

MICHIGAN INDIGENT DEFENSE COMMISSION

House LARA Appropriations Subcommittee
February 28, 2023

Kristen Staley

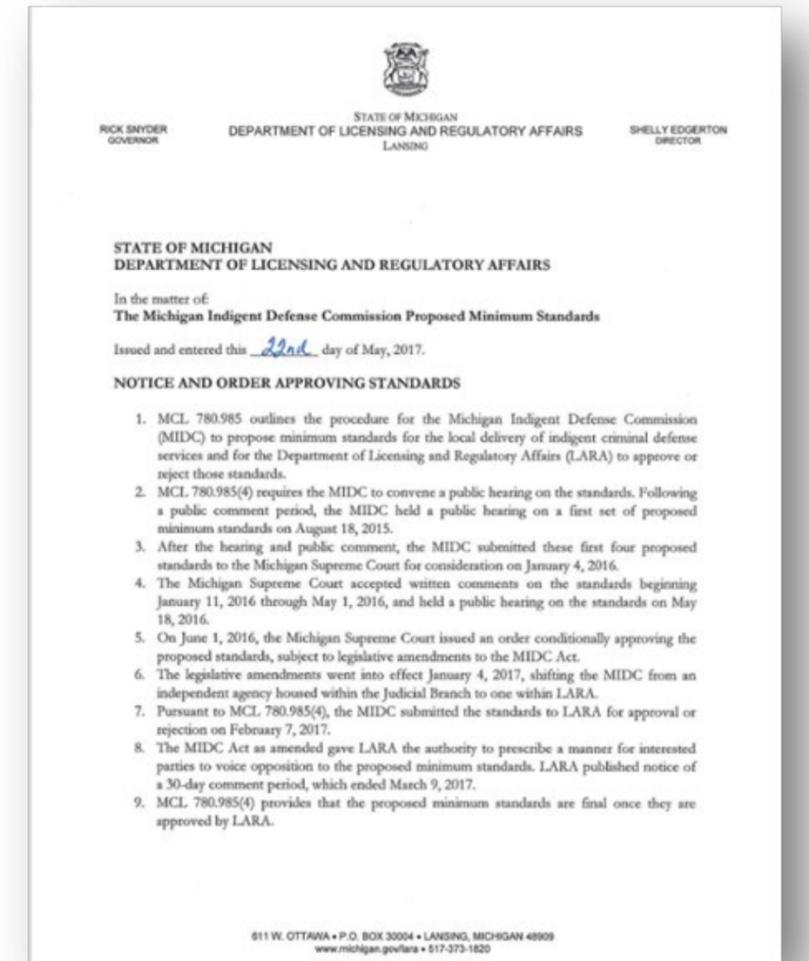
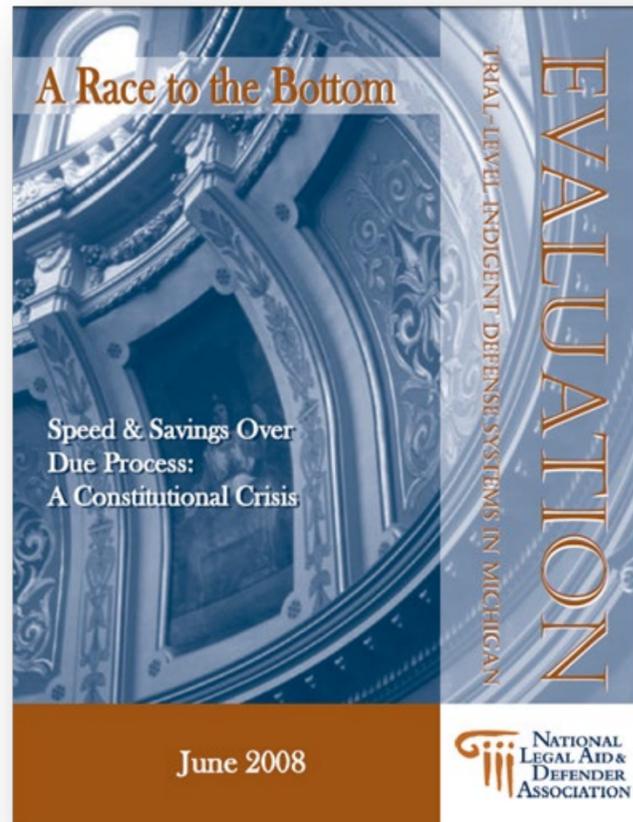
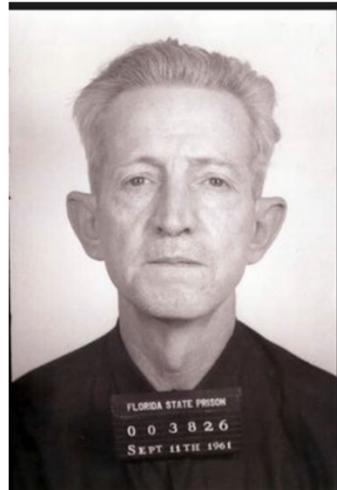
Executive Director

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Laying the Foundation for the MIDC Act



The MIDC Act

Public Act 93 of 2013
MCL 780.981 et seq.

