

MICHIGAN INDIGENT DEFENSE COMMISSION

House Judiciary Appropriations Committee
March 8, 2022

Kristen Staley

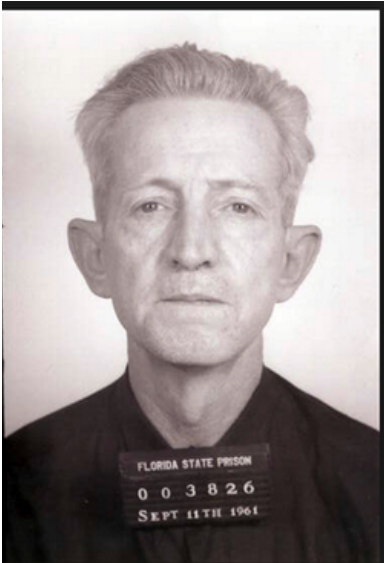
Executive Director

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LARA-MIDC-Info@michigan.gov

Laying the Foundation for the MIDC Act



A Race to the Bottom

TRIAL-LEVEL INDIGENT DEFENSE SYSTEMS IN MICHIGAN

EVALUATION

Speed & Savings Over Due Process: A Constitutional Crisis

June 2008

NATIONAL LEGAL AID & DEFENDER ASSOCIATION



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

RICK SNYDER GOVERNOR SHELLY EDGERTON DIRECTOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

In the matter of:
The Michigan Indigent Defense Commission Proposed Minimum Standards

Issued and entered this 22nd day of May, 2017.

NOTICE AND ORDER APPROVING STANDARDS

1. MCL 780.985 outlines the procedure for the Michigan Indigent Defense Commission (MIDC) to propose minimum standards for the local delivery of indigent criminal defense services and for the Department of Licensing and Regulatory Affairs (LARA) to approve or reject those standards.
2. MCL 780.985(4) requires the MIDC to convene a public hearing on the standards. Following a public comment period, the MIDC held a public hearing on a first set of proposed minimum standards on August 18, 2015.
3. After the hearing and public comment, the MIDC submitted these first four proposed standards to the Michigan Supreme Court for consideration on January 4, 2016.
4. The Michigan Supreme Court accepted written comments on the standards beginning January 11, 2016 through May 1, 2016, and held a public hearing on the standards on May 18, 2016.
5. On June 1, 2016, the Michigan Supreme Court issued an order conditionally approving the proposed standards, subject to legislative amendments to the MIDC Act.
6. The legislative amendments went into effect January 4, 2017, shifting the MIDC from an independent agency housed within the Judicial Branch to one within LARA.
7. Pursuant to MCL 780.985(4), the MIDC submitted the standards to LARA for approval or rejection on February 7, 2017.
8. The MIDC Act as amended gave LARA the authority to prescribe a manner for interested parties to voice opposition to the proposed minimum standards. LARA published notice of a 30-day comment period, which ended March 9, 2017.
9. MCL 780.985(4) provides that the proposed minimum standards are final once they are approved by LARA.

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www.michigan.gov/lara • 517-373-1820

The MIDC Act

Public Act 93 of 2013
MCL 780.981 et seq.

We are required by statute to:

1. Develop minimum standards for the local delivery of indigent defense services;
2. Administer grants for local systems to come into compliance with standards;
3. Ensure compliance of standards;
4. Collect data; and
5. Encourage best practices in indigent defense services.

