

Michigan Indigent Defense Commission

Report to the Legislature per P.A. 87 of 2022, Section 802

Public Act 87 of 2021 requires the following:

From the funds appropriated in part 1, the Michigan Indigent Defense Commission (MIDC) shall submit a report by September 30 to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget director on the incremental costs associated with the standard development process, the compliance plan process, and the collection of data from all indigent defense systems and attorneys providing indigent defense. Particular emphasis shall be placed on those costs that may be avoided after standards are developed and compliance plans are in place.

MIDC Act Background

The Michigan Indigent Defense Commission was established as a part of the judicial branch. Public Acts 439 – 443 of 2016 re-established the MIDC within the Department of Licensing and Regulatory Affairs.

All funding appropriated for MIDC operation and state grant budgets is used for statewide development, implementation, and continued oversight of minimum standards for indigent criminal defense services. This includes data collection, compliance monitoring and technical assistance provided to local indigent defense systems.

- FY22 MIDC operation dollars: \$2,699,400
- FY22 MIDC local indigent criminal defense system compliance grant dollars: \$148,917,400

Standard Development

Six MIDC Standards are currently approved by the Department of Licensing and Regulatory Affairs. This includes standards on:

1. Attorney training (Standard 1)
2. Timely and confidential attorney-client meetings (Standard 2)
3. Experts and investigators (Standard 3)
4. Counsel at all critical stages (Standard 4)
5. Independence from the judiciary (Standard 5)
6. Indigency determinations (Indigency Standard)

Three MIDC standards are pending with the Director of LARA for her review and approval. Those standards address the following issues:

1. Attorney workload limitations (Standard 6)
2. Qualification and review of attorneys accepting assignments (Standard 7)
3. Economic disincentives or incentives for attorneys practicing indigent defense (Standard 8)¹

¹ On April 26, 2022, the MIDC formally requested that LARA prioritize Standard 8 separately from the other remaining minimum standards.

The MIDC has one undeveloped standard required by the MIDC Act: continuous representation by the same attorney throughout the pendency of a case (vertical representation).

Compliance with MIDC Standards

To aid in sustained local compliance of the minimum MIDC Standards and rules, the approval and implementation process has been staggered. Standards 1-4 were implemented in FY19, Standard 5 was implemented in FY22, and the Indigency Standard will be implemented by the end of FY23.

To date, all 133 local indigent criminal defense systems are compliant with the required minimum standards.

The MIDC publishes all standards, reports, and materials on its website: www.michiganidc.gov.

MIDC Region	Trial Court System		MIDC Funding	FY22 Local Share (+ 1.2%)	Total System Cost	Regional Total Costs
LMOSC	D 37 Cities of Warren/Centerline	1	\$823,519.65	\$121,606.11	\$945,125.76	
	D 38 City of Eastpointe	1	\$502,456.41	\$52,489.74	\$554,946.15	
	D 39 Roseville and Fraser	1	\$706,665.52	\$89,366.68	\$796,032.20	
	D 40 City of St Clair Shores	1	\$473,875.83	\$7,010.18	\$480,886.01	
	D 41a1 Sterling Heights	1	\$360,353.00	\$0.00	\$360,353.00	
	D 41-a-2 Shelby Twp	1	\$322,175.00	\$0.00	\$322,175.00	
	D 41b Clinton Township	1	\$480,182.64	\$43,192.36	\$523,375.00	
	D 43-2 City of Ferndale	1	\$542,382.50	\$15,158.75	\$557,541.25	
	D 43-3 City of Madison Heights	1	\$485,116.23	\$1,763.94	\$486,880.17	
	D 44 City of Royal Oak	1	\$598,229.55	\$22,470.45	\$620,700.00	
	D 45 City of Oak Park	1	\$408,092.86	\$41,757.14	\$449,850.00	
	D 46 Southfield	1	\$491,728.00	\$81,972.00	\$573,700.00	
	D 47 City of Farmington	1	\$334,786.59	\$21,696.55	\$356,483.14	
	D 48 Birmingham	1	\$515,257.40	\$17,292.64	\$532,550.04	
	D 50 Pontiac	1	\$603,133.64	\$17,846.62	\$620,980.26	
	D 51 Waterford	1	\$250,430.85	\$31,495.97	\$281,926.82	
	Lapeer County	1	\$626,929.81	\$108,770.19	\$735,700.00	
	Macomb County	1	\$5,114,430.09	\$2,220,200.49	\$7,334,630.58	
	Oakland County	1	\$5,799,650.39	\$1,850,703.10	\$7,650,353.49	
	St. Clair County	1	\$2,350,681.03	\$742,832.29	\$3,093,513.32	
						\$27,277,702.19
Mid Michigan	Alcona County	1	\$117,064.17	\$40,610.83	\$157,675.00	
	Alpena County	1	\$513,660.66	\$161,762.81	\$675,423.47	
	Arenac County	1	\$143,646.61	\$113,217.22	\$256,863.83	
	Bay County	1	\$901,881.83	\$600,267.28	\$1,502,149.11	
	Clare/Gladwin Counties	1	\$1,280,120.43	\$234,211.53	\$1,514,331.96	
	Huron County	1	\$575,437.43	\$80,388.83	\$655,826.26	
	Iosco County	1	\$199,089.24	\$170,125.24	\$369,214.48	
	Isabella County	1	\$1,351,810.10	\$236,106.56	\$1,587,916.66	
	Lake County	1	\$235,547.38	\$77,132.21	\$312,679.59	
	Mason County	1	\$615,564.60	\$155,320.77	\$770,885.37	
	Mecosta County	1	\$374,035.20	\$165,276.80	\$539,312.00	
	Midland County	1	\$304,289.87	\$257,058.73	\$561,348.60	
	Montmorency County	1	\$239,992.80	\$16,749.61	\$256,742.41	
	Newaygo County	1	\$683,862.70	\$199,441.35	\$883,304.05	
	Oceana County	1	\$458,186.10	\$92,044.44	\$550,230.54	
	Ogemaw County	1	\$614,603.90	\$146,403.00	\$761,006.90	

