

Report: Snapshot of Indigent Defense Representation in Michigan's Adult Criminal Courts: The MIDC'S First Survey of Local Court Systems A REPORT OF THE MICHIGAN INDIGENT DEFENSE COMMISSION (Michigan Indigent Defense Commission (MIDC) 2016)

From the Report:

Established in 2013 through the passage of Public Act 93, the Michigan Indigent Defense Commission (MIDC) aims to create statewide standards for the delivery of adult criminal indigent defense services. A key component of the MIDC's mandate is to develop a comprehensive understanding of the current operation of indigent defense representation in Michigan. To this end, the MIDC conducted a survey in 2015 of all circuit and district courts to gather basic information on the representation of poor people charged with crimes in their systems. Survey questions addressed the extent to which local public defense systems currently engage in evidence-based practices that have been identified nationally as characterizing high-quality and effective representation. With no current statewide standards dictating best practices, the survey revealed wide variation in how courts deliver services to indigent defendants. Key findings include:

- Courts employ loose and varied guidelines in determining the eligibility of defendants for appointed counsel services.
- In the majority of courts, defendants whose requests for counsel have been denied have no recourse to further pursue assistance.
- With few exceptions, the vast majority of court systems rely on assigned counsel systems and/or contract defender systems to deliver representation to poor people. As of 2015, only six public defender offices were operational within the state, with a seventh starting operations in 2016.
- There is little consistency in attorney compensation for appointed cases, with hourly rates ranging from \$33 per hour to over \$100 per hour.
- Most appointed counsel systems do not operate independently from the judiciary. According to an informal scale, approximately one-quarter of assigned counsel systems can be considered independent, while 15% of contract defender and 40% of public defender office systems operate independently.
- Only 6% of district courts require attorneys to be present at both the bail hearing and at arraignment, despite the documented importance of legal guidance in these early stages.
- Sixty-three percent of court systems report the existence of confidential meeting space in both their courthouse and holding facility, though attorneys explain anecdotally that “private” meeting rooms are often filled to capacity, difficult to book, or composed of cubicle-type spaces that do not actually allow for confidential discussions.
- Only 15% of indigent defense systems currently report the existence of local guidelines requiring participation in Continuing Legal Education courses. In combination with future surveys of court systems and attorneys, focus groups, and court observation, the findings from this survey will inform the development of both future standards and the creation of local compliance plans.

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Report available from: <http://michiganidc.gov/wp-content/uploads/2015/04/MIDC-Court-Survey-Rep...>

Also see news story at:

<http://www.freep.com/story/news/local/michigan/2016/03/05/survey-poor-d...>

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Document Author:

- Jonah A. Siegel
- Michigan Indigent Defense Commission

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