



**Special/Study Session Meeting  
6:00 p.m., Monday, November 20, 2017  
Conference Room  
23600 Liberty Street  
Farmington, MI 48335**

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## **STUDY SESSION AGENDA**

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Public Comment**
- 4. MIDC Discussion – 47<sup>th</sup> District Court Administrator David Walsh**
- 5. Plante Moran Annual Audit Presentation**
- 6. Other Business**
- 7. Council Comment**
- 8. Adjournment**

# STATE OF MICHIGAN



THE DISTRICT COURT 47TH JUDICIAL DISTRICT

31605 W. ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN 48336  
PHONE 248-871-2900  
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**MARLA E. PARKER**  
DISTRICT JUDGE


**DAVID WALSH**  
COURT ADMINISTRATOR

**JAMES B. BRADY**  
DISTRICT JUDGE

## MEMORANDUM

To: The Farmington Mayor and City Council

Through: David Murphy, City Manager

From: Dave Walsh, Court Administrator 

Re: The Michigan Indigent Defense Commission Standards 1 – 4 Compliance Plan Background and Executive Summary

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### Background

The Michigan Indigent Defense Commission (MIDC)(<http://michiganidc.gov/>) was created in 2013 (PA 93 of 2013) to develop and oversee the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure criminal defense services for indigent adults in Michigan were consistent with safeguards established by the United States and Michigan Constitutions. Creation of the MIDC was driven by a 2008 study by the National Legal Aid and Defender Association entitled, “*A Race to the Bottom; Speed and Savings Over Due Process: A Constitutional Crisis*”, which found that none of the 10 county indigent defense delivery systems studied were constitutionally adequate and that Michigan ranked 44<sup>th</sup> out of 50 states in per capita indigent defense spending.

The MIDC is part of the executive branch under the Department of Licensing and Regulatory Affairs. Under the legislation establishing the MIDC, trial court funding units were designated as “indigent criminal defense systems” and **required to submit plans to comply** with MIDC standards within 180 days of issue (MCL 780.993). However, **actual duty to comply** is contingent upon receipt of funding in the amount outlined in the cost analysis of any approved plan (MCL 780.997(2)).

On May 22, 2017, MIDC approved the first four (4) standards and set the submission date for compliance plans for November 20, 2017. The subjects of the four standards are:

- 1) Training and education for attorneys
- 2) Attorney-client interviews
- 3) Experts and investigators
- 4) Counsel at first appearance

## **Summary of Farmington Hills/Farmington/47th District Court Process**

City Managers Dave Boyer (Farmington Hills) and David Murphy (Farmington) designated 47<sup>th</sup> District Court Administrator Dave Walsh to form a work group of stakeholders to evaluate the current local process and draft the system compliance plan for Standards 1 – 4. The 15 person work group was formed over the summer and included representatives from city management, police, prosecution, the defense bar, judges, magistrates and other court staff. The group first met in September to review the Standards and evaluate the existing model for indigent defense. Subsequently, the work group met in October to review and discuss a first draft and then again in November to review a second draft and finalize a compliance plan for submittal by the November 20<sup>th</sup> deadline (see attachment).

Although the compliance plan addresses each of the four (4) standards, the significant impact, and projected cost, is in meeting Standard 4, counsel at first appearance. Any plan to comply with this Standard must address weekday court activity as well as weekend arraignments. After evaluating a number of options, the work group decided on a hybrid system, incorporating the use of “house counsel” for representation at first appearance, while retaining the traditional appointment system for indigent defense subsequent to first appearance.

Compliance with the Standards requires significant investment. As outlined in the attached plan, the work group projects increased annual system costs of over \$230,000, in addition to one-time planning costs of nearly \$6,000. In informal discussions with court representatives around the state, this cost is in line with, and in many cases significantly lower than, projected costs for other counties/communities, so implementation of the compliance plans may prove to be cost prohibitive. Our job at this juncture is to submit a compliance plan, which we are prepared to do. The funding question will be addressed at the state level in the coming months.

