chair Puerner requested a roll call vote. The following Commissioners voted yes: Buddin, DeLeeuw, Fisher, Krizan, McAvoy, Shea, Swor. The following Commissioners voted no: Puerner, Collins, Green, Haveman, McMillin, Walker. Ms. Brame abstained from voting and as such was not counted in the number of members entitled to vote. Chair Puerner ruled that the motion carried.

The next meeting will be April 21, 2020 at 11:00 am. This meeting may also be held remotely.

Mr. Walker moved that the meeting be adjourned. Judge Fisher seconded. The motion carried. The meeting adjourned at 3:36 pm.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held electronically via Zoom.

The notice included information for members of the public on how to participate.

April 21, 2020

Time: 11:10 am

Commission Members Participating

Michael Puerner, Chair, Tracy Brame, Kimberly Buddin, Judge Jeffrey Collins, Nathaniel Crampton, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman (joined at 1:00 pm), James Krizan, Margaret McAvoy, Tom McMillin, John Shea, William Swor, Gary Walker

Commission Members Absent

Nancy Diehl, Frank Eaman, Cami Pendell

Staff Members Participating

Loren Khogali, Andrea Johnson, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:10 am.

He asked meeting participants to observe a moment of silence in appreciation of our front line employees for their courage in helping to reduce COVID-19 suffering, in sympathy of those who are battling the illness, in memory of those who have passed, and in hope that this situation will teach us new paths to unity, civility, and humanity.

Introduction of Commission members and guests

Chair Puerner introduced Takura Nyamfukudza, who serves as the MIDC’s representative on the Michigan Joint Taskforce on Jail and Pretrial Incarceration.

Public Comment

No members of the public wished to provide comments.

Approval of the Agenda

There were no additions to the agenda. Commissioner McAvoy moved that the agenda be approved. Commissioner Swor seconded the motion. The motion carried.

Consent Agenda

Commissioner Green moved that the consent agenda containing the minutes from the March 27, 2020 special meeting be approved. Commissioner Krizan seconded the motion. The motion carried.

Chair Report

Chair Puerner provided an overview of the meeting agenda and materials. He has worked with MIDC staff to reconfigure the Commission’s committees and provided an updated list of assignments to Commissioners. The Compliance Planning Committee will address potential budget

issues and will make recommendations to the Commission on how to proceed in approving compliance plans during a challenging budget situation.

Executive Director Report

Ms. Khogali thanked staff for the work they are doing to assist systems in responding to COVID-19 and for ensuring that systems were equipped to use technology to comply with MIDC standards. She provided an overview of the anticipated shortfalls with the state budget and potential impacts on MIDC funding.

After the March meeting, all funding units and stakeholders received a letter reaffirming the requirement to continue complying with the MIDC standards. In April, letters were sent to local funding units acknowledging the hard work the MIDC is seeing among partners and making sure that funding units are focused on ensuring compliance plans are directly and reasonable related to MIDC standards as we approach the next fiscal year.

Commission Business

COVID-19 Criminal Justice Advocacy

Chair Puerner invited Commissioner Buddin to provide an update about her work at the ACLU-MI and the broader criminal justice advocacy landscape in response to COVID-19. Commissioner Buddin discussed the work the ACLU-MI has been doing with its partner organizations.

Michigan Joint Task Force on Jail and Pretrial Incarceration Report and Update

Takura Nyamfukudza, the MIDC's representative on the task force, provided an update on the final report and answered questions from members of the Commission.

FY20 Compliance Planning Process

Plan changes

MIDC staff approved minor changes to plans in two systems, the 40th District Court - St. Clair Shores and Muskegon County. Ms. McCowan provided Commissioners with an overview of the changes.

Ms. McCowan and Ms. Prentice-Sao provided an overview of Cass County's request for a substantive plan change.

Cass County's previously approved plan provided for a MIDC Grant Coordinator for a total salary of \$20,800 and total fringe benefits of \$14,976. Implementation of this part of the plan was delayed due to a delay in hiring for this MIDC Grant Coordinator position. Cass County is requesting a "no cost" plan revision to include a Managed Assigned Counsel. MIDC staff recommends approval.

Commissioner Shea moved that Cass County's plan change be approved. Ms. McAvoy seconded the motion. The motion carried.

Budget adjustments

Ms. Mack approved the following budget adjustment requests; these adjustments did not impact the total system cost:

- Bay County
- Calhoun County
- Clinton County
- 20th District Court - Dearborn Heights
- 30th District Court - Highland Park
- 33rd District Court - Trenton
- 34th District Court - Romulus
- 48th District Court Bloomfield
- Delta County
- Kalkaska County
- Livingston County
- Menominee County
- Muskegon County
- Oakland C 6 & D 52-1, 2, 3, 4
- Ottawa County
- St. Clair County
- Wexford and Missaukee

Ms. Mack denied the following budget adjustment requests:

- 17th District Court – Redford
- 50th District Court - Pontiac

Substantive review of third/final submissions

Ms. McCowan and Ms. McDoniel presented an overview of the 22nd District Court - City of Inkster’s resubmitted plan and cost analysis. MIDC staff recommends adopting both the plan and cost analysis.

Commissioner Fisher moved that that the staff recommendation be adopted and that the resubmitted plan and cost analysis be approved. Commissioner Shea seconded the motion. The motion carried.

FY19 Financial/Program Reporting

Ms. Mack and Ms. McCowan provided an update on what staff has received for financial reporting from the City of Inkster. Staff is still seeking verification of several issues, including the amount of FY 19 funding that was unspent. Ms. Khogali provided an overview of the notifications provided to the city requesting the documentation.

Commissioner Green moved that the Executive Director notify the funding unit, the City of Inkster, that funding for the approved FY 20 contract will not be distributed until complete financial reporting for FY 19 is submitted to the MIDC. Commissioner Walker seconded the motion. The motion carried.

Local System Funding Received from Michigan Department of Corrections

Ms. Mack and Ms. McCowan provided an overview of this issue. In FY 19, several local systems received funding from the MDOC as reimbursement for indigent defense representation in adult criminal trial courts totaling \$254,297.41.

Commissioner Shea moved that MIDC staff should direct local funding units to report reimbursements received from the Michigan Department of Corrections for which funding is also provided through the MIDC grant as part of program income and report it quarterly or at the end of the fiscal year in the final quarterly report. Commissioner Walker seconded the motion. The motion carried.

The Commission recessed for 10 minutes.

FY 21 Compliance Planning Process

Ms. Khogali and Ms. McCowan provided an update on the status for FY 21 compliance planning. Ms. McCowan answered questions from Commissioners.

FY 21 MIDC Grant Contract

Ms. Khogali met with the Michigan Association of Counties and other stakeholders regarding the language in the contract. Feedback from those meetings has been incorporated into the document presented to the Commission. She will present a final version of the contract for the Commission's review and approval at the June meeting. Judge Fisher indicated that he would like language in section 1.0 modified, he will send that language to Ms. Khogali for her review.

Proposed Grant Manual

Commissioner Green moved that the issue of adopting the grant manual be removed from the table. Commissioner Swor seconded the motion. The motion carried.

Chair Puerner presented the manual to members of the Commission and discussed its purpose. Ms. Khogali provided an explanation of changes. Commissioners asked questions and recommended changes that should be made.

Commissioner Walker moved that the document be approved subject to the editorial changes discussed by the Commission and that it be vetted by the Executive Committee through staff and presented for final ratification by the Commission. Commissioner Krizan seconded the motion. The motion carried.

Assessment Tool

Dr. Siegel provided an overview of an assessment tool that he and Mr. Sadler are creating. They will both work with the Compliance Planning Committee over the next month to refine it. This tool will provide another method for reviewing compliance plans and the funding requested from local systems.

Draft Indigency Standard

Ms. Smithson provided an overview of the process used to formulate the proposed standard. She reviewed the standard with the Commission and answered questions from Commissioners.

The draft standard will be reviewed by the committee for final revisions consistent with the Commission's discussion. The final version of the standard will be before the Commission for a public hearing at an upcoming meeting.

The next meeting will be June 16, 2020 at 11:00 a.m.

Commissioner Swor moved that the meeting be adjourned. Commissioner Green seconded the motion. The motion carried. The meeting was adjourned at 2:34 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held electronically via Zoom.

The notice included information for members of the public on how to participate.

June 16, 2020

Time: 11:00 am

Commission Members Participating

Michael Puerner, Chair, Joshua Blanchard, Tracy Brame, Kimberly Buddin, Judge Jeffrey Collins, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman (joined at 1:10 pm), David Jones, Margaret McAvoy, Tom McMillin, Judge Kristina Robinson Garrett, John Shea, William Swor, Gary Walker

Commission Members Absent:

Nathaniel Crampton, James Krizan and Cami Pendell

Staff Members Participating

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:27 am.

Introduction of Commission Members and guests

Chair Puerner announced that three new members were appointed to the Commission on May 22, 2020. He introduced Commissioner Blanchard, Commissioner Jones, and Judge Robinson Garrett.

Public Comment

Drew Van de Grift offered public comment on behalf of Wayne County.

Paulette Loftin offered public comment on behalf of the 50th District Court in Pontiac.

Chantá Parker offered public comment on behalf of NDS – Detroit.

Approval of the Agenda

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

Consent Agenda

Commissioner McAvoy moved that the consent agenda containing the minutes from the Commission’s April meeting be approved, Commissioner Shea seconded. The motion carried.

Chair Report

Chair Puerner provided an update on the legislation to implement a portion of the recommendations made by the Joint Task Force on Jail and Pretrial Incarceration. Those bills were introduced on June 11. He provided an overview of the meeting materials.

Executive Director Report

Ms. Khogali provided an overview of the written report given to members prior to the meeting.

She offered the observation that indigent defense attorneys have been critical to reducing local jail populations in the context of COVID-19. She also noted the important role of resourced indigent defense systems acting as a constitutional check on the power of police and prosecutors in a criminal legal system that disproportionately affects Black and Brown communities in Michigan.

Ms. Khogali noted internal and external presentations and committees in which staff members have participated. She also provided an update as to the space in the Ottawa building into which MIDC is supposed to move in anticipation of the expiration of its lease July 31st.

The Commission returned to public comment. Lillian Diallo offered comments on behalf of Wayne County Criminal Defense Bar Association.

Commission Business

MIDC FY19 Annual Report

Ms. Khogali highlighted transformations in indigent defense that are documents in the report.

Commissioner Swor moved that the report be approved and published, Judge Collins seconded the motion. The motion carried.

Legislative/Appropriations Update

Ms. Westrate provided an update on the legislature's annual appropriations process.

FY 21 Compliance Planning Process

FY 21 Grant Agreement

Ms. Khogali provided an overview of the FY 21 grant agreement. MIDC staff solicited feedback from members of the Michigan Association of Counties in drafting the language.

Judge Collins moved that the FY 21 grant agreement be adopted, Judge Fisher seconded the motion. The motion carried.

Proposed Grant Manual

Ms. Khogali provided an overview of the grant manual. The only changes that were made since the last Commission meeting are on pages 10 and 20 and are noted in the red text.

Commissioner Green moved that the grant manual be adopted, Commissioner Swor seconded the motion. The motion carried.

Commissioner Shea had connection issues and was not present for the votes on the FY 21 Grant Agreement and Proposed Grant Manual. Had he been present, he would have supported both motions. He returned to the meeting at 12:22 pm.

Report and Recommendation of Compliance Planning Committee

Judge Collins and Ms. Khogali provided an overview of the Compliance Planning Committee's meeting.

Judge Fisher moved if there were a shortfall in the grant appropriation for FY 21, that the Commission would not address that shortfall through an "across the board" cut to all funding units but rather apply an approach that recognizes the individual nature of the local compliance plans. Commissioner DeLeeuw seconded the motion. After discussion, Judge Fisher requested that the motion be tabled pending the discussion on the compliance plan assessment tool.

Compliance Plan Assessment Tool

Dr. Siegel provided an overview of the various methods that the Commission could use to compare the costs from one system to another. Dr. Siegel and Mr. Sadler have developed a new tool that calculates a standardized score for each system. Scores over "1" indicate that the Commission may want to complete an additional review.

The Commission discussed the new assessment tool.

Judge Fisher moved that his previous motion regarding potential shortfalls in the FY 21 appropriations be removed from the table and considered. Chair Puerner requested a roll call vote. The following Commissioners voted to support the motion: Chair Puerner, Commissioner Blanchard, Commissioner Buddin, Commissioner Brame, Judge Collins, Commissioner DeLeeuw, Judge Fisher, Commissioner Green, Commissioner Jones, Commissioner McAvoy, Commissioner McMillin, Judge Robinson Garrett, Commissioner Shea, Commissioner Swor and Commissioner Walker. The motion carried. No members abstained or voted no.

The Commission recessed from 1:05 pm until 1:20 pm.

FY 20 Compliance Updates

Budget Adjustments

Ms. Mack approved budget adjustment requests for the following systems:

- Bay County
- Benzie/Manistee Counties
- 23rd District Court - Taylor
- 28th District Court - Southgate
- 47th District Court - Farmington
- 51st District Court - Waterford
- 59-1 District Court -Grandville
- Gogebic County
- Iron County
- Lake County
- Livingston County
- Menominee County
- Monroe County
- Montcalm County
- Muskegon County
- Oakland County
- Oceana County
- Osceola County
- Presque Isle County
- Saginaw County
- Sanilac County
- St. Clair County
- St. Joseph County

The approved adjustments did not affect the total system costs.

Ms. Mack denied budget adjustments for two systems, the 50th District Court in Pontiac and Kalamazoo County.

Planning Costs for City of Detroit

The City of Detroit has requested planning costs for FY 20 totaling \$237,014.62. The city submitted invoices for the project manager's time (\$5132.40) and a pilot project for Standard 4 (\$231,822.22).

Judge Collins moved that the Commission approve \$237,014.62 in planning costs for fiscal year 2020 requested by the City of Detroit, Commissioner Walker seconded. The motion carried.

Review of Initial FY 21 Compliance Plan Submissions

Extensions Related to declared State of Emergency

In May of 2020, Governor Whitmer declared a State of Emergency for several counties because of flooding. MIDC staff recommends extending the deadline for submitting plans and cost analysis for the following counties: Iosco, Midland and Saginaw.

Commissioner Haveman moved that the Commission authorize extensions until June 30th for Iosco, Saginaw, and Midland to submit compliance plans due to the State of Emergency declared in those regions. No other extensions for late submissions are approved at this time. All systems should submit their plans and cost analyses as soon as possible. The treatment of plans submitted after the due date of May 31, 2020, will be addressed by the Commission at its August meeting. Judge Fisher seconded. The motion carried.

Committee Review

Several plans were referred to the Commission's Increase to Direct Costs Committee. The committee, chaired by Commissioner Swor, met via Zoom on Thursday June 11 to discuss the following plans:

- Chippewa County
- Luce County
- 24th District Court – Allen Park
- 28th District Court – Southgate
- 48th District Court – Bloomfield Hills

Judge Collins provided an overview of the committee's discussion.

Substantive Review for Commission Decisions

Disapprove plan and disapprove cost analysis

Ms. McCowan and Ms. Prentice-Sao provided an overview of the plan submitted by Barry County. MIDC staff recommends disapproval of the plan and disapproval of the cost analysis submitted by the county.

Commissioner Green moved that the staff recommendation be adopted and that the plan and cost analysis submitted by Barry County be disapproved. Judge Collins seconded the motion. The motion carried.

Approve plan but disapprove cost analysis

Ms. McCowan provided an overview of the plan and cost analysis submitted by the 50th District Court – City of Pontiac.

Ms. Loftin provided additional comments on behalf of the city.

Ms. McCowan and Ms. Klimaszewski provided an overview of the plan and cost analysis submitted by Roscommon County.

MIDC staff recommends that the plans submitted by the 50th District Court – City of Pontiac and Roscommon County be approved and that the cost analyses be disapproved.

Commissioner Swor moved that the staff recommendation be adopted and that the plans for the 50th District Court – City of Pontiac and Roscommon County be approved and that the cost analyses be disapproved. Judge Collins seconded the motion. The motion carried.

Approve the plan and approve the cost analysis

Ms. McCowan and the Regional Managers provided an overview of the plans and cost analyses that had recommendations for approval from MIDC staff. The approval was considered in one motion after all 19 plans had been discussed.

Ms. McCowan and Ms. Wangler provided an overview of the plans and cost analyses from the following systems in the MIDC’s Northern Michigan region:

- Antrim County
- Benzie/Manistee Counties
- Chippewa County
- Emmet County
- Gogebic County
- Kalkaska County
- Luce County
- Ontonagon County
- Otsego County

Ms. McCowan and Ms. Staley provided an overview of the plan and cost analysis submitted by Hillsdale County in the MIDC’s South Central Michigan region.

Ms. McCowan and Ms. McDoniel provided an overview of the plans and cost analyses from the following systems in the Wayne County:

- 18th District Court – Westland
- 24th District Court – Allen Park
- 28th District Court – Southgate
- 31st District Court – Hamtramck
- Grosse Pointe Park
- Grosse Pointe City/Municipal

Ms. McCowan and Ms. Smithson provided an overview of two plans from the MIDC’s Lapeer Macomb, Oakland, and St Clair region:

- 47th District Court – Farmington
- 48th District Court – Bloomfield

Ms. McCowan and Ms. Klimaszewski provided an overview of the plan and cost analyses submitted by Mecosta County in the MIDC's Mid-Michigan region.

Karen Moore provided comments on behalf of Mecosta County.

MIDC staff recommends that the plans and costs analyses for the 19 systems listed above be approved.

Commissioner Swor moved that the staff recommendation be adopted and that the plans and cost analyses for the 19 systems listed above be approved, Commissioner Shea seconded. The motion carried.

The Commission will not meet in July. The next meeting will be August 18, 2020 at 11:00 am.

Commissioner Swor moved that the meeting be adjourned, Judge Fisher seconded. The motion carried.

The meeting adjourned at 2:43 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held electronically via Zoom.

The notice included information for members of the public on how to participate.

August 18, 2020

Time: 9:00 am

Commission Members Participating

Michael Puerner, Chair, Joshua Blanchard (joined at 9:14 am), Tracy Brame, Kimberly Buddin, Judge Jeffrey Collins, Nathaniel Crampton, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman (joined at 9:14 am), David Jones, James Krizan, Cami Pendell (non-voting member), Judge Kristina Robinson Garrett (joined at 10:25 am), John Shea, William Swor, Gary Walker

Commission Members Absent:

Margaret McAvoy and Tom McMillin

Staff Members Participating

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:05 am.

Introduction of Commission members and guests

Chair Puerner welcomed attendees to the meeting.

Public Comment

Melanie Young offered commends on behalf of Monroe County.

Kareem Johnson offered comments on behalf of Jackson County.

Approval of the Agenda

There were no additions to the agenda. Judge Fisher moved that the agenda be adopted as presented, Commissioner Swor seconded. The motion carried.

Consent Agenda

Judge Collins moved that the consent agenda containing the minutes from the Commission’s June meeting be approved, Commissioner Walker seconded. The motion carried.

Chair Report

Chair Puerner thanked MIDC staff members for their hard work in the face of the challenges that have been presented over the last several months. He provided an overview of the materials distributed electronically to Commissioners. He recognized Commissioner Brame and Judge Fisher for awards that they are receiving. Commissioner Brame was recently named Lawyers Weekly

Lawyer of the Year. Judge Fisher is receiving the State Bar of Michigan's Champion of Justice Award.

Executive Director Report

Ms. Khogali provided an overview of her written report given to members prior to the meeting.

The Commission's indigency screening standard has been published and the MIDC is accepting public comments through September 14. A public hearing will be scheduled in mid-September on the proposed standard.

Commission Business

FY21 Legislative/Appropriations Update

Ms. Westrate provided an update about the status of the Commission's FY21 appropriations. She will update the Commission as the process continues.

Byrne JAG Grant

Ms. Khogali and Ms. McCowan provided an overview of the proposed Byrne JAG grant application for FY21. The Commission has received the grant for FY19 and FY20.

Commissioner Shea moved that the Commission authorize staff to apply for up to \$250,000 in Byrne JAG grant funding to support skills training for indigent defense attorneys in Michigan. Commissioner Buddin seconded. The motion carried. Commissioner Blanchard abstained from the vote because of a potential conflict of interest.

FY21 Proposed Budget

Ms. Khogali provided a draft FY21 budget for the Commission's review. The Commission's Internal Operating Procedures require it to approve a budget no later than August for the fiscal year starting the following October 1. Since the FY21 budget has not been finalized, it is unclear what the amount will be. Ms. Khogali's draft is based on the Executive Recommendation presented by Governor Whitmer earlier this year.

Commissioner Shea moved to approve the FY21 proposed budget. Judge Collins seconded. The motion carried.

FY21 Compliance Planning Process

Judge Collins provided an overview of the Compliance Planning Committee's activities. The committee reviewed a document drafted by MIDC staff to guide the Commission in making decisions regarding the to be determined FY21 budget for compliance grants and recommends that the Commission adopt the document.

Judge Fisher moved that the Commission adopt the document presented by the committee to guide the Commission in making decisions in the case that there is a shortfall in the FY21 appropriation for compliance grants. Commissioner Krizan seconded the motion. The motion carried.

The Commission returned to public comment.

Lillian Diallo provided comment on behalf of the Wayne County Criminal Defense Bar Association.

Compliance Plan Assessment Tool

Dr. Siegel provided an updated assessment tool for the Commission's review and to assist in its evaluation of compliance plans. The tool is another way to compare compliance plans and costs between systems. Commissioners discussed the numbers, how they were calculated and provided comments.

The Commission returned to public comment.

Sam Churikian provided comments as a member of Wayne County's private defense bar.

FY20 Compliance Updates

Plan Changes

Ms. McCowan provided an overview of the changes requested by Crawford County. The county would like to have the court administrator take over the MIDC administrative responsibilities for the grant; these duties were previously handled by the magistrate. This change will not result in a substantive change to the approved cost analysis. MIDC staff recommends approval of the change.

Commissioner Swor moved that the staff recommendation be adopted and that Crawford County's plan change be approved. Judge Fisher seconded. The motion carried.

Ms. Mack approved the following budget adjustment requests; these did not impact the total system costs and do not require Commission approval:

- 36th District Court – City of Detroit
- 37th District Court – Warren/Centerline
- Lenawee County
- Jackson County
- Saginaw County

Ms. Mack partially approved Wayne County's budget request. The training and travel portion requires correction of documentation but is otherwise granted, the Sheriff Department benefits reimbursement is denied and the jail/deputy expenses were denied.

The Commission recessed for 15 minutes.

Upon resuming the meeting, Chair Puerner requested a second roll call vote to confirm that a quorum was still present. Ms. Westrate called the roll, a quorum was present.

Ms. McCowan provided a summary of the review done by MIDCs committees. All committees met on August 11 via Zoom.

The System Change Committee chaired by Gary Walker reviewed the following plans (listed by MIDC regions):

Western Michigan

- Calhoun County
- 61st District Court
- 62A District Court
- Muskegon

- Ottawa

Northern Michigan

- Iron
- Menominee
- Presque Isle

Mid-Michigan

- Alpena/Montmorency
- Saginaw

Lapeer, Macomb, Oakland, St. Clair

- 41A-2 District Court – Shelby Twp.
- 41B District Court - Clinton Township

South Central Michigan

- Eaton County
- Genesee County
- Washtenaw County

The Increase to Direct Costs Committee, Commissioner Swor Chair, met and discussed the following plans (listed by MIDC region):

Western Michigan

- | | |
|-------------|---|
| • Branch | • Grandville, Kentwood, Walker, & Wyoming |
| • Calhoun | • Montcalm |
| • Cass | • Muskegon |
| • Ionia | • St Joseph |
| • Kalamazoo | |
| • Kent | |

Northern Michigan

- | | |
|----------------------------|-------------------------|
| • Baraga/Houghton/Keweenaw | • Grand Traverse County |
| • Crawford County | • Marquette |
| • Delta County | |

Wayne County

- | | |
|---|---|
| • 16 th District Court – Livonia | • 32A District Court – Harper Woods |
| • 17 th District Court – Redford | • 33 rd District Court – Woodhaven |
| • 21 st District Court – Garden City | • 34 th District Court – Romulus |
| • 23 rd District Court – Taylor | • Grosse Pointe Farms/Shores |
| • 29 th District Court – City of Wayne | • 3rd Circuit, Wayne County |

Mid-Michigan

- Huron County
- Iosco County
- Ogemaw County
- Osceola County
- Tuscola County

Lapeer, Macomb, Oakland and St. Clair

- 37th District Court - Warren
- 40th District Court - St. Clair Shores
- 41B District Court - Clinton Township
- 46th District Court – Southfield
- Lapeer County
- Macomb County
- Oakland County
- St. Clair County

South Central Michigan

- Clinton County
- Eaton County
- Genesee County
- Gratiot County
- Ingham County
- Jackson County
- Lenawee County
- Monroe County
- Washtenaw County

The General Increase to Plan Committee, chaired by Commissioner Green, considered the following plans (organized by MIDC region):

Western Michigan

- Calhoun County
- Ionia County
- Kalamazoo County
- Kent County
- Grandville, Kentwood, Walker, & Wyoming
- Montcalm County
- Muskegon County
- St Joseph County

Northern Michigan

- Cheboygan County
- Crawford County
- Wexford/Missaukee Counties

Mid-Michigan

- Oceana County

Wayne County

- 21st District Court – Garden City
- 23rd District Court – Taylor
- 25th District Court – Lincoln Park
- 36th District Court – Detroit
- Grosse Pointe Farms/Shores
- 3rd Circuit, Wayne County

Lapeer, Macomb, Oakland, St. Clair

- 40th District Court - St. Clair Shores
- 43-3 District Court - Madison Heights
- 46th District Court - Southfield
- Lapeer County
- Macomb County
- Oakland County
- St. Clair County

South Central MI

- Eaton County
- Genesee County
- Ingham County
- Jackson County
- Lenawee County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County

No submission to review

The following three systems did not submit final documents for the Commission and staff to review:

- 20th District Court – Dearborn Heights
- 30th District Court – Highland Park
- 43-1 District Court – Hazel Park

MIDC staff recommends that the failure to submit a plan and/or cost analysis be treated a rejection.

Commissioner Swor moved that the staff recommendation to treat the failure to submit a plan and/or cost analysis as a rejection of the plan and rejection of the cost analysis be adopted. Commissioner Walker seconded. The motion carried.

Rejection of submission

MIDC staff recommends that the plans and cost analyses for the following plans be rejected:

- 22nd District Court - Inkster
- 27th District Court - Wyandotte
- Grosse Pointe Woods
- 37th District Court – Warren/Centerline
- 38th District Court - Eastpointe
- 46th District Court – Southfield
- Allegan/Van Buren Counties
- Calhoun County
- 61st District Court – Grand Rapids
- 62a District Court – Wyoming (59-1, 59-2, 62b District Courts)
- Kent County (17th Circuit and 63rd District Courts)
- Muskegon County
- Midland County

Commissioner Krizan moved that the staff recommendation be adopted and that the Commission reject the plans and reject the cost analyses for the systems listed above. Judge Collins seconded. The motion carried.

Approve plan, reject cost analysis

MIDC staff recommends that the plans for the following systems be approved and the corresponding cost analyses be rejected:

- Alger County
- 43-3 District Court - Madison Heights
- 51st District Court - Waterford
- Lapeer County
- Ionia County
- Kalamazoo County
- 17th District Court - Redford
- 25th District Court – Lincoln Park
- 34th District Court - Romulus
- Wayne County (Circuit only)
- Alpena County
- Montmorency County
- Iosco County
- Jackson County
- Monroe County
- Washtenaw County (all)

The Commission returned to public comment. Drew Van de Grift offered public comment on behalf of Wayne County.

Commissioner Walker moved that the staff recommendation be adopted and that the plans for the systems listed above be approved and the cost analyses be rejected. Commissioner Green seconded the motion. The motion carried. Commissioner DeLeeuw abstained from the vote with respect to Washtenaw County because of his employment with that county.

Approve plan, approve cost analysis

Ms. McCowan provided an overview of the plans that are recommended to have both the plan and cost analysis approved.

The following plans have no change to the plan from the previous fiscal year and no increase in the cost analysis:

- 19th District Court - Dearborn
- 33rd District Court - Trenton
- 35th District Court - Plymouth
- 39th District Court - Roseville/Fraser
- 41-a-1 District Court - Sterling Heights
- 43-2 District Court - Ferndale
- 44th District Court - Royal Oak
- 45th District Court - Oak Park
- Mackinac County
- Berrien County
- Branch County
- Livingston County
- Shiawassee County
- Alcona County
- Arenac County
- Isabella County
- Oscoda County
- Sanilac County
- Clare/Gladwin Counties

- Lake County
- Mason County
- Newaygo County
- Oceana County

The Commission returned to public comment. Marianne Talon offered public comment on behalf of Wayne County.