Michigan Supreme Court

Michigan House of Representatives

Michigan Senate

State Budget Office

Michigan Judges Association

Michigan District Judges Association

State Bar of Michigan

Criminal Defense Association of Michigan

Prosecuting Attorney Association of Michigan

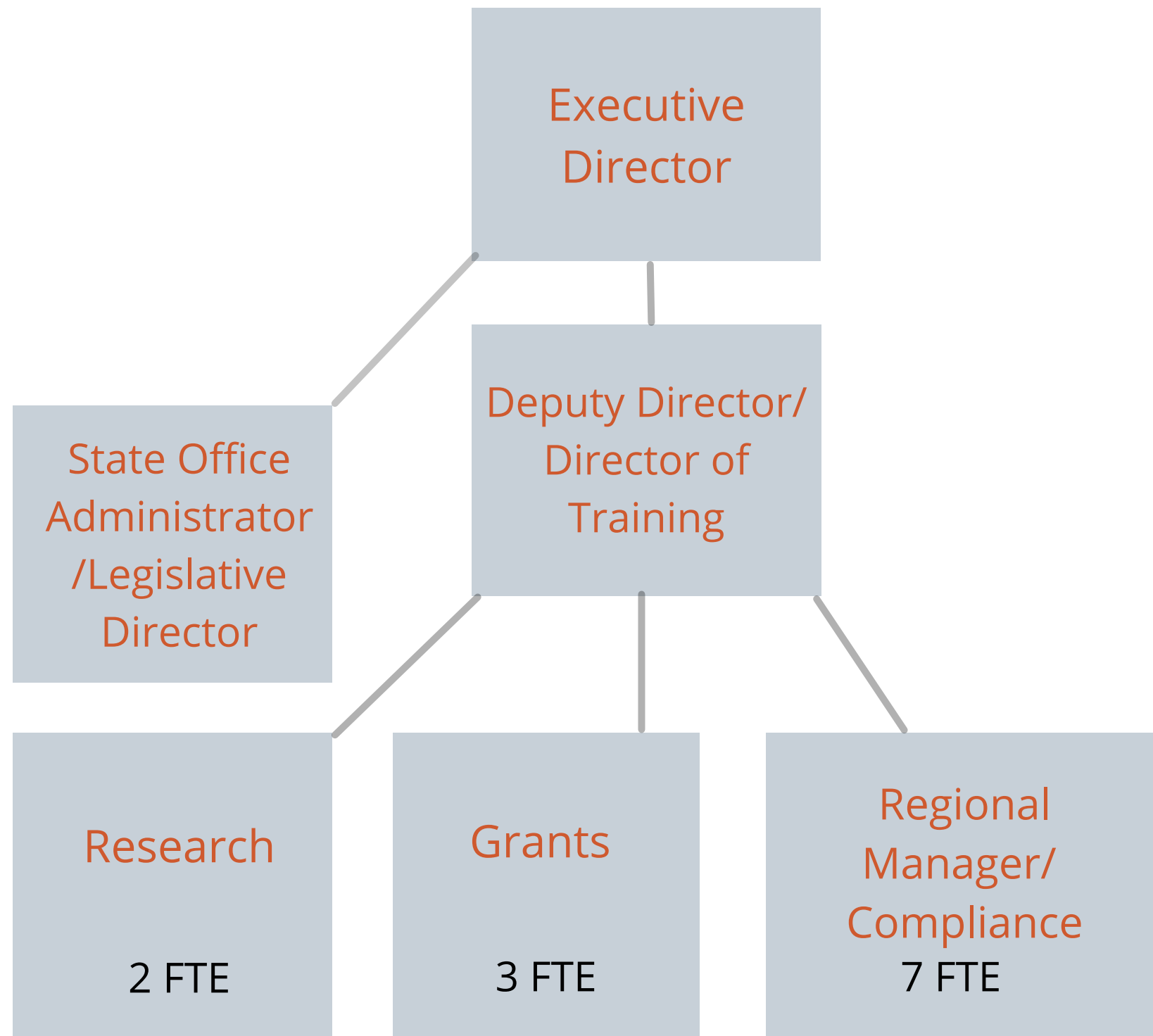
Michigan Association of Counties

Michigan Municipal League/Michigan Township Association

General Public



**MIDC Commissioners include
19 stakeholders from the
criminal justice community**



The MIDC's Staff serves a critical role

- 15 staff members support 19 Commissioners and 133 funding units across Michigan
- 6 regional managers, licensed attorneys experienced in public defense
- Grant director and 2 analysts oversee all aspects of nearly \$160 million in local grants
- Training director and compliance analyst monitors continuing education requirements for over 2300 attorneys statewide
- Research director and analyst help implement case management systems, collect and assess compliance data to improve local practices



Training and education



Initial client meeting



Investigators and experts



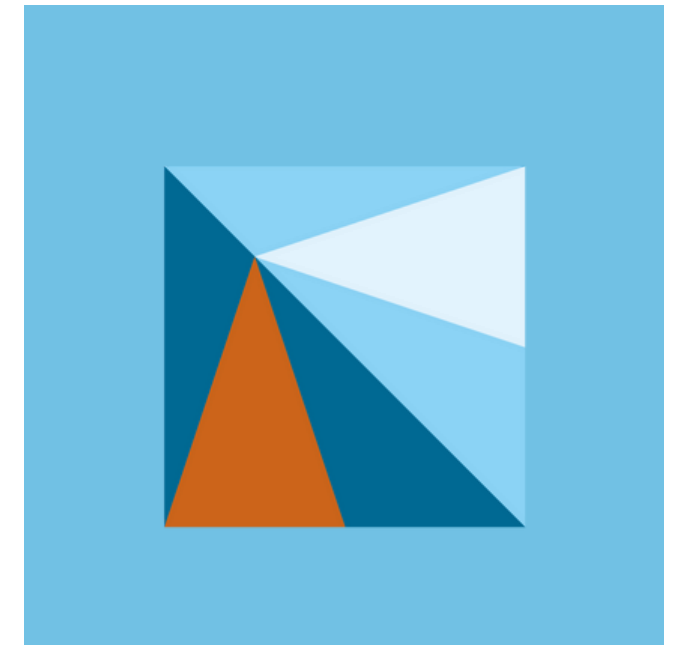
Counsel at first appearance



Independence from the judiciary



Indigency Determination

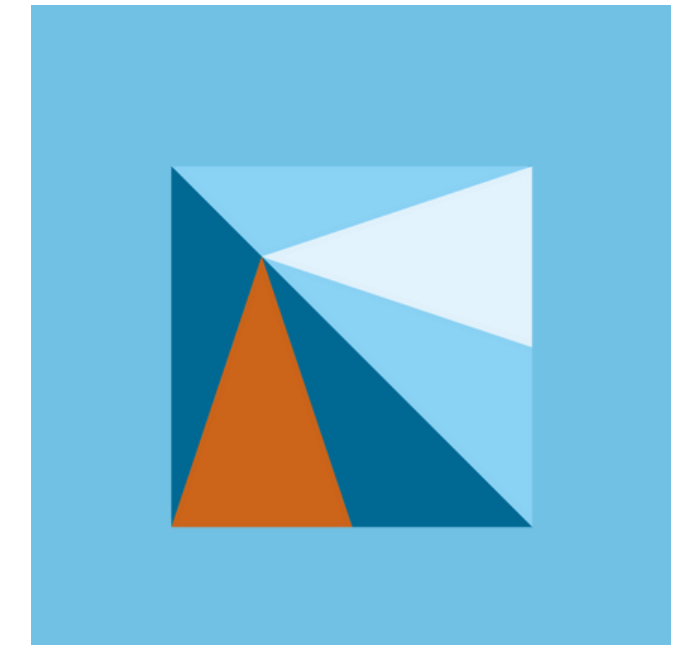


Approved MIDC Standards



Indigent Defense Workloads

Attorneys must have manageable caseloads and sufficient time to effectively represent the clients whom they have been appointed to defend.



