



MANISTEE/BENZIE PUBLIC DEFENDER COMMITTEE

Friday, April 21, 2023
3:00 p.m.

Manistee County Courthouse & Government Center
Board of Commissioners Meeting Room

MINUTES

Members Present: Jeff Dontz, Chairman, Manistee County Commissioner; Karen Goodman, Manistee County Commissioner; Richard Schmidt, Manistee County Commissioner; Gary Sauer, Benzie County Commissioner; Rhonda Nye, Benzie County Commissioner.

Members Absent: None.

Others Present: Lisa Sagala, Manistee County Administrator/Controller; Jared Henry, Chief Public Defender; Ryder Cowdy; A. Williams; and Lindsey Marquardt, Manistee County Clerk.

The meeting was called to Order at 3:00 p.m.

PUBLIC COMMENT

None.

APPROVAL OF MONDAY, APRIL 19, 2021
MANISTEE/BENZIE PUBLIC DEFENDER COMMITTEE MEETING MINUTES

The Committee reviewed the April 19, 2021 Manistee/Benzie Public Defender Committee Meeting Minutes. (Appendix A)

Moved by Schmidt, seconded by Sauer to approve the April 19, 2021, Manistee/Benzie Public Defender Committee Meeting Minutes. Ayes: All. Motion Carried.

MIDC STANDARD 8

Jared Henry addressed Standard 8 of the MIDC Act – Attorney Compensation (Economic Disincentives or Incentives). Discussion followed regarding the implementation of Standard 8 and the increased payment to MIDC attorneys and what this means for counties and other attorney positions and compensation.

Standard 8 of the MIDC Act:

Attorneys must have the time, fees, and resources to provide the effective assistance of counsel guaranteed to indigent criminal defendants by the United States and Michigan Constitutions. The MIDC Act calls for a minimum standard that provides: “Economic disincentives or incentives that impair defense counsel’s ability to provide effective representation shall be avoided.” MCL 780.991(2)(b). Fair compensation for assigned counsel may optimally be achieved through a public defender office, and the MIDC recommends an indigent criminal defender office be established where assignment levels demonstrate need, together with the active participation of a robust private bar. MCL 780.991(1)(b). In the absence of, or in combination with a public defender office, counsel should be assigned through a rotating list and be reasonably compensated. Contracted services for defense representation are allowed, so long as financial disincentives to effective representation are minimized. This standard attempts to balance the rights of the defendant, defense attorneys, and funding units, recognizing the problems inherent in a system of compensation lacking market controls.

The MIDC proposes the following minimum standard regarding economic incentives and disincentives:

A. Rates of Payment for Salaried Public Defenders. Reasonable salaries and benefits and resources should be provided to indigent defense counsel. The rates paid by the Michigan Attorney General for Special Assistant Attorneys General, or other state offices serve as guidance for reasonable compensation.

B. Compensation and Expenses for Assigned Counsel. Assigned counsel should receive prompt compensation at a reasonable rate and should be reimbursed for their reasonable out-of-pocket, case-related expenses. Assigned counsel should be compensated for all work necessary to provide quality legal representation. Activities outside of court appearances, such as directing an investigation, negotiating, or tactical planning, etc., require no less legal skill and expertise than in-court appearances, and are equally important to quality representation.

Attorney hourly rates shall be at least \$100 per hour for misdemeanors, \$110 per hour for non-life offense felonies, and \$120 per hour for life offense felonies. These rates must be adjusted annually for cost of living increases consistent with economic adjustments made to State of Michigan employees’ salaries. Counsel must also be reimbursed for case-related expenses as specified in Section E.

To protect funding units, courts and attorneys alike, local systems should establish expected hourly thresholds for additional scrutiny. Assigned counsel should scrupulously track all hours spent preparing a case to include with invoice submission. All receipts or documentation for out-of-pocket and travel-related expenses actually incurred in the case qualifying for reimbursement

should be preserved. Fee requests which exceed expected hourly thresholds should not be paid until an administrative review indicates that the charges were reasonably necessary.

Event based, capped hourly rates, and flat fee payment schemes are discouraged unless carefully designed to minimize disincentives and provide compensation reasonably expected to yield an hourly rate of compensation equivalent to the required minimum rate. If utilized, these alternative schemes must be based on a compensation system that realistically assesses the cost of providing competent representation, including the costs of trial, investigation, expert assistance, and extraordinary expenses, and should take into consideration objective standards of representation consistent with those set forth in other minimum standards for indigent defense. They should also follow all expense reimbursement guidelines in Section E.

C. Contracting for Indigent Defense Services. The terms of any indigent defense contract should avoid any actual or apparent financial disincentives to the attorney's obligation to provide clients with competent legal services. Contracts may only be utilized if:

- (1) They are based on reliable caseload data, and in conjunction with a method, specified in the contract, for compensation to account for increases or decreases in caseload size;
- (2) They are based on a compensation system that realistically assesses the cost of providing competent representation as described above in Section B;
- (3) They provide for regular, periodic payments to the indigent defense organization or attorney;
- (4) They include a mechanism to seek reimbursement for case-related expenses;
- (5) They include a provision allowing for counsel to petition for additional compensation for the assignment of co-counsel in any case where the offense charged or enhancement sought subjects the indigent defendant to life in prison;
- (6) They implement the MIDC required hourly rates; when hourly schemes are not utilized, local systems must demonstrate that compensation is at least equivalent to these rates.

D. Conflict Counsel. When any conflict of interest is identified by a public defender office or by assigned counsel, that case should be returned for reassignment to the designating authority. Payments to conflict counsel (fees or any other expenses incurred during the representation) shall not be deducted from the line item or contract negotiated with the primary providers (public defender office, house counsel, assignment system or through any agreement with private attorneys or law firms).

E. Reimbursements. Attorneys must be reimbursed for any reasonable out-of-pocket expenses they incur as a result of representation. Mileage should be reimbursed based on prevailing local norms and should not be less than State of Michigan standard published rates.

F. Payments. Vouchers submitted by assigned counsel and contract defenders should be reviewed by an administrator and/or her and his staff, who should be empowered to approve or disapprove fees or expenses. This is efficient, ensures the independence of counsel, and relieves judges of the burden of this administrative task. It also helps to equalize fees through a

centralized fee-approval system. Vouchers should be approved in a timely manner unless there is cause to believe the amount claimed is unwarranted. In lengthy cases, periodic billing and payment during the course of representation should be allowed.

Expenditure of public dollars should be subject to control mechanisms and audits that verify expenditure accuracy. This should be accomplished by following generally accepted procedures that separate staff duties; establish billing policies; and ensure thorough review of vouchers, including benchmark setting and investigation where necessary. The approval process should be supported by an efficient dispute resolution procedure.

FY 2024 MIDC GRANT APPLICATION/BUDGET

Jared Henry, Chief Public Defender, appeared before the Committee to discuss the FY 2024 MIDC Grant Application/Budget, Compliance Plan and Fiscal Report. The past Compliance Plans had six (6) Standards and this year's Plan is different because it is required to include Standard eight (8). The Committee continued discussions regarding Standard eight (8). The FY 2024 MIDC Grant Application/Budget has already been approved by the Manistee County Board of Commissioners on April 11, 2023, pending approval by this committee.

Moved by Schmidt, seconded by ^{Nye R.N} Nye to approve the Application to submit the Michigan Indigent Defense Grant Budget for FY 2024.

YEAS: Dontz, Schmidt, Goodman, Nye, Sauer

NAYS: None

Motion Carried

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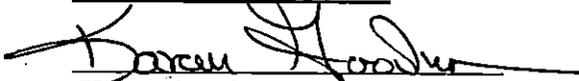
OTHER ITEMS FROM COMMITTEE MEMBERS AND STAFF

None.

The meeting was adjourned at the Call of the Chair at 3:45 p.m.

