



MICHIGAN INDIGENT DEFENSE COMMISSION

Jonathan Sacks, Executive Director

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Statutory Update.

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Michigan.gov

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GOVERNOR RICK SNYDER

ABOUT NEWSROOM ISSUES SERVICES APPOINTMENTS LT. GOVERNOR

SNYDER / NEWSROOM / PRESS RELEASES

Gov. Rick Snyder signs legislation improving Michigan's indigent criminal defense system

Wednesday, Jan. 4, 2017

LANSING, Mich. - Gov. Rick Snyder today signed legislation to ensure the Michigan Indigent Defense Commission meets state constitutional obligations and maintains independence from the judiciary while continuing its work to maintain a fair indigent criminal defense system in Michigan.

The Commission will now be housed within the Michigan Department of Licensing and Regulatory Affairs. In 2013, Snyder signed legislation that set statewide standards and accountability measures for public defense attorneys representing indigent criminal defendants.

"Ensuring that every Michigander has access to affordable and competent legal counsel is critical to our public defense system and our democracy," Snyder said. "These bills help us continue to make sure those who have been accused of crimes receive the fair and capable legal representation they are guaranteed under the Constitution."

House Bills 5843-5846 and Senate Bill 1108, sponsored by state Reps. Kurt Hoise, Martin Howerylak, Clint Keets, Vanessa Guerra, David LaGrand and state Sen. Rick Jones, respectively, moves the Michigan Indigent Defense Commission from the judicial branch to the Department of Licensing and Regulatory Affairs. The measures are now Public Acts 439-444 of 2016.

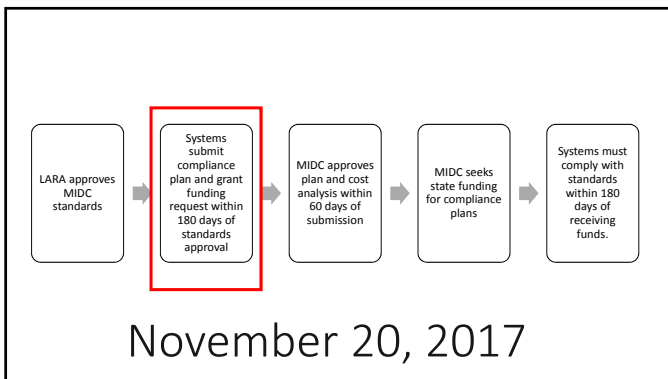
For more information on this and other legislation, visit www.legislature.mi.gov

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Standards and LARA approval process.





APPROVED:

- ✓ Training and Education
- ✓ Initial Interviews
- ✓ Experts and Investigators
- ✓ Counsel at First Appearance and Critical Stages

Training and Education.

Annual (calendar year) requirements.

“Training shall be funded through compliance plans submitted by the local delivery system or other mechanism that does not place a financial burden on assigned counsel.”

- MIDC Standard 1

Initial Interview.

Timing for initial interview.

Setting of initial interview.

Investigation and Experts.

Standard 3 and the impact on your work.

Counsel at first appearance and other critical stages.

Timing of appointment.

Pilot projects.

Next standards
Proposed for Comments



- Proposed** by MIDC and released April 27, 2017:
- Independence from Judiciary
 - Indigent Defense Workloads
 - Qualification and Review
 - Economic Disincentives or Incentives (coming soon)*

Independence from the
Judiciary.

MCL 780.991(1)(a)

Indigent defense
workloads.

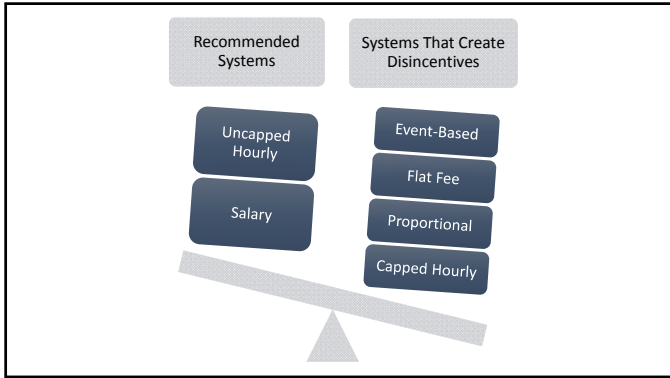
MCL 780.991(2)(b)

