



# MICHIGAN INDIGENT DEFENSE COMMISSION

*The Michigan Indigent Defense Commission ensures that quality public defense services are accessible to all eligible adults charged with a criminal offense in Michigan.*

Date: Tuesday, April 22, 2025, Time: 9:30 a.m.  
Michigan Bankers Association  
507 S. Grand Ave, Lansing, MI 48933

## **AGENDA**

1. Call to Order
  2. Roll call and opening remarks
  3. Introduction of Commission members and guests
  4. Public comment
  5. Additions to agenda (motion to approve agenda - action item)
  6. Consent agenda (action item)
    - a. February 18, 2025 Meeting Minutes
  7. Chair Report
    - a. Committee assignments
  8. Executive Director Report
    - a. Request for Proposal – Standards Data Tracking (action item)
  9. Commission Business
    - a. Standing Committee Reports
      - i. Executive Committee
    - b. Regional Update: Mid Michigan, *Matthew Lozen, Regional Manager*
- ~break for lunch ~
- c. MIDC Standards Implementation
    - i. FY24 Compliance Year End Reporting

- Unexpended Balances
- Notice of Non-Compliance
  - Wayne County
  - City of Inkster (action item)
- Budget adjustments (information items)
- ii. FY25 Compliance Planning
  - Overview of funding distributed to date
  - Budget adjustments (information items)
  - Changes to approved plans
    - 1. Gratiot County (action item)
    - 2. Menominee County (action item)
    - 3. Luce County (information item)
    - 4. Mackinac County (information item)
- iii. FY26 Compliance Planning
  - Resource update for plans due April 25, 2025.
- 10. Adjourn – next meeting June 24, 2025 beginning at 9:30 a.m.

*Online Access: For members of the public who wish to join the meeting online, please email Jacqueline Downer at [DownerJ1@michigan.gov](mailto:DownerJ1@michigan.gov) or contact Jackie by phone at 517-582-1741 to request a Zoom link. This link will be provided in the morning before the meeting begins.*

## **Michigan Indigent Defense Commission Meeting Minutes**

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

**February 18, 2025**

**Time: 11:30 am**

Michigan Bankers Association  
507 S. Grand Ave, Lansing, MI 48933

### **Commission Members Participating**

The following members participated in person:

- Chair Tracey Brame
- Thomas Adams
- Paul Bullock
- Michael Carter
- Andrew DeLeeuw
- Judge James Fisher
- Christine Green
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- Glenn Simmington
- Rob VerHeulen

The following Commissioners were absent:

- Kimberly Buddin
- Michael Carter
- David Jones
- Loren Khogali
- Alicia Moon (non-voting member)

The following members requested accommodations under the Americans with Disabilities Act to participate via Zoom:

- Gary Walker (Chocolay Township, Marquette County, Michigan)

Chair Brame called the meeting to order at 11:30 am.

### **Public Comment**

The following people provided public comment:

- James Heath
- Robin Dillard Russaw
- Natalie Erickson

### **Approval of Agenda**

Commissioner McMillin moved that the agenda be adopted. Commissioner VerHeulen seconded. The motion carried.

### **Consent Agenda**

Commissioner Bullock moved that the consent agenda containing the minutes from the December 2024 meeting be adopted. Commissioner Adams seconded. The motion carried.

### **Executive Director Report**

Executive Director Staley provided an overview of Governor Whitmer's budget recommendation for the 2026 fiscal year that begins October 1, 2025. She updated the Commission on the trainings and conferences planned and attended by staff.

### **Standing Committee Report**

Chair Brame provided an update on the committee's meeting.

### **MIDC 2024 Annual Impact Report**

Commissioner McAvoy moved that the 2024 Annual Impact Report be approved. Commissioner Adams seconded. The motion carried.

### **Regional Update: Western Michigan**

Regional Manager Abraham Gonzales updated the Commission on the activities in his region.