MANISTEE COUNTY

BENZIE COUNTY



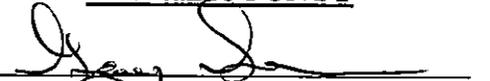
Karen Goodman



Jeff Dontz



Richard Schmidt



Gary Sauer



Rhonda Nye

COUNTY OF
manistee
MICHIGAN



Manistee County Courthouse
415 Third Street - Manistee, Michigan 49660

CLERK

Jill M. Nowak
(231) 723-3331

CONTROLLER/ADMINISTRATOR

Lisa Sagala
(231) 398-3504

Board of Commissioners

CHAIRPERSON
Jeffrey Dontz

VICE-CHAIRPERSON
Karen Goodman

Margaret Batzer
Eric Gustad
Pauline Jaquish
Nikki Koons
Richard Schmidt

MANISTEE/BENZIE PUBLIC DEFENDER COMMITTEE

Monday, April 19, 2021
3:00 p.m.

Manistee County Courthouse & Government Center
Board of Commissioners Meeting Room

MINUTES

Members Present: Jeff Dontz, Chairman, Manistee County Commissioner; Richard Schmidt (on-line via Zoom, Maple Grove Twp.) Manistee County Commissioner; Gary Sauer, Benzie County Commissioner; Rhonda Nye, Benzie County Commissioner.

Members Absent: Karen Goodman, Manistee County Commissioner

Others Present: Lisa Sagala, Manistee County Administrator/Controller; Mitch Diesch, Benzie County Administrator; Jared Henry, Chief Public Defender; Gabriel Mattice, 85th District Court Magistrate (present 3:15 p.m.-3:24 p.m.); Ryan Snay, Executive Secretary, Prosecutor's Office; Dawn Olney, Benzie County Clerk; and Jill M. Nowak, Manistee County Clerk.

The meeting was called to Order at 3:00 p.m.

The County Board and its Committees are operating remotely and electronically by Zoom under the Manistee County Board of Commissioners Resolution #2020-17, which declared a Local State of Emergency through December 31, 2021 due to the COVID-19 pandemic.

PUBLIC COMMENT

None.

FY 2022 MDC GRANT APPLICATION/BUDGET

Jared Henry, Chief Public Defender, appeared before the Committee to discuss the FY 2022 MDC Grant Application/Budget, Compliance Plan and Fiscal Report. The past Compliance Plans had four (4) Standards and this year's Plan is different because it is required to include Standard five (5). Standard 5 removes the court system as much as possible from the process in providing indigent defense. It limits the court's role to three (3) things: informing the defendants of their rights, the determination of indigency, and can refer the defendant to the appropriate agencies. Currently, all cases that come to the Public Defenders Office (PDO) are reviewed by Mr. Henry and he assigns an attorney. If there is a conflict with representation of the defendant, the case is assigned to a conflict attorney. Presently, there is a roster of six (6) conflict attorneys. The average number of conflict cases between Manistee and Benzie Counties was 8.3 conflict cases per quarter. However, in last quarter in 2020 and the first quarter of 2021, conflict cases have doubled.

CONFLICT ADMINISTRATOR

In accordance with Standard 5, if a conflict attorney needs an expert witness, who do they go to? Mr. Henry can't help them because the Public Defenders Office does not represent the defendant. They can't go to the court because of Standard 5. The Regional Manager suggests hiring a Conflict Administrator. An RFP would be done for this purpose because an attorney has to supervise an attorney (not a lay person). The RFP for a Conflict Administrator position vacancy will be sent to local firms and attorneys and will be posted on the County's website and/or local newspapers. An attorney or law firm would be hired to administer conflict cases. The position would be paid an hourly rate of \$100 per hour and work approximately 12 hours per month, totaling \$14,400 per year. An increase in State grant funding for conflict attorneys and conflict administration as well as maybe a small increase for expert witness fees will be budgeted. The budget is due Tuesday, April 27, 2021. Even though there are these known budgeted increases, budgets for the local match of both Manistee and Benzie Counties will decrease due to the Consumer Price Index (CPI) decreasing.

CASE MANAGER/SOCIAL WORKER IN THE PUBLIC DEFENDERS'S OFFICE

There has been documentation regarding a Peer Support Specialist/Social Workers/Case Manager being involved in the Public Defender's Office. Mr. Henry is not looking to provide direct services but rather a Peer Support Specialist who works with the Defendants, makes sure they are put in contact with the right agencies and services, and make sure the defendants are doing their part. There have been pilot projects in some Counties where the Peer Support Specialist would work with the Defendants and write Advocacy Reports and there was a benefit found in this program. If the State will pay for this service and it will offer a higher level of service to our communities and not affect the local budget, why not do it? A decision making the Peer Support Specialist a contract employee (maybe through Centra Wellness Network) or a

county employee would need to be made. Mr. Henry believes the need is for a full time position. The Specialist would be working with clients, outreach for programming and preparing Advocacy Reports for Pre-trial and while out on bond. The outcome of this program would be tracked.

It was a consensus to include the Peer Support Specialist in the budget as long as the local budgets are not affected.

OTHER ITEMS FROM COMMITTEE MEMBERS AND STAFF

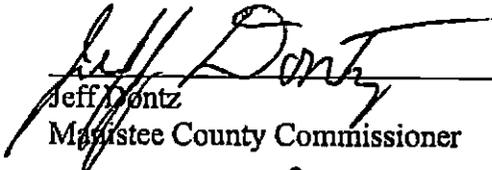
Mr. Henry stated the clients the office serves are pleased with the services offered and have seen a noticeable difference.

The meeting was adjourned at the Call of the Chair at 3:36 p.m.

MANISTEE COUNTY

Absent

Karen Goodman
Manistee County Commissioner


Jeff Dantz
Manistee County Commissioner


Richard Schmidt
Manistee County Commissioner

BENZIE COUNTY

Gary Sauer
Benzie County Commissioner

Rhonda Nye
Benzie County Commissioner

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MANISTEE COUNTY

Absent

Karen Goodman
Manistee County Commissioner

Jeff Dentz

Jeff Dentz
Manistee County Commissioner

Richard Schmidt

Richard Schmidt
Manistee County Commissioner

BENZIE COUNTY

Gary Sauer
Gary Sauer
Benzie County Commissioner

Rhonda Nye
Rhonda Nye
Benzie County Commissioner

Compliance Plan and Cost Analysis Renewal - FY 2024

Applicant

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1. Applicant Information

- a. Applicant Name Manistee County
- b. Organizational Unit
- c. Address 415 3rd St.
- d. Address 2
- e. City Manistee State MI Zip 49660
- f. Federal ID Number 23-1398352 Reference No. Unique Entity Id.
- g. Agency's fiscal year (beginning month and day) October-01
- h. Agency Type
 - City
 - Township
 - County
 - Village

2. Project Information

- a. Project Name Compliance Plan and Cost Analysis Renewal - FY 2024
- b. Is implementing agency same as Applicant Yes No
- c. Implementing Agency Name
- d. Project Start Date Oct-01-2023 End Date Sep-30-2024
- e. Amount of Funds Requested \$826,518.74 Project Cost \$1,111,885.68
- f. Agency Local Share: 285,366.94

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3. Contacts

a. Project Director / Primary Contact

Name Jared C. Henry
Title Chief Public Defender
Mailing Address 415 3rd St.
City Manistee State MI Zip 49660
Telephone (231) 398-3506 Fax
E-mail Address jhenry@manisteecountymi.gov

b. Financial Officer

Name Susan Zielinski
Title Financial Officer
Mailing Address 415 3rd St.
City Manistee State MI Zip 49660
Telephone (231) 398-3502 Fax
E-mail Address szielinski@manisteecountymi.gov

c. Project Director / Primary Contact

Name Lisa Sagala
Title County Administrator
Mailing Address 415 3rd St.
City Manistee State MI Zip 49660
Telephone (231) 398-3501 Fax
E-mail Address lsagala@manisteecountymi.gov

d. Authorized Official

Name Jeff Dontz
Title Chair, Board of County Commissioners
Mailing Address 415 3rd St.
City Manistee State MI Zip 49660
Telephone (231) 398-3500 Fax
E-mail Address jeffdontz@gmail.com

Additional Information

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Submitter Information

Funding Unit/System Name: Benzie/Manistee Counties

- I hereby certify that I am authorized to submit the application and the information and representations contained in the application is true and correct.