We are required by statute to:

- Develop minimum standards for the local delivery of indigent defense services;
- Administer grants for local systems to come into compliance with standards;
- Ensure compliance of standards;
- Collect data; and
- 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

Approved & Implemented

-  Training and education
-  Initial client meeting
-  Investigators and experts
-  Counsel at first appearance
-  Independence from the judiciary

Approved & Not Fully Implemented

-  Indigency Determination
(By end of FY23)
-  Attorney Compensation
(Expected by end of FY24)

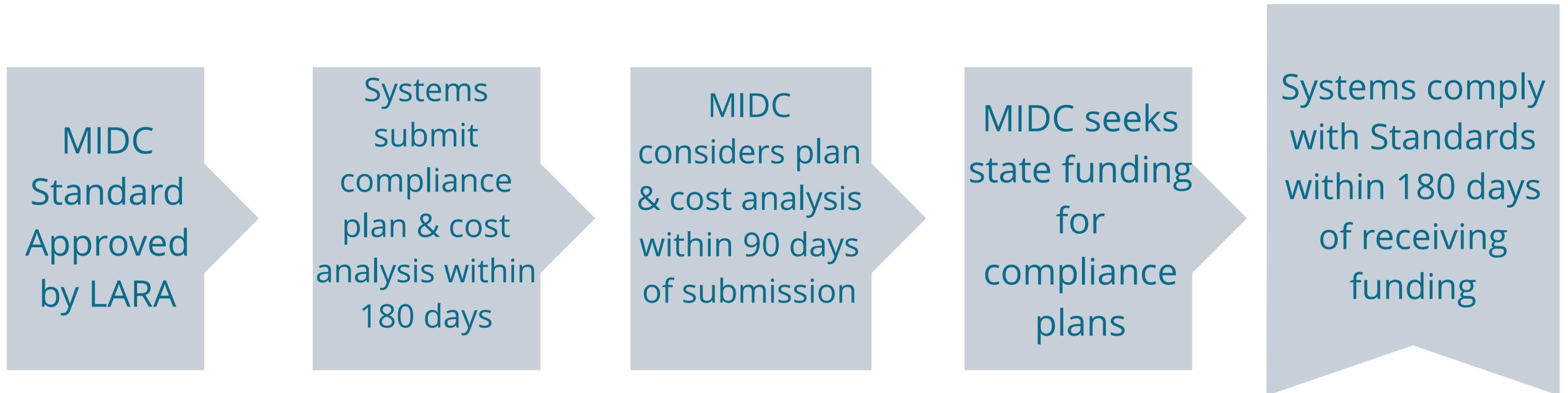
Pending Full Approval

-  Caseloads
-  Attorney Qualification & Review



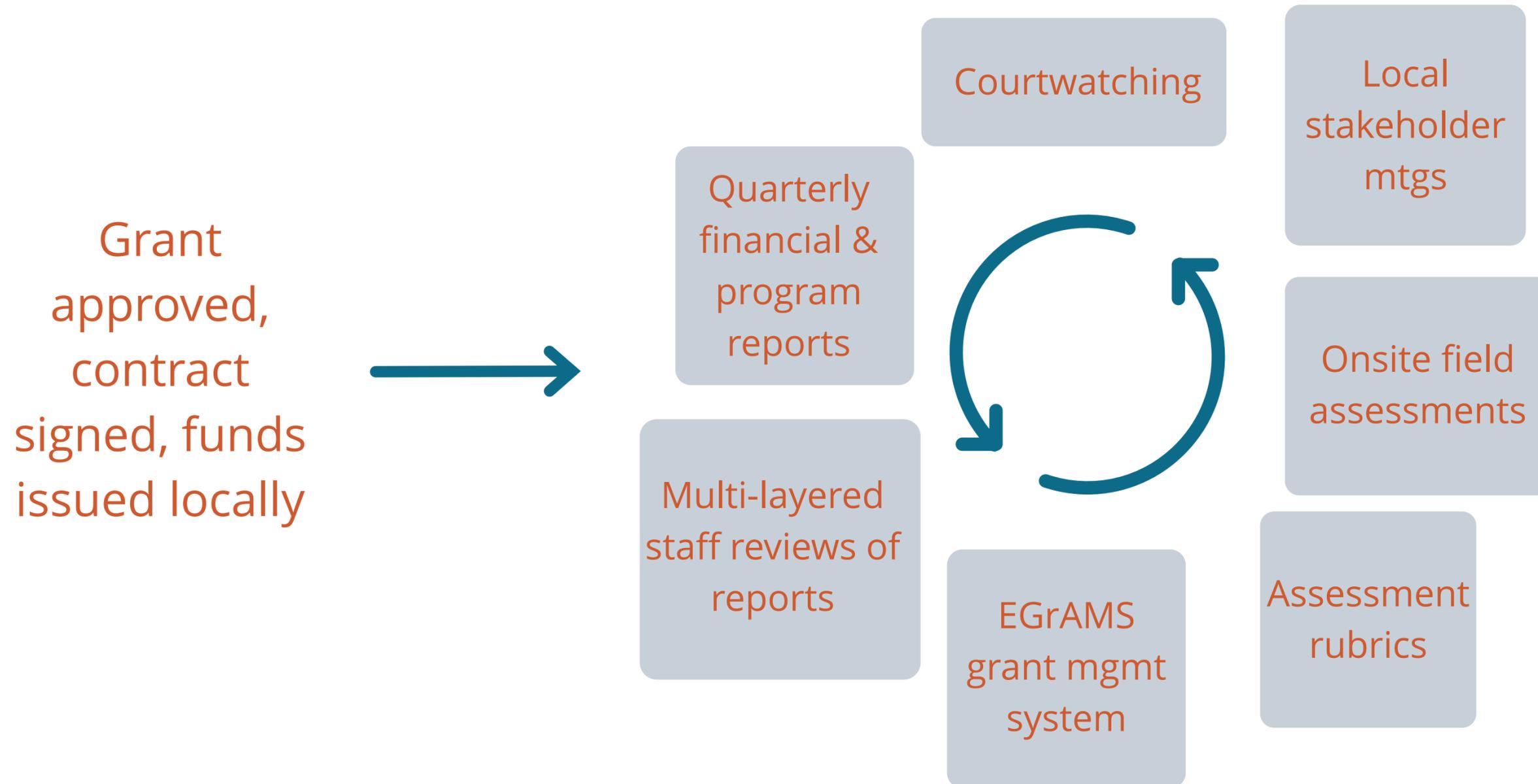
MIDC Annual Grant Process

"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." MCL § 780.993(4)