### **MIDC Standards Implementation FY2026**

Ms. McCowan reviewed the proposed compliance plan and cost analysis forms for FY2026. The deadline for submission will be April 25, 2025. Commissioner Kubitskey that the application be approved. Commissioner McMillin seconded. The motion carried.

### **Grant Manual**

Ms. Staley and Ms. McCowan reviewed the proposed changes to the grant manual.

Commissioner McAvoy moved that the grant manual be adopted as presented. Commissioner Krizan seconded. The motion carried.

Commissioner McMillin moved that the Commission meet in closed session under section 8(h) of the Open Meetings Act to consider material subject to the attorney-client privilege that is exempt from public disclosure under section 13(1)(g) of the Freedom of Information Act. Commissioner VerHeulen supported. Chair Brame requested a roll call vote. The motion carried with 14 yeas (Brame, Adams, Bullock, DeLeeuw, Fisher, Green, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Simmington, VerHeulen, and Walker). The Commission moved into Closed Session at 12:58 pm.

The Commission returned to open session at 1:50 pm.

Commissioner VerHeulen moved that the Commission adopt a resolution stating that we are asking our staff to carefully monitor the commitments made in the letter of February 18 and that we expect full performance as listed in the letter and ask staff to provide periodic updates. Judge Fisher seconded. The motion carried, Commissioner Simmington opposing.

The meeting was adjourned by Chair Brame at 2:00 pm.

The next meeting is April 22, 2025 at 9:30 am.

Respectfully submitted,  
Marcela Westrate

## INTERNAL MEMORANDUM

TO: Executive Committee, Michigan Indigent Defense Commission

FROM: Jonah Siegel, Research Director

SUBJECT: Centralization of Standard 6 Tracking

DATE: April 2, 2025

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Standard 6 requires that indigent defense attorneys do not exceed the caseload levels adopted by the American Council of Chief Defenders – 150 felonies or 400 non-traffic misdemeanors per year. The MIDC Grant Manual further specifies that traffic misdemeanors, probation violations, and contempt cases count as  $\frac{1}{2}$  of a non-traffic misdemeanor. For systems that use house counsel models or shift coverage for any docket including arraignments or problem-solving courts, each hour worked on a shift proportionally reduces the number of hours available for case assignments using an 1856-hour annual limit.

Ensuring that attorneys who only work in a single system (public defender office employees and some roster attorneys) stay within the Standard 6 caseload limits is relatively simple, requiring offices or MAC administrators to track assignments over time. The MIDC Research Team has created several tracking templates for local administrators to utilize that automatically calculate assignment totals by the day, month, quarter, and year. However, of the 1700 attorneys currently taking adult indigent defense cases in Michigan, approximately 650 take assignments in more than one system. While some of the 650 attorneys only work in two or three systems, a considerable number of them work in four to nine systems, and a few work in ten through twelve systems – and, of course, the attorneys all work in different combinations of systems. This creates an extremely high burden of communication between systems about assignments. Administrators need to communicate with one another on at least a monthly basis, if not more often, about the number of assignments that they are each giving to every attorney. Local systems have been attempting these conversations, but they are running into many challenges. A small handful of systems have implemented attorney surveys, in which they rely on attorneys to report new assignments from other systems. While this decreases the burden on administrators, there is a high likelihood of error when asking attorneys to separate out their assignments from each local system and then systematically provide that information to each administrator.

At the request of the LMOS and South Central Michigan regions, I launched a pilot project with each region starting between January and March. In both pilots, each local system provides their assignment and docket data to the MIDC each month using a designated tracking sheet. We launched the LMOS pilot first, in which systems email their completed tracking sheet to me. In the South Central pilot, officially launched just this week, the systems will enter their assignment and docket data directly into a secure Sharepoint document. Figure 1 below illustrates the tracker, which includes the Attorney's Name/P Number, six categories of assignments, and a column for docket hours.

