



MICHIGAN INDIGENT DEFENSE COMMISSION

Compliance Plan for Indigent Defense Standards 1 – 4

INSTRUCTIONS

Local indigent defense systems have until **November 20, 2017**, to submit to the Michigan Indigent Defense Commission (MIDC) a plan for compliance with the first four approved minimum standards for indigent criminal defense services. This document includes instructions and a compliance plan structure for the submission and information on how to calculate your request for state funding. All application questions must be answered within the requirements, and all attachments and signatures included for a complete application. Failure to submit a complete application will result in the application being disapproved and returned, per MCL 780.993(4). Applications should be submitted through the MIDC's web portal at <http://portal.michiganidc.gov/>.

The application document includes the following sections: Applicant Information, Compliance Plan Narrative, Cost Analysis, Local Share Calculation, Data Collection, and Grant Calculation. The MIDC website, <http://michiganidc.gov>, hosts helpful information for compliance planning including additional guidelines, detailed white papers on each of the four standards and several model plans including sample cost analyses for different local indigent defense delivery systems.

Guidelines for the Cost Analysis and Local Share in the Compliance Plan

All proposed, estimated, or actual expenditures reported in either the Cost Analysis or the Local Share should be reflective of direct indigent defense system activities. For any funding requests for ancillary agencies, the claimed expense must be reasonably and directly related to the indigent defense function, with a clear justification and compelling rationale. The Local Share calculation – which acts as a baseline for continued funding unit contribution to the indigent defense system – may be reported as an estimate if the actual funding level cannot be calculated. If an estimate is provided for the Local Share, the methodology to calculate the estimate must be reported. All Local Share calculations must be certified by the authorizing official on the application. The following instructions provide general guidance for the Cost Analysis and, specifically, the enhanced costs to meet the provisions of the four standards. The costs, expenditures, and rates proposed are presumed reasonable; variations will be considered on a case-by-case basis.

Standard 1 - Indigent defense systems may achieve this standard by having attorneys register for a specific training or by facilitating a local or regional training program. Registration for CLE hours will be allowed at the rate of \$25 per credit hour. Instructors for training programs will be reimbursed at reasonable consultant rates commensurate with the local market. A guideline for illustrative purposes may be up to \$75/hr with allowance for program development and preparation time for the training. Travel expenses for the attorneys to attend training or instructors for training programs will be reimbursed at current State of Michigan travel rates for mileage, meals, and lodging, if needed.

Standard 2 - Attorney time to meet this standard will be reimbursed according to reasonable local attorney rates, whether salaried, contract, or assigned attorneys. To facilitate early communication, practical use of technologies available for digital face-to-face communication may be employed. Supplies and equipment needed for technology-based communications will be considered. If it is necessary to create or alter building space to provide a confidential setting for attorneys and their clients, renovation expenses are allowed up to a maximum of \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification.

Standard 3 - Expenses for investigators will be considered at hourly rates not to exceed \$75. Expenses for expert witnesses will follow a tiered level of compensation based on education level and type of expert,* not to exceed these amounts:

High School or Equivalent	\$30/hr
Associate's Degree	\$50/hr
Bachelor's Degree	\$70/hr
Master's Degree	\$85/hr
Crime Scene and Related Experts	\$100/hr
CPA/Financial Expert	\$100/hr
Pharmacy/PharmD	\$125/hr
Information Technology Experts	\$150/hr
Ph.D./Licensed Doctor	\$200/hr

**The table of expert hourly rates is adopted from the guidelines published by the North Carolina Indigent Defense Services Commission. Variations will be considered on a case-by-case basis.*

Each indigent defense system will be limited to a capped amount of funds for investigators and experts based on the total new circuit adult criminal filings within the jurisdiction in the most recent calendar

year, as reported and certified with the State Court Administrative Office. Systems within district courts of the 3rd class are considered in Tier I unless special circumstances are presented.

0 - 499 cases/year = Tier I - \$10,000

500 - 999 cases/year = Tier II - \$25,000

1,000 – 9,999 cases/year = Tier III - \$50,000

Over 10,000 cases/year = Tier IV – To be determined bases on further discussion and review of records of the system(s)

Standard 4 - Attorney time to meet this standard should be reimbursed according to reasonable attorney rates, whether salaried, contract, or assigned attorneys. Methods for implementation can include on-call or appointed attorney systems, or other efficient models.