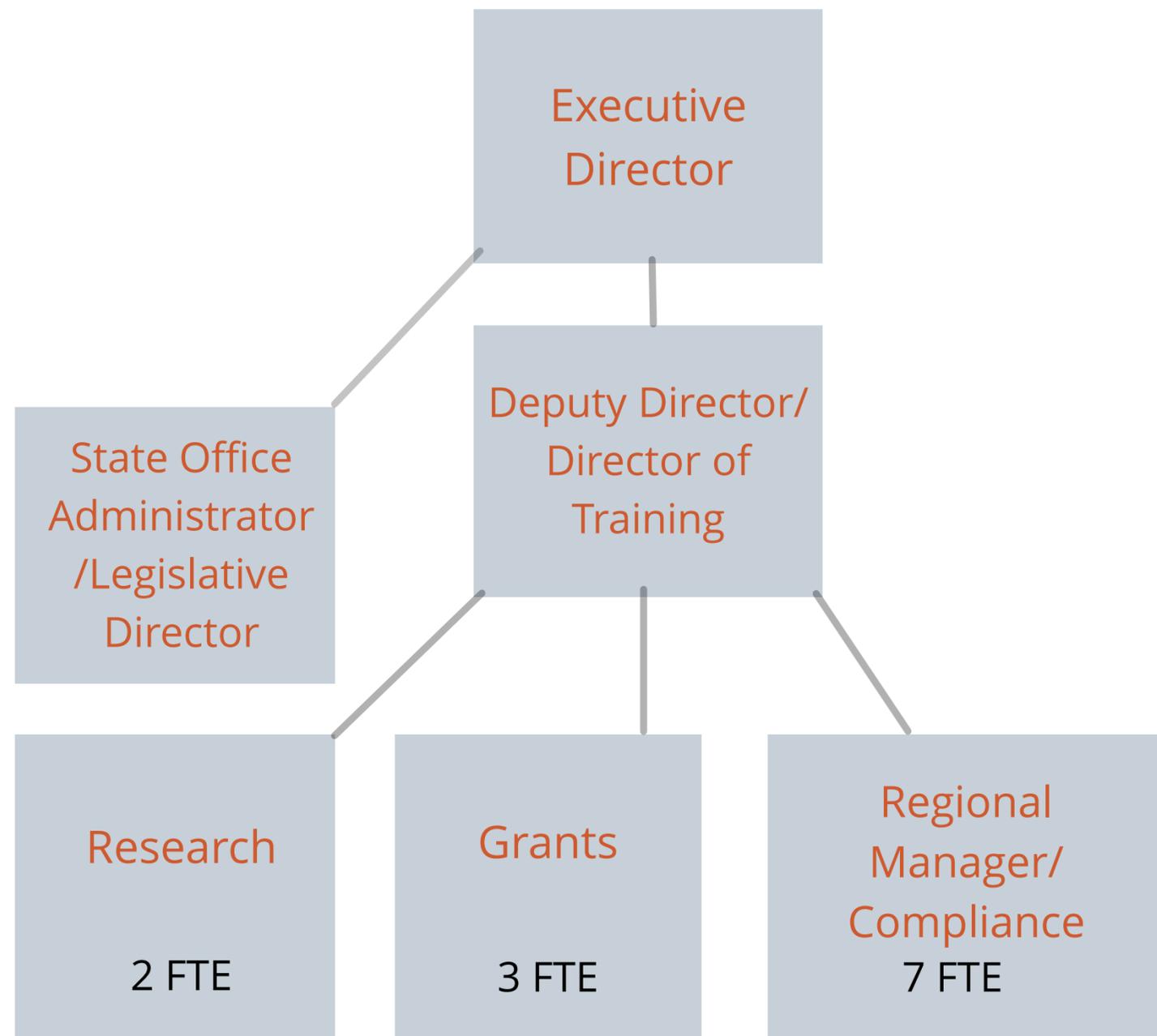


MIDC Annual Compliance Process

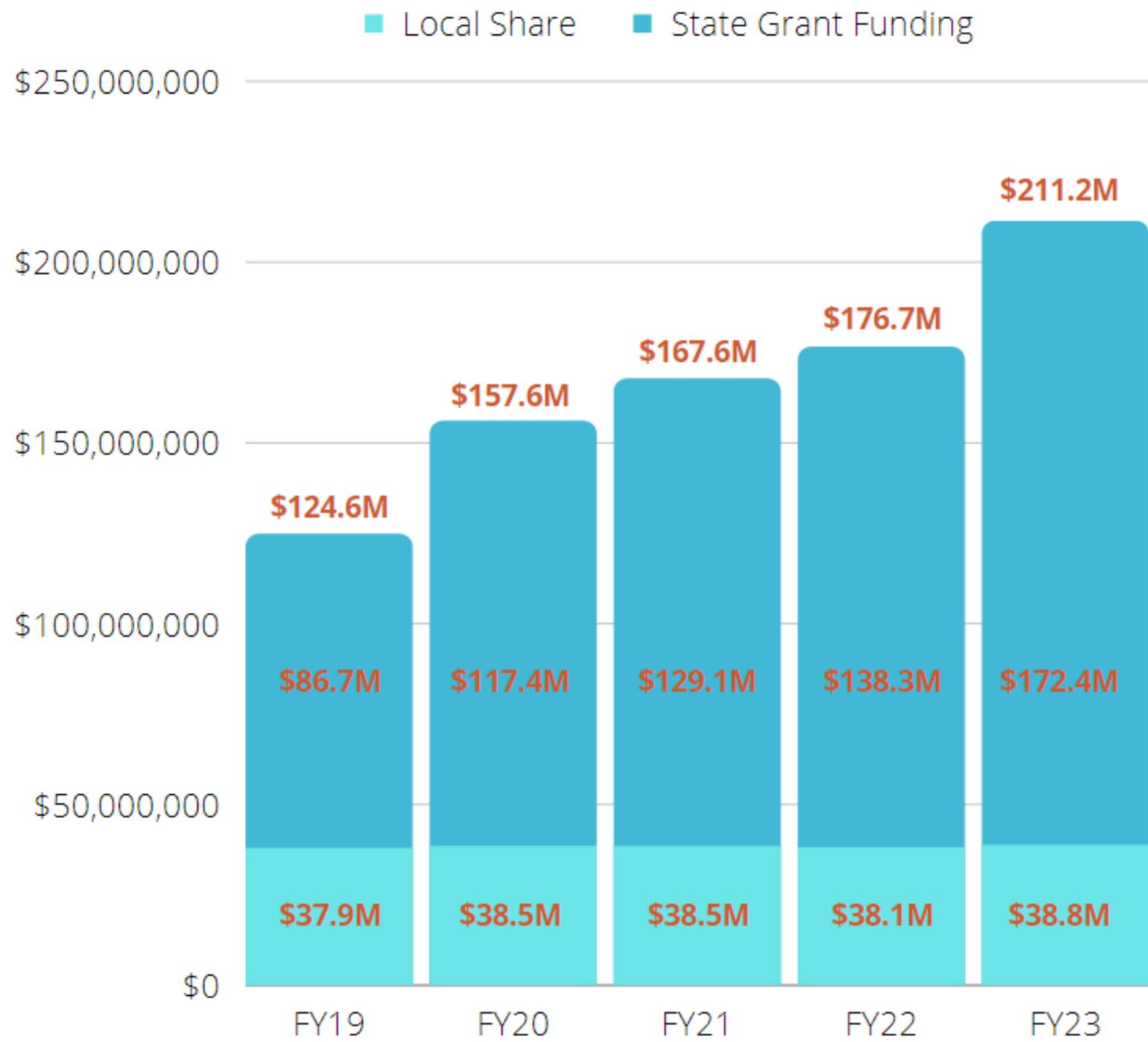
The MIDC has the authority and duty to "[i]nvestigate, audit, and review the operation of indigent criminal defense services to assure compliance with the commission's minimum standards, rules, and procedures." MCL §780.989(1)(b).



