

MICHIGAN INDIGENT DEFENSE COMMISSION

House LARA/DIFS Appropriations Subcommittee
March 20, 2025

Kristen Staley

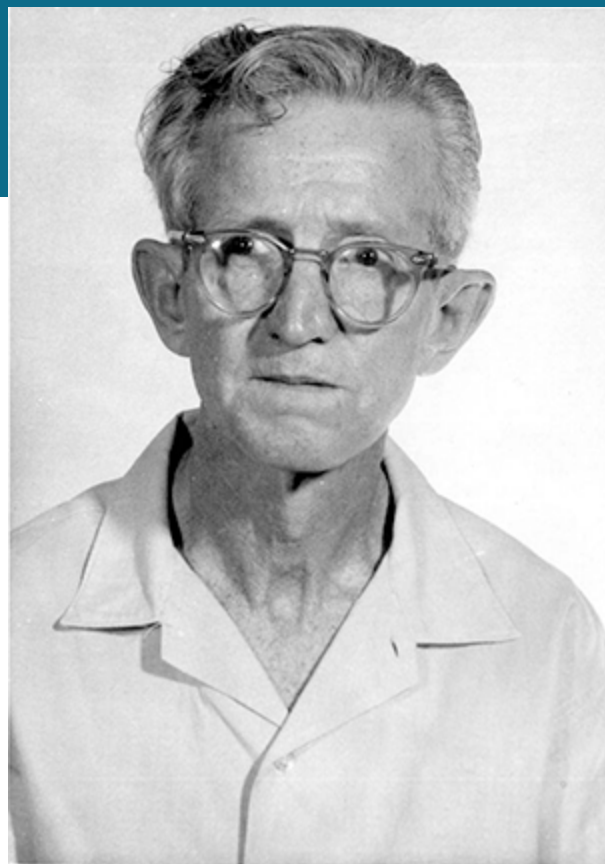
Executive Director

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"[I]n our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth."



Gideon v. Wainwright, 372 U.S. 335 (1963), recognizing the States' obligation to provide counsel for those who cannot afford it under the US Constitution.

The MIDC Act

Public Act 93 of 2013
MCL 780.981 et seq.



MIDC is required by statute to:

- Develop and oversee implementation of minimum standards on the delivery of indigent trial-level defense services
- Administer grants for local systems to come into compliance with standards
- Monitor and ensure compliance of standards
- Collect and analyze data from local indigent defense systems
- Encourage best practices in indigent defense services.

MIDC Commissioners

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 Attorneys of Michigan

Prosecuting Attorneys Association of Michigan

Michigan Association of Counties

Michigan Municipal League/Michigan Township Assn.