The following systems did not request any change to their current plans and the only increase in the cost analyses were for cost of living adjustments:

- Bay County
- Dickinson County
- Charlevoix County
- Leelanau County
- Schoolcraft County

The following systems did not request any change to the current plans and had minor increases (less than 5%) to their cost analyses based on demonstrated need and/or standards implementation:

- Cass County
- Cheboygan County
- Wexford-Missaukee Counties
- 29th District Court – City of Wayne
- 40th District Court – St. Clair Shores
- Ogemaw County
- Tuscola County

The following systems requested changes to their compliance plans but no additional cost in their cost analyses:

- 41-a-2 District Court – Shelby Twp.
- 41-b District Court - Mt. Clemens
- Ottawa County
- Eaton County
- Saginaw County

Commissioner Swor moved that the Commission adopt the staff recommendation and approve the plan and approve the cost analysis for the 40 plans listed above. Commissioner Brame seconded. The motion carried.

Ms. McCowan provided an overview of the systems whose submissions included a change to the current plan and/or an increase to direct services greater than 5%. MIDC staff recommends approval of these plans:

- Montcalm County
- St. Joseph County
- Huron County
- Osceola County
- Baraga/Houghton/Keweenaw Counties
- Crawford County
- Delta County
- Grand Traverse County
- Iron County
- Marquette County
- Menominee County
- Presque Isle County
- Clinton County
- Gratiot County
- Genesee County
- Ingham County
- Lenawee County
- Macomb County (16th Circuit & 42 District Courts)

- St. Clair County
- Grosse Pointe Farms
- 16th District Court - Livonia
- 21st District Court - Garden City
- 23rd District Court - Taylor
- 32a District Court - Harper Woods
- 36th District Court - Detroit

The Commission recessed at 1:10 pm for 10 minutes. Commissions Crampton and Swor left the meeting during the recess. Upon resuming the meeting, Chair Puerner requested a roll call vote to confirm that a quorum was still present. Ms. Westrate called the roll, a quorum was present.

Commissioner Green moved that the staff recommendation be adopted and that the plans and cost analyses for the 25 systems listed above be approved. Judge Collins seconded. The motion carried. Judge Robinson Garrett abstained from the vote with respect to the plan for 36th District Court because she serves on that court's bench.

MIDC staff recommends conditional approval of the plan and cost analysis submitted by Oakland County. The approval would be subject to the resolution of the FY20 planning grant being executed and the corresponding amount (\$597,456.21) being removed from the FY21 cost analysis.

Commissioner Shea moved that the staff recommendation be adopted and that Oakland County's plan be conditionally approved. Judge Collins seconded the motion. The motion carried.

Planning costs

Ms. Khogali provided an overview of the planning costs requested by systems for FY 21 plans.

Commissioner Walker moved that the Commission approve planning costs submitted for fiscal year 2021 as request by funding units to date. Commissioner Krizan seconded the motion. The motion carried.

The next meeting is October 20, 2020.

Commissioner Shea moved that the meeting be adjourned. Commissioner Green seconded the motion. The motion carried. The meeting was adjourned at 1:40 pm.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes
Proposed Standard on Indigency Screening Public Hearing & Business Meeting

The meeting was held electronically via Zoom.

The notice included information for members of the public on how to participate.

September 15, 2020

Time: 11:00 am

Commission Members Participating

Michael Puerner, Chair, Joshua Blanchard, Kimberly Buddin, Judge Jeffrey Collins, Nathaniel Crampton, Andrew DeLeeuw, Cami Pendell (non-voting member), Judge Kristina Robinson Garrett, John Shea

Commission Members Absent:

Tracy Brame, Judge James Fisher, Christine Green, Joseph Haveman, David Jones, James Krizan, Margaret McAvoy, Tom McMillin, William Swor, Gary Walker

Staff Members Participating

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:04 am.

Introduction of Commission members and guests

Chair Puerner welcomed attendees to the public hearing on the Commission’s proposed indigency standard.

He requested a roll call be conducted. There was not a quorum of Commissioners present for the meeting.

Committee presentation of proposed standard on indigency screening

Ms. Khogali provide an overview of the contents of the standard and the statutory authority to draft the standard. She highlighted the role that various stakeholders played in providing insight and feedback throughout the process of drafting the proposed standard. This included focus groups of criminal defense attorneys and judges, a survey regarding retainers, and meetings with stakeholder groups. Feedback was incorporated into the draft standard that was reviewed by an MIDC committee and referred to the full Commission for its review.

Ms. Smithson provided an overview of the standard as it is currently drafted.

Written comments submitted to the MIDC were distributed to Commissioners for their review prior to the public hearing.

Public Comment

Chair Puerner asked for public comment.

The following people provided public comment:

- Marianne Talon;
- Robin Dillard-Russaw;
- John Nizol;
- Craig Paull;
- Thomas Hausmann.

There being no further public comment, Commissioner Blanchard moved that the public hearing be adjourned. Commissioner Shea seconded the motion. The motion carried. Because of the lack of quorum, Chair Puerner indicated that, had there been no motion to adjourn, he would have adjourned without a motion in his role as Chair.

The public hearing adjourned at 11:45 am.

Business Meeting

The Commission moved to a business meeting at 11:45.

Chair Puerner requested a roll call vote be conducted to determine whether a quorum of Commissioners was present.

Commission Members Participating

Michael Puerner, Chair, Joshua Blanchard, Kimberly Buddin, Judge Jeffrey Collins, Nathaniel Crampton, Cami Pendell (non-voting member), Judge Kristina Robinson Garrett, John Shea

Commission Members Absent:

Tracy Brame, Andrew DeLeeuw, Judge James Fisher, Christine Green, Joseph Haveman, David Jones, James Krizan, Margaret McAvoy, Tom McMillin, William Swor, Gary Walker

A quorum of Commissioners was not present.

Chair Puerner moved the adoption of the consent agenda to the October meeting. The following two items were changed from action items to discussion items because of the lack of quorum: the amendment to allow for expenditure of fiscal year 2020 unexpended funds and the Executive Committee's Recommendation to extend Wayne County's fiscal year 2020 planning grant until December 31, 2020.

Ms. Khogali provided an overview of the administrative amendment to allow for expenditure of fiscal year 2020 unexpended funds. She will recirculate the amendment to the Commission and if there are no objections, then she recommends that ratification be put on the October agenda. The amendment is necessary for some systems, who will not have an executed contract in place by October 1 and need the amendment so that compliance with MIDC standards does not stop.

Chair Puerner provided an overview of the Wayne County planning grant. The Commission's Executive Committee recommends changing the end date from September 30, 2020 to December 31, 2020. This administrative change is the only part of the contract that is being modified. The end of the State's fiscal year is approaching, and the date must be changed by September 15.

Chair Puerner requested that MIDC staff convene the committee that considered the proposed indigency standard to complete a technical review of the standard and make any corrections that are necessary. He asked that the committee consider the comments that were submitted to the MIDC.

The next meeting will be October 20, 2020 at 9:00am.

Chair Puerner adjourned the meeting without a motion at 12:03 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held remotely via Zoom in compliance with the Open Meetings Act and Public Act 228 of 2020 to reduce transmission of COVID-19 and protect the health of Commissioners, MIDC staff and members of the public interested in attending the meeting. The MIDC website and meeting notice included information for members of the public on how to participate.

October 20, 2020

Time: 9:00 am

Commission Members Participating

Consistent with Public Act 228 of 2020, Commissioners were asked to identify the county, city, town or village and state from which they are participating during roll call. All commissioners participated remotely. That information is reflected below in parentheses following each Commissioner's name.

- Michael Puerner, Chair, (Kent County, Michigan)
- Joshua Blanchard (Greenville, Montcalm County, Michigan)
- Tracy Brame (Grand Rapids, Kent County, Michigan)
- Kimberly Buddin (Washtenaw County, Michigan)
- Judge Jeffrey Collins (Wayne County, Michigan)
- Nathaniel Crampton (Jackson, Jackson County, Michigan)
- Andrew DeLeeuw (Washtenaw County, Michigan)
- Judge James Fisher (Grand Rapids, Kent County, Michigan), (joined at 10:00 am)
- Christine Green (Washtenaw County, Michigan)
- Joseph Haveman (Grand Rapids, Kent County, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- James Krizan (Lincoln Park, Wayne County, Michigan)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan), (joined at 10:07 am)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- Tom McMillin (Oakland Township, Oakland County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

Commission Members Absent:

Cami Pendell (ex-officio)

Staff Members Participating

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:02 am.

Introduction of Commission Members and Guests

Chair Puerner welcomed attendees to the meeting.

Ms. Khogali introduced Kimberly Tandy and Mary Ann Scali of the National Juvenile Defender Center and Scott Dzurka, Stephan Vitvitsky and Erin Lammers from Public Sector Consultants.

Public Comment

Melanie Young indicated that she was participating in the meeting and able to answer any questions regarding Monroe County’s plan.

Marianne Talon, Dawn Van Hoek, Drew Van de Grift and Robin Dillard-Russaw offered comments on behalf of Wayne County.

Lillian Diallo offered comments on behalf of the Wayne County Criminal Defense Bar Association.

Eric Wilson offered comments on behalf of Madison Heights.

Kareem Johnson offered comments on behalf of Jackson County.

Approval of the Agenda

There were no additions to the agenda. Judge Collins moved to approve the agenda as presented, Commissioner Swor seconded. The motion carried.

Consent Agenda

Commissioner Walker moved that the consent agenda containing the minutes from the August and September meetings be adopted. Commissioner Jones seconded. The motion carried.

Chair Report

Chair Puerner thanked MIDC staff members for their hard work over the last several months. He thanked Ms. Smithson for her work on the Eligibility Screening Standard. He thanked Governor Whitmer, the Department of Licensing and Regulatory Affairs (LARA), the State Budget Office, and the legislature for their support of the Commission’s fiscal needs during the appropriations process.

Executive Director Report

Ms. Khogali provided an overview of the written report given to members prior to the meeting. She updated the Commission on MIDC’s appropriations for the 2021 fiscal year that began October 1, 2020. State departments are still under a hiring freeze, Ms. Khogali is working with LARA to receive exemptions to hire two positions. The first position is the Grant Analyst which has been vacant since May. The second position is a new Training Analyst position that was approved by the Civil Service Commission shortly before the hiring freeze was implemented.

LARA is expected to sign the independence from the judiciary standard this month.

Amendments made to the MIDC Act in 2018 required the MIDC to look at local contribution and present a report to the legislature. Public Sector Consultants was chosen after going through LARA's RFP process. Ms. Khogali thanked Bridgette Gransden, Midland County Administrator and Connie Bohatch, City of Grand Rapids, who participated as part of RFP committee representing local systems. Mr. Dzurka from Public Sector Consultants introduced himself and his firm to the Commission.

Commission Business

Presentation on National Juvenile Defender Center Michigan Assessment

Ms. Khogali introduced Ms. Tandy, who provided an overview of the Michigan assessment that was recently completed by the National Juvenile Defender Center.

Update on the Michigan Joint Task Force on Jail and Pretrial Incarceration

Commissioner Buddin updated the Commission on legislation that would begin to codify the recommendations in the Task Force's final report.

Report of Eligibility Screening Standard Committee

Ms. Khogali and Ms. Smithson provided an overview of the work done after the public hearing. Ms. Khogali will work with LARA to determine the timing for submitting the standard for the Department's review if the Commission approves the standard.

Commissioner Shea moved that the Commission approve the standard for presentation to LARA and request that LARA approve it, leaving discretion as to the timing of requested approval to the Executive Director. Commissioner Walker seconded the motion. The motion carried.

The meeting recessed from 11:02 until 11:12. Commissioner Haveman left during the recess.

Recommendation by Executive Committee to Approve Amendment Allowing Funding Units to Continue to Spend Unexpended FY 20 Funds

Ms. Khogali provided an overview of the amendment and its purpose. The Commission's Executive Committee reviewed the document and recommends approval. Commissioner Walker moved that the Commission adopt the Executive Committee's recommendation and the amendment be approved. The motion carried.

Recommendation of Executive Committee to Extend Wayne County FY20 Planning Grant

Ms. Khogali provided an overview of the planning grant awarded to Wayne County in FY 20. The current end date for that grant is December 31, 2020. The County requested that the grant be extended until all funds are expended. The Commission's Executive Committee recommends that the document be extended until February 28, 2021.

Judge Fisher moved that the Executive Committee's recommendation be adopted and that the Wayne County planning grant be extended until February 28, 2021. Commissioner Green seconded. After discussion, Chair Puerner called for a roll call vote. The motion carried.

The following Commissioners voted yes: Chair Puerner, Commissioners Blanchard, Brame, Buddin, Judge Collins, Commissioners Crampton, DeLeeuw, Judge Fisher, Commissioners Green, Krizan, McMillin, Judge Robinson Garrett, Commissioners Swor and Walker.

Commissioners McAvoy and Shea voted no on the motion. Commissioner Shea clarified after the vote that he supported the extension but voted no due to the date to which the extension was limited. Commissioner McAvoy affirmed that she opposed the motion on the same basis.

Plan Changes

Kent County made changes to its FY20 compliance plan to modify the start date, compensation, and hours of work for the indigent defense administrator/attorney position in that County. These changes did not require Commission approval.

Budget Adjustments

Ms. Mack approved budget adjustments for the following systems, these adjustments did not impact the total system cost:

- 46th District Court – Southfield
- Macomb County
- Bay County
- Clare and Gladwin Counties
- Isabella County
- Mason County
- Saginaw County
- Alger County
- Benzie and Manistee Counties
- Marquette County
- Clinton County
- Gratiot County
- Jackson County
- Lenawee County
- Washtenaw County
- 23rd District Court – Taylor
- 28th District Court – Southgate
- Branch County
- Ionia County
- Kent County
- Ottawa County

Ms. Mack denied a budget request made by the 39th District Court – Roseville/Fraser.

Review of FY 21 Compliance Plan Submissions

Committee meetings

The System Change Committee chaired by Commissioner Walker met virtually on October 15. The committee reviewed the staff recommendations for the following plans:

- Alpena, Montmorency
- Barry
- Eastpointe
- Romulus (weekend arraignments change only)
- Kent County 3rd class district courts

Commissioner Walker gave the Commission an overview of the meeting.

The Increase to Direct Costs Committee chaired by Commissioner Swor met virtually on October 15. The committee reviewed the staff recommendations for the following plans:

- Calhoun
- 17th District Court - Redford (not recommended for approval)
- 46th District Court - Southfield
- Ionia
- Iosco
- Jackson
- Kent
- Lapeer
- Monroe

- Muskegon
- Washtenaw

Commissioner Swor gave the Commission an overview of the meeting.

The General Increase to Plan Committee chaired by Commissioner Green met on October 15.

The committee reviewed the staff recommendations for the following plans:

- Allegan/Van Buren
- Barry
- 25th District Court - Lincoln Park
- 46th District Court - Southfield
- 50th District Court - Pontiac
- 59s and 62s District Courts
- 61st District Court - Grand Rapids
- Ionia
- Jackson
- Kent
- Kent - ALL (planning grant/feasibility study)
- Muskegon
- Washtenaw

Commissioner Green provided an overview of the meeting. She highlighted potential revisions to the Grant Manual that might be helpful to the Commission as it reviews plans.

Substantive Review of Compliance Plans and Cost Analyses

Ms. McCowan provided an overview of the resubmitted costs analyses for the 17th District Court – Redford and the 43-3 District Court – Madison Heights. The plans for both systems were previously approved. The staff recommendation is to disapprove both resubmitted cost analyses.

Commissioner McMillin moved that the staff recommendation be adopted and that the cost analyses resubmitted by the 17th District Court – Redford and the 43-3 District Court – Madison Heights be disapproved. Commissioner Swor supported. The motion carried.

The Commission turned to consideration of the systems whose plan and cost analysis were previously disapproved. The staff recommendation is that both the resubmitted plan and cost analysis for the systems listed below be approved:

- Allegan and Van Buren Counties
- 20th District Court - Dearborn Heights
- 37th District Court - Warren and Centerline
- 46th District Court - Southfield
- Grosse Pte. Woods
- Midland County
- 38th District Court - Eastpointe
- Barry County
- Calhoun County
- 61st District Court - Grand Rapids
- 62 a District Court - Wyoming (incl. 59-1, 59-2, 62B)
- Kent – 17th Circuit & 63rd District
- Muskegon County

Ms. McCowan provided an overview of each plan. Ms. Prentice-Sao, Ms. McDoniel, and Ms. Klimaszewski answered questions from the Commission.

Commissioner Walker moved that the resubmitted plans and cost analyses for the 13 systems listed above be approved. Commissioner Green seconded. The motion carried.

The Commission moved to consideration of systems whose plans were previously approved but whose costs analyses were previously rejected. The staff recommendation is to approve the resubmitted cost analysis for the systems listed below:

- 25th District Court – Lincoln Park
- 34th District Court – Romulus
- 50th District Court – Pontiac
- 51st District Court – Waterford
- Lapeer County
- Washtenaw County
- Alpena County
- Montmorency County
- Ionia County
- Iosco County
- Jackson County
- Monroe County

Ms. McCowan provided an overview of each system. Ms. Prentice-Sao, Ms. Klimaszewski and Ms. Staley answered questions from the Commission.

Commissioner Shea moved that the staff recommendation be adopted and that the resubmitted cost analyses for the 12 systems listed above be approved. Commissioner Swor seconded. The motion carried.

Report of the Court Rules Committee

The committee met October 6 to consider changes to the court rules to reflect the Commission's counsel at first appearance and eligibility standards. The draft was provided to Commissioners for their review and has been forwarded to the State Court Administrator for continued discussion. The committee discussed changes to MCR 8.120 proposed by a member of the State Bar of Michigan's Representative Assembly. This proposal has been tabled by the Representative Assembly until April of 2021. MIDC will continue to monitor this proposal and the committee will reconvene as necessary.

The Commission's next meeting is December 15, 2020.

Judge Fisher moved to adjourn. Commissioner Shea seconded. The motion carried. The meeting adjourned at 12:43 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held remotely via Zoom in compliance with the Open Meetings Act and Public Act 228 of 2020 to reduce transmission of COVID-19 and protect the health of Commissioners, MIDC staff and members of the public interested in attending the meeting. The MIDC website and meeting notice included information for members of the public on how to participate.

December 15, 2020

Time: 9:00 am

Commission Members Participating

Consistent with Public Act 228 of 2020, during roll call Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Michael Puerner, Chair, (Ada, Kent County, Michigan)
- Tracy Brame (Grand Rapids, Kent County, Michigan)
- Kimberly Buddin (Novi, Michigan)
- Judge Jeffrey Collins (Wayne County, Michigan)
- Nathaniel Crampton (Jackson, Jackson County, Michigan)
- Andrew DeLeeuw (Washtenaw County, Michigan)
- Judge James Fisher (Grand Rapids, Kent County, Michigan)
- Christine Green (Washtenaw County, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- James Krizan (Allan Park, Wayne County, Michigan)
- Cami Pendell (non-voting member) (Lansing, Ingham County, Michigan), joined at 10:40 am
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- Tom McMillin (Benzonia, Michigan)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan), joined at 10:00 am

Commission Members Absent:

Joshua Blanchard and Joseph Haveman

Staff Members Participating

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:03 am.

Introduction of Commission members and guests

Chair Puerner welcomed attendees to the meeting. Guests were invited to introduce themselves.

Public Comment

Lillian Diallo offered comments on behalf of the Wayne County Criminal Defense Bar Association.

James Heath offered comments on behalf of Wayne County.

Radric Davis submitted a written comment which was read to Commissioners by Loren Khogali.

Additions to agenda

Commissioner Krizan moved that the agenda be approved as presented. Judge Collins seconded the motion. The motion carried.

Consent Agenda

Commissioner DeLeeuw moved that the consent agenda containing the October meeting minutes and 2021 meeting dates be adopted. Commissioner Jones supported. The motion carried.

Chair Report

Chair Puerner provided an overview of the agenda and materials provided to commissioners. He highlighted the Commission’s successes over the last year.

Executive Director Report

Ms. Khogali provided a written report to the Commission prior to the meeting. She expressed her gratitude for the opportunity to do this important work with the Commission. She acknowledged the work of staff, commissioners, local funding units and public defenders.

Commission Business

Nominations Committee

Chair Puerner provided an overview of the Nominating Committee’s meeting. He thanked Commissioners Buddin and Shea for their participation on the committee. The Nominations Committee recommends that Judge Collins serve as Chair of the Commission, Commissioner Green serve as Vice Chair and that Commissioner Walker continue serving as Secretary.

Chair Puerner opened the floor for additional nominations. There were no additional nominations.

Commissioner Shea moved that the Commission adopt the Nominating Committee's Report. Commissioner Swor seconded. The motion carried.

The Ad Hoc Nominating Committee was discharged having completed its charge.

Judge Fisher moved that Chair Puerner remain on the Executive Committee as immediate past Chair and that Judge Fisher step off of the Committee. Commissioner Shea supported. The motion carried.

Ms. Khogali expressed her appreciation for the support the Executive Committee has provided her over the last three years. She welcomed Commissioner Green and Judge Collins and thanked Judge Fisher for his longstanding commitment and to indigent defense reform, including serving as Chair of the Indigent Defense Advisory Commission, the inaugural permanent Michigan Indigent Defense Commission, and continued work as a member of the Executive Committee.

Year in Review Presentation

Ms. Khogali and Ms. McCowan presented a year in review video highlighting the work of the staff, Commission and local public defense systems in 2020.

FY 20 Legislative Wrap-Up

Ms. Westrate provided an update about the legislature's activities and the upcoming appropriations process.

Research Report

Dr. Siegel provided an overview of research and data initiatives and updated the Commission on progress on research projects.

CREW Report

Chair Puerner invited Linda Rexer and MaryAnn Sarosi to present an overview of the Citizens for Racial Equality in Washtenaw (CREW) Report.

FY 20 Compliance Updates

City of Inkster

Ms. McCowan provided an update on the contact MIDC staff has had with the City of Inkster. The system has not completed FY 19 reporting requirements and has not submitted any reports for FY 20. The staff recommendation is that staff be authorized to activate the mediation process if the City of Inkster does not have complete reporting by the end of January 2021.

Judge Fisher moved that the staff recommendation be adopted, and that staff be authorized to activate the mediation process if there is not complete reporting from the City of Inkster by the end of January 2021. Commissioner Green seconded the motion. The motion carried.

FY 20 Fourth Quarter Budget Adjustments

Ms. Mack approved budget adjustment requests for the systems listed below. The adjustments did not impact the total system cost.

- Allegan and Van Buren Counties
- Berrien County
- 32A District Court – City of Harper Woods
- 50th District Court – City of Pontiac
- Huron County
- Isabella County
- Ogemaw County
- Ontonagon County
- Saginaw County
- Sanilac County
- Tuscola County
- Washtenaw County
- Wexford and Missaukee Counties

The Commission recessed from 11:00 until 11:15 am.

Following the recess, Chair Puerner called for a roll call vote. Ms. Westrate called the roll and a quorum of members was still present.

FY 21 Approved Plans and Cost Analysis – request to increase approved MIDC grant funding award by way of reimbursement

Clinton and Montcalm Counties submitted requests to receive reimbursement by revising their cost analyses to reflect overspending in FY 20. Clinton County overspent by \$98,962.01 and Montcalm County by \$72,884.99.

The staff recommendation is that each FY 21 cost analysis be increased by the amount overspent in FY 20 and that the total system cost be adjusted accordingly. Commissioner Swor moved that the staff recommendation be adopted. Commissioner Walker seconded. The motion carried.

Review of FY 21 Compliance Plans and Cost Analyses - Resubmissions

Ms. McCowan provided an overview of the committee work completed prior to the Commission meeting.

The Increase to Direct Costs Committee, chaired by Commissioner Swor, met December 10. The committee considered the following plans: Alger County, 43-1 District Court in Hazel Park and Wayne County.

The General Increase to Plan Committee, Chaired by Commissioner Green, met on November 20 to discuss the request to fund construction at the criminal justice complex in Wayne County.

Substantive Review of Resubmissions

The 22nd District Court in the City of Inkster and the 30th District Court in Highland Park failed to resubmit plans and/or cost analyses. The staff recommendation is that the failure to resubmit be treated as a disapproval of both the plans and cost analyses for these two systems. Judge Collins moved that the staff recommendation be adopted. Commissioner Swor seconded. The motion carried.

The 43-1 District Court in Hazel Park provided a resubmission for the staff's review. The staff recommendation is to disapprove the compliance plan and disapprove the cost analysis for this system. Commissioner Swor moved that the staff recommendation be adopted for the 43-1 District Court in Hazel Park. Commissioner Krizan seconded the motion. The motion carried.

Ms. McCowan provided an overview of the revised plan and cost analysis submitted by the 27th District Court in Wyandotte. The staff recommendation is to approve both the plan and cost analysis resubmitted by the system. Commissioner Green moved that the staff recommendation be adopted. Ms. McAvoy seconded. The motion carried.

Ms. McCowan provided an overview of the four systems whose plans were previously approved but whose cost analyses were disapproved. The systems submitted revised cost analyses.

The staff recommendation is that the revised cost analyses for the following systems be approved. (these systems' compliance plans are already approved):

- Alger County
- 43-3 District Court - Madison Heights
- Kalamazoo County
- Roscommon County

Judge Fisher moved that the staff recommendation be adopted for the four systems listed above. Judge Collins seconded. The motion carried.

Ms. McCowan provided an overview of the plans submitted by Wayne County to date. Commissioner Green summarized the work of the General Increase to Plan Committee. Chair Puerner provided an overview of the materials distributed to the Commissioners for their review.

The staff recommendation is that the resubmitted compliance plan and resubmitted cost analysis be approved with the exception of the costs in line 109 of the cost analysis. This line item totals \$4.9 million and is for new construction at the criminal justice complex. Commissioners discussed the proposal.

Judge Fisher moved that the staff recommendation be adopted. Commissioner Green seconded the motion.

Commissioner DeLeeuw moved to amend Judge Fisher's motion by including approval of the full plan and the full cost analysis as submitted by the County, including the \$4.9 million for new construction at the criminal justice complex. Commissioner McAvoy seconded the amended motion.

After discussion, Chair Puerner called for a roll call vote. The amended motion failed with 4 yeas (DeLeeuw, Jones, McAvoy and Robinson Garrett) and 12 nays (Puerner, Brame, Buddin, Collins, Crampton, Fisher, Green, Krizan, McMillin, Shea, Swor and Walker).

The Chair placed Judge Fisher's original motion before the Commission for its consideration. The Chair called for a roll call vote. The motion prevailed with 15 yeas and 1 nay (Jones). The following members voted yea with an objection to the omission of the funding for the local jail being excluded from the approved cost analysis: Commissioners DeLeeuw, McAvoy, and Judge Robinson Garrett.

The Commission reviewed the meeting dates for 2021. Judge Fisher thanked Chair Puerner for his hard work and dedication and welcomed Judge Collins as the new MIDC Chair. Commissioners Crampton and Walker offered closing observations regarding systemic racism as it relates to the criminal legal system.

Judge Fisher moved that the meeting be adjourned. Commissioner Walker seconded. The meeting adjourned at 1:02 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held remotely via Zoom in compliance with the Open Meetings Act and Public Act 228 of 2020 to reduce transmission of COVID-19 and protect the health of Commissioners, MIDC staff and members of the public interested in attending the meeting. The MIDC website and meeting notice included information for members of the public on how to participate.

February 23, 2021

Time: 9:00 am

Commission Members Participating

Consistent with Public Act 228 of 2020, during roll call Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Judge Jeffrey Collins (Wayne County, Michigan)
- Joshua Blanchard (Greenville, Montcalm County, Michigan)
- Tracy Brame (Grand Rapids, Kent County, Michigan)
- Kimberly Buddin (Oakland County, Michigan)
- Nathaniel Crampton (Jackson, Jackson County, Michigan)
- Christine Green (Scio Township, Washtenaw County, Michigan)
- David Jones (Wayne County, Michigan) (joined at 10:12 am)
- James Krizan (Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- Tom McMillin (Oakland Township, Oakland County, Michigan)
- Cami Pendell (non-voting member) (Eaton County, Michigan)
- Michael Puerner, Chair, (Ada, Kent County, Michigan) (joined at 10:25 am)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

Commission Members Absent:

Andrew DeLeeuw, James Fisher and Joseph Haveman

Staff Members Participating

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Collins called the Michigan Indigent Defense Commission ("MIDC" or "the Commission") meeting to order at 9:04 am.

Introduction of Commission members and guests

Chair Collins welcomed attendees to the meeting. Guests were invited to introduce themselves.