Submitted By (include name, title, email address and phone number):

Name: Jared Henry
Title: Chief Public Defender
Email Address: jhenry@manisteecountymi.gov
Phone Number: (231) 398-3506
Date: 04/08/2023
Signature: Jared Henry

Delivery System Model

1. What type of indigent defense delivery system do you have currently? (indicate all that apply):

- Public Defender Office (county employees)
 Public Defender Office (non-profit/vendor model)
 Managed Assigned Counsel System (Name of MAC Attorney Manager and P#)
 Contract Defender System
 Regionalized system or coordination with other trial court funding units

If you are unsure about your type of indigent defense delivery system, more information can be found in MIDC's report entitled Delivery System Reform Models (2016), posted here: <https://michiganidc.gov/resources>. Questions can also be directed to your MIDC Regional Manager.

2. Are you proposing to change your type of indigent defense delivery system for next year? Please respond Yes or No. Yes No
3. If you are changing your indigent defense delivery system, what model do you plan to use next year?

Standard 1 - Training and Education

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APP # _____

Standard 1 (Page 1)

Training of Attorneys

- | | | |
|----|----------------------------------------------------------------------------------------------------|---|
| 4. | Number of attorneys who accept adult criminal defense assignments as of October 1 | 9 |
| 5. | Number of attorneys with less than 2 years of Michigan criminal defense experience as of October 1 | 0 |

In EGrAMS, please include a list of names and P#s of all the attorneys who accept adult criminal defense case assignments in your system, including conflict counsel and counsel for youths charged as adults.

6. What is your plan for training attorneys with less than 2 years of Michigan criminal defense experience?

Under Standard One (1), as adopted by the Michigan Indigent Defense Commission, any attorney requesting appointments to represent indigent defendants must have at least twelve (12) hours of continuing legal education in the field of criminal law each calendar year and be an active member of the State Bar of Michigan to maintain eligibility. Any attorney with less than two years of Michigan criminal defense experience must enroll in a basic skills course.

Manistee County will cover all expenses in sending its attorneys (Regional Public Defender's Office's employees) to CLE seminars approved in advance by the Chief Public Defender, or his or her delegate, or the conflict administrator (for conflict counsel) to meet the appointment eligibility requirements. This eligibility requirement is listed on employee's job descriptions and is also included in an internal employee policy manual.

Conflict attorneys sign a contract to perform services. This contract provides:

"Attorney agrees to complete 12 credits worth of continuing legal education (CLE) annually in courses relevant to the representation of the criminally accused. If the Attorney has fewer than two years of experience practicing criminal defense in Michigan, he or she agrees to participate in one basic skills acquisition class. Costs associated with achieving the training and education requirements noted above will be paid by the County. The County, or its delegates, must approve all training courses prior to counsel attending, if counsel will be requesting reimbursement from the County. The Attorney agrees to submit verification of any CLE credits earned quarterly to the Conflict Administrator (1st of January, April, July, and October of each year). If the Attorney is removed from the eligibility list due to noncompliance [with training requirements], the attorney may request reinstatement by the County once compliance has been met.

Compliance will be reviewed by the County, the Chief Public Defender, and the Conflict Administrator. It should be mentioned that conflict lawyers with less than two years of criminal law experience are generally limited to misdemeanor appointments.

Standard 1 (Page 2)

7. Please describe your system's training plan, including how compliance will be tracked for reporting requirements:

Standard 1 - Training and Education for Compliance Plan and Cost Analysis Renewal - FY 2024
Agency: Manistee County
Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Attorneys are required to submit verification of any classes/seminars attended to the Chief Public Defender or the conflict administrator quarterly for tracking. For employees of the Public Defender's Office, the 12 CLEs requirement is mandated in an internal office policy. For conflict contract attorneys, the 12 CLEs requirement is listed as a term of their contract. At the end of the calendar year, if any attorney is under the required 12 credits of CLEs, or the attorney has failed to send verification of credits earned, that attorney will be suspended from receiving appointments until a total of 12 CLEs have been met in the new year, or proof for 12 CLEs already earned in the prior calendar year is received. Public Defender employees are subject to suspension without pay until completion of CLEs or termination.

Starting in calendar year 2024, all attorneys must submit attendance through CE Broker.

Will you require your attorneys to submit attendance directly through the MIDC's continuing legal education database provider, CE Broker? Yes No

If no, please describe how attendance will be tracked and reported to the MIDC:

Standard 1 (Page 3)

8. If an attorney does not complete the required training, how will the system address the noncompliance?

If an attorney is not in compliance, either by failing to report classes attended, or simply failing to take the mandatory 12 credits, then that attorney is not permitted to continue receiving appointments. Public Defender employees are subject to suspension without pay or termination. An attorney can regain eligibility if certain conditions are met as previously explained.

9. Any changes in your funding needs from the prior year for Standard 1? Please respond Yes or No. Yes No

If yes, please describe in the cost analysis.

Standard 2 - Initial Interview

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APP # _____

Standard 2 (Page 1)

Initial Client Interviews

10. The MIDC Standards now require the selection and assignments of attorneys to be done independently from the judiciary. How and when are defense attorneys notified of new assignments?

The court will first conduct an arraignment and advised a defendant of their right to court appointed counsel, if they qualify financially. If a person requests court appointed counsel, then the court will conduct an indigency determination. Once the court makes an indigency determination, the court will send a notice and referral to the Regional Public Defender's Office (RPDO). Historically, the RPDO receives an email notification from the court, which includes contact information for the defendant. The courts generally notify the Public Defender's Office of the referral within 24 hours of the indigency screening. Furthermore, the RPDO is present during all arraignments, so, a lot of times, an attorney from the RPDO will already be apprised as to who has requested counsel and who has not. The RPDO then internally assigns the case to one of its in-house attorneys. Conflict attorneys will be notified of assignments by the conflict administrator.

Standard 2 (Page 2)

11. How are you verifying that in-custody attorney client interviews occur within three business days?

Attorneys are required to fill out forms certifying they have met with their client, whether the client was in custody or not, where they met their client, and if they were able to make contact within 72 hours of appointment. If the attorney was unable to make contact with an in-custody client within 72 hours of appointment, the attorney must explain why on the form. These forms are collected by the Chief Public Defender and reviewed to ensure compliance with the standards. This will be a requirement of all conflict attorneys as well, and the forms will be turned over to the Conflict Administrator for compliance review.

In addition, all clients of the Public Defender's Office receive an introductory letter providing initial instructions (procedures, dress code, remaining silent, etc). All new clients also receive a letter advising which attorney from the RPDO has been assigned to their case. Both in-custody and out-of-custody clients receive this letter. These introductory letters are sent within 24-48 hours of assignment.

All conflict attorney contracts will contain language requiring the conflict attorney to comply with the minimally passed MIDC standards. The conflict administrator is required to verify conflict attorneys are making introductory communications with in-custody clients within three business days.

Standard 2 (Page 3)

12. How are you verifying attorneys' introductory communications with out-of-custody clients?

Employees of the RPDO are required to fill out a form certifying they have made, or have attempted to make, introductory communications with non-custodial clients. These are

collected and reviewed by the Chief Public Defender to ensure compliance with the standards.

All conflict attorney contracts will contain language requiring the conflict attorney to comply with the minimally passed MIDC standards. The conflict administrator will be required to set up a verification process to ensure conflict attorneys are making introductory communications with out-of-custody clients within three business days

Standard 2 (Page 4)

13. How are you compensating attorneys for conducting initial interviews? Please include whether you intend to compensate attorneys differently for in-custody and out-of-custody interviews.

Attorneys of the Regional Public Defender's Office are salaried employees. An attorney from this office is present during first appearance. If outside counsel has been appointed due to a conflict within the RPDO, then he or she is paid an hourly rate for felonies and misdemeanors consistent with Standard 8. Conflict Attorneys will be paid \$118.21 per hour on misdemeanor files. Felony appointments pay at an hourly rate of \$130.03 per hour for noncapital offenses and \$141.82 for capital offenses. These are the MIDC recommended pay rates per Standard 8.