General Public



**19 stakeholders from the
criminal legal community**

Fully Approved MIDC Standards



1. Education and Training of Defense Counsel

Approved May 17, 2017, implemented in 2019



2. Initial Interviews

Approved May 17, 2017, implemented in 2019



3. Investigation and Experts

Approved May 17, 2017, implemented in 2019



4. Counsel at First Appearance and All Critical Stages

Approved May 17, 2017, implemented in 2019



5. Independence from the Judiciary

Approved October 29, 2020, implemented in 2022



6. Indigent Defense Workloads

Approved October 24, 2023, being implemented in 2025



7. Qualification and Review of Counsel

Approved October 24, 2023, being implemented in 2025



8. Attorney Compensation

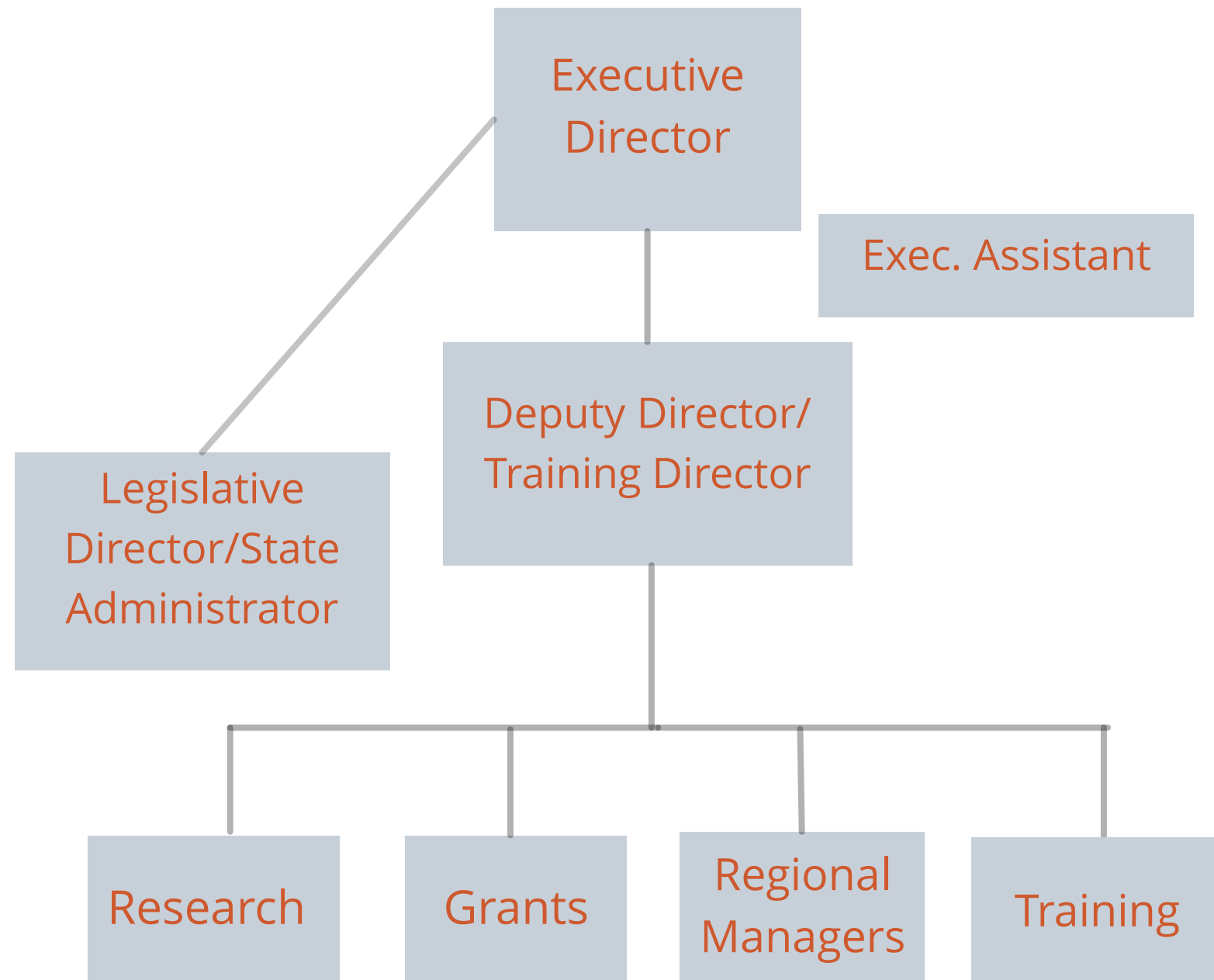
Approved October 28, 2022, implemented in 2024



Determining Indigency and Contribution

Approved October 28, 2021, implemented in 2023

The MIDC Staff serve a critical role



18 FTEs funded
21 FTEs authorized

- **Regional Managers – 7 FTEs** Senior regional manager and 6 regional managers; experienced defenders; provide front-line technical assistance, monitor compliance, and support best-practices.
- **Grants – 3 FTEs** Grants director and 2 analysts oversee all aspects of grant administration, financial data, and annual auditing.
- **Training – 2 FTEs** Grant-funded project manager and analyst host attorney trainings and oversee attorney education and qualification standards.
- **Research – 2 FTEs** Research director and analyst oversee all collection and assessment of compliance data; help create local case management systems.