DW

Attachments



## MICHIGAN INDIGENT DEFENSE COMMISSION

### **Compliance Plan for Indigent Defense Standards 1 – 4**

#### **INSTRUCTIONS**

Local indigent defense systems have until **November 20, 2017**, to submit to the Michigan Indigent Defense Commission (MIDC) a plan for compliance with the first four approved minimum standards for indigent criminal defense services. This document includes instructions and a compliance plan structure for the submission and information on how to calculate your request for state funding. All application questions must be answered within the requirements, and all attachments and signatures included for a complete application. Failure to submit a complete application will result in the application being disapproved and returned, per MCL 780.993(4). Applications should be submitted through the MIDC's web portal at <http://portal.michiganidc.gov/>.

The application document includes the following sections: Applicant Information, Compliance Plan Narrative, Cost Analysis, Local Share Calculation, Data Collection, and Grant Calculation. The MIDC website, <http://michiganidc.gov>, hosts helpful information for compliance planning including additional guidelines, detailed white papers on each of the four standards and several model plans including sample cost analyses for different local indigent defense delivery systems.

#### **Guidelines for the Cost Analysis and Local Share in the Compliance Plan**

All proposed, estimated, or actual expenditures reported in either the Cost Analysis or the Local Share should be reflective of direct indigent defense system activities. For any funding requests for ancillary agencies, the claimed expense must be reasonably and directly related to the indigent defense function, with a clear justification and compelling rationale. The Local Share calculation – which acts as a baseline for continued funding unit contribution to the indigent defense system – may be reported as an estimate if the actual funding level cannot be calculated. If an estimate is provided for the Local Share, the methodology to calculate the estimate must be reported. All Local Share calculations must be certified by the authorizing official on the application. The following instructions provide general guidance for the Cost Analysis and, specifically, the enhanced costs to meet the provisions of the four standards. The costs, expenditures, and rates proposed are presumed reasonable; variations will be considered on a case-by-case basis.

**Standard 1** - Indigent defense systems may achieve this standard by having attorneys register for a specific training or by facilitating a local or regional training program. Registration for CLE hours will be allowed at the rate of \$25 per credit hour. Instructors for training programs will be reimbursed at reasonable consultant rates commensurate with the local market. A guideline for illustrative purposes may be up to \$75/hr with allowance for program development and preparation time for the training. Travel expenses for the attorneys to attend training or instructors for training programs will be reimbursed at current State of Michigan travel rates for mileage, meals, and lodging, if needed.

**Standard 2** - Attorney time to meet this standard will be reimbursed according to reasonable local attorney rates, whether salaried, contract, or assigned attorneys. To facilitate early communication, practical use of technologies available for digital face-to-face communication may be employed. Supplies and equipment needed for technology-based communications will be considered. If it is necessary to create or alter building space to provide a confidential setting for attorneys and their clients, renovation expenses are allowed up to a maximum of \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification.

**Standard 3** - Expenses for investigators will be considered at hourly rates not to exceed \$75. Expenses for expert witnesses will follow a tiered level of compensation based on education level and type of expert,\* not to exceed these amounts:

High School or Equivalent	\$30/hr
Associate's Degree	\$50/hr
Bachelor's Degree	\$70/hr
Master's Degree	\$85/hr
Crime Scene and Related Experts	\$100/hr
CPA/Financial Expert	\$100/hr
Pharmacy/PharmD	\$125/hr
Information Technology Experts	\$150/hr
Ph.D./Licensed Doctor	\$200/hr

*\*The table of expert hourly rates is adopted from the guidelines published by the North Carolina Indigent Defense Services Commission. Variations will be considered on a case-by-case basis.*

Each indigent defense system will be limited to a capped amount of funds for investigators and experts based on the total new circuit adult criminal filings within the jurisdiction in the most recent calendar

year, as reported and certified with the State Court Administrative Office. Systems within district courts of the 3<sup>rd</sup> class are considered in Tier I unless special circumstances are presented.