APPLICANT INFORMATION

Applicant Funding Unit(s): **Isabella County**

Trial Courts Included in this Compliance Plan Submission: **Isabella County Trial Court**

Fiduciary Funding Unit: **Isabella County**

Federal ID Number: **38-6004859**

Street Address/City/Zip Code: **200 North Main Street, Suite 205, Mount Pleasant, Michigan 48858**

AUTHORIZED OFFICIAL (Person Authorized to Enter into Agreements):

Name and Title **George Green, Chairman, Isabella County Board of Commissioners**

Street Address/City/Zip **200 North Main Street, Suite 205, Mount Pleasant, Michigan 48858**

Telephone **989-317-4053**

Email Address **mmcavoy@isabellacounty.org**

Signature

Date

CONTACT INFORMATION

PRIMARY CONTACT

(Person Responsible for Oversight and Reporting of Standards Implementation):

Name and Title **Margaret McAvoy, Isabella County Administrator/Controller**

Street Address/City/Zip **200 North Main Street, Suite 205, Mount Pleasant, MI 48858**

Telephone **989-317-4053**

Email Address **mmcavoy@isabellacounty.org**

Signature

Date

FINANCIAL CONTACT

(Person Responsible for Grant Accounting):

Name and Title **Margaret McAvoy, Isabella County Administrator/Controller**

Street Address/City/Zip **200 North Main Street, Suite 205, Mount Pleasant, MI 48858**

Telephone **989-317-4053**

Email Address **mmcavoy@isabellacounty.org**

Signature

Date

COMPLIANCE PLAN NARRATIVE

Briefly describe the indigent defense delivery system(s) – contract, assigned counsel, or public defender – that the funding unit(s), for which this application is being considered, employed to deliver services before the MIDC Act took effect (July 1, 2013).

Prior to the MIDC Act, Isabella County utilized a flat-fee contract system. The same system is currently in use.

Generally, how does the system(s) intend to comply with the MIDC standards 1-4? Please address whether you will continue with the model in place above, whether you have already made a transition to a new delivery system, or whether you intend to transition to a new delivery system.

The system will transition from a flat-fee contract system to a blended system with a Public Defender Office (PDO) taking 75% of the cases and a Managed Assigned Counsel (MAC) system taking about 25% of the cases.

Please identify the name and position held (e.g., county administrator, judge, defense attorney, etc.) for each person involved in the compliance planning process for this delivery system.

The Chairperson of the Isabella County Board of Commissioners appointed an Ad Hoc Committee of the Board that is tasked with creating this compliance plan. The Committee consists of the following persons:

- 1. Sara Spencer-Noggle, defense attorney, Chair of the Ad Hoc Committee**
- 2. Margaret McAvoy, County Administrator/Controller, Vice Chair**
- 3. Risa Hunt-Scully, Prosecuting Attorney for the County of Isabella**
- 4. Kerri Curtiss, Trial Court Administrator**
- 5. Michael Main, Isabella County Sheriff**
- 6. Frank Engler, Isabella County Commissioner**
- 7. Jerry Jaloszynski, Isabella County Commissioner**

Provide an attachment with the names, license or P#'s, and years of criminal defense experience for all attorneys the funding unit(s) intends to have deliver services as part of the local indigent defense system.

The Public Defender Office is expected to hire seven (7) attorneys. Additionally, the Funding Unit will enter into a contract with a private attorney as MAC Attorney-Administrator. Please see the attached list of the expected local indigent defense attorneys.

Standard 1 – Training and Education

Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any of the attorneys included in this plan have fewer than the required experience and require this training? How many?

The County anticipates that it will hire three additional attorneys with fewer than two years of experience as assistant defenders in the proposed public defender office.

All attorneys shall annually complete at least 12 hours of continuing legal education. How many attorneys require training in this plan?

Approximately twelve.

How will the funding unit(s) ensure that the attorneys satisfy the 12 hours of continuing legal education during the plan year?

