

Submitter Information

Funding Unit(s)/System Name:

Livingston County

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

Karen E. Groenhout, Chief Public Defender, kgroenhout@livgov.com, 517-540-8929

Please identify the following points of contact (include name, title, email address and phone number):

Authorizing official who will sign the contract:

Wes Nakagiri, Livingston County Board of Commissioners Chairman.

Mailing address for authorizing signatory:

304 E. Grand River, Suite 202, Howell, MI 48843

Primary point of contact for implementation and reporting:

Karen E. Groenhout, Chief Public Defender, kgroenhout@livgov.com, 517-540-8929

Financial point of contact:

Cindy Catanach, Chief Financial Officer, ccatanach@livgov.com, 517-540-8727

MIDC FY22 COMPLIANCE PLAN

Please identify any other person in the system who should receive communications from MIDC about compliance planning and reporting, including name, title, and email address:

Nathan Burd, County Administrator, nburd@livgov.com, 517-540-8800

Delivery System Model

1. What type of indigent defense delivery system do you have currently?

- Public Defender Office (county employees)
- Managed Assigned Counsel System

Name of MAC Attorney Manager and P#: Karen E. Groenhout P58528

2. Are you proposing to change your type of indigent defense delivery system for next year? Please respond Yes or No.

No

3. If you are changing your indigent defense delivery system, what model do you plan to use next year?

N/A

Standard 1

Training of Attorneys

4. Number of attorneys who accept adult criminal defense assignments as of October 1, 2021

20

5. Number of attorneys with less than 2 years of Michigan criminal defense experience as of October 1, 2021

1

In the cost analysis, 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?

Any attorney with less than two years of Michigan criminal defense experience must take and complete the requisite trial skills training offered through the Criminal Defense Association of Michigan in addition to the 12 hours of approved continuing legal education.

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

Each attorney is responsible for obtaining 12 hours of MIDC approved CLE's. The Public Defender's Office compiles and distributes training opportunities to all attorneys that work in our local public defender system. If the attorney would

MIDC FY22 COMPLIANCE PLAN

like to take a course that has not been previously approved by the MIDC they must request approval of the conference through the Livingston County Public Defender's Office and/or the MIDC. Once an attorney completes any CLE's they are responsible for submitting proof to CDAM and to the Livingston County Public Defender's Office. The Public Defender's Office keeps track of all CLE's in order to ensure all attorneys are qualified under Standard 1 to continue to receive cases.

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

The attorney will not receive any Public Defender Cases until such time as the attorney has completed the required continuing legal education.

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

No

If yes, please describe in the cost analysis.

N/A

Standard 2

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?

Managed Assigned Counsel attorneys receive an email from the Livingston County Public Defender's Office with the assignment and appropriate paperwork as soon as the individual qualifies for a public defender.

In-house attorneys receive an email and an alert in our case management system, Defender Data.

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

MAC attorney's submit a written report to the Livingston County Public Defender's Office at the end of each month indicating the date they were assigned to a case, if the client is in custody, the date first contact was made, and the method of contact.

In-house attorneys use a flag system and notes in our case management system, Defender Data, to track initial interviews and/or contacts with clients.

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

MAC attorney's give a written report to our office at the end of each month

indicating the date they were assigned to a case and the date that they made contact with the client.

In-house attorneys use a flag system and notes in Defender Data to track initial interviews and/or contacts with clients.

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.

MAC attorneys are paid per their contract with Livingston County with all services included in the contract. We contract out in lots of 50 cases. Each case is valued at 10 hours and paid at \$120.00 per hour.

In-house attorneys are paid a salary for all legal services.

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

No

If yes, please describe in the cost analysis.

Confidential Meeting Spaces

15. How many confidential meeting spaces are in the jail?

1

16. What is the TOTAL amount of confidential meeting spaces in the courthouse?

12

17. How many confidential meeting spaces in the courthouse are for *in-custody clients*? Please describe these spaces.

2

At the time of the submission of this compliance plan, Livingston County is in the process of remodeling the courthouse to include two sound proof rooms in the inmate holding cell area of the courthouse to ensure attorney client privilege.

18. How many confidential meeting spaces in the courthouse are for *out-of-custody clients*? Please describe these spaces.

There are 10 conference rooms that can be used on a first come first served basis at the courthouse.

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

Yes

If Yes, please describe the proposed changes.

It was anticipated that Livingston County would soundproof a room outside of each of its three Courthouse inmate holding cells. However, it only is addressing two of the three this fiscal year. Therefore, Livingston County will need to soundproof a room outside of the third holding cell in FY2022.