14. Any changes in your funding needs from the prior year for Initial Interviews? Please Yes No respond Yes or No.

If yes, please describe in the cost analysis.

Standard 2 (Page 5)

Confidential Meeting Spaces

- | | |
|----------------------------------------------------------------------------------------|---|
| 15. How many confidential meeting spaces are in the jail? | 3 |
| 16. What is the TOTAL amount of confidential meeting spaces in the courthouse? | 8 |
| 17. How many confidential meeting spaces in the courthouse are for in-custody clients? | 6 |

Please describe these spaces.

Both the Manistee County Jail and the Benzie County Jail have appropriate confidential spaces:

The Manistee County Jail has a room specifically designed and designated for attorneys to meet privately with clients. Only the attorney and the client are in the room when discussions ensue. The attorney is separated from the client by plexi-glass, and both the attorney and the client can communicate with ease.

The Benzie County Jail has a room where attorneys can meet with clients in private. This room is not ideal if the client has violent tendencies, as there is no divider, but the room is confidential with only the client and attorney present during discussion. Benzie County Jail also permits attorneys to meet with clients in the library so confidentiality can be maintained.

Attorneys in the Regional Public Defender's office also have Polycom & Zoom capabilities allowing them to videoconference with in-custody defendants in both Manistee and Benzie.

Both the Manistee County Jail and the Benzie County Jail have received tablets purchased by the Public Defender's Office so lawyers can meet virtually with clients over Zoom. The client is placed in a secure/confidential location when conferencing virtually with a lawyer. These tablets can also be utilized by conflict lawyers wishing to conference with in-custody clients.

As to confidential meeting spaces in the courthouse for *in-custody* clients:

- One in Benzie: Circuit Court jury room
- Five in Manistee: District Court Jury room, the Circuit Court Jury Room, three District Court meeting rooms

Standard 2 (Page 6)

18. How many confidential meeting spaces in the courthouse are for out-of-custody clients? 7

Please describe these spaces.

As to confidential meeting spaces in the courthouse for *out-of-custody* clients:

- Two in Benzie: The RPDO Offices
- Five in Manistee: The RPDO Office, and the District Court meeting rooms (3) (one floor below Circuit Court). The Circuit Court has also allowed attorneys to meet privately with counsel in the jury room.

Standard 2 (Page 7)

19. Any changes from the prior year's compliance plan for your confidential meeting spaces? Please respond Yes or No. Yes No

If Yes, please describe the proposed changes.

20. Any changes from the prior year's funding needs for confidential meeting spaces? Please respond Yes or No. Yes No

If yes, please describe in the cost analysis.

Standard 3 - Investigation and Experts

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Standard 3 (Page 1)

Experts and Investigators

21. The MIDC Standards now require approval of expert and investigative assistance to be independent from the judiciary. Describe the process of how attorneys request expert witness assistance for their indigent clients:

Directly in the Manistee-Benzie Public Defender's Office Employee Policies and Procedures Manual, attorneys shall request the assistance of an expert witness where it is reasonably necessary to prepare the defense and to rebut the prosecutor's case. Attorneys must seek approval of the costs and expenses before engaging the expert. Attorneys must obtain a curriculum vitae or similar information before seeking approval by the Chief Public Defender to hire an expert. Expenses for expert witnesses follow a tiered level of compensation based on education level and type. The compensation policy mirrors the MIDC set rates for experts. Therefore, the court is not involved.

Because Standard 5 has been adopted, if conflict counsel is handling a case, they would seek approval of an expert and investigative assistance from the conflict administrator. Attorneys will need to obtain a curriculum vitae or similar information before seeking approval by the conflict administrator to hire an expert. The conflict administrator will have a set amount of dollars to allocate to those conflict attorneys for these purposes. The conflict administrator will be advised/encouraged to approve expert services per the MIDC rates.

Standard 3 (Page 2)

22. Any change from the prior year's process to request expert witness assistance? Yes No
Please respond Yes or No.

If yes, please explain the change:

Standard 3 (Page 3)

23. Describe the process of how attorneys request investigative assistance:

Directly in the Manistee-Benzie Public Defender's Office Employee Policies and Procedures Manual, each attorney of the office has a duty to seek the assistance of a private investigator when reasonably necessary to prepare a defense. Decisions to limit an investigation must take into consideration the client's wishes and the client's version of the facts.

Private investigators are to be employed as independent contractors with the Regional Public Defender's Office. Expenses for investigators will be considered at hourly rates not to exceed \$75. If a qualified investigator cannot be obtained at \$75/hour or less (MIDC set rate), permission by the Chief Public Defender is required in order to secure an investigator at a higher rate.

Private investigators are to be bound by the same ethical standards as attorneys of the office. All information developed and submitted by the Investigator and provided to the

Regional Public Defender's Office shall be treated as strictly confidential and shall not be released or disclosed to any third party without prior written authorization by the Public Defender's Office.

Investigators should receive training and certification under the guidelines of the National Association of Investigative Specialists (NAIS). The investigator will need to become proficient in interviewing skills, with the use of a digital camera and voice recorder, and with scene or location sketches or diagrams. The investigator will also need to review and become familiar with common investigative manuals and procedures utilized by local law enforcement agencies to assist the attorneys in strategy planning before trial. Investigator must be fully licensed and bonded as required by the Professional Investigator Licensure Act, MCL 338.823, et seq.

If conflict counsel is handling a case, they would seek approval for investigative assistance from the conflict administrator. The conflict administrator will have a set amount of dollars to allocate to those conflict attorneys for these purposes. The conflict administrator will be advised to approve rates per the MIDC rules. Conflict administrators can only approve private investigators that are licensed under MCL 338.823, et seq.

Standard 3 (Page 4)

24. Any change from the prior year's process to request investigative assistance? Yes No
Please respond Yes or No.

If yes, please explain the change:

Standard 3 (Page 5)

25. How are attorney requests (whether approved or denied) for experts and investigators tracked by the system?
Please include approved and denied requests.

The Chief Public Defender will track both the approval and denials for experts and private investigators requested by any attorney of the Public Defender's Office. The Chief Public Defender will also track approval and denials for experts and private investigators by privately retained attorneys that have obtained an indigency order from the court in order to access 259 funds.

For FY2024, conflict cases will be handled by assigned counsel. The conflict attorney agreements will set forth how to obtain permission for monies to hire an expert witness and private investigators, which will now be obtained through the conflict administrator. Once permission is obtained, and services are rendered, an invoice is sent to Manistee County by the conflict administrator for payment. The payments are then tracked by the Chief Public Defender and submitted to MIDC for reporting. Further, the conflict administrator will be required to send datapoints on approved and denied requests for experts or investigators to the Chief Public Defender for quarterly reporting.

26. Any change from the prior year's funding needs for Standard 3? Please respond Yes No
Yes or No.

If yes, please describe in the cost analysis.

Standard 4 - Counsel at First Appearance

FOR OFFICE USE ONLY:

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Standard 4 (Page 1)

Counsel at First Appearance and Other Critical Stages

27. The MIDC Standards now require the selection and assignments of attorneys to be done independently from the judiciary. How are you providing counsel at first appearance and all arraignments? Please provide detail for circuit and district court coverage.

Judges designated times on each day for arraignments (first appearances). The RPDO has attorneys available for those pre-set arraignment times (limited appearances).

In the District Courts, the judges advise the defendants of their rights, including the right to have an attorney present during all court proceedings. If a defendant wishes to have an attorney, but cannot afford one, the District Court judge will conduct an indigency determination. If the person is in custody, the court will allow the attorney from the RPDO to appear on a limited basis, pause the proceedings to allow for a private conversation, and then come back on the record to address bail with counsel.

In the Circuit Court, the judge will begin the arraignment, advise the defendant of their rights, including the right to have an attorney present during all court proceedings. If a defendant wishes to have an attorney, but cannot afford one, the Circuit Court judge will conduct an indigency determination. If the person is in custody or out-of-custody, the court will refer the matter immediately to the PD office (who is already present), pause the proceedings to allow for a private conversation, and then come back on the record to address bail with counsel.