Atty Fees
<.01%

Local Share
13.1%

\$297,470,723
FY25 Total

State GF
86.8%

Local indigent defense funding
comes from multiple sources

State MIDC Grants - \$258.3M

+

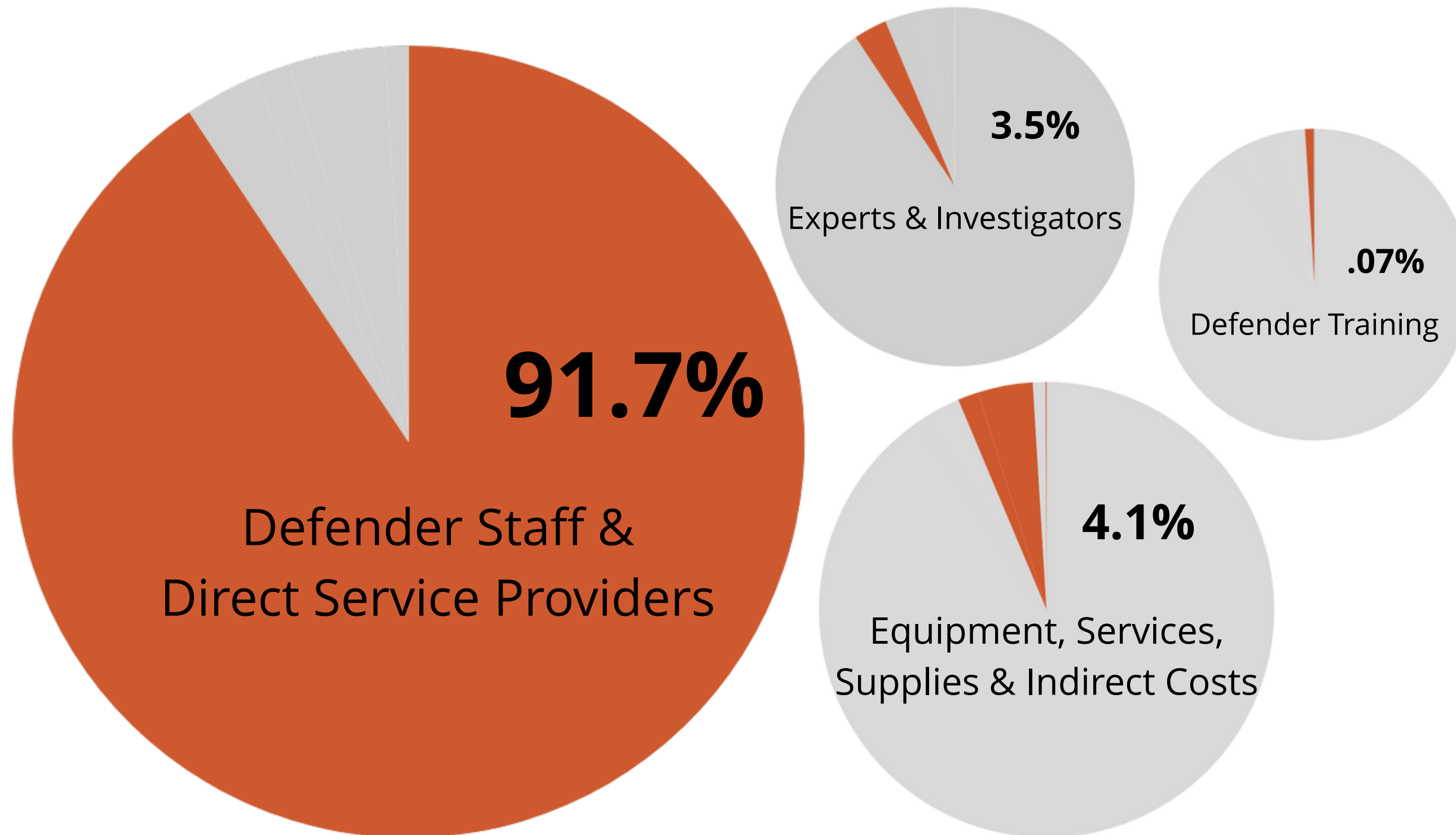
Local Share - \$38.8M

+

Attorney Fees* - \$300,000

*not collected in all systems

MIDC grants support local jobs and protect critical individual rights.