The Public Defender will ensure that all Public Defender Office attorneys with fewer than two years of experience will attend CDAM's Trial Practice College during their first or second year of employment. The Public Defender will ensure that all Public Defender Office attorneys will have a SADO subscription and will be required to participate in CDAM trainings. The attorneys may choose between CDAM conferences or webinar in the future as available. Any attorney who wishes to attend will be permitted to attend CDAM's Trial Practice College if practicable. The MAC Attorney-Administrator will ensure that all MAC attorneys complete the required CLE using the aforementioned resources as well. This system will be utilized for the first two years of new system. After that, the PDO will assume responsibility for providing the continuing legal education opportunities within the County.

The Public Defender will provide any relevant documentation for attendance at the trainings to the MIDC for data collection purposes, pursuant to Michigan Supreme Court Administrative Order 2016-2. Documentation will be submitted to the MIDC no later than 30 days after completion of the courses. The MAC Attorney-Administrator will do the same for MAC attorneys.

Standard 2 – Initial Interview

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting. To be successful, this requires immediate notification of appointment and client contact information.

How does the plan facilitate immediate attorney assignment and notification of new cases? How will the system ensure attorneys are completing their interviews within three business days? How will the initial interview be accomplished?

The Public Defender Office will receive an email from the Court Administrator or his/her designee with the Order of Assignment (SCAO Form MC222) that includes complete contact information for the defendant. When the Public Defender Office has reached its caseload quota, or when there is a conflict, the SCAO forms will be provided to the MAC Attorney-Administrator for assignment to the MAC attorneys.

Public Defender Office attorneys and MAC attorneys will conduct the interview for their respective clients. An initial interview will be part of the job responsibilities for the assigned defender and the contracting requirements for MAC attorneys. The Public Defender will ensure compliance for Public Defender Office attorneys. The MAC Attorney-Administrator will ensure compliance through the monitoring of the billing statements of the MAC attorneys, which will require the attorney to disclose the date and length of the initial interview.

The initial interview of incarcerated defendants may be conducted in person or via videoconference. Each attorney will be provided with secure video conferencing capabilities on his/her computer. The Sheriff's Department/jail will provide a private space and video monitor for videoconferencing with incarcerated clients. This cost will be included in this funding request.

This standard further requires a confidential setting be provided for all client interviews.

Does the jail have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

Generally speaking, it does. However, some limited renovation will be required to facilitate videoconferencing, along with soundproofing. The cost of these renovations/soundproofing will be included in this funding request.

Does the courthouse have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

Yes, but soundproofing will be necessary both in the holding cells and the conference rooms for out-of-custody defendants. These costs will be included in this funding request.

Standard 3 – Experts and Investigators

This standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client's defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.

How will this standard be complied with by the delivery system?

The Public Defender Office will hire an investigator in a full-time capacity. The funding unit will also contract with an outside investigator for up to 100 hours per year to provide service to the MAC attorneys as needed.

Expert witnesses will need to be retained as needed by the Public Defender Office and MAC attorneys, approved by either the Public Defender or the MAC Attorney-Administrator, through a budget item not to exceed the hourly rates published by the MIDC, for a combined (conflict investigator and expert witness) maximum of \$25,000 in the compliance plan year.

The request for \$25,000 exceeds what would be expected under MIDC guidelines for the following reason: From 2015-2017, Isabella County spent a total of \$27,399.99 on experts and investigators in indigent cases. This is equivalent to an average of \$9,133.33 per year. It is expected that the creation of a public defender office and the MIDC guidelines will incentivize indigent defense attorneys to request additional funding for experts and investigators each year. For example, Isabella County indigent defense attorneys represented clients charged with criminal sexual conduct (CSC) crimes on forty-four (44) occasions from 2015-2017. This is an average of 15 CSC cases each year. Isabella County public defenders have, for a long time, desired for expert witnesses and reports in these cases for their clients, conducted by an expert in sexual predation assessments. These experts were rarely granted by the courts, despite their usefulness to the defense. The assessments alone are \$800 each. Expert testimony, according to MIDC guidelines, would be \$200/hour by the assessor who performs them. If each CSC defendant has one assessment, that alone would cost \$12,000 per year. That amount alone, plus the current spending of \$9,133.33 per year, equals \$21,133.33. This is almost the entire amount being requested in this grant proposal. It is reasonable to expect that this amount, plus the additional funds requested for public defenders who are more vigorously defending their clients, will total \$25,000 per year, which is the amount of this grant request.