If the client wishes to have court appointed counsel, and the court made an indigency determination, then the case is fully referred to the RPDO for assignment. If there is a conflict, then the case will be sent to the conflict administrator for further administration. If a lawyer from the RPDO already filed an appearance, and then a conflict of interest is identified, then the attorney from the RPDO will contact the conflict administrator for a conflict lawyer and a substitution of counsel can be utilized to transfer the file.

Standard 4 (Page 2)

28. How are you providing counsel at all other critical stages? Please provide details:

If the client wishes to have court appointed counsel, the court makes an indigency determination, and the case is referred to the RPDO. The Chief Public Defender assigns the cases to one of the in-house attorneys based upon difficulty, experience, and current caseload (internal policy). If there is a conflict, then the case will be sent to the conflict administrator for conflict counsel. If an appearance was filed by an attorney of the RPDO before a conflict was identified, then the attorney from the RPDO will contact the conflict administrator for a conflict lawyer, and a substitution of counsel will be utilized to transfer the file.

Standard 4 (Page 3)

Standard 4 - Counsel at First Appearance for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Manistee County
 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

29. How are you compensating attorneys for Standard 4? Please provide detail for compensating counsel at first appearance and compensating counsel at all other critical stages.

Employees of the Regional Public Defender's Office are salaried employees, and the office ensures an attorney is present during arraignments to satisfy the Counsel at First Appearance standard. If necessary, conflict attorneys are paid differently depending on the type of case. As previously stated, rates on conflict appointments will be paid at the MIDC set hourly rate under Standard 8.

Standard 4 (Page 4)

30. Do you have a prison in your County? Yes No

If Yes, how is counsel provided to people charged with crimes while incarcerated in the prison?

The Oaks Correctional Facility is in Manistee County. Counsel is provided to inmates in prison the same way they are provided to inmates in the County jail.

Regarding counsel at first appearance for prison inmates, either a writ of Habeus Corpus is prepared for transport or the court will use the Polycom writ system. If Polycom is used, the judge will often clear the courtroom to allow for a brief conversation with defense counsel for purposes of arraignment/bail. Now using Zoom, the Court will permit a breakout room session to consult with the inmate. If the inmate is physically before the court, the court will pause proceedings to allow attorneys to counsel for bail, and then come back on the record. The RPDO then files an appearance to become counsel of record if the court determined the defendant is indigent and requested court appointed counsel.

The Manistee Public Defender's Office does submit for reimbursement on an ongoing basis.

Do you seek reimbursement for the cost of counsel from the Michigan Department of Corrections? Yes No

Standard 4 (Page 5)

31. Are there or will there be any misdemeanor cases where your court accepts pleas without the defendant appearing before a magistrate or a judge? For example, pleas by mail, over the counter pleas, pleas online, etc. Please answer Yes or No. Yes No

32. Describe how counsel is offered to a defendant making a plea who does not appear before a magistrate or judge:

Yes. Plea by mails are only accepted in our jurisdiction if the court is not going to incarcerate following the plea. Counsel is not present in most plea by mail situations (because counsel is never aware when a plea by mail is taking place), however, the courts utilize the SCAO plea by mail form, which notifies the defendant of their right to a court appointed attorney at public expense if they are indigent. Most often, the plea by mail forms are utilized for DNR violations in Manistee and Benzie.

Sometimes an attorney will use the plea by mail process for resolution if the client has been assigned and lives far away.

Standard 4 (Page 6)

33. Any change from the prior year's attorney compensation for Standard 4? Please respond Yes or No. Yes No

If yes, please describe in the cost analysis.

34. Any change from the prior year's funding needs for Standard 4? Please respond Yes or No. Yes No

If yes, please describe in the cost analysis.

Standard 5 - Attorney Assignment

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Standard 5 (Page 1)

The MIDC Standards now require independence from the court including the selection and assignment of attorneys, attorney compensation and approval of requests for expert and investigative assistance.

- 35. How will attorneys be selected to provide adult indigent criminal defense services in your indigent defense system? Please describe any eligibility requirements needed by the attorneys as well as the selection process:

Eligibility is determined based upon years of experience, number of jury trials, willingness to complete 12 credits of CLEs, and other relevant experience such as a significant record of quality criminal trial court representation.

Standard 5 (Page 2)

- 36. Will the selection process be facilitated by a committee of stakeholders? Yes No

If so, please list the titles of participating officials, agencies, or departments as appropriate.

Standard 5 (Page 3)

- 37. Who will approve an attorney's eligibility to receive assigned cases? Chief Public Defender and the Conflict Administrator
- 38. Who will assign work to the attorneys in the indigent defense system? Please include the person's name, title, employer and/or supervisor.

Person's Name: Jared C. Henry and Mark Quinn

Title: Chief Public Defender and Conflict Administrator

Employer and/or Supervisor: Manistee County

- 39. Who will review and approve attorney billing? Conflict Administrator, Chief Public Defender Manistee County HR
- 40. Who will approve requests for expert and investigative assistance? Chief Public Defender and the Conflict Administrator
- 41. Who will review and approve expert and investigative billing? Chief Public Defender and the Conflict Administrator

Standard 5 (Page 4)

- 42. What is your appeal process to resolve any potential conflicts between the assigned attorney and the person(s) assigning casework?

Conflicts within the Public Defender's Office will be handled internally as the Chief Public Defender assigns the work to other attorneys within the office.

In the event there is a conflict between the conflict administrator and the assigned conflict attorney, we will request a neighboring conflict administrator (neutral third party) act to resolve any potential conflicts regarding case assignment between the assigned attorney and the conflict administrator.

Standard 5 (Page 5)

43. What is your appeal process to resolve any potential conflicts between the assigned attorney and the person(s) or reviewing/approving billing?

We will request a neighboring conflict administrator and/or Chief Public Defender act as appellate review to resolve any potential conflicts between the assigned attorney and the person reviewing/approving billing.

Standard 5 (Page 6)

44. What is your appeal process to resolve denied or partially denied requests for expert or investigative assistance?

We will request that a neighboring conflict administrator and/or Chief Public Defender act as appellate review to resolve any denied or partially denied request for expert or investigative assistance.

Determining Indigency, Contribution, Reimbursement

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Indigency (Page 1)

45. Will judges and/or court staff conduct all indigency screening in every proceeding? Yes No
Please answer Yes or No

If no, who will screen for indigency?

Is this screener the Appointing Authority? Yes No

If the screener is not the Appointing Authority, does the Appointing Authority oversee the screening process? Yes No

Briefly describe your process for screening for indigency.

All courts advise at arraignment of right to court appointed counsel.

The 19th Circuit Court conducts the indigency hearing on the record. Judge Thompson follows the factors provided in MCR 6.005(B). If the court finds the defendant indigent, an order is signed indicating the defendant is indigent and referral to the appointing authority (the public defender's office).

Judge Brunner for the 85th District Court- Manistee- utilizes the SCAO financial statement form MC222. Once that form is completed sufficient to satisfy the courts inquiry, it is signed declaring "the defendant is financially unable to retain an attorney and is referred to the local appointing authority for appointment of an attorney."

Judge Mead for the 85th District Court- Benzie- utilizes a dual approach. Judge Mead will conduct indigency on the record in some circumstances and will utilize SCAO form MC222 on other occasions. In either scenario, the court enters an order referring the case for appointment of an attorney to the public defender's office.

Indigency (Page 2)

What is the process for appealing a determination that a person does not qualify for appointed counsel?

The defendant is always provided additional opportunities to resubmit an application for court appointed counsel before the same court. In the event the court continues to deny the request, the defendant has appellate rights to seek review from higher courts.

Indigency (Page 3)

46. Are you designating an Appointing Authority to conduct indigency screening for purposes of MCR 6.005(B)? Yes No

Will you seek contribution from partially indigent defendants? Yes No

47. In cases where contribution is appropriate, who is going to make request with the court for contribution?

48. In cases where contribution is appropriate, what is your process for determining the amount that a person should contribute during the pendency of the case to their defense?