Qualification and Review of Assigned Counsel

Defense counsel's ability, training, and experience match the nature and complexity of the case to which they are appointed.

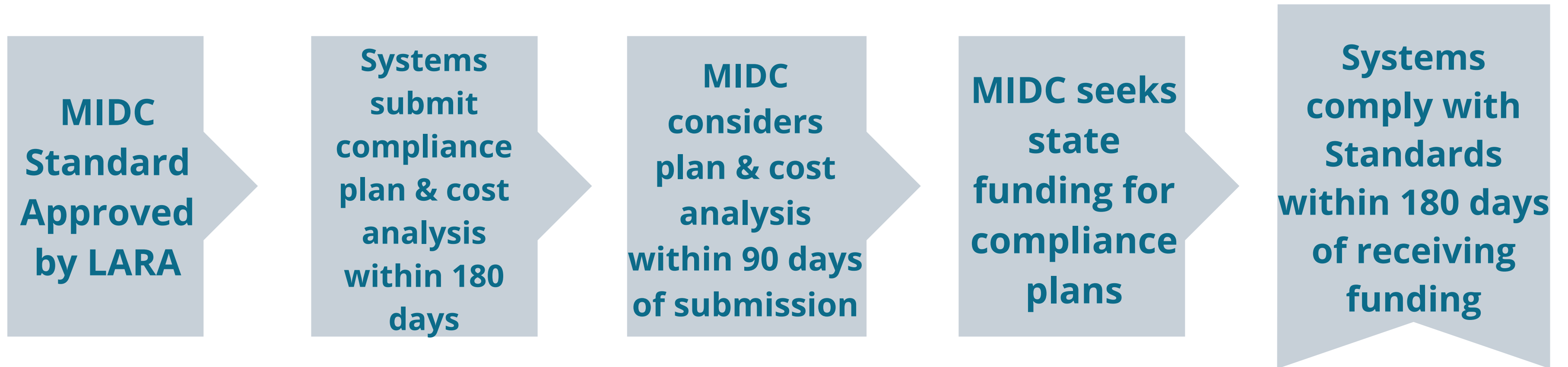


Attorney Compensation

Attorneys must have the time, fees, and resources to provide the effective assistance of counsel guaranteed by the United States and Michigan Constitutions.