Standard 4 – Counsel At First Appearance and Other Critical Stages of the Case

Counsel shall be appointed to provide assistance to the defendant as soon as the defendant's liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

How will this standard be complied with by the delivery system?

The Public Defender Office will have an Assistant Public Defender on staff to handle all of the arraignments. During the rare occasion when more than one attorney is needed due to an excessive number of arraignments, a second Public Defender Office attorney will provide assistance.

COST ANALYSIS

The MIDC Act requires funding unit(s) to provide a cost analysis as part of a request for state funding. The cost analysis should include all total indigent criminal defense services costs for compliance with minimum standards and the amount of funds in excess of the local share necessary to comply with the standards.

Refer to the instructions guide for grant allowances.

Personnel

Include staff, if any, whose work is or will be reasonably and directly related to the indigent defense function.

Name	Position	Computation	Total
TBD	Public Defender full time	\$85,000/year	\$85,000
TBD	Chief Assistant Defender full time	\$65,472.75/year	\$65,472.75
TBD	Senior Assistant Defender full time (two positions, felony attorneys)	\$62,355.30/year each	\$124,710.60
TBD	Assistant Defenders full time (two positions, misdemeanor attorneys)	\$50,949.97/year each	\$101,899.94
TBD	Assistant Defender full time, arraignments	\$47,434.92/year	\$47,434.92
TBD	Office manager full time	\$43,368.00/year	\$43,368.00
TBD	Investigator full time	\$43,368.00/year	\$43,368.00
TBD	Administrative Assistant part-time to serve MAC (contract, no benefits)	\$20,000/year	\$20,000.00
TBD	Legal Secretary full time (two positions)	\$36,378.00/year	\$72,756.00
TBD	Receptionist full time	\$27,690.00/year	\$27,690.00
Total			\$631,700.21

Describe the duties of the positions listed (whether full-time or part-time) the number of hours worked, and rate of pay. Identify whether the positions will be a new cost as a result of the compliance plan.

All positions are new costs as a result of the compliance plan. In order to assist the funding unit to determine the personnel requirements necessary to meet the requirements of the MIDC, the funding unit hired a consultant to conduct a feasibility study. The above-referenced personnel requests are based in part on the expert recommendation of the consultant's study, after careful consideration of the particular characteristics of our current and proposed systems and all accompanying data. A copy of the study is available upon request. The funding unit believes that all personnel requests are reasonable and necessary. The number of attorneys is based on the likely caseload of the office. The funding unit believes that an office with seven attorneys, one investigator, and multiple clerical staff requires an Office Manager in order to, among other duties, supervise personnel and staffing issues and ensure the routine functioning of the office on a daily basis. The funding unit believes that two legal secretaries is an appropriate request to assist seven attorneys and an investigator. The funding unit believes that a PDO that handles or assigns about 1100 cases per year requires the use of a receptionist to manage the clientele. The funding unit believes that a part-time administrative assistant is necessary to manage the MAC caseload and assist the MAC Attorney-Administrator.

Fringe Benefits	Percentage	Total
Employer FICA		
Retirement		
Hospital Insurance		
Dental Insurance		
Vision Insurance		
Unemployment		
Worker's Compensation		
Life Insurance		
Other		
Other		
TOTAL		\$244,680.09*

Describe the fringe benefits listed here with the positions above.

***Fringe benefits for each position with benefits totals approximately 40% of the position's salary, which is illustrated on page 9.**

Contractual

For assigned counsel, you may group all attorney contracts in one line item. You may list the computation as “various” to indicate various rates of pay and provide detail below for the pay structure. List contractors for training programs. Also, list contractors who will be providing construction services for confidential space, if needed. Confidential space costs should be discussed in detail below but costs cannot exceed \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification. List contracts for investigators and experts here.