Indigency (Page 4)

49. What is your process for obtaining contribution?

Indigency (Page 5)

50. What is the process for challenging a request for contribution?

51. Do your courts/judges order reimbursement for attorney fees at the conclusion of a case? Yes No

Attorney Compensation

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Attorney Compensation (Page 1)

52. The MIDC Standards set minimum hourly rates for roster attorneys accepting assignments in adult criminal cases. Are ALL roster attorneys (not full time employees of a public defender office) paid on an hourly basis? Yes No

If yes [hourly rates are paid], is there any cap or maximum on the hours that can be billed? Yes No

If yes, please explain.

Attorney Compensation (Page 2)

If no [hourly rates are not paid], please describe how attorneys are compensated (flat rate contract, event based, shift coverage, etc). Please address the following:

Are attorneys compensated based on caseloads and does the compensation account for increases or decreases in caseload size?

What other factors were considered in arriving at the payment?

Are attorneys able to seek extraordinary compensation?

How do attorneys seek reimbursement for case-related expenses?

How will your system demonstrate that the compensation is equivalent to the MIDC minimum hourly rates? (type of invoicing, etc).

Attorney Compensation (Page 3)

53. All roster attorneys should be provided regular, periodic payments.

How often are attorney invoices processed and paid? Twice a Month

In lengthy cases, is periodic billing and payment during the course of representation allowed? Yes No

Miscellaneous

FOR OFFICE USE ONLY:

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Personnel

In the cost analysis, please provide detail about all personnel employed by the funding unit. This should include DIRECT SERVICE PROVIDERS (Public Defender Chief, Deputy Chief, Assistant Defenders, and staff of the defender office employed by the system) as well as ANCILLARY STAFF (court clerks, sheriff employees, etc.)

Ancillary Staff

54. In limited circumstances, the MIDC can fund some other system staffing needs if required to implement one of the MIDC standards. These requests are evaluated each year.

55. Do you have any ancillary staff? Please answer Yes or No. Yes No

If yes, what standard(s) or reporting needs do they meet?

If yes, how are you tracking time for ancillary staff?

56. For existing ancillary staff, are there any personnel positions/hours eliminated, reduced or increased from the prior year? Please answer Yes or No. Yes No

If yes, please explain in the cost analysis.

57. Are any additional ancillary staff positions or hours requested from the prior year? Please answer Yes or No. Yes No

If yes, please explain in the cost analysis.

Reimbursement Costs for Creating Plan

An indigent criminal defense system may submit to the MIDC an estimate of the cost of developing a plan and cost analysis for implementing the plan under MCL 780.993(2). Please attach documentation of planning time for FY24, if seeking reimbursement under this provision.

Are you requesting reimbursement of planning costs? Yes No

If yes, do you have receipts showing that non-funding unit employees have been paid? Yes No

What is the amount you are seeking in reimbursement?

Costs Associated with Data Collection

The MIDC shall fund reasonable costs associated with data required to be collected under the MIDC Act that is over and above the local unit of government's data costs for other purposes pursuant to MCL 780.993 (10).

Are you requesting funding for costs associated with data collection? Yes No

If yes, please describe (cost for case management system, hiring personnel, etc.)

What is the amount you are seeking for this funding? \$

Reminders

- You must also complete a cost analysis.
- In order to complete your application, you must update or confirm the list of the attorneys providing services with P numbers.
- If applicable, you must submit documentation supporting your request under MCL 780.993(2) for reimbursement for the cost of compliance planning.

List of the attorneys providing services

Attorneys Accepting Assignments

Name of Attorney	Bar Number	Title	Type of Office	Years Practicing Criminal Defense in Michigan
Anthony Cicchelli	46307	Chief Assistant Public Defender	Public Defender	19.0
Patrick Dougherty	41134	Patrick Dougherty Law, PLC	Private Attorneys	31.0
Jacob Graff	70494	Graff, Graff, and Helveston	Private Attorneys	16.0
Jared C. Henry	79997	Chief Public Defender	Public Defender	7.0
David Huft	32736	Associate Public Defender	Public Defender	41.0
Jane Johnson	51140	Chief Assistant Public Defender	Public Defender	27.0
Frederik Stig-Nielsen	79290	Mas/Stig-Nielsen, PLLC	Private Attorneys	8.0
Betsy Mas	79690	Mas/Stig-Nielsen, PLLC	Private Attorneys	7.5

Cost Analysis

Instructions for Completion of the Fiscal Year 2024 Cost Analysis

Please complete all sections of the spreadsheet and narrative relevant to your request for grant funds. The cost analysis request is for the total adult criminal indigent defense system cost funded by the state grant, local share, and other funding sources. As noted in the narrative for each budget category, please highlight or make note of a new or changed budget request. Justification of expenses should include a clear statement as to how the position, contract, or item is a direct expense of the local indigent defense system. The request must include calculations for rates, hours and pricing of requested items. Please refer to the MIDC's GRANT MANUAL for guidance as to allowable costs. Click on 'Show Documents' to view the Grant Manual.

Does or will your system use a vendor/nonprofit model public defender office to provide indigent defense services? Yes No

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
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 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

4/20/2023

FOR OFFICE USE ONLY:								
Line Item	Version #	APP #	Qty	Rate	Units	UOM	Total	State Grant
DIRECT EXPENSES								
Program Expenses								
1	Personnel							
	Chief Public Defender		1,0000	57,382	1950,000	FTE	111,894.90	111,894.90
	Notes : Page 26 of MIDC Grant Manual provides, "for salaried attorneys, the rates paid by the Michigan Attorney General for Assistant Attorney General, or other state offices, serve as guidance for reasonable compensation. The rates set by the Michigan Attorney General positions for assistant Defender would be level 15 position, and senior or management level positions would be level 16-18 for Chief Public Defenders and Deputy Public Defenders. " Request increase for Chief Public Defender compensation to \$111,893 to satisfy the requirement of Standard 8. This wage is equal to the Attorney General Specialist Grade 17 minimum according to SOM Compensation Plan Section A.							
	Chief Assistant Public Defender		2,0000	50,610	1950,000	FTE	197,379.00	197,379.00
	Notes : Page 26 of MIDC Grant Manual provides, "for salaried attorneys, the rates paid by the Michigan Attorney General for Assistant Attorney General, or other state offices, serve as guidance for reasonable compensation. The rates set by the Michigan Attorney General positions for assistant Defender would be level 15 position, and senior or management level positions would be level 16-18 for Chief Public Defenders and Deputy Public Defenders. " Request							

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
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 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Line Item	Qty	Rate	Units	UOM	Total	State Grant
increase for Chief Assistant Public Defender compensation to \$50.61/hour to satisfy the requirement of Standard 8. This wage is equal to the Attorney General Senior Counsel Grade 16 minimum according to SOM Compensation Plan Section A after factoring 2.0% for COLA.	1.0000	34,492	1950.000	FTE	67,259.40	67,259.40
Asst. Public Defender Notes : This positions wage is already within the Attorney General Grade 15 pay scale. As such, this wage satisfies MIDC Standard 8.	1.0000	20,157	1950.000	HRS	39,306.15	39,306.15
Office Manager	1.0000	19,374	1950.000	HRS	37,779.30	37,779.30
Office Manager	1.0000	23,742	1950.000	HRS	46,296.90	46,296.90
Social Worker	1.0000	33,260	1950.000	FTE	64,857.00	64,857.00
Asst. Public Defender Notes : This positions wage is already within the Attorney General Grade 15 pay scale. As such, this wage satisfies MIDC Standard 8.	1.0000					
Total for Personnel					564,772.65	564,772.65
2						
Attachment : Copy of Fund 260 - Salary- Benefits.xlsx						
Fringe Benefits						
Employer FICA	0.0000	7,650	564772.000		43,205.06	43,205.06
Health Insurance	0.0000	21,534	564772.000		121,618.00	121,618.00
Life Insurance	0.0000	0,036	564772.000		203.32	203.32
Short Term / Long Term Disability	0.0000	1,440	564772.000		8,132.72	8,132.72
Workmens Compensation	0.0000	0,316	564772.000		1,784.68	1,784.68

