



THE RIGHT TO COUNSEL IN MONROE COUNTY, MICHIGAN

Evaluation of Trial-Level Adult Criminal Indigent
Defense Services & Feasibility Study

AUGUST 2026

The Right to Counsel in Monroe County, Michigan:

Evaluation of Trial-Level Adult Criminal Indigent Defense Services & Feasibility Study

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Prepared by

The Sixth Amendment Center is a nonpartisan, nonprofit organization providing technical assistance and evaluation services to policymakers and criminal justice stakeholders. Its services focus on the constitutional requirement to provide effective assistance of counsel at all critical stages of a case to the indigent accused facing a potential loss of liberty in a criminal or delinquency proceeding. See SIXTH AMENDMENT CENTER, www.6AC.org.

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Prepared for

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Executive Summary

The Sixth Amendment to the United States Constitution states that in “all criminal prosecutions” the accused shall enjoy the right, among others, to “have the Assistance of Counsel for his defence.” The Sixth Amendment right to counsel is “basic to our adversary system of criminal justice” because it “constitutionalizes the right in an adversary criminal trial to make a defense as we know it.” Therefore, an appointed lawyer must be more than a warm body with a bar card. The attorney must be effective and subject the prosecution’s case to “the crucible of meaningful adversarial testing.” In 1963 in *Gideon v. Wainwright*, the U.S. Supreme Court determined that ensuring the Sixth Amendment right to counsel is a state government obligation through the Fourteenth Amendment.

The State of Michigan delegates the responsibility of establishing and administering indigent defense services to local governments. Although each local system determines the method(s) of delivering right to counsel services, it must do so in compliance with statewide standards. The state, through the Michigan Indigent Defense Commission (MIDC), promulgates statewide standards and administers grant funding to cover the cost of implementing these standards locally. All approved MIDC standards are in effect since April 2025.

On November 14, 2025, Monroe County requested the Sixth Amendment Center (6AC) to conduct an objective and independent analysis of its current defender system model and determine what system is most appropriate to deliver indigent defense services. Specifically, Monroe County sought to determine if its current system meets the parameters of Sixth Amendment caselaw and MIDC standards and whether it should authorize the creation of a county-employed public defender office. The scope of this study is limited to adult criminal cases in Monroe County’s trial courts—the 1st District Court and the 38th Circuit Court.

6AC conducted this feasibility study from November 2025 to June 2026. The **findings** from our study, explained in **Chapters 3 – 7**, reflect an indigent defense system that lacks effective quality oversight and fiscal accountability of right to counsel services:

FINDING 1: Monroe County does not consistently guarantee that attorneys meet qualification criteria in accordance with MIDC standards.

FINDING 2: Monroe County does not effectively assess attorney training needs. This results in a lack of professional growth among newer attorneys and persistent gaps in knowledge and skills among other attorneys.

FINDING 3: Monroe County’s indigent defense office does not meaningfully oversee attorney performance and does not effectively seek input from, or respond to complaints by, criminal justice system stakeholders.

FINDING 4: Monroe County does not guarantee effective early representation to in-custody defendants due to the remote nature of arraignments, limited scope of representation, and restricted access to essential information.

FINDING 5: Monroe County allows out-of-custody, unrepresented defendants to plead guilty at arraignment without a valid waiver of the right to counsel. Out-of-custody defendants who are represented by counsel and plead guilty at arraignment are not ensured effective representation.

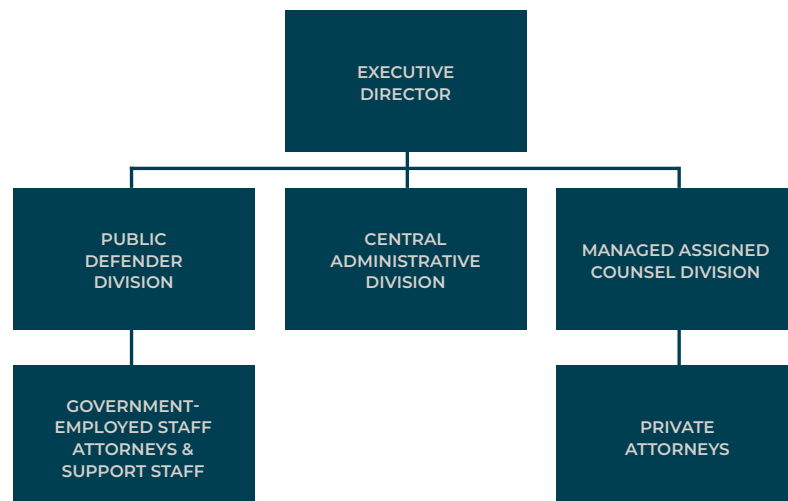
FINDING 6: Monroe County lacks accurate data necessary to measure whether attorneys have sufficient time to provide effective representation.

FINDING 7: Monroe County attorneys, particularly those providing misdemeanor representation, carry excessive caseloads.

FINDING 8: Monroe County allows attorney performance to be impacted by ineffective initial interviews, a lack of ongoing client communication, underutilization of investigators and experts, and minimal actual litigation through motions and trials.

FINDING 9: Monroe County lacks the fiscal accountability to ensure the efficient use of government funds.

6AC's **Recommendation in Chapter 8** is that Monroe County should seek MIDC grant funding to establish a new indigent defense delivery model that ensures effective quality oversight and fiscal accountability. Because the county's caseload is large enough to establish a public defender office—while still requiring a private attorney component—6AC recommends a hybrid model combining government-employed public defenders and private attorneys, called the Monroe County Indigent Defense Department (IDD):



IDD should include the following components:

- 1. Executive Director.** The executive director sits atop the IDD's organizational structure, with oversight of both indigent defense service delivery divisions, each headed by a deputy director—the **public defender division** and the **managed assigned counsel (MAC) division**—and the **central administrative division**, which supports both. The executive director would serve as the county's primary point person for indigent defense services and the public face of the system, advocating on its behalf with other criminal justice system stakeholders, the county executive, and the county board of commissioners.
- 2. Central Administrative Division.** The executive director should establish and oversee a central administrative division to provide shared administrative services across both the public defender and MAC divisions. The central administrative office is the backbone for ensuring quality and fiscal oversight, and should have three core functions: case management, billing audit and oversight, and training.
- 3. Public Defender Division.** A public defender office provides efficient day-to-day supervision of government-employed attorneys. To function effectively, Monroe County should fund the public defender division to hire a sufficient number of public defenders and support staff.
- 4. MAC Division.** The MAC division administers a coordinated system of private attorneys appointed to cases on an individual case-by-case basis. The MAC division should be resourced and overseen with the same standards applied to the public defender division.

Transitioning from Monroe County's current indigent defense delivery model to the recommended new IDD model will require careful planning and MIDC grant funding. [Appendix A](#) offers the county **a sample budget**.

CHAPTER 1

Introduction

The Sixth Amendment to the United States Constitution states that in “all criminal prosecutions” the accused shall enjoy the right, among others, to “have the Assistance of Counsel for his defence.”¹ In 1963 in *Gideon v. Wainwright*, the U.S. Supreme Court declared it an “obvious truth” that anyone accused of a crime who cannot afford the cost of a lawyer “cannot be assured a fair trial unless counsel is provided for him.”² As the U.S. Supreme Court noted, “[o]f all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have.”³

Since *Gideon v. Wainwright*, the Sixth Amendment right to counsel means every person who is accused of a crime is entitled to have an attorney provided at government expense to defend them in all federal and state courts if that person faces the potential loss of liberty and is unable to afford an attorney.⁴ The Sixth Amendment requires the appointment of counsel to indigent defendants in felonies, jailable misdemeanors,⁵ misdemeanors with suspended sentences,⁶ direct appeals,⁷ appeals challenging a sentence imposed following a guilty finding,⁸ certain probation revocation hearings,⁹ and children in delinquency proceedings.¹⁰

The Sixth Amendment right to counsel is “basic to our adversary system of criminal justice” because it “constitutionalizes the right in an adversary criminal trial to make a defense as we know it.”¹¹ Therefore, an appointed lawyer must be more than a warm body with a bar card.¹² The attorney must be effective¹³ and subject the prosecution’s case to “the crucible of meaningful adversarial testing.”¹⁴

Gideon v. Wainwright determined that ensuring the Sixth Amendment right to counsel is a state government obligation through the Fourteenth Amendment.¹⁵ When a state chooses to delegate its right to counsel responsibilities to its counties, the state must guarantee not only that those local governments and local officials are capable of providing effective representation but also that they are in fact doing so.¹⁶ Because the “responsibility to provide defense services rests with the state,” national standards unequivocally declare “there should be state funding and a statewide structure responsible for ensuring uniform quality statewide.”¹⁷

The right to counsel in Michigan. The Michigan Constitution states that “[i]n every criminal prosecution, the accused shall have the right. . . to have the assistance of counsel for his or her defense. . . .”¹⁸ All indigent adults charged with any crime that carries the possibility of incarceration as a punishment are entitled to have counsel appointed to represent them.¹⁹ All crimes in Michigan, both felonies and misdemeanors, carry the possibility of incarceration as a punishment.²⁰ Therefore, every person of insufficient means charged with a crime and facing a potential loss of liberty is entitled to have an attorney provided at public expense.²¹

The U.S. Supreme Court reminds us that “[s]tates are free to provide greater protections in their criminal justice system than the Federal Constitution requires,” but they cannot provide less.²² Michigan guarantees appointed counsel to indigent defendants in some later stages of a criminal or delinquency case²³ and to some parties in certain civil proceedings.²⁴

The State of Michigan delegates the responsibility of establishing and administering indigent defense services to its county and municipal governments. Although each local system determines the method(s) of providing right to counsel services, it must do so in compliance with statewide standards. The state, through the Michigan Indigent Defense Commission (MIDC), administers grant funding to cover the cost of implementing these standards locally.

The current evaluation & feasibility study. On November 14, 2025, Monroe County contracted with the Sixth Amendment Center²⁵ (6AC) to conduct an “objective and independent analysis of its current defender system model and determine what system is most appropriate to deliver legal representation to criminally charged individuals.”²⁶ Specifically, Monroe County sought to determine if its current system meets the parameters of Sixth Amendment caselaw and MIDC standards and whether they should authorize the creation of a county-employed public defender office. 6AC conducted this feasibility study from November 2025 to June 2026. The scope of this study is limited to the provision of the right to counsel in adult criminal cases in Monroe County’s trial courts.

Assessment criteria. The criteria used to assess the effectiveness of indigent defense systems and the attorneys within them come primarily from two U.S. Supreme Court cases decided on May 14, 1984: *United States v. Cronin* and *Strickland v. Washington*.²⁷ *Strickland* is applied after a final criminal disposition to determine whether the lawyer provided ineffective assistance of counsel in an individual case. *Cronin* is applied at the outset of a criminal case and explains that if certain factors in an indigent defense system are absent, then a court should presume that ineffective assistance of counsel will occur. These factors include the early appointment of qualified and trained attorneys under independent supervision who have the time and resources to provide an effective defense.

The U.S. Supreme Court explains in *Cronin* that a deficient indigent defense system can cause any lawyer—even the best lawyer—to perform in a non-adversarial way. This is called the systemic denial of counsel. Under *Cronin*, while a fair fight does not require one-for-one parity between the prosecution and the defense, the adversarial process requires states to ensure that both functions have the resources they need at the level their respective roles demand. As the Court notes: “While a criminal trial is not a game in which the participants are expected to enter the ring with a near match in skills, neither is it a sacrifice of unarmed prisoners to gladiators.”²⁸ For nearly a decade, the U.S. Department of Justice applied *Cronin* in various class-action lawsuits alleging systemic denial of counsel.²⁹ The nine MIDC standards capture the markers of a *Cronin* analysis: independence of the defense function (MIDC Standard 5); effective representation by counsel at all critical stages (MIDC Standards 2, 3, and 4); sufficiency of time and resources (MIDC Standards 3, 6, and 8); and qualifications, supervision, and training of attorneys (MIDC Standards 1 and 7).³⁰

Methodology. To determine the feasibility of creating a public defender office, 6AC first evaluates the current indigent defense system through four basic components:

- **Legal research & analysis:** Every state has its own substantive and procedural law through its constitution, statutes, rules, regulations, and caselaw. 6AC independently researched the relevant law of the jurisdiction and analyzed its interactions within the criminal justice system in Monroe County.
- **Data collection & analysis:** Information about how a jurisdiction provides right to counsel services exists in a variety of forms, from statistical information to policies and procedures. Numerous stakeholders at both the county and state level in Michigan provided information critical to this evaluation. 6AC obtained and analyzed extensive amounts of hard copy and electronic information from all these sources. We acknowledge and appreciate the efforts of Monroe County, the Michigan Indigent Defense Commission, and the State Court Administrative Office in providing requested information.
- **Court observations:** 6AC was able to observe criminal proceedings in Monroe County remotely and in person. 6AC observed criminal proceedings in the 38th Circuit Court and the 1st District Court. The proceedings observed included arraignments for in-custody and out-of-custody defendants, pretrial status hearings, guilty pleas, probation violation hearings, probable cause conferences, and sentencings.
- **Interviews:** 6AC conducted interviews with a broad cross section of stakeholders in Monroe County's criminal justice system, including 48 individual judges, judicial employees, law enforcement officials, county government officials, indigent defense department employees, private appointed attorneys, private criminal defense attorneys, and community members.

CHAPTER 2

The Right to Counsel in Monroe County

Located in the southeast corner of the state, Monroe County borders Lake Erie and is near major cities like Detroit, Michigan, and Toledo, Ohio. In 2020, Monroe County had a population of 154,809 residents, making it the 15th most populous county in Michigan (out of 83 counties).³¹ Its county seat and largest city is Monroe.³² Monroe County, like all Michigan counties, must follow statewide MIDC standards in administering their indigent defense services.

Michigan Indigent Defense Commission. The State of Michigan created MIDC effective July 1, 2013.³³ MIDC is an autonomous entity within the executive branch of state government, housed within the state's Department of Licensing and Regulatory Affairs (LARA).³⁴ State law empowers MIDC with three primary responsibilities:³⁵

- to promulgate and oversee implementation of statewide standards, rules, and procedures for indigent criminal defense representation in adult criminal cases in the trial courts;
- to make grants of appropriated state funds to indigent defense systems to comply with statewide standards; and
- to investigate, audit, and review the operations of indigent defense systems to assure their compliance with statewide standards, rules, and procedures.

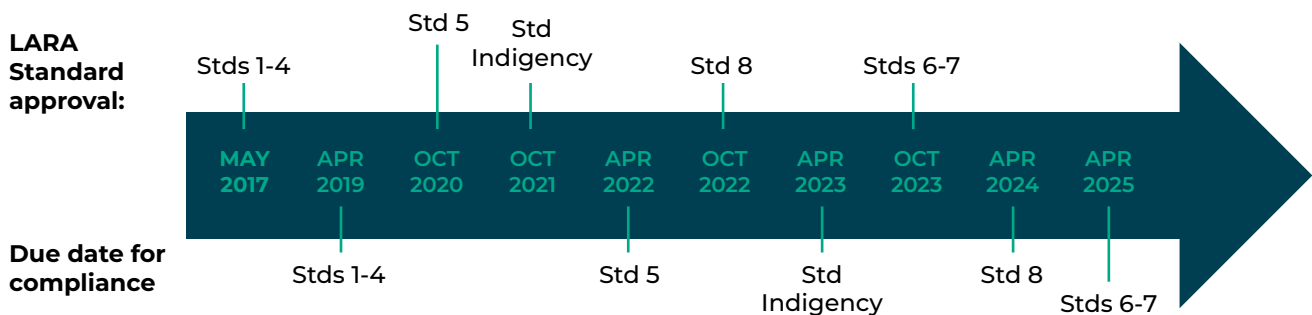
At the time of this evaluation, MIDC did not have any authority over or responsibility for the other types of cases and defendants for which federal law provides a right to counsel (i.e., juvenile delinquency cases and adult criminal appeals) nor for which Michigan law provides a right to counsel (certain civil cases).³⁶ MIDC does not provide direct representation to any persons in any court.

MIDC standards. Michigan law requires MIDC to develop “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.”³⁷ The authorizing statute includes a list of substantive standards that MIDC is required to promulgate.³⁸ Pursuant to this authority, as of July 2026, MIDC has promulgated nine standards:³⁹

- Standard 1 – Education and Training of Defense Counsel
- Standard 2 – Initial Interview
- Standard 3 – Investigation and Experts
- Standard 4 – Counsel at First Appearance and Other Critical Stages
- Standard 5 – Independence from the Judiciary
- Standard 6 – Indigent Defense Workloads

- Standard 7 – Qualification and Review
- Standard 8 – Attorney Compensation
- Standard for Determining Indigency and Contribution

MIDC standards are not final and do not take effect until they are approved by LARA.⁴⁰ Once LARA approves a standard, local systems have 180 days to submit a compliance plan to MIDC describing how they will meet the standard and the cost of doing so.⁴¹ MIDC reviews and approves compliance plans and requests the funds necessary to cover the cost of implementing the standard from the state's legislature.⁴² Within 180 days of receiving MIDC grant funds, local systems must actively comply with the standard.⁴³ Considering the state's fiscal year and appropriation cycle, local systems generally must be in compliance with MIDC standards approximately one and a half years after LARA approves a standard.



All nine MIDC standards are in effect during the time of this study.