The MIDC staff serves a critical role

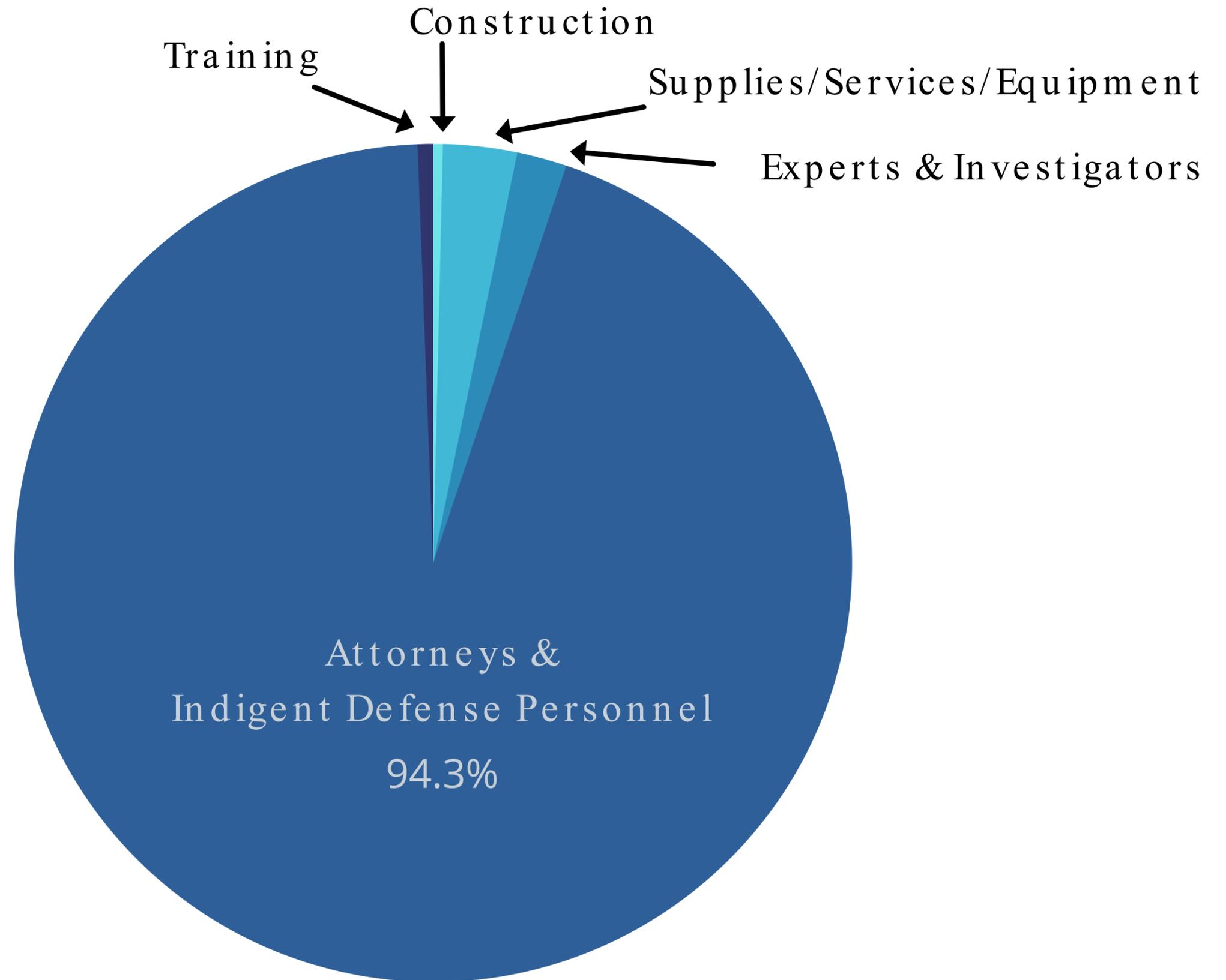


- 15 staff members support 19 Commissioners and 133 funding units across Michigan
- 6 regional managers, licensed attorneys experienced in public defense, assess compliance, provide technical assistance, primary point of local contact.
- Grant director and 2 analysts oversee all aspects of over \$211 million in compliance grants
- Training director and compliance analyst monitor continuing education requirements for about 1800 attorneys statewide
- Research director and analyst assess standards, collect and assess compliance data to improve local practices