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
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 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

4/20/2023

Line Item	Qty	Rate	Units	UOM	Total	State Grant
Unemployment Insurance	0.0000	0.100	564772.000		564.77	564.77
Retirement	0.0000	13.375	564772.000		75,538.26	75,538.26
Sick/Vacation	0.0000	1.154	564772.000		6,517.47	6,517.47
Personal Day Payouts	0.0000	1.154	564772.000		6,517.47	6,517.47
Total for Fringe Benefits					264,081.75	264,081.75
Total Program Expenses					828,854.40	828,854.40
Contractual						
Attachment : <u>DataPoints for Conflict Attorney</u> <u>Fe.DOCX</u>						
1						
Conflict Case Defense Notes : Misdemeanors See attached document entitled "Data Points for Budgeting Conflict Attorney Fees FY2024".	15.0000	118.210	8.000	HRS	14,185.20	14,185.20
Conflict Case Defense Notes : Felonies: See attached document entitled "Data Points for Budgeting Conflict Attorney Fees FY2024".	37.0000	141.820	32.000	HRS	167,914.88	167,914.88
Conflict Administrator Notes : An attorney conflict administrator has been hired to satisfy the requirements of MIDC Standard 5. Details of how the conflict administrator functions is detailed elsewhere in the application.	1.0000	100.000	110.000		11,000.00	11,000.00

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
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Line Item	Qty	Rate	Units UOM	Total	State Grant
The current conflict administrator is a lawyer. Manistee County has entered into an agreement to pay Mark Quinn, PLLC \$100/hour for administering the conflict roster. This budget assumes the conflict administrator will bill roughly 9 hours per month for his services.					
Total for Contracts for Attorneys				193,100.08	193,100.08
2 Contracts for Experts and Investigators					
Investigators	1.0000	75.000	133.334 HRS	10,000.05	10,000.05
Experts	1.0000	175.000	142.858 HRS	25,000.15	25,000.15
Total for Contracts for Experts and Investigators				35,000.20	35,000.20
3 Contracts for Construction					
4 Contracts Other					
Administration Fees	1.0000	14000.000	1.000	14,000.00	14,000.00
Defender Data	8.0000	25.000	12.000 MTH	2,400.00	2,400.00
Notes : 8 users x \$25/month (or \$300/year) = \$2400 Lexis Nexis for 5 users Notes : Contract with Lexis Nexis at a rate of \$301 per month for 5 users. Attached is a copy of said contract. Attachment : ZZZ_3_LN Public Defender's Office Ag.PDF					
Total for Contracts Other				19,711.00	19,711.00
Total Contractual				247,811.28	247,811.28
Other Expenses					
1 Equipment					

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Manistee County
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Line Item	Qty	Rate	Units	UOM	Total	State Grant
2 Training/Travel						
Registration Fees-\$30 Credit Hour x 10 Attorneys x 12 CLEs	10.0000	30.000	12.000	MIDC	3,600.00	3,600.00
Lodging-\$130 per night x 10 nights	1.0000	130.000	10.000	NGT	1,300.00	1,300.00
Meals-County Rate x 10 full day meals	1.0000	36.000	10.000	DAY	360.00	360.00
SADO Membership	10.0000	75.000	1.000		750.00	750.00
NAPD Membership	10.0000	40.000	1.000		400.00	400.00
Bar Membership-5 Public Defenders x \$415 Standard Fees	5.0000	415.000	1.000	MIDC	2,075.00	2,075.00
Mileage-Travel between offices and training	5000.0000	0.575	1.000	MIL	2,875.00	2,875.00
Total for Training/Travel					11,360.00	11,360.00
3 Supplies/Services						
Office Supplies	1.0000	5000.000	0.000	VAR	5,000.00	5,000.00
Transcripts	1.0000	3000.000	0.000		3,000.00	3,000.00
Court Rules / Guidelines Notes : We use Lexis Nexis for our online research, but we get our court rule books and sentencing manuals from Thomson Reuters.	1.0000	1140.000	0.000		1,140.00	1,140.00
Cell Phones Notes : 4 cell phones x \$300/month (four all four users) = \$3600	1.0000	3600.000	0.000		3,600.00	3,600.00
Printers Notes : \$210 for two Xerox leases (Manistee and Benzie Office) x 12 months = \$2520	1.0000	2520.000	0.000		2,520.00	2,520.00

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Line Item	Qty	Rate	Units	UOM	Total	State Grant
Postage	1.0000	3000.000	0.000		3,000.00	3,000.00
Document Request Fees Notes : When the Public Defender's Office is investigation cases, lawyer will request documents from courts, law enforcement agencies (FOIA fees), Vital Record searches, medical records, et. The \$700 request is to cover expenses associated with collecting these documents. These documents assist the lawyer with preparing a defense.	1.0000	700.000	0.000		700.00	700.00
Process Service Fees	1.0000	500.000	0.000		500.00	500.00
Network Licenses	8.0000	150.000	0.000		1,200.00	1,200.00
Software Expenses Notes : Manistee County has an enterprise agreement with Microsoft for licensing Microsoft Office 365 as well as other network licensing fees.	8.0000	400.000	0.000		3,200.00	3,200.00
Total for Supplies/Services					23,860.00	23,860.00
Total Other Expenses					35,220.00	35,220.00
TOTAL DIRECT EXPENSES					1,111,885.68	1,111,885.68
INDIRECT EXPENSES						
Indirect Costs						
1 Indirect Costs						
Total Indirect Costs					0.00	0.00
TOTAL INDIRECT EXPENSES					0.00	0.00
TOTAL EXPENDITURES					1,111,885.68	1,111,885.68

Cost Analysis Detail for Compliance Plan and Cost Analysis Renewal - FY 2024
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Cost Analysis Summary for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Manistee County
 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

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Category	Total	State Grant	Narrative
DIRECT EXPENSES			
Program Expenses			
1 Personnel	564,772.65	564,772.65	<p>Pursuant to MIDC Standard 8, Chief Public Defenders and Deputy Public Defenders are to have compensation set equal to State of Michigan Attorney General positions grade 16-18. This plan requests compensation increased for the Chief Assistant Public Defenders to the minimum 16 rate. According to the Compensation Plan section A, Grade 16 minimum rate for 10/1/22 is \$49,62. Adding the required 2.0% COLA adjustment, we are requesting wages for the chief assistant public defenders at \$50.61 per hour.</p> <p>The Chief Public Defenders compensation is requested to be bumped up to that of Grade 17, which under the Compensation Plan Section A is \$111,893.</p> <p>For all other positions, there is a request for a 3.0% wage increase from FY23 due to raises in cost of living (COLA). The Manistee County Board of Commissioners do not approve cost of living adjustments until further along in the local budgeting process. That being said, if the Board of Commissioners passes a cost of living increase lower than the 3% requested, the additional funds could be adjusted in a grant contract amendment.</p>
2 Fringe Benefits	264,081.75	264,081.75	<p>All employees of the Public Defender's Office are full-time employees with benefits set forth in the Manistee County Personnel Policy. Attached to this section is a spreadsheet detailing the total wages and fringe benefits without the rounding errors presented by the Egrams system.</p>
Total Program Expenses	828,854.40	828,854.40	
Contractual			
1 Contracts for Attorneys	193,100.08	193,100.08	In the event the Manistee-Benzie regional Public Defender's Office has to conflict

Cost Analysis Summary for Compliance Plan and Cost Analysis Renewal - FY 2024
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4/20/2023