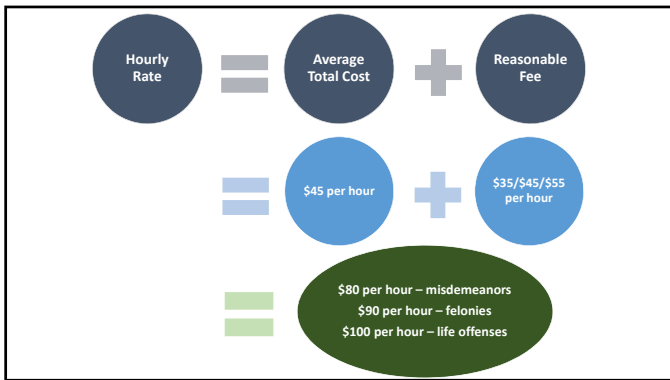
Qualification and Review.

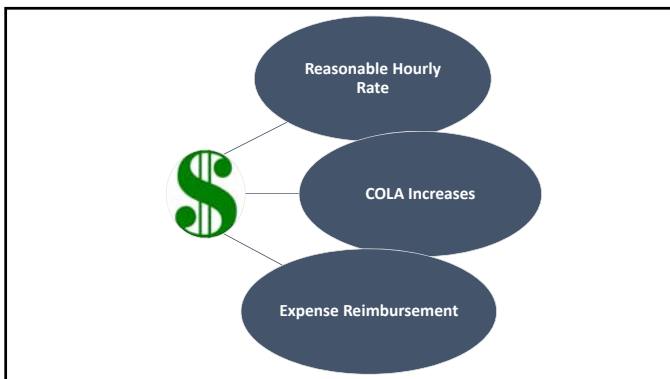
MCL 780.991(2)(f)


Economic disincentives
or incentives.

MCL 780.991(2)(b)









MICHIGAN INDIGENT DEFENSE COMMISSION

Minimum Standards for Indigent Criminal Defense Services

SUMMER 2017

Michigan, U.S.A. and all other persons in the Department of Justice and Attorney General, July 1, 2017. All Michigan indigent criminal justice and defense services are subject to the Michigan Indigent Defense Commission (MIDC) Minimum Standards for Indigent Criminal Defense Services, effective January 1, 2017. The Michigan Indigent Defense Commission (MIDC) has been created by the Michigan Department of Justice and Attorney General. The Michigan Indigent Defense Commission (MIDC) is a public body corporate and shall have the powers, authority, and jurisdiction of a public body corporate. The Michigan Indigent Defense Commission (MIDC) shall have the powers, authority, and jurisdiction of a public body corporate. The Michigan Indigent Defense Commission (MIDC) shall have the powers, authority, and jurisdiction of a public body corporate.

comments@michiganidc.gov

<http://michiganidc.gov/standards/>

Funding units and compliance.

“A system’s duty of compliance...is contingent upon receipt of a grant in the amount contained in the plan and cost analysis approved by the MIDC.”

-M.C.L. §780.997

Compliance planning can
(and should) be
collaborative.

*“The MIDC shall be mindful that
defense attorneys who provide
indigent criminal defense services are
partners with the prosecution, law
enforcement, and the judiciary in the
criminal justice system.”*

-M.C.L. §780.989(4)

*“A plan...shall specifically address
how the minimum standards...shall
be met and shall include a cost
analysis...”*

-M.C.L. §780.993

Delivery System Reform Models: Planning Improvements in Public Defense

<http://bit.ly/midcguide>



Capital Area Private Defender Service

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QUALITY
DEFENSE FOR
ALL





Tuesday
October 17, 2017
1 p.m.

200 N. Washington Sq
Lansing, MI

<http://michiganidc.gov/standards/>

"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."

Gideon v. Wainwright, 372 U.S. 335 (1963).