State grants. Local systems are required to maintain a “local share” of funding, which is defined as the local system’s average annual expenditures in the three fiscal years immediately preceding the creation of MIDC.⁴⁴ If the cost of implementing MIDC standards exceeds a system’s local share, MIDC must award the local government a state-funded grant to pay for the excess costs.⁴⁵ MIDC is responsible for ensuring “proper financial protocols in administering and overseeing funds utilized by indigent criminal defense systems.”⁴⁶

MIDC enforcement. Michigan law requires MIDC to monitor every *local* indigent defense system within the state to ensure compliance with MIDC standards.⁴⁷ MIDC is required to collect and report data about indigent defense systems in the state,⁴⁸ and every indigent defense system “shall” comply with MIDC’s efforts.⁴⁹ MIDC collects information from indigent defense systems primarily through the receipt of annual compliance plans and cost analyses; contracts for each annual grant; and quarterly program reports, attorney lists, and financial status reports.⁵⁰ Michigan law authorizes MIDC to take court action to enforce compliance with MIDC standards by a local indigent defense system.⁵¹ A court can issue an order requiring the system to comply with standards, and if the system fails to comply, the court can order MIDC to take over the delivery of indigent defense services and bill the local government for the costs.⁵²

Monroe County indigent defense services. Monroe County is responsible for administering indigent defense services in all adult criminal cases in its trial courts. Monroe County is served by two criminal trial

courts: the 38th Circuit Court and the 1st District Court.⁵³ Generally, all adult criminal cases in Monroe County begin in the district court.⁵⁴ Trial-level misdemeanor cases are disposed of in the district court⁵⁵ while trial-level felony cases are disposed of in the circuit court.⁵⁶ All courtrooms are located in the same building in Monroe (except for one satellite district court office in Erie).⁵⁷

November 2017–April 2025. Over the past decade, the county's indigent defense system has been in a constant state of change as the system has worked to progressively implement MIDC standards. Monroe County submitted its first MIDC compliance plan in November 2017. At the time, the county relied on an assigned counsel model where judges selected private attorneys who contracted with the county, and the county clerk made individual case assignments using a rotation system.⁵⁸ Attorneys were paid \$52 per hour, and invoices were reviewed by the court.⁵⁹ Investigator and expert requests were also submitted to and then approved by the court.⁶⁰

The county's first compliance plan explained how it would comply with MIDC Standards 1 through 4 for attorney education and training, client initial interview, counsel at first appearance and other critical stages, and access to investigators and experts.⁶¹ Compliance did not require major structural changes; it involved the county hiring its first-ever county indigent defense employee in late 2019 to manage all grant reporting.⁶²

Daily administration of indigent defense, however, remained a function of the courts. That changed when LARA approved MIDC Standard 5 requiring independence from the judiciary.⁶³ To comply with this standard in fiscal year 2022,⁶⁴ Monroe County made a major structural change by establishing an Indigent Defense Department (hereinafter the "office" or "indigent defense office")⁶⁵ and recruiting an assigned counsel administrator to lead it.⁶⁶ The office took over all oversight and administration responsibilities for indigent defense.

In fiscal year 2023, the office changed the way it assigned cases to private attorneys. It assigned private attorneys to each of the three district courts (one for each courtroom) to handle all arraignments and non-conflict misdemeanors.⁶⁷ Conflict misdemeanors, felonies, and all other cases were assigned to the remaining private attorneys.⁶⁸

For the next two years, this case assignment process mostly stayed the same while the office focused on implementing internal systems to comply with the newest standards on compensation, workloads, and attorney qualification and review.

April 2025–Present. Monroe County currently delivers indigent defense services in adult trial-level criminal cases using an assigned counsel system where private attorneys contract with the office.⁶⁹ The office has three full-time county employees: an assigned counsel administrator (hereinafter "administrator"), an indigent defense coordinator (hereinafter "coordinator"), and a secretary.⁷⁰ The administrator leads the office and must be an attorney with at least seven years of "progressively more responsible experience in the practice of criminal defense or the equivalent."⁷¹ The administrator is responsible for the budget, attorney selection and supervision, workload monitoring, and attorney invoice and case-related expense approval.⁷²

The coordinator need not be an attorney but must have two to three years of administrative experience.⁷³ The coordinator is mainly responsible for attorney invoice review and MIDC grant reporting.

For fiscal year 2026, the office contracted with 23 private attorneys (as of February 2026, one of them no longer took cases). Of the 22 active attorneys, three are the “docket” or “primary misdemeanor” attorneys assigned to the three district courts. These attorneys handle all out-of-custody arraignments and are appointed to most misdemeanors arising in their courtroom. Another attorney covers the district court magistrate’s docket and is appointed to represent indigent defendants in traffic misdemeanor cases. Five other attorneys handle all in-custody arraignments in the county. Felony cases are assigned to a private attorney based on certain qualification standards while misdemeanors are assigned to one of the three primary misdemeanor attorneys (or another attorney in cases of conflict or overflow).

The physical office for the Indigent Defense Department is in the same building as the courthouses, prosecutor’s office, and most other county departments.⁷⁴ The office space has individual offices for the administrator, coordinator, and three primary misdemeanor attorneys. The other attorneys can use the space to meet with clients or prepare for court.

CHAPTER 3

Attorney Qualifications, Training & Supervision

U.S. Supreme Court caselaw & national standards on attorney qualification, training, and supervision.

Before an attorney can be appointed to represent an indigent person, the indigent defense system must first determine which attorneys are eligible for appointment. This selection should be based on criteria reflecting the qualifications necessary to provide effective representation.⁷⁵ In *Cronic*, the U.S. Supreme Court relied on *Powell v. Alabama* to demonstrate how selecting unqualified counsel can lead to the denial of counsel.⁷⁶

National standards echo the U.S. Supreme Court, stating that appointed attorneys must have the qualifications and training necessary for each type of case to which they are appointed. An attorney's ability to provide effective representation to their client in a criminal case depends on their familiarity with "substantive criminal law and the law of criminal procedure and its application in the particular jurisdiction."⁷⁷ To ensure that attorneys are qualified to represent indigent defendants in the types of cases they are appointed to, the indigent defense system should provide a "systematic, comprehensive," and mandatory training program for attorneys.⁷⁸ Training should be tailored to match the types and complexity of cases for which the attorneys are appointed.⁷⁹

All appointed attorneys should also be supervised, systematically reviewed, and evaluated because attorneys could lose their competency to handle cases over time.⁸⁰

MIDC standards. MIDC has promulgated standards aligned with U.S. Supreme Court caselaw and national standards. All indigent defense providers must be licensed and in good standing with the State Bar of Michigan,⁸¹ must be selected independently of the judiciary,⁸² and must meet minimum professional qualifications to be eligible to provide indigent defense services.⁸³

MIDC established tiered qualification requirements to ensure that "[d]efense counsel's ability, training, and experience match the nature and complexity of the case to which he or she is appointed."⁸⁴ For example, attorneys with no criminal law experience cannot receive felony appointments anywhere in Michigan. Rather, attorneys must have at least one year of criminal law experience and demonstrated trial experience in cases reaching a verdict (including one jury trial), or equivalent experience showing comparable skills. Additionally, attorneys must satisfy all "basic requirements."⁸⁵

Once an attorney's eligibility to receive indigent defense appointments is determined, the system must monitor and regularly assess the attorney's performance to ensure quality representation.⁸⁶ A formal assessment should be conducted at least once every three years and allow for input from other criminal justice system stakeholders, including judges, prosecutors, and clients.⁸⁷

Attorneys must develop and maintain foundational knowledge in the law, scientific evidence and defenses, and technology. Further, attorneys must complete at least 12 hours of continuing legal education annually that is “relevant to the representation of the criminally accused.”⁸⁸ MIDC explains, “[i]n order for training to be meaningful and address the goal of providing the highest quality indigent defense representation, systems will need to conduct initial and ongoing needs assessments for assigned counsel.”⁸⁹ Attorneys with fewer than two years of experience practicing criminal defense in Michigan must complete one “basic skills acquisition” class.⁹⁰ Mentorship programs are also “strongly encourage[d]” to complement the basic skills training.⁹¹

FINDING 1: Monroe County does not consistently guarantee that attorneys meet qualification criteria in accordance with MIDC standards.

The Monroe County indigent defense office has established minimum qualification criteria for five eligibility tiers, ranging from misdemeanors to capital cases and based on years of criminal law practice and trial experience.⁹² Attorneys can only be appointed to cases within or below their approved tier. That is, an attorney approved to handle Tier III cases (high-severity felony) is automatically eligible to handle Tier IV cases (low-severity felony) and Tier V cases (misdemeanor), but not Tier II cases (life offense) or Tier I cases (capital).

Tiers	Minimum Qualification Criteria
Tier V: Misdemeanor	Served as co-counsel or 2nd chair in a prior trial (or equivalent experience)
Tier IV: Low-Severity Felony Cases	Practiced for one full year in criminal law; and trial counsel alone or as co-counsel in two criminal cases (or equivalent experience)
Tier III: High-Severity Felony Cases	Practiced for two full years in criminal law; and trial counsel alone or as co-counsel in four criminal cases (or equivalent experience)
Tier II: Life Offense Cases	Practiced for five full years in criminal law; and prior experience as lead counsel in no fewer than seven felony jury trials
Tier I: Capital Cases	Practiced for five full years in criminal law; and prior experience as lead counsel in no fewer than seven felony jury trials; and has demonstrated high level of skill and ability to handle these types of cases

Attorneys seeking indigent defense appointments in Monroe County must apply through the county indigent defense office. Once selected, the administrator assesses which case types an attorney is qualified to handle and assigns attorneys to cases.⁹³

Application and selection. Attorneys apply through the county’s indigent defense office using a one-page questionnaire. The application requests basic information, including the attorney’s:⁹⁴

- P number;⁹⁵
- years of criminal law practice; and
- bench and jury trial experience (as lead and co-counsel in misdemeanor, felony, and life offense cases).

The application does not request bar disciplinary history (though the administrator verifies this separately) or any case-specific information that would allow the administrator to independently validate the experience reported by the attorney. Applicants submit the application with proof of malpractice insurance,⁹⁶ but no resume or any other documentation is required. The administrator reviews applications, checks references to learn about the attorney's courtroom decorum, and selects attorneys without a standardized interview process.

Selected attorneys enter into an annual contract as independent contractors.⁹⁷ All attorneys sign the same contract, which details the scope of representation to be provided ("appearance at arraignment, pretrial, probable cause conference, preliminary examination, arraignment in 38th Circuit Court, motions, hearings, trials or pleas, and sentencing and any other legal requisites established by the constitution, statute, court rules, Michigan Supreme Court Administrative Order, or court decision.").⁹⁸ The contract also addresses the attorney's independent contractor status, insurance requirements, and terms of payments, among other provisions.⁹⁹ Although contracts are intended to be renewed annually with an updated qualification questionnaire and insurance information,¹⁰⁰ as of February 2026, five of the 23 attorney providers had not signed a contract since 2024.¹⁰¹

Qualification assessment and case assignment. The administrator determines each attorney's eligibility tier based on the experience reported by the attorney in the one-page questionnaire.¹⁰² The office's eligibility tiers resemble MIDC's qualification criteria but are less specific than MIDC, which may lead to less qualified attorneys handling more complex cases. For example, MIDC specifically requires *jury* trial experience to handle felony cases, whereas the office only requires trial experience.¹⁰³ Bench and jury trials are different proceedings that require a different level of skill. In not requiring *jury* trial experience, the office created a lower standard for attorneys to handle felony cases in Monroe County. As a result, an unknown number of attorneys in the county may be handling cases above what their eligibility tier would be under MIDC standards.

As of September 2025, the 23 attorneys under contract with the office were assigned to the following eligibility tiers, with the largest concentration of attorneys at the highest levels.¹⁰⁴

Eligibility Tiers	# of Attorneys
Tier V: Misdemeanor	2
Tier IV: Low-Severity Felony	2
Tier III: High-Severity Felony	3
Tier II: Life Offense Case	7
Tier I: Capital Case	9

When a defendant requests and qualifies for counsel, the administrator selects an attorney to assign to the case. The administrator considers both the availability and eligibility of the attorneys and assigns the attorney they believe will be the best fit for the case. Records show, however, that case assignments do not always abide by the attorneys' eligibility tiers.¹⁰⁵ For instance, the office assigned a high-severity felony

case to an attorney eligible to handle only misdemeanors.¹⁰⁶ Moreover, on several occasions, attorneys only qualified to take low-severity felony cases have been appointed to high-severity felony cases.¹⁰⁷

FINDING 2: Monroe County does not effectively assess attorney training needs. This results in a lack of professional growth among newer attorneys and persistent gaps in knowledge and skills among other attorneys.

The Monroe County indigent defense office requires all its attorneys (regardless of experience level) to complete 12 hours of continuing legal education (CLE) per year. Attorneys with fewer than two years of experience practicing criminal defense in Michigan must complete one “basic skills acquisition” class.¹⁰⁸ Attorneys must report completed CLE hours directly to MIDC.¹⁰⁹ If an attorney has not completed 12 CLE hours by December 31 of each year, they cannot be assigned new cases until credits have been submitted.¹¹⁰

Initial training and mentorship. There is no formal initial training program or assessment for Monroe County attorneys who are selected to provide indigent defense services. Attorneys are selected based on years of criminal law practice and trial experience. Those with more than two years of experience can begin handling cases without completing any initial training and without the office conducting any formal assessment of their skill level.

Attorneys with prior criminal law experience do not necessarily all have the same skill level. Depending on the type of criminal law an attorney has practiced, the legal culture in which they learned to practice, and the mentorship they received along the way, an attorney’s skill level specific to indigent defense representation can vary widely. If the office does not formally assess attorneys’ knowledge and abilities at the outset, the office cannot ensure every attorney indeed possesses the necessary skills to provide effective representation. This results in indigent defense providers lacking fundamental skills. In fact, attorneys in the county reported learning standard criminal defense practices years into providing indigent defense representation. For example, one attorney—who was determined eligible to handle capital cases by the office—reported recently realizing they could use investigators to prepare their cases despite many years of providing indigent defense services. A standardized initial training program would have instilled this practice before the attorney began accepting appointed cases.

Only attorneys with fewer than two years of criminal defense experience are required to complete a basic skills class.¹¹¹ However, how they fulfill this requirement is up to them, so long as MIDC approves the class.¹¹² While the office encourages newer attorneys to second chair more complex cases as training opportunities, it does not have a formal mentorship program to ensure all newer attorneys consistently learn from experienced attorneys.¹¹³ With the prevalence of remote court proceedings in the county, attorneys have fewer opportunities to observe courtroom advocacy and engage in mentorship and collaboration. As a result, there is a perceived lack of professional growth and development among newer attorneys in the county.

Ongoing training. The office does not have a formal program for ongoing training. The office provides a variety of MIDC-approved options and the attorneys attend whichever ones they want and report their completed hours to MIDC.¹¹⁴ The office does not keep track of the trainings attended by attorneys; rather, the office monitors CLE compliance by requesting regular reports from MIDC on the number of CLE hours each attorney has completed.¹¹⁵ However, records show the office may not be enforcing compliance consistently. Over the past two years, at least two attorneys were assigned to multiple cases in January despite failing to complete their 12 hours of required CLE by December 31.¹¹⁶ It is possible, although unlikely, that the attorneys completed their missing CLE hours in early January prior to receiving any new case (one attorney still had all 12 hours to complete¹¹⁷).

Within this framework, the responsibility for assessing what training an attorney might need to improve their abilities falls on each attorney individually. Although some attorneys might effectively do so, the office has no way to verify as such. Further, the office is unable to ensure that all attorneys are attending meaningful trainings. This means that attorneys lacking substantive knowledge or practical skills are not being identified and trained. Multiple criminal justice system stakeholders expressed concern regarding some providers' limited knowledge of current Michigan law, court rules, sentencing guidelines, and practical litigation skills. Arguments in court at times "lack a sound legal basis" and reflect an unfamiliarity with current law. As a result, indigent defendants in the county receive representation from attorneys with vastly different abilities.

FINDING 3: Monroe County's indigent defense office does not meaningfully oversee attorney performance and does not effectively seek input from, or respond to complaints by, criminal justice system stakeholders.

The Monroe County indigent defense office monitors attorney performance by watching court daily and formally assesses performance using two evaluation forms.¹¹⁸ The first is a one-page form used to assess *in-court* performance, asking questions relating to the attorney's timeliness, preparation, courtroom decorum, client preparation, client communication, and use of technology.¹¹⁹ The second is a seven-page form used to evaluate an attorney's overall performance and compliance with MIDC standards.¹²⁰ There is a total of 30 assessment factors, each of which is rated as either "Unsatisfactory," "Improvement Needed," "Meets Expectations," or "High Performing."¹²¹

The requirement to comply with MIDC's supervision standard went into effect April 2025. The office aspires to complete in-court performance assessments once a year and overall performance assessments every three years.

Oversight of attorney performance. The office reported that because it was still in the process of implementing its formal assessment process, not every attorney under contract with the office had been formally assessed as of March 2026. In fact, only 11 overall performance assessments have been conducted to date and those occurred in September 2024 under a different administrator as the evaluator.¹²² Thus, there is no current effective formal assessment process.