**Figure 1: Tracker Template With Explanation**

	A	B	C	D	E	F	G	H	I	J
1	Attorney	Life Assignments	High Severity Felony Assignments	Low Severity Felony Assignments	Non-Traffic Misdemeanor Assignments	Traffic Misdemeanor Assignments	PV	Docket Hours		In Progress
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										

1. Click on a box in row A to select attorney from drop down menu. You can scroll or start typing to find them. If you start typing, it should search by name or P#.

If the attorney you need is not listed, contact [weinberg@michigan.gov](mailto:weinberg@michigan.gov) to add.

2. Enter assignments and docket hours for the month in rows B through H. You do can enter 0's or leave blank.

3. When you are done, click in J1 and switch from In Progress to Complete

Condensing the information from each of these systems can be done quickly on our end, assuming that two things are in place: (1) All attorney names and P numbers are accurate, and (2) The data is provided in a timely fashion. In the first month in LMOS, we ran into a lot of trouble with inaccurate names and P numbers. Most of these inaccuracies have been cleared up in Month 2, and we have eliminated this as a problem in the South Central pilot by entering attorney names in ourselves, so that local administrators pick attorney names from a drop down instead of typing it in. Timely data is a significant issue as well, as we cannot actually help systems determine Standard 6 compliance with a partial set of data.

Neither of the solutions being piloted using Excel are feasible in the long term. Ultimately, for the MIDC to properly support local systems in assessing and complying with Standard 6 workloads, we would need to build either a standalone system or an add-on to either EGrAMS or CE Broker. Once this is built, local system administrators would sign in to submit caseload data to the MIDC at least once per month (the Commission would have to determine if that is frequent enough to comply with Standard 6 – it may have to be bimonthly or weekly). The system would either then spit out the data to us to condense (less ideal) or automatically condense the information itself (more ideal), providing the number of new assignments for each attorney totaled across the state and also by individual system). Systems could log in to see the statewide data, allowing them to make closer-to-real-time decisions about assignments.

This would not entail a full quarterly report, but rather only the caseload information that is required for Standard 6, meaning that they would still only submit full quarterly reports four times per year. Although it sounds like a significant amount of work for local systems, my early conversations and tracking suggest that it would not only reduce local workloads but also facilitate more accurate Standard 6 tracking and higher rates of compliance.

In summary, as a state, we have made tremendous progress in the passage and implementation of a workload standard, but it is my strong belief that many systems will be unable to comply with Standard 6 unless we centralize the frequent collection of assignment and docket information and require the submission of this information through the contract process.



To: Michigan Indigent Defense Commission

From: Marla R. McCowan  
Deputy Director/Director of Training

Re: Compliance Planning and Costs:  
FY24 and FY25 status updates; FY26 Planning

Date: April 15, 2025

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I. Funding Awards by Fiscal Year

	MIDC Funding	Local Share	Total System Costs
FY 2019	\$86,722,179.85	\$37,963,396.67 <sup>1</sup>	\$124,685,576.52
FY 2020	\$117,424,880.47	\$38,523,883.90	\$157,698,982.46
FY 2021	\$129,127,391.54	\$38,486,171.32	\$167,613,562.86
FY 2022	\$138,348,406.27	\$38,146,920.09	\$176,495,326.36
FY 2023	\$173,928,393.06	\$38,825,422.67	\$212,753,815.73
FY 2024	\$281,237,724.24	\$38,825,422.67	\$320,063,146.91
FY 2025 <sup>2</sup>	\$295,143,990.08	\$38,825,422.67	\$333,969,412.75

The MIDC annually collects information about the balance of funds distributed to systems in a form completed by the local funding units due no later than October 31. See the MIDC Act, MCL 780.993(15).

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<sup>1</sup> The annual inflationary increase described in MCL 780.983(i) is calculated from the FY2019 local share.

<sup>2</sup> The list of funding approved annually for each funding unit is on the MIDC's website, updated through October 2024.