0 - 499 cases/year = Tier I - \$10,000

500 - 999 cases/year = Tier II - \$25,000

1,000 – 9,999 cases/year = Tier III - \$50,000

Over 10,000 cases/year = Tier IV – To be determined bases on further discussion and review of records of the system(s)

**Standard 4** - Attorney time to meet this standard should be reimbursed according to reasonable attorney rates, whether salaried, contract, or assigned attorneys. Methods for implementation can include on-call or appointed attorney systems, or other efficient models.

### **APPLICANT INFORMATION**

Applicant Funding Unit(s): **Farmington/Farmington Hills**

Trial Courts Included in this Compliance Plan Submission: **D47**

Fiduciary Funding Unit: **Farmington/Farmington Hills**

Federal ID Number:

Street Address/City/Zip Code:

**City of Farmington Hills**  
31555 W. Eleven Mile Rd.  
Farmington Hills, MI 48336  
(248) 871-2410  
[dboyer@fhgov.com](mailto:dboyer@fhgov.com)

**City of Farmington**  
23600 Liberty St.  
Farmington, MI 48335  
(248) 474-5500  
[dmurphy@farmgov.com](mailto:dmurphy@farmgov.com)

AUTHORIZED OFFICIAL (Person Authorized to Enter into Agreements):

Name and Title

**David Boyer, City Manager, City of Farmington Hills**

Signature

Date

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**David Murphy, City Manager, City of Farmington**

Signature

Date

## CONTACT INFORMATION

### PRIMARY CONTACT

(Person Responsible for Oversight and Reporting of Standards Implementation):

Name and Title

Dave Walsh, Court Administrator, 47<sup>th</sup> District Court

Street Address/City/Zip

31605 W. Eleven Mile Rd., Farmington Hills, MI 48336

Telephone 248-871-2973

Email Address [dwalsh@fhgov.com](mailto:dwalsh@fhgov.com)

Signature

Date

### FINANCIAL CONTACT

(Person Responsible for Grant Accounting):

Name and Title

Steve Barr, Finance Director, City of Farmington Hills

Chris Weber, Treasurer, City of Farmington

31555 W. Eleven Mile Rd.  
Farmington Hills, MI 48336

23600 Liberty St.  
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[cweber@farmgov.com](mailto:cweber@farmgov.com)

Name and Title

Steve Barr, Finance Director, City of Farmington Hills

Signature

Date

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Chris Weber, Treasurer, City of Farmington

Signature

Date

## COMPLIANCE PLAN NARRATIVE

Briefly describe the indigent defense delivery system(s) – contract, assigned counsel, or public defender – that the funding unit(s), for which this application is being considered, employed to deliver services before the MIDC Act took effect (July 1, 2013).

D47 uses an assigned counsel system. Each judge maintains a list of attorneys that have expressed interest in receiving misdemeanor appointments. Felony appointments are all made by the 6<sup>th</sup> Circuit. Misdemeanor appointment attorneys are paid a standard fee; the judges consider written requests for extraordinary fees on a case by case basis. Attorneys are appointed on a rotation basis from established lists or based upon the pace and volumes of district court misdemeanor work, appointments are often given to list attorneys who are available in the courthouse at the time of need.

Under the current system, there are no structured provisions for misdemeanor appointments during weekend arraignments. Magistrates conducted weekend arraignments at each of the funding unit police departments every Saturday and Sunday, as well as on court holidays.

In addition to the regular appointment system, the Court utilizes a “House Counsel” system on Monday afternoons to cover the Sobriety Court docket and any other appointments needed during that time. The designated House Counsel is paid \$250 for the afternoon.

Generally, how does the system(s) intend to comply with the MIDC standards 1-4? Please address whether you will continue with the model in place above, whether you have already made a transition to a new delivery system, or whether you intend to transition to a new delivery system.