Approved Work Projects

Implementation Plan: *“MIDC will continue to work with systems to adjust their compliance plans as needed to support the implementation of compliance plans, help systems research and adopt best practices for the delivery of indigent defense services, monitor compliance and comply with the MIDC Act’s requirements.”*

Work Projects support:

- Continual financial audits of local systems
- Unexpected “big cases”, case backlogs, and reimbursements to locals for overages
- Michigan Supreme Court changes mid-grant year: *Poole, Stovall, Czarnecki, Taylor*

Yr Granted	Amt	Yr Lapse
FY22	\$ 39,081,325.41	FY26
FY23	\$ 11,868,880.24	FY27
Total	\$ 50,950,205.65	

MIDC's grant oversight and approval process is continuous and thorough, with many levels of review.

OCT - DEC

- FY25 Grant year begins; grant contracts and funding issued locally
- Final reporting from FY24 due; staff conducts year-end compliance reviews
- End of FY24 report to MIDC for Dec. mtg

JAN - MAR

- FY25 Q1 reports due; staff conduct compliance reviews
- MIDC finalizes FY26 grant application; systems begin planning for next year

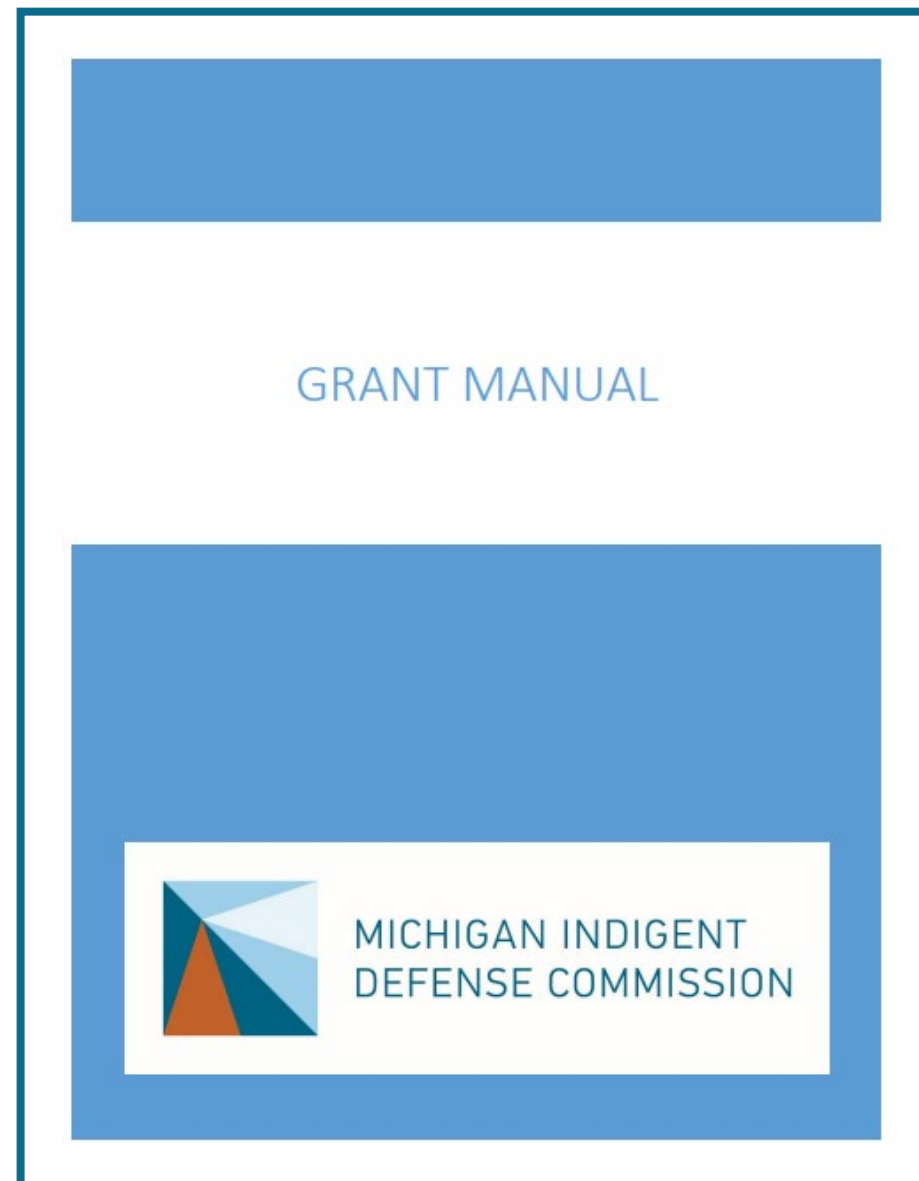
APR - JUNE

- FY26 Grant applications due end of April
- FY25 Q2 reports due; staff conduct compliance reviews
- 3-layered staff review, MIDC committees review of FY26 applications
- MIDC begins approving FY26 grants in June

JULY - SEPT

- FY25 Q3 reports due; staff conduct compliance reviews
- Staff continues review of any non-approved grant applications; MIDC continues approving grants.
- Local compliance with standards for FY25 grant required by year end

Compliance monitoring of MIDC standards and policy is multifaceted and year-round.



- **MIDC Grant Agreement** with local systems requires quarterly Financial Status Reports, Program Reports and Attorney Payments and Workloads.