## II. FY24 Compliance Plans and Costs

### A. Final Reporting

The fourth quarter of reporting from systems for FY24 (covering July 1, 2024 through September 30, 2024) was due by October 31, 2024. Funding units were required to enter the following reporting in EGrAMS:

- Attorney List
- Financial Status Report
- Quarterly Program Report
- Unexpended balance of Funds, pursuant to MCL 780.993(15)

MIDC staff published a document on the [grants page of the Commission's website](#) identifying changes to reporting for FY24, along with updated compliance reporting instructions, and a [recorded webinar](#) covering submission of reports through our EGrAMS. Sample invoicing for attorneys is available, along with a document relating to entering codes to capture various data points. The MIDC's Grant Manual was updated in February and posted to our Grants webpage as well.

As of this writing, most reporting has been submitted and is either fully approved by MIDC Staff or pending finalization. The following reporting has not yet been finalized (either returned for corrections to the funding unit, or pending/not yet submitted by the funding unit):

Program	Funding Unit	Report	Report activity through	Status
CPA-24	Chippewa County	ATYLST	9/30/2024	Corrections
CPA-24	City of Inkster	ATYLST	9/30/2024	Pending
CPA-24	City of Inkster	ATYLST	6/30/2024	Pending
CPA-24	City of Inkster	FSR	6/30/2024	Pending
CPA-24	City of Inkster	FSR	9/30/2024	Pending
CPA-24	City of Inkster	UNEXP_FND	9/30/2024	Pending

CPA-24	City of Romulus	QPR	9/30/2024	Pending
CPA-24	City of Romulus	QPR	6/30/2024	Corrections
CPA-24	Clinton Township	UNEXP_FND	9/30/2024	Corrections
CPA-24	Eaton County	ATYLST	9/30/2024	Corrections
CPA-24	Hillsdale County	ATYLST	9/30/2024	Corrections
CPA-24	Huron County	UNEXP_FND	9/30/2024	Pending

## B. Notice of Noncompliance Issued

Pursuant to the [Compliance Resolution Process approved by the MIDC in June of 2021](#), the following systems received notices of noncompliance with the MIDC's Standards or grant contract terms:

### 1. [Wayne County](#)

On November 7, 2024, notice advising that the Compliance Resolution Process was being initiated was sent to the funding unit via U.S. Mail and electronic mail for the following reasons:

1. Failure to provide confidential meeting space for in-custody defendants to meet with assigned counsel as required by MIDC Standard 2 - initial interviews.

I made a site evaluation on March 5, 2025 in response to the County's representation in their February 18 communication that some progress would be completed as of March 1, 2025. The work was incomplete, as detailed in my memo to Executive Director Staley dated March 7. The County provided another written update on March 27. I requested a follow up site evaluation, but I never received any confirmation related to my request and available dates offered.

## 2. [City of Inkster](#)

On November 12, 2024, notice advising that the Compliance Resolution Process was being initiated was sent to the funding unit via U.S. Mail and electronic mail for the following reasons:

1. Failure to provide FY24 Quarter 3 FSR due on July 31, 2024,
2. Failure to provide FY24 Quarter 4 FSR due on October 31, 2024,
3. Failure to provide FY24 Unexpended Funds Report due on October 31, 2024.
4. Failure to provide FY24 Quarter 3 Attorney List due on July 31, 2024.
5. Failure to provide FY24 Quarter 4 Attorney List due on October 31, 2024.

Inkster's obligation to maintain records, submit reports, and provide supporting documentation can be found in paragraphs 1.4, 1.5, and 2.7 of Grant Contract E20240034-00 and MCL 780.993(14) and (15).

Repeated efforts at communication are detailed in the drive of materials. Some response was received earlier this month but to date the reporting has not been submitted.