The office reports that it conducts oversight of attorney performance through court observations. Both the administrator and coordinator log on to remote court daily. Although their stated primary goal for watching court is to ensure attorneys are present for their hearings, it also allows them to monitor performance. Office staff explained that if they spot any issue while watching court, they will immediately address it with the attorney, but several attorneys reported never receiving feedback on their performance or being aware of any oversight conducted by the office.

Even if done effectively, court watching is not sufficient oversight because it does not inform the office about out-of-court representation. The office's insight into attorneys' out-of-court performance is limited because attorneys are under no obligation to upload any case files to the office's case management platform. The only information the office collects on case progress is what it can glean from billing invoices (e.g., the office only learns that a charge in a case was enhanced or reduced when it sees that the hourly rate billed on the case increased or decreased). Attorneys can discuss cases with the administrator, but this is not a requirement nor is it equivalent to a formal case review.

Stakeholder input and complaint process. The office does not formally seek input from clients, prosecutors, or judges and has no formal process for recording and handling complaints it receives from these stakeholders on attorney performance. The office receives multiple client complaints every month related to attorney communication issues, but it does not have a system for addressing them—sometimes the administrator or coordinator will make a note in the attorney's file but not always. Stakeholders also reported that there have been no follow-ups to complaints made to the office concerning attorney performance issues. In fact, several stakeholders expressed a belief that one of the indigent defense providers in the county has an active substance use disorder resulting in erratic behavior in court; despite this behavior and many client complaints, this attorney is still under contract with the county to represent indigent defendants.

CHAPTER 4

Counsel at First Appearance

U.S. Supreme Court caselaw & national standards on early appointment and waivers of counsel. The U.S. Supreme Court in *Rothgery v. Gillespie County* reaffirmed that the right to counsel attaches when “formal judicial proceedings have begun.”¹²³ For a person who is arrested, the beginning of formal judicial proceedings is at “a criminal defendant’s initial appearance before a judicial officer, where he learns the charge against him and his liberty is subject to restriction,”¹²⁴ without regard to whether a prosecutor is aware of the arrest.¹²⁵ For all defendants (both those who are arrested and those who are not), the commencement of prosecution signals the beginning of formal judicial proceedings, “whether by way of formal charge, preliminary hearing, indictment, information, or arraignment.”¹²⁶

The Court in *Rothgery* carefully explained that “counsel must be appointed within a reasonable time after attachment to allow for adequate representation at any critical stage before trial, as well as at trial itself.”¹²⁷ Though the Court has never defined a “reasonable time after attachment,” national standards uniformly recommend that counsel be provided as early as feasible in order for counsel to immediately collect evidence, investigate the case, and advocate for the client’s pretrial release.¹²⁸

Once attachment occurs, no critical stage in a criminal case can occur without counsel present unless the defendant has waived the right to counsel.¹²⁹ Waivers must be knowing, intelligent, and voluntary.¹³⁰ No waiver should be accepted without the defendant first being informed of their right to counsel and having the opportunity to “confer with a defense lawyer who can explain the dangers and disadvantages of proceeding without counsel, and if relevant, the implications of pleading guilty, including the direct and collateral consequences of a conviction.”¹³¹

MIDC standards. Michigan law directs MIDC to enact minimum standards effectuating the requirements of U.S. Supreme Court caselaw. MIDC standards must require that every criminal defendant be advised of their right to counsel and screened for eligibility to receive indigent defense services unless they have retained or waived counsel.¹³² Counsel must be assigned as soon as a defendant is determined to be eligible.¹³³ The eligibility determination must be made “not later than at the defendant’s first appearance in court.”¹³⁴

The first court appearance in most criminal cases in Michigan is the district court arraignment on the warrant or complaint.¹³⁵ When a person is alleged to have committed a crime, they can be issued a summons to appear in court at a future date for an “out-of-custody” arraignment, or they can be arrested and brought to court for “in-custody” arraignment.

MIDC standards require an attorney be present at arraignment, unless counsel is waived.¹³⁶ The attorney should explain the process, advise on what to discuss with the judge, argue for pretrial release where relevant, and try to achieve disposition through civil infraction or dismissal.¹³⁷ Criminal dispositions

at arraignment should be rare, only in cases where the attorney has reviewed discovery and had an opportunity for a confidential discussion with their client.¹³⁸ “Any waiver of the right to counsel must be both unequivocal and knowing, intelligent, and voluntary.”¹³⁹ MIDC recommends that any information about waiving counsel be provided by defense counsel.¹⁴⁰

MIDC allows indigent defense systems to use on-duty attorneys to provide representation at arraignment.¹⁴¹ This means the attorney makes a “limited appearance for arraignment only” and the system subsequently appoints a different attorney for future proceedings.¹⁴² MIDC also allows the use of videoconferencing for arraignment but only “[w]here appropriate and where it will not unreasonably degrade the quality of representation.”¹⁴³

Monroe County arraignments. All felony and misdemeanor arraignments in Monroe County occur in the 1st District Court. At arraignment, the court informs the defendant of their right to counsel, the charge(s) against them, and possible sentences; and if the defendant is in custody on a bailable offense,¹⁴⁴ the court sets bail and conditions of release.¹⁴⁵ The defendant also enters a plea of not guilty or no plea at the arraignment. In some instances, the defendant may engage in plea negotiations with the prosecutor and enter a plea of guilty at arraignment.

Because in-custody and out-of-custody arraignments are separate dockets in Monroe County, the indigent defense office has developed two separate systems to provide representation at arraignment. Both are problematic.

FINDING 4: Monroe County does not guarantee effective early representation to in-custody defendants due to the remote nature of arraignments, limited scope of representation, and restricted access to essential information.

The Monroe County indigent defense office uses an on-duty attorney system to provide counsel for in-custody defendants at arraignment. District court arraignments for in-custody defendants occur around 11 a.m. every day. Four attorney providers rotate on a weekly basis, handling all weekday arraignments, and two attorneys rotate to cover weekends. This system is locally referred to as counsel at first appearance (CAFA) duty and the attorneys are referred to as CAFA attorneys.

CAFA interviews. Every day, the on-duty attorney meets with each in-custody defendant who is to be arraigned, conducts an interview, and screens them for indigency.¹⁴⁶ The attorney then provides representation at the arraignment proceeding for those defendants who requested and qualified for counsel. The attorney’s representation is limited to this first hearing; another attorney is assigned to the case after arraignment. These proceedings occur remotely on video, typically with the defendant at the county jail, the judge in the courtroom, the prosecutor in the courtroom or in a separate office space, and the on-duty attorney in a separate office space.

Before 11 a.m. every day, the CAFA attorney meets with every defendant who is to be arraigned.¹⁴⁷ This meeting takes place virtually: each defendant at the jail is brought into an interview room one-by-one where

the CAFA attorney appears on a screen. During the meeting, the CAFA attorney determines whether the defendant is eligible for indigent defense services; provides information about their charge(s), their rights, and what to expect at the arraignment proceeding; and asks questions to prepare for the hearing. The questions asked are limited to the CAFA attorney arguing pretrial release (e.g., employment status, ties to community). The CAFA attorney does not ask questions pertaining to the defendant's case, and if a defendant raises case-related issues, the CAFA attorney tells them to wait until they speak to their next attorney.¹⁴⁸

Because CAFA attorneys view their role as limited to representation at the arraignment, they do not believe it is their responsibility to begin understanding the circumstances of the case and how best to investigate it. As such, CAFA attorneys do not use this interview as an opportunity to uncover evidentiary issues or identify witnesses to interview. However, a defendant who is released after their arraignment may not have the opportunity to speak to another attorney until weeks later. At that point, evidence might have been destroyed, and witnesses might be harder to locate or their memories faded. Moreover, CAFA attorneys are not physically present with the defendant at the jail and thus not able to effectively assess the defendant's physical and mental conditions—all of which is necessary to properly conduct investigation and assert a legal defense. For example, a defendant charged with some type of assaultive behavior may have a valid legal self-defense claim. Injuries the defendant suffered during the altercation could be key evidence to support this defense, but an attorney who is not physically present cannot properly document them. By the time they meet in person, the injuries may be healed.

In treating CAFA duty as strictly limited to providing representation at the arraignment proceeding only, the system treats representation as transactional, failing to achieve some of the goals of early representation.

Arguing pretrial release. Prior to the arraignment, an in-custody defendant meets with a pretrial officer who collects information about the defendant's situation (e.g., employment, marital status, family members, community ties, mental and physical health, parole or probation status). Using this information, as well as the police report and the defendant's criminal history, the pretrial officer prepares a bond report with bail and pretrial release recommendations for the judge. CAFA attorneys receive only a copy of this bond report prior to arraignment; they do not receive the police report, complaint, or criminal history. In contrast, the prosecutor has access to all these documents.

Criminal history records are obtained by pretrial officers from the Michigan Law Enforcement Information Network (LEIN). LEIN is a statewide database of criminal justice information, and its access is restricted to certified criminal justice agencies.¹⁴⁹ Though Monroe County pretrial officers and prosecutors have access to LEIN, private appointed attorneys do not. Other sources for criminal history information that defense attorneys can access are inefficient and do not provide the same level of detail. For example, one website requires the user to search one court at a time to find out if a person has a record with that court.

At arraignment, CAFA attorneys argue pretrial release using information gleaned from the bond report and client interview. Without access to a defendant's full criminal history, police report, or complaint, CAFA attorneys' ability to provide effective representation is limited because they are deprived of crucial

information directly relevant to bail and appropriate pretrial release conditions. In contrast, stakeholders report that prosecutors—who have access to the bond report, police report, complaint, and criminal history—can make more complete bond arguments.

FINDING 5: Monroe County allows out-of-custody, unrepresented defendants to plead guilty at arraignment without a valid waiver of the right to counsel. Out-of-custody defendants who are represented by counsel and plead guilty at arraignment are not ensured effective representation.

Local stakeholders estimate that about a third to a half of all out-of-custody misdemeanor cases in district court are resolved at arraignment, either through a guilty plea or some other form of resolution. Some defendants plead guilty with counsel representing them; some plead guilty with counsel passively standing by; and some plead guilty with no counsel at all.

Defendants who are summoned to court for arraignment can either come in person or appear virtually. Defendants are notified of their right to counsel either by court staff upon arrival to court (for in-person defendants) or by the judge when their case is called (for virtual defendants). The Monroe County indigent defense office relies on its three primary misdemeanor attorneys to provide representation at arraignment for out-of-custody defendants.¹⁵⁰ Each attorney is assigned to a district court and is responsible for all the arraignments in that courtroom. The office assists by screening some defendants for indigency.¹⁵¹ Defendants who request and qualify for counsel are then represented by the attorney at arraignment.

Waivers of counsel. Some defendants who come in person for their arraignment are greeted by the court's bailiff, who verbally notifies them of their right to counsel. The bailiff explains that if they cannot afford counsel, one can be appointed free of charge and also that they can waive counsel only for this first hearing. If a defendant waives counsel at arraignment, the bailiff instructs them to sign a form titled "Waiver of Attorney at First Appearance."¹⁵² This informal verbal notice by the bailiff about the right to counsel is off the record before the start of session, and it does not include information about the complexities of court proceedings, the nature of the charges the defendant faces, or the potential criminal penalties and civil consequences that may follow. The bailiff is also not in a position to assess each person's mental or intellectual ability to understand and comprehend this advisement.

Defendants who appear virtually are notified of their right to counsel by the judge—on the record while court is in session—when their case is called. The judge verbally explains to each individual defendant that they have the right to counsel for the purpose of this hearing and that if they cannot afford an attorney, one can be appointed free of charge. If the defendant waives their right to counsel, the waiver is made orally, and the judge proceeds with the arraignment.

Defendants experience the process of being informed of and then exercising or waiving the right to counsel under widely varying conditions: notice of the right to counsel may be given orally by a bailiff or by a judge; it may occur off the record before court is in session or on the record during proceedings; and the waiver may or may not be written and signed by the defendant. Moreover, defendants must either request or waive counsel *before* being informed about their criminal charges and potential punishment, and they

have no opportunity to consult with a defense attorney prior to waiving their right to counsel. Under these circumstances, Monroe County cannot assure on an ongoing basis that waivers of the right to counsel are knowing and intelligent.

Many defendants who waive counsel at arraignment proceed to plead guilty and resolve their case that day at arraignment. This means that these defendants never consult with an attorney.

Misinformation on the right to counsel. Defendants at arraignment are given an Advice of Rights and Plea Information form advising them on their rights relating to pleading to the charge, trial, bond, counsel, sentencing, and appeals.¹⁵³ Specific to their right to counsel, the form says:¹⁵⁴

3. YOU HAVE THE RIGHT TO AN ATTORNEY APPOINTED AT PUBLIC EXPENSE IF YOU ARE INDIGENT (WITHOUT MONEY TO HIRE AN ATTORNEY) AND IF

A. THE OFFENSE CHARGED REQUIRES A MINIMUM JAIL SENTENCE, OR

B. THE COURT DETERMINES THAT IT MIGHT SENTENCE YOU TO JAIL.

4. YOU MAY HAVE TO REPAY THE EXPENSE OF A COURT-APPOINTED ATTORNEY.

The contents of the Advice of Rights and Plea Information form is inaccurate and may have the unintended effect of chilling or discouraging indigent defendants from exercising their right to counsel by advising defendants that they “may have to repay the expense of a court-appointed attorney” if they choose to exercise this constitutional right—when in fact, the county does not seek reimbursements from indigent defendants.¹⁵⁵

Representation by counsel. If an out-of-custody defendant requests counsel at arraignment, the defendant is screened by the attorney or by the indigent defense office to determine if they are eligible for appointed counsel.¹⁵⁶ If they are, the attorney provides representation at arraignment.

The prosecution offers a plea deal at arraignment. When this occurs, the attorney requests a confidential meeting with the client to discuss the plea deal. The judge sends the client and attorney into a separate Zoom breakout room. The attorney-client meeting typically lasts only a few minutes. Thereafter, the client and attorney come back to court. In many cases, the defendant pleads guilty and is sentenced by the judge immediately—all without the attorney having reviewed discovery in the case, independently investigated the facts of the case, or conducted legal research and analysis to file evidentiary or non-evidentiary motions related to the case.

Standby counsel. In some cases, the process is even more pressed. When a defendant requests counsel, instead of taking the time to screen the defendant for eligibility for indigent defense services, the attorney will directly ask the prosecutor if there is a plea offer in the case. If there is, the attorney then has a confidential meeting with the defendant to discuss the plea offer. If the defendant accepts the offer, the attorney does not screen them for indigency as the case will be disposed of by the end of the hearing. Rather, the attorney proceeds to provide representation at arraignment without an indigency screening.

However, “providing representation” in this context means the attorney stands by while the defendant pleads guilty. The attorney does not file an appearance or make an argument on behalf of the defendant, and the indigent defense office does not create a record of the case; therefore, the volume of such dispositions is unknown.

CHAPTER 5

Attorney Workload & Time Sufficiency

U.S. Supreme Court caselaw & national standards on attorney caseloads. An attorney must have sufficient time to put the prosecution's case through the "crucible of meaningful adversarial testing."¹⁵⁷ The U.S. Supreme Court in *Powell v. Alabama* explains that an attorney lacking "sufficient time" to consult and prepare constitutes a constructive denial of counsel, noting that the pretrial stages of a criminal case are "vitally important" because that is when "consultation, thorough-going investigation and preparation" must occur.¹⁵⁸ Denying counsel adequate time, the Court explains, "is not to proceed promptly in the calm spirit of regulated justice, but to go forward with the haste of the mob."¹⁵⁹

Excessive caseloads and workloads "impinge upon a lawyer's ability to provide competent and effective representation to all clients" because the lawyer does not have sufficient time to perform all the necessary tasks on every criminal case.¹⁶⁰ Excessive caseloads and workloads also "create a concurrent conflict of interest, as a lawyer is forced to choose among the interests of various clients, depriving at least some, if not all clients, of competent and diligent defense services."¹⁶¹ National standards define "caseload" as the number of assigned cases that an attorney has at any moment in time in any given system and "workload" as the attorney's caseload plus all other tasks that the attorney is responsible for, including private cases, appointed cases in other jurisdictions, and professional obligations such as training and supervision.¹⁶²

MIDC standards. Local indigent defense systems should not allow for attorney workloads that, "by reason of their excessive size, interfere with the rendering of quality representation."¹⁶³ Caseloads must allow attorneys "to give each client the time and effort necessary to ensure effective representation."¹⁶⁴ Assuming an attorney devotes 100% of their time to providing representation in adult trial criminal appointed cases, their caseload per year cannot exceed: ¹⁶⁵

150

Felonies

400

Non-traffic
Misdemeanors

800

Traffic
Misdemeanors

800

Probation
Violations

1856

Docket Hours¹⁶⁶

**OR A COMBINATION OF THE ABOVE,
IF THE ATTORNEY IS CARRYING A MIXED CASELOAD**

FOR EXAMPLE, 75 FELONIES AND 200 NON-TRAFFIC MISDEMEANORS EQUAL A FULL CASELOAD

Indigent defense systems must monitor attorney caseloads and ensure that no attorney exceeds caseload limits during any four rolling or consecutive quarters.¹⁶⁷

MIDC AND NATIONAL CASELOAD STANDARDS.