- **MIDC Grant Manual** compiles all allowable uses of grant funds, updated annually and publicly available on MIDC website.
- **EGrAMS grant management system** required for all reporting and grant applications.
- **Court watching and site visits** conducted at all locations, twice a year.
- **Graded rubrics** are used to measure compliance with standards.
- **Financial audits** are conducted annually of local systems, led by contracted CPA firm and overseen by Grants Director.

Looking forward – FY26 Budget needs

MIDC Operations - \$3.14M

Increase of \$769,100 supporting
4 FTEs for additional:

- Financial oversight and transparency
- Technical assistance and annual attorney training

MIDC Grants - \$258.3M

No change from FY25
appropriation

Key Facts about Public Defense in Michigan

133 local indigent defense funding systems, each is slightly different. These includes all counties and some cities or townships.

35 public defender offices, covering 40 counties. The remaining local systems chose to use a Managed Assigned Counsel model.

1760 attorneys accept indigent defense cases, representing 4% of all active Michigan attorneys.

About 85% of all Michiganders facing criminal charges are eligible for indigent defense representation.

Source: MIDC Compliance Reports (2019 - 2024).



Local systems are nearly 100% compliant with required MIDC Standards.

Counsel at first appearance improves lives and reduces incarceration

Last year, 295,326 people were provided an indigent defender at arraignments. This represents 86% of all arraignments statewide.

National data shows . . .

Clients are more than 2 times as likely to be released without bail



Clients are almost 5 times more likely to receive a reduction in bail at arraignment