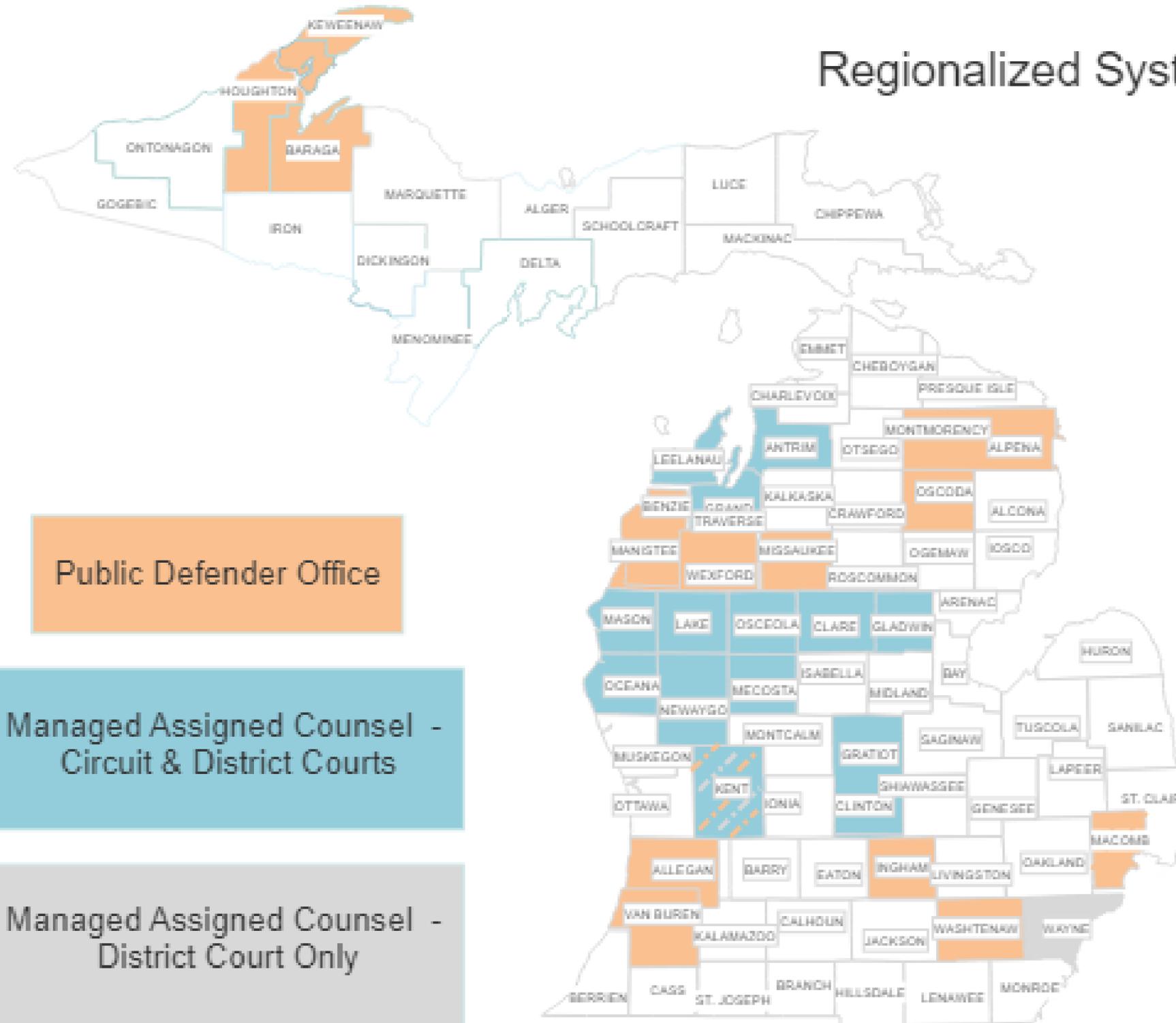
MIDC Approved
 Indigent Defense
 System Costs:
 State & Local Funding
 Cost Share

The funds appropriated for MIDC grants are distributed directly to 133 local systems, defined as trial court funding units. The majority of the funds support attorneys and other personnel providing services to clients.



**MIDC Compliance Grant:
Local Spending
FY22**

Regionalized Systems - FY23



Public Defender Office

Managed Assigned Counsel -
Circuit & District Courts

Managed Assigned Counsel -
District Court Only

Regionalized Kent
Districts
D59-1 - Grandville
D59-2 - Walker
D62a Wyoming
D62b - Kentwood

Regionalized Wayne
Districts and Municipalities
D 16 - Livonia
D 17 - Redford
D 19 - Dearborn
D 20 - Dearborn Heights
D 21 - Garden City
D 22 - Inkster
D 23- Taylor
D 24 - Allen Park
D 27 - Wyandotte
D 28 - Southgate
D 29 - Wayne
D 30 - Highland Park
D 31 - Hamtramck
D 32a - Harper Woods
D 33 - Trenton
D 34 - Romulus
D 35 - Plymouth
Grosse Pointe City
Grosse Pointe Farms/Shores
Grosse Pointe Park

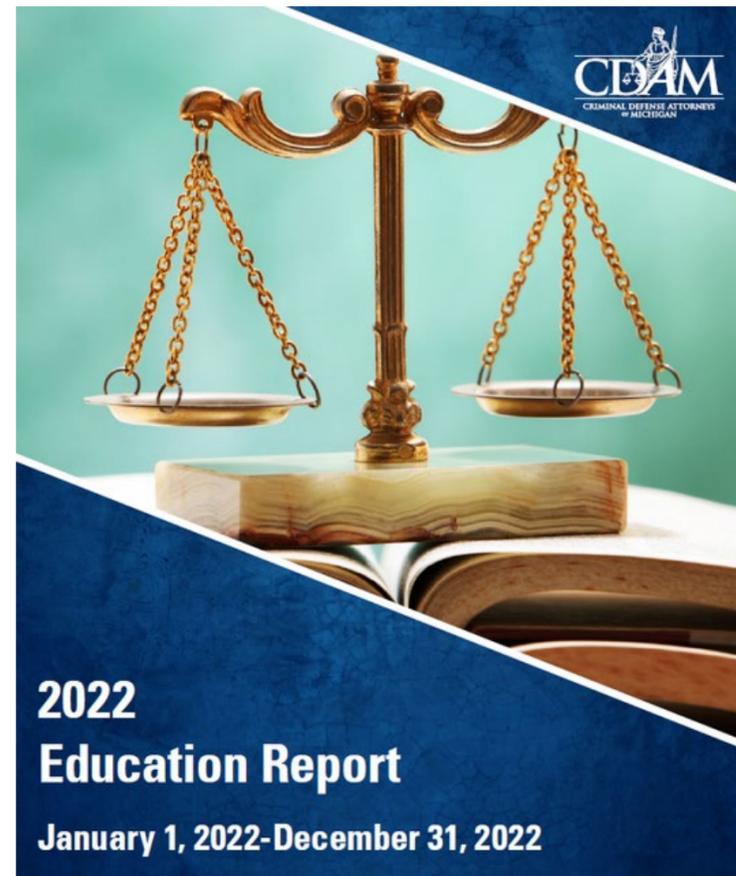
Education and Training of Defense Counsel

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

80% of the 1,877 attorneys representing indigent clients met or exceeded the MIDC's training requirements in FY22.