Public Comment

The following members of the public offered comments:

- Meghann Keit, on behalf of the Michigan Association of Counties (MAC)
- Bernard Jocuns
- Mary Ann Jerge
- Doug Corwin, in support of Shiawassee County's proposed plan change
- Judge Theodore Metry
- Richard Lynch, speaking in his personal capacity and not on behalf of Wayne County
- Marianne Talon
- Robin Dillard Russaw
- Dawn Van Hoek
- Thomas Jefferson provided a comment via email read by Ms. Khogali

Additions to agenda

Commissioner Shea moved that the agenda be approved as presented. Commissioner Swor seconded the motion. The motion carried.

Consent Agenda

Commissioner Green moved that the consent agenda containing the December meeting minutes and revised 2021 meeting dates be adopted. Commissioner Walker seconded the motion. The motion carried.

Chair Report

Chair Collins thanked Ms. Khogali for scheduling introductory meetings with the Governor's Legal Division, the Department of Licensing and Regulatory Affairs (LARA), and the Michigan Association of Counties (MAC). He thanked Commissioners DeLeeuw and McAvoy for participating in the meeting with MAC. He thanked Commissioner Puerner for his service as Chair and thanked the people who attend the meetings for their service and time.

Executive Director Report

Ms. Khogali provided a written report to the Commission prior to the meeting. Ms. Mitchell has been hired as the MIDC's first Training Analyst. MIDC expects to fill the vacant Grant Analyst position within the next few weeks. She updated the Commission on the four commission seats that expire in April, two nominated by the Speaker of the House and two nominated by the Senate

Majority Leader. Ms. Khogali will work with LARA and the Governor's office on these appointments.

Commission Business

FY 22 Appropriation and Legislative Report

The Commission discussed House Bill 4174, introduced by State Representative Lightner. The bill would create a new Justice Data Collection and Reporting System.

Commissioner Shea moved that MIDC staff be authorized to engage in the legislative process with respect HB 4174. Commissioner Walker seconded. The motion carried.

Executive Committee Report

Judge Collins provided an overview of the Executive Committee's meeting and discussion about the strategic planning process. He asked Commissioners interested in participating on the Strategic Planning Committee to contact him.

The Commission discussed the proposed charge of the committee:

The *ad hoc* strategic planning committee will support the Commission's strategic planning process. In doing so, the committee will work with the Executive Director to ensure an effective strategic planning process for the Commission, lead the development of a two-to-five year plan for the work of Commission and make recommendations related to its mission, vision and strategic initiatives for consideration and approval to the full Commission.

Commissioner Swor moved that the proposed charge of the committee be approved. Commissioner McAvoy seconded. The motion carried.

Commissioner Swor moved that the Chair be authorized to establish the committee. Commissioner Walker seconded. The motion carried.

Compliance Planning Committee

FY 22 Compliance plan application and cost analysis

Ms. McCowan provided an overview of the proposed FY 22 compliance plan application and cost analysis.

Commissioner McMillin moved that the FY 22 compliance plan application and cost analysis be approved. Commissioner Blanchard seconded the motion. The motion carried.

Proposed changes to the Grant Manual

The Commission discussed the process for reviewing proposed changes to the Grant Manual.

Commissioner Shea moved that the Commission go forward with its review of the entire Grant Manual on an edit-by-edit basis, and that the Commission then vote on an edit-by-edit basis whether to approve, disapprove or table the suggested amendment. Commissioner Blanchard seconded the motion.

Chair Collins briefly departed the meeting and Commissioner Green temporarily assumed the role of chair. After discussion on the motion, Commissioner Green asked for a roll call vote. Judge Collins rejoined the meeting.

The motion carried with nine yeas (Collins, Blanchard, Brame, Buddin, Crampton, Green, McMillin, Shea and Walker) and 5 nays (Krizan, Jones, McAvoy, Swor, Puerner). Judge Robinson Garrett joined the meeting during discussion of this motion and abstained from voting.

The Commission reviewed each change proposed to the Grant Manual.

Commissioner Shea moved that page 5 of the Grant Manual be amended by striking “Position Paper or Attorney Fees after the Passage of the MIDC Act (MIDC, Summer 2016)” from resources available on the MIDC’s website listed in the document. Commissioner Blanchard supported the motion. The motion carried, Commissioner McAvoy opposed the motion.

Commissioner Blanchard moved that page 6 of the Grant Manual be amended by adding the following language in bold to the sentence already included in the document: “A cost analysis (budget) for the compliance plan must be submitted in the format approved by the MIDC, **including the detail of costs associated with a non-profit/vendor model defender office.**” Commissioner Shea supported the motion. The motion carried.

Commissioner Blanchard moved that the first paragraph of page 7 be amended with following changes, strike the sentence that reads “For FY2020, the local share was increased by 2.2% pursuant to MCL §780.983(i).” and adjust the next sentence in the paragraph to read: “The local share will be adjusted **each year in accordance with the statutory requirement.** ~~to 2.1% for FY2021.~~” Commissioner Green seconded the motion. The motion carried, Commissioner McAvoy opposed the motion.

Commissioner Shea moved that a sentence be added to the first full paragraph on page 9 to read “Systems seeking to change models (i.e., move from an assigned counsel system to a public defender office) should include a feasibility study, including a caseload analysis, sufficiently detailed to allow staff and Commission to review anticipated system impacts. Please consult with a Regional Manager for samples of these studies.” Commissioner Shea further moved that language be added to clarify that feasibility studies could be something for which systems requested reimbursement. Ms. McAvoy seconded the motion. The motion carried. Commissioner Blanchard opposed the motion.

Commissioner Green moved that a new sentence be added after the first sentence in the second full paragraph on page 9: “Systems can also include the cost of a license for full time employees with positions requiring a license (i.e. investigator).” Commissioner Swor seconded. The motion carried.

Commissioner Shea moved that a sentence in the second paragraph on page 9 be modified to read: “MIDC grant funding is not permitted for membership in ~~sections or~~ local bar associations **or any optional professional organizations, with the exception of funding for eligible training resources indicated by MIDC Standard 1.**” Commissioner Shea moved that there be an explanation about local bar association dues being included in the Grant Manual previously and that this language is consistent with the Commission’s policies to this point. Commissioner Crampton seconded the motion. The motion carried. Commissioner McAvoy opposed the motion.

Commissioner Blanchard moved that the following sentence be added to the first full paragraph on page 10: "Time studies should be submitted with any request to fund these positions."

Commissioner Green seconded the motion. After discussion, Commissioner Shea moved that the sentence be amended to read: "Local systems are encouraged to submit time studies with any request to fund these positions." The motion to adopt the amended language passed, Commissioner McAvoy opposed the motion.

Commissioner Shea moved that the amended sentence be adopted. Commissioner Green seconded the motion. The motion carried, Commissioner McAvoy opposed.

Commissioner Swor moved that the following language be added after the fourth full paragraph on page 11: "MIDC grant funding is not permitted for the cost of parking at an assigned work station unless reimbursement is required by the funding unit's established local employment policies." Commissioner Shea seconded the motion. The motion carried.

Commissioner Swor moved that the following paragraph be added to page 11: "Supplies Systems can include funding for supplies needed for trial, including demonstrative exhibits and clothing for defendants to wear during court proceedings." Commissioner Blanchard seconded the motion. The motion carried.

Commissioner Green moved that the following sentence be added to the end of the first full paragraph on page 12: "Time spent in skills training counts towards, and can satisfy, the annual CLE requirement." Commissioner Blanchard seconded the motion. The motion carried.

Commissioner Shea moved that the first sentence in the fourth paragraph on page 12 be amended to strike "compliance plan" and insert "grant management system" so that the sentence would read "In the grant management system, provide the names and P#s of all attorneys who will provide indigent defense in the year covered by the compliance plan." Commissioner Brame seconded the motion. The motion carried.

Commissioner Buddin moved that the last paragraph on page 13 be amended to add the language in bold: "MIDC Grant funding will not be awarded for membership to the **National Legal Aid and Defender Association (NLADA)**, the National Association for Criminal Defense Lawyers (NACDL), the Criminal Defense Attorneys of Michigan (CDAM), the Institute for Continuing Legal Education (ICLE), **or local bar associations.**" Commissioner Blanchard seconded the motion. The motion carried.

Commissioner Blanchard moved that "Pre-Sentence Investigation Interview" be added to the bulleted list of matters on page 20 that can be included in Standard 4 funding. Commissioner Green seconded. The motion carried.

Commissioner Blanchard moved that the following sentence be added at the end of page 20: "MIDC grant funding shall not be used to compensate standby counsel when the defendant has invoked the constitutional right of self-representation." Commissioner Crampton seconded the motion. A roll call vote was requested. The motion carried with 9 yeas (Brame, Buddin, Green, McMillin, Puerner, Robinson Garrett, Shea, Swor and Walker) and 5 nays (Blanchard, Crampton,

Krizan, Jones, McAvoy). Chair Collins temporarily left the meeting, Commissioner Green assumed the role of chair in his absence.

Commissioner Swor moved that the following new section be added to page 21:

Services Outside of Adult Criminal Case Representation

The MIDC is cognizant that other legal concerns often exist for indigent clients outside of the criminal trial court and supports local decisions to develop and use best-practice defense services for all those in need.

For example, a few local funding units employ attorneys within their public defender offices to represent youth in delinquency or other probate hearings; some employ administrators to manage the rosters of juvenile defense attorneys; others have considered partnering with local civil legal services to provide increased holistic defense.

Local systems should identify and delineate those costs if they have expanded their legal services to indigent clients outside of the scope of the MIDC Act or are considering such an expansion to ensure they are meeting their current grant contract agreements. The MIDC regional manager team can help systems implement best-practices while ensuring all contract agreements are upheld.

Commissioner Walker seconded. The motion carried, Commissioner McAvoy opposing.

Commissioner Blanchard moved that the first sentence on page 22 be removed from the document. This sentence is not necessary since Standard 5 has been approved by LARA. Commissioner Shea seconded. The motion carried.

Commissioner Swor moved that the following sentence be added to the first paragraph of the Reporting Required section on page 25: "Systems with personnel must submit time sheet(s), time certification(s), or a time study with quarterly reporting when requested by MIDC staff or with any request by the system to modify the personnel position(s)." Commissioner Green seconded the motion. A roll call vote was requested. The motion carried with 10 yeas (Blanchard, Brame, Buddin, Green, Jones, McMillin, Robinson Garrett, Shea, Swor, Walker) and 3 nays (Krizan, McAvoy, Puerner).

Commissioner Swor moved that the following footnote be added to page 25:

Local funding units are required to report reimbursements received from the Michigan Department of Corrections for which funding is also provided through the MIDC grant as part of program income and report it quarterly or at the end of the fiscal year in the final quarterly report. See MIDC meeting minutes, April 2020.

Commissioner Blanchard seconded. The motion carried. Commissioner McAvoy opposed the motion.

The Commission recessed from 12:40 pm until 12:50 pm. Commissioner Swor left during the break.

Selection Standards Committee (Standard 5)

Ms. McCowan and Ms. Staley presented an overview of the FAQs provided in the Commission's meeting materials.

Commissioner Puerner moved that the FAQs be adopted and published. Commissioner Green seconded. The motion carried.

Court Rules Committee

Ms. Smithson provided an overview of the rules changes that had been reviewed by the committee. There was discussion in the Selection Standards Committee about the proposed changes to MCR 2.117. That committee's suggested changes were included in the document that was presented to the Commission. Commissioner Blanchard asked that the changes to MCR 2.117 be considered separately from the other changes.

Commissioner Shea moved to approve the proposed changes to MCR 2.117. Commissioner Krizan seconded. The motion carried. Commissioner Blanchard opposed the motion.

Commissioner Shea moved that the Commission adopt the proposed changes to the remaining court rules that were before the Commission. Commissioner Walker supported the motion. The motion carried.

Ms. Khogali will work with the State Court Administrative Office to submit the proposed changes for consideration.

Ms. Khogali provided an overview of proposed changes MCR 8.120 which were before the State Bar of Michigan's Representative Assembly in September. Ms. Khogali drafted a proposed response to the changes.

Commissioner Blanchard moved that the response be submitted if the proposal was on the Representative Assembly's agenda in April. Commissioner Shea seconded. The motion carried.

Training and Evaluation Committee

Commissioner Brame and Ms. McCowan updated the Commission on the committee's work. The committee will start to draft language for trainers and training providers.

FY 21 Compliance Plan Updates

Wayne County Update

State Court Administrator Tom Boyd appointed attorney Pam Enslin as mediator with respect to the disapproved portion of Wayne County's FY21 cost analysis. Pursuant to the MIDC Act, mediation must begin within 30 days of appointment of a mediator and conclude within 60 days of initiation of the mediation.

Commissioner Walker moved to authorize the Executive Director to proceed through the mediation process in consultation with the Executive Committee and Judge Fisher. Any mediation agreement should be brought before the Commission for approval. Commissioner Puerner seconded the motion. The motion carried.

Plan Change Requests

The City of Warren submitted a request for a plan change to hire an attorney as an independent contractor to oversee its indigent defense program as a Managed Assigned Counsel Coordinator and assist with the implementation of MIDC Standard 5. MIDC staff recommends that the request be approved.

Commissioner Blanchard moved that the staff recommendation be adopted and that the plan change submitted by the City of Warren be approved. Commissioner Puerner supported the motion. The motion carried.

Ms. McCowan provided an overview of Shiawassee County's request for a plan change. Shiawassee County is requesting a plan adjustment seeking to expand services of MIDC Standard 4 and allow for funding for payment of tether monitoring fees for pretrial release of indigent clients. This would include coverage of tether fees for clients charged with probation violations and are awaiting a hearing. MIDC staff recommends that the county's request for a plan change be rejected.

Commissioner Walker moved that the staff recommendation to reject the plan change submitted by Shiawassee County be adopted. Commissioner Shea supported the motion. The motion carried, Commissioner Blanchard opposed the motion. Commissioner McAvoy abstained from the motion because of her previous employment with the county.

First Quarter Reporting

Ms. Mack approved the following budget adjustments:

- Berrien County
- Chippewa County
- 37th District Court - Warren/Centerline
- Eaton County
- Houghton County
- Kalkaska County
- Livingston County
- Macomb County
- Menominee County
- Montcalm County
- Oakland County
- Ottawa County
- Tuscola County

Review of FY21 Compliance Plan Submissions

Inkster

The City of Inkster has not completed reporting for fiscal years 2019 and 2020. The City has not submitted a plan or cost analysis for fiscal year 2021. MIDC staff recommends that the failure to submit a plan/cost analysis be treated as a denial and that the Commission move to mediation with this system.

Chair Collins moved that the staff recommendation to treat third failure to submit a plan as a denial be adopted, that the Commission move to mediation with respect to the plan and the failure to provide reporting and that the Executive Director proceed through the mediation process in consultation with the Executive Committee with any mediation agreement being brought before the Commission for approval. Chair Shea seconded the motion. Chair Collins requested a roll call vote. The motion carried with 13 yeas (Collins, Blanchard, Buddin, Brame, Green, Krizan, McAvoy, McMillin, Puerner, Robinson Garrett and Walker), 0 nays and 1 abstention (Jones).

Highland Park

Ms. McCowan provided an overview of Highland Park's resubmitted plan and cost analysis. MIDC staff recommends that the plan and cost analysis resubmitted by Highland Park be approved. Commissioner Puerner moved that the staff recommendation be adopted and that the plan and cost analysis resubmitted by Highland Park be approved by the Commission. Commissioner Walker seconded the motion. The motion carried.

Redford

Ms. McCowan provided an overview of Redford's resubmitted cost analysis, the system's plan was previously approved by the Commission. MIDC staff recommends that the cost analysis resubmitted by Redford be approved. Commissioner Green moved that the staff recommendation be adopted and that the cost analysis resubmitted by Redford be approved. Commissioner Krizan seconded. The motion carried.

Annual Review of Executive Director

Ms. Khogali has requested that the Commission consider her evaluation in a closed session. Commissioner Green moved to go into closed session under MCL 15.268(a) to consider the periodic personnel evaluation of Ms. Khogali and under MCL 15.268(h) to consider material exempt from disclosure under section 13(1)(g) of the Freedom of Information Act. Commissioner Krizan seconded. Chair Collins requested a roll call vote. The motion carried with 12 yeas (Collins, Blanchard, Brame, Buddin, Green, Krizan, Jones, McAvoy, McMillin, Puerner, Robinson Garrett, and Shea) and 0 nays. The Commission moved into closed session at 2:20 pm.

The Commission returned at 2:56. Chair Collins asked for a roll call vote on returning to open session. Roll was called, the following members were present: Collins, Blanchard, Brame, Buddin, Green, Krizan, Jones, Puerner, Robinson Garrett, Shea, Swor and Walker.

Ms. Khogali's contract with LARA was distributed to Commissioners prior to the meeting. Commissioner Shea moved that the contract be approved. Commissioner Krizan seconded. The motion carried.

Commissioner Krizan moved that the meeting be adjourned. Commissioner Green seconded the motion. The motion carried. The meeting adjourned at 3:02 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held remotely via Zoom in compliance with the Open Meetings Act and Public Act 228 of 2020 and pursuant to Ingham County's state of emergency resolution #21-138 to reduce transmission of COVID-19 and protect the health of Commissioners, MIDC staff and members of the public interested in attending the meeting. The MIDC website and meeting notice included information for members of the public on how to participate.

April 20, 2021

Time: 9:00 am

Commission Members Participating

During roll call Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Judge Jeffrey Collins (Wayne County, Michigan)
- Joshua Blanchard (Greenville, Montcalm County, Michigan)
- Andrew DeLeeuw (Sharon Township, Washtenaw County, Michigan)
- Judge James Fisher (Manatee County, Florida)
- Christine Green (Scio Township, Washtenaw County, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan) (joined at 10:24 am)
- Tom McMillin (Oakland Township, Oakland County, Michigan)
- Cami Pendell (Eaton County, Michigan)
- Michael Puerner, Chair, (Ada, Kent County, Michigan)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan) (joined at 10:12 am)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan), joined at 10:00 am

Commission Members Absent:

Tracey Brame, Kimberly Buddin, Hakim Crampton, James Krizan

Staff Members Participating

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Collins called the Michigan Indigent Defense Commission ("MIDC" or "the Commission") meeting to order at 9:01 am.

Introduction of Commission members and guests

Chair Collins welcomed attendees to the meeting. Guests were invited to introduce themselves.

Public Comment

There were no members of the public wishing to provide comment. A written comment from Carl Winslow was received via email prior to the meeting and distributed to members of the Commission.

Additions to agenda

The Urban Institute was unable to participate in the meeting. Chair Collins asked for a motion to remove item 8a from the agenda and to approve the remainder of the agenda as amended.

Commissioner Puerner moved that item 8a be removed from the agenda. Judge Fisher supported the motion. The motion carried.

Consent Agenda

Commissioner Swor moved that the consent agenda containing the open and closed session minutes from February 23, 2021 and the proposed Memorandum of Understanding with the Attorney General's office for FY21 be approved. Commissioner Green seconded. The motion carried.

Chair Report

Chair Collins thanked the members of the Strategic Planning Committee for their work since the committee's appointment. He thanked Judge Fisher, Ms. Khogali and Ms. McCowan for their work on the mediation with Wayne County. Chair Collins participated in the MIDC's Leadership Conference and thanked Commissioner Crampton for the presenting during one of the sessions.

Executive Director's Report

Ms. Khogali provided an overview of the meeting materials and an oral report to supplement her written report included in the meeting materials. Ms. Khogali highlighted the Social Worker Defense report and manual released by the Commission. She also welcomed Shunkea Brown to MIDC. Ms. Brown has been hired as MIDC's Grant Analyst.

Commission Business

Executive Committee

Chair Collins provided an overview of the committee's activities. The committee met and prepared the agenda for the April meeting and discussed items relating to the agenda.

Strategic Planning Committee

Commissioner Green, chair of the committee, updated the Commission on its activities. The committee has met three times since its creation. The committee plans to make recommendations to the commission. The committee will be providing regular updates to the Commission and will share a draft of the mission statement. Commissioner Green invited input from Commissioners who were not formally on the committee.

Wayne County Mediation

Ms. Khogali provided an update on the process. Attorney Pam Enslin was appointed as mediator by the State Court Administrator as required by the MIDC Act. Mediation is focused on a disapproved portion of the County's cost analysis totaling \$4.9 million to build meeting rooms in the new Wayne

County Criminal Justice Complex that will house the jail, juvenile detention facility and courthouse. The Commission otherwise approved \$31.3 million to fund Wayne County's plan for compliance with minimum indigent defense standards. The Commission has provided Wayne County a grant contract for the approved funding. Judge Fisher, Ms. Khogali and Ms. McCowan participated on behalf of the MIDC. No resolution was reached through mediation and the mediator offered a recommendation for a resolution on the matter.

Judge Fisher provided an overview of the mediator's recommendation and expressed his support of the Commission approving that resolution. The recommendation was distributed commissioners.

Judge Fisher moved that the Commission approve the resolution recommended by Ms. Enslin. Commissioner Walker supported the motion.

The Commissioners discussed the motion. James Heath spoke on behalf of Wayne County, offering the County's perspective on the mediation and the recommended resolution.

Commissioner Shea moved to table the motion temporarily to allow the Commission to review the recommendation. Commissioner Blanchard supported the motion. The motion carried.

Review of FY21 Compliance Plan Submissions

Plan changes

Oakland County would like to hire a chief attorney to oversee its office of indigent defense services prior to October 1 so that the County can prepare to implement Standard 5. The plan change can be accomplished through existing funds by reallocating from several different areas. MIDC staff recommends approving this request.

Commissioner Swor moved that the staff recommendation be adopted and that Oakland County's plan change be approved. Judge Collins supported. The motion carried.

Budget adjustments

The Grants Director approved a budget adjustment request for the 37th District Court in Warren/Centerline. A budget adjustment from Shiawassee County was denied.

City of Inkster

Ms. McCowan provided an overview of the City of Inkster's resubmitted plan and cost analysis. The staff recommendation is to approve the resubmitted plan and cost analysis.

Judge Fisher moved that the staff recommendation be adopted and that the City of Inkster's resubmitted plan and cost analysis be approved. Commissioner Green seconded the motion. The motion carried. Commissioner Jones abstained from the vote because of his role as the City Attorney.

City of Hazel Park

Ms. McCowan provided an overview of the plan and cost analysis resubmitted by the City of Hazel Park. The staff recommendation is to approve the resubmitted plan and partially approve the cost analysis with reductions to personnel costs and related fringe benefit due to the system's failure to provide sufficient documentation.

Judge Fisher moved that the staff recommendation be adopted and that the resubmitted plan and cost analysis be approved with the reductions to personnel funding. Commissioner Walker supported the motion. The motion carried.

EGraMS Introduction

Ms. McCowan gave an overview of the new grant management system (EGraMS). Commissioners will receive training on this system in the next few months. All compliance plans for FY22 will be submitted through this system.

The Commission went at ease for 10 minutes.

Return to discussion of Wayne County Mediation

This item was tabled earlier in the meeting. Commissioner Shea moved to remove this item from the table and return to discussion and consideration. Commissioner Swor seconded the motion. Commissioner Blanchard requested a voice vote to confirm that a majority of members voted to remove it from the table. Chair Collins called for the yeas and nays. The motion carried, a majority of members voting in support.

After discussion, the Commission addressed the motion made by Judge Fisher and seconded by Commissioner Walker to approve the settlement recommended by the mediator. The motion carried, Commissioner Blanchard opposing the motion.

Compliance Resolution Process

Ms. Khogali provided an overview of the proposed draft compliance resolution process. She invited Commissioners to provide feedback and thanked Ms. McDoniel for her work on this document. The document will be before the Commission in June for consideration.

Presentation by Public Sector Consultants

Scott Dzurka, Erin Lammers, and Stephan Vitvitsky presented on the work that Public Sector Consultants (PSC) has completed so far and next steps. PSC is working to complete the local share report that is required by statute to be delivered to the legislature by October 31, 2021.

Presentation on Expungement, Commissioner Crampton

Commissioner Crampton was unable to attend the meeting. The presentation was postponed until a future date.

Executive Director Evaluation Review

Ms. Khogali requested that the Commission consider her evaluation in a closed session. Commissioner Shea moved to go into closed session under MCL 15.268(a) to consider the periodic personnel evaluation of Ms. Khogali and under MCL 15.268(h) to consider material exempt from disclosure under section 13(1)(g) of the Freedom of Information Act. Judge Fisher seconded. Chair Collins requested a roll call vote. The motion carried with 13 yeas (Collins, Blanchard, DeLeeuw, Fisher, Green, Jones, McAvoy, McMillin, Puerner, Robinson Garrett, Shea, Swor and Walker) and 0 nays. The Commission moved into closed session at 11:37 am.

Commissioner Puerner moved that the Commission return to open session. Commissioner Shea seconded. Chair Collins requested a roll call vote. The motion carried with 13 yeas (Collins,

Blanchard, DeLeeuw, Fisher, Green, Jones, McAvoy, McMillin, Puerner, Robinson Garrett, Shea, Swor and Walker) and 0 nays. The Commission returned to open session at 11:57 am.

Commissioner Puerner moved that Ms. Khogali's performance evaluation be accepted as presented by the Chair. Commissioner Blanchard seconded. The motion carried. Chair Collins will meet with Ms. Khogali to review the evaluation.

Judge Fisher moved that the meeting be adjourned. Commissioner Green seconded the motion. The motion carried. The meeting adjourned at 12:01 pm.

The next meeting is June 15, 2021.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held remotely via Zoom in compliance with the Open Meetings Act and Public Act 228 of 2020 and pursuant to the City of Lansing's state of emergency resolution #2021-081 to reduce transmission of COVID-19 and protect the health of Commissioners, MIDC staff and members of the public interested in attending the meeting. The MIDC website and meeting notice included information for members of the public on how to participate.

June 15, 2021
Time: 9:00 am

Commission Members Participating

During roll call Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Judge Jeffrey Collins (Wayne County, Michigan)
- Joshua Blanchard (Greenville, Montcalm County, Michigan)
- Tracy Brame (Grand Rapids, Kent County, Michigan)
- Hakim Crampton (Jackson, Jackson County, Michigan)
- Andrew DeLeeuw (Sharon Township, Washtenaw County, Michigan)
- Christine Green (Rapid City, Kalkaska County, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- James Krizan (Lincoln Park, Wayne County, Michigan)
- Margaret McAvoy (Owosso, Shiawassee County, Michigan)
- Tom McMillin (Oakland Township, Oakland County, Michigan)
- Michael Puerner, Chair, (Ada, Kent County, Michigan)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan),

Commission Members Absent:

Kimberly Buddin, Judge James Fisher, Cami Pendell

Staff Members Participating

Loren Khogali, Shunkea Brown, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Collins called the Michigan Indigent Defense Commission ("MIDC" or "the Commission") meeting to order at 9:04 am.

Introduction of Commission members and guests

Chair Collins welcomed attendees to the meeting. Guests were invited to introduce themselves.

Public Comment

Robin Dillard-Russaw offered comments on behalf of Wayne County.

Catherine O'Meara offered comments on behalf of the Wayne County Criminal Defense Bar Association

Lavida Jenkins provided a written comment that was distributed to Commissioners.

Additions to agenda

There were no additions to the agenda as presented.

Consent Agenda

Commissioner Puerner moved that the consent agenda containing the minutes from the April 15, 2021 open and closed sessions be adopted. Commissioner Blanchard seconded. The motion carried.

Chair Report

Chair Collins welcomed everyone to the meeting and provided a brief report.

Executive Director's Report

Ms. Khogali provided a report to the Commission, during which she recognized the very successful launch of MIDC's new grant management system, EGrAMS and thanked staff for their work in the development, training and implementation of the grant management system. She also thanked the local systems for their engagement and efforts in learning the system and working to submit compliance plans for FY22.

Legislative/Budget Update

Ms. Khogali updated the Commission on the content of the House and Senate appropriations bills. Commissioners and the Department of Licensing and Regulatory Affairs and local systems have been great partners in the budget process.

Committee Reports

Chair Collins thanked the Commissioners for the dedication to the mission of the MIDC and noted that this dedication was particularly shown through the committee's commitment to meeting regularly and the work already completed by the committee.

Strategic Planning Committee

Commissioner Green updated the Commission on the committee's progress. They have drafted a mission statement, values and vision statement, which were provided to commissioners for feedback. A summary report of the committee's work was distributed with the meeting materials.

Training and Education Committee

Commissioner Brame provided an update on the committee's activities, including reviewing a draft of standards for training and trainers. She expects that the committee will present a draft of the standards for the Commission's consideration at its August meeting.

Wayne County Mediation Update

Ms. Khogali has been working with the Executive Committee, the Office of the Attorney General and communicating with Wayne County in an effort to finalize the agreement. She will continue to update the Commission on the document.