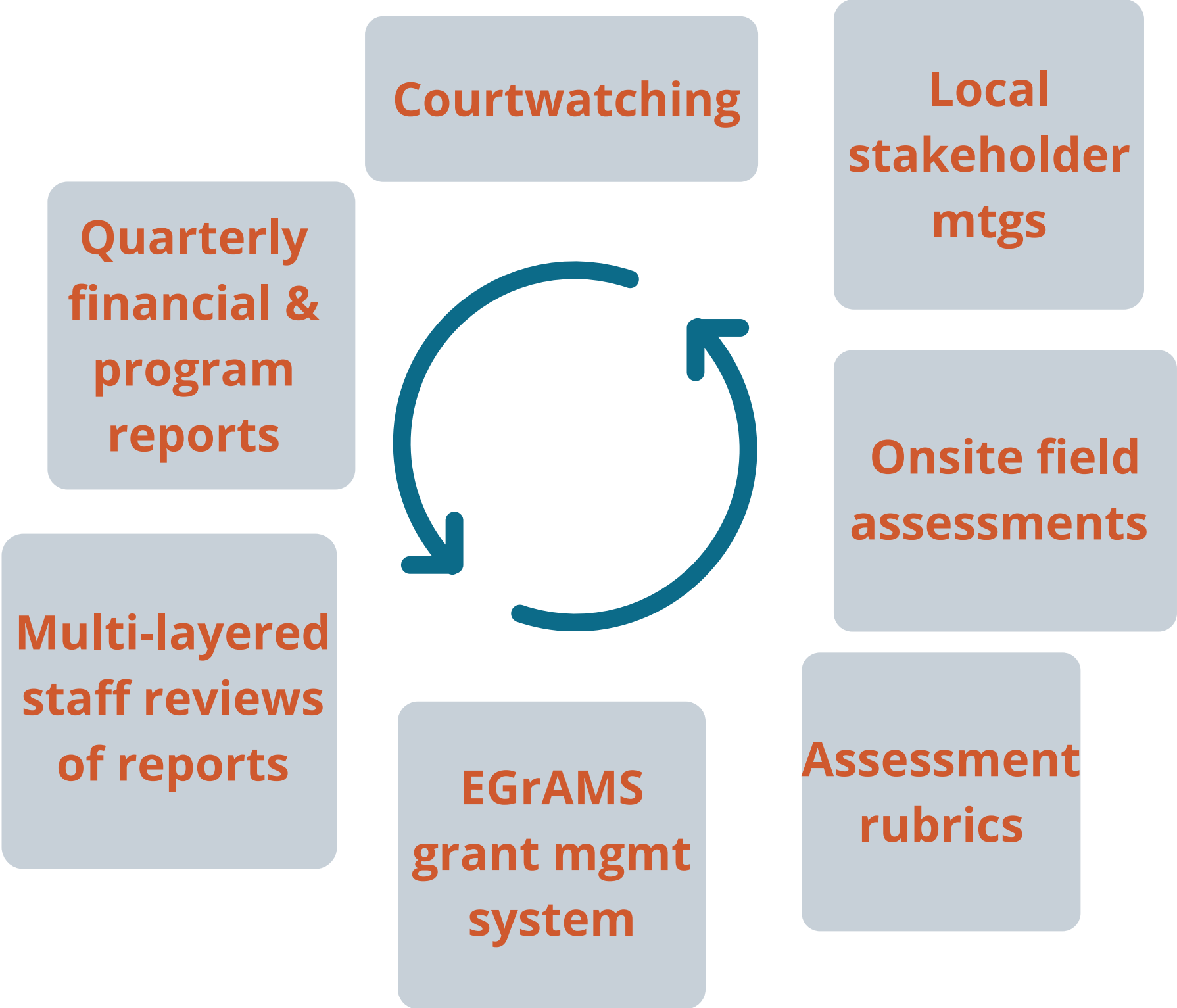
Pending Final Approval

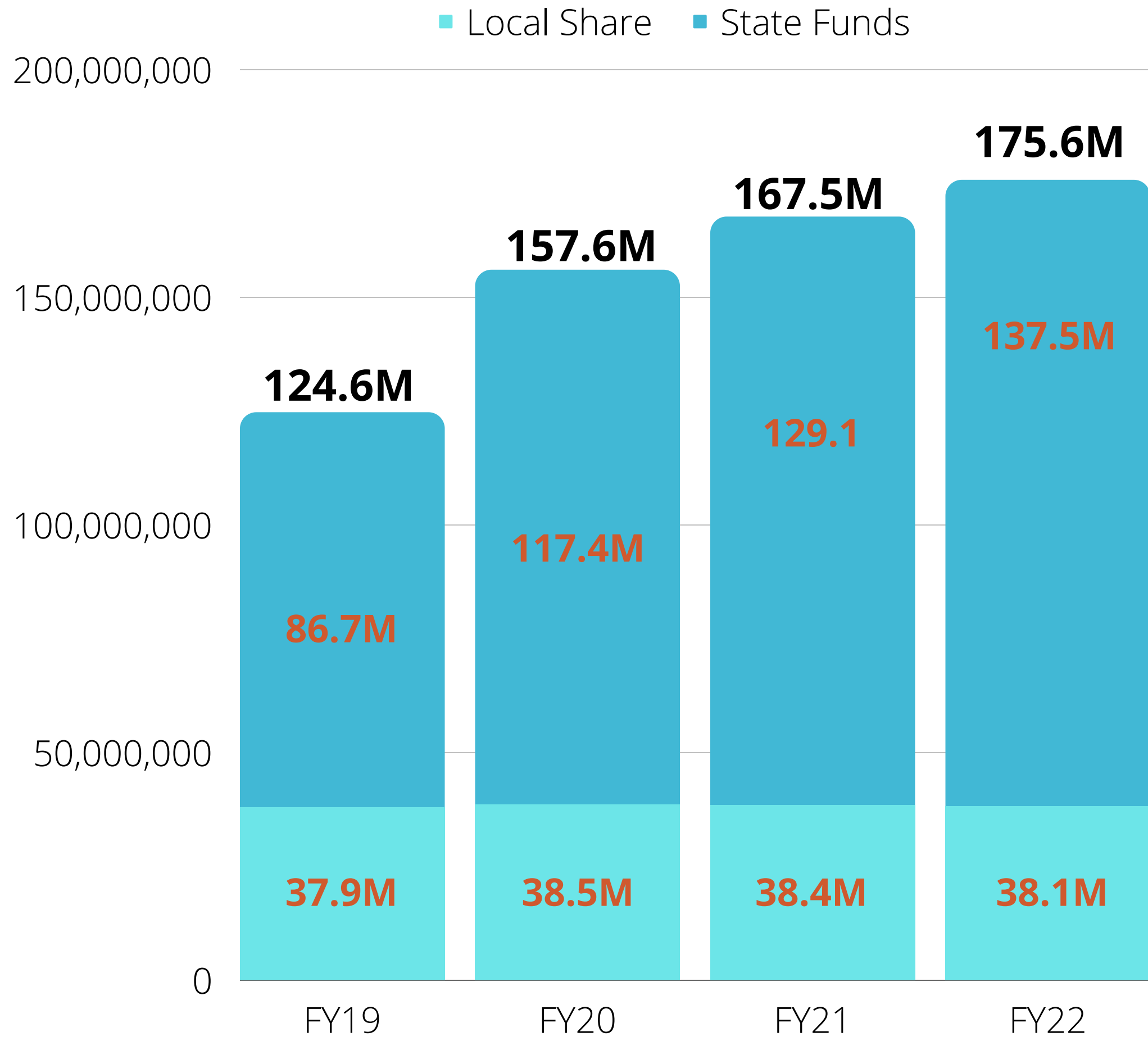
MIDC Annual Grant Process



MIDC Annual Compliance Process

Grant approved, contract signed, funds issued locally

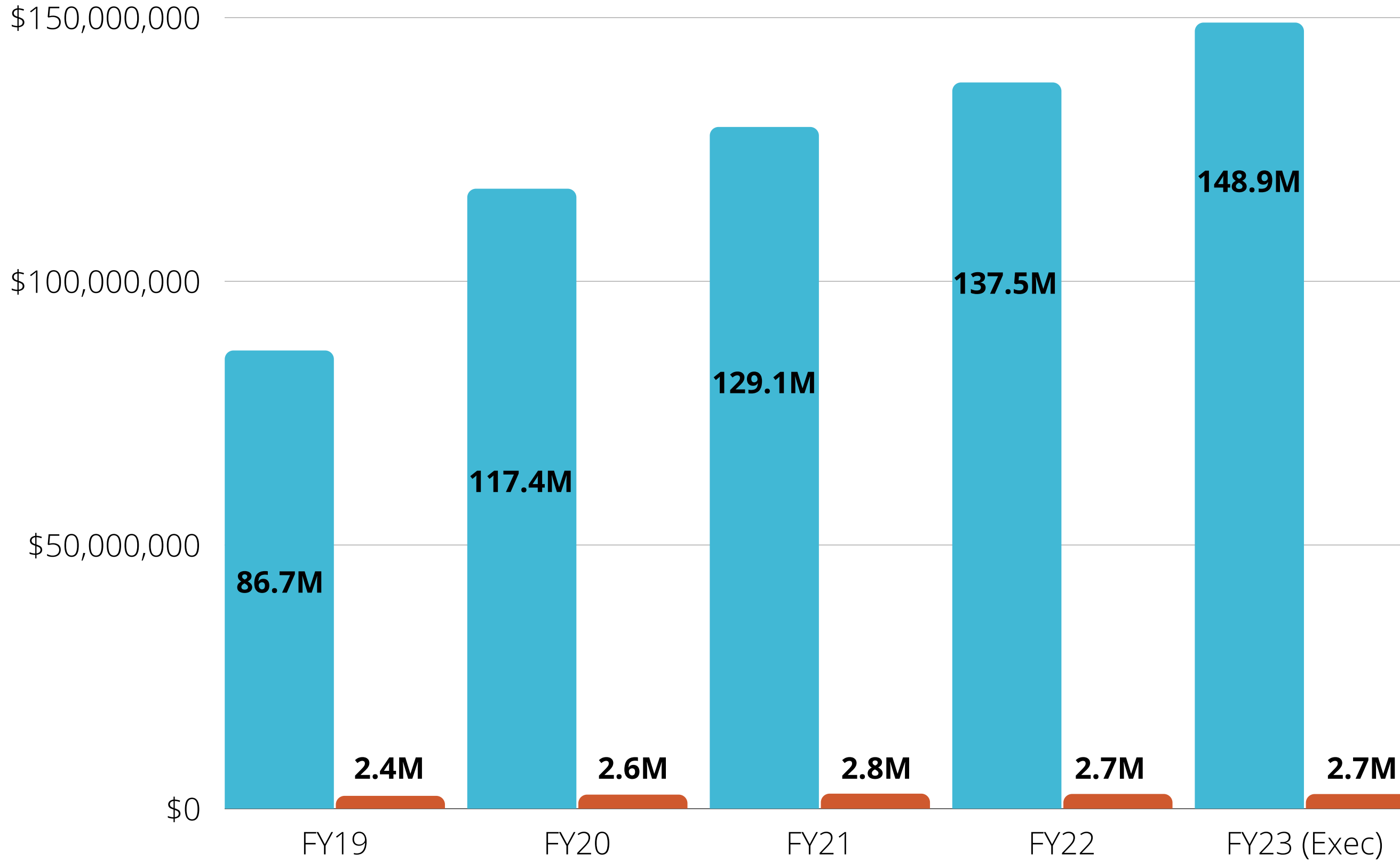




Indigent Defense
System Costs
Statewide

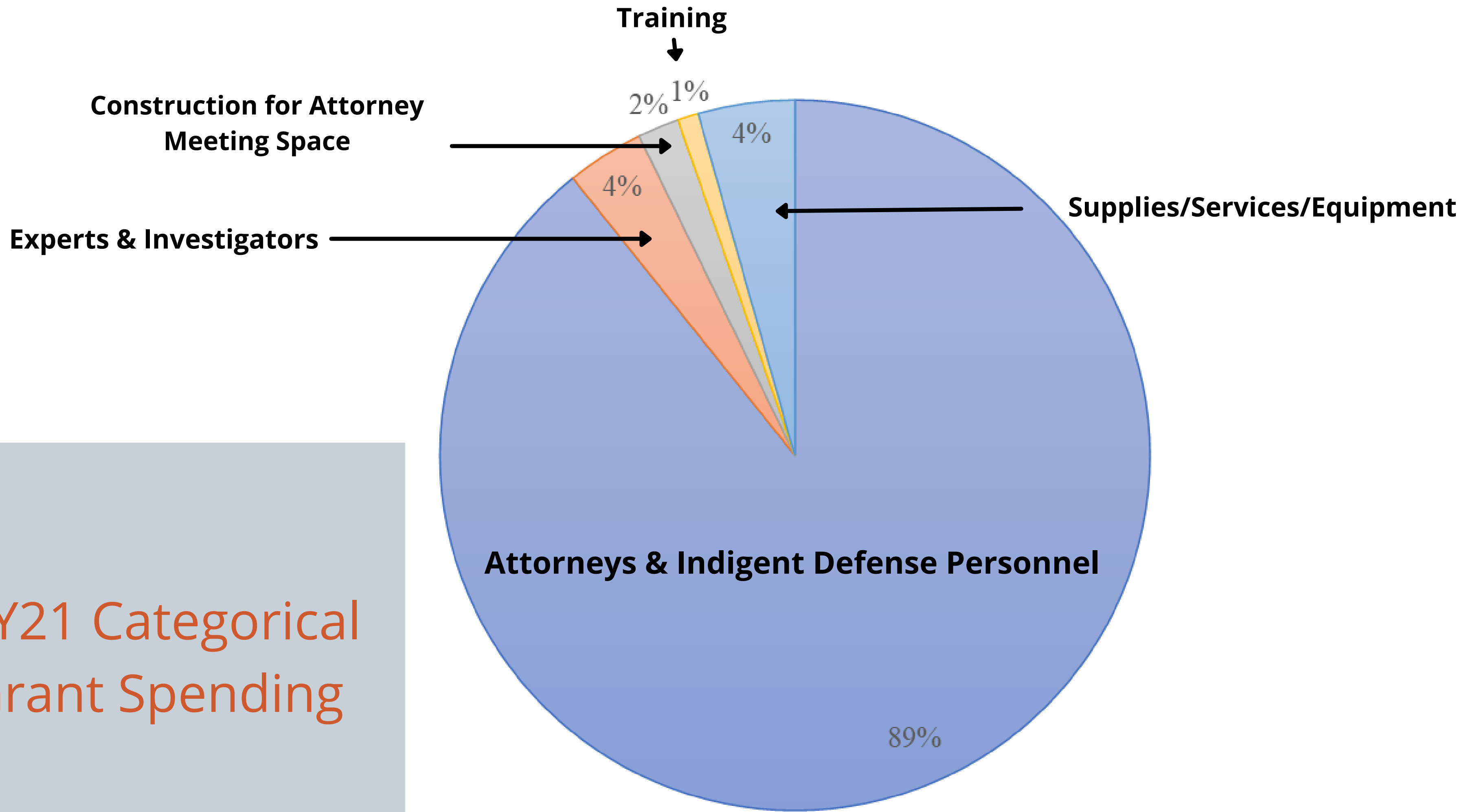