	Osceola County	1	\$361,744.15	\$69,619.53	\$431,363.68	
	Oscoda County	1	\$154,873.98	\$53,806.02	\$208,680.00	
	Roscommon County	1	\$216,530.94	\$201,674.06	\$418,205.00	
	Saginaw County	1	\$4,626,338.51	\$908,692.00	\$5,535,030.51	
	Sanilac County	1	\$344,203.39	\$65,041.20	\$409,244.59	
	Tuscola County	1	\$1,249,564.16	\$251,471.88	\$1,501,036.04	
						\$19,858,470.05
Northern Michigan	Alger County	1	\$405,885.10	\$52,940.80	\$458,825.90	
	Antrim County	1	\$182,786.23	\$79,372.17	\$262,158.40	
	Charlevoix County	1	\$434,236.21	\$166,828.20	\$601,064.41	
	Cheboygan County	1	\$303,321.19	\$143,100.85	\$446,422.04	
	Chippewa County	1	\$356,843.11	\$222,178.53	\$579,021.64	
	Crawford County	1	\$693,411.84	\$14,882.47	\$708,294.31	
	Delta County	1	\$621,355.97	\$108,518.78	\$729,874.75	
	Dickinson County	1	\$505,099.52	\$67,982.11	\$573,081.63	
	Emmet County	1	\$332,563.71	\$161,235.89	\$493,799.60	
	Gogebic County	1	\$463,410.81	\$103,358.07	\$566,768.88	
	Grand Traverse County	1	\$1,116,101.35	\$155,422.96	\$1,271,524.31	
	Houghton (Baraga, Keweenaw)	1	\$632,581.33	\$156,898.87	\$789,480.20	
	Iron County	1	\$533,406.78	\$72,356.31	\$605,763.09	
	Kalkaska County	1	\$396,646.87	\$39,462.94	\$436,109.81	
	Leelanau County	1	\$206,736.62	\$52,315.70	\$259,052.32	
	Luce County	1	\$262,195.93	\$29,880.31	\$292,076.24	
	Mackinac County	1	\$69,225.97	\$135,491.62	\$204,717.59	
	Manistee/Benzie Counties	1	\$704,673.31	\$280,379.94	\$985,053.25	
	Marquette County	1	\$1,011,820.06	\$227,670.65	\$1,239,490.71	
	Menominee County	1	\$399,935.96	\$115,064.40	\$515,000.36	
	Ontonagon County	1	\$169,334.85	\$27,502.46	\$196,837.31	
	Otsego County	1	\$275,326.20	\$81,468.02	\$356,794.22	
	Presque Isle County	1	\$162,699.80	\$74,168.79	\$236,868.59	
	Schoolcraft County	1	\$202,899.73	\$35,958.87	\$238,858.60	
	Wexford/Missaukee Counties	1	\$990,701.02	\$145,464.88	\$1,136,165.90	
						\$14,183,104.06
South Central Michigan	Clinton County	1	\$1,155,074.66	\$146,394.91	\$1,301,496.57	
	Eaton County	1	\$1,673,737.93	\$440,970.90	\$2,114,708.83	
	Genesee County	1	\$3,869,213.84	\$1,322,530.18	\$5,191,744.02	
	Gratiot County	1	\$678,966.43	\$82,584.93	\$761,551.36	
	Hillsdale County	1	\$273,765.57	\$112,642.68	\$386,408.25	
	Ingham County	1	\$5,566,775.92	\$912,845.25	\$6,479,621.17	
	Jackson County	1	\$3,613,252.33	\$561,783.17	\$4,175,035.50	