We partner with state and nat'l leaders, ensuring thousands of annual training hours:

Criminal Defense Attorneys of Michigan, SADO's Criminal Defense Resource Center, SBM, NAPD, etc.



3175 hours of hands-on skills training completed by 384 attorneys through a unique **Byrne JAG** funded program managed by the MIDC

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.

Attorney use of expert and investigator resources increased by nearly 200% since FY19, dramatically changing the culture of public defense statewide.

Michigan's public defender offices employ 48 investigator positions. Some also use paralegals or graduate interns to assist in investigative work.

MIDC grants support 51 social workers and client advocates in 27 counties, creating a new workforce of holistic defenders.

SOCIAL WORK DATA POINTS

Manual

June 2022



Wayne State to pilot holistic defense partnership for law and social work students

May 24, 2021



Assessing a Social Worker Model of Public Defense

Findings and Lessons Learned from Genesee County, Michigan

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.

83% of Michiganders with counsel at arraignments are represented by assigned counsel.

In FY22, over 229,000 people were represented by appointed counsel at arraignment.

Prior to the MIDC, attorneys were present at only 1,000 arraignments per year.



MICHIGAN

State reform will cut the clout of judges in picking lawyers for poor people

M.L. Elrick Detroit Free Press

Published 6:18 p.m. ET Oct. 30, 2020 | Updated 4:37 p.m. ET Oct. 31, 2020

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Judges are poised to lose their power to choose lawyers for poor people under a new state reform effort.

The Michigan Department of Licensing and Regulatory Affairs, which has been working for the past several years to improve the quality of criminal defense for poor people, on Thursday approved making changes to the way lawyers for the indigent are selected.

99% of indigent defense systems are fully independent from the judiciary.

MIDC Indigency Standard, being implemented now, ensures equal access to counsel and erases patchwork definitions of who qualifies for help.

Low-income defendants in Michigan get easier access to no-cost criminal defense

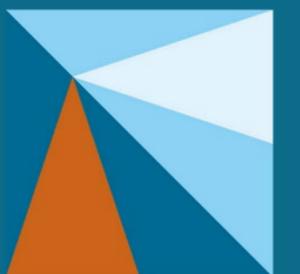


MIDC Operations:
\$3,167,400

FY24 Exec. Rec. includes an additional \$404,400 to fund 2 FTEs to ensure sound financial stewardship, proper compliance oversight, and technical assistance for current and recently approved standards.

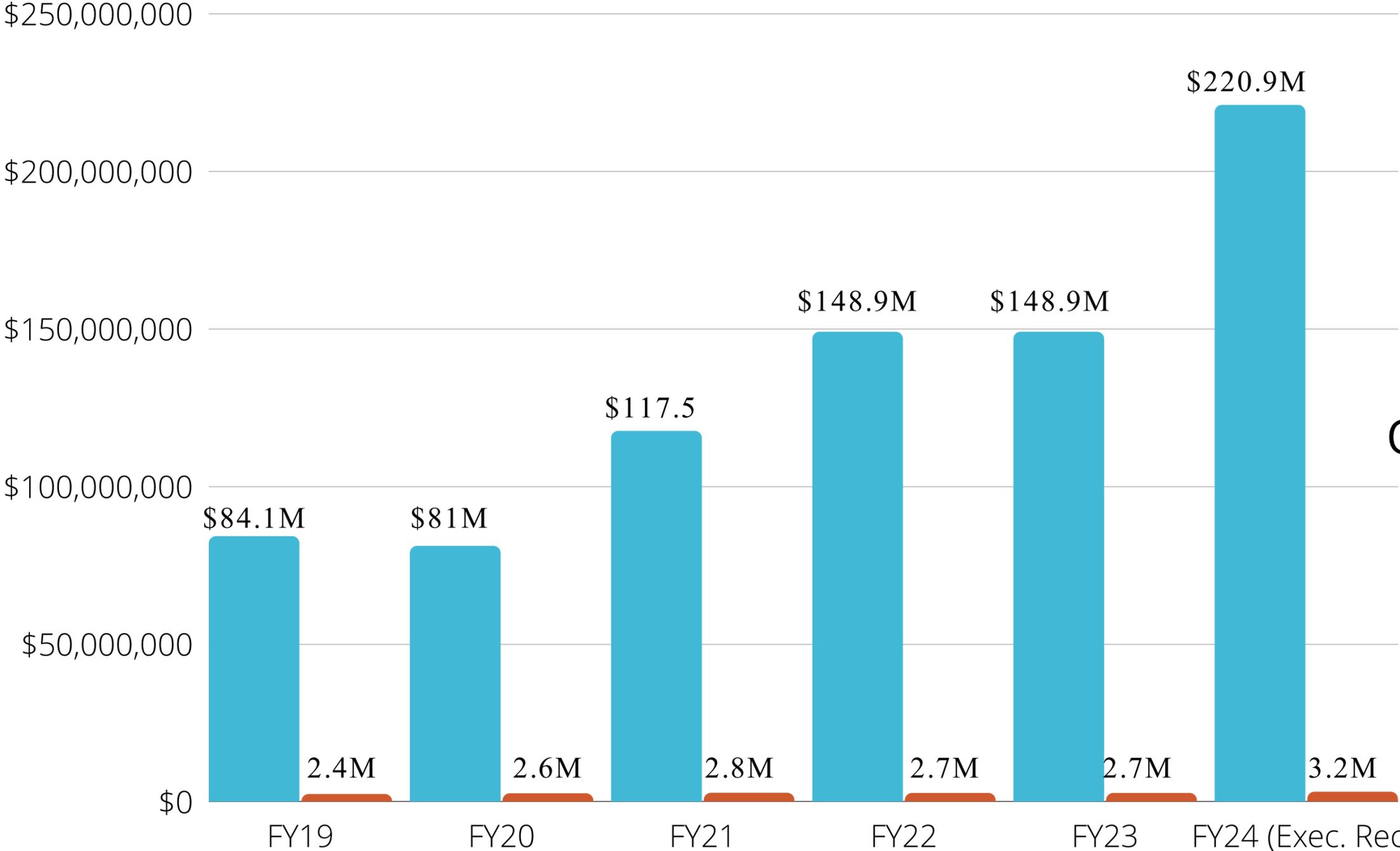
MIDC Compliance Grants -
State Share: \$220,917,400