State Appropriations

■ State Grant ■ State Operations

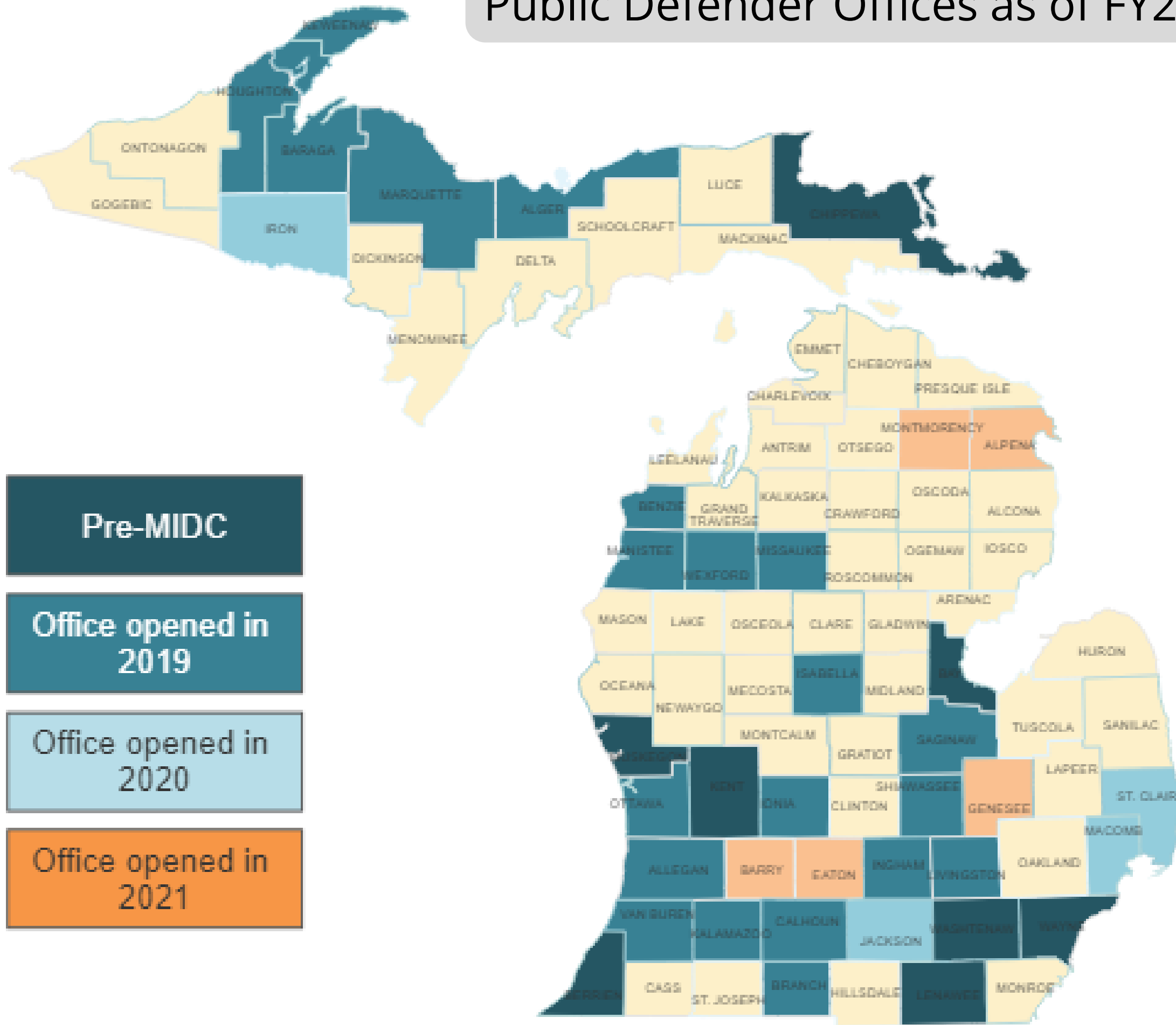


FY23 Exec. Rec
Grants - \$148,917,400
Operation - \$2,763,000

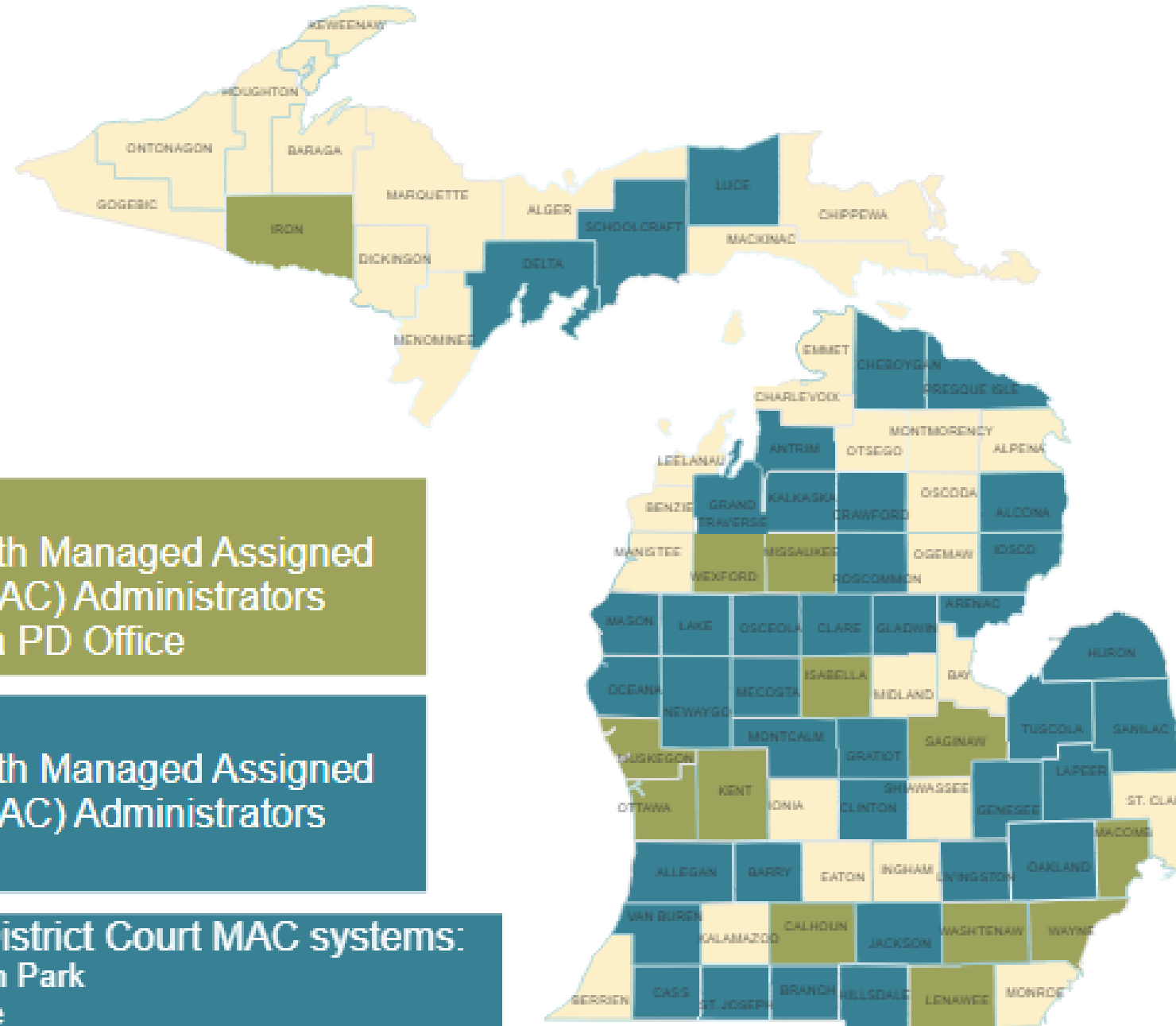
**FY21 Categorical
Grant Spending**



Public Defender Offices as of FY21



Managed Assigned Counsel Systems as of FY21



Systems with Managed Assigned Counsel (MAC) Administrators along with a PD Office

Systems with Managed Assigned Counsel (MAC) Administrators

- 3rd Class District Court MAC systems:**
- D 25 Lincoln Park
 - D 29 Wayne
 - D 34 Romulus
 - D 36 Detroit
 - D 37 Warren/Centerline
 - D 38 Eastpointe
 - D 40 St. Clair Shores
 - D 41-a-2 Utica
 - D 41-B Mt. Clemens
 - D 43-1 Hazel Park
 - D 43-2 Ferndale
 - D 43-3 Madison Heights
 - D 44 Royal Oak
 - D 45 Oak Park
 - D 46 Southfield
 - D 48 Bloomfield
 - D 50 Pontiac
 - D 61 Grand Rapids

Education and Training of Defense Counsel

Criminal defense attorneys must have reasonable knowledge of the relevant law and be able to defend a client's case.