FY22 Byrne JAG Grant Opportunity

MIDC has been invited to submit a grant application for FY22. Ms. Khogali provided an overview of the skills training program that has been supported by the Byrne JAG Grant since 2018. The FY22 grant application will be due prior to the Commission's August meeting. Commissioner Green moved that MIDC staff submit an application for the grant. Commissioner Krizan seconded the motion. Commissioner Blanchard disclosed a conflict and abstained from the vote. The motion carried.

2021-12 Administrative Order – Proposed Amendments of Michigan Court Rules related to Standard 5.

Ms. Khogali provided an overview of the order. Ms. Smithson has prepared a draft MIDC comment which will be before the Commission for review at the August meeting.

FY22 Compliance Planning Process

FY22 MIDC Grant Contract

The Commission reviewed the proposed contract for FY22. Ms. Khogali highlighted the substantive changes from the last fiscal year and provided the reasons for the proposed changes. Commissioner Shea moved that the FY22 grant contract be approved. Commissioner McAvoy seconded. The motion carried.

Compliance Resolution Process

A draft of the process was distributed to Commissioners for review. Commissioner Walker moved that the compliance resolution process be approved as part of the MIDC's internal operating procedures. Commissioner Puerner seconded. The motion carried.

FY21 Compliance Updates

The Grant Director processed the following budgeted adjustments requests:

- Berrien County
- Cass County
- Charlevoix County
- Clair County
- 16th District Court – Livonia
- 34th District Court – Romulus
- 39th District Court – Roseville/Fraser
- 51st District Court – Waterford
- Gogebic County
- Lake County
- Livingston County
- Monroe County
- Oakland County (two adjustments)
- Osceola County

- Saginaw County
- St. Clair County
- Wayne County (partial)
- Wexford County

The following budget adjustments were denied:

- 29th District Court – City of Wayne
- Kalamazoo County

Review of Initial FY22 Compliance Plan and Cost Analysis Submissions

Committee Meetings

The General Increase to Plan Committee met on June 7, 2021 to review the plans that included an increase to the cost analysis total, excluding direct indigent defense services and annual inflationary increases.

Commissioner Green, committee chair, provided an overview of the meeting. The committee considered the staff recommendations for plans submitted by the following systems:

Wayne County Region:

- 30th District Court - Highland Park
- 36th District Court - City of Detroit

Northern Michigan Region:

- Cheboygan County
- Emmet County
- Houghton County (including Baraga/Keweenaw Counties)
- Presque Isle County
- Wexford and Missaukee Counties

Mid-Michigan Region:

- Bay County
- Isabella County

South Central Michigan Region

- Genesee County
- Hillsdale County
- Ingham County
- Lenawee County
- Monroe County

Western Michigan Region

- Kent County

Lapeer, Macomb, Oakland and St Clair Counties

- 43-1 District Court – Hazel Park
- St. Clair County

The Increase to Direct Costs Committee, chaired by Commissioner Swor, met to review any plans with increases to direct costs for indigent defense services. Commissioner Swor provided an overview of the meeting held on June 7, 2021. The committee considered the staff recommendations for the following plans:

Wayne County Region

- 17th District Court – Redford
- 18th District Court - Westland
- 32a District Court - Harper Woods
- 29th District Court - City of Wayne
- 36th District Court - City of Detroit
- Wayne County Circuit Court increase to Neighborhood Defender Service caseload and rates for assigned counsel.
- 16th District Court - Livonia
- 19th District Court - Dearborn
- 34th District Court - Romulus
- Grosse Pointe Farms/Shores
- Grosse Pointe Park

Northern Michigan

- Alger County
- Charlevoix County
- Delta County
- Dickinson County
- Houghton County
- Menominee County
- Ontonagon County
- Otsego County
- Presque Isle County
- Wexford County
- Antrim County
- Cheboygan County
- Gogebic County
- Grand Traverse County
- Kalkaska County
- Leelanau County
- Luce County
- Manistee and Benzie Counties

Mid-Michigan Region

- Saginaw County
- Tuscola County
- Bay County
- Huron County
- Iosco County
- Isabella County
- Mason County
- Oceana County
- Roscommon County

South Central Michigan Region

- Eaton County
- Hillsdale County
- Jackson County
- Washtenaw County
- Lenawee County
- Genesee County
- Ingham County
- Livingston County
- Monroe County
- Shiawassee County

Western Michigan Region

- Branch County
- Kalamazoo County
- Wyoming County
- Grand Rapids
- Allegan and VanBuren Counties
- Barry County
- Berrien County
- Calhoun County
- Cass County
- Ionia County
- Kent County
- Montcalm County
- Muskegon County
- Ottawa County

Lapeer, Macomb, Oakland and St Clair Counties

- 37th District Court - Warren
- 38th District Court - Eastpointe
- 39th District Court - Roseville
- 47th District Court - Farmington
- Macomb County
- 41a-1 District Court - Sterling Heights
- 46th District Court - Southfield
- 50th District Court - Pontiac
- 51st District Court - Waterford
- St. Clair County

The System Change Committee, chaired by Commissioner Walker, met to review plans that included a substantial change to the method or system by which the funding unit will deliver indigent defense services. Commissioner Walker provided an overview of the meeting held June 8, 2021. The committee reviewed staff recommendations for the following plans:

Wayne County Region

District Court Regionalization

- 16th District Court - Livonia
- 28th District Court - Southgate
- 17th District Court - Redford Twp.
- 29th District Court - City of Wayne
- 19th District Court - Dearborn
- 31st District Court - Hamtramck
- 20th District Court - Dearborn Heights
- 33rd District Court - Woodhaven
- 21st District Court - Garden City
- 34th District Court – Romulus
- 22nd District Court - Inkster
- 35th District Court - Plymouth
- 23rd District Court - Taylor
- Grosse Pointe City
- 24th District Court - Allen Park
- Grosse Pointe Farms/Shores
- 27th District Court - Wyandotte
- Grosse Pointe Park
- 30th District Court - Highland Park

Circuit Court increase to Neighborhood Defender Service caseload

Northern Michigan Region

- Dickinson County
- Emmet County

- Houghton County (Baraga/Keweenaw Counties)
- Ontonagon County
- Gogebic County
- Leelanau County

Mid-Michigan Region

- Midland County
- Ogemaw County
- Bay County

South Central Michigan Region

- Genesee County
- Monroe County

Lapeer, Macomb, Oakland and St Clair Counties

- 39th District Court - Roseville
- 41A-2 District Court – Shelby Twp.
- 47th District Court - Farmington
- 41A-1 District Court - Sterling Heights
- 51st District Court – Waterford

The Selection Standards Committee, Chaired by Commissioner Shea, met to review novel issues regarding compliance with Standard 5. Commissioner Shea provided an overview of the meeting held June 8, 2021. The committee reviewed the staff recommendations for the following plans:

Wayne County

- 18th District Court - City of Westland
- 32a District Court - Harper Woods

Wayne County District Court Regionalization

- | | |
|---|---|
| <ul style="list-style-type: none"> • 16th District Court - Livonia • 28th District Court - Southgate • 17th District Court - Redford Twp. • 29th District Court - City of Wayne • 19th District Court - Dearborn • 31st District Court - Hamtramck • 20th District Court - Dearborn Heights • 33rd District Court - Woodhaven • 21st District Court - Garden City • 34th District Court - Romulus | <ul style="list-style-type: none"> • 22nd District Court - Inkster • 35th District Court - Plymouth • 23rd District Court - Taylor • Grosse Pointe City • 24th District Court - Allen Park • Grosse Pointe Farms/Shores • 27th District Court - Wyandotte • Grosse Pointe Park • 30th District Court - Highland Park |
|---|---|

Lapeer, Macomb, Oakland, St. Clare Region

- 44th District Court - City of Royal Oak
- 47th District Court - City of Farmington
- 40th District Court - St. Clair Shores

Western Michigan Region

- 61st District Court - City of Grand Rapids
- 62A District Court- City of Wyoming

South Central Michigan Region

- Eaton County
- Lenawee County

Northern Michigan Region

- Iron County
- Ontonagon County

Mid-Michigan Region

- 8 counties using a regional compliance assistance for screening as part of the regional managed assigned counsel system (Clare/Gladwin, Lake, Mason, Mecosta, Newaygo, Oceana, and Osceola Counties)

Review of Initial FY22 Compliance Plan and Cost Analysis Submissions

The following systems failed to submit a compliance plan and cost analysis:

- Alcona County
- Alpena County
- Oakland County
- Montmorency County
- St. Joseph County

MIDC staff recommends that the failure to submit a compliance plan and cost analysis be treated as a disapproval. Commissioner Blanchard moved that the staff recommendation be adopted for the five systems listed above. Commissioner Krizan seconded. The motion carried.

MIDC staff recommends that the compliance plans and cost analyses for the systems listed below be denied on the merit of the submission:

- Branch County
- Chippewa County
- Crawford County
- 25th District Court - City of Lincoln Park
- 32a District Court - City of Harper Woods
- 37th District Court - Cities of Warren and Centerline
- Grosse Pointe Woods
- Mackinac County
- Menominee County
- Wexford and Missaukee Counties
- 18th District Court - City of Westland
- 44th District Court - City of Royal Oak
- 47th District Court - City of Farmington
- 61st District Court - City of Grand Rapids
- 62a District Court - City of Wyoming
- Eaton County
- Iron County
- Lenawee County
- Ontonagon County
- Charlevoix County
- 36th District Court - City of Detroit
- 39th District Court - Cities of Roseville and Fraser

- 40th District Court - City of St. Clair Shores
- 41a2 District Court - Charter Township of Shelby
- 41b District Court - Clinton Township
- 43-1 District Court - City of Hazel Park
- 43-2 District Court - City of Ferndale
- 43-3 District Court - City of Madison Heights
- Delta County
- Dickinson County
- Emmet County
- Hillsdale County
- Houghton, Baraga and Keweenaw Counties
- Jackson County
- Kalamazoo County
- Macomb County
- Marquette County
- Otsego County
- Presque Isle County
- Wayne County

Ms. McCowan provided an overview of the rationale for the staff recommendation.

Commissioner Puerner moved that the staff recommendation be adopted and that the compliance plans and cost analyses for the systems listed above be disapproved. Commissioner Green seconded. Judge Robinson Garrett disclosed a conflict with respect to the 36th District Court plan and abstained from the vote. The motion carried.

MIDC staff recommends that the compliance plans for the systems listed below be approved and that the respective cost analyses be disapproved:

- | | |
|--|---|
| 28 th District Court - Southgate | 17 th District Court - Township of Redford |
| 38 th District Court - City of Eastpointe | 29 th District Court - City of Wayne |
| Midland County | 45 th District Court - City of Oak Park |
| Tuscola County | Ogemaw County |
| Washtenaw County | Saginaw County |
| Alger County | |

Ms. McCowan and Ms. Klimaszewski provided details about the staff recommendation.

Chair Collins moved that the staff recommendation be adopted and that the compliance plans for the 11 systems listed above be approved and that the cost analyses for these systems be disapproved. Commissioner Swor seconded the motion. Commissioner DeLeeuw disclosed a conflict with respect to Washtenaw County and abstained from the vote. The motion carried.

The Commission recessed for 10 minutes.

The Chair requested a roll call vote to confirm a quorum was still present. A roll call vote was taken, the following members were present: Collins, Blanchard, Brame, DeLeeuw, Green, Jones, Krizan, McAvoy, McMillin, Puerner, Judge Robinson Garrett, Shea, Swor and Walker.

MIDC staff recommends that both the compliance plans and cost analyses for the systems listed below be approved:

- Clinton County
- 46th District Court - City of Southfield
- 50th District Court - City of Pontiac
- Lapeer County
- Arenac County
- Barry County
- 48th District Court - City of Birmingham
- Gratiot County
- Huron County
- Schoolcraft County
- Allegan and Van Buren Counties
- Antrim County
- Cass County
- Ionia County
- Livingston County
- Montcalm County
- Muskegon County
- Roscommon County
- 16th District Court - City of Livonia
- 19th District Court - City of Dearborn
- 20th District Court - Dearborn Heights
- 21st District Court - City of Garden City
- 22nd District Court - City of Inkster
- 23rd District Court - City of Taylor
- 24th District Court - Cities of Allen Park and Melvindale
- 27th District Court - Cities of Wyandotte and Riverview
- 30th District Court - City of Highland Park
- 31st District Court - City of Hamtramck
- 33rd District Court - Cities of Trenton and Woodhaven
- 34th District Court - City of Romulus
- 35th District Court - City of Plymouth
- Grosse Pointe City
- Grosse Pointe Farms and Shores
- Grosse Pointe Park
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County
- Newaygo County
- Oceana County
- Osceola County
- 41a1 District Court - City of Sterling Heights
- 51st District Court - City of Waterford
- Kalkaska County
- Leelanau County
- Monroe County
- Benzie and Manistee Counties
- Kent County
- Shiawassee County
- Berrien County
- Calhoun County
- Ingham County
- Oscoda County
- Ottawa County
- Bay County
- Cheboygan County
- Genesee County
- Gogebic County
- Grand Traverse County
- Iosco County
- Isabella County
- Luce County
- Sanilac County
- St. Clair County

Ms. McCowan provided an overview of the plans. Ms. Wangler, Ms. McDoniel, Ms. Klimaszewski and Ms. Smithson provided background about the plans in their respective regions and answered questions from Commissioners.

Commissioner Swor moved that the staff recommendation be adopted and that the compliance plans and cost analyses for the systems listed above be approved. Commissioner Walker supported. Commissioner McAvoy disclosed a conflict and abstained from the vote with respect to Isabella County. The motion carried.

Ms. McCowan provided an overview of the systems that have requested reimbursement for planning costs under section 13.2 of the MIDC Act.

Alger County	\$2,879.90
19 th District Court - Dearborn	\$14,936.62
61 st District Court - Grand Rapids	\$12,000.00
16 th District Court - Livonia	\$615.53
41-a-1 District Court - Sterling Heights	\$2,622.00
17 th District Court - Redford	\$923.00
Delta County	\$471.10
Dickinson County	\$2,000.00
Gogebic County	\$1,190.28
Iosco County	\$1,305.00

Judge Collins moved that, pursuant to MCL 780.993(2), the systems listed above be reimbursed for the costs associated with compliance planning, pending approval by staff of supporting documentation for the requests. Commissioner DeLeeuw seconded the motion. The motion carried.

The next meeting is August 18, 2021, the location will be determined.

Commissioner Puerner moved to adjourn. Commissioner Shea seconded. The meeting was adjourned at 12:58 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held remotely via Zoom in compliance with the Open Meetings Act and Public Act 228 of 2020 and pursuant to the City of Lansing's state of emergency resolution #2021-081 to reduce transmission of COVID-19 and protect the health of Commissioners, MIDC staff and members of the public interested in attending the meeting. The MIDC website and meeting notice included information for members of the public on how to participate.

July 8, 2021
Time: 9:00 am

Commission Members Participating

During roll call Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Judge Jeffrey Collins (Wayne County, Michigan)
- Joshua Blanchard (Greenville, Montcalm County, Michigan)
- Tracy Brame (Grand Rapids, Kent County, Michigan)
- Hakim Crampton (Jackson, Jackson County, Michigan)
- Andrew DeLeeuw (Ann Arbor, Washtenaw County, Michigan)
- Judge James Fisher (Grand Rapids, Kent County, Michigan)
- Christine Green (Rapid City, Kalkaska County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- Cami Pendell (Lansing, Ingham County, Michigan)
- Michael Puerner, Chair, (Beaver Island, Charlevoix County, Michigan)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan),

Commission Members Absent:

Kimberly Buddin, David Jones, James Krizan and Tom McMillin

Staff Members Participating

Loren Khogali, Shunkea Brown, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Collins called the Michigan Indigent Defense Commission ("MIDC" or "the Commission") meeting to order at 9:03 am.

Introduction of Commission members and guests

Chair Collins welcomed attendees to the meeting.

Public Comment

Chair Collins called for public comment. There were no members of the public wishing to comment.

Additions to agenda

Commissioner Swor moved that a report and resolution on behalf of the Commission be added to the agenda. Commissioner Walker seconded. The motion carried.

Judge Robinson Garrett briefly left the meeting because of a power outage.

Consent Agenda

Commissioner Puerner moved that the consent agenda containing the minutes from the June 15, 2021 meeting be adopted. Commissioner Swor seconded. The motion carried.

Chair Report

Chair Collins appointed an Executive Search Committee. Commissioner Walker is heading that committee. The other members of the committee are Chair Collins, Commissioners Brame, DeLeeuw, Green, Puerner, Judge Robinson Garrett and Commissioner Shea.

Executive Director's Report

Ms. Khogali thanked Commissioners and staff and noted that she is excited to see the work of the Commission continue. She thanked everyone for the grace and support with which the announcement of her departure was met.

Report of Executive Committee

Recommendation to appoint Interim Executive Director effective July 23, 2021

The Executive Committee is recommending the appointment of Ms. McCowan as interim director effective July 23, 2021. Ms. McCowan has indicated that she is not going to apply for the permanent position as executive director. Commissioner Walker moved that Ms. McCowan serve as interim director effective July 23 and that she return to her position after the new executive director is hired. Ms. McAvoy seconded the motion. The motion carried.

Report of Executive Search Committee

The Executive Search Committee met and has two items to bring to the full commission, the proposed job description and the date of closure for the submission of applications. The Executive Search Committee recommends that the job description be adopted with a closing date of August 15, 2021. Judge Fisher moved that the job description be adopted and that the date of closure for applications be August 15, 2021. Commissioner Swor supported. The motion carried.

Commissioner Walker indicated that any commissioner will be able to view all the applications.

Resolution of Appreciation for Executive Director Loren Khogali

Ms. McCowan presented the following resolution in tribute to Ms. Khogali:

**“Resolution of Appreciation
Michigan Indigent Defense Commission
July 8, 2021**

**Whereas,
Loren Khogali**

Skillfully served as the Executive Director of the Michigan Indigent Defense Commission from
February 2018 to July 2021;

Secured substantial funding from the Legislature each year so that the MIDC could fully fund the
approved compliance plans, these amounts included \$87 million in FY19, \$117.5 million in FY20,
and \$126.7 million in FY21;

Obtained the Department of Licensing and Regulatory Affairs’ approval of Standard 5—thereby
requiring all indigent defense programs in Michigan to be independent from the judiciary;

Oversaw the process for the MIDC’s approval of Standards 5 through 8 and the Indigency Standard;

In the midst of a global pandemic took steps to ensure the rights of indigent defendants to receive
effective representation was not compromised and on March 27, 2020, coordinated a special MIDC
meeting to address new challenges facing public defense;

Encouraged an atmosphere of collaboration, connection, and innovation while leading the MIDC
staff through 17 months of working remotely; and

Earned the utmost respect from the Commission, the MIDC’s staff, and public defense stakeholders
statewide.

**Therefore, the Michigan Indigent Defense Commission recognizes and thanks Loren
Khogali for her extraordinary service, her vision, her dedication, and her inspiring
leadership.”**

Commissioner Shea moved that the resolution be adopted as presented. Commissioner Swor seconded. The motion passed.

Commissioner Walker discussed the next steps in the Executive Search Committee’s process. The committee would like to secure some administrative support outside of the MIDC staff for the limited purpose of search process. Ms. Khogali will explore options for that support, including a temporary contract.

Commissioner Shea moved that the Commission approve spending money on a contractor for administrative assistance and that that contractor view applications through a lens of equity. Judge Fisher seconded the motion. The motion carried.

Commissioner Swor moved that the meeting be adjourned. Judge Fisher seconded. The motion carried. The meeting was adjourned at 9:44 am.

The next meeting will be held August 17, 2021, the location will be determined.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, MI. Remote access via Zoom was also available for members of the public and Commissioners in compliance with the Open Meetings Act. The MIDC website and meeting notice included information for members of the public on how to participate.

August 17, 2021

Time: 9:00 am

Commission Members Participating

The following members participated in person in Lansing:

- Judge Jeffrey Collins
- Joshua Blanchard
- Andrew DeLeeuw
- Debra Kubitskey
- Cami Pendell (non-voting member)

The following members participated remotely under exemptions from the Open Meetings Act. During roll call, these Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Christine Green (Washtenaw County, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan, joined at 9:52 am)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

The following members participated remotely but did not have exemptions from the Open Meetings Act and were not included for purposes of quorum or voting:

- Tom McMillin
- Judge James Fisher

Commission Members Absent:

Tracey Brame, Kimberly Buddin, Hakim Crampton, James Krizan, Judge Kristina Robinson Garrett

Staff Members Participating In Person and via Zoom

Marla McCowan, Shunkea Brown, Barbara Klimaszewski, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Collins called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:03 am.

Introduction of Commission members and guests

Chair Collins welcomed attendees to the meeting. He welcomed new commissioner Debra Kubitskey.

Public Comment

Robin Dillard Russaw and Pat Sajak offered comments.

Additions to agenda

Commissioner McAvoy moved that FY22 MOU with Attorney General be removed from the Consent Agenda and added as a separate item at the end of the meeting, prior to adjourning. Commissioner Kubitskey supported. The motion carried.

Consent Agenda

Commissioner Walker moved that the consent agenda containing the minutes from the July 8, 2021 meeting and changes to the indigency standard be adopted. Commissioner Blanchard seconded. The motion carried.

Chair Report

Chair Collins would like to form an ad hoc Diversity, Equity and Inclusion Committee. This arose out of discussions with the Strategic Planning Committee and is consistent with efforts started by the Department of Licensing and Regulatory Affairs (LARA) and the State of Michigan. Chair Collins invited Commissioners to contact him if they are interested in participating.

Executive Director’s Report

Ms. McCowan circulated Ms. Khogali’s final report to Commissioners. She provided an update on MIDC staff returning to the field for court watching and meetings.

Committee Reports

Executive Committee

Chair Collins provided an update from the Executive Committee. Ms. Khogali’s departure has presented an opportunity for the Commission to reimagine staff positions and the current organizational chart. MIDC staff worked with LARA Human Resources staff to create different options for the committee to review.

The Executive Director position cannot be changed from a Civil Service level 19 to 18. The Commission can negotiate critical pay for the level 18 position, which allows for a 20% increase above the normal level 18 salary classification. The Executive Committee recommends that the Hiring Committee be authorized to negotiate for critical pay, that deputy director responsibilities be

added to the existing Indigent Defense Coordinator Manager 18 position, and a new Indigent Defense Coordinator Manager 16 position be created.

Commissioner Walker moved that the Commission adopt the three changes recommended by the Executive Committee. Commissioner Green seconded. The motion carried.

Executive Search Committee

Commissioner Walker updated the Commission on the committee's activities. The Executive Search Committee met twice. It approved a screening document that scores the candidates that have applied. The application period ended on August 15, 2021 and there were 19 applicants.

Strategic Planning Committee

Commissioner Green provided an overview of the committee's work since the July Commission meeting. The committee is in the process of drafting suggested priorities and would like to present these to the Commission potentially at the October meeting. The priorities range widely and include support to systems, ensuring that operations are in place to support the Commission over time, diversity, equity and inclusion, and impact through data collection and performance metrics.

Training and Education Committee

Ms. Brame was unable to attend the Commission meeting, Ms. McCowan provided an update in her absence. The committee has been meeting regularly to work on draft guidelines. These guidelines have been circulated to the MIDC's partners in training. The committee would like to publish the guidelines for more formal feedback, obtain public comment in October and have the Commission vote on finalizing them in December.

Commissioner DeLeeuw moved to publish the new guidelines on the MIDC website for formal comment. Commissioner Walker seconded the motion. The motion carried.

Submission of Comments to Michigan Supreme Court on Proposed Court Rule Changes

MIDC staff has drafted two comments to the Michigan Supreme Court on the following proposed issues:

- ADM File No. 2021-12 – Proposed Amendments of Michigan Court Rules Related to Standard 5
- ADM File No. 2021-14 – Proposed Administrative Order to Require Mandatory Submission of Case Data to the Judicial Data Warehouse

The drafts were distributed to Commissioners prior to the meeting.

Commissioner Blanchard moved to submit the comments to the Michigan Supreme Court. Commissioner DeLeeuw supported. The motion carried.

Presentation: MIDC Research and Data

MIDC Research Director Jonah Siegel and Jeanette Husseman presented the findings of the recent standards evaluation study.

Dr. Siegel updated the Commission on his research activities.

Annual Budget Presentation

Ms. McCowan and Ms. Westrate provided a potential budget based upon the Governor's Executive Recommendation.

Commissioner Walker moved that the draft budget be adopted. Commissioner Shea seconded. The motion carried.

Local Share Study – Final Report

Ms. McCowan and Ms. Mack presented Public Sector Consultants' final local share report to the Commission.

Commissioner Green moved that the final report be approved and distributed to the legislature. Commissioner McAvoy seconded. The motion carried.

FY22 MOU – Attorney General

Commissioner McAvoy moved that the Commission approve and sign the MOU with the Attorney General's Office. Commissioner DeLeeuw seconded the motion. The motion carried.

The Commission had a 10-minute recess.

After the recess, Chair Collins requested a roll call vote to confirm a quorum of Commissioners was still present. A quorum was present, the following Commissioners participating in the meeting either in person or remotely under Open Meetings Act exemptions: Collins, Blanchard, DeLeeuw, Green, Jones, Kubitskey, McAvoy, Shea, Swor and Walker.

FY21 Compliance Updates

Ms. McCowan provided an update on quarterly reporting. Ms. Mack approved a budget adjustment for Muskegon County.

Ms. McCowan provided a draft continuity of spending agreement. Some systems will need this agreement for FY21 to continue funding MIDC services between October 1 and when the first payment is distributed in FY22.

Commissioner Green moved to authorize the Interim Executive Director to execute amendments to FY21 contracts to allow for the expenditure of FY21 unexpended funds after October 1, 2021. Commissioner Swor seconded. The motion carried.

Review of FY22 Compliance Plans and Cost Analyses

Commissioner Green gave an overview of the meeting held by the Committee on General Increase to Plans.

Commissioner Swor gave an overview of the meeting held by the Committee on Increase to Direct Costs.

Commissioner Walker gave an overview of the meeting held by the Committee on System Change.

Substantive Review of Resubmissions

Ms. McCowan provided an overview of the plans and cost analyses for the following systems:

- Alger County
- 17th District Court - Township of Redford
- 28th District Court - City of Southgate
- 29th District Court - City of Wayne
- 38th District Court - City of Eastpointe
- 45th District Court - City of Oak Park
- Ogemaw County
- Tuscola County
- Washtenaw County

These systems' plans were previously approved but the cost analyses were disapproved. Ms. McCowan recommends that the resubmitted cost analyses for the systems listed above be approved.

Commissioner Swor moved that the staff recommendation be adopted and that the resubmitted cost analyses for the nine systems listed above be approved. Commissioner Walker seconded. The motion carried. Commissioner DeLeeuw abstained from the vote with respect to Washtenaw County because of a conflict.

Ms. McCowan provided an overview of the plans and cost analyses resubmitted by the following systems that previously had both their plans and cost analyses disapproved:

- Alcona County
- Alpena County
- Charlevoix County
- Crawford County
- 18th District Court - City of Westland
- 39th District Court – Cities of Roseville and Fraser
- 40th District Court - City of St Clair Shores
- 41-a-2 District Court - Charter Township of Shelby
- 43-2 District Court - City of Ferndale
- 61st District Court - City of Grand Rapids
- Delta County
- Dickinson County
- Eaton County
- Emmet County
- Grosse Pointe Woods
- Hillsdale County
- Houghton, Baraga and Keweenaw Counties
- Iron County
- Jackson County
- Marquette County
- Montmorency County
- Oakland County
- Ontonagon County
- Presque Isle County
- St. Joseph County

She recommends that the plans and cost analyses be approved.

Commissioner McAvoy moved that the plans and cost analyses for the 25 systems listed above be approved. Commissioner Shea seconded. The motion carried; Commissioner Blanchard voting no.

Commissioner Kubitskey abstained from the vote with respect to Jackson County because of a conflict.

Chair Collins moved that the meeting adjourn. Commissioner Shea seconded. The meeting adjourned at 12:12 pm.

The next meeting will be held October 19, 2021, in person at the Michigan Bankers Association building in Lansing. There will be a remote option available for members of the public.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, MI. Remote access via Zoom was also available for members of the public and Commissioners in compliance with the Open Meetings Act. The MIDC website and meeting notice included information for members of the public on how to participate.

October 13, 2021

Time: 10:00 am

Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Judge Jeffrey Collins
- Joshua Blanchard
- Tracey Brame
- Andrew DeLeeuw
- Christine Green
- David Jones
- Debra Kubitskey
- Tom McMillin
- Judge Robinson Garrett
- John Shea
- Rob VerHeulen

The following members participated remotely under exemptions from the Open Meetings Act. During roll call, these Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Kimberly Buddin (Oakland County, Michigan)
- Hakim Crampton (Jackson, Jackson County, Michigan)
- James Krizan (Lincoln Park, Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

Commission Members Absent

Judge James Fisher, Cami Pendell

Staff Members Participating In Person and via Zoom

Marla McCowan, Shunkea Brown, Barbara Klimaszewski, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Collins called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Introduction of Commission members and guests

Chair Collins welcomed attendees to the meeting. He welcomed new commissioner Rob VerHeulen.