### C. Budget Adjustments

The Grants Director processed and approved the following [budget adjustment requests](#) (line item transfer requests) pursuant to the process set forth in the MIDC's Grant Manual at p. 41 (February 2024):

- Wayne County

### III. FY25 Compliance Planning

All funding units were required to submit a plan for compliance with all approved MIDC Standards pursuant MCL §780.993, which provides:

(3) No later than 180 days after a standard is approved by the department, each indigent criminal defense system shall submit a plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before October 1 of each year. A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis for meeting those minimum standards. The standards to be addressed in the annual plan are those approved not less than 180 days before the annual plan submission date. The cost analysis must include a statement of the funds in excess of the local share, if any, necessary to allow its system to comply with the MIDC's minimum standards.

(4) The MIDC shall approve or disapprove all or any portion of a plan or cost analysis, or both a plan and cost analysis, submitted under subsection (3), and shall do so within 90 calendar days of the submission of the plan and cost analysis. If the MIDC disapproves any part of the plan, the cost analysis, or both the plan and the cost analysis, the indigent criminal defense system shall consult with the MIDC and, for any disapproved portion, submit a new plan, a new cost analysis, or both within 60 calendar days of the mailing date of the official notification of the MIDC's disapproval. If after 3 submissions a compromise is not reached, the dispute must be resolved as provided in section 15. All approved provisions of an indigent criminal defense system's plan and cost analysis must not be delayed by any disapproved portion and must proceed as provided in this act. The MIDC shall not approve a cost analysis or portion of a cost analysis unless it is reasonably and directly related to an indigent defense function.

Funding units are using the MIDC's Grant Management System (EGrAMS) to submit compliance plans. A detailed, self-guided tutorial was prepared for funding units and [linked on our website](#) along with resources and materials for planning.

#### A. Status

As of the MIDC's October 15, 2024 meeting, all 120 compliance plans and cost analyses were approved, and communication regarding that status was sent through our grant management system. The MIDC has distributed contracts to all funding units and as of this writing all 120 have been fully executed by the local system, the MIDC, and LARA. Funding has been distributed pursuant to the contract terms.

The MIDC Staff hosted live webinars on December 11 and December 13 covering a variety of topics related to grant management in this new fiscal year. The slides from the webinar were subsequently emailed to all defender leaders and [posted to the MIDC's website](#). Daily zoom-based "office hours" were offered by MIDC staff daily the week of January 27, ahead of the first quarterly reporting due date.

#### 1. Reporting Due

The first quarter of reporting from systems for FY25 (covering October 1, 2024 through December 31, 2024) was due by January 31, 2025. Funding units were required to enter the following reporting in EGrAMS:

- Attorney List
- Financial Status Report
- Quarterly Program Report

Most funding units have submitted reporting timely and those reports are currently being reviewed by MIDC staff if not already approved. The following reporting was returned for corrections and remains pending with the funding unit, or has not yet been submitted at all (indicated as "pending"):

CPA-25	Alcona County	ATYLST	12/31/2024	Corrections
CPA-25	Alpena County	ATYLST	12/31/2024	Corrections
CPA-25	Calhoun County	ATYLST	12/31/2024	Corrections
CPA-25	City of Birmingham	ATYLST	12/31/2024	Corrections
CPA-25	City of Madison Heights	ATYLST	12/31/2024	Corrections
CPA-25	City of Oak Park	FSR	12/31/2024	Corrections
CPA-25	City of Southfield	ATYLST	12/31/2024	Corrections
CPA-25	City of Sterling Heights	ATYLST	12/31/2024	Corrections
CPA-25	Delta County	FSR	12/31/2024	Corrections
CPA-25	Gogebic County	FSR	12/31/2024	Corrections
CPA-25	Gratiot County	ATYLST	12/31/2024	Corrections
CPA-25	Gratiot County	FSR	12/31/2024	Corrections
CPA-25	Hillsdale County	FSR	12/31/2024	Corrections
CPA-25	Kent County	FSR	12/31/2024	Corrections
CPA-25	Lapeer County	ATYLST	12/31/2024	Corrections
CPA-25	Lapeer County	FSR	12/31/2024	Corrections
CPA-25	Mackinac County	ATYLST	12/31/2024	Corrections
CPA-25	Marquette County	FSR	12/31/2024	Corrections
CPA-25	Menominee County	FSR	12/31/2024	Corrections
CPA-25	Montmorency County	ATYLST	12/31/2024	Corrections
CPA-25	Oscoda County	ATYLST	12/31/2024	Corrections
CPA-25	Schoolcraft County	ATYLST	12/31/2024	Corrections
CPA-25	Schoolcraft County	FSR	12/31/2024	Corrections
CPA-25	Van Buren County	ATYLST	12/31/2024	Corrections
CPA-25	Van Buren County	QPR	12/31/2024	Corrections
CPA-25	Washtenaw County	FSR	12/31/2024	Corrections
CPA-25	Arenac County	ATYLST	12/31/2024	Pending
CPA-25	Arenac County	QPR	12/31/2024	Pending
CPA-25	City of Inkster	ATYLST	12/31/2024	Pending
CPA-25	City of Inkster	FSR	12/31/2024	Pending
CPA-25	City of Westland	ATYLST	12/31/2024	Pending
CPA-25	City of Westland	FSR	12/31/2024	Pending
CPA-25	City of Westland	QPR	12/31/2024	Pending

