



**MICHIGAN INDIGENT
DEFENSE COMMISSION**

MARCH 9, 2016
HOUSE JUDICIARY APPROPRIATIONS SUBCOMMITTEE

YEAR ONE

- 2015 Impact Report
- First comprehensive state-wide survey of trial-level indigent defense
- Initial standards submitted to Michigan Supreme Court
- Start-up staff

MIDC FRAMEWORK FOR INDIGENT DEFENSE REFORM

- Research
- Minimum Standards
- System Compliance Plans
- State Funded Grants

MIDC SURVEY

- Only 6% of district courts require attorneys to be present at both the bail hearing and at arraignment, despite the documented importance of legal guidance in these early stages.

MIDC SURVEY

- Only 15% of indigent defense systems report training and education requirements.

MIDC SURVEY

- In 2008 Michigan ranked 44th out of 50 states in per capita indigent defense spending. Since then, county spending has **decreased**.

MIDC SURVEY

- 9% of indigent defense systems in Michigan report that neither the courthouse nor the holding facility have private space for attorney-client meetings.

STANDARDS SUBMISSION TO MICHIGAN SUPREME COURT

- Training and education
- The initial client interview
- Experts and investigators
- Counsel at first appearance and other critical stages

START-UP STAFF

- Five full-time staff
 - Executive Director
 - State Office Administrator / Legislative Director
 - Director of Training, Outreach, and Support
 - Research Director & Research Associate

THE YEAR AHEAD

- May 18 – Michigan Supreme Court public hearing on first set of minimum standards.
- Adoption by Court from May 19 to July 1 (within 180 days of submission).
- Local systems have 180 days from adoption to submit a plan to MIDC for approval. Regional consultants already engaging with 83 counties, 57 Circuit Courts and 104 District Courts with this goal.
- MIDC then has 60 days to approve these plans.

SIX REGIONAL CONSULTANTS

- MIDC liaisons to local courts and county stakeholders. 83 counties and 161 courts.
- Five State Court Administrative Office regions plus Wayne County.
- Funded through FY 2015 Work Project Funding

THE YEAR AHEAD

- After the plan is approved, MIDC will calculate the total amount of funding required to implement the plans and will work with the Governor's office, the Legislature and the State Budget Office on an appropriations request.
- Per the MIDC Act, State must pay any amount needed greater than current county funding.

THE YEAR AHEAD

- While working on the implementation of the first set of standards, the Commission will begin working on the second set of standards this spring.
- Independence, caseloads, qualifications, financial incentives and disincentives for representation, indigence.

MIDC PROPOSAL FOR CHANGE

- Executive Recommendation includes \$1.3 million additional beyond start-up for the following positions:
 - Regional Administrators (5-6 FTEs)
 - Research Associate (1 FTE, already hired)
 - Grant Manager and Grant Assistant (2 FTEs)
 - Human Resources/Fiscal Manager (1 FTE)
 - Administrative Assistants (up to 2 FTEs)

MIDC PROPOSAL FOR CHANGE

- Transition from start-up to permanent agency.
- Plan built for flexibility as MIDC continues to grow.

GIDEON V. WAINWRIGHT, 372 U.S. 335 (1963)

"The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him."