Public Comment

There were no members of the public wishing to provide comments.

Additions to agenda

There were no additions to the agenda.

Consent Agenda

Commissioner McAvoy moved that the consent agenda containing the minutes from the August 17, 2021 meeting be adopted. Commissioner Kubitskey seconded. The motion carried.

Chair Report

Chair Collins announced the assignments for the Ad hoc committee on Diversity, Equity and Inclusion. Commissioner Crampton will serve as Chair, the following Commissioners are appointed to the committee: Commissioners Brame, DeLeeuw, VerHeulen and Jones.

Chair Collins announced that he will call upon Commissioners to serve on the Ad hoc committee for nominations and that this committee will provide a report and recommendation at the December 21, 2021 meeting.

Interim Executive Director’s Report

Ms. McCowan updated the Commission on the contracts that have been returned by systems. MIDC has signed 70 contracts and these have been forwarded to the Department of Licensing and Regulatory Affairs (LARA) for the Finance and Administrative Services Team’s review and signature.

Commission Business

Selection of Executive Director Candidates to interview

All Commissioners were given access to the entire pool of applications submitted for consideration. Commissioner Walker provided a written report prior to the meeting.

Commissioner Walker gave an overview of the Executive Director Search Committee’s work. The committee has met 5 times and scored each of the 19 applications that were submitted for the position. The scoring was used as a tool to determine who the committee would recommend for

interviews. The committee unanimously recommends the following three candidates for interviews: Bradley Hall, Haralambos Mihas and Kristen Staley. There are three additional candidates that the committee identified as potential interviewees: Jolea Mull, Karen Phillips and Ariel Simms.

Commissioner Walker requested that Chair Collins open the floor for the Commission's input and comment.

After discussion, Commissioner Walker moved that the Commission interview six candidates for the Executive Director Position: Bradley Hall, Haralambos Mihas, Jolea Mull, Karen Phillips, Ariel Simms and Kristen Staley. Commissioner Swor seconded. The motion carried.

The Commission discussed the interview process. Chair Collins invited Commissioners to submit potential interview questions to Commissioner Walker by October 19. The Commission will schedule a special meeting to interview the candidates.

Commissioner Shea moved that the meeting be adjourned. Commissioner McAvoy seconded. The motion carried.

The meeting adjourned at 10:40 am. The Commission will meet on October 19, 2021.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, MI. Remote access via Zoom was also available for members of the public and Commissioners in compliance with the Open Meetings Act. The MIDC website and meeting notice included information for members of the public on how to participate.

October 19, 2021

Time: 9:00 am

Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Chair Christine Green
- Joshua Blanchard
- Tracey Brame
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- David Jones
- Debra Kubitskey
- Tom McMillin
- Judge Robinson Garrett
- John Shea
- Rob VerHeulen

The following members participated remotely under exemptions from the Open Meetings Act. During roll call, these Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Kimberly Buddin (Novi, Oakland County, Michigan)
- Judge James Fisher (Grand Rapids, Kent County, Michigan)
- James Krizan (Lincoln Park, Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolate Township, Marquette County, Michigan)

Commission Members Absent

Cami Pendell

Staff Members Participating In Person and via Zoom

Marla McCowan, Shunkea Brown, Barbara Klimaszewski, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Chris Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:03 am.

Introduction of Commission members and guests

Chair Green welcomed attendees to the meeting. No guests wished to introduce themselves.

Public Comment

The following members of the public offered comments:

- Scott Smith, on behalf of the City of Wyoming.
- Robin Dillard, on behalf of Wayne County.
- Rick Smothers
- Robert Belleman, on behalf of Saginaw County

Additions to agenda

There were no additions to the agenda. Commissioner McMillin moved that the agenda be adopted as presented. Commissioner Shea seconded. The motion carried.

Consent Agenda

Commissioner Blanchard moved that the consent agenda containing the minutes from the October 13, 2021 meeting be adopted. Commissioner VerHeulen seconded. The motion carried.

Chair Report

Chair Green indicated that she has taken the role of Chair pursuant to the Commission’s bylaws after Judge Collins was not reappointed to the Commission. She thanked Judge Collins for his work on the Commission. Chair Green welcomed Commissioner Bullock, who was appointed by the Senate Majority Leader.

Commissioner Bullock thanked Senate Majority Leader Shirkey and Governor Whitmer for the appointment to the Commission.

Chair Green will assign Commissioners Kubitskey, VerHeulen and Bullock to standing committees.

She announced the following members of the Ad Hoc Committee for Nominations: Commissioners Shea, Buddin and DeLeeuw.

Interim Executive Director’s Report

Ms. McCowan provided an overview of the meetings she has with the Department of Licensing and Regulatory Affairs and thanked Adam Sandoval and Courtney Adams for their support as she has taken the role of Interim Executive Director. She walked the Commission through the planning process for the 2023 fiscal year, which has already begun.

Staff is still working remotely much of the time. Ms. McCowan provided an overview of the work that each staff member has completed and thanked them for their work.

Commission Business

Executive Committee

Chair Green gave an overview of the Executive Committee's activities.

Executive Search Committee

Commissioner Walker gave an overview of the Committee's activities. Interviews will be held on October 29, 2021. The interviews will be recorded for all Commissioners to view. No discussions or decisions will be made at the time of the interviews. An additional meeting will be scheduled to discuss the candidates.

Strategic Planning Committee

Chair Green gave an update on the committee's activities. Staff is meeting to provide feedback on a draft document, this feedback will be reviewed by the committee at a meeting in November.

Training and Education Committee

Commissioner Brame advised the Commission that the period for commenting on the proposed education guidelines has ended. The committee will meet to finalize the guidelines and will present the final version for the Commission's approval and publication.

Michigan Jail Reform Advisory Council

The Commission's representative on the Michigan Jail Reform Advisory Council, Takura Nyamfukudza discussed the council's work. He provided information on the body's next steps and answered questions from Commissioners.

Wayne County 2018 Planning Grant adjustment request

Ms. McCowan provided an overview of the grant and its distribution. Wayne County requested permission to use the remaining funding to study vertical representation. MIDC staff recommends that the Commission deny the County's request and that any unexpended funding from the 2018 grant be transferred to the system's indigent defense fund for implementing its compliance plan.

The Commission discussed the request.

Commissioner Blanchard moved that Wayne County's request to use planning grant funding to study vertical representation be denied, and that the County transfer any unexpended funding from the 2018 grant to the system's indigent defense fund for purposes of implementing the system's approved compliance plan. Commissioner Shea seconded.

After discussion, Chair Green called for a roll call vote. The motion carried with 13 yeas (Green, Blanchard, Brame, Bullock, Crampton, DeLeeuw, Fisher, Jones, Krizan, McMillin, Shea, VerHeulen, Walker) and 5 nays (Buddin, Kubitsky, McAvoy, Robinson Garrett, Swor).

The Commission recessed for 10 minutes.

Annual 2020 Impact Report

Ms. McCowan and Ms. McDoniel presented the draft 2020 Impact Report. Commissioner Blanchard moved that the report be adopted and published. Commissioner DeLeeuw seconded. The motion carried.

FY 21 Compliance Updates

Plan Change Request – Macomb County

Macomb County requested a plan change to add an assistant public defender to its public defender office to service the 41A-2 District Court in Shelby Township. Shelby Township's compliance plan and cost analysis were previously approved by the Commission and include having the Macomb Public Defender's Office serve as the Township's Managed Assigned Counsel Coordinator. The change is being requested to the County's FY 21 plan, the Commission has not yet approved the County's FY 22 plan. MIDC staff recommends approving this request.

Commissioner Swor moved that the staff recommendation be adopted and that Macomb County's request to change its FY 21 plan be approved. Commissioner Brame seconded. The motion carried.

Budget Adjustments

Grants Director Rebecca Mack processed budget requests for the following systems:

- Alcona County
- Benzie/Manistee County
- Chippewa County
- 37th District Court – Warren Centerline
- Delta County
- Eaton County
- Livingston County
- Manistee County
- St. Clair County
- Tuscola County

A budget adjustment for Wayne County was denied.

Information about the requests was provided to Commissioners for their review.

FY 22 Compliance Planning, Submissions and Recommendations

Ad hoc committee reports

Commissioner Walker updated the Commission on the System Change Committee's meeting. The committee met on October 7, 2021 and discussed plans from the following systems:

- 47th District Court – Farmington
- Midland County
- Menominee County
- Harper Woods
- Wayne County
- Kalamazoo County
- 62A District Court – Wyoming

Chair Green updated the Commission on the Increase to Plan Committee. That committee met on October 8, 2021 and discussed plans from the following systems:

- Macomb County
- 43-1 District Court – Hazel Park
- Saginaw County
- Chippewa County
- Menominee County
- Otsego County
- Wexford/Missaukee Counties
- Lenawee County
- Wayne County

Commissioner Swor updated the Commission on the Increase to Direct Service Spending Committee's meeting. That committee met on October 8, 2021 and discussed plans from the following systems:

- 37th District Court – Warren
- 41b District Court – Clinton Township
- Macomb County
- 47th District Court – Farmington Hills
- 43-1 District Court – Hazel Park
- Midland County
- Saginaw County
- Chippewa County
- Mackinac County
- Menominee County
- Otsego County
- Wexford/Missaukee Counties
- Lenawee County
- Branch County
- Kalamazoo County
- Harper Woods
- Wayne County

Substantive Review of Resubmissions

Ms. McCowan provided an overview of the resubmitted plans from the 32a District Court in Harper Woods and in 43-1 District Court in Hazel Park. The staff recommendation is to disapprove both plans and cost analyses.

Commissioner McMillin moved that the staff recommendation be adopted and that the compliance plans and cost analyses resubmitted by the 32a District Court in Harper Woods and 43-1 District Court in Hazel Park be disapproved. Commissioner VerHeulen seconded. The motion carried.

Ms. McCowan provided an overview of the compliance plan resubmitted plan for the 62a District Court in Wyoming. The resubmission was submitted by a new entity described as “public body corporate” identified as the “Kent County Indigent Defense Authority” and not by an indigent criminal defense system. The staff recommendation is to disapprove the plan and cost analysis. The Commission discussed the submission.

Commissioner Shea moved that the staff recommendation be adopted and that the compliance plan and cost analysis resubmitted by the Kent County Indigent Defense Authority for the 62a District Court in Wyoming be disapproved and that within 60 days the Commission obtain an opinion from the Attorney General's office on the issue of whether the MIDC can contract with an authority under the Municipal Partnerships Act. Commissioner McAvoy seconded. The motion carried; Judge Fisher voted nay.

The Commission took a 20-minute recess.

Ms. McCowan provided an overview of the following plans:

- 36th District Court – City of Detroit
- 43-3 District Court –Madison Heights
- Macomb County
- Wayne County

The staff recommendation is to approve the compliance plans but disapprove the cost analyses resubmitted by the four systems listed above.

Commissioner McMillin moved that the staff recommendation be adopted and that the compliance plans resubmitted by the four systems listed above be approved but the cost analyses be disapproved. Commissioner Brame seconded. The motion carried.

Ms. McCowan provided an overview of the resubmitted cost analyses from Midland and Saginaw Counties. The compliance plans for both systems were approved at a previous meeting. The staff recommendation is to approve the cost analyses resubmitted by the counties.

Commissioner McMillin moved that the staff recommendation be adopted and that the cost analyses resubmitted by Midland and Saginaw Counties be approved. Commissioner Shea seconded. The motion carried.

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

- Menominee County
- 37th District Court – Warren and Centerline
- 44th District Court – Royal Oak
- Mackinac County
- 25th District Court – Lincoln Park
- Kalamazoo County
- Lenawee County
- Wexford and Missaukee Counties
- Chippewa County
- 47th District Court – Farmington
- Otsego County
- Branch County
- 41b District Court – Clinton Twp.

The staff recommendation is to approve the compliance plans and cost analyses resubmitted by the thirteen systems listed above.

Commissioner McMillin moved that the staff recommendation be adopted and that the compliance plans and cost analyses resubmitted by the thirteen systems listed above be approved. Commissioner Shea seconded. The motion carried.

William Nahikian requested the opportunity to provide public comment to the Commission because he was not present during the public comment at the beginning of the meeting. Chair Green allowed Mr. Nahikian to provide comment.

The Commission will meet at 9:00 am October 29, 2021 to interview candidates for the Executive Director position. The meeting will be held at the Michigan Bankers Association building in

Lansing. There will be a special meeting in November, the date will be determined. The Commission's next regular meeting is December 21, 2021.

Commissioner Shea moved that the meeting be adjourned. Judge Fisher seconded the motion. The motion carried.

The meeting adjourned at 1:13 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, MI. Remote access via Zoom was also available for members of the public and Commissioners in compliance with the Open Meetings Act. The MIDC website and meeting notice included information for members of the public on how to participate.

October 29, 2021

Time: 8:30 am

Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Chair Christine Green
- Tracey Brame
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Margaret McAvoy
- Judge Robinson Garrett
- John Shea
- William Swor
- Rob VerHeulen

The following members participated remotely under exemptions from the Open Meetings Act. During roll call, these Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Joshua Blanchard (~~Greenville, Montcalm County~~, **EAST GRAND RAPIDS, KENT COUNTY**, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

Commission Members Absent

- Kimberly Buddin
- Tom McMillin
- Cami Pendell

Staff Members Participating In Person and via Zoom

Marla McCowan, Deborah Mitchell, and Marcela Westrate

Chair Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 8:50 am.

Introduction of Commission members and guests

Chair Green welcomed attendees to the meeting. No guests wished to introduce themselves.

Public Comment

There were no members of the public who wished to offer comments.

Additions to agenda

There were no additions to the agenda. Commissioner Swor moved that the agenda be adopted as presented. Commissioner DeLeeuw seconded. The motion carried.

Consent Agenda

Commissioner McAvoy moved that the consent agenda containing the minutes from the October 19, 2021 meeting be adopted. Commissioner Kubitskey seconded. The motion carried.

Executive Search Committee

Chair Walker thanked the members of the committee for participating. The Commission will hold a Special Meeting on November 22 at 9:00 am for the purpose of reviewing the executive director candidates and their qualifications.

Commission Business

Executive Director Interviews

The Commission began the Executive Director candidate interviews. Each member of the Commission was assigned one question to ask of each interviewee. The same questions were asked of each candidate. The interviews were recorded and made available to members who were unable to attend the meeting.

The candidates were interviewed in the following order:

- Hall, Bradley
- Phillips, Karen
- Simms, Ariel
- Staley, Kristen

- Mull, Jolea
- Mihas, Haralambos

Judge Fisher moved that the meeting be adjourned. Commissioner Shea seconded. The motion carried. The meeting adjourned at 4:48 pm.

The next meeting will be a special meeting held on November 22, 2021 at 9:00 am.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, MI. Remote access via Zoom was also available for members of the public and Commissioners in compliance with the Open Meetings Act. The MIDC website and meeting notice included information for members of the public on how to participate.

November 22, 2021

Time: 9:00 am

Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Presiding Officer Christine Green
- Joshua Blanchard
- Tracey Brame
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- Debra Kubitskey
- Margaret McAvoy
- Judge Robinson Garrett
- John Shea
- William Swor
- Rob VerHeulen

The following members participated remotely under exemptions from the Open Meetings Act. During roll call, these Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Kimberly Buddin (Novi, Oakland County, Michigan)
- James Krizan (Lincoln Park, Wayne County, Michigan)
- Tom McMillin (Oakland County, Michigan)
- Cami Pendell (Eaton County, Michigan)

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

Presiding Officer Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:01 am.

After a disruption from individuals attending the meeting via Zoom, Commissioner Blanchard moved to eject members of the public who were not muting themselves and who were disrupting the meeting. Commissioner Brame seconded. The motion carried.

Introduction of Commission members and guests

Presiding Officer Green welcomed attendees to the meeting. No guests wished to introduce themselves.

Public Comment

Malice Green offered public comments.

Additions to agenda

There were no additions to the agenda. Commissioner Shea moved that the agenda be adopted as presented. Judge Fisher seconded. The motion carried.

Consent Agenda

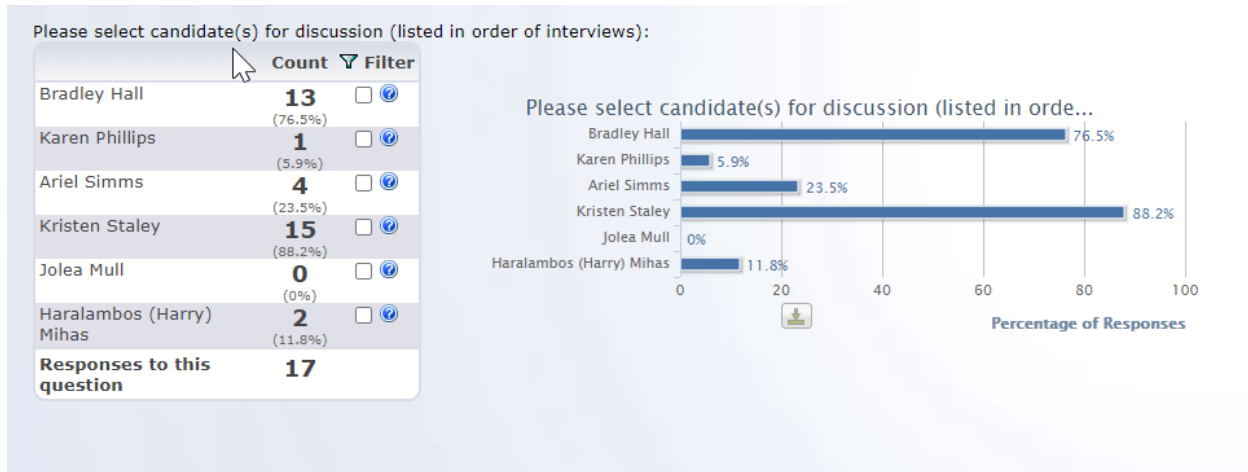
Judge Fisher moved that the consent agenda containing the minutes from the October 29, 2021 meeting be adopted with the change of Commissioner Blanchard’s location to East Grand Rapids, Kent County, Michigan. Commissioner Swor seconded. The motion carried.

Selection of Executive Director

Executive Director Hiring Committee Chair Gary Walker thanked the candidates for applying. He provided an overview of the committee’s process. The committee reviewed all applications and score them, then made recommendations for the candidates to be interviewed by the full Commission. All Commissioners had access to the materials submitted by each candidate.

Commissioner McAvoy moved that the Commission rank the candidates via an electronic poll and discuss the top three candidates. Commissioner Walker seconded. The motion carried.

Commissioners were provided a link to rank their top candidates. The poll was displayed for everyone participating to see.



Commissioner Jones moved that the qualifications for the top two candidates from the Commission's poll, Bradley Hall and Kristen Staley, be discussed. Judge Fisher seconded. The motion carried.

The Commission moved to discussion of the qualifications of each candidate.

After discussion, Judge Fisher moved that the Commission hire Kristen Staley to be the Commission's Executive Director. Commissioner McAvoy seconded. Presiding Officer Green requested a roll call vote. The motion carried, with 16 yeas (Green, Brame, Buddin, Bullock, Crampton, DeLeeuw, Fisher, Jones, Krizan, Kubitskey, McAvoy, Robinson Garrett, Shea, Swor, VerHeulen and Walker) and two nays (Blanchard and McMillin).

Pursuant to the MIDC Action at the August 17, 2021 regular business meeting, Commissioner Walker work with Ms. Staley and LARA on the terms of an offer for the Executive Director position.

The next meeting is December 21, 2021 at 9:00 am. It will be held at the Michigan Bankers Association Building in Lansing and via Zoom.

Commissioner Kubitsky moved that the meeting be adjourned. Commissioner Swor seconded. The motion carried.

The meeting adjourned at 10:05 am.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, MI. Remote access via Zoom was also available for members of the public and Commissioners in compliance with the Open Meetings Act. The MIDC website and meeting notice included information for members of the public on how to participate.

December 21, 2021

Time: 9:00 am

Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Presiding Officer Christine Green
- Joshua Blanchard
- Tracey Brame
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Margaret McAvoy
- John Shea
- William Swor
- Rob VerHeulen

The following members participated remotely under exemptions from the Open Meetings Act. During roll call, these Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Kimberly Buddin (Novi, Oakland County, Michigan)
- Tom McMillin (Oakland County, Michigan)
- Cami Pendell (Eaton County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

Presiding Officer Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 9:00 am.

Introduction of Commission members and guests

Presiding Officer Green welcomed attendees to the meeting. No guests wished to introduce themselves.

Public Comment

The Commission received public comment from the following individuals: Jill Tynes, Robin Dillard, Viola King, Kimberley Dorsey, Angela Peterson, Neil Leithauser and Matthew Knecht.

Additions to agenda

There were no additions to the agenda. Commissioner McAvoy moved that the agenda be adopted as presented. Commissioner Bullock seconded. The motion carried.

Consent Agenda

Commissioner Kubitskey moved that the consent agenda containing the minutes from the November 22, 2021 meeting be adopted. Commissioner VerHeulen seconded. The motion carried.

Presiding Officer Report

Presiding Officer Green made the following standing and ad hoc committee appointments:

- Rob VerHeulen to the Indigence and Compensation, Line Item Veto committees and to the newly formed committee to study unexpended grant funds.
- Paul Bullock to the Performance Standards committee and the committee that reviews increases to direct service costs.

She established an ad hoc committee to study unexpended grant funds. The following members were appointed to this new committee: Andrew DeLeeuw (Chair), Rob VerHeulen, Tracey Brame, Margaret McAvoy and James Krizan.

Commission Business

Standing Committee Reports

Presiding Officer Green provided a report from the Executive Committee. The committee recommended that the Commission adopt a policy that persons wishing to make public comment identify themselves by their legal name and either (a) appear in person or (b) have their camera on while making their comments. Commissioner Walker moved that this policy be adopted. Commissioner Blanchard seconded. The motion carried.

Commissioner Walker provided an update from the Executive Director Hiring Committee. Ms. Staley has been offered a two-year contract term by the MIDC to begin January 9, 2022 and that contract is being finalized with the Department of Licensing and Regulatory Affairs.

Commissioner Brame provided an update from the Training and Education Committee. Commissioner Brame moved that the Commission adopt the proposed Guidelines for Trainer and Training Providers. Commissioner DeLeeuw seconded. The motion carried.

Commissioner Shea provided a written report from the Nominations Committee. The committee recommends that the following Commissioners serve as officers beginning January 2, 2022: Christine Green, Chair, Tracey Brame, Vice Chair and Gary Walker, Secretary. The committee recommends that Judge Fisher serve as an ex officio member of the Executive Committee.

Commissioner McAvoy moved to adopt the officers nominated in the committee report for a term beginning January 2, 2022. Commissioner Krizan seconded. The motion carried.

Presiding Officer Green provided an update on the Strategic Planning Committee's work and a draft report for the Commission's review. The document will be considered at a special meeting on January 24, 2022. Commissioner Shea moved to approve funding if available for the design and publication of the final Strategic Plan. Commissioner McAvoy seconded. The motion carried.

Ms. McCowan and Dr. Siegel presented the Urban Institute's Evaluation of the MIDC's Minimum Standards for Indigent Defense Services. Judge Fisher moved to accept and submit the report to LARA's Office of Policy and Legislative Affairs pursuant to MCL 780.985(7). Commissioner Kubitskey seconded. The motion carried.

FY21 Compliance Updates – City of Wyoming Plan Change Request

The City of Wyoming requested an amendment to its Compliance Plan and Cost Analysis for FY21 to create an Indigent Defense Coordinator/Managed Assigned Counsel full time employee position for the regional plan that includes four funding units and three third class district courts (Grandville, Kentwood, Walker and Wyoming). Judge Fisher moved that the City of Wyoming's request to change its FY21 compliance plan be adopted. Commissioner VerHeulen seconded. The motion carried.

Update on FY22 Compliance Plan and Cost Analysis Submissions

Oakland County requested a plan change to amend its fee schedule to clarify that extraordinary fees are available to attorneys handling non-capital cases. The County does not believe that this request will result in a budget shortage because of continued reduced case levels and fewer trials due to the pandemic. Commissioner Shea moved that the plan change be adopted. Commissioner Brame seconded. The motion carried.

The Commission will hold a special meeting on January 24, 2022 at 10:00 am. The next regular meeting will be held February 15, 2022 at 11:00 am.

Commissioner Swor moved that the meeting be adjourned. Commissioner Kubitskey seconded. The motion carried. The meeting adjourned at 12:59 pm.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, MI. Remote access via Zoom was also available for members of the public and Commissioners. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation.

January 24, 2022

Time: 10:00 am

Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Chair Christine Green
- Joshua Blanchard
- Paul Bullock
- Andrew DeLeeuw
- James Krizan
- Debra Kubitskey
- Margaret McAvoy

The following members participated remotely but did not qualify for an exemption to do so under the Open Meetings Act. During roll call, these Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Tracy Brame (Kent County, Michigan)
- Kimberly Buddin (Novi, Oakland County, Michigan)
- Hakim Crampton (Jackson, Jackson County, Michigan)
- James Fisher (Kent County, Michigan)
- Tom McMillin (Oakland County, Michigan)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Rob VerHeulen (Kent County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

The following Commissioners were absent:

- David Jones
- Cami Pendell

Presiding Officer Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am. There was not a quorum of Commissioners present.

Public Comment

No members of the public provided comment.

Chair Report

Chair Green updated the Commission on the Executive Committee’s activities since the December meeting.

Executive Director Report

Kristen Staley provided an overview of her first three weeks since assuming the role of Executive Director.

Commission Business

Strategic Plan discussion

Chair Green led a discussion about the draft strategic plan.

The meeting adjourned at 1:40 pm.

The Commission will meet on February 15 at 11:00 am. The meeting will be held at the Michigan Bankers Association building.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

February 15, 2022

Time: 11:00 am

Michigan Bankers Association
507 S Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Chair Christine Green
- Joshua Blanchard
- Tracy Brame
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- Debra Kubitskey
- Margaret McAvoy
- Judge Robinson Garrett
- William Swor
- Rob VerHeulen

The following member qualified to participate with an accommodation under the Americans with Disabilities Act:

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

The following member did not qualify for a remote participation exemption, was not counted as part of the quorum and did not vote:

- Tom McMillin (Oakland County, Michigan)

The following Commissioners were absent:

- James Krizan
- Cami Pendell
- **JOHN SHEA**

Chair Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:00 am.

Public Comment

The following individuals provided public comment:

- Karen Moore
- David Jones
- Matthew Knecht
- Chante Parker
- Brandy Robinson
- Robin Dillard-Russaw
- Eric Wilson

Additions to the agenda

Commissioner McAvoy moved that the agenda be adopted as presented. Commissioner Swor seconded. The motion carried.

Consent Agenda

Commissioner VerHeulen moved that the consent agenda containing the minutes from the December and January meetings be adopted. Commissioner Kubitskey seconded. The motion carried.

Chair Report

Chair Green congratulated Judge Robinson Garrett on her appointment to the Court of Appeals. Judge Robinson Garrett will serve as the Commission’s representative on the Michigan Supreme Court’s Diversity, Equity, and Inclusion Committee.

Executive Director Report

Kristen Staley provided an overview of staff activities since the January meeting. Quarterly financial and program reports are now being submitted by systems using EGrAMS. The State Court Administrative Office added several codes to the Judicial Information Services (JIS) to help with MIDC’s data collection. The Governor’s FY23 budget recommendation included full-funding of the MIDC grants and the same level of funding for MIDC staff as prior years.

Letters of noncompliance were sent to the Cities of Inkster and Hazel Park. MIDC staff will continue to work with these systems to become compliant with MIDC’s standards.

Commission Business

Standing Committee Reports

Chair Green provided an update from the Executive Committee. Deputy Director Adam Sandoval, Deputy Operations Officer Courtney Adams, and Director of Finance and Administrative Services Dan Horn from the Department of Licensing and Regulatory Affairs (LARA) participated in the committee's last meeting to discuss MCL 780.985(2). The LARA leadership team and the committee agreed to pursue a common understanding of the statute and the committee invited LARA leadership to join its future meetings to continue this conversation.

The committee is working with LARA on potentially having Standard 8 on Attorney Compensation (Economic Disincentives or Incentives) approved later this year.

Chair Green provided an update on the Indigence and Compensation Committee. Staff presented frequently asked questions and other documents for the committee's review.

Ad Hoc Committee Reports

Commissioner Crampton provided an update on the Diversity, Equity, and Inclusion Committee. That committee will have its first meeting in February.

Commissioner DeLeeuw provided an update on the Unexpended Balance Committee. The committee has started its work and its goal is to bring a report to the group by its April meeting. The committee is reviewing financial data, court data and thinking about how to best engage local stakeholders.