MIDC caseload standards are based on the first national standards for caseloads of appointed attorneys established in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals (NAC standards).¹⁶⁸ However, since the adoption of the NAC standards, increased complexity in forensic sciences and criminal justice technology have made correspondingly increased demands on the time attorneys must devote to each case in order to provide effective representation. For these reasons, many criminal justice experts believe that the NAC standards are far too high and that the maximum caseloads allowed should be much lower.¹⁶⁹ MIDC intended to replace the NAC standards with Michigan-based standards.¹⁷⁰ A 2019 study assessed time spent on cases by indigent defense providers at the trial court level in Michigan and recommended caseload maximums much lower than the NAC standards (e.g., 74 low-severity felonies as opposed to 150, or 265 misdemeanors as opposed to 400).¹⁷¹ MIDC, however, has not yet adopted these lower Michigan-based caseload maximums.

FINDING 6: Monroe County lacks accurate data necessary to measure whether attorneys have sufficient time to provide effective representation.

Monroe County has implemented systems to track attorney caseloads and workloads. The requirement to comply with MIDC caseload standards went into effect April 2025, so it is worth noting that at the time of this evaluation less than “four rolling or consecutive quarters” had passed since the standard took effect.

In the context of Monroe County’s indigent defense system for adult criminal trial cases, an attorney’s caseload represents the total number of assigned cases that the attorney is handling, in addition to any time spent covering arraignment dockets. In other words, attorney caseloads are made up of two components: docket hours (time spent covering an arraignment shift) and case assignments (assigned to provide representation after arraignment until disposition).

The indigent defense office monitors attorney caseloads using a MIDC-provided tracker.¹⁷² The tracker functions as a pre-built calculator to analyze mixed caseloads.¹⁷³ By entering docket hours and case assignments into the tracker, the office can automatically see how close each attorney is to caseload maximums and how many cases and hours remain available. If an attorney reaches the maximum caseloads allowed within a one-year period, the office makes “good faith efforts to suspend assignments until the attorney is under the cap.”¹⁷⁴

When an attorney accepts a new appointment, the office creates a case in its internal case management software, CLIO. The office’s ability to monitor caseloads on CLIO, however, is limited. Although the office can see how many open cases an attorney has at any given time, CLIO does not automatically calculate how close each attorney is to caseload maximums and how many cases and hours remain available. And so, instead, the office uses the MIDC-provided tracker to monitor caseloads.

Because the tracker is separate from the office's internal case management software, it must be updated manually by office staff. This means two things: first, data entry is prone to human error. For instance, a small typo in an attorney's name when entering a new case assignment means that the programmed formulas in the tracker will not recognize that case as belonging to the attorney.¹⁷⁵ Or, when a new attorney begins accepting cases, if their name is not manually added to all of the relevant tabs in the tracker, the attorney's mixed caseload is not calculated and the office will not be monitoring it.¹⁷⁶ This makes the office's caseload tracking less reliable. Second, manual data entry is time consuming and thus prone to delays, making real-time monitoring of attorney caseloads impossible. Although the office states in its compliance plan to MIDC that it monitors its caseload tracker weekly,¹⁷⁷ in December 2025, the office was still working on entering case assignments from October 2025. If, for example, an attorney reached their maximum caseload in October, the office would not have known until two months later.

The most concerning aspect of the office's caseload tracking, however, is unrelated to human error or delays. It is the office's failure to capture arraignment docket hours. At least seven indigent defense attorneys cover arraignment shifts in the county. Because the attorneys act as "on-duty arraignment attorneys," they are not formally assigned to the cases for which they provide representation at arraignment. The only way to capture the time spent on these cases is by logging "docket hours." Since the office began using the MIDC-provided tracker to monitor attorney caseloads in October 2024, no docket hours have been logged for any attorney.¹⁷⁸ This oversight significantly undercalculates these attorneys' caseloads, as shown below.

FINDING 7: Monroe County attorneys, particularly those providing misdemeanor representation, carry excessive caseloads.

Monroe County misdemeanor cases arise and are resolved in district court. The indigent defense office assigns three attorneys to each of the three district courts to cover arraignment shifts for out-of-custody defendants and to handle most of the misdemeanor cases in their assigned court.¹⁷⁹ In fiscal year 2025, all three primary misdemeanor attorneys had a total annual caseload that exceeded caseload maximums set by MIDC standards. Looking only at case assignments (i.e., not including docket hours), the attorneys had caseloads equivalent to 101%, 109%, and 128% of MIDC caseload maximums:¹⁸⁰

Attorneys	Felonies	Non-Traffic Misdemeanors	Traffic Misdemeanors	Probation Violations	% of MIDC Caseload Maximums
Attorney 1	8	393	13	27	109%
Attorney 2	31	408	15	30	128%
Attorney 3	8	363	14	29	101%

One attorney exceeded MIDC caseload maximums with only non-traffic misdemeanor cases (408) and still handled 31 felony cases.¹⁸¹ This is before factoring in any work performed by these attorneys at arraignment. As explained above, the office does not log docket hours in its internal caseload tracker. However, the office is required to report docket hours to MIDC as part of its quarterly reporting.¹⁸² When factoring in the docket hours reported to MIDC, the three primary misdemeanor attorneys had caseloads equivalent to 110%, 141%, and 177% of MIDC caseload maximums:¹⁸³

Attorney	Felonies	Non-Traffic Misdemeanors	Traffic Misdemeanors	Probation Violations	Docket Hours	Updated % of MIDC Caseload Maximums
Attorney 1	8	393	13	27	1263.25	177%
Attorney 2	31	408	15	30	229.92	141%
Attorney 3	8	363	14	29	158.74	110%

To comply with MIDC caseload standards, the office has begun assigning misdemeanor cases to other attorneys more regularly. Looking at the first quarter of fiscal year 2026 (October 1, 2025, to December 31, 2025), the three primary misdemeanor attorneys indeed had a caseload below MIDC maximums (equivalent to 79%, 98%, and 99% of maximum caseloads).¹⁸⁴ Those caseloads, however, do not account for docket hours.

Attorney workloads. All attorneys who contract with the Monroe County indigent defense office are permitted to maintain a private practice or take appointments in other types of cases or other jurisdictions.¹⁸⁵ The contract that attorneys sign with Monroe County does not specify a number of cases that an attorney must take or hours that attorneys must dedicate to appointed cases and does not prohibit private practice.¹⁸⁶ Most of the attorneys handling indigent defense cases maintain private practices and/or take appointed cases in other jurisdictions, with at least four attorneys taking federal appointments.

In its compliance plan to MIDC, the county states that attorneys are “expected to self-report their caseloads” to the office, but the attorneys’ contract does not require them to do so.¹⁸⁷ The office has taken some steps in monitoring how many cases its attorneys receive from other Michigan indigent defense systems, but these remain minimal. First, the office participates in the south-central caseload tracking program: all south-central indigent defense systems¹⁸⁸ enter their monthly caseload data into a database that MIDC then releases to the region, so that each local system can see how many cases its attorneys accepted in other regional systems. This program is a good first step towards monitoring attorney workloads, but it is far too restricted to effectively do so. The program does not include Wayne and Oakland counties, both of which are close to Monroe County and encompass multiple indigent defense systems. Several Monroe County providers accept appointments in those two counties.¹⁸⁹ The program also does not track cases beyond indigent defense appointments in adult criminal trials. Appointments in juvenile delinquency cases, civil cases (e.g., abuse and neglect, and mental health commitments), or federal cases are not captured, and neither are any privately retained cases.

The second step the office took to capture attorney workloads was to develop a spreadsheet to track cases its attorneys accept in other indigent defense systems across the state. The office has not yet begun using this spreadsheet. This spreadsheet alone will not capture the full picture of attorneys maintaining

private practices and accepting appointments beyond adult criminal trial cases. As a result, the office is not equipped to effectively monitor attorney workloads and therefore cannot know if the attorneys handling indigent defense appointments in Monroe County have sufficient time to provide effective representation in every case.

Records show that several attorneys in fiscal year 2025 were in fact carrying nearly excessive or excessive workloads. One attorney's situation is particularly telling. This attorney handles appointed and retained criminal cases in several Michigan counties. In fiscal year 2025, this attorney had a caseload of Monroe County appointments equivalent to only 37% of MIDC maximums and did not accept appointments in any other south-central indigent defense systems.¹⁹⁰ Therefore, as far as the Monroe County indigent defense office was aware, this attorney was well below MIDC maximums. But this attorney also accepted appointments in Oakland County. Factoring those appointments in, the attorney's caseload in fiscal year 2025 rose to 85% of MIDC maximums.¹⁹¹ Finally, taking the attorney's private criminal cases into account, their total workload significantly exceeded MIDC maximums at 184%.¹⁹²

Other examples include:¹⁹³

- One attorney had a caseload of Monroe County indigent defense appointments that was 50% of MIDC maximums, but this attorney reported that appointments only constituted 25% of their total workload. This means the attorney's appointed caseload was double the size it should have been to ensure sufficient time to provide effective representation.
- One attorney had a caseload of Monroe County indigent defense appointments of only 21% of MIDC maximums. However, when factoring in other state criminal cases, this attorney's caseload rose to almost 40%. This attorney reported that 50 to 60% of their total workload is dedicated to *federal* appointments, making their *state* criminal caseload at or nearing maximum.
- Another attorney who carried a caseload of Monroe County appointments equivalent to 177% of MIDC maximums reported that appointed cases only encompassed 80% of their practice.

Some attorney providers reported that the size of their workloads prevented them from doing all the tasks they would hope to do for every client and limited them from litigating issues through the filing of motions. Without access to, and the ability to analyze, complete workload data, the office cannot reliably determine whether its attorneys have sufficient time to provide effective assistance of counsel to indigent defendants in Monroe County.

CHAPTER 6

Attorney Performance

The preceding chapters describe structural deficiencies in Monroe County's indigent defense system that impede the county's ability to ensure the early appointment of qualified and trained attorneys under independent supervision who have the time and resources to provide an effective defense. These deficiencies individually, or in combination, directly impact the quality of representation provided to indigent defendants in adult criminal trial cases in Monroe County.

This chapter describes these impacts.

U.S. Supreme Court caselaw & national standards on attorney performance. Indigent defense providers must be effective, subjecting the prosecution's case to "the crucible of meaningful adversarial testing."¹⁹⁴ To be effective, an attorney must provide the assistance demanded of attorneys in criminal cases under prevailing professional norms, such as those "reflected in American Bar Association standards and the like."¹⁹⁵ Regardless of case complexity, in each case the attorney must:¹⁹⁶

- request and review discovery from the prosecution;
- independently investigate the facts of the case, which may include learning about the defendant's background and life, interviewing lay and expert witnesses, viewing the crime scene, and locating and reviewing physical and documentary evidence;
- assess each element of the charged crime to determine whether the prosecution can prove facts sufficient to establish guilt and whether there are justification or excuse defenses that should be asserted;
- prepare appropriate pretrial motions and read and respond to the prosecution's motions;
- prepare for and appear at necessary pretrial hearings;
- assess all possible sentencing outcomes and collateral consequences that could occur if the client is convicted of the charged crime or a lesser offense;
- negotiate plea options with the prosecution, including sentencing outcomes; and
- all the while, prepare for the case to go to trial (because the decision about whether to plead or go to trial belongs to the client, not to the attorney).

MIDC standards. MIDC has promulgated performance standards pertaining to attorney-client communication and attorneys' duty to investigate and consult with experts.¹⁹⁷ MIDC standards, however, do not address all the fundamental tasks attorneys must perform according to "prevailing professional norms" for criminal cases.¹⁹⁸

Indigent defense providers must meet with a client "as soon as practicable after appointment" and then conduct subsequent client meetings "as needed."¹⁹⁹ The stated goals of the initial interview are to "establish the best possible relationship with the indigent client," review the client's charge(s), determine

the need for immediate investigation, and assess any immediate mental or physical health needs, among others.²⁰⁰ Ahead of the initial meeting, an attorney must have copies of “any relevant documents which are available, including copies of any charging documents, recommendations and reports concerning pretrial release, and discoverable material.”²⁰¹

Attorneys must also “conduct an independent investigation of the charges and offense as promptly as practicable” and obtain the assistance of experts where necessary.²⁰² MIDC recognizes that “counsel can make ‘a reasonable decision that makes particular investigations unnecessary’ after a review of discovery and an interview with the client” but clarifies that such decisions “should not be made merely on the basis of discovery or representations made by the government.”²⁰³ A client’s expressed desire to plead guilty does not remove counsel’s duty to investigate.²⁰⁴ Attorneys have a “continuing duty” to evaluate their cases for investigative or expert assistance needs.²⁰⁵

FINDING 8: Monroe County allows attorney performance to be impacted by ineffective initial interviews, a lack of ongoing client communication, underutilization of investigators and experts, and minimal actual litigation through motions and trials.

The Monroe County indigent defense office has adopted requirements aligned with MIDC standards for the initial client interview and the office reviews and approves attorney requests for investigative and expert assistance.²⁰⁶ Like MIDC, Monroe County has not promulgated additional attorney performance standards.

When an attorney accepts a case assignment by the indigent defense office, the attorney becomes responsible for providing “complete legal defense representation” to the defendant.²⁰⁷ At minimum, this responsibility includes setting up an initial client interview, maintaining ongoing communication with the client, requesting investigative and expert assistance where necessary, and litigating all relevant issues.

Initial client interview. When an attorney is assigned to a case, the attorney must meet with a client who is in custody within three

RESTRICTED ACCESS TO BOND REPORTS.

Stakeholders report that attorneys appointed to indigent defense cases are barred from seeing the bond report because it contains information derived from the Michigan Law Enforcement Information Network, for which access is restricted to certified agencies. However, in practice, the same attorneys who cover in-custody arraignments may also be appointed to cases as trial counsel. On-duty arraignment attorneys do have access to the bond report. This means that sometimes trial counsel has already been privy to the bond report. This runs afoul of the supposed restriction and means that attorneys in Monroe County do not all have access to the same information for their cases.

REMOTE COURT IN MONROE COUNTY.

Since the onset of the COVID-19 pandemic, most court proceedings in Monroe County have shifted to remote formats where judges appear from their courtroom on Zoom, and other participants like the defendant and defense attorney can appear virtually from different locations. Only trials and other evidentiary proceedings where a witness testifies or evidence is presented are held in

business days or “make an attempt” to contact an out-of-custody client within five business days.²⁰⁸ In Monroe County, it is difficult for attorneys to achieve the goals of initial client interviews with in-custody clients for two reasons. First, attorneys lack important case information going into the initial interview. Attorneys do not have access to the bond report or the defendant’s criminal history. Pretrial officers interview defendants to prepare bond reports, which make recommendations to the judge regarding pretrial release conditions. Bond reports contain information highly relevant to representation beyond pretrial release. The reports summarize defendants’ criminal history and may contain statements made by defendants about the case to pretrial officers. Knowing about and being able to assess statements made by defendants is critical to an attorney’s ability to determine case strategy, including whether the defendant should testify at trial. Compounding the issue is the lack of communication between the attorney who represented the defendant at arraignment and the attorney assigned to the case thereafter.

The second issue with in-custody initial interviews is that most attorneys conduct them remotely, which limits their effectiveness and diminishes trust. Attorneys appointed to in-custody defendants must schedule a meeting on the jail’s online platform at least 24 hours in advance (though they can directly contact the jail if within 24 hours). Multiple stakeholders related difficulty in scheduling in-person meetings at the county jail. For example, in-person visits cannot be on weekends and must be scheduled before or after lunch and before 4 p.m. As a result, attorneys mostly rely on virtual meetings. There are, however, concerns about the quality of virtual visits. Clients do not control the camera’s positioning, which may prevent attorneys from adequately observing their clients, and the sound quality is reportedly poor. Stakeholders further questioned whether the visits are in fact confidential, meaning that clients are less likely to disclose sensitive personal information. All this hinders the attorneys’ ability to collect critical information for early investigation and build trust with the client.

person. At times, a defendant may be ordered to appear in person (e.g., after missing a court date).

Many stakeholders noted a decline in the quality of representation provided in remote court. In this format, an attorney and client do not share the same physical space, so an attorney is unable to quickly step in when a defendant begins revealing sensitive information in open court. A client is unable to ask their attorney for clarification as the proceedings unfold. Instead, in order to have any sort of confidential attorney-client conversation, the attorney or client must stop the proceeding and request a separate Zoom breakout room. Clients are also unable to confer with their attorneys before or after court.

The lack of regular in-person court appearances also results in fewer opportunities for attorneys to interact with colleagues, observe courtroom advocacy, and engage in informal mentorship, all of which are important for professional development in criminal defense practice.

Client communication. Multiple stakeholders reported that indigent defense providers in the county frequently fail to communicate with their clients before court dates. For example, one attorney had two separate sentencing hearings on the same day. In both hearings, the attorney informed the court that they had not discussed the sentencing reports with their clients. For both cases, the attorney and client were sent to a Zoom breakout room to have a confidential conversation. Indeed, judges frequently have to pause proceedings to allow attorneys to confer with clients. One stakeholder estimated that dockets take up to twice as long as they should because of this constant pausing. Another stakeholder estimated that about half of pretrial conferences are continued due to attorneys' failures to communicate with their clients ahead of hearings.