We anticipate changing our system to a hybrid “house counsel” and appointment model. For **Standard 1**, we will participate in the OCBA-County initiative for training delivery to Oakland County attorneys (see attachment). For **Standard 2**, we will add language to the order of appointment advising the appointed attorney of his/her duty to conduct an initial client intake interview within the guidelines established for in-custody/non-custody clients. For **Standard 3**, since we have always accepted, but rarely have received these types of requests on misdemeanors in the past, we will have to create a process for tracking and accounting for such requests in the future. The bulk of the work for us will be in complying with **Standard 4**, particularly with regard(s) to the weekend arraignment process, as we have never had appointed attorneys involved in the weekend arraignment process. We intend to use a hybrid house counsel – appointment model.



Please identify the name and position held (e.g., county administrator, judge, defense attorney, etc.) for each person involved in the compliance planning process for this delivery system.

We have created a work group, which includes the following individuals:

Judge James Brady, Judge Marla Parker, Farmington Hills City Manager Dave Boyer, Farmington City Manager David Murphy, Magistrate/Defense Attorney Michael Sawicky, Magistrate/Defense Attorney Matthew Friedrich, Defense Attorney Katherine Hom, Defense Attorney Christopher Jarboa, City Attorney Steven Meads, Farmington Hills Police representatives Bonnie Unruh and Perry Edgell, Farmington Public Safety representative Ted Warthman, Court Administrator Dave Walsh, Deputy Administrator Stacy Parke, Clerk Supervisor Donna Rusher.

Provide an attachment with the names, license or P#'s, and years of criminal defense experience for all attorneys the funding unit(s) intends to have deliver services as part of the local indigent defense system.

See list. Of the 61 attorneys on our list, 35 receive appointments from other Oakland County courts as well; therefore 26 will require the \$300 CLE funding to be provided through the MIDC.

## **Standard 1 – Training and Education**

Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any of the attorneys included in this plan have fewer than the required experience and require this training? How many?

Per the 6<sup>th</sup> Circuit's examination of court appointed attorney lists from all the courts within the County, there are only two attorneys countywide that fall into this category. To date, we have not been advised as to whether either of the two attorneys are on our list.

All attorneys shall annually complete at least 12 hours of continuing legal education. How many attorneys require training in this plan?

Per the Oakland County/OCBA plan document, there are 206 attorneys currently that will be designated to receive the training. The 47<sup>th</sup> District Court will issue a letter to each attorney on its list to verify that they continue to wish to be eligible for appointments from the 47<sup>th</sup> District Court.

How will the funding unit(s) ensure that the attorneys satisfy the 12 hours of continuing legal education during the plan year?

Oakland County and the third class districts in the County are establishing a uniform county-wide CLE program through the OCBA.

As this is a new cost directly mandated by the MIDC, after State funding is provided, the County will contract with the OCBA for a two-year pilot program under which the OCBA will provide CLE programming, evaluate the programming, monitor CLE credits earned by each attorney, send attorneys emails concerning their CLE status, send the MIDC and each funding unit a year-end report of CLE credits earned by each attorney, and meet with the funding units periodically to assess the pilot program. The draft contract will be between the OCBA and the County for a two year period with an addendum for third class district to sign as a participant in the program.

Oakland County has reviewed the appointment list from each of the courts in the County and has identified duplicates within the lists and arrived at the 206 number noted previously. The pilot program will be funded by the \$300/attorney funding from the MIDC. The cost of operating the CLE program will be further evaluated after the OCBA has purchased and installed software to monitor CLE credits for participants, hired staff, and evaluated its programming for effectiveness and other cost considerations. The following issue of concern is outstanding: How will the MIDC handle distribution of the \$300 CLE funding where there are inter-county CLE funding requests (i.e. John Doe handles appointments in both Wayne and Oakland Counties). Without full funding for each practicing attorney, it is unlikely Oakland County will be able to fund the program.

