

Introduction

The statute creating the Michigan Indigent Defense Commission (MIDC) provides: “The MIDC shall implement minimum standards, rules, and procedures to guarantee the right of indigent defendants to the assistance of counsel as provided under amendment VI of the constitution of the United States and section 20 of article I of the state constitution of 1963...” MCL 780.991(2).

The MIDC proposes these first four standards for implementation in accordance with the statutory mandate. The MIDC wishes to thank everyone who submitted comments and suggestions on our first four minimum standards. The text and comments on these standards now incorporate this feedback.

In response to this feedback, the MIDC also makes the following observations:

- The standards should not be examined in the framework of *status quo* indigent defense delivery. Rather, they establish requirements for system changes to be implemented through state funding. The Act provides a process for the formation of state-funded compliance plans to meet the standards. MCL 780.993.
- The MIDC will release white papers to outline sample compliance plans for each minimum standard. The MIDC looks forward to creative, effective, and proactive compliance plans.
- The minimum standards are not simply a series of performance standards for attorneys who practice indigent defense. The standards should be implemented instead as system-wide requirements and reforms. For example, where there is no current infrastructure for attorney skills training or continuing legal education, attorneys will not need to fund attendance at programs. Instead, state grants funding the compliance plans will allow attorneys to meet this requirement.
- The MIDC emphasizes that these four standards are the first step in an ongoing process. Future standards will involve delivery of indigent defense independent of the judiciary, caseload levels, the assignment of counsel, qualifications and review of counsel, economic incentives and disincentives for the practice of indigent defense, and representation of clients by the same attorney at every court appearance. MCL 780.991.
- The MIDC minimum standards neither create an independent basis for the challenge of a criminal conviction or sentence, nor expand United States or Michigan Supreme Court law on the effective assistance of counsel. MCL 780.1003.