



Memorandum

To: Livingston County Board of Commissioners

From: Karen Groenhout, Livingston County Public Defender

Date: March 13, 2023

Re: Resolution of Intent to Apply for Financial Assistance for Fiscal Year 2024 with the Michigan Indigent Defense Commission (MIDC) Department of Licensing and Regulatory Affairs (LARA) to Receive Funding to Comply with the Michigan Indigent Defense Act, Public Act 214 of 2018 – Public Defender

Attached for your consideration and approval is a resolution stating the intention of the Livingston County Public Defender's Office to apply for financial assistance from the State of Michigan, through The Michigan Indigent Defense Commission for FY2024, The Michigan Indigent Defense Commission ("MIDC") Act is found at MCL §780.981 et seq. The MIDC is responsible for "[d]eveloping and overseeing the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that indigent criminal defense services providing effective assistance of counsel are consistently delivered to all indigent adults in this state consistent with the safeguards of the United States constitution, the state constitution of 1963, and this act." MCL §780.989(1)(a).

The MIDC has the authority and duty to establish "rules and procedures for indigent criminal defense systems to apply to the MIDC for grants to bring the system's delivery of indigent criminal defense services into compliance with the minimum standards established by the MIDC." MCL §780.989(1)(g). "No later than 180 days after a standard is approved by the department, ... "local funding units" shall submit an annual plan for the following state fiscal year... A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis for meeting those minimum standards. The standards to be addressed in the annual plan are those approved not less than 180 days before the annual plan submission date..." MCL §780.993(3) "An indigent criminal defense system must not be required to provide funds in excess of its local share. The MIDC shall

provide grants to indigent criminal defense systems to assist in bringing the systems into compliance with minimum standards established by the MIDC.” MCL §780.993(8).

In the FY24 grant cycle, Livingston County Public Defender’s Office must comply with MIDC Standards 1-5 and the recently adopted Standard 8, Attorney Compensation (Economic Disincentives or Incentives). It is anticipated that the Livingston County Public Defender’s Office will need \$3,226,423.00 dollars to meet the Standards set forth by the MIDC. Livingston County’s Local Share is \$944,189.67 and therefore, the Livingston County Public Defender’s Office is requesting \$2,282,233.33 in grant fund dollars.