Stakeholders also reported that some indigent defense providers do not return client calls, provide discovery materials, communicate plea offers, or otherwise keep their clients informed about the status of their cases on an ongoing basis. The office, court staff, and probation officers all receive multiple complaints every month from clients about attorneys not communicating. Failure to keep clients informed violates professional rules of conduct for all Michigan attorneys and undermines client confidence. It also directly impacts the attorney's ability to provide effective representation. When an attorney does not meet with a client, they cannot observe the client's demeanor and communication style to help assess whether a client would present as a credible witness at trial. Client meetings also enable attorneys to evaluate a client's mental state, cognitive abilities, education level, and reading comprehension, which affects how attorneys explain legal rights, plea offers, potential sentencing outcomes, and collateral consequences.

Investigators and experts. Attorneys can request funds for investigative or expert assistance on a case by submitting a form to the indigent office administrator.²⁰⁹ If the administrator approves the request, attorneys are responsible for finding the investigator or expert themselves. MIDC has compiled a list of available investigators and experts, and the indigent defense office can assist attorneys in finding appropriate assistance. In practice, however, attorneys make little use of investigators and experts in felony cases and practically no use at all in misdemeanor cases.

Over the past two fiscal years (FY2024–2025), every attorney request for investigators or experts was approved by the indigent defense office administrator.²¹⁰ Despite the willingness to approve the use of these services, attorneys rarely ask for them. In fiscal years 2024 and 2025, attorneys requested investigative assistance in only 3.7% of felony cases and 0.24% of misdemeanor cases and expert assistance in only 3.3% of felony cases and 0.21% of misdemeanor cases.²¹¹

Many attorneys, including some that handled hundreds of misdemeanors and dozens of felonies in each of the past two fiscal years, made no request for investigators or experts during this time.²¹² In fiscal year 2024, only 10 of the 22 attorneys (45%) requested an investigator, and in fiscal year 2025, it was 14 of the 25 attorneys (56%). In fiscal year 2024, only 10 of the 22 attorneys (45%) requested an expert, and in fiscal year 2025, it was 13 of the 25 attorneys (52%).

Among the attorneys who did request an investigator or expert assistance, only three submitted requests with some regularity:²¹³

FY2024			FY2025	
Task	Investigator Requests	Expert Requests	Investigator Requests	Expert Requests
Attorney 1	8 out of 36 cases (22%)	–	9 out of 51 cases (18%)	8 out of 51 cases (16%)
Attorney 2	3 out of 3 cases (100%)	3 out of 3 cases (100%)	–	–
Attorney 3	–	2 out of 8 cases (25%)	8 out of 11 cases (73%)	4 out of 11 cases (36%)

In fiscal year 2025, only two attorneys were responsible for over half of the investigator requests in felony cases that year (17 out of 31).²¹⁴ It is no coincidence that the same attorneys who regularly requested investigators also regularly requested experts on their cases. This supports stakeholders' reported belief that some attorneys in the county are providing quality representation to indigent defendants while others may be lacking the training, supervision, and/or time needed to learn and put into practice foundational criminal defense practices like independent investigation and expert assistance.

Litigation, motions, and trial practice. Indigent defense providers in Monroe County rarely file or argue motions, conduct preliminary examinations in only a small percentage of cases (estimated at 1–2% or 10%), and seldom proceed to trial. Several judges reported little to no motion practice by appointed counsel, even in felony cases before the circuit court. As for trials, from 2022 to 2025, indigent defense attorneys in Monroe County went to trial in 5.4% of capital cases and in less than 1% of all other cases (0.56% of felonies and 0.49% of non-traffic misdemeanors).²¹⁵ Importantly, these percentages are likely an *overestimate* because they may include trials of privately retained cases as the data received did not distinguish between appointed and private cases.

As seen with the practice of utilizing investigators and experts, only some attorneys in the county regularly take cases to trial. In fact, most attorneys providing indigent defense services in Monroe County have not tried a case over the past three years:²¹⁶

- Thirteen out of the 16 attorneys (81%) who handled capital cases between 2022 and 2025 did not go to trial at all.
- Twelve out of the 24 attorneys (50%) who handled non-capital felonies between 2022 and 2025 did not go to trial at all.
- Sixteen out of the 23 attorneys (70%) who handled non-traffic misdemeanors between 2022 and 2025 did not go to trial at all.

Structural deficiencies in the qualification, training, and supervision of appointed attorneys in Monroe County, combined with an on-duty arraignment system and caseload monitoring process, which do not ensure that attorneys have the time and resources necessary, impair the county's adversarial system of justice.

CHAPTER 7

Financial Accountability

In the fall of 2024, the Monroe County Board of Commissioners flagged some unusually high monthly payments being made out to attorneys providing indigent defense services. The county retained an accounting firm to conduct an analysis of indigent defense payments. The analysis identified the two highest paid attorneys but, upon review of their invoices, was unable to conclude that “any specific amount of time invoiced [was] inappropriate or could be construed as waste, fraud or abuse.” The investigation nonetheless prompted the indigent defense office to implement some changes to its billing procedures.

The County Board of Commissioners then retained a new accounting firm to conduct a more in-depth analysis of the payments made to the two highest paid attorneys. This new firm reviewed payments made by the county from January 1, 2023, to December 31, 2024. The firm published its findings on the highest paid attorney in February 2026.²¹⁷ This second analysis found that invoices submitted by the attorney and approved by the county “contained duplicative, unsupported, entirely false, inaccurate, and chronologically impossible charges.”²¹⁸ For example, the attorney billed for court appearances despite court records showing another attorney covering those hearings, and also billed for reviewing evidence before records show that the evidence was provided to them.²¹⁹

These billing analyses were conducted independently of 6AC’s evaluation, and therefore, 6AC cannot attest to the accuracy of these findings. This information is being included in this report solely to explain the context in which this evaluation and feasibility study was conducted. For its own evaluation, 6AC did not conduct an analysis of attorney invoices for accuracy. Rather, 6AC focused on assessing the structural safeguards the county implemented to ensure proper invoicing and identifying any deficiencies. Thus, it is important to understand the current financial oversight system before determining how best to move forward.

The current system. The State of Michigan requires each local indigent defense system to pay its “local share” of the cost of providing indigent defense services, and the local system “must not be required to provide funds in excess of its local share.”²²⁰ The State of Michigan, through a state appropriation to MIDC, covers all costs in excess of indigent defense systems’ local shares.²²¹ Every year, local indigent defense systems submit a compliance plan and cost analysis to MIDC that explain how the system will comply with MIDC standards and the estimated associated costs.²²² If MIDC approves the plan, it must award a grant to the system to cover all costs in excess of the system’s local share.²²³ The following table shows the total funding provided to Monroe County’s indigent defense system for fiscal years 2023 through 2025.²²⁴

Fiscal Year	Total Indigent Defense Funding in Monroe County	State Funding	% of Total	Local Funding	% of Total
FY2023	\$1,464,075.77	\$1,246,388.36	85%	\$217,687.41	15%
FY2024	\$2,996,516.32	\$2,778,828.91	93%	\$217,687.41	7%
FY2025	\$3,632,029.54	\$3,414,342.13	94%	\$217,687.41	6%

Total indigent defense funding increased by 148% from fiscal year 2023 to 2025. However, how much the system *actually spent* on indigent defense did not increase at this rate, as discussed below.

MIDC requires each indigent defense system to provide documentation of all its expenditures.²²⁵ Specifically, indigent defense systems must submit to MIDC quarterly financial status reports listing the funds received, the funds spent (quarterly and year-to-date), and the unexpended funds balance.²²⁶ The following table shows the total amount *actually spent* by the county on indigent defense, as compared to its funding level, for fiscal years 2023 through 2025.²²⁷

Fiscal Year	Total Funding	Total Expended	Unexpended Balance
FY2023	\$1,464,075.77	\$1,644,695.08	(\$180,619.31)
FY2024	\$2,996,516.32	\$2,677,925.37	\$318,590.95
FY2025	\$3,632,029.54	\$2,230,732.24	\$1,401,297.30

Total indigent defense expenditures increased by 35.6% from fiscal year 2023 to 2025. The system overspent its budget in fiscal year 2023 (112%) but has since underspent it.²²⁸ In fiscal year 2024, the system spent 89% of its budget and in fiscal year 2025, only 61%.²²⁹ Unspent funds are not lost but instead included as part of the following year's MIDC grant funding.²³⁰ It remains important for the system to estimate indigent defense costs with some accuracy so that the county can understand the size of its various departments to appropriately allocate its resources.

This section explains the system's expenditure trends across the past three fiscal years to provide context for the recent overestimation of costs. Indigent defense systems report expenditure data in specific expense categories dictated by MIDC. The MIDC categories can be grouped into three groups:

- **Attorney compensation:** Compensation to private appointed attorneys is reported under the MIDC category of "contractual – contracts for attorneys."
- **Case-related expenses:** Indigent defense systems fund the cost of experts and investigators and report these expenses under the MIDC category of "contractual – contracts for experts and investigators."
- **Indigent defense system overhead:** The remaining MIDC categories of expenditures all collectively represent the overhead cost of operating the indigent defense system.

These categories are described below in reverse order for sake of clarity and ease of explanation.

Indigent defense system overhead. MIDC requires indigent defense systems to report expenditures for six categories:

- Program expenses – salaries and fringe benefits
- Contracts for construction
- Contracts – other
- Equipment
- Training/travel
- Supplies/services

Collectively, these are the expenditures that an indigent defense system incurs for its own operations, i.e., the system's overhead costs. In Monroe County, overhead costs account for around 15% of the county's total indigent defense spending.²³¹ The following table shows how much the county has spent on system overhead for fiscal years 2023 through 2025.²³²

	FY2023	FY2024	FY2025
Program expenses	\$153,698.61	\$189,574.80	\$245,377.72
Contracts for constructions	\$0	\$0	\$0
Contracts – other	\$5,554.25	\$25,286.33	\$41,305.04
Equipment	\$4,292.21	\$0	\$0
Training/travel	\$13,624.34	\$9,116.90	\$10,558.59
Supplies/services	\$12,814.71	\$231,174.95	\$30,233.86
Total	\$189,984.12	\$455,152.98	\$327,475.21

Expenses for salaries and benefits (“program expenses”) have progressively increased as the indigent defense office hired more staff and made its employees full-time.²³³ Similarly, spending on “contracts – other” increased across the three fiscal years as the office implemented systemwide programs and case management systems (e.g., Q-flow platform for scheduling jail visits, CLIO financial case management software).²³⁴

The drastic increase in the “supplies/services” line item can be explained by the indigent defense system's new physical office and associated costs (e.g., security upgrades, video equipment). However, it is worth noting that the office requests a large sum for the “supplies/services” category every fiscal year but fiscal year 2024 was the only year in which the office spent most of this sum.²³⁵

Fiscal Year	Supplies/Services – Funding	Supplies/Services – Expended	Unexpended Balance
FY2023	\$180,253.17	\$12,814.71	\$167,438.46
FY2024	\$251,626.31	\$231,174.95	\$20,451.36
FY2025	\$162,610.00	\$30,233.86	\$132,376.14

The system has overestimated training-related costs for the past two fiscal years. As shown in the following table, in fiscal year 2024, the office requested an increase in funding of almost \$20,000 because the office expected attorneys to begin attending in-person trainings, requiring the office to cover the cost of mileage,

lodging, and food.²³⁶ The office ended up spending only 28% of its training/travel budget that year. Despite underspending, the office requested another \$20,000 increase for fiscal year 2025.²³⁷ Of the \$52,172 it received, the office spent \$10,558, or 20%.²³⁸

Fiscal Year	Training/Travel – Funding	Training/Travel – Expended	Unexpended Balance
FY2023	\$13,101.98	\$13,624.34	\$(522.36)
FY2024	\$32,291.70	\$9,116.90	\$23,174.80
FY2025	\$52,172.60	\$10,558.59	\$41,614.01

Training-related costs have represented less than 1% of the county's total indigent defense spending over the past three fiscal years.²³⁹ However, because attorneys get to choose the trainings they attend and because different trainings come with very different price tags (e.g., a free, online webinar compared against an out-of-town weekend conference), the office has continued to request a significant training budget. If the system wanted to better control its training-related costs, it could implement its own in-house training programs. As explained in the *Attorney Qualifications, Training & Supervision* chapter, in-house mandatory training programs allow for more meaningful training that is tailored to each attorney's needs and informed by ongoing supervision.

Case-related expenses. When an attorney requests an investigator or expert, the cost of that professional service is paid directly by the indigent defense system.²⁴⁰ Expert and investigator costs represent around 4% of the county's total indigent defense spending.²⁴¹ The following table shows how much the county has spent to compensate experts and investigators for fiscal years 2023 through 2025, as compared to how much it budgeted for this expense category.²⁴²

Fiscal Year	Experts & Investigators Funding	Experts & Investigators Expended	Unexpended Balance
FY2023	\$91,200.00	\$83,091.93	\$8,108.07
FY2024	\$90,000.00	\$100,465.73	(\$10,465.73)
FY2025	\$149,160.00	\$91,749.64	\$57,410.36

The system went from underestimating the cost necessary to compensate experts and investigators to overestimating it. Expert and investigator costs can fluctuate significantly because a single serious felony case can require extensive investigation and multiple different experts in one quarter and be disposed of by the next quarter. The following table shows how the county indeed experienced this quarter-to-quarter fluctuation.²⁴³

Fiscal Year	Quarter 1	Quarter 2	Quarter 3	Quarter 4	TOTAL
FY2023	\$375.00	\$16,476.50	\$22,047.50	\$44,192.93	\$83,091.93
FY2024	\$39,157.27	\$25,765.45	\$21,284.38	\$14,258.63	\$100,465.73
FY2025	\$22,955.84	\$5,178.72	\$17,627.50	\$45,987.58	\$91,749.64

The system overestimated the funds necessary for fiscal year 2025 because, at the time it submitted its cost analysis for fiscal year 2025, it had just experienced two consecutive quarters with total expenses of about \$40,000 each. Assuming it would need a similar amount every quarter, the system requested a total of \$149,160.²⁴⁴ However, now that the system has three years' worth of data, it can see that the total annual expenses seem to remain somewhat stable from one fiscal year to the next, despite quarter-to-quarter fluctuation. This data should allow the system to more reliably estimate costs moving forward.

Attorney compensation. An appointed attorney must have the resources necessary to put the prosecution's case through the “crucible of meaningful adversarial testing.”²⁴⁵ Otherwise, “the process loses its character as a confrontation between adversaries,” resulting in the constructive denial of counsel.²⁴⁶ Private appointed attorneys should be paid “reasonable compensation” for “all hours necessary to provide quality legal representation,” and at an hourly rate that factors in overhead costs and out-of-pocket expenses to “encourage vigorous defense representation[.]”²⁴⁷ Compensation should be prompt and approved by a program administrator.²⁴⁸

MIDC requires indigent defense systems to compensate their private appointed attorneys “at a reasonable rate... for all work necessary to provide quality legal representation.”²⁴⁹ MIDC sets specific minimum hourly rates for assigned counsel in misdemeanors, non-life offense felonies, and life offense felonies.²⁵⁰ Attorneys in assigned counsel systems should “scrupulously track all hours spent” on each case to include in their invoices.²⁵¹

The system administrator and/or their staff must review attorney invoices.²⁵² Especially in systems where there is no limit to the number of hours for which attorneys can bill, every invoice must be reviewed closely.²⁵³ The system “should establish expected hourly thresholds” and any invoice that exceeds these thresholds “should not be paid until an administrative review indicates that the charges were reasonably necessary.”²⁵⁴

“Expenditure of public dollars should be subject to control mechanisms and audits that verify expenditure accuracy.”²⁵⁵ MIDC recommends following “generally accepted procedures,” which include establishing billing policies, ensuring thorough review of invoices, setting benchmarks, and investigating invoices when necessary.²⁵⁶ MIDC explains, “[i]ntense scrutiny of public expenditures is part of good fiduciary practices and will allow local systems to be confident in their spending.”²⁵⁷

Every attorney appointed to adult criminal trial cases in Monroe County is paid hourly and there are no maximums for how many hours an attorney can bill.²⁵⁸ The system has established hourly rates above the MIDC minimums. For fiscal year 2026, attorneys are paid:²⁵⁹

- \$128 per hour for misdemeanor cases
- \$145 per hour for non-life felony cases
- \$155 per hour for life offense cases
- \$200 per hour for capital cases

Attorneys bill the indigent defense office for time spent providing services. The office reviews invoices and transmits approved invoices to the county's finance office to be paid out.