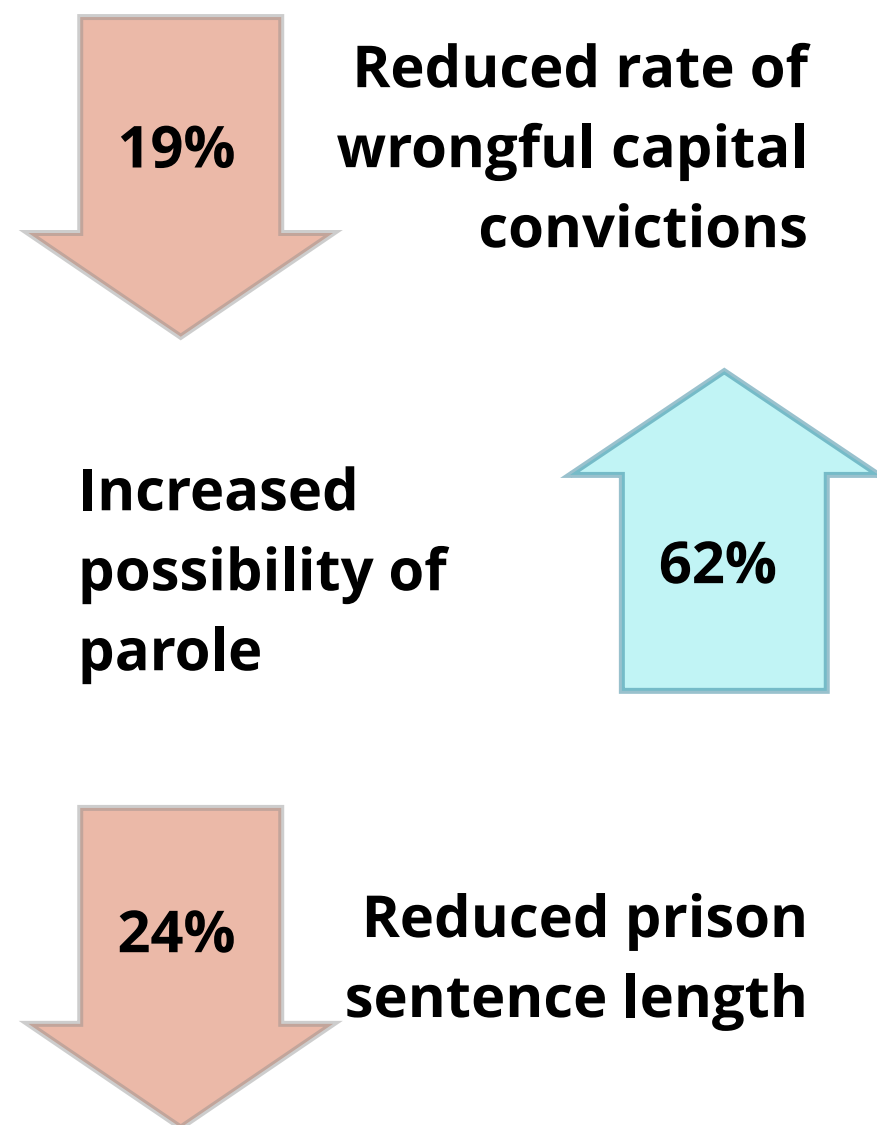


Clients released on bail are significantly more likely to return to court, reducing overall bail violations by nearly two-thirds.



MIDC grants are changing the culture of public defense

National data shows defense teams with investigators, social workers and experts are more likely to produce better client outcomes.



Statewide use of experts in 2,342 cases, an increase of 41% from last year.

MIDC Grants support defense counsel in specialty courts, including veteran's courts, mental health courts, and driver's license restoration programs.

MIDC Grants support 86 non-attorney client advocates or social workers.

Sources: Anderson & Heaton, *How Much Difference Does a Lawyer Make?*, 122 THE YALE L. J. 154 (2012); Anderson, Buenaventura & Heaton, *The Effects of Holistic Defense on Criminal Justice Outcomes*, 132 HARVARD L. J. 819 (2019); MIDC Compliance Reports (2020 - 2025).

MIDC grants are attracting new talent and raising the status quo

Internships are offered in about 25 counties to law and social work students

MIDC's **Holistic Defense Fellowship**, created in partnership with Wayne State University, annually places 20 students statewide in public defense offices.

MIDC offers **Trial Skills Simulation Programs** for adult and youth defenders, averaging 2500 to 3000 training hours a year.

MIDC partners with numerous state and national trainers, offering **hundreds of courses** for attorneys to complete their CLE.