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

Yes. We will need funding for confidential meeting space outside of the third holding cell at the courthouse.

If yes, please describe in the cost analysis.

Please see attached estimate

Standard 3

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:

Attorneys send the Chief Public Defender/MAC coordinator a request for expert witness assistance. The Chief Public Defender/MAC coordinator then determines if the request is appropriate and responds to the attorney.

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

No

If yes, please explain the change:

N/A

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

An attorney contacts the Livingston County Public Defender Office and requests investigative services. At that point the Livingston County in-house investigator is

assigned to the case. If the Livingston County in-house investigator is unavailable because of a conflict or is otherwise unable to perform the investigation, the attorney will be notified and can seek an outside investigator.

The Livingston County investigator is automatically assigned in all in-house cases.

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

No

If yes, please explain the change:

N/A

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

Requests from MAC attorneys are submitted and tracked via email. All in-house cases are tracked via a flag system in our case management system, Defender Data.

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

No

If yes, please describe in the cost analysis.

N/A

Standard 4

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.

Livingston County Public Defender's Office has an attorney that is assigned full time to cover all arraignments and other critical stages. The counsel at first appearance attorney "CAFA" attorney is at all scheduled arraignments and is on call for any walk-in or in custody defendants. This is consistent in both circuit and district court.

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

Our CAFA attorney attends scheduled and on-call critical stage hearings daily. This service is provided to defendants in both district and circuit court.

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.

Our CAFA attorney is employed through the Livingston County Public Defender's Office and receives a salary for compensation.

30. Do you have a prison in your County? How is counsel provided to people charged with crimes while incarcerated in the prison? Do you seek reimbursement for the cost of counsel from the Michigan Department of Corrections?

Yes, Woodland Correctional Facility is in Livingston County. The assignment of an attorney to individuals at the correctional facility is the same with any other

qualified individual. The attorney is appointed to represent the client who is incarcerated in Woodland Correctional Facility. If the attorney is a MAC attorney, they will receive an email with the appropriate information. If the attorney is in-house, they will receive an email and an alert in Defender Data. We anticipate reimbursement for the cost of counsel from the MDOC if appropriate.

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.

No

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

N/A

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

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.

NO

If yes, please describe in the cost analysis.

N/A

Standard 5

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.

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:

Livingston County officially distributes proposal documents from the Purchasing Office and online at <https://www.livgov.com/fiscal-services/Procurement/Pages/bid-q-and-a-comment.aspx> or the BidNet via Michigan Inter-governmental Trade Network (MITN) <https://www.bidnetdirect.com/mitn> sites. Livingston County uses the MITN website for vendor registration, proposal and tabulation posting, award information and other processes. Final proposals are posted on the MITN website after they are awarded.

In order to assure that the indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing felony defense services are required to meet the following minimum professional qualifications in order to represent felony defendants.

- a) Satisfy the minimum requirements for practicing law in Michigan as determined by the Michigan Supreme Court and the State Bar of Michigan.
- b) Comply with the requirements of MIDC Standards.
- c) Have practiced criminal law for at least 5 years with preference given to criminal indigent defense work.
- d) Have an office in Livingston County.
- e) Carry professional liability insurance.

35. Will the selection process be facilitated by a committee of stakeholders? If so, please list the titles of participating officials, agencies, or departments as appropriate.

The selection process is through the third party application process and by the Chief Public Defender.

36. Who will approve an attorney's eligibility to receive assigned cases?

The Chief Public Defender

37. Who will assign work to the attorneys in the indigent defense system? Please include the person's name, title, employer and/or supervisor.

Amanda Joseph, Administrative Specialist, Livingston County MI under the direct supervision of Karen E. Groenhout, Chief Public Defender.

38. Who will review and approve attorney billing?

Karen E. Groenhout, Chief Public Defender

39. Who will approve requests for expert and investigative assistance?

Karen E. Groenhout, Chief Public Defender

40. Who will review and approve expert and investigative billing?

Karen E. Groenhout, Chief Public Defender

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

We have a reciprocal appeal process with Washtenaw County.

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

We have a reciprocal appeal process with Washtenaw County.

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

We have a reciprocal appeal process with Washtenaw County.

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

44. 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.
45. Do you have any ancillary staff? Please answer Yes or No.
- No

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

N/A

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

N/A

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

N/A

If yes, please explain in the cost analysis.

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

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 FY22, 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? \$_____N/A_____