## **Standard 2 – Initial Interview**

When a client is in local custody, counsel shall conduct an initial client ***intake interview within three business days*** after appointment. When a client is not in custody, counsel shall ***promptly deliver an introductory communication*** so that the client may follow-up and schedule a meeting. To be successful, this requires immediate notification of appointment and client contact information.

How does the plan facilitate immediate attorney assignment and notification of new cases? How will the system ensure attorneys are completing their interviews within three business days? How will the initial interview be accomplished?

Attorneys are either present at appointment or contacted/advised by telephone. If attorneys receive an appointment in the courthouse, we have ample number of attorney/client conference rooms, including two public/custody spaces per lock up area. If an attorney receives an appointment on the weekend, with modification, an adequate, secure space for interview can be provided for the defendant adjacent to the lock up area, and with some modification, an adequate space can be provided for the attorney at the courthouse for either a video or, more likely, an audio hook-up. If an attorney is off site, the modifications to the rooms at the police stations will allow for a phone interview with an in-custody client. The necessary modifications at the police stations are estimated at \$2,000 per room.

The responsibility to fulfill the 3 day mandate or the introductory communication is on the attorney as an officer of the court. The court will investigate any complaint to the contrary, but does not have the available resources to track each individual appointment to ensure the attorney is acting in his/her client's behalf according to the standard. The court will incorporate the necessary language on this responsibility onto the Order of Appointment form.

This standard further requires a confidential setting be provided for all client interviews.

Does the jail have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

With some facility modification (as noted above) both the FHPD and FPS facilities can provide a confidential setting.

Does the courthouse have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

All of the interview rooms at the court facility provide a confidential setting. There are available attorney/client conference rooms adjacent to each courtroom, and, as noted previously, two secure interview rooms per lock up facility. Some modification may be necessary to allow for a private video conference.

### **Standard 3 – Experts and Investigators**

This standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client's defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.

How will this standard be complied with by the delivery system?

The judges can/will entertain such requests currently. They are evaluated on a case-by-case basis. There is little to no history of such requests, so it is difficult to impossible to anticipate the potential increase and thereby the costs associated.

Based upon our Tier 1 status as outlined in this application, we will anticipate the tier maximum of \$10,000 annually.

## Standard 4 – Counsel At First Appearance and Other Critical Stages of the Case

Counsel shall be appointed to provide assistance to the defendant as soon as the defendant's liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

How will this standard be complied with by the delivery system?

Currently, the Court holds walk-in arraignments throughout the day, Monday through Friday. In addition, in-custody arraignments are held each morning and afternoon. The magistrates conduct arraignments on the weekends, typically once each day at each station as needed. **In order to ensure the presence of an attorney at first appearance, these patterns will have to be altered to allow for the planned presence of an attorney, and likely there will be fewer arraignment opportunities for defendants as a result.**

**To minimize the need to reduce the availability of arraignment times,** the Court will implement two changes: 1) the judges can issue a **standing personal recognizance order** for DWLS 1<sup>st</sup> and No Operator's License defendants (and any other offenses the judges deem appropriate to be within such an order), and 2) the Court shall **make available to defendants a "Waiver of Attorney at First Appearance Form"** as an option they could choose if they did not wish to wait or come back for a scheduled arraignment time.

The Court would adopt a "house counsel" weekday schedule, where an attorney would be designated to handle all arraignments and other appointments for half a day (schedule to be determined). For example, Tuesday through Friday, the Court may schedule house counsel for the afternoon and conduct any walk-in and all in-custody arraignments at that time. On Mondays, the primary arraignment day, house counsel would be present for the day. House counsel would be paid \$300 for a half day and \$600 for a full day. This would amount to an estimated cost to the funding units of \$1,800 per week or \$93,600 per year.

