

# Michigan Judges Association

## Founded 1927

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February 29, 2016

Larry S. Royster  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

Re: Michigan Indigent Defense Commission  
Proposed Minimum Standards 1-4

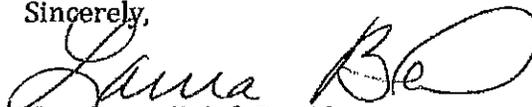
Dear Clerk Royster:

At the February 9, 2016 meeting of the Michigan Judges Association (MJA), the Executive Board considered the above referenced proposed standards. MJA agrees with the concepts that form the basis of the standards, but have concerns regarding implementation of the standards. Although there is assurance that the State of Michigan will pay for any increase in cost to the individual counties to implement the standards, there is no designated funding at this time to cover those costs. The belief is that the standards will create a large funding gap for counties.

Additionally, MJA notes that there is nothing in the proposed standards that addresses a mechanism for monitoring compliance of indigent defense counsel. Concern was also raised regarding standard 4, counsel at first appearance. The staff comments to this standard suggest a compliance plan that will allow for an on-duty arraignment attorney appearance at arraignment for all defendants, forgoing the vertical representation intent in other parts of the standards. If codefendants are being arraigned together, that would provide them with the same counsel, and would limit the amount of representation that the on-duty attorney could provide. If the attorney is there just to provide basic information about court process to avoid dual representation, that appears at odds with the concept of true representation at the arraignment. Vertical representation from the time of arraignment would be impossible to attain in most circumstances.

We thank the Court for considering our input on these matters. If the Michigan Judges Association may provide any further information or assistance, please do not hesitate to contact us.

Sincerely,

  
Hon. Laura Baird, President  
Michigan Judges Association