Compensating appointed attorneys is by far the county's biggest indigent defense expense, comprising approximately 80% of the county's total indigent defense spending each year over the past three fiscal years.²⁶⁰ Additionally, it is the expense category that has proven most difficult for the system to estimate. The following table shows how much the county has spent compensating appointed attorneys providing representation in adult criminal trial cases for fiscal years 2023 through 2025, as compared to how much it budgeted for this expense category.²⁶¹

Fiscal Year	Attorney Compensation – Funding	Attorney Compensation – Expended	Unexpended Balance
FY2023	\$979,425.40	\$1,354,551.03	(\$375,125.63)
FY2024	\$2,348,370.27	\$2,103,350.66	\$245,019.61
FY2025	\$2,803,750.00	\$1,786,971.39	\$1,016,778.61

In contrast to a public defender office model where attorney compensation is tied to fixed salaries and benefits, attorney compensation in an assigned counsel model is a direct product of the hours billed by attorney providers. The office can and tries to estimate costs by estimating the total number of hours attorneys will work each fiscal year and multiplying that number by the appropriate hourly rate. But its FY2025 calculation was way off—the office spent only 64% of the money it requested to compensate attorneys.²⁶²

At least part of the discrepancy can be explained by the amount budgeted for felony cases. The office estimated that attorneys would spend 8,000 hours on non-life felony cases (800 cases x 10 hours per case), 3,000 hours on life offense cases (150 cases x 20 hours per case), and 1,500 hours on capital cases (50 cases x 30 hours per case).²⁶³ This totaled to a budget request of \$1,854,000 for felony cases. The following table shows the hours attorneys actually worked on these cases for fiscal year 2025.²⁶⁴

Case Type	Hours Estimated	Hours Worked	Difference in \$
Felonies (at \$138 per hour)	8,000	4,369.36	\$501,028.32
Life offenses (at \$150 per hour) + Capital cases (at \$200 per hour) ²⁶⁵	4,500	116.82	\$726,636.00

For non-life felony cases, the office's estimate for the number of cases was not far off (920 new assignments as compared to 800 estimated cases), which means the time spent per case was overestimated. In contrast, the office considerably overestimated the number of life offense and capital cases as opposed to the time spent on each case—there were only 12 new life offense assignments in fiscal year 2025 as compared to 200 estimated cases (life offense and capital).

FINDING 9: Monroe County lacks the fiscal accountability to ensure the efficient use of government funds.

The county's financial accountability system depends heavily on the accuracy of the time reported by private attorneys on individual cases. In a system with no cap on billable hours, and without clear policies and guidance on time recording or established reasonable time standards, Monroe County lacks the financial “control mechanisms and audits that verify expenditure accuracy”²⁶⁶ to ensure “good fiduciary practices.”²⁶⁷

Over the past year, the indigent defense system worked to improve its billing system. In March 2025, Monroe County became the first county in Michigan's south-central region to require all its attorneys to use a digital billing system.²⁶⁸ Digitalizing attorney invoices is a big step towards building a system that promotes efficiency, oversight, and accountability. However, the county can improve its accountability system for attorney billing and review.

Every attorney providing indigent defense services in Monroe County is paid hourly. To receive payment, attorneys must log the time spent on each activity for each case and submit a monthly invoice for each case to the county indigent defense office for review.²⁶⁹ Each invoice accounts for all recorded activities for a given case within that month. Once reviewed and approved by the county indigent defense office, invoices are compiled together by attorney and submitted to the county finance office to pay the attorney.

Attorney time tracking. To log the time spent on each activity, attorneys must use the financial case management software called CLIO to self-report their activity.²⁷⁰ The office creates a case in CLIO for each new case appointed to a private attorney, and the attorney must log their activities under each case.²⁷¹ The attorney must enter the number of hours, the date, the appropriate hourly rate (based on the case type), and a description of the activity. CLIO has a menu of options for activities, but attorneys are not required to use this feature. Attorneys can instead manually type in a description. However, no guidance has been provided on how to describe activities. The only instruction attorneys receive is that sufficient information must be included to justify the time spent on the activity. This means a single attorney may describe their work differently across their cases or even within a single case, and different attorneys likely describe the same or similar tasks differently.

A lack of consistency in how attorneys describe their work can only increase the amount of time necessary for the office to carefully review each invoice to assess whether the time billed is reasonable for the activity

described. The lack of guidance increases the risk that descriptions entered are unclear or insufficient, prompting the office to have to reach out to attorneys to request clarification or additional information. Moreover, because the system has no written requirements for what documentation attorneys must retain to support their billing, attorneys may find it difficult to supplement the information provided in the invoice days or weeks later. This system does not promote efficiency.

This process also does not allow the office to use invoicing as an oversight tool. An effective billing system captures and collects data in a way that directly informs performance oversight. The time spent on each type of activity is compiled and analyzed, allowing the system to determine how much time attorneys spend investigating cases, how often attorneys file motions, and how often cases go to trial—all important markers of effective representation. If attorneys do not describe their work consistently, invoices cannot be used to assess how attorneys spend their time and the system cannot effectively monitor performance quality through billing practices.

Attorney invoice submission. Attorneys submit an invoice for each case monthly. Most often, attorneys submit invoices for time spent providing representation on an individual case (e.g., investigating the case, calling the client, reviewing discovery). In some instances, however, an attorney must bill for time spent covering a docket rather than an individual case. For example, an attorney covering CAFA duty bills the office for the block of time spent on the docket because the attorney was not formally assigned to any of the defendants.

Billing for docket coverage is not, in itself, problematic. The issue is that some attorneys bill for docket coverage when they should be billing on individual cases.²⁷² This occurs because judges schedule hearings for multiple cases appointed to the same attorney on the same docket, which means that the attorney will spend all morning or afternoon in court making appearances in these cases. Instead of billing for their time by going into each case in CLIO and creating an activity describing the court appearance, the attorney will submit an invoice describing “three hours covering the morning docket,” for example.

This practice is problematic for two reasons. First, it limits the office’s ability to oversee attorney performance since the CLIO log of activities does not accurately reflect *all* the work and time spent by the attorney on a single case. Second, data on total time spent per case is not reliable. If an attorney does not record all the time spent representing a client under the client’s CLIO case, the total time billed in that case will not reflect the actual total time spent on the case. Due to the lack of guidance in how attorneys should bill, the data the office is collecting on attorney time is not accurate.

Invoice review and approval. The indigent defense office reviews every invoice submitted by an attorney. When an attorney submits a monthly invoice in CLIO, the office receives a notice.²⁷³ All three employees—the coordinator, secretary, and administrator—play a role in reviewing and approving invoices.²⁷⁴

The office has created written procedures for invoice review. Per its written policies, the office reviews invoices as follows:²⁷⁵

- The coordinator first verifies each invoice by checking the hourly rate, that the task being invoiced is allowed by MIDC, that all required information is there, and that the time billed for each task and case is “reasonable” (explained below). The coordinator also spot-checks dockets to verify that time entered matches time in court. If any issues arise from this review, the coordinator contacts the attorney for clarification or correction.
- Once the coordinator approves the invoices, the secretary prints them and compiles all invoices for a single attorney together in a packet.
- These attorney packets are given to the administrator who reviews them for case number, judge, hours billed, and total amount.
- After the administrator approves the packets, the information is entered into the county finance office’s financial system. The printed packets are also submitted to the county finance office.
- The county finance office compares the printed packets with the information entered in its financial system (attorney name, case type, hourly rate, date of service).
- Once approved by the county finance office, the claims are submitted to the County Board of Commissioners for monthly board approval.

In practice, the roles and responsibilities in the office are not as clearly delineated, with conflicting reports as to who is responsible for the careful review of invoices and for contacting attorneys if there are clarifications or corrections needed. A lack of clarity on who is ultimately responsible for ensuring that every invoice bills for reasonable hours creates the risk that in some instances, this time-consuming task is being performed twice and in other instances not at all. Moreover, ambiguity as to who reaches out to attorneys for billing issues not only impacts the efficiency of the process but also risks generating frustration among attorneys who then have to address multiple requests from the office to justify their invoices.

An efficient and reliable invoice review process clearly delineates responsibilities to ensure that every step of the review process is executed and that every invoice is reviewed according to the same procedure. Stakeholders reported that invoice processing takes “an immense time.” On average, the county approves over 400 invoices from attorneys each month.²⁷⁶ Invoice review is time-consuming, but by establishing a process that is clear and efficient, the system can ensure that time spent reviewing invoices is time well spent.

“Reasonableness” review of invoices. Attorneys are expected to bill reasonably,²⁷⁷ and as noted, the county indigent defense office reviews each invoice to determine whether the time an attorney spent on each task is “reasonable”—a standard MIDC requires the local indigent defense system to define. There are many ways to assess reasonableness in billing, and the office is working to implement some of these best practices. However, it could benefit from implementing them all.

Reasonable time per activity. The office reviews invoices to make sure attorneys bill a reasonable number of hours for the activities attorneys describe in each invoice.²⁷⁸ For example, an invoice

that lists five hours for a pretrial conference should be flagged for closer review. However, there are no thresholds for how long each type of activity in a case should take. The determination of whether the bill is reasonable is informed primarily by the experience of the person reviewing the invoice. For this reason, it is essential that the person charged with this task possess the appropriate training and experience. It also explains why clarity on who performs this task is paramount.

Reasonable time per case. A conventional indicator of reasonableness is how many hours it takes to provide effective representation for an entire case. This indicator is what MIDC standards refer to when instructing systems to establish internal thresholds for reasonableness. The office has not yet established its own thresholds. It is still gathering data from its providers to determine what is “reasonable” in the context of Monroe County’s criminal justice system. In the meantime, the office is relying on national thresholds (specifically, 5.3 hours per misdemeanor and 13.9 hours per felony).

The office monitors reasonableness per case as follows: when the secretary prints out an invoice for review by the administrator, the secretary calculates and writes on a sticky note the total billed in the case so far. This way, when the administrator reviews the invoice, they can do so in the context of how many hours have already been billed in the case. Because there are no limits as to how many hours attorneys can bill for cases, this step in the review process is critical.

Reasonable time per day. Attorneys must include the date each activity was performed; therefore, the system could monitor or conduct audits to assess whether attorneys are billing a reasonable total number of hours per day. This is an effective mechanism to prevent overbilling—an attorney who billed 25 hours of work on the same day across several cases would be flagged, and so would an attorney that regularly bills over 12-hour days. There were no reported mechanisms in Monroe County for monitoring the number of hours attorneys bill per day.

CHAPTER 8

Recommendation: Restructure Indigent Defense Delivery in Monroe County

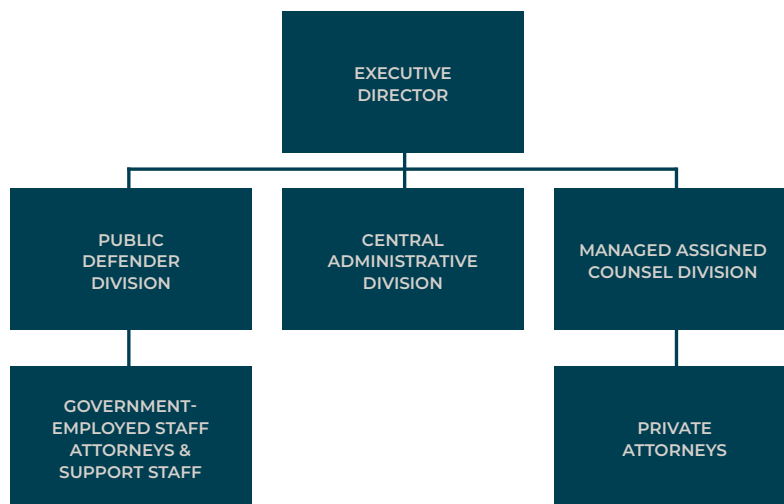
The Monroe County Board of Commissioners should seek Michigan Indigent Defense Commission (MIDC) grant funding to establish a new indigent defense delivery model that ensures effective quality oversight and fiscal accountability.

Because the county's caseload is large enough to establish a public defender office—while still requiring a private attorney component—6AC recommends a hybrid model combining government-employed public defenders and private attorneys, called the Monroe County Indigent Defense Department (IDD).²⁷⁹

IDD should include the following components, each described in detail below:

- 1. Executive Director:** Monroe County must ensure its indigent defense system has the personnel and resources necessary to provide constitutionally effective representation to every indigent person. To lead that system, the county should establish the new position of executive director of the IDD.

The executive director sits atop the IDD's organizational structure, with oversight of both indigent defense service delivery divisions—the **public defender division** and the **managed assigned counsel (MAC) division**—and the **central administrative division**, which supports both. The executive director would serve as the county's primary point person for indigent defense services and the public face of the system, advocating on its behalf with other criminal justice system stakeholders, the county executive, and the county board of commissioners.²⁸⁰



The executive director should build, and Monroe County should fund with MIDC grant dollars, two divisions to deliver indigent defense services, each led by a deputy director: the **public defender division**, staffed by government-employed attorneys and support personnel, and the **MAC division**, which oversees a coordinated panel of private attorneys. Each division's deputy director should be a highly skilled and experienced criminal defense attorney responsible for the day-to-day administration of their respective division. The **central administrative division** (built by the executive director and funded by Monroe County with MIDC grant dollars), also overseen by the executive director, provides shared administrative services—including case management, billing oversight, and training—across both divisions and serves as the backbone of quality and fiscal oversight of the entire indigent defense system.

In consultation with each division's deputy director, and the central administrative division, the executive director should make the following determinations:

- the proportional share of the total caseload to be allocated to each division;
- the types of cases to be handled by each division;
- the number of attorneys and/or support staff to be hired within each division; and
- the number of attorneys to provide services through the MAC division.

All determinations must be grounded in accurate data and made in compliance with MIDC workload standards. The executive director should also publish detailed performance guidelines upon which to base performance assessments of the representation provided by public defenders and private attorneys.

The executive director should be a highly skilled and experienced criminal defense attorney, and “be selected on the basis of a non-partisan, merit procedure which ensures the selection of a person with the best available administrative and legal talent, regardless of political party affiliation, contributions, or other irrelevant criteria.”²⁸¹ The executive director should be appointed for a fixed term of four to six years, subject to renewal, and should not be removed from office absent good cause shown through due process.²⁸²

Monroe County should conduct a statewide—and ideally national—search to identify the strongest candidate to serve as the executive director and lead its indigent defense system. The county should also consider requesting MIDC financial support to assist with recruitment, marketing, and hiring for this critically important role.

2. Central Administrative Division. The executive director should establish and oversee a central administrative division to provide shared administrative services across both the public defender and MAC divisions. The central administrative office is the backbone for ensuring quality and fiscal oversight, and should have three core functions: case management, billing audit and oversight, and training.

- *Case management.* Monroe County currently has no reliable way for tracking, on an ongoing basis, the number of adult misdemeanor and felony defendants requiring representation each year. Although IDD has implemented a case tracking system, it is not accurate, making it impossible to project the resources needed to handle caseloads effectively or to enforce caseload limits in any meaningful way. Monroe County must fund IDD to obtain the technology and personnel, including **a dedicated information technology professional**, necessary to implement a clear, uniform process for case tracking and analysis. Accurate, real-time workload data is foundational for Monroe County to allocate resources responsibly, make staffing decisions, and hold the system accountable, and the central administrative division should, as soon as possible, begin collecting accurate data to inform these decisions.
- *Billing audit and oversight.* Monroe County does not currently have an expert within IDD to effectively audit private attorney billing and manage system finances. The county should fund IDD to hire a **dedicated audit and data director**—a financial professional with an auditing background—to oversee all the system’s financial functions, including accounting, budgeting, and billing review. The county should also fund IDD to implement an online billing system tied to indigent defense performance indicators and MIDC standards, such as prompt client contact, motion practice, use of experts, case disposition, and training completion. This online billing system would efficiently serve two important functions: ensure prompt compensation to private attorneys and enable performance oversight by the deputy director of the MAC division, supporting both quality and fiscal accountability in a single, integrated platform.
- *Training.* Monroe County should fund IDD to hire a **training director**—an attorney with criminal defense experience—to design and deliver training programs for both public defenders and private attorneys. The training director should develop trainings tailored to local practice and issues, identify training opportunities available statewide and nationally, and draw on the expertise of experienced local criminal defense practitioners.

All incoming attorneys, regardless of experience or IDD division, should be required to complete an “intensive entry-level training program” prior to accepting cases, covering the core skills necessary for

effective representation, such as trial advocacy, bail arguments, legal analysis, client communication, discovery practice, and using investigators and experts.²⁸³ This training would allow the deputy director of each division to assess each incoming attorney's existing skillset and inform case assignments based on case complexity. Additionally, continuous and specialized training should be required of all attorneys. The executive director should also require more frequent in-person court appearances by all attorneys to foster peer-to-peer learning and professional development within the broader local legal community.

3. Public Defender Division. A public defender office provides efficient day-to-day supervision of government-employed attorneys. To function effectively, Monroe County should fund the public defender division to hire a sufficient number of public defenders and “adequate supportive services, including secretarial, investigation, and social work assistance.”²⁸⁴

- *Supervision.* Every public defender must have a dedicated supervisor who provides meaningful ongoing oversight of every appointed case, ensuring full compliance with all MIDC standards and constitutional requirements and taking immediate remedial action when necessary. National standards recognize that supervisory responsibilities reduce the time available for direct representation; accordingly, for every ten attorneys carrying a full caseload, there must be one *full-time supervisor*.²⁸⁵
- *Support staff.* When public defenders have to perform tasks that do not require legal training, they have less time for representing their clients. National standards therefore require at least one legal secretary or assistant for every four public defenders who carry a full caseload.²⁸⁶ Similarly, when public defenders have to fulfill responsibilities that require specialized skills they lack, the time required for each case increases substantially, and so national standards require at least one investigator and one social worker for every three public defenders who carry a full caseload.²⁸⁷ Similarly, paralegal, paraprofessional, clerical, and secretarial staff should be employed to “assist attorneys in performing tasks not requiring attorney credentials or experience and for tasks where supporting staff possess specialized skills.”²⁸⁸

Monroe County should seek MIDC grant funding to staff the public defender division in accordance with these standards.

4. MAC Division. The MAC division administers a coordinated system of private attorneys appointed to cases on an individual case-by-case basis. The MAC division should be resourced and overseen with the same standards applied to the public defender division.