**Weekend arraignments** would be scheduled for a single time slot on each Saturday and Sunday. **The magistrate would conduct arraignments via video from the courthouse with both police departments.** House counsel would be at the courthouse and have an opportunity to interview clients via video and/or telephone in advance of arraignment. Counsel would be paid the half day rate of \$300, which would equal an estimated cost to the funding units of \$600 per weekend or \$31,200 per year.

House counsel appointments would not be vertical. At first appearance, defendants requesting counsel for future proceedings would still have to complete a Request for Assignment form and counsel for the remainder of the case would be assigned from the Court's attorney assignment list,

unless there was reason for house counsel to remain as assigned counsel. In either event, assigned counsel would be paid \$200 for the case (based on an estimated 2 hours of expected time investment). Written requests for extraordinary fees would continue to be considered by the judges on a case by case basis.

In addition, **a court clerk/recorder would be required to operate the video and recording equipment and process the necessary paperwork on the weekends**(Currently, the magistrates use a hand held recorder and process paperwork by hand). This would be done with a rotation of clerk/CEO staff from the Clerk's Office requiring overtime pay. Assuming a minimum shift of 4 hours per weekend day (8 hours of arraignments per weekend) and 4 hours on each of 12 court holidays, the estimated annual cost would be \$16,240.00 (464 hours at \$35.00 per hour) plus fringe items noted in the cost analysis section below.

## **COST ANALYSIS**

The MIDC Act requires funding unit(s) to provide a cost analysis as part of a request for state funding. The cost analysis should include all total indigent criminal defense services costs for compliance with minimum standards and the amount of funds in excess of the local share necessary to comply with the standards. Refer to the instructions guide for grant allowances.

### **Personnel**

Include staff, if any, whose work is or will be reasonably and directly related to the indigent defense function.

Name	Position	Computation	Total
Clerk/CEO (Sample)	Weekend (104) and Holiday (12) clerk/CEO	\$35 x 4 x116	\$16,240
<b>Total</b>			<b>\$16,240</b>

Describe the duties of the positions listed (whether full-time or part-time) the number of hours worked, and rate of pay. Identify whether the positions will be a new cost as a result of the compliance plan.

Fringe Benefits	Percentage	Total
Employer FICA	.0765	\$1,242.36
Retirement	.2054	\$3,335.70
Hospital Insurance		
Dental Insurance		
Vision Insurance		
Unemployment		
Worker's Compensation	.0045	\$73.08
Life Insurance	.18	\$71.28
Disability	.60	\$97.44
Accidental Death & Dismemb.	.02	\$7.92
<b>TOTAL</b>		<b>\$4,827.78</b>

Describe the fringe benefits listed here with the positions above. Additional benefit costs for overtime wages for clerk/CEO at weekend arraignments (104 weekend dates and 12 court holidays).

### **Contractual**

For assigned counsel, you may group all attorney contracts in one line item. You may list the computation as "various" to indicate various rates of pay and provide detail below for the pay

structure. List contractors for training programs. Also, list contractors who will be providing construction services for confidential space, if needed. Confidential space costs should be discussed in detail below but costs cannot exceed \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification. List contracts for investigators and experts here.

CONTRACTOR	COMPUTATION	SERVICES TO BE PROVIDED	TOTAL
House Counsel	\$300 Half Day Rate	Tuesday – Friday Arraignments and other needed appointments	$(\$300 \times 4) \times 52 = \$62,400$
House Counsel	\$600 Full Day Rate	Mondays Arraignments and other appointments as needed	$\$600 \times 52 = \$31,200$
House Counsel	\$300 Half Day Rate	Sat & Sun	$\$600 \times 52 = \$31,200$
Assigned Counsel	\$200 per assigned case (increased from current \$150/case based on Standard 8 recommendations)	Vertical counsel for the remainder of the case	\$87,500 (based upon a 25% increase in per case payment over 2017-18 budget)
Construction ( to be bid out)	\$2,000 x 2	Necessary physical/technical changes to prisoner interview space at FHPD and FPS	\$4,000
TOTAL			\$216,300

Provide detail for the types of contractors listed above, rates and hours, and services to be provided. Identify if the contractor will be a new cost or includes cost enhancements for implementation of the compliance plan.