	Category	Total	State Grant	Narrative
2	Contracts for Experts and Investigators	35,000.20	35,000.20	<p>out of a case, funds are requested to hire a conflict administrator to manage a roster of conflict attorneys to take on conflict appointments. This is necessary pursuant to MIDC Standard 5. Currently, Attorney Mark Quinn from the Law Office of Kroizcyk and Quinn acts as that conflict administrator. The conflict administrator is an independent contractor that is permitted to bill at a rate of \$100 per hour. This budget projects that the conflict administrator will bill roughly 9 hours per month for services rendered. This is consistent with past billing.</p> <p>The remaining funds requested in this section are related to paying the conflict attorneys to take on conflict appointments. The rates requested are in conformance with rates set by the MIDC under Standard 8. Attached to this section is a document that details the math used to arrive at the budgeted amounts requested for felony conflict fees and misdemeanor conflict fees.</p> <p>In FY2022, \$9351.19 was expended for private investigator services. As of 4/19/2023, 2415.15 so far was used in private investigator services, but a few invoices remained outstanding. As such, we are requesting a decrease in funds to \$10000 to be shared between the public defender's office and the conflict administrator for purposes of hiring private investigative services.</p> <p>In FY2022, there were \$22,226.48 paid for expert witness fees. As of April 19, 2023, there have been \$11,400 worth of expenditures related to expert witnesses. The Public Defender's Office is requesting \$25,000 in expert witness fees to keep with the historical data. Further, the Public Defender's Office is still handling multiple homicide cases that may require independent expert witness testimony/analysis. This requested amount is less than last fiscal year, and it is to be shared with the conflict administrator.</p>
3	Contracts for Construction	0.00	0.00	

Cost Analysis Summary for Compliance Plan and Cost Analysis Renewal - FY 2024
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4/20/2023

Category	Total	State Grant	Narrative
4 Contracts Other	19,711.00	19,711.00	Because the Regional Public Defender's Office services both Manistee and Benzie counties, the local governments have entered into an Intergovernmental Transfer of Functions and Responsibilities contract whereby Manistee County will continue to be the fiduciary for Benzie County. Manistee County will be responsible for payroll, accounts payable, and human resources. As such, Benzie County will be required to pay an administrative fee to Manistee County to perform these services. Since these services are performed in response to indigent criminal defense, these fees are to be included in the FY 2024 cost analysis. The local counties previously negotiated a flat rate of \$14,000. There is no change to this specific request.
Total Contractual	247,811.28	247,811.28	
Other Expenses			
1 Equipment	0.00	0.00	
2 Training/Travel	11,360.00	11,360.00	The following requests are related to MIDC Standard 1. There are no changes in this section from fiscal year 2022 contract agreement. I anticipate additional attorneys being interested in conflict case assignments in the region with the increase in hourly payments under Standard 8. Currently, only 9 attorneys are handling adult indigent cases in Manistee and Benzie County. I have submitted for funds for 10 attorneys to receiving training under Standard 1.
3 Supplies/Services	23,860.00	23,860.00	Most of these costs are self explanatory. Almost all requests in this grant application mirror FY2023 grant agreement supplies/services requests.
Total Other Expenses	35,220.00	35,220.00	
TOTAL DIRECT EXPENSES	1,111,885.68	1,111,885.68	
INDIRECT EXPENSES			
Indirect Costs			

Cost Analysis Summary for Compliance Plan and Cost Analysis Renewal - FY 2024
 Agency: Manistee County
 Application: Compliance Plan and Cost Analysis Renewal - FY 2024

Category	Total	State Grant	Narrative
1 Indirect Costs	0.00	0.00	
Total Indirect Costs	0.00	0.00	
TOTAL INDIRECT EXPENSES	0.00	0.00	
TOTAL EXPENDITURES	1,111,885.68	1,111,885.68	

Source of Funds

Category	Total	State Grant	Local Share	Other Funding Sources	Narrative
1 Source of Funds					
State Grant Contribution	826,518.74	826,518.74	0.00	0.00	
Local Share Contribution	285,366.94	0.00	285,366.94	0.00	
Program Revenue	0.00	0.00	0.00	0.00	
Previous Year Unspent Funds	0.00	0.00	0.00	0.00	
Total Source of Funds	1,111,885.68	826,518.74	285,366.94	0.00	
Totals	1,111,885.68	826,518.74	285,366.94	0.00	

Compensation Plan Section A

HRMN Position Description	Grade	Core Pos Code	Schedule	Unit	Exempt	Salary Pay Class	Plan	Shift	Job Cat	Job Class	10/01/2022 Minimum	10/01/2022 Maximum
Assistant Auditor Genrl Mgr-4	15	AUDGMGR4	NERE-188	Y51	Y	H	BWE1	Y	2	CL3	\$35.84	\$53.03
Assistant Deputy Warden-3	14	ASTDWRD3	NERE-186	Y51	Y	H	BWE1	Y	2	CL3	\$31.98	\$47.70
Assistant Resident Unit Supv-1	11	ASRUSPV1	NERE-128	Y51	N	H	BWN2	Y	4	CL3	\$26.30	\$37.30
Assistnt Auditor General Spl-2	13	ASAGSPL2	NERE-183	Y23	Y	H	BWE1	Y	2	CL2	\$31.20	\$45.35
Assistnt Auditor General Spl-3	14	ASAGSPL3	NERE-187	Y23	Y	H	BWE1	Y	2	CL2	\$33.26	\$48.54
Assistnt Auditor General Spl-4	15	ASAGSPL4	NERE-188	Y23	Y	H	BWE1	Y	2	CL2	\$35.84	\$53.03
Attorney Administrator-1	18	ATTYADM1	NERE-023P	Y98	Y	S	BWE1	N	1	CL4	\$119,726	\$155,058
Attorney Administrator-2	19	ATTYADM2	NERE-024P	Y98	Y	S	BWE1	N	1	CL4	\$124,975	\$161,224
Attorney Administrator-3	20	ATTYADM3	NERE-025P	Y98	Y	S	BWE1	N	1	CL4	\$129,786	\$167,426
Attorney Gen Investigator-A	12	ATGNINVA	A02-025	A02	N	H	BWN1	Y	4	CL1	\$28.53	\$40.58
Attorney Gen Investigator-E	9	ATGNINVE	A02-017	A02	N	H	BWN1	Y	4	CL1	\$23.89	\$31.20
Attorney Gen Investigator-E	10	ATGNINVE	A02-017	A02	N	H	BWN1	Y	4	CL1	\$25.10	\$34.27
Attorney Gen Investigator-E	E11	ATGNINVE	A02-017	A02	N	H	BWN1	Y	4	CL1	\$27.77	\$38.83
Attorney General Invstig Supv-1	13	AGINSPV1	NERE-080	Y51	Y	H	BWE1	Y	2	CL3	\$29.96	\$42.90
Attorney General Invstig Supv-2	14	AGINSPV2	NERE-081	Y51	Y	H	BWE1	Y	2	CL3	\$31.58	\$46.31
Attorney General Invstig Supv-3	15	AGINSPV3	NERE-082	Y51	Y	H	BWE1	Y	2	CL3	\$34.24	\$50.97
Attorney Senior-A	16	ATTORNYA	NERE-021P	Y98	Y	H	BWE1	Y	2	CL2	\$49.62	\$64.94
Attorney Specialist - 1	17	ATYSPL1	NERE-022P	Y98	Y	S	BWE1	N	2	CL4	\$111,893	\$144,939
Attorney Specialist - 2	18	ATYSPL2	NERE-023P	Y98	Y	S	BWE1	N	2	CL4	\$119,726	\$155,058
Attorney Staff-E	15A	ATTORNYE	NERE-280	Y98	Y	H	BWE1	Y	2	CL2	\$30.39	\$42.90
Attorney Staff-E	15B	ATTORNYE	NERE-280	Y98	Y	H	BWE1	Y	2	CL2	\$35.65	\$51.52
Attorney Staff-E	15C	ATTORNYE	NERE-280	Y98	Y	H	BWE1	Y	2	CL2	\$39.68	\$57.20
Audiologist-E	P11	AUDLGSTE	W22-070	W22	N	H	BWN1	Y	2	CL2	\$28.30	\$40.75
Audiology Spch Consultant-A	12	AUDSCSTA	W22-046	W22	Y	H	BWE1	N	2	CL2	\$30.50	\$43.85