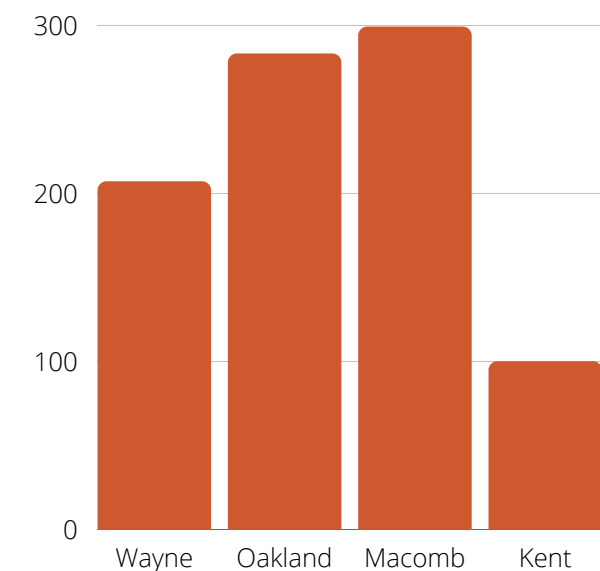
Michigan has over 2,300 indigent defenders



Over **300** courses offered to train assigned counsel



2,468 hours of hands-on skills training completed by 296 attorneys through a unique Byrne Jag funded program managed by the MIDC



Most attorneys **met or exceeded** the training requirements

Initial and Confidential Interview

To be effective, counsel must have sufficient time for adequate case preparation and a confidential space to meet with their clients.



94% of systems now have confidential meeting space for in-custody clients in courts and jails.



96% of systems employ attorneys that meet with their incarcerated client within 3 business days.



97% of systems now have confidential meeting space at court for out-of-custody clients.

Experts & Investigators

Counsel has a duty to conduct independent investigations in all cases and to continually evaluate for any need of appropriate investigations or expert assistance in specialized areas beyond the lawyer's expertise.

Since FY19, local use of expert and investigative services has increased by 49% statewide.



16 systems employ
29 investigators on their
public defender staff.



12 systems employ
**21 social workers and
client advocates** on their
public defender staff.

Counsel at First Appearance & Other Critical Stages

People facing criminal charges have a constitutional right to counsel as soon as their liberty is jeopardized by a judge or magistrate.

Statewide, about 90% of people using counsel at arraignments are represented by indigent defenders.

Michigan indigent defenders represent nearly **three-quarters of all people** charged with felony offenses.





DEDICATED TO IMPROVING
INDIGENT DEFENSE SERVICES
STATEWIDE.

Explore our Policies & Reports for more information.

[POLICIES & REPORTS](#)

Welcome to MIDC

The Michigan Indigent Defense Commission (MIDC) was created by legislation in 2013 after an advisory commission recommended improvements to the state's legal system. The MIDC will work to ensure the state's public

PUBLICATIONS

FEBRUARY 17, 2021
[MIDC Meeting - Online Access February 23, 2021](#)

DECEMBER 8, 2020
[MIDC Meeting - Online Access December 15, 2020](#)

LATEST NEWS

FEBRUARY 25, 2021
[MIDC Approves Application Materials and Resources for FY22 Compliance Plans](#)

DECEMBER 15, 2020
[MIDC 2020 Year in Review Video](#)

www.michiganidc.gov

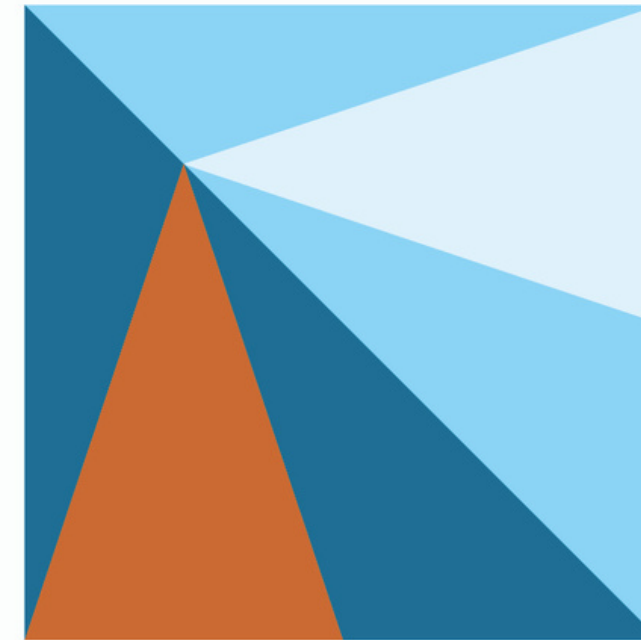
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