**Travel and Training**

Include registrations for continuing legal education hours and training. Travel expenses should adhere to local funding unit travel policies, not to exceed State of Michigan standardized travel rates.

TYPES OF TRAVEL/TRAINING	COMPUTATION	TOTAL
Training through OCBA-Oakland County partnership	\$300 x 35(non-duplicate attorneys from county-wide lists (26) plus anticipated increase)	\$10,500
TOTAL		\$10,500

Provide detail for the types of travel and training expenses with applicable rates. Identify whether the expense is new as a result of the compliance plan.

This is for training to comply with Standard 2 as outlined in the joint proposal by Oakland County and the Oakland County Bar Association (OCBA). 26 is the number of attorneys on the 47th District Court list of 61 paid attorneys in 2016 whose names are not duplicated on other court lists throughout the county.

**Supplies and Other**

Include all other expenses not provided elsewhere in the cost analysis.

ITEM	COMPUTATION	TOTAL
Experts and investigators	Tier 1 maximum	\$10,000
TOTAL		\$10,000

Provide details for supplies and other expenses. Identify whether the expense is new as a result of the compliance plan.

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Total Cost Analysis (sum of all expenditure sections)

<b>\$257,867.78</b>
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The MIDC Act, MCL 780.993(2), allows for an indigent defense system to request reimbursement as part of the total grant for the cost of developing the compliance plan. If submitting a claim for this expense, provide an explanation and calculation with details of all plan development costs. Attach a separate document with the compliance plan submission if needed.

<b><u>GRANT CALCULATION</u></b>	
TOTAL COST ANALYSIS	\$255,167.78
COMPLIANCE PLANNING COSTS	+ \$5,982.18
LOCAL SHARE	- \$21,439.28
<b>COMPLIANCE PLAN GRANT REQUEST</b>	<b>\$239,710.68</b>

The Local Share is defined as an indigent criminal defense system's average annual direct expenditures for adult criminal defense services for three fiscal years preceding the creation of the MIDC Act (effective July 1, 2013). Collections or reimbursements made to the system for partially indigent defendants are applied to the calculation.

Expenditures to be included in the calculation:

- Payments to criminal defense attorneys (contracts, public defenders, appointed systems, hybrid systems) for providing indigent adult criminal defense services including services for expedited docket programs, criminal contempt, juveniles waived into adult court, appeals from district to circuit court or eligible interlocutory appeals to the Court of Appeals
- Payments to experts and investigators
- Other expenses including attorney supplies, travel, or training

Services not included as expenditures:

- Post-sentencing appeals
- Probate, Juvenile Delinquency, Abuse and Neglect cases
- Civil Contempt
- Counsel at lineup (before charges are filed)

Reimbursements:

- Fees paid by or on behalf of a defendant for indigent criminal defense services including payments by the Michigan Department of Corrections and grant payments that include indigent defense services as eligible grant expenditures (i.e. expedited docket programs)



- Location, date and content of all completed training courses

#### Case-Level Data Points

- Defendant request for appointed counsel
- Court appointment of counsel and date
- Date of attorney notification of appointment
- Date of initial client interview
- Request for investigator, date granted or denied
- Request for expert witness, date granted or denied
- Presence of counsel at first appearance
- Mechanism by which counsel at first appearance was provided
- Type and amount of bail issued, if any

The MIDC Act, MCL 780.993 (9), requires the state to appropriate funds for the reasonable costs associated with data required to be collected by the MIDC in excess of the local government's data costs for other purposes. Costs associated with data collection are not required to be submitted with this compliance plan submission but will be addressed at a future date and are remarked here for informational purposes.