The MAC deputy director is responsible for continuously recruiting qualified private attorneys to have a sufficient pool of attorneys to handle the caseload allocated to this division (including for when the public defender division has a conflict of interest); ensuring that the private attorneys receive the resources, training, and support necessary to effectively represent their clients; and ensuring that every private

attorney on the list remains in full compliance with all MIDC standards on an ongoing basis—that is, that every attorney is qualified, trained, adequately supervised, and has the time and resources necessary to effectively represent every case to which they are appointed.

Because MAC private attorneys are independent contractors rather than county employees, maintaining compliance with MIDC standards requires active, ongoing oversight. With support from the central administrative division—and any necessary staff support in the MAC division required by the size of the private attorney panel—the deputy director must implement a structured oversight process, including regular case audits, performance evaluations tied to the billing audit system’s performance indicators, and review of each attorney’s workload (this includes monitoring every private attorney’s appointed cases statewide, not just in Monroe County). When a private attorney falls out of compliance, the deputy director must have the authority to take immediate remedial action, up to and including removal from the panel.

APPENDIX A

Implementation and Sample Budget Monroe County Indigent Defense Department

Transitioning from Monroe County's current indigent defense delivery model to the recommended new IDD model will require careful planning and MIDC grant funding. The county should develop a phased implementation timeline that prioritizes, first, hiring the executive director; second setting up the central administrative division and its three core functions; and third, building out the public defender and MAC divisions as accurate data becomes available to inform staffing divisions.

As an illustration, the Sixth Amendment Center offers the following sample budget solely to help Monroe County policymakers concretely understand this new indigent defense model. The sample budget assumes the executive director determines that the public defender division should handle 40% of total adult felony and misdemeanor cases, while the MAC division handles the remaining 60%, including all conflict appointments.²⁸⁹ Other division allocations are possible. Accordingly, the county should provide the executive director with flexibility to adjust staffing levels and case assignment practices as future workload and policy requirements evolve.

Sample Budget²⁹⁰

The sample budget is divided in four sections: (1) personnel expenses, (2) private attorney compensation, (3) office space, and (4) program overhead.

1. Personal Expenses

DIVISION	POSITION	SALARY	BENEFITS ²⁹¹	#	TOTAL
Management	Executive Director	\$165,000.00	\$49,500.00	1	\$214,500.00
	Deputy Director	\$130,000.00	\$39,000.00	2	\$338,000.00
Public Defender Division ²⁹²	Attorney Supervisor	\$120,000.00	\$36,000.00	1	\$156,000.00
	Felony Attorney	\$85,000.00	\$25,500.00	3	\$331,500.00
	Misdemeanor Attorney	\$72,000.00	\$21,600.00	2	\$187,200.00
	Investigator	\$65,000.00	\$19,500.00	2	\$169,000.00
	Social Worker	\$65,000.00	\$19,500.00	2	\$169,000.00
	Paralegal	\$55,000.00	\$16,500.00	1	\$71,500.00
	Legal Secretary	\$45,000.00	\$13,500.00	1	\$58,500.00
MAC Division	Assignment Coordinator	\$55,000.00	\$16,500.00	1	\$71,500.00
Central Administrative Division	IT Professional	\$65,000.00	\$19,500.00	1	\$84,500.00
	Audit and Data Director	\$120,000.00	\$36,000.00	1	\$156,000.00
	Training Director	\$120,000.00	\$36,000.00	1	\$156,000.00
SUB-TOTAL		\$1,162,000.00	\$348,600.00	19	\$2,163,200.00

2. Private Attorney Compensation

CASE TYPE	# of CASES ²⁹³	HOURS per CASE ²⁹⁴	HOURLY RATE ²⁹⁵	TOTAL
Misdemeanors	1290	4	\$132.00	\$681,120.00
Non-Life Felonies	585	10	\$145.00	\$848,250.00
Life Offense Cases	30	15	\$158.00	\$71,100.00
Capital Cases	7	45	\$200.00	\$64,800.00
SUB-TOTAL				\$1,665,270.00

3. Office Space

OFFICE SPACE	SQ. Feet / area	NUMBER	TOTAL SPACE REQUIREMENT (sq.Ft.)
Executive Director	300	1	300
Deputy Director	160	2	320
Attorney Supervisor	150	1	150
Staff Attorney	140	5	700
Investigator	110	2	220
Social Worker	120	2	240
Paralegal	80	1	80
Legal Secretary	80	1	80
Assignment Coordinator	80	1	80
IT Professional	110	1	110
Audit and Data Director	140	1	140
Training Director	140	1	140
Large Conference Room	280	1	280
Small Conference Room	180	1	180
Client Interview Room	120	4	480
Reception	400	1	400
Legal Research/Library	450	1	450
Record Storage	500	1	500
IT/Technology	200	1	200
Break Room	400	1	400
Rest Rooms	300	2	600
TOTAL OFFICE SPACE			6050
HALLWAYS (20% TOTAL SPACE)			1210
GROWTH CONTIGENCY (10% OF TOTAL SPACE)			605
TOTAL SPACE			7865
SUB-TOTAL (\$13/SQ.FT.)²⁹⁶			\$102,245.00

4. Program Overhead

CATEGORY	TOTAL
Experts Fund	\$100,000
Investigators Fund (MAC Division Only)	\$36,000
Utilities	\$10,000.00
Technology	\$20,000.00
Training	\$25,000.00
Legal Research	\$15,000.00
Office Supplies	\$8,000.00
Printing/Postage	\$5,000.00
Telephone	\$12,500.00
Professional Liability	\$25,000.00
SUB-TOTAL	\$256,500.00

Indigent Defense Department Projected Budget (40% Public Defender Division; 60% MAC Division)

CATEGORY	TOTAL
Personnel Expenses	\$2,163,200.00
Private Attorney Compensation	\$1,665,270.00
Office Space	\$102,245.00
Program Overhead	\$256,500.00
GRAND TOTAL	\$4,187,215.00

Endnotes

1. U.S. CONST. amend. VI.

2. *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963).

3. *United States v. Cronin*, 466 U.S. 648, 654 (1984). See also *Powell v. Alabama*, 287 U.S. 45, 68–69 (1932) (“The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he may have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.”).

4. *Gideon v. Wainwright*, 372 U.S. 335 (1963).

5. *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

6. *Alabama v. Shelton*, 505 U.S. 654 (2002).

7. *Douglas v. California*, 372 U.S. 353 (1963).

8. *Halbert v. Michigan*, 545 U.S. 605 (2005).

9. *Mempa v. Rhay*, 389 U.S. 128 (1967).

10. *In re Gault*, 387 U.S. 1 (1967).

11. *Faretta v. California*, 422 U.S. 806, 818 (1975).

12. *Strickland v. Washington*, 466 U.S. 668, 685 (1984) (“That a person who happens to be a lawyer is present at trial alongside the accused, however, is not enough to satisfy the constitutional command.”).

13. *McMann v. Richardson*, 397 U.S. 759, 771 n.14 (“It has long been recognized that the right to counsel is the right to the effective assistance of counsel.”). To be effective, an attorney must be reasonably competent, providing to the defendant in the particular case the assistance demanded of attorneys in criminal cases under prevailing professional norms, such as those “reflected in American Bar Association standards and the like.” *Strickland v. Washington*, 466 U.S. 668, 688–89 (1984).

14. *United States v. Cronin*, 466 U.S. 648, 656 (1984).

15. *Gideon v. Wainwright*, 372 U.S. 335 (1963).

16. Cf. *Robertson v. Jackson*, 972 F.2d 529, 533 (4th Cir. 1992) (although administration of a food stamp program was turned over to local authorities, “‘ultimate responsibility’...remains at the state level.”); *Osmunson v. Idaho*, 17 P.3d 236, 241 (Idaho 2000) (where a duty has been delegated to a local agency, the state maintains “ultimate responsibility” and must step in if the local agency cannot provide the necessary services); *Claremont School Dist. v. Governor*, 794 A.2d 744, 758 (N.H. 2002) (“While the State may delegate [to local school districts] its duty to provide a constitutionally adequate education, the State may not abdicate its duty in the process.”); Letter and white paper from American Civil Liberties Union Foundation *et al.* to the Nevada Supreme Court, regarding Obligation of States in Providing Constitutionally-Mandated Right to Counsel Services (Sept. 2, 2008) (“While a state may delegate obligations imposed by the constitution, ‘it must do so in a manner that does not abdicate the constitutional duty it owes to the people.’”).

17. AMERICAN BAR ASS’N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 2 cmt. (2002).

18. MICH. CONST. art. I, § 20.

19. See MICH. COMP. LAWS ANN. §§ 763.1, 775.16 (2025); MICH. CT. R. 6.005, 6.610(D).

20. MICH. COMP. LAWS ANN. §§ 750.5, 750.6 (2025). A felony is enacted by the state legislature and is punishable by imprisonment in the state prison. MICH. COMP. LAWS ANN. §§ 750.7, 761.1(f) (2025). Although previously authorized, the death penalty is no longer an available punishment in Michigan. MICH. CONST. art. IV, § 46.

A misdemeanor may be enacted by the state legislature (referred to colloquially as a “state-law misdemeanor”) or by a local government as a violation of its ordinances (referred to colloquially as “ordinance cases”), and all misdemeanors are punishable by imprisonment. MICH. COMP. LAWS ANN. §§ 750.8, 750.9, 761.1(n) (2025); see also MICH. CONST. art. VII, § 22; MICH. COMP. LAWS ANN. §§ 41.181, 42.15, 42.23, 45.514(1)(i), 45.556(b), 46.11(j), 67.1, 67.1a(1), 88.12, 91.1, 117.3, 117.4i, 761.1(o) (2025). Misdemeanor ordinances enacted by counties can be punishable by not more than 90 days imprisonment. MICH. COMP. LAWS ANN. § 46.10b(1) (2025). Misdemeanor ordinances enacted by townships, cities, or villages can be punishable by imprisonment of up to 90, 93, or 180 days, depending on the ordinance violated. MICH. COMP. LAWS ANN. §§ 41.181, 41.183, 42.21, 66.2, 66.4, 89.2, 117.3(k), 117.4i(k) (2025).

Although a person charged with a civil infraction cannot be sentenced to jail and so is not entitled to appointed counsel, the failure to appear in court on a civil infraction constitutes a misdemeanor. MICH. COMP. LAWS ANN. §§ 600.113(1)(a), 600.8727(10), 600.8827(8) (2025).

21. *Halbert v. Michigan*, 545 U.S. 605 (2005); *Alabama v. Shelton*, 505 U.S. 654 (2002); *Argersinger v. Hamlin*, 407 U.S. 25 (1972); *Douglas v. California*, 372 U.S. 353 (1963); *Gideon v. Wainwright*, 372 U.S. 335 (1963).

22. *California v. Ramos*, 463 U.S. 992, 1014 (1983); see, e.g., *Oregon v. Hass*, 420 U.S. 714, 719 (1975); *Cooper v. California*, 386 U.S. 58, 62 (1967); *O’Connor v. Johnson*, 287 N.W.2d 400, 405 (Minn. 1979) (“The states may, as the United States Supreme Court has often recognized, afford their citizens greater protection than the safeguards guaranteed in the Federal Constitution. Indeed, the states are ‘independently responsible for safeguarding the rights of their citizens.’”); *South Dakota v. Opperman*, 247 N.W.2d 673, 674 (S.D. 1976) (“There can be no doubt that this court has the power to provide an individual with greater protection under the state constitution than does the United States Supreme Court under the federal constitution.”).

23. These stages occur after the criminal trial, and include:

- Adult probation violation proceedings. MICH. CT. R. 6.445(B).
- Certain post-disposition proceedings in delinquency cases. MICH. COMP. LAWS ANN. § 712A.18d(4) (2025); MICH. CT. R. 3.945, 3.956, 6.937, 6.938.

24. Including:

- Certain stages and types of involuntary commitment/treatment cases. MICH. COMP. LAWS ANN. §§ 330.1281b(2)(c), 330.1454 (2025).
- Certain stages of involuntary guardianship cases. MICH. COMP. LAWS ANN. §§ 330.1615, 700.5305(4) (2025); MICH. CT. R. 5.408(B).
- A parent alleged to have neglected and/or abused their child. MICH. COMP. LAWS ANN. § 712A.17c(5) (2025); MICH. CT. R. 3.915.
- A child alleged to have been neglected and/or abused by their parent. MICH. COMP. LAWS ANN. § 712A.17c(7) (2025); MICH. CT. R. 3.915.
- Pregnant minors, without regard to indigency, in parental notification of abortion proceedings. MICH. COMP. LAWS ANN. § 722.904(2)(e) (2025); MICH. CT. R. 3.615.
- A person facing isolation or quarantine due to an alleged public health risk. MICH. COMP. LAWS ANN. § 333.5205(12) (2025).
- An indigent respondent in a paternity proceeding. MICH. CT. R. 3.217(C)(2).

25. 6AC is a 501(c)(3) nonprofit, nonpartisan organization seeking to ensure that no person accused of a crime goes to jail without first having the aid of a lawyer with the time, ability, and resources to present an effective defense as required under the United States Constitution. 6AC does so by measuring indigent defense systems against Sixth Amendment caselaw and national indigent defense standards and then working with policymakers to improve any identified deficiencies.

26 Agreement for Professional Consulting and Feasibility Analysis Services between Monroe County, Michigan, and the Sixth Amendment Center, Inc., p.1 (Nov. 14, 2025).

27. *United States v. Cronin*, 466 U.S. 668 (1984); *Strickland v. Washington*, 466 U.S. 648 (1984).

28. *United States v. Cronin*, 466 U.S. 648, 657 (1984) (quoting *United States ex rel. Williams v. Twomey*, 510 F.2d 634, 640 (7th Cir. 1975)).

29. See e.g., Brief for the United States as Amicus Curiae Supporting Plaintiffs-Appellants, *Tucker v. Idaho*, No. 43922-2016 (Idaho, filed May 11, 2016), <https://www.justice.gov/crt/file/851311/download>; Statement of Interest of the United States, *N.P. v. Georgia*, No. 2014-CV-241025 (Ga. Super. Ct. filed Mar. 13, 2015), http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/13/np_v_state_of_georgia_usa_statement_of_interest.pdf; Statement of Interest of the United States, *Hurrell-Harring v. New York*, No. 8866-07 (N.Y. Sup. Ct. filed Sept. 1, 2014), <https://www.clearinghouse.net/chDocs/public/PD-NY-0002-0010.pdf>; Statement of Interest of the United States, *Wilbur v. City of Mount Vernon*, No. C11-1100RSL (W.D. Wash., filed Aug. 14, 2013), <http://www.justice.gov/crt/about/spl/documents/wilbursoi8-14-13.pdf>; Brief for the United States as Amicus Curiae in Support of Appellants, *Kuren v. Luzerne County*, Nos. 57 MAP 2015 (Pa., filed Sept. 10, 2015), <https://www.justice.gov/opa/file/769806/download>.

30. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES (Oct. 2023).

31. *Michigan's Population Topped 10 Million in 2020*, U.S. CENSUS BUREAU (Aug. 25, 2021), <https://www.census.gov/library/stories/state-by-state/michigan.html>.

32. *Monroe County History*, MONROE COUNTY, <https://www.co.monroe.mi.us/587/Monroe-County-History> (last visited Nov. 10, 2025).

33. Michigan Indigent Defense Commission Act, 2013 Mich. Pub. Act 93 (codified as subsequently amended at MICH. COMP. LAWS ANN. §§ 780.981 through 780.1003).

34. MICH. COMP. LAWS ANN. §§ 780.983(c), 780.985(1)–(2) (2025).

35. MICH. COMP. LAWS ANN. §§ 780.989(1)(a)–(b), (g), 780.993(8) (2025).

36. MICH. COMP. LAWS ANN. § 780.983 (2025). In July 2026, the Michigan governor signed into law a bill expanding MIDC's authority to juvenile delinquency cases. Senate Bill 81, 103rd Leg., Reg. Sess. (Mich. 2026).

37. MICH. COMP. LAWS ANN. § 780.989(1)(a) (2025); see also MICH. COMP. LAWS ANN. § 780.985(3) (2025).

38. MICH. COMP. LAWS ANN. § 780.991 (2025).

39. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES (Oct. 2023).

40. MICH. COMP. LAWS ANN. § 780.985(4) (2025).

41. MICH. COMP. LAWS ANN. § 780.993(2), (3) (2025).

42. MICH. COMP. LAWS ANN. §§ 780.993(4)–(6), 780.995 (2025).

43. MICH. COMP. LAWS ANN. § 780.993(11) (2025). MIDC may allow more than 180 days for compliance. See MICH. COMP. LAWS ANN. § 780.993(11) (2025).

44. MICH. COMP. LAWS ANN. §§ 780.993(7), 780.983(i) (2025).

45. MICH. COMP. LAWS ANN. § 780.993(2), (4), (7)–(16) (2025).

46. MICH. COMP. LAWS ANN. § 780.993(14) (2025).

47. MICH. COMP. LAWS ANN. § 780.989(1)(b) (2025).

48. MICH. COMP. LAWS ANN. § 780.989(1)(f), (2) (2025).

49. MICH. COMP. LAWS ANN. § 780.993(1) (2025).

50. See MICH. INDIGENT DEF. COMM'N, MIDC GRANT MANUAL (rev. Feb. 2026); MICH. INDIGENT DEF. COMM'N, MIDC FY25 QUARTERLY PROGRAM REPORTING AND ATTORNEY LIST INSTRUCTIONS (rev. Nov. 2024); MICH. INDIGENT DEF. COMM'N, KEY CHANGES TO MIDC QUARTERLY REPORTING FOR FY25 (Aug. 2024).