CPA-25	Presque Isle County	ATYLIST	12/31/2024	Pending
CPA-25	Presque Isle County	QPR	12/31/2024	Pending
CPA-25	Wayne County	ATYLIST	12/31/2024	Pending
CPA-25	Wayne County	FSR	12/31/2024	Pending
CPA-25	Wexford County	ATYLIST	12/31/2024	Pending
CPA-25	Wexford County	FSR	12/31/2024	Pending
CPA-25	Wexford County	QPR	12/31/2024	Pending

## B. Changes to Approved Plans

### 1. Gratiot County (action item)

The funding unit overspent on direct services in FY24 and is requesting reimbursement in the amount of \$138,177.14 to be added to their FY25 total system costs pursuant to MCL 783.993(16).

FY25 approved total system costs: \$998,778.16

**Revised FY25 total system costs: \$1,136,955.30**

Staff recommends approval.

### 2. Menominee County (action item)

Menominee is requesting a plan change to how they address indigency screening. Previously, the judge has been responsible for indigency screening. The system would propose changing the screening to be completed by the Lead Attorney for the system. Each individual requesting appointed counsel, whether in custody or out of custody, will complete a Defendant Financial Statement Form. The CAFA attorney provides the form to the Lead Attorney who makes the indigency determination and appoints an attorney if the individual qualifies. The form is not provided to the court and becomes part of the client's file.



Individuals may appeal the Lead Attorney's indigency determination to the presiding judge.

Staff recommends approval.

3. Luce County (information item)
4. Mackinac County (information item)

Both systems included an incorrect (non life) felony rate in their compliance plans; error correction from \$136 to \$137/hr was made to comply with MIDC Standard 8. No additional changes to plans or costs.

### C. Budget Adjustments

The Grants Director processed and approved the following [budget adjustment requests](#) (line item transfer requests) pursuant to the process set forth in the MIDC's Grant Manual at p. 41 (February 2024):

- Branch County
- Cass County
- Chippewa County
- City of Dearborn
- City of Farmington
- City of Madison Heights
- City of Roseville
- Clare County
- Luce County
- Mackinac County
- Manistee County
- Mason County
- Mecosta County
- Monroe County
- Van Buren County
- Washtenaw County (three requests)

#### IV. FY26 Compliance Planning

Compliance planning is underway for FY26. All plans are due no later than April 25, 2025 by 11:59 p.m. MIDC staff members have been meeting with system stakeholders regularly to provide support for planning and submitting the grant applications and funding requests. The MIDC's website has several resources available for planning, including a Word version of the compliance plan and a video tutorial from a live training along with slides to assist with technical components of the grant management system. MIDC staff plans to offer "office hours" by zoom regularly the week of April 22, 2025 to facilitate submission.