CONTRACTOR	COMPUTATION	SERVICES TO BE PROVIDED	TOTAL
Assigned Counsel	Various	Legal representation	\$284,000.00
MAC Attorney/Administrator	\$24,000/year	Administer MAC system	\$24,000.00
Speech Privacy Systems	\$14,295.30	Sound masking of courthouse	\$14,295.30 (please see attached bid)
JBS Contracting, Inc	\$25,767.00	Sound masking/creation of confidential space in jail	\$25,767.00 (please see attached bid)
Investigator/MAC	\$75/hour * 100 hours	Investigative services for MAC attorneys and overflow from PDO	\$7500.00
Experts at MIDC rates up to max Tier III	\$25,000	Expert services	\$25,000.00
J Ewing LLC	\$2800	Move Polycom equipment within jail to facilitate video arraignments	\$2800 (please see attached bid)
TOTAL			\$383,362.30

Provide detail for the types of contractors listed above, rates and hours, and services to be provided. Identify if the contractor will be a new cost or includes cost enhancements for implementation of the compliance plan.

All costs are new costs as a result of compliance planning. MAC attorneys will be compensated at a rate of \$100 per hour for misdemeanor cases. The above request estimates 5 billable hours per misdemeanor case and estimates 300 misdemeanor cases. MAC attorneys will be compensated at a

rate of \$110 per hour for non-life offense felony cases. The above request estimates 10 billable hours per non-life offense felony case and estimates 100 cases. Life offense felony cases are expected to be assigned to the PDO. Additionally, the PDO will accept one open murder case every other year at most. In the unlikely event that there are two open murder cases within that period, the funding unit will contract with a private attorney to handle that case. This compliance plan does not request funds for that scenario.

Travel and Training

Include registrations for continuing legal education hours and training. Travel expenses should adhere to local funding unit travel policies, not to exceed State of Michigan standardized travel rates.

TYPES OF TRAVEL/TRAINING	COMPUTATION	TOTAL
SADO/CRDC subscriptions for five MAC attorneys	\$50/each	\$250
CDAM Conference registration for twelve attorneys	\$300/each	\$3850
Meals for conference participants for twelve attorneys	\$59/DAY * 2 DAYS = \$118/each (Per Isabella County guidelines. Please see attached policy)	\$1416
Mileage two and from conference for twelve attorneys	140.4 MILES ROUND TRIP * \$.535/mile	\$901.37
Lodging for conference participants for twelve attorneys	\$100/NIGHT * 2 NIGHTS PER ATTORNEY	\$2400
CDAM Trial College for three attorneys	\$600 all inclusive	\$1800
TOTAL		\$10,367.37

Provide detail for the types of travel and training expenses with applicable rates. Identify whether the expense is new as a result of the compliance plan.

All expenses are new costs as a result of the compliance plan. It is anticipated that, for the first two years of the existence of the new system, the attorneys will participate in the above-referenced trainings in order to complete their CLE requirements. After that, the PDO will assume responsibility for CLE trainings within the county.

Supplies and Other

Include all other expenses not provided elsewhere in the cost analysis.

ITEM	COMPUTATION	TOTAL
Office space	<p>All estimates are based on current Isabella County PAO office.</p> <p>Isabella County PAO office is 4411 sq feet for 13 staff members. Proposed PD office will also have 13 staff members. Anticipate same square footage needs. Please see attached layout of PAO office.</p> <p>Rent 4400 square feet at \$13.50 per square foot (per local rates). Please see attached rental listing from possible rental space for PDO.</p> <p>Total = \$59,400.</p> <p>Utilities (electric/natural gas/water/sewer). Please see attached utility bills.</p> <p>Total = \$9,023.15.</p> <p>Custodial. Please see attached estimate.</p> <p>Total = \$12,700.08</p> <p>Insurances (property, general liability, public official liability). Please see attached estimates.</p> <p>Total = \$3183.99.</p> <p>Landscaping. Please see attached estimate = \$425.04.</p>	\$84,732.26
Furniture for PDO office	<p>Office furniture for 13 staff members at \$1142.43 each. Desk, bridge, lateral drawer, hutch, pedestal, plus delivery. Please see attached DBI invoice for prior purchase by Isabella County. Total = \$14,851.59.</p>	\$31,032.40