The Ancillary Spending Committee met and is proposing modifications to the Grant Manual around corrections spending. This is an action item later in the meeting. Chair Green provided an overview of the committee's discussions.

Chair Green presented the Strategic Planning Committee's draft document which was discussed at the January meeting. The plan was discussed in sections.

Chair Green provided an overview of the Mission Statement. Commissioner Brame moved that this section of the strategic plan be adopted. Commissioner Swor seconded. The motion carried.

Chair Green provided an overview of the Core Values section. Commissioner McAvoy moved that this section be adopted with the corrections suggested during the discussion. Commissioner Swor seconded. The motion carried.

Chair Green provided an overview of the document's Vision Statement. Commissioner McAvoy moved to approve the Vision Statement as presented. Commissioner Blanchard seconded. The motion carried.

Chair Green provided an overview of the document's Priorities section. Commissioner Jones moved that the Priorities section be approved as recommended by the Strategic Planning Committee with the typographical changes made to the document and the term "Department" in short term goals

changed to “LARA”. Commissioner Swor seconded. The motion carried, Commissioner VerHeulen voting no.

The meeting recessed for 20 minutes.

The Commission returned to discussion of the Strategic Plan as a whole. Commissioner VerHeulen moved that the Commission approve the document in its entirety. Commissioner Bullock seconded. The motion carried.

Regional Update

Melissa Wangler, Regional Manager for the MIDC’s Northern Michigan region, provided a regional update.

FY23 Compliance Planning

Grant manual revisions

Marla McCowan presented the changes to the grant manual recommended by the Ancillary Spending Committee.

Commissioner McAvoy moved to adopt all the recommended changes to the grant manual except those on pages 42, 44, and 60 of the meeting materials which modified ancillary spending, supplies and services, and collections and program income. Commissioner DeLeeuw seconded. The motion carried.

Chair Green provided an overview of the Ancillary Spending Committee’s drafting of the new language on page 42. After discussion, no motion was made on the ancillary spending language, but the cosmetic reference will be modified as part of the previous motion.

Ms. McCowan provided an overview of the changes in supplies and services on page 44 of the meeting materials. Commissioner VerHeulen moved that the proposed changes be adopted. Commissioner Brame seconded. The motion carried.

Ms. McCowan provided an overview of the changes on page 60 of the meeting materials in the collections and program income section. Commissioner Jones moved that the changes to the collections and program income section be adopted. Commissioner Blanchard seconded. The motion carried.

Compliance planning resources

Ms. McCowan provided an overview of the following documents:

- Updated questions for indigency screening standard
- Sample plans for delivery systems
- Answers to frequently asked questions
- Decision trees for indigence, contribution, and reimbursement

Commissioner Swor moved to approve the compliance planning resources for funding units to address the indigency screening standards in the documents listed above. Commissioner McAvoy seconded. The motion carried.

FY21 Compliance Planning

Notices of noncompliance were sent to the Cities of Hazel Park and Inkster. MIDC staff will continue working with both systems to obtain the missing reporting and will update the Commission at the next meeting.

FY22 Compliance Planning

Mecosta County requested a revision to its approved plan and cost analysis to study the possibility of creating a Special Assignment Team to provide criminal defense attorneys to rural counties in need of outside defense counsel. The request is to fund the initial study and administration costs for a total of \$63,800. Staff recommends approval of this change.

Judge Fisher moved that the proposed revisions to Mecosta County's plan be adopted. Commissioner Blanchard seconded. The motion carried. Commissioner Bullock recused himself from the vote.

The Grants Director processed the following budget adjustment requests:

- Allegan County
- City of Dearborn
- Genesee County
- Menominee County
- Monroe County

Review of FY22 Compliance Plan and Cost Analysis Final Submissions

Ms. McCowan provided an overview for the resubmission from the 43-1 District Court in the City of Hazel Park. The staff recommendation is to disapprove the plan and disapprove the cost analysis. Judge Fisher moved that the staff recommendation be adopted and that the City of Hazel Park's compliance plan and cost analysis be disapproved. Commissioner Swor seconded. The motion carried.

Ms. McCowan provided an overview of the resubmissions from the 32a District Court in the City of Harper Woods and the 62a District Court in the City of Wyoming. The staff recommendation is to approve the compliance plans and cost analyses for both systems. Commissioner VerHeulen moved that the staff recommendation be adopted and that the resubmissions from the 32a District Court in the City of Harper Woods and the 62a District Court in the City of Wyoming be adopted. Commissioner DeLeeuw seconded. The motion carried.

Ms. McCowan provided an overview of the cost analyses resubmitted by the 36th District Court in the City of Detroit, the 43-3 District Court in the City of Madison Heights and Macomb County. The plans for these systems were previously approved by the Commission. Judge Fisher moved that

the cost analyses resubmitted by the three systems listed above be approved. Commissioner Swor seconded. The motion carried.

Ms. McCowan provided an overview of the cost analysis resubmitted by Wayne County. The compliance plan was previously approved by the Commission. The Commission discussed the resubmission. The County submitted supplemental materials requesting an increase in FY22 over the FY21 budget for its contractor, the Neighborhood Defender Services. The amount requested by the County is an \$851,088 increase from what was awarded in FY21 for NDS. That increase includes the following:

- FY21 Budget: \$8,343,660
- 5% COLA: \$ 417,183 for
- Paralegal Personnel: \$ 344,250 Included in the plan
- Paralegal OTPS: \$ 89,655 Prorated by headcount (5/77)
- New Total: \$9,194,748

The new total for the County's cost analysis would be \$33,583,501.86.

Commissioner Jones moved that the cost analysis resubmitted by Wayne County be modified to include the additional funding listed above, and that the revised cost analysis be adopted by the Commission. Commissioner Swor seconded. The motion carried.

Judge Robinson Garrett thanked the Commission, this will be her last meeting as a Commissioner because of her appointment to the Court of Appeals.

Commissioner Kubitskey moved that the meeting be adjourned. Commissioner Brame seconded. The motion carried.

The meeting adjourned at 4:17 pm.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

April 19, 2022

Time: 11:00 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person in Lansing:

- Chair Christine Green
- Joshua Blanchard
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- James Krizan
- Debra Kubitskey
- Tom McMillin
- John Shea
- Rob VerHeulen

The following member qualified to participate with an accommodation under the Americans with Disabilities Act:

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

The following non-voting member was not counted as part of the quorum and participated remotely:

- Cami Pendell

The following Commissioners were absent:

- Margaret McAvoy
- Judge Robinson Garrett
- William Swor

Chair Green called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:00 am. Guests were invited to introduce themselves.

Public Comment

The following individuals provided public comment:

- Chante Parker
- Jill Tines
- Angela Peterson
- Robin Dillard-Russaw
- Kim Dorsey
- Michael Naughton

Additions to the agenda

Commissioner Shea moved that the agenda be adopted as presented. Commissioner Kubitskey seconded. The motion carried.

Consent Agenda

Commissioner McMillin moved that the minutes be removed from the consent agenda. Judge Fisher seconded. The motion carried.

Commissioner McMillin moved to add language on page three of the minutes indicating that had he been present he would have voted no. After discussion, Commissioner McMillin withdrew the motion.

Commissioner Shea moved that his name be added to the list of absent members. Judge Fisher seconded. The motion carried.

Commissioner VerHeulen moved that the minutes be approved as adopted. Commissioner Bullock seconded. The motion carried, Commissioner McMillin voting nay.

Chair Report

Chair Green provided an update on the mediation with the 43-1 District Court in Hazel Park. She announced the creation of the Committee on Local System Communication, a new ad hoc committee. Commissioner Bullock will serve as chair and the members include Commissioners Kubitsky, Shea, and Jones.

The Michigan District Judges Association provided the names of three judges that the association has recommended to the Governor’s office to fill Judge Robinson Garrett’s position. Those names are Judges Bitzer, Mathis and Nance.

Executive Director Report

Kristen Staley provided an update on the appropriations process for the 2023 fiscal year that will begin October 1, 2022. The House Appropriations Subcommittee on Licensing and Regulatory Affairs (LARA) reported its version of the budget. The amount appropriated to the MIDC mirrors Governor Whitmer's recommendation.

MIDC staff is currently working with systems on compliance plans and cost analyses for FY23. These are due April 26. Ms. Staley provided an update on staff's activities.

Commission Business

2021 Annual Report

Ms. Staley presented the report for the Commission's review. She thanked Marla McCowan for her work on the document.

Commissioner Shea asked that the language on page 6 in the second and third paragraphs be modified to clarify the difference between the two types of unspent funding.

Judge Fisher moved that the annual report be approved as amended. Commissioner Kubitskey seconded. The motion carried.

Standing Committee Reports

Chair Green provided an update on the Executive Committee's activities. The committee continues to work on a Memorandum of Understanding between LARA and the MIDC. She updated the Commission on the standards that have been submitted to Director Hawks at LARA for her approval. The Executive Committee decided to prioritize the approval of Standard 8 and will send a letter to Director Hawks reflecting this.

Ad Hoc Committee Reports

Commissioner Crampton provided an update on the Diversity, Equity, and Inclusion Committee. The committee submitted a written report that was distributed to Commissioners.

Commissioner DeLeeuw provided an overview of the Unexpended Balance Committee's work and presented a draft report and recommendations for the Commission's consideration. Commissioner Walker moved that the Unexpended Balances Report and Recommendations be approved. Commissioner Shea seconded. The motion carried.

The Commission took a 20-minute recess.

Regional Update

Kelly McDoniel, Regional Manager for Wayne County, provided a regional update.

Compliance Planning and MIDC Standards Implementation

FY21 Compliance Planning

Notices of noncompliance were sent to the Cities of Hazel Park and Inkster. MIDC staff worked with both systems to resolve issues related to FY21 compliance.

FY22 Compliance Planning

A notice of noncompliance was sent to Muskegon County. Ms. McCowan provided an update about the issues. Staff will continue to work with the county on compliance.

Plan Changes

Berrien County would like to create an Emerging Adult Task Force. This plan change will expand the county's compliance plan with respect to standards 1, 2 and 4.

Commissioner Krizan moved that Berrien County's plan change be approved. Judge Fisher seconded. The motion carried.

Oakland County would like to implement a mid-year increase in several of the event-based payments on its attorney fee schedule to address the impact of inflation. There is no additional funding necessary for this change.

Commissioner Kubitskey moved that Oakland County's plan change be approved. Commissioner Brame seconded. The motion carried.

St. Clair Shores would like to increase its house counsel rates and increase the rate for its attorneys so that the attorney rate is consistent with other jurisdictions in the region and with Standard 8. Additionally, St. Clair Shores would like to add staff to have a house counsel attorney for each judge.

Commissioner DeLeeuw moved that St. Clair Shores plan change be adopted. Commissioner Bullock seconded. The motion carried; Commissioner Blanchard opposed.

FY23 Compliance Planning

EGrAMS is open for submissions through April 26, 2022. All submissions will be action items at the June 21, 2022 meeting.

The Commission's next meeting will be June 21, 2022 at 9:00 AM in Lansing.

Judge Fisher moved that the meeting be adjourned. Commissioner DeLeeuw seconded. The motion carried.

The meeting adjourned at 2:06 pm.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

June 21, 2022

Time: 9:00 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Joshua Blanchard
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- James Krizan
- Debra Kubitskey
- Margaret McAvoy
- John Shea
- William Swor
- Rob VerHeulen

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

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

The following Commissioners were absent:

- Chair Christine Green
- Tom McMillin
- Cami Pendell
- Judge Robinson Garrett

In Chair Green's absence, Presiding Officer Tracy Brame called the Michigan Indigent Defense Commission ("MIDC" or "the Commission") meeting to order at 9:05 am. Guests were invited to introduce themselves.

Additions to the agenda

Commissioner McAvoy moved that the agenda be amended to include "1. Call to Order" and that the remaining items be renumbered. Judge Fisher seconded. The motion carried.

Public Comment

The following individuals provided public comment:

- Matthew Knecht
- Kristine Longstreet
- Jill Tines
- Angela Peterson
- Robin Dillard-Russaw
- Alexi Shalom
- Brandon Mancilla
- Michael Davisson
- Andrew Sullivan

Approval of the Agenda

Judge Fisher moved that the agenda be adopted as previously amended. Commissioner DeLeeuw seconded. The motion carried.

Consent Agenda

Commissioner Blanchard moved that the consent agenda containing the minutes from April 19, 2022 be approved. Commissioner Kubitskey seconded. The motion carried.

Chair Report

Presiding Officer Brame provided an update on the mediation with the City of Hazel Park. Mediation took place in June. Kristen Staley and Marla McCowan provided details about the mediation settlement.

Commissioner VerHeulen moved that the FY22 compliance plan and cost analysis for the City of Hazel Park be adopted as amended during mediation. Judge Fisher seconded. The motion carried.

Judge Fisher moved that the proposed mediation settlement agreement between the MIDC and the City of Hazel Park be approved. Commissioner Blanchard seconded. The motion carried.

Presiding Officer Brame announced assignments made by Chair Green to the committee on Court Rules and Legislative Changes. The committee will consist of the following members: Commissioners Shea (Chair), Blanchard, Brame, Buddin, Krizan, McAvoy, VerHeulen, and Pendell.

Executive Director Report

Ms. Staley introduced new Grant Analyst Bradley Sheaffer who began employment with the MIDC on June 13. Research Associate Christopher Sadler left the MIDC in May to become the Research Director for the North Carolina Indigent Defense Services. Ms. Staley provided an update on staff's activities and on the FY23 appropriations process.

Commission Business

Standing Committee Reports

Ms. Staley provided an update amount the Memorandum of Understanding between the MIDC and the Department of Licensing and Regulatory Affairs (LARA). She also provided an update about the standards pending before LARA for the Director's approval.

Regional Update

Susan Prentice-Sao, Regional Manager for the MIDC's Western Michigan region, presented an overview of the activities in her region.

Additional Public Comment

Russell Church provided public comment.

Compliance Planning and MIDC Standards Implementation

FY22 Compliance Planning

Ms. McCowan provided an update on FY22 compliance. Regional Managers are working to assess compliance with Standard 5, which is required 180 days after funding is distributed.

Grants Director Rebecca Mack and Ms. Prentice-Sao continued to work with Muskegon County to bring the county into compliance. Staff extended the time for full compliance and will continue to support the county.

FY23 Compliance Planning

Ms. McCowan provided an overview of the FY23 plans and cost analyses submitted by the systems.

The Increase to Direct Costs in Compliance Plans Committee met. Commissioner Swor and Ms. McCowan provided an update about the meeting.

The General Increases in Compliance Plans Committee met. Ms. McCowan provided an update about the meeting in Chair Green's absence.

MIDC staff recommends that the plan and cost analyses for Oakland County be disapproved. Commissioner Bullock moved that the staff recommendation be adopted and that the plan and cost analysis for Oakland County be disapproved. Commissioner Walker seconded. The motion carried.

Ms. McCowan provided an overview of the following systems' submissions; MIDC staff recommends that the plans and cost analyses submitted by these systems be disapproved:

Alger County
Cheboygan County
Chippewa County
Delta County
47th District Court - City of Farmington

Emmet County
Iron County
Muskegon County
Otsego County
Wexford/Missaukee Counties

Commissioner McAvoy moved that the plans and cost analyses for the 10 systems listed above be disapproved. Commissioner Buddin seconded. The motion carried.

Ms. McCowan provided an overview of the following systems' submissions; MIDC staff recommends that the plans for these systems be approved and that the cost analyses be disapproved:

Charlevoix County
Crawford County
22nd District Court - Inkster
30th District Court - Highland Park

40th District Court - City of St Clair Shores
Newaygo County
Oceana County
Saginaw County

Commissioner Swor moved that the compliance plans for the eight systems listed above be approved and that the cost analyses be disapproved. Judge Fisher seconded. The motion carried.

Ms. McCowan provided an overview of the submissions by the 101 systems listed below; MIDC staff recommends that the compliance plans and cost analyses for these systems be approved:

Antrim County
Clinton County
16th District Court - Livonia
17th District Court - Township of Redford
19th District Court - Dearborn
20th District Court - Dearborn Heights
21st District Court - Garden City
23rd District Court - Taylor
24th District Court - Allen Park
27th District Court - Wyandotte
28th District Court - City of Southgate
29th District Court - City of Wayne
31st District Court - Hamtramck
32a District Court - City of Harper Woods
33rd District Court - Woodhaven
34th District Court - Romulus
35th District Court - Canton
Grosse Pointe Farms/Shores
Grosse Pointe Municipal
Grosse Pointe Park
18th District Court - City of Westland
25th District Court City of Lincoln Park

36th District Court - City of Detroit
39th District Court - Roseville and Fraser
41-a-2 District Court - Shelby Twp
41b District Court - Clinton Township
43-1 District Court - City of Hazel Park
43-2 District Court City of Ferndale
44th District Court - City of Royal Oak
45th District Court - City of Oak Park
48th District Court - Birmingham
50th District Court - Pontiac
51st District Court - Waterford
62A District Court Wyoming (covers 59-1,
59-2, 62A, 62B)
Gratiot County
Grosse Pointe Woods
Leelanau County
Luce County
Mecosta County
Ontonagon County
Presque Isle County
Schoolcraft County
Tuscola County

37 th District Court - Cities of Warren/Centerline	Midland County
38 th District Court - City of Eastpointe	Monroe County
43-3 District Court - City of Madison Heights	Montmorency County
46 th District Court - Southfield	Ogemaw County
Dickinson County	Osceola County
Eaton County	Ottawa County
Grand Traverse County	Shiawassee County
Huron County	St. Clair County
Isabella County	Washtenaw County
Jackson County	Wayne County
Lapeer County	Calhoun County
Mackinac County	Cass County
Manistee/Benzie Counties	Marquette County
St. Joseph County	Mason County
Alcona County	Menominee County
Alpena County	Roscommon County
Barry County	Allegan/Van Buren Counties
Berrien County	Arenac County
Branch County	Bay County
Clare/Gladwin Counties	Iosco County
Gogebic County	Montcalm County
Hillsdale County	Sanilac County
Houghton County (also covers Baraga, Keweenaw)	41a1 District Court - Sterling Heights
Ingham County	61 st District Court - Grand Rapids
Ionia County	Genesee County
Lake County	Kalkaska County
Lenawee County	Oscoda County
Livingston County	Kalamazoo County
	Kent County
	Macomb County

Commissioner VerHeulen moved that the compliance plans and cost analyses for the 101 systems listed above be approved. Commissioner Swor seconded. The motion carried. Commissioner Bullock abstained from the vote with respect to Mecosta County. Commissioner DeLeeuw abstained from the vote with respect to Washtenaw County. Commissioner Kubitskey abstained from the vote with respect to Jackson County. Commissioner Brame abstained from the vote with respect to Kent County.

Increase to State Bar of Michigan Dues

Judge Fisher moved to adjust the total system costs and increase the award for attorney licenses in approved compliance plans. Commissioner Swor seconded. The motion carried.

Commissioner McAvoy moved that the meeting be adjourned. Judge Fisher seconded. The motion carried.

The meeting adjourned at 1:05 pm.

The next meeting will be August 23, 2022 at 11:00 am in Lansing.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

October 11, 2022

Time: 11:00 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- David Jones
- James Krizan
- Deborah Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- John Shea
- Rob VerHeulen

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

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

The following member attended the meeting via Zoom, but was not counted for purposes of determining a quorum and did not participate in the discussions:

- Joshua Blanchard

The following Commissioners were absent:

- Judge Jim Fisher
- Tom McMillin
- Cami Pendell
- William Swor

Chair Green called the meeting to order at 11:04 am.

Public Comment

The following people provided public comment:

- Angela Peterson
- Daniel Eichinger
- Jill Tines
- Robin Dillard-Russaw
- Jill Tines

Approval of Agenda

Commissioner VerHeulen moved that the agenda be adopted as presented. Commissioner Kubitsky seconded. The motion carried.

Consent Agenda

Commissioner McAvoy moved that the consent agenda containing the minutes from the June 21, 2022 meeting be adopted. Commissioner Kubitsky seconded. The motion carried.

Chair Report

Chair Green welcomed Judge Mathes to the Commission, representing the Michigan District Judges Association. Judge Fisher and Commissioner Jones were reappointed to their positions.

Commissioner Buddin chaired the new Data Committee, which had its first meeting recently. Judge Fisher and Commissioner DeLeeuw also participated.

Executive Director Report

Ms. Staley introduced new Research Analyst Neil Weinberg.

The MIDC held its first Upper Peninsula Public Defender Conference. Ms. McCowan, Ms. Wangler, and Ms. Klimaszewski presented during the meeting. Commissioner Walker attended and provided an update.

Commission Business

Standing Committee Report

Executive Committee

Chair Green provided an update on the committee's meeting. She will reconvene the Nominating Committee and will contact members to see if they are able to serve.

Legislative and Court Rules Changes Committee

The Commission was asked for input on a draft of the youth defense changes to the MIDC Act. The committee met to discuss these changes. Commissioner Shea chaired the committee and provided an overview of the changes and the committee's discussion.

Line Item Veto Committee

Commissioner VerHeulen provided an update in the absence of Commissioner McMillin, who chairs the committee. The committee considered two plans, the City of Farmington and Saginaw. The Committee supports the staff recommendations for both systems.

FY23 Budget Request and FY24 potential spend plan

Ms. Staley updated the process for requesting FY24 appropriations.

Ms. Staley presented the FY23 budget. Commissioner VerHeulen moved to adopt the FY23 budget, Commissioner Brame seconded. The motion carried, Commissioners McAvoy and Kubitskey voting no.

Mecosta County/Northern Michigan Pilot Project Update

Michael Naughton updated the Commission on the project.

Regional Update

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

MIDC Standards Implementation

FY22 Compliance Planning

Jackson County requested a change to its FY22 and FY23 compliance plans to incorporate circuit court Adult Treatment Court specialty court defense services. There is no anticipated change to overall costs for FY22 or FY23. Staff recommends approval.

Commissioner McAvoy moved that the plan changes to Jackson County's FY22 and FY23 compliance plans be adopted. Commissioner Shea seconded. The motion carried, Commissioner Kubitskey abstained from the vote.

Isabella County requested a change to its FY22 and FY23 compliance plans to allow the Isabella County Public Defender's Office to take over responsibilities related to indigency screening. There is no anticipated change to overall costs for FY22 or FY23. Staff recommends approval.

Commissioner McAvoy moved that the plan changes to Isabella County's FY22 and FY23 compliance plans be adopted. Commissioner Shea seconded. The motion carried.

FY23 Compliance Planning

FY23 Contract Distribution

MIDC staff provided a draft FY23 contract for the Commission's review and approval. Funding units using a non-profit vendor model for services will receive the modified language for FY23. Staff recommends adopting this new language.

Ms. McAvoy moved that the staff recommendation be adopted and the contract language be approved. Commissioner Krizan seconded. The motion carried.

Cost Analysis Revision

Alcona County requested an increase to its cost analysis. The total increase requested is \$94,850. Staff recommends approving the increase.

Commissioner Walker moved that the cost analysis revision request submitted by Alcona County be approved. Commissioner VerHeulen seconded. The motion carried.

Senior Staff Recommendations for resubmissions

Staff recommends that the cost analyses submitted by the systems listed below be approved, the compliance plans were previously approved:

- Charlevoix County
- Crawford County
- 22nd District Court - Inkster
- 30th District Court - Highland Park
- 40th District Court - City of St Clair Shores
- Newaygo County
- Oceana County

Commissioner Bullock moved that the staff recommendation be adopted and the cost analyses resubmitted by the seven systems listed above be approved. Commissioner Kubitskey seconded. The motion carried, Commissioner Jones abstained from the vote with respect to the 22nd District Court – Inkster.

Staff recommends that the compliance plans and cost analyses submitted by the systems listed below be approved:

- | | |
|--------------------|------------------------------|
| • Alger County | • Iron County |
| • Cheboygan County | • Muskegon County |
| • Chippewa County | • Oakland County |
| • Delta County | • Otsego County |
| • Emmet County | • Wexford/Missaukee Counties |

Commissioner VerHeulen moved that the staff recommendation be adopted and that the compliance plans and cost analyses submitted by the 10 systems listed above be approved. Commissioner Krizan seconded. The motion carried.

Staff recommends that a portion of the cost analysis resubmitted by Saginaw County be approved, the compliance plan was previously approved. Without documentation to support the increases for

misdeemeanor and capital representation included in the resubmission, the recommendation is to fund at the requested levels from the first submission.

Commissioner McAvoy moved that the staff recommendation be adopted and that the cost analysis resubmitted by Saginaw County be partially approved. Commissioner Crampton seconded. The motion carried.

Staff recommends that the compliance plan and a portion of the cost analyses resubmitted by the 4th District Court in the City of Farmington be approved. Staff does not recommend approving the funding for the clerk time for weekend arraignments should be eliminated completely.

Commissioner Kubitskey moved that the staff recommendation be adopted and that the compliance plan be approved and the cost analysis be partially approved. Commissioner Bullock seconded. The motion carried.

Commissioner Bullock moved that the meeting be adjourned. Commissioner Crampton seconded. The motion carried. The meeting was adjourned at 2:30 pm.

The next meeting will be December 20, 2022 at 11:00 am in Lansing.

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

December 20, 2022

Time: 11:00 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Joshua Blanchard
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Deborah Kubitskey
- Judge Paula Mathes
- Tom McMillin
- John Shea
- William Swor
- Rob VerHeulen

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

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

The following Commissioners were absent:

- David Jones

- Margaret McAvoy

Chair Green called the meeting to order at 11:03 am.

Public Comment

The following people provided public comment:

- Jill Recker
- Robin Dillard-Russaw
- Peter Menna

Approval of Agenda

Commissioner Shea moved that the agenda be adopted as presented. Commissioner VerHuelen seconded. The motion carried.

Consent Agenda

Commissioner Kubitskey moved that the consent agenda containing the minutes from the October 11, 2022 meeting be adopted. Commissioner Bullock seconded. The motion carried.

Chair Report

Chair Green provided an update about Commissioners' activities since the last meeting.

Executive Director Report

Ms. Staley provided an update on MIDC staff activities since the last meeting. She provided an overview of the budget request for FY24 submitted to the State Budget Office.

Commission Business

Standing Committee Reports

Executive Committee

Chair Green provided an update on the committee's meeting. The Executive Committee discussed the FY24 budget and youth defense legislation.

Data Committee

Commissioner Buddin provided an overview of the areas the committee would be reviewing. The committee plans to have a report at the February meeting and will address how to respond to data reporting noncompliance.

Local System Communication

Commissioner Bullock updated the commission on the committee's work.

Commissioner Bullock moved that, if the Attorney General's office is available, that the office schedule a short refresher on the rights and responsibilities of the Commissioners. Commissioner Krizan seconded. The motion carried.

Nominations Committee

Commissioner DeLeeuw provided a report for the Commission's consideration. Commissioners Blanchard and VerHuelen also served on the committee. The Nominations Committee

recommends that the existing Executive Committee be renominated with Commissioner Green serving as Chair, Commissioner Brame serving as Vice Chair, Commissioner Walker serving as Secretary and Judge Fisher serving as an ex officio and non-voting member of the Executive Committee.

Commissioner Shea moved that the Nominations Committee's recommendations be adopted. Commissioner Kubitskey seconded. The motion carried.

Mecosta County/Northern Michigan Pilot Project

Michael Naughton provided a report regarding the rural attorney shortage. He answered questions from Commissioners.

Commissioner Swor moved that the report be accepted for publication on the MIDC website. Commissioner Blanchard seconded. The motion carried.

Report: The Right to Counsel in Oakland County, Michigan: Evaluation of Trial-Level Indigent defense services in Adult Criminal Cases

Jon Mosher from the Sixth Amendment Center provided an overview of the organization's report and answered questions from Commissioners.

Regional Update

Nicole Smithson, Regional Manager for Lapeer, Macomb, Oakland, and St. Clair Counties provided an update about the work in her region.

MIDC Standards Implementation

FY22 Compliance Planning

Ms. McCowan provided an update on Muskegon and the City of Detroit.

FY23 Compliance Planning

Plan Changes

The City of Birmingham requested a change to its compliance plan to increase the rate of pay for its arraignment attorneys from \$250/half day to \$300. The City would also like to increase the hourly rate of pay for its managed assigned counsel coordinator (MACC) from \$50.00 an hour to \$60.00 effective January 1, 2023. There is no anticipated change to overall costs for FY23. Staff supports the request.

Commissioner Shea moved that the City of Birmingham's request to change its compliance plan be approved. Commissioner McMillin supported. The motion carried, Commissioners Blanchard and Swor opposed the motion.

The City of Farmington Hills requested a change to its compliance plan to allow managed assigned counsel coordinators to screen for indigency. There is no anticipated change to the overall costs for FY23. Staff supports the request.