	Lenawee County	1	\$1,740,310.79	\$212,713.55	\$1,953,024.34	
	Livingston County	1	\$1,392,680.60	\$927,689.27	\$2,320,369.87	
	Monroe County	1	\$966,374.61	\$213,883.16	\$1,180,257.77	
	Shiawassee County	1	\$1,156,393.71	\$105,043.58	\$1,261,437.29	
	Washtenaw County	1	\$4,058,515.78	\$2,622,525.54	\$6,681,041.32	
						\$33,806,696.29
Wayne County	D 16 Livonia	1	\$574,956.13	\$17,418.40	\$592,374.53	
	D 17 Township of Redford	1	\$354,367.03	\$52,102.37	\$406,469.40	
	D 18 City of Westland	1	\$552,093.78	\$62,341.22	\$614,435.00	
	D 19 Dearborn	1	\$1,074,502.99	\$78,083.56	\$1,152,586.55	
	D 20 Dearborn Heights	1	\$190,451.15	\$9,735.10	\$200,186.25	
	D 21 Garden City	1	\$122,320.14	\$8,850.95	\$131,171.09	
	D 22 Inkster	1	\$43,676.07	\$45,540.00	\$89,216.07	
	D 23 Taylor	1	\$361,001.18	\$39,975.01	\$400,976.19	
	D 24 Allen Park	1	\$156,078.52	\$14,686.48	\$170,765.00	
	D 25 City of Lincoln Park	1	\$339,141.73	\$10,630.89	\$349,772.62	
	D 27 Wyandotte	1	\$231,217.77	\$1,448.03	\$232,665.80	
	D 28 City of Southgate	1	\$205,944.57	\$4,641.03	\$210,585.60	
	D 29 City of Wayne	1	\$124,979.07	\$23,246.04	\$148,225.11	
	D 30 Highland Park	1	\$120,944.03	\$13,662.00	\$134,606.03	
	D 31 Hamtramck	1	\$108,590.15	\$14,345.10	\$122,935.25	
	D 32a City of Harper Woods	1	\$180,955.82	\$12,536.92	\$193,492.74	
	D 33 Woodhaven	1	\$208,594.07	\$76,005.93	\$284,600.00	
	D 34 Romulus	1	\$263,562.54	\$54,774.50	\$318,337.04	
	D 35 Plymouth	1	\$343,382.78	\$30,837.22	\$374,220.00	
	D 36 City of Detroit	1	\$2,498,651.98	\$1,076,041.25	\$3,574,693.23	
	Grosse Pointe Farms/Shores	1	\$54,631.70	\$14,868.30	\$69,500.00	
	Grosse Pointe Municipal	1	\$12,099.04	\$3,200.96	\$15,300.00	
	Grosse Pointe Park	1	\$26,164.41	\$10,085.59	\$36,250.00	
	Grosse Pointe Woods	1	\$52,800.00	\$3,120.00	\$55,920.00	
	Wayne County	1	\$26,046,799.85	\$7,536,702.01	\$33,583,501.86	
						\$43,462,785.36
Western Michigan	Allegan/Van Buren Counties	1	\$2,127,228.86	\$535,611.12	\$2,662,839.98	
	Barry County	1	\$595,406.47	\$229,039.21	\$824,445.68	
	Berrien County	1	\$3,508,379.23	\$569,469.67	\$4,077,848.90	
	Branch County	1	\$959,446.83	\$153,193.52	\$1,112,640.35	
	Calhoun County	1	\$3,076,032.47	\$691,457.10	\$3,767,489.57	
	Cass County	1	\$244,915.60	\$251,853.40	\$496,769.00	
	City of Wyoming (59-1, 59-2, 62A, 62B)	1	\$710,157.81	\$54,847.30	\$765,005.11	
	D 61 City of Grand Rapids	1	\$978,584.39	\$175,391.74	\$1,153,976.13	

Ionia County	1	\$345,612.24	\$221,226.90	\$566,839.14
Kalamazoo County	1	\$3,383,996.10	\$1,164,600.40	\$4,548,596.50
Kent County	1	\$5,999,666.07	\$2,425,133.52	\$8,424,799.59
Montcalm County	1	\$718,984.93	\$222,976.18	\$941,961.11
Muskegon County	1	\$2,361,498.58	\$670,241.53	\$3,031,740.11
Ottawa County	1	\$2,915,257.46	\$934,164.04	\$3,849,421.50
St. Joseph County	1	\$464,441.25	\$419,081.71	\$883,522.96

\$37,107,895.63

Total approved as of February 15, 2022 **119** **\$137,567,901.57** **\$38,128,725.01** **\$175,696,653.58**

Approved by MIDC through mediation		Funds Requested	Local Share	Total System Cost
D 43-1 City of Hazel Park	1	\$780,504.70	\$18,195.08	\$798,699.85

Overall Totals **120** **\$138,348,406.27** **\$38,146,920.09** **\$176,495,353.43**