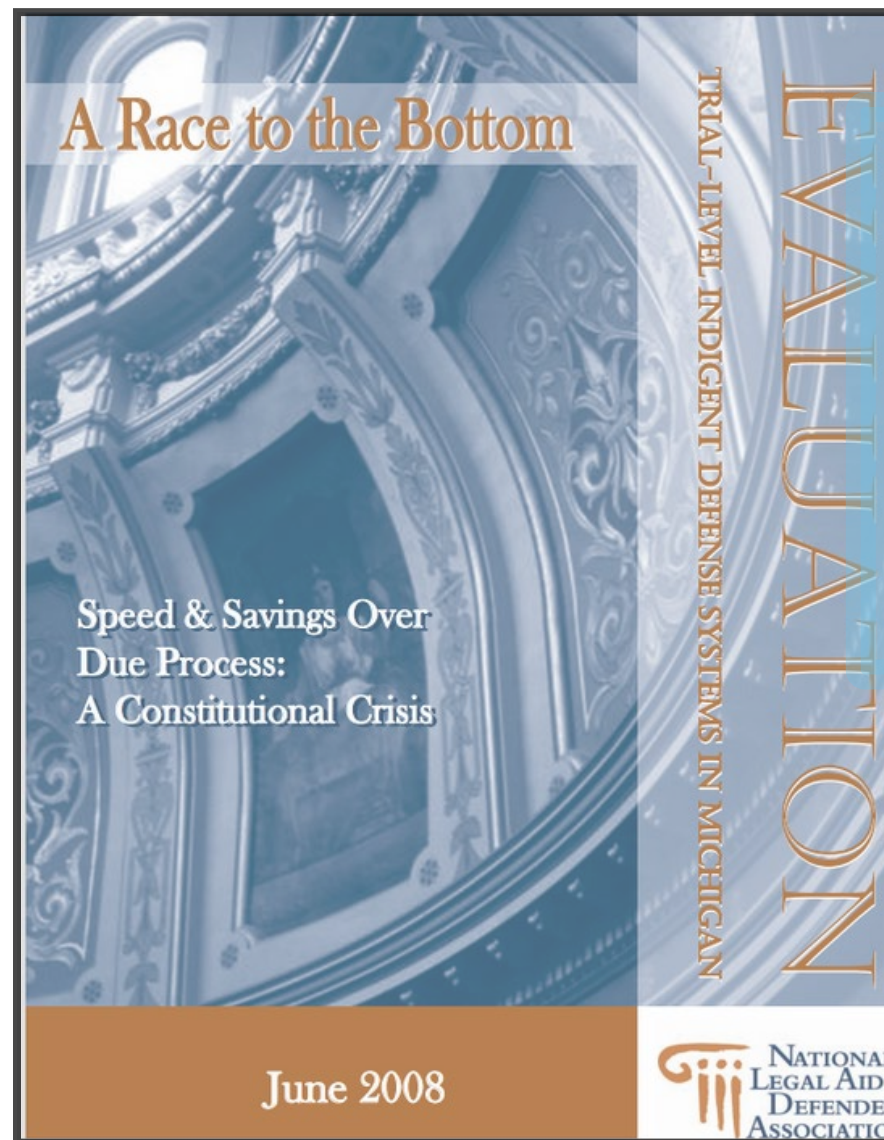
Workload and qualification standards directly impact incarceration costs

Trained and qualified public defenders are more likely to prevent wrongful convictions and reduce disproportionately lengthy prison sentences.



In Michigan, every \$1 spent on hiring a new public defender to reduce caseloads is estimated to save \$6.31 in incarceration costs.