Commissioner Blanchard moved that the City of Farmington Hills' request to change its compliance plan be approved. Commissioner Swor seconded. The motion carried.

Saginaw County requested a change to its compliance plan to implement a contract for misdemeanor traffic cases handled by the Managed Assigned Counsel in FY23.

Commissioner Shea moved that Saginaw County's request for a change to its compliance plan be approved. Judge Fisher seconded the motion. Chair Green requested a roll call vote. The motion carried with 12 yeas (Green, Brame, Buddin, Bullock, DeLeeuw, Fisher, Krizan, McMillin, Shea, Swor, VerHuelen, and Walker) and 4 nays (Blanchard, Crampton, Kubitskey, and Mathes).

Overview of Compliance with MIDC Standards for all funding units

Ms. McCowan, Rebecca Mack, Deborah Mitchell, Jonah Siegel, and Melissa Wangler provided an update on compliance for the 2022 fiscal year.

2023 Meeting Schedule

The Commission will meet the following dates, at 11:00 am at the Michigan Bankers Association Building:

- February 7, 2023
- April 18, 2023
- June 13, 2023
- August 15, 2023
- October 17, 2023
- December 19, 2023

Chair Green adjourned the meeting at 3:54 pm.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

February 7, 2023

Time: 11:00 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Joshua Blanchard
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- Deborah Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- John Shea
- William Swor
- Rob VerHeulen

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

- Hakim Crampton (Jackson County)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

The following Commissioners were absent:

- James Krizan

Chair Green called the meeting to order at 11:00 am.

Approval of Agenda

Commissioner DeLeeuw moved that the agenda be amended to move public comment to the beginning of the meeting. Commissioner McAvoy seconded.

Commissioner McMillin moved an amendment to also have public comment at the end of the meeting as indicated on the agenda. Commissioner Shea seconded the amendment.

The Commission considered Commissioner McMillin's amendment. The motion to adopt the amendment carried, the following members voting no: Blanchard, Bullock, Crampton, Jones, Kubitskey, and McAvoy.

The Commission considered Commissioner DeLeeuw's motion as amended by Commissioner McMillin. The motion carried.

Commissioner Shea moved to adopt the agenda as amended. Commissioner McMillin seconded. The motion carried.

Public Comment

The following people provided public comment:

- Jill Recker
- Angela Peterson
- Craig Paull
- Lillian Diallo

Matthew Sawicki submitted written comments for the Commission's consideration.

Consent Agenda

Commissioner Blanchard moved that the consent agenda containing the minutes from the December 20, 2022 meeting be adopted. Commissioner VerHeulen seconded. The motion carried.

Chair Report

Chair Green recognized Black History Month and presented the link to the American Bar Association's 21-Day Racial Equity Habit-Building Challenge.

Chair Green asked for members' input regarding the time of the Commission's meetings. The Commission meetings will be held at 9:30 am beginning in April.

Chair Green provided an update about Commissioners' activities since the last meeting.

Executive Director Report

Ms. Staley provided an update on MIDC staff activities since the last meeting.

Ms. Staley presented an overview of a Request for Proposals for a Recruitment and Support for Rural Defense. This project would aid systems who are coming into compliance with Standards 6 and 7.

Commissioner Brame moved that the Executive Director be allowed to seek RFPs for Recruitment and Support for Rural Defense. Commissioner Shea seconded. The motion carried, Commissioners Kubitskey and McAvoy opposing.

Commission Business

Chair Green provided a report on the Executive Committee's meeting.

Judge Fisher provided a report on the Indigence and Compensation Committee. The committee met to discuss an appropriate guideline for a maximum rate if a funding unit wishes to pay more than the minimum set by the Commission. The second issue discussed is how the cost of living adjustment is applied.

Commissioner Buddin provided a report on the Data Committee. The committee has proposed changes to the compliance plan and grant manual that will be before the Commission for its consideration later in the meeting.

FY23 Compliance Planning

Alpena County has requested a change to its FY23 compliance plan and cost analysis. The cost analysis change would be an increase to the total system cost. The plan change is to include Oscoda County in the regional office that currently includes Alpena and Montmorency Counties. The increase to the total system cost is related to a double homicide case that resulted in the county underestimating its funding needs for the current fiscal year. The additional funding needed for FY23 is \$165,847.06, the new total for the system cost would be \$941,015.04. Staff recommends approval.

Commissioner Kubitskey moved that Alpena County's requested changes to its compliance plan and cost analysis be approved. Judge Fisher seconded. The motion carried.

Oscoda County has requested a change to its FY23 compliance plan and cost analysis. The cost analysis change would be an increase to the total system cost. Oscoda County proposes joining the regional public defender office that includes Alpena and Montmorency Counties. Oscoda County requested an increase of \$60,051.33 to its FY23 cost analysis, bringing the total system cost to \$369,601.33. Staff recommends approval.

Commissioner Swor moved that Oscoda County's requested changes to its compliance plan and cost analysis be approved. Commissioner Shea seconded. The motion carried.

Allegan, Iosco, and Monroe Counties requested additional funding to reimburse the counties for overspending in FY22 that was not covered by the approved cost analysis. Commissioner McAvoy moved that these three counties be reimbursed for overspending. Commissioner DeLeeuw seconded. The motion carried.

Genessee County requested a change to its FY23 cost analyses to increase the total system cost. The request was made because of unforeseen expenses related to case resentencings after the recent Michigan Supreme Court's decision in *People v Stovall* and *People v Parks*. Additionally, in FY22 the county had funding approved for furniture, this furniture was not delivered in FY22 because of supply chain issues but money was spent in FY23 to pay for these items. The total increase requested is \$470,000, and the new system cost would be \$7,217,929.08. Staff recommends approval.

Commissioner Swor moved that Genessee County's request be approved. Commissioner McAvoy seconded. The motion carried.

FY24 Compliance Planning

Marla McCowan reviewed the changes made to the FY23 compliance plan for submission in FY24. The plans will be submitted through EGrAMS, and a document will be available online for systems to review before the system opens to FY24 plans in April.

Commissioner Brame moved that the compliance plan for FY24 be adopted with the recommended changes. Commissioner Bullock seconded. The motion carried.

Ms. McCowan reviewed the changes made to the Grant Manual.

Commissioner Blanchard moved to approve everything up to page 25 of the Grant Manual as presented, with the language added by the Commission. Commissioner Swor seconded. The motion carried.

Commissioner Swor moved to approve the remainder of the Grant Manual – pages 26 through page 34, with the language added by the Commission. Commissioner Brame seconded. The motion carried.

Ms. McCowan reviewed the revised rubric that is appended to the Grant Manual.

Commissioner Swor moved that the amended rubric be adopted. Commissioner VerHeulen seconded. The motion carried.

Regional Update

Senior Regional Manager Melissa Wangler gave an update on the Northern Michigan Region.

Public Comment

The following people provided public comment:

- Daniel Elman
- Athena Khebari
- Peter Menna

Judge Fisher moved that the meeting be adjourned. Commissioner VerHeulen seconded. The motion carried.

The meeting adjourned at 3:00 pm.

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

April 18, 2023

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Joshua Blanchard
- Tracy Brame
- Paul Bullock
- Hakim Crampton
- Judge James Fisher
- David Jones
- James Krizan
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- John Shea
- William Swor
- Rob VerHeulen

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

- Andrew DeLeeuw

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

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

The following Commissioners were absent:

- Kimberly Buddin
- Deborah Kubitskey

Chair Green called the meeting to order at 9:32 am.

Introduction of Commission members and guests

Commissioner McAvoy introduced Samantha Gibson from the Michigan Association of Counties.

Public Comment

The following people provided public comment:

- Jill Recker
- Chris Forsyth
- Jonathan Sacks
- Paul Jarboe
- Karen Moore

Approval of Agenda

There were no changes made to the agenda as presented.

Consent Agenda

Commissioner Swor moved that the consent agenda containing the minutes from February 7, 2023 be adopted. Commissioner McAvoy seconded. The motion carried.

Chair Report

Chair Green appointed Commissioner Judge Paula Mathes to the ad hoc committees for line item vetoes in compliance plans and data collection to support the Commission's ongoing work described in the Strategic Plan. Chair Green updated the Commission on her activities since the February Committee meeting.

Executive Director Report

Executive Director Staley updated the Commission on staff's activities.

She provided an overview of the process for applying for a multi-year grant from the Office of Juvenile Justice and Delinquency Prevention for a youth defense training program.

Commissioner Walker moved to authorize the Executive Director to pursue grant funding for a multi-year training program to support the Commission's anticipated development of Youth Defense standards. Judge Fisher seconded. The motion carried; Commissioner Blanchard abstained from the vote.

Standing Committee Reports

Executive Committee

Chair Green, on behalf of the Executive Committee, moved to establish an annual MIDC Award for Excellence in Indigent Defense. The award will be named for, and presented in this first year, to Frank D. Eaman. Commissioners Walker and Shea seconded the motion.

Chair Green began a discussion of the award and of Mr. Eaman's contributions to the creation of the MIDC and the reforms to Michigan's indigent defense system. The following people paid tribute to Mr. Eaman:

- The Honorable David M. Lawson, E.D. Michigan
- Ken Mogill
- Commissioner Shea
- Commissioner Blanchard
- Commissioner Swor
- Judge Fisher
- Barbara Klimaszewski
- Commissioner Walker

The award was accepted on Mr. Eaman's behalf.

Chair Green called for a vote on the motion to create the award. The motion carried.

Indigence and Compensation Standards Committee

Revised Rubric – Indigency Screening

Commissioner Shea moved to approve the assessment rubric for FY23 to include compliance with the indigency screening standard. Commissioner Krizan seconded. The motion carried.

Financial Services Presentation

Kerry Sitar from Experis provided an update on the firm's review of financial documentation submitted to the MIDC.

Flat Monthly Rate Invoice Requirements

The Commission discussed the suggested invoicing template included in the meeting materials. The Commission invited Kevin Kubacki from the Department of Licensing and Regulatory Affairs (LARA) to provide an overview of the information LARA would expect to see in these forms to ensure proper internal controls. Mr. Kubacki indicated that the information in the meeting materials packets is sufficient.

Judge Fisher moved to include the changes to the MIDC's FY24 grant contract, requiring detailed invoicing for Managed Assigned Counsel Administrators using flat rate billing arrangements; and for all attorneys providing direct service representation to track time in hourly increments.

Commissioner McMillin seconded. The motion carried.

Ad Hoc Committees

Jonah Siegel provided an update on the data committee's activities. The committee will be finalizing its data priorities this summer and present them to the Commission.

Commissioner Bullock provided the update on the local system communications committee. The committee had asked for an update from the Attorney General's office regarding the Open Meetings Act. Assistant Attorney General Bridget Smith presented on the Open Meetings Act and Standards of Conduct for Public Officials.

Regional Update

Susan Prentice-Sao presented about the Western Michigan region.

FY23 Compliance Planning

Ms. McCowan provided an overview of the request from Clinton County to increase the FY23 total system cost. Commissioner Shea moved that Clinton County's request be adopted. Commissioner McAvoy seconded. The motion carried.

Chair Green adjourned the meeting at 12:40 pm.

The next meeting will be held on June 13, 2023 at 9:30 am in Lansing.

Respectfully submitted,
Marcela Westrate

The next meeting will be April 18, 2023 at a new time of 9:30 am.

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

June 13, 2023

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Thomas Adams
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Alicia Moon
- William Swor
- Rob VerHeulen

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

- Joshua Blanchard

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

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

The following Commissioners were absent:

- David Jones
- Tom McMillin
- John Shea

Chair Green called the meeting to order at 9:38 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission.

Public Comment

The following people provided public comment:

- Jill Recker
- Matt Farrar
- Fred Johnson
- Angie Doremia
- Joe Fisher
- Angela Gasiewski
- Mark Eisenbarth
- Darell Paige
- Andrew Sullivan
- Craig Paull

Approval of Agenda

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

Consent Agenda

Commissioner Krizan moved that the consent agenda containing the minutes from April 18, 2023 be adopted. Commissioner Bullock seconded. The motion carried.

Chair Report

Chair Green introduced two new commissioners. Thomas Adams was appointed by Governor Whitmer representing the general public. He succeeds Hakim Crampton, whose term expired.

Chief Justice Clement designated Alicia Moon to serve on the MIDC in an ex officio capacity.

Executive Director Report

Executive Director Staley updated the Commission on staff's activities. She provided an overview of the anticipated costs for Standards 6 and 7.

Commissioner Brame moved that the Executive Director be authorized to submit the FY25 proposal for change reflecting the MIDC's needs for Standards 6 and 7. Commissioner Swor seconded. A roll call vote was requested. The motion carried with 8 yeas (Green, Adams, Brame, Buddin, DeLeeuw, Fisher, Swor, and VerHeulen) and 6 nays (Bullock, Krizan, Kubitskey, Mathes, McAvoy, and Walker).

The MIDC has been asked to post public defense-related job postings its website. Commissioner Brame moved that public defense related job postings from funding units be posted on the MIDC's website. Commissioner Adams seconded. The motion carried.

Commission Business

2022 Annual Report

Judge Fisher moved that the 2022 annual report be approved. Commissioner Krizan seconded. The motion carried.

2024 MIDC Grant Contract

Judge Fisher moved that the FY2024 grant contract be approved as edited. Commissioner Bullock seconded. The motion carried.

Executive Committee Report

Chair Green updated the Commission on the Executive Committee's meeting.

MIDC Standards Implementation

Marla McCowan provided an overview of staff's communication with Muskegon County.

Commissioner VerHeulen moved that MIDC staff be authorized to pursue mediation with Muskegon County. Commissioner Swor seconded.

Commissioner Kubitskey moved that the motion be tabled. Commissioner McAvoy seconded. The motion to table carried. Judge Mathes abstained from the discussion and vote.

Regional Update: Wayne County

Kelly McDoniel, Regional Manager for Wayne County, presented on her work in the region.

FY24 Compliance Planning

Ad Hoc Committee Reports

The Increase to Direct Costs in Compliance Plans Committee met on June 7. Ms. McCowan and Commissioner Swor provided an overview of the meeting.

The General Increases in Compliance Plans Committee met on June 7. Ms. McCowan and Chair Green provided an overview of the meeting.

The Line Item Reduction Committee chaired by Commissioner McMillin met on June 7. Ms. McCowan provided an overview of the meeting in Commissioner McMillin's absence.

The Data Committee met on May 26. Commissioner Buddin provided an overview of the committee's activities.

Action on FY24 Compliance Plans and Cost Analyses

Hillsdale and Otsego Counties did not submit compliance plans and cost analyses by the April deadline. Staff recommends that the failure to submit be treated as a disapproval of both the plan and cost analysis for each system.

Judge Fisher moved that the failure of Hillsdale and Otsego Counties to submit a compliance plan and cost analysis be treated as a disapproval. Commissioner Brame seconded. The motion carried.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by Crawford and St. Joseph Counties. Staff recommends that the compliance plans and cost analyses for these two systems be disapproved.

Commissioner Swor moved that the compliance plans and cost analyses submitted by Crawford and St. Joseph Counties be disapproved. Commissioner Brame seconded. The motion carried.

Ms. McCowan presented an overview of the plans submitted by Barry and Isabella Counties. Commissioner DeLeeuw moved that the compliance plans and cost analyses submitted by Barry and Isabella Counties be disapproved. Commissioner Brame seconded. Chair Green called for a roll call vote. The motion failed with five yeas (Green, Brame, Buddin, Swor, and Walker) and nine nays (Adams, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, and VerHeulen).

Judge Fisher moved that the compliance plans and cost analyses submitted by Barry and Isabella Counties be approved. Commissioner Kubitskey seconded. The motion carried.

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

- Alger County
- Benzie and Manistee Counties
- 41-a-1 District Court – Sterling Heights
- Emmet County
- Kalkaska County
- Presque Isle County

Commissioner Bullock moved to approve the compliance plans and cost analyses submitted by the six systems listed above. Commissioner Kubitskey seconded. Chair Green called for a roll call vote. The motion carried with eight yeas (Adams, Bullock, DeLeeuw, Krizan, Kubitskey, Mathes, McAvoy, and VerHeulen) and six nays (Green, Brame, Buddin, Fisher, Swor, and Walker).

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

- Arenac County
- Berrien County
- Chippewa County
- 25th District Court – Lincoln Park

- Iron County
- Muskegon County
- Saginaw County

Commissioner Kubitskey moved that the compliance plans and cost analyses submitted by the seven systems listed above be disapproved. Commissioner Swor seconded. The motion carried.

Commissioner Krizan abstained from the discussion and vote with respect to the 25th District Court in Lincoln Park. Judge Mathes abstained from the discussion and vote with respect to Muskegon County.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by Macomb and Oakland Counties. Senior staff recommends approving the compliance plans and approving a portion of the cost analyses submitted by these systems. In Macomb County, staff recommends deleting the construction reserve request of \$280,012 and using FY23 approved costs to cover the project. In Oakland County, senior staff recommends reducing the cost allocation to the amount limited for indirect costs (a reduction of \$72,028.55) and awaiting a cost allocation study.

Commissioner Bullock moved that the compliance plans and a portion of the cost analyses submitted by Macomb and Oakland Counties be approved. Commissioner Adams seconded. The motion carried.

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

- | | |
|--|---|
| • 16 th District Court – Livonia | • 31 st District Court – Hamtramck |
| • 17 th District Court – Redford | • 32a District Court – Harper Woods |
| • 19 th District Court – Dearborn | • 33 rd District Court – Woodhaven |
| • 20 th District Court – Dearborn Hgts. | • 34 th District Court – Romulus |
| • 21 st District Court – Garden City | • 35 th District Court – Canton Twp. |
| • 22 nd District Court – Inkster | • City of Grosse Pointe |
| • 23 rd District Court – Taylor | • City of Grosse Pointe Farms |
| • 24 th District Court – Allen Park | • City of Grosse Pointe Woods |
| • 27 th District Court – Wyandotte | • 18 th District Court – Westland |
| • 28 th District Court – Southgate | • 36 th District Court – Detroit |
| • 29 th District Court – City of Wayne | • Wayne County |
| • 30 th District Court – Highland Park | |

Commissioner Adams moved that the compliance plans and cost analyses submitted by the 23 systems listed above be approved. Commissioner Krizan seconded. The motion carried.

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

- | | |
|------------------|------------------|
| • Clinton County | • Eaton County |
| • Gratiot County | • Genesee County |

- Ingham County
- Jackson County
- Lenawee County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County

Commissioner VerHeulen moved that the compliance plans and cost analyses for the 11 systems listed above be approved. Commissioner Kubitskey seconded. The motion carried. Commissioner DeLeeuw abstained from the discussion and vote with respect to Washtenaw County. Commissioner Kubitskey abstained from the discussion and vote with respect to Jackson County.

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

- Allegan and Van Buren Counties
- Branch County
- Calhoun County
- Cass County
- City of Grand Rapids
- City of Wyoming
- Ionia County
- Kalamazoo County
- Kent County
- Montcalm County
- Ottawa County

Commissioner Bullock moved that the compliance plans and cost analyses submitted by the 11 systems listed above be approved. Commissioner Adams seconded. The motion carried. Commissioner Brame abstained from the discussion and vote with respect to Kent County.

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

- Alpena County
- Montmorency County
- Oscoda County
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County
- Newaygo County
- Oceana County
- Osceola County
- Bay County
- Alcona County
- Huron County
- Iosco County
- Midland County
- Ogemaw County
- Roscommon County
- Sanilac County

Commissioner McAvoy moved that the compliance plans and cost analyses submitted by the 18 systems listed above be approved. Commissioner Kubitskey seconded. The motion carried. Commissioner Bullock abstained from the discussion and vote with respect to Mecosta County.

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

- Baraga, Houghton, and Keweenaw Counties
- Wexford and Missaukee Counties
- Marquette County
- Antrim County
- Grand Traverse County
- Leelanau County
- Gogebic County
- Ontonagon County
- Charlevoix County
- Cheboygan County
- Delta County
- Dickinson County
- Luce County
- Mackinac County
- Menominee County
- Schoolcraft County

Commissioner Swor moved that the compliance plans and cost analyses for the 16 systems listed above be approved. Commissioner Adams seconded. The motion carried.

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

- St. Clair County
- Lapeer County
- 37th District Court – Warren and Centerline
- 38th District Court – Eastpoint
- 39th District Court – Roseville
- 40th District Court – St. Clair Shores
- 41a2 District Court – Charter Township of Shelby
- 41b District Court – Clinton Township
- 43-1 District Court – Hazel Park
- 43-2 District Court – Ferndale
- 43-3 District Court – Madison Heights
- 44th District Court – Royal Oak
- 45th District Court – Oak Park
- 46th District Court – Southfield
- 47th District Court – Farmington
- 48th District Court – Birmingham
- 50th District Court – Pontiac
- 51st District Court – Waterford

Judge Mathes moved that the compliance plans and cost analyses for the 18 systems listed above be approved. Commissioner Kubitskey seconded. The motion carried.

Chair Green adjourned the meeting at 3:22 pm.

The next meeting will be August 15, 2023, at 9:30 am.

Respectfully submitted,
 Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

August 15, 2023

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Thomas Adams
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- John Shea
- Rob VerHeulen

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

- Tracey Brame

The following Commissioners were absent:

- Kimberly Buddin
- Tom McMillin
- William Swor
- Gary Walker

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission.

Public Comment

The following people provided public comment:

- Jill Recker
- Thomas Hausmann
- Mark Eisenbarth

Approval of Agenda

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

Consent Agenda

Judge Mathes moved that the consent agenda containing the minutes from June 2023 meeting be adopted. Commissioner Krizan seconded. The motion carried.

Chair Report

The American Bar Association recently adopted a revised version of the Ten Principles of a Public Defense Delivery System. Chair Green will appoint a committee to review the changes.

Chair Green assigned Commissioner Adams to the Training and Evaluation Standing Committee and the Diversity, Equity, and Inclusion ad hoc committee. She assigned Commissioner Moon to the ad hoc committee on Data Collection.

Executive Director Report

Executive Director Staley received a letter from former Department of Licensing and Regulatory Affairs Director Orlene Hawks indicating that the Department intends to approve Standards 6 and 7. It is not anticipated that the change in LARA leadership will impact this. MIDC staff is working on planning for these new standards and messaging to systems.

Ms. Staley provided an overview of FY23 spending and anticipated FY24 spending. Commissioner Adams moved for the Executive Director to submit the FY25 budget requests for operational and grant funding. Judge Fisher seconded. The motion carried.

MIDC has been asked to apply for Byrne JAG funding through the Michigan State Police again for FY24.

Commission Business

Standing Committee Reports

Chair Green provided an update on the Executive Committee's meeting. The committee drafted the agenda for the meeting. The evaluation for the Executive Director is upcoming.

Judge Fisher provided an update on the Indigence and Compensation meeting. The committee reviewed the plans submitted by Isabella and Chippewa counties at its July 25 meeting.

Ad hoc Committees

Marla McCowan provided an update on the Data Committee's activities. Research Priorities were circulated to the committee and discussed.

MIDC Standards Implementation

Ms. McCowan provided an update on FY23 compliance. MIDC staff continue to work with Muskegon County.

The following budget adjustment requests were approved by the Grants Director:

- Allegan County
- Berrien County
- Branch County
- City of Birmingham
- City of Pontiac
- Ingham County
- Jackson County
- Kent County
- Livingston County
- Macomb County
- Menominee County
- Monroe County
- Oakland County
- Ottawa County
- St. Clair County
- Washtenaw County

Nicole Walter, Regional Manager for South Central Michigan, provided an update on the activities in her region.

FY24 Compliance Planning

Isabella County requested that its compliance plan be revised and the total system costs increased. The increase will fund salary and fringe benefits, rates for contract attorneys, minor increases for managed assigned counsel support, and indirect costs. MIDC staff recommends approval.

Commissioner Bullock moved to approve the increased costs for Isabella County. Commissioner Blanchard seconded. The motion carried.

The meeting adjourned at 12:05 pm.

The next meeting is October 17, 2023 at 9:30 am.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

October 17, 2023

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Thomas Adams
- Joshua Blanchard
- Tracey Brame
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Tom McMillin
- William Swor
- Rob VerHeulen

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

- Alicia Moon

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

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

The following Commissioners were absent:

- David Jones

- Margaret McAvoy
- John Shea

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission.

Public Comment

The following people provided public comment:

- Jill Recker
- Mark Eisenbarth
- Peter Menna

Approval of Agenda

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

Consent Agenda

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

Chair Report

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

Executive Director Report

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

Commission Business

Standing Committee Reports

Chair Green provided an update on the Executive Committee's meeting. The committee drafted the agenda for the meeting. The evaluation for the Executive Director is upcoming.

Judge Fisher provided an update on the Indigence and Compensation meeting and an update on the status of the Chippewa County plan. The issues identified in the Chippewa County plan have been resolved.

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

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

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

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

FY24 Compliance Planning

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

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

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

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

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

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

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

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

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

Chair Green adjourned the meeting at 11:09 am.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

December 19, 2023

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Thomas Adams
- Joshua Blanchard
- Tracey Brame
- Paul Bullock
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- Alicia Moon
- Rob VerHeulen

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

- Andrew DeLeeuw

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

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

The following Commissioners were absent:

- Kimberly Buddin
- John Shea

- William Swor

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission.

Public Comment

The following people provided public comment:

- Jill Recker
- Peter Menna
- John Faul
- Rob Sarrow

Approval of Agenda

Commissioner McAvoy moved to add the issue of the MIDC's collection of attorney invoices for Standard 8 compliance to the agenda for discussion. Judge Fisher seconded. The motion carried.

Commissioner McMillin moved to approve the agenda as amended. Commissioner Krizan seconded. The motion carried.

Consent Agenda

Chair Green removed the October 2023 minutes from the consent agenda. Commissioner VerHeulen moved that the minutes be corrected to reflect Commissioner DeLeeuw was the Chair of the Nominating Committee, and that the minutes be approved as amended. Commissioner Krizan seconded. The motion carried.

Chair Report

Chair Green gave a brief report and encouraged Commissioners to review the "Gideon at 60" report published by the National Institute of Justice.

Executive Director Report

Executive Director Staley gave an overview of the issue and the need for the invoices as supported by the Department of Licensing and Regulatory Affairs and the Experis auditors with whom the MIDC contracted. Ms. McCowan and Dr. Siegel answered Commissioners' questions.

Commissioner Blanchard moved to refer the issue to the Data Committee with the directive that the committee work with staff, and that staff inform all members of the Commission of the committee's meeting dates. Commissioner Brame seconded. The motion carried.

Commissioner Bullock moved that the implementation of the reporting requirements for the attorney invoices be suspended until the committee has met, reviewed the issue, and made a recommendation to the Commission. Commissioner Kubitskey seconded. The motion carried.

Commission Business

Standing Committee Reports

Chair Green provided an update on the Executive Committee's meeting. The committee drafted the agenda for the meeting and discussed the Executive Director's evaluation.

Commissioner Blanchard provided an update on the Performance Standards committee. The committee will meet in January.

Commissioner Brame provided an overview of the Training and Evaluation Committee. She updated Commissioners on the committee's activities. The committee will meet again in January.

Ad hoc Committee Reports

In Commissioner Jones' absence, Chair Green gave an overview of the Equity and Inclusion Committee's meeting.

Executive Director Staley provided an update on the Legislation and Court Rules Committee's meeting.

In Commissioner DeLeeuw's absence, Commission Blachard provided an overview of the Nominations Committee's recommendations. The committee recommends the following Commissioners to serve as officers for the term beginning January 1, 2024 and concluding December 31, 2024: Christine Green, Chair, Tracey Brame, Vice Chair, and Gary Walker, Secretary. The committee recommends that Judge Fisher serve as an ex officio and non-voting member of the Executive Committee. The committee also recommends that the bylaws committee look at expanding the Executive Committee.

Commissioner McMillin moved to approve the slate recommended by the Nominations Committee. Commissioner Adams seconded. The motion carried.

FY24 Compliance Planning

Ms. McCowan provided an overview Alpena County's request for a plan change to implement a contract for traffic and miscellaneous low-level misdemeanor cases handled by the Northeast Michigan Regional Defender Office in FY23. A local law firm would contract with the office to handle these cases.

Commissioner VerHeulen moved that the plan change requested by Alpena County be approved. Judge Fisher seconded. Chair Green requested a roll call vote. The motion carried with 9 yeas (Green, Adams, Blanchard, Brame, Fisher, Krizan, McMillin, VerHeulen, and Walker) and 4 nays (Bullock, Kubitskey, Mathes, and McAvoy).

Ms. McCowan provided an overview of the plan change requested by the City of Southfield. The City would like to change its plan to pay arraignment attorneys for shifts rather than by the hour. The City would like to use a 2.5 hour morning shift with a payment of \$300, and a 2 hour afternoon, weekend, and holiday shift that would pay \$240. If a shift exceeds the estimated hours, attorneys would be paid \$120/hour using 0.25/hour increments.