MIDC's Minimum Standard on Attorney Compensation will incentivize quality defense. An estimated first year of statewide implementation for the new standard is an additional \$72 million.



State Appropriations

■ State Grants to Local Systems ■ MIDC Operations



FY24 Exec. Rec
Grants: \$220,917,400
Operations: \$3,167,400

Attorney Compensation Standard

- Attorneys must receive prompt compensation at a reasonable rate, using the AG office as a guideline for salaried defenders.
- Attorneys must be reimbursed for reasonable case-related expenses.
- Attorney hourly rates shall be at least \$100 per hours for misdemeanor, \$110 per hour for non-life offense felonies, and \$120 per hour for life offense felonies and will include annual cost of living increases.

LARA Director Orlene Hawks Signs New Indigent Defense Standard Ensuring Adequate Compensation and Resources for Defense Counsel

October 28, 2022

Standard 8 Removes Disincentives in Public Defense Compensation Positioning Michigan as a National Leader in Indigent Defense

LANSING, MI – Orlene Hawks, the Director of the Department of Licensing and Regulatory Affairs, approved the Michigan Indigent Defense Commission's (MIDC) proposed [Standard 8](#). This will ensure attorneys have the time, fees, and resources to provide effective assistance that is constitutionally guaranteed to indigent Michigan citizens facing criminal charges.

“For decades, inadequate and stagnant pay has created a workforce of Michigan appointed attorneys who defend the poor in direct conflict with their own well-being and economic interests,” says **MIDC Chair Christine Green**. “We know that about 23% of appointed criminal defense attorneys have reported missing or making late payments on student loans due to financial stress, 15% have a second job, and 10% are on government assistance. Standard 8 is simply critical to attracting and maintaining the highest quality defenders.”



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 works to ensure the state's public defense system is fair, cost-effective and constitutional while simultaneously protecting public safety and accountability.

We have answers to [frequently asked questions](#) [here](#).

Publications

FEBRUARY 1, 2023
MIDC Meeting – February 7, 2023

DECEMBER 14, 2022
MIDC Meeting – December 20, 2022

OCTOBER 7, 2022
MIDC Meeting – October 11, 2022

AUGUST 18, 2022
MIDC Meeting – August 23, 2022

Latest News

OCTOBER 28, 2022
LARA Director Orlene Hawks Signs New Indigent Defense Standard Ensuring Adequate Compensation and Resources for Defense Counsel

SEPTEMBER 19, 2022
Governor Whitmer Appoints Mathes, Reappoints Fisher, Jones, and Walker to MIDC

APRIL 20, 2022
MIDC 2021 Annual Report

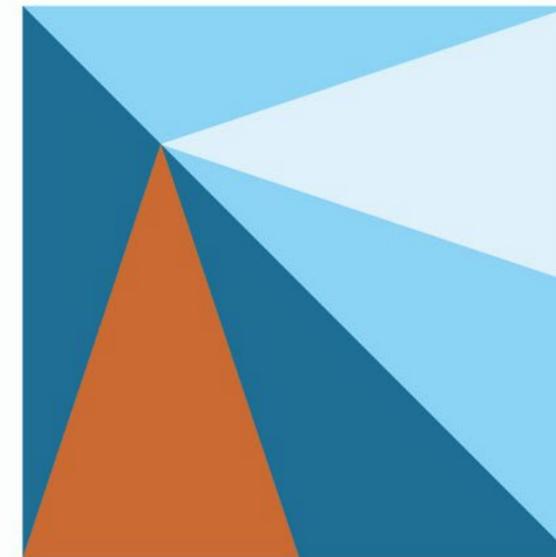
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