Michigan has risen from the bottom to the top

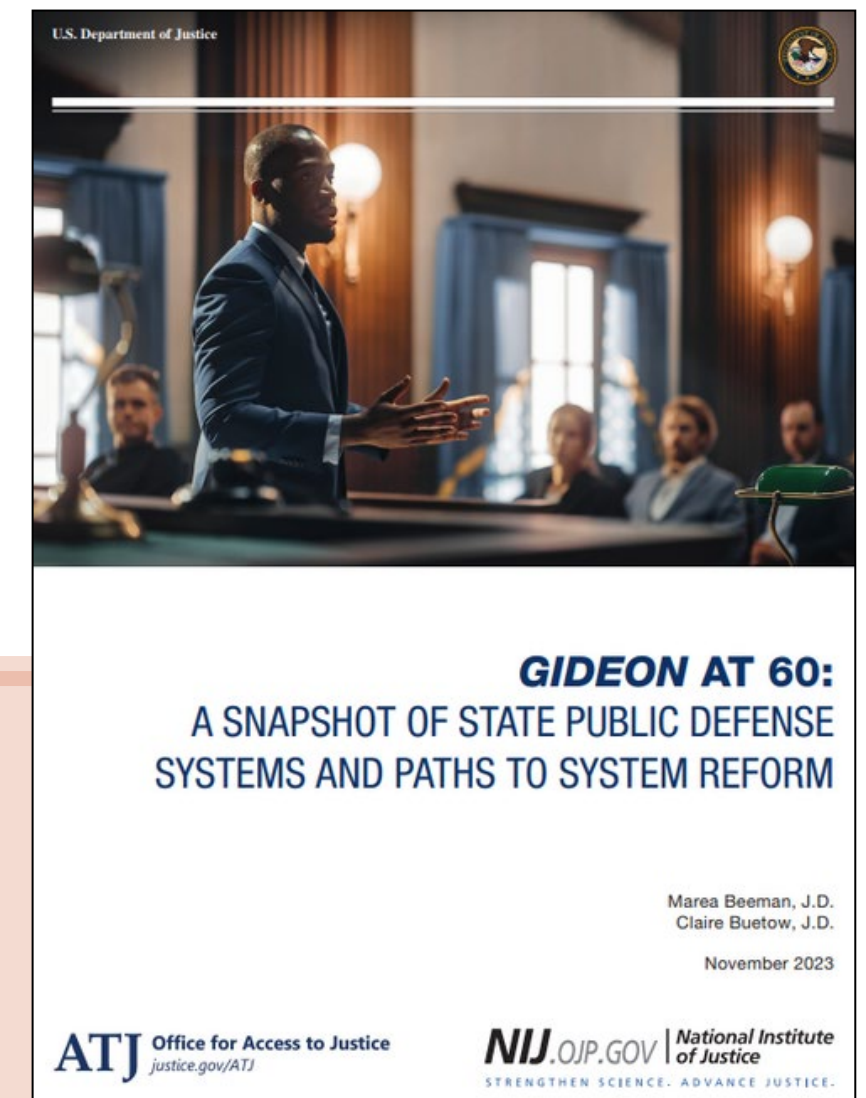


“In 2008, Michigan ranked 44 out of 50 states for annual public defense spending, and about \$120 million short of the national average.”

NLADA, 2008

“Michigan stands apart as a state that, in the past 15 years, has transformed its public defense system and continues to sustain its progress.”

USDOJ, 2023

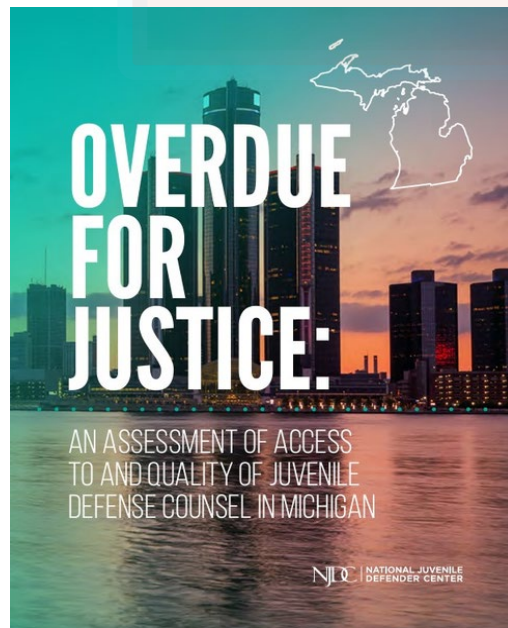


Expanding to youth defense is the natural next step

HB 4070 would expand the MIDC Act to include youth defense services.

“Michigan’s current service delivery for delinquency representation is inadequate to ensure constitutional guarantees for children are protected.”

Gault, 2020



Recommendation: “Expand the Michigan Indigent Defense Commission (MIDC) to include development, oversight, and compliance with youth defense standards in local county defense systems.” MI JJ Taskforce, 2023

Report and Recommendations

MICHIGAN TASK FORCE ON JUVENILE JUSTICE REFORM



July 22, 2022

Continuing the impact – FY26 Budget



Since taking office, Governor Whitmer has worked to lower costs for Michiganders on everything from higher education, skills training, home repairs, childcare, housing, health care, and more, while remaining fiscally responsible resulting in a budget surplus. The Governor's FY26 budget continues to deliver on lowering costs and growing the economy.

The FY26 budget cuts red tape, supports public safety, improves and powers economic development across Michigan, helping make state and local governments work more effectively so they can better serve Michiganders.

Investing in public defense and the MIDC supports local communities, increases public safety by limiting wrongful convictions, reduces incarceration costs, and ensures every person is given their due process afforded to them by the US and State Constitutions.