Commissioner Adams moved that the compliance plan change requested by the City of Southfield be approved. Commissioner Bullock seconded. The motion carried.

Nicole Smithson, Regional Manager for the Lenawee, Oakland, Macomb and St. Clair Region, provided an update on the activities in her region.

Commissioner McAvoy moved that that the Commission begin a closed session under MCL 15.268(1)(a) to consider the periodic personnel evaluation of Ms. Staley and under MCL 15.268(1)(h) to consider material exempt from disclosure under section 13(1)(g) of the Freedom of Information Act. Commissioner Adams supported the motion. Chair Green requested a roll call vote. The motion carried with 14 yeas: Green, Adams, Blanchard, Brame, Bullock, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, VerHeulen, and Walker and 0 nays.

The Commission moved to closed session at 12:36 pm.

The Commission returned to open session after a motion from Commissioner Blanchard, seconded by Judge Fisher. The motion carried with 14 yeas: Green, Adams, Blanchard, Brame, Bullock, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, VerHeulen, and Walker and 0 nays.

The Commission returned to open session at 2:14 pm.

Commissioner Blanchard moved that the Executive Director be given a high performance rating and that her contract be extended for two years at a rate of \$173,568 subject to cost of living increases. Chair Green requested a roll call vote. The motion carried, with 10 yeas (Green, Adams, Blanchard, Brame, Bullock, Fisher, Krizan, Mathes, McMillin, and Walker) and 3 nays (Kubitskey, McAvoy, and VerHeulen). Commissioners Kubitskey and McAvoy stated that they were not dissatisfied with the Executive Director's performance, but voted no because of the language regarding the cost of living increases. Commissioner VerHeulen stated that he was not dissatisfied with the Executive Director's performance but was not comfortable supporting the motion because of the lack of information about the regulations and the flexibility that the Commission has.

The meeting adjourned at 2:22 pm.

The Commission will meet on the following dates in 2024:

- February 20, 2024, 11:00 am rest are at 9:30 am
- April 30, 2024, 9:30 am
- June 25, 2024, 9:30 am
- August 20, 2024, 9:30 am
- October 15, 2024, 9:30 am
- December 17, 2024, 9:30 am

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

February 20, 2024

Time: 11:00 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Joshua Blanchard
- Tracey Brame
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- Debra Kubitskey
- Margaret McAvoy
- Tom McMillin
- Alicia Moon
- Rob VerHeulen

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

- Thomas Adams

The following Commissioners were absent:

- James Krizan
- Judge Mathes
- John Shea
- William Swor
- Gary Walker

Chair Green called the meeting to order at 11:00 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission. She introduced Justin Hodge, Clinical Associate Professor of Social Work, University of Michigan.

Public Comment

The following people provided public comment:

- Jill Recker
- Craig Paull

Approval of Agenda

Commissioner McAvoy moved to adopt the agenda as presented. Commissioner Brame seconded. The motion carried.

Consent Agenda

Chair Green removed the December 2023 minutes from the consent agenda. Commissioner VerHeulen moved that the minutes be approved. Judge Fisher seconded. The motion carried.

Chair Report

Chair Green indicated that Commissioners Brame and Shea would serve as co-chairs on the ad hoc committee to review the American Bar Association's revised 10 Principles of a Public Defense Delivery System.

Commissioner McAvoy will chair a new ad hoc Bylaws committee. The following Commissioners will also serve on the committee: Brame, Blanchard, Kubitskey, and Green.

Executive Director Report

Executive Director Staley gave an overview of the expert/investigator clearing house. This would be used by local systems and would serve as a one-stop shop for systems looking for the names and contact information of experts and investigators.

Commissioner McMillin moved that the Executive Director be authorized to begin the RFP process with LARA for a contracted position to manage the expert and investigator clearinghouse and that the RFP document return to the Commission after it is drafted. Commissioner Buddin seconded. The motion carried.

Commission Business

Standing committee reports

Chair Green provided an update on the Executive Committee's activities.

Commissioner Blanchard provided an update on the Performance Standards Committee. The work of the committee is reflected in the grant manual and compliance plan. The committee discussed the numbers in the workload standards.

Commissioner Brame provided an update on the Training and Evaluation Committee. The work of the committee is reflected in the grant manual.

Ad hoc Committees

Commissioner Budden provided an update on the Data Committee.

Commissioner Jones provided an update on the Equity and Inclusion Committee. Commissioner Jones was appointed to the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary to represent the MIDC. That group held its first meeting in February.

MIDC Annual Impact Report

Commissioner VerHeulen moved to approve and publish the annual report pursuant to MCL 780.999. Commissioner Bullock seconded the motion. The motion carried.

MIDC Standards Implementation

Berrien County submitted a request to use existing funds for a construction project to build a confidential area for client meetings. The request exceeds the dollar threshold for construction projects and is before the Commission for approval. Senior staff recommends approving the request.

Judge Fisher moved to approve the construction project requested by Berrien County. Commissioner McMillin seconded. Chair Green requested a roll call vote. The motion failed with six yeas (Green, Brame, Buddin, Fisher, Kubitskey, McMillin) and six nays (Blanchard, Bullock, DeLeeuw, Jones, McAvoy, VerHeulen).

Regional Update

Susan Prentice-Sao, Regional Manager for the MIDC's Western Region, provided an update on the activities in her region.

Commissioner Blanchard left the meeting at 1:52 pm.

Commissioner Brame left the meeting at 2:00 pm.

FY25 Compliance Planning Resources

Ms. McCowan provided an overview of the changes made to the compliance plan and cost analysis for FY25. Judge Fisher moved to approve the FY25 compliance plan and cost analysis revisions. Commissioner Jones seconded. The motion carried.

Judge Fisher moved that staff's proposed changes to the Grant Manual be approved. Commissioner DeLeeuw seconded. The motion carried.

Presentation from Justin Hodge, Clinical Associate Professor of Social Work, University of Michigan

The ad hoc committee on Diversity, Equity, and Inclusion, requested that Professor Justin Hodge from the University of Michigan be invited to present to Commissioners about the Commission's policy development and work.

Chair Green adjourned the meeting at 3:37 pm.

The next meeting will be held on April 30, 2024 in Lansing at 9:30 am.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

April 30, 2024

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Thomas Adams
- Joshua Blanchard
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- John Shea
- William Swor

The following Commissioners were absent:

- Tracey Brame
- Kimberly Buddin
- Alicia Moon
- Rob VerHeulen

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

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

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission.

Public Comment

The following people provided public comment:

- Jill Recker
- Karen Moore
- Craig Paull
- Robin Dillard - Russaw

Approval of Agenda

Commissioner McAvoy moved to adopt the agenda as presented. Commissioner Kubitskey seconded. The motion carried.

Consent Agenda

Commissioner Swor moved that the Consent Agenda containing the minutes from the February 20, 2024, meeting be adopted. Commissioner McMillin seconded. The motion carried.

Chair Report

Chair Green told Commissioners that committees would start to meet to review FY 2025 compliance plan submissions.

Commissioner McMillin was added to the Data Committee to serve with Commissioner Buddin, Judge Fisher, Commissioner DeLeeuw, Judge Mathes and Commissioner Moon.

Executive Director Report

Executive Director Staley gave an overview of the appropriations actions in the House and Senate. She introduced the MIDC's new Regional Manager for the Lapeer, Oakland, Macomb, and St. Clair Region – Tracey Martin. Executive Director Staley also introduced the MIDC's new Administrative Assistant Jacklyn Downer.

Executive Director Staley informed the Commission that the Department of Licensing and Regulatory Affairs is changing the process the MIDC uses to contract with the Byrne JAG grant's project manager. The process will be an RFP going forward. Commissioner Adams moved that the Executive Director be allowed to participate in the RFP process in the event of funding availability for the grant in FY 2025. Commissioner Bullock seconded. Commissioner Blanchard abstained from the vote.

Commission Business

Standing committee reports

Chair Green provided an update on the Executive Committee's activities.

Commissioner Jones updated Commissioners on the Diversity, Equity, and Inclusion Committee's work.

Commissioner Shea updated the Commission on the ABA 10 Principles Committee's work. The committee has divided the updated principles among committee members to compare the differences and determine what changes need to be made.

Commissioner McAvoy informed the Commission that the Bylaws Committee will be meeting.

MIDC Standards Implementation

Tuscola County has requested an increase of \$835,355.46 to its FY24 compliance plan and cost analysis. Commissioner Shea moved that the total system cost revision in Tuscola County be increased. Judge Fisher seconded. The motion carried.

Regional Update

Lauren Calef provided an update on the activities in the MIDC's Northern Michigan region.

FY25 Compliance Planning Resources

Ms. McCowan provided an overview of the proposed rubric to use to assess FY25 compliance. Commissioner McAvoy moved that the rubric be adopted. Commissioner Adams seconded. The motion carried.

Executive Director Staley and Ms. McCowan provided information to the commission indicating that funding is used for line-ups and show-ups. Commissioner Blanchard moved that the Commission adopt a policy that MIDC funding cannot be used for attorney participation in pre-charge line-ups and show-ups or similar identification investigations. Commissioner Jones seconded. The Commission discussed the motion **and spoke approvingly of Wayne County's policy of providing pre-charge representation at line-ups and show-ups but felt constrained by the MIDC Act, which does not permit funding of services not mandated by the Sixth Amendment.**

Commissioner Swor called the question, the call of the question was approved by the Commission. Chair Green asked for a vote on Commissioner Blanchard's motion, the motion carried.

Chair Green adjourned the meeting at 12:08 pm.

The next meeting will be June 25, 2024, at 9:30 am.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

June 25, 2024

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Thomas Adams
- Joshua Blanchard
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- Alicia Moon (non-voting member)
- John Shea
- William Swor
- Rob VerHeulen

The following Commissioners were absent:

- Tracey Brame
- David Jones

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

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

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission. Muskegon County Public Defender Amy Campanelli introduced herself.

Public Comment

The following people provided public comment:

- Jill Recker
- Daniel Eichinger
- Robin Dillard-Russaw
- Karen Moore
- Sean Murphy

Approval of Agenda

Commissioner McAvoy moved to adopt the agenda as presented. Commissioner Adams seconded. The motion carried.

Consent Agenda

Commissioner Shea moved that the minutes from the April 30, 2024 meeting be removed from the consent agenda and that the minutes be amended on page 3, in by inserting the following language in the FY25 Compliance Planning Resources section, second paragraph following “The Commission discussed the motion”: “and spoke approvingly of Wayne County’s policy of providing pre-charge representation at lineups and show ups but felt constrained by the MIDC Act, which does not permit funding of services not mandated by the Sixth Amendment.” Commissioner McMillin supported. The motion carried.

Commissioner Bullock moved that the minutes be adopted as amended. Commissioner McAvoy seconded. The motion carried.

Chair Report

Chair Green updated Commissioners on the availability of office hours to talk to MIDC staff about plans and staff recommendations. She provided an overview of the Executive Committee’s activities.

Executive Director Report

Executive Director Staley updated the Commission on the appropriations status for the 2025 fiscal year. She anticipates that the legislature will be seeing greater reporting requirements in the final budget’s boilerplate language. To meet these anticipated requirements, the FY25 grant contract has additional requirements for documentation.

Commissioner DeLeeuw moved that the grant contract between LARA, MIDC, and local systems for the FY2025 compliance plan and cost analysis be approved. Commissioner Adams supported. The motion carried.

Commission Business

Standing committee reports

Chair Green provided an update on the Executive Committee's activities.

MIDC Standards Implementation

Marla McCowan updated the Commission on FY24 activities.

FY25 Compliance Planning Resources

Ms. McCowan provided an overview of the plans and cost analyses for the systems listed below. The staff recommendation is to approve the compliance plan and cost analysis for each system.

- Oakland County
- City of Birmingham
- City of Madison Heights
- City of Oak Park
- City of Royal Oak
- City of Southfield
- Macomb County
- City of Eastpointe
- City of Sterling Heights
- Wayne County
- City of Dearborn
- City of Dearborn Heights
- Canton Township
- City of Allen Park
- City of Garden City
- City of Grosse Pointe
- City of Grosse Pointe Farms
- City of Grosse Pointe Park
- City of Hamtramck
- City of Harper Woods
- City of Highland Park
- City of Inkster
- City of Livonia
- City of Romulus
- City of Southgate
- City of Taylor
- City of Wayne
- City of Wyandotte
- Grosse Ile Township
- Township of Redford
- City of Grosse Pointe Woods
- City of Lincoln Park
- City of Westland
- Alpena County
- Montmorency County
- Oscoda County
- Isabella County
- Newaygo County
- Oceana County
- Allegan County
- Barry County
- Bay County
- Berrien County
- Calhoun County
- City of Grand Rapids
- Ionia County
- Kalamazoo County
- Ottawa County
- St. Joseph County

The Commission recessed briefly. Nicole Walter provided an update on the activities in the MIDC's South Central Michigan region.

Ms. McCowan continued the overview of the compliance plans and cost analyses for the systems listed below. The staff recommendation is to approve the compliance plan and cost analysis for each system.

- Clinton County
- Gratiot County
- Eaton County
- Genesee County
- Hillsdale County
- Ingham County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County
- Delta County
- Dickinson County
- Emmet County
- Gogebic County
- Ontonagon County
- Houghton, Baraga and Keweenaw Counties
- Iron County
- Luce County
- Manistee and Benzie Counties
- Menominee County
- Presque Isle County
- Wexford and Missaukee Counties

Commissioner Shea moved that the compliance plans and cost analyses for Kalamazoo and Ingham Counties be considered separately and that the compliance plans and cost analyses for the following plans be approved:

- Oakland County
- City of Birmingham
- City of Madison Heights
- City of Oak Park
- City of Royal Oak
- City of Southfield
- Macomb County
- City of Eastpointe
- City of Sterling Heights
- Wayne County
- City of Dearborn
- City of Dearborn Heights
- Canton Township
- City of Allen Park
- City of Garden City
- City of Grosse Pointe
- City of Grosse Pointe Farms
- City of Grosse Pointe Park
- City of Hamtramck
- City of Harper Woods
- City of Highland Park
- City of Inkster
- City of Livonia
- City of Romulus
- City of Southgate
- City of Taylor
- City of Wayne
- City of Wyandotte
- Grosse Ile Township
- Township of Redford
- City of Grosse Pointe Woods
- City of Lincoln Park
- City of Westland
- Alpena County
- Montmorency County
- Oscoda County
- Isabella County
- Newaygo County

- Oceana County
- Allegan County
- Barry County
- Bay County
- Berrien County
- Calhoun County
- City of Grand Rapids
- Ionia County
- Ottawa County
- St. Joseph County
- Clinton County
- Gratiot County
- Eaton County
- Genesee County
- Hillsdale County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County
- Delta County
- Dickinson County
- Emmet County
- Gogebic County
- Ontonagon County
- Houghton, Baraga and Keweenaw Counties
- Iron County
- Luce County
- Manistee and Benzie Counties
- Menominee County
- Presque Isle County
- Wexford and Missaukee Counties

Commissioner Swor seconded. The motion carried. Commissioner Blanchard abstained from the vote and discussion with respect to the following plans: City of Dearborn, Calhoun County, Berrien County, St. Joseph County, Washtenaw County and Manistee and Benzie Counties. Commissioner DeLeeuw abstained from the discussion and vote with respect to Washtenaw County. Judge Fisher abstained from the discussion and vote with respect to the City of Grand Rapids.

Commissioner McAvoy requested a roll call vote.

A roll call vote was taken. The motion carried with 14 yeas (Green, Adams, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen), 0 nays, 1 abstention (Blanchard). Commissioner DeLeeuw abstained from the discussion and vote with respect to Washtenaw County. Judge Fisher abstained from the discussion and vote with respect to the City of Grand Rapids.

Commissioner McAvoy moved that Kalamazoo County's compliance plan and cost analysis be approved. Commissioner Adams seconded. Chair Green requested a roll call vote. A roll call vote was taken. The motion carried, with 8 yeas (Green, Adams, DeLeeuw, Fisher, Krizan, Kubitskey, McAvoy, VerHeulen) and 7 nays (Blanchard, Buddin, Bullock, Mathes, McMillin, Shea, Swor).

Commissioner McAvoy moved that Ingham County's compliance plan and cost analysis be approved. Commissioner Kubitskey seconded. Chair Green requested a roll call vote. The motion carried with 10 yeas (Green, Adams, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, McAvoy, VerHeulen) and 5 nays (Blanchard, Mathes, McMillin, Shea, Swor).

Ms. McCowan provided an overview of the compliance plan and cost analysis submitted by Jackson County. MIDC staff recommends approval of the compliance plan and a portion of the cost analysis in the amount of \$4,998,037.12. The County requested funding in the amount of \$5,000,437.12.

Commissioner Swor moved that Jackson County's compliance plan and a portion of the County's cost analysis be approved. Commissioner VerHeulen seconded. Chair Green requested a roll call vote. The motion carried with 12 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Mathes, McMillin, Shea, Swor, VerHeulen) 2 nays (Krizan, McAvoy). Commissioner Kubitsky abstained from the discussion and vote.

Ms. McCowan provided an overview of the compliance plans and cost analyses listed below. The staff recommendation is to approve the compliance plans submitted by these systems and disapprove the cost analyses.

- Antrim County
- Grand Traverse County
- Leelanau County
- Cass County
- Charlevoix County
- Charter Township of Shelby
- Charter Township of Waterford
- City of Farmington Hills
- City of Ferndale
- City of Hazel Park
- City of Pontiac
- City of Roseville
- City of St Clair Shores
- City of Warren
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County
- Osceola County
- Crawford County
- Kalkaska County
- Kent County
- Mackinac County
- Muskegon County
- Schoolcraft County
- St. Clair County

Commissioner VerHeulen moved that the compliance plans for the systems listed above be approved and that the cost analyses for these systems be disapproved. Commissioner Adams seconded.

Commissioner McMillin offered an amendment that that Kent County be taken out of this group. Commissioner McAvoy seconded.

Commissioner VerHeulen accepted the amendment. The amended motion before the Commission was to approve the compliance plans and disapprove the cost analyses for the systems listed below:

- Antrim County
- Grand Traverse County
- Leelanau County
- Cass County
- Charlevoix County
- Charter Township of Shelby
- Charter Township of Waterford
- City of Farmington Hills
- City of Ferndale
- City of Hazel Park
- City of Pontiac
- City of Roseville
- City of St Clair Shores
- City of Warren
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County

- Osceola County
- Crawford County
- Kalkaska County
- Mackinac County
- Muskegon County
- Schoolcraft County
- St. Clair County

Chair Green requested a roll call vote. The motion carried with 14 yeas (Green, Adams, Blanchard, Buddin, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen), 1 nay (Bullock). Commissioner Bullock abstained from the discussion and vote with respect to Mecosta County. Commissioner Krizan abstained from the discussion and vote with respect to the City of Ferndale. Commissioner Mathes abstained from the discussion and vote with respect to Muskegon County.

Commissioner McMillin moved that the compliance plan and cost analysis submitted by Kent County be disapproved. Commissioner Shea seconded. The motion was withdrawn.

Commissioner VerHeulen moved that the compliance plan submitted by Kent County be approved and the cost analysis be disapproved. Commissioner Bullock seconded. Chair Green requested a roll call vote. The motion carried with 15 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen) and 0 nays.

Ms. McCowan provided an overview of the systems listed below. The staff recommendation is to disapprove both the compliance plans and the cost analyses submitted by these systems.

- Arenac County
- Alcona County
- Branch County
- Cheboygan County
- Chippewa County
- City of Detroit
- Clinton Township
- Huron County
- Iosco County
- Lapeer County
- Marquette County
- Midland County
- Montcalm County
- Ogemaw County
- Roscommon County
- Otsego County
- Sanilac County
- Tuscola County
- Lenawee County
- Saginaw County
- Van Buren County

Judge Mathes moved that the compliance plans and cost analyses submitted by the systems listed above be disapproved. Commissioner Kubitskey seconded. Chair Green requested a roll call vote. The motion carried with 15 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen) and 0 nays.

Alger County did not submit a compliance plan or cost analysis before the due date. Judge Mathes moved to treat Alger County's failure to submit as a disapproval of the compliance plan and cost analysis. Commissioner Bullock seconded. The motion carried.

Chair Green adjourned the meeting at 2:35 pm.

The next meeting will be August 20, 2024, at 9:30 am.

Respectfully submitted,

Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

August 20, 2024

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Acting Chair Tracey Brame
- Thomas Adams
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- John Shea
- William Swor
- Rob VerHeulen

The following Commissioners were absent:

- Christine Green
- Joshua Blanchard
- Kimberly Buddin
- Paul Bullock
- Tom McMillin
- Alicia Moon

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

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

Acting Chair Brame called the meeting to order at 9:40 am.

Introduction of Commission members and guests

Acting Chair Brame invited guests to introduce themselves to the Commission.

Public Comment

The following people provided public comment:

- Jill Recker
- Robin McCoy

Approval of Agenda

Commissioner McAvoy moved to adopt the agenda as presented. Commissioner Adams seconded. The motion carried.

Consent Agenda

Commissioner VerHeulen moved that the Consent Agenda containing the minutes from the June 25, 2024 meeting be approved. Commissioner Adams seconded. The motion carried.

Executive Director Report

Executive Director Kristen Staley introduced Abraham Gonzales who is serving as the Regional Manager for Western Michigan. Ms. Staley provided an overview of the training and conferences attended by MIDC staff.

Budget Presentation

Ms. Staley provided an overview of the budget process and the MIDC's expenses for FY 2024, the anticipated budget for FY 2025, and the request submitted for FY 2026.

Commissioner Shea moved that the FY 2026 budget request including six additional FTEs be approved. Commissioner Adams seconded. Acting Chair Brame requested a roll call vote. The motion carried with 10 yeas (Adams, Brame, DeLeeuw, Fisher, Jones, Krizan, Shea, Swor, VerHeulen, Walker), 3 nays (Kubitskey, Mathes, McAvoy), and 5 absent members (Green, Blanchard, Buddin, Bullock, McMillin).

Fellowship Program Report

Senior Regional Manager Melissa Wangler facilitated a discussion about the fellowship program, which places law students and social work students at five sites around the State. The following people participated in the presentation: Dan Ellman and Athena Kheibari, Wayne State University; Cassidy Berlin, Marquette County Retention and Recruitment Specialist; Taylor Mikkelson and Chad Catalino, Allegan County; Logan Allen and David Makled, Calhoun County; and Renee Hysko and Theresa Cipponeri, Macomb County.

Special Assignment Unit Update

Michael Naughton and Barbara Klimaszewski provided an overview of the project, which addresses the rural attorney shortage.

Commission Business

Executive Committee

Acting Chair Brame provided an overview of the Executive Committee's August 2, 2024 meeting.

The Executive Committee chose to present the Frank Eaman Award for Excellence in Public Defense to co-recipients Michael Naughton and Barbara Klimaszewski. Acting Chair Brame presented the awards.

MIDC Standards Implementation

Deputy Director Marla McCowan provided an overview of FY 2024 submissions approved and the funding distributed to date. She updated the Commission on FY 2025 resubmissions from systems.

Acting Chair Brame adjourned the meeting at 12:20 pm.

The next meeting will be October 15, 2024 at 9:30 a.m.

Respectfully submitted,
Marcela Westrate

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

October 15, 2024

Time: 9:30 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Tracey Brame
- Paul Bullock
- Michael Carter
- Andrew DeLeeuw
- Loren Khogali
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- Glenn Simmington
- Rob VerHeulen

The following Commissioners were absent:

- Kimberly Buddin
- Judge James Fisher
- David Jones
- James Krizan
- Alicia Moon

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

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

The following member observed the meeting online but did not participate in any discussions or voting:

- Thomas Adams

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green introduced three new members to the Commission: Michael Carter, Loren Khogali and Glenn Simmington.

Public Comment

The following people provided public comment:

- Craig Paull
- Natalie Erickson
- Karen Moore
- Lillian Diallo
- Nicole Kastka
- Erin Van Campen
- Coral Watt
- Tiffany Howell
- Lynda McGhee

Approval of Agenda

Commissioner McMillin moved that the agenda be amended to add a discussion item to rescind Wayne County's compliance plan and cost analysis. Commissioner Brame seconded. The motion carried. Commissioner McMillin moved that the agenda be approved as amended. Commissioner VerHuelen seconded. The motion carried. Commissioner Khogali abstained from the discussion and vote of both items.

Consent Agenda

Commissioner Kubitskey moved that the Consent Agenda containing the minutes from the August 20, 2024 meeting be approved. Commissioner Bullock seconded. The motion carried.

Chair Report

Chair Green assigned new Commissioners to the following committees: Independence – Commissioner Khogali, Performance – Commissioner Simmington, new Chair David Jones, and Training and Evaluation – Michael Carter.

Chair Green appointed the following Commissioners to the Ad hoc Nominations Committee: Commissioner DeLeeuw - Chair, Commissioner Jones and Commissioner Krizan.

Executive Director Report

Executive Director Staley provided an overview of the trainings attended by staff since the August meeting. She introduced new Wayne County Regional Manager Jessica Paladino to the Commission.

Regional Update

Tracy Martin provided an overview of the Lapeer, Macomb, Oakland and St. Clair Counties.

Standards Implementation

The City of Warren requested a change to its FY24 compliance plan. Deputy Director Marla McCowan provided an overview of the proposed change. The change would allow the city to revise its invoicing system to compensate attorneys on an hourly rate basis to ensure compliance with Standard 8.

Commissioner VerHuelen moved that the change to the City of Warren's FY24 compliance plan be approved. Commissioner Kubitskey seconded. The motion carried.

FY25 Compliance Planning

Changes to Approved Plans and/or Cost Analyses

The City of Dearborn Heights requested additional funding for projected overspending in FY24 on contracted attorneys. MIDC staff recommends approval. Commissioner Brame moved that the requested change be approved. Commissioner McAvoy seconded. The motion carried.

The City of Taylor requested additional funding for projected overspending in FY24 on contracted attorneys. MIDC staff recommends approval. Commissioner Kubitskey moved that the requested change be approved. Commissioner Brame seconded. The motion carried.

Resubmissions

The following systems were held pending an analysis of third quarter spending. Ms. McCowan provided an overview of the following 26 systems. MIDC staff recommends approval of the cost analyses resubmitted by these systems; the compliance plans were previously approved.

- Antrim County
- Grand Traverse County
- Leelanau County
- Charlevoix County
- Crawford County
- Kalkaska County
- Mackinac County
- Schoolcraft County
- Charter Township of Shelby
- Charter Township of Waterford
- City of Farmington
- City of Ferndale
- City of Pontiac
- City of Roseville
- City of St Clair Shores
- Cities of Warren and Centerline
- St. Clair County
- Cass County
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County
- Osceola County
- City of Hazel Park
- Kent County
- Muskegon County

Commissioner VerHuelen moved that the cost analyses for the 26 systems listed above be approved. Commissioner McAvoy seconded. The motion carried. Judge Mathes abstained from the vote with respect to Muskegon County.

Ms. McCowan provided an overview of the compliance plans and cost analyses resubmitted by the 22 systems listed below. Staff recommends approval.

- Lenawee County
- Van Buren County
- Saginaw County
- Alcona County
- Arenac County
- Huron County
- Iosco County
- Midland County
- Ogemaw County
- Roscommon County
- Sanilac County
- Tuscola County
- Branch County
- Montcalm County
- Alger County
- Cheboygan County
- Chippewa County
- Marquette County
- Otsego County
- City of Detroit
- Clinton Township
- Lapeer County

Commissioner McAvoy moved that the compliance plans and cost analyses resubmitted by the 22 systems listed above be approved. Commissioner Bullock seconded. The motion carried.

Additional Agenda Item: Discussion on Rescinding Wayne County’s Compliance Plan and Cost Analysis

Commissioner Khogali left the meeting and did not participate in the discussion or vote on this issue because of a potential conflict of interest. Executive Director Staley provided an overview of the MIDC’s compliance process.

Commissioner VerHuelen moved that the Commission adopt the following resolution: The Michigan Indigent Defense Commission (MIDC) is outraged at the breach of contract and potential constitutional violations resulting from the failure to comply with the terms of the grant awarded to Wayne County. The MIDC urges all parties involved to immediately eradicate this breach and directed staff to send the resolution to a list of stakeholders involved in the issue. Commissioner Simmington seconded. Chair Green requested a roll call vote. The motion carried with 12 yeas (Green, Brame, Bullock, Carter, DeLeeuw, Kubitskey, Mathes, McAvoy, McMillin, Simmington, VerHuelen, Walker).

Chair Green adjourned the meeting at 1:25 pm.

The next meeting will be December 17 at 9:30 am.

Respectfully submitted,
Marcela Westrate