	<p>Four lateral four drawer file cabinets at \$699.99 each. Please see attached Staples invoice.</p> <p>Total = \$2799.96.</p> <p>Thirteen two drawer lateral file cabinets. Please see attached Staples invoice.</p> <p>Total = \$5078.97.</p> <p>Thirteen chair mats. Please see attached DBI invoice.</p> <p>Total = \$740.87.</p> <p>Thirteen office chairs. Please see DBI invoice.</p> <p>Total = \$4029.87</p> <p>Black coat rack with bottom rack for boots. See DBI invoice.</p> <p>Total = \$459.99</p> <p>Binding machine. See DBI invoice.</p> <p>Total = \$349.99</p> <p>Bookshelf for each attorney office, plus office manager and investigator. Total of 9. Please see attached Staples website printout.</p> <p>Total = \$746.91.</p> <p>Conference table. Please see Staples website printout.</p> <p>Total = \$355.99.</p> <p>Four chairs for waiting area. Please see attached Staples website printout.</p> <p>Total = \$677.56.</p> <p>Seven chairs for conference table. Please see attached Staples website printout.</p> <p>Total = \$695.03.</p>	
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	Three tables for laserjet printers (see below). See attached Staples website printout. Total = \$245.67.	
Technology for PDO office, including software (Microsoft Office, Adobe Acrobat, Adult Case Management Software, etc)	Thirteen computer towers, keyboards, mice, and monitors. Please see attached Dell invoice. Total = \$19,950.06 Three laserjet printers. Please see attached Precision Data Products invoice. Total = \$507.00 Three sheetfeed scanners. Please see attached Precision Data Products invoice. Total = \$940.00 Central copier/scanner for larger than personal use. Please see Ricoh invoice. Total = \$7195.94 JusticeWorks case management software at \$2/case at approximately 1173 cases (based on 2016 case numbers). Please see attached brochure. Total = \$2346.00	\$30,939.00
Office supplies for PDO office, printing and binding, postage, books, services, dues and subscriptions, fees.	Supplies for an office of approximately thirteen people: Folders, pens, pencils, file cabinets, mouse pads, USB drives, notepads, paper clips, binder clips, binders, dividers, plastic sleeves, scissors, staplers, three ring hole punches, inboxes, sticky notes, copier paper,	\$35,800

	business cards, laptop bags, highlighters, letterhead, overhead signage for above office door in hallway, sign for door, envelopes, stamps, etc. Estimate based on the 2018 Adopted budget for the PAO.	
Westlaw for PDO	\$11,000	\$11,000
Security for PDO (security cameras, monitors, card readers panic buttons)	Based on estimate from SecurAlarm Systems, Inc. Package includes Access Control for six doors (two exterior and four interior), a Duress Alarm system, and Video Surveillance package (four exterior camera packages and four interior camera packages). Estimate is based on current Prosecuting Attorney's Office, minus access control for 10 additional interior doors, which the PAO has but the PD office is not requesting. Total = \$72,930	\$72,930
Installation of phone system	Based on recent installation of new phone system at Isabella County Sheriff's Department. Cost will be half of proposal for Sheriff's Department based on number of units to be installed. Please see Frontier Invoice. Total = \$20,076.94	\$20,076.94
TOTAL		\$286,510.60

Provide details for supplies and other expenses. Identify whether the expense is new as a result of the compliance plan.

All expenses are new expenses for the public defender office resulting from the compliance plan.

Total Cost Analysis (sum of all expenditure sections)

\$1,556,620.57

The MIDC Act, MCL 780.993(2), allows for an indigent defense system to request reimbursement as part of the total grant for the cost of developing the compliance plan. If submitting a claim for this expense, provide an explanation and calculation with details of all plan development costs. Attach a separate document with the compliance plan submission if needed.

GRANT CALCULATION

TOTAL COST ANALYSIS	\$1,556,620.57
COMPLIANCE PLANNING COSTS	+ \$ 11,250.00
(consultant/study, please see attached contract) + \$675.00 (9 hours * \$75/hour. Please see attached MAC contract).	
LOCAL SHARE	- \$233,306.88
COMPLIANCE PLAN GRANT REQUEST	\$1,335,238.69

The Local Share is defined as an indigent criminal defense system's average annual direct expenditures for adult criminal defense services for three fiscal years preceding the creation of the MIDC Act (effective July 1, 2013). Collections or reimbursements made to the system for partially indigent defendants are applied to the calculation.

Expenditures to be included in the calculation:

- Payments to criminal defense attorneys (contracts, public defenders, appointed systems, hybrid systems) for providing indigent adult criminal defense services including services for expedited docket programs, criminal contempt, juveniles waived into adult court, appeals from district to circuit court or eligible interlocutory appeals to the Court of Appeals
- Payments to experts and investigators
- Other expenses including attorney supplies, travel, or training

Services not included as expenditures:

- Post-sentencing appeals
- Probate, Juvenile Delinquency, Abuse and Neglect cases
- Civil Contempt
- Counsel at lineup (before charges are filed)

Reimbursements:

- Fees paid by or on behalf of a defendant for indigent criminal defense services including payments by the Michigan Department of Corrections and grant payments that include indigent defense services as eligible grant expenditures (i.e. expedited docket programs)

If the actual expenses and reimbursements cannot be calculated as exact, identify that you are providing estimates and discuss the methodology for determining the estimated local share.

Isabella County is submitting an estimated local cost share for several reasons. The first is that our indigent defense contract is based on a calendar year as does the record keeping for assignment of cases. However, the court's budget is based on a fiscal year. Therefore, we could potentially have some minor differences between the total budget expenditures and the cases assigned. Secondly, all indigent defense is paid from one line item including juvenile, neglect and abuse and appeals cases as well as any additional fee authorized in the contract. We were unable to separate the additional fees to an exact number for each case type as those records were not readily available.

The methodology used was to average the number of case types for each year and established the percentage of the total amount that applied to each case type. We then removed that percentage of the year's costs for neglect and abuse, juvenile delinquency and appeals cases.

FISCAL YEAR	TOTAL EXPENSES	REIMBURSEMENTS	NET EXPENSES
2010	\$400,523.43	\$145,843.03	\$254,680.40
2011	\$348,425.71	\$145,110.41	\$203,315.30
2012	\$373,370.15	\$131,445.22	\$241,924.93
Average of Three Fiscal Years	\$374,106.43	\$140,799.55	\$233,306.88*

***Estimated**

Certification: I certify to the best of my knowledge and belief that the calculation of the local share is correct and complete and that all fiscal details included are direct indigent defense system expenditures and reimbursements in the given fiscal years.

Authorizing Official Name Kerri Curtiss
 (Printed) (Signature)

Title Trial Court Administrator Date _____

Data Collection

In the future, the MIDC expects to collect data on the following topics related to the first four standards. Data points include “system-wide data” (pertaining to each indigent defense system), “attorney-level data” (pertaining to each attorney) and “case-level data” (pertaining to each individual court case). This list is not exhaustive but offers guidance on the types of data that will be critical to demonstrating standards compliance.

System-Wide Data Points

- Local requirements for training
- Existence of local training options
- Structure of any local administrative bodies responsible for identifying training needs and implementing training
- Mechanism(s) and timeline for notifying attorneys of new appointments
- Existence of confidential space for attorney-client interviews in holding facilities and courthouses
- Mechanism(s) by which attorneys request investigators or expert witnesses
- Delivery models for provision of counsel at first appearance

Attorney-Level Data Points

- P numbers and contact information
- Total number of annual completed CLE credits
- Location, date and content of all completed training courses

Case-Level Data Points

- Defendant request for appointed counsel
- Court appointment of counsel and date
- Date of attorney notification of appointment
- Date of initial client interview
- Request for investigator, date granted or denied
- Request for expert witness, date granted or denied
- Presence of counsel at first appearance
- Mechanism by which counsel at first appearance was provided
- Type and amount of bail issued, if any

The MIDC Act, MCL 780.993 (9), requires the state to appropriate funds for the reasonable costs associated with data required to be collected by the MIDC in excess of the local government’s data costs for other purposes. Costs associated with data collection are not required to be submitted with this compliance plan submission but will be addressed at a future date and are remarked here for informational purposes.