51. MICH. COMP. LAWS ANN. §§ 780.995(3), 780.997(3) (2025).

52. MICH. COMP. LAWS ANN. § 780.995(4)–(7) (2025).

53. MICH. COMP. LAWS ANN. §§ 600.539 (38th Circuit Court), 600.8111 (1st District Court) (2025).

54. MICH. COMP. LAWS ANN. § 600.8311 (2025); see also MICH. COMP. LAWS ANN. § 766.13 (2025); MICH. CT. R. 6.008(A).

55. MICH. COMP. LAWS ANN. § 600.8311 (2025).

56. MICH. CONST. art. VI, §§ 1, 11, 13; MICH. COMP. LAWS ANN. §§ 600.601, 600.8311, 766.13 (2025); MICH. CT. R. 6.008(A), (B).

57. The satellite district court office in Erie primarily handles commercial motor vehicle violations and traffic offenses for the residents of southern Monroe County. *Satellite Court (Erie, MI)*, MONROE COUNTY, <https://www.co.monroe.mi.us/464/Satellite-Court-Erie-MI> (last visited Nov. 14, 2025).

58. Monroe County, MIDC Compliance Plan and Cost Analysis FY2019.

59. Monroe County, MIDC Compliance Plan and Cost Analysis FY2019.

60. Monroe County, MIDC Compliance Plan and Cost Analysis FY2019.

61. Monroe County, MIDC Compliance Plan and Cost Analysis FY2019.
62. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2020; Monroe County, Michigan, Indigent Defense Coordinator Job Posting (Apr. 2019).
63. State of Michigan Department of Licensing and Regulatory Affairs, Order Approving MIDC Standard 5 (Oct. 29, 2020).
64. The State of Michigan operates on a fiscal year that begins October 1 and ends September 30. Monroe County operates on a fiscal year that begins January 1 and ends December 31. In this report, “fiscal year” refers to the state’s fiscal year (Oct. 1 – Sept. 30).
65. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
66. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2022; Monroe County, Michigan, Indigent Defense Administrator Job Posting (Dec. 2021); Monroe County, Michigan, Indigent Defense Office Presentation to Monroe County Board of Commissioners Operations Committee (Oct. 22, 2024).
67. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2023.
68. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2023.
69. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
70. MONROE COUNTY, MICHIGAN, 2025–2026 ADOPTED ANNUAL LINE-ITEM BUDGET (Dec. 3, 2024).
71. Monroe County, Michigan, Indigent Defense Administrator Job Posting (Sept. 2024).
72. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2025; Monroe County, Michigan, Indigent Defense Administrator Job Posting (Sept. 2024).
73. Monroe County, Michigan, Indigent Defense Coordinator Job Posting (Apr. 2019).
74. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2025.
75. AMERICAN BAR ASS’N, STANDARDS FOR CRIMINAL JUSTICE: DEFENSE FUNCTION, standard 4-2.1 (4th ed. 2017) (“The government has an obligation to provide...services of qualified defense counsel for indigent criminal defendants.”).
76. *United States v. Cronin*, 466 U.S. 648, 659–661 (1984); see also *Powell v. Alabama*, 287 U.S. 45, 53–56 (1932) (finding that the attorney appointed to this capital case, a real estate lawyer with no criminal law experience, did not have the qualifications and skills necessary to be a “guiding hand” for the defendants).
77. NATIONAL LEGAL AID & DEF. ASS’N, PERFORMANCE GUIDELINES FOR CRIMINAL DEFENSE REPRESENTATION, guideline 1.2(a) (2006).
78. NATIONAL ADVISORY COMM’N ON CRIM. JUST. STANDARDS AND GOALS, REPORT OF THE TASK FORCE ON THE COURTS, ch. 13 (The Defense), standard 13.16 (1973); NATIONAL LEGAL AID & DEF. ASS’N, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES, guidelines 5.7, 5.8 (1976); AMERICAN BAR ASS’N, CRIMINAL JUSTICE STANDARDS FOR THE DEFENSE FUNCTION, standard 4-1.12 (4th ed. 2017).
79. AMERICAN BAR ASS’N, STANDARDS FOR CRIMINAL JUSTICE: DEFENSE FUNCTION, standard 4-1.12(c) (4th ed. 2017).
80. NATIONAL LEGAL AID & DEF. ASS’N, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES, guidelines 5.4, 5.5 (1976); AMERICAN BAR ASS’N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 7 (2023).
81. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 7(A) (Oct. 2023); MICH. INDIGENT DEF. COMM’N, MIDC GRANT MANUAL (rev. Feb. 2026).
82. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 5 (Oct. 2023).
83. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 7(A) (Oct. 2023).
84. MICH. COMP. LAWS ANN. § 780.991(2)(c) (2025); MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 7(B) (Oct. 2023).
85. MIDC Standard 7 defines “basic requirements” as the minimum requirements for practicing law in Michigan, as determined by the Michigan Supreme Court and the State Bar of Michigan; and compliance with the requirements of MIDC Standard 1, relating to the training and education of defense counsel. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 7 (Oct. 2023).
86. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 7(C) (Oct. 2023).
87. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 7(C) (Oct. 2023); MICH. INDIGENT DEF. COMM’N, MIDC GRANT MANUAL (rev. Feb. 2026).
88. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 1 (Oct. 2023).
89. MICH. INDIGENT DEF. COMM’N, EDUCATION AND TRAINING OF DEFENSE COUNSEL: A GUIDE TO IMPLEMENTATION OF THE MINIMUM STANDARDS OR DELIVERY SYSTEMS (Spring 2017).
90. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 1 (Oct. 2023).
91. MICH. INDIGENT DEF. COMM’N, EDUCATION AND TRAINING OF DEFENSE COUNSEL: A GUIDE TO IMPLEMENTATION OF THE MINIMUM STANDARDS OR DELIVERY SYSTEMS (Spring 2017).
92. Monroe County, Michigan, Indigent Defense Attorney Qualifications Chart (last revised Sept. 2025).
93. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
94. Monroe County, Michigan, Indigent Defense Office Qualification Questionnaire (2026).
95. The “P number” is the unique identifier given to every attorney licensed to practice in Michigan.
96. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
97. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

98. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

99. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

100. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

101. Monroe County, Michigan, Indigent Defense Providers Contract Signing Dates (as of Feb. 10, 2026).

102. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

103. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 7(B) (Oct. 2023); Monroe County, Michigan, Indigent Defense Attorney Qualifications Chart (last revised Sept. 2025).

104. Monroe County, Michigan, Indigent Defense Attorney Qualifications Chart (last revised Sept. 2025).

105. MIDC requires local systems to report on a quarterly basis a list of all the new assignments made to each attorney as well as each attorney's eligibility level. A review of these reports and of the office's internal case tracking system revealed assignments made above attorneys' eligibility tiers. The review also revealed discrepancies between the eligibility level reported to MIDC and recorded internally. See Monroe County, Michigan, Attorney List to MIDC (FY2025); Monroe County, Michigan, Indigent Defense Attorney Qualifications Chart (last revised Sept. 2025); Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

106. See Monroe County, Michigan, Attorney List to MIDC (FY2025); Monroe County, Michigan, Indigent Defense Attorney Qualifications Chart (last revised Sept. 2025); Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

107. In fiscal year 2025, the following assignments were made above attorneys' eligibility levels:

* Three attorneys qualified to take Tier IV cases were appointed to Tier III cases (two received three cases and one received one case)

* One attorney was reported to MIDC as qualified to and receiving appointments in Tier III, despite internal office records showing a Tier IV eligibility level

* One attorney qualified to take Tier V cases was appointed to a Tier III case

* Two attorneys qualified to take Tier III cases were each appointed to one Tier II case. One of the two attorneys was appointed to another Tier II case; at that point in the year, the attorney was reported to MIDC as being Tier II qualified, but internal office records still had them as Tier III qualified

See Monroe County, Michigan, Attorney List to MIDC (FY2025); Monroe County, Michigan, Indigent Defense Attorney Qualifications Chart (last revised Sept. 2025); Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

108. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

109. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025); Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

110. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

111. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

112. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

113. MIDC Evaluation of Monroe County System (FY2025).

114. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

115. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

116. One attorney who did not complete required CLEs in 2024 was assigned to two misdemeanor and three felony cases in January 2025. Another attorney was assigned to two felony cases in January 2026 after not completing required CLEs in 2025. See MIDC CLE Records for Monroe County Indigent Defense Providers (2024–2025); Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

117. MIDC CLE Records for Monroe County Indigent Defense Providers (2024–2025).

118. Monroe County, Michigan, Indigent Defense Court Watching Evaluation Form (2026); Monroe County, Michigan, Indigent Defense Attorney Performance Evaluation and Compliance Rating Form (2026).

119. Monroe County, Michigan, Indigent Defense Court Watching Evaluation Form (2026).

120. Monroe County, Michigan, Indigent Defense Attorney Performance Evaluation and Compliance Rating Form (2026).

121. Monroe County, Michigan, Indigent Defense Attorney Performance Evaluation and Compliance Rating Form (2026).

122. A sample of those eleven evaluations was reviewed – most attorneys received a “high performing” score across every assessment factor. Notably, one attorney received a “high performing” score on the factor relating to initial client interviews despite complying with the standard in only 33%, 73% and 81% of their cases across three quarters (nine months total). Monroe County, Michigan, Indigent Defense Attorney Performance Evaluation Samples (2024).

123. *Rothgery v. Gillespie County*, 554 U.S. 191, 211 (2008); see also *Michigan v. Jackson*, 475 U.S. 625, 629 n.3 (1986); *Brewer v. Williams*, 430 U.S. 387, 388–89 (1977).

124. *Rothgery v. Gillespie County*, 554 U.S. 191, 213 (2008).

125. *Rothgery v. Gillespie County*, 554 U.S. 191, 194 (2008).

126. *Brewer v. Williams*, 430 U.S. 387, 398 (1977) (quoting *Kirby v. Illinois*, 406 U.S. 682, 689 (1972)); see also *Michigan v. Jackson*, 475 U.S. 625, 629 n.3 (1986).

127. *Rothgery v. Gillespie County*, 554 U.S. 191, 211–212 (2008); see also *Michigan v. Jackson*, 475 U.S. 625, 629 n.3 (1986); *Brewer v. Williams*, 430 U.S. 387, 388–89 (1977).

128. AMERICAN BAR ASS'N, STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES, § 5-6.1 & cmt. (3d ed. 1992); NATIONAL LEGAL AID & DEF. ASS'N, STANDARDS FOR THE ADMINISTRATION OF ASSIGNED COUNSEL SYSTEMS standard 2.5(a) (1989); NATIONAL ADVISORY COMM'N ON CRIM. JUST. STANDARDS AND GOALS, REPORT OF THE TASK FORCE ON THE COURTS, ch. 13 (The Defense), standard 13.1 (1973); NATIONAL STUDY COMM'N ON DEFENSE SERVICES, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES § 1.2, 1.3 (1976).

129. *Rothgery v. Gillespie County*, 554 U.S. 191, 212 (2008).
130. *Faretta v. California*, 422 U.S. 806, 835 (1975).
131. AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 6 (2023) ("Waiver of the right to counsel . . . should never be coerced or encouraged.").
132. MICH. COMP. LAWS ANN. § 780.991(1)(c) (2025).
133. MICH. COMP. LAWS ANN. § 780.991(1)(c) (2025).
134. MICH. COMP. LAWS ANN. § 780.991(3)(a) (2025).
135. See MICH. CT. R. 6.104.
136. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 4 (Oct. 2023).
137. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 4 cmt. 3 (Oct. 2023).
138. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 4 cmt. 3 (Oct. 2023).
139. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 4 cmt. 6 (Oct. 2023) (quoting *People v. Anderson*, 398 Mich. 361 (1976)).
140. MICH. INDIGENT DEF. COMM'N, MIDC GRANT MANUAL (rev. Feb. 2026).
141. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 4 cmt. 2 (Oct. 2023).
142. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 4 cmt. 2 (Oct. 2023).
143. MICH. INDIGENT DEF. COMM'N, MIDC GRANT MANUAL (rev. Feb. 2026); MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 4 cmt. 2 (Oct. 2023).
144. See MICH. CONST. art. I, § 15 (establishing the right to bail, except for certain offenses); MICH. COMP. LAWS ANN. § 765.6 (2025).
145. MICH. CT. R. 6.104.
146. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
147. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
148. One stakeholder reported that sometimes they make a note of the issue on the appointment sheet.
149. *Law Enforcement Information Network (LEIN)*, MICHIGAN STATE POLICE, <https://www.michigan.gov/msp/le/lein> (last visited Mar. 31, 2026).
150. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
151. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
152. 1st District Court of Michigan, Waive of Attorney at First Appearance Form (last revised Sept. 2019).
153. 1st District Court of Michigan, Form DC 213, Advice of Rights and Plea Information (Jun. 2018).
154. 1st District Court of Michigan, Form DC 213, Advice of Rights and Plea Information (Jun. 2018).
155. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2025.
156. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.
157. *United States v. Cronin*, 466 U.S. 648, 656–57 (1984).
158. *Powell v. Alabama*, 287 U.S. 45, 57–59 (1932).
159. *Powell v. Alabama*, 287 U.S. 45, 59 (1932).
160. AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 3 (2023); NATIONAL LEGAL AID & DEF. ASS'N, PERFORMANCE GUIDELINES FOR CRIMINAL DEFENSE REPRESENTATION, guideline 1.3 (2006).
161. AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 3. (2023); AMERICAN BAR ASS'N, EIGHT GUIDELINES OF PUBLIC DEFENSE RELATED TO EXCESSIVE WORKLOADS, guideline 1 & cmt. (2009).
162. AMERICAN BAR ASS'N, STANDARDS FOR CRIMINAL JUSTICE – PROVIDING DEFENSE SERVICES, standard. 5-5.3 & cmt. (3d ed. 1992); NATIONAL STUDY COMM'N ON DEFENSE SERV., GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES guideline 5.1 (1976); see also Statement of Interest of the United States at 9, *Wilbur v. City of Mount Vernon*, No. C11-1100RSL (W.D. Wash., filed Aug. 14, 2013), <http://www.justice.gov/crt/about/spl/documents/wilbursoi8-14-13.pdf>.
163. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 6 (Oct. 2023).
164. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 6 (Oct. 2023).
165. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 6 (Oct. 2023); *Resources for Calculating Caseloads*, MICH. INDIGENT DEF. COMM'N, <https://michiganidc.gov/resources-for-calculating-caseloads/> (Mar. 19, 2024).
166. Docket hours are hours spent covering an arraignment shift in systems with on-duty arraignment attorneys. See MICH. INDIGENT DEF. COMM'N, MIDC CASELOAD TRACKER EXPLANATION (Mar. 2024).
167. MICH. INDIGENT DEF. COMM'N, MIDC GRANT MANUAL (rev. Feb. 2026).
168. NATIONAL ADVISORY COMM'N ON CRIM. JUST. STANDARDS AND GOALS, REPORT OF THE TASK FORCE ON THE COURTS, ch. 13 (The Defense), standard 13.12 (1973).
169. See, e.g., Norman Lefstein, *Securing Reasonable Caseloads: Ethics and Law in Public Defense*, AMERICAN BAR ASS'N STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS 43-49 (2011) (commenting that the NAC standards have "significant influence in the field of public defense respecting annual caseloads of public defenders" despite being "too high" and not suitable for reliance by local policymakers); AMERICAN COUNCIL OF CHIEF DEFENDERS, STATEMENT ON CASELOADS AND WORKLOADS (Aug. 24, 2007) ("In many jurisdictions, caseload limits should be lower than the NAC standards."); STATE BAR OF CALIFORNIA, GUIDELINES ON INDIGENT DEFENSE SERVICES DELIVERY SYSTEMS, comment to Guideline VII (2006) (noting that, because "[n]umerical caseload goals can be affected by many variables, such as the policies and procedures within a local jurisdiction," jurisdictions should adopt more localized standards providing greater utility than the NAC standards).

170. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 6 (Oct. 2023).

171. NICHOLAS M. PACE ET AL., RAND CORP., CASELOAD STANDARDS FOR INDIGENT DEFENDERS IN MICHIGAN: FINAL PROJECT REPORT FOR THE MICHIGAN INDIGENT DEFENSE COMMISSION (2019).

172. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

173. *Resources for Calculating Caseloads*, MICH. INDIGENT DEF. COMM’N, <https://michiganidc.gov/resources-for-calculating-caseloads/> (Mar. 19, 2024).

174. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

175. This occurred in at least three separate cases for one attorney. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

176. For example, two attorneys who began accepting cases mid-way through 2025 were not listed in the calculation tabs of the tracker as of Feb. 2026. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

It also appears that the office relies on manual data entry in its quarterly reports to MIDC. Some of the case assignment numbers reported to MIDC does not match the office’s internal data, likely due to human error. In one instance, for example, it is believed a ‘20’ was entered instead of a ‘2’ for an attorney’s low-severity felony case assignments, thus overestimating that attorney’s caseload. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026); Monroe County, Michigan, Attorney List to MIDC (FY2025).

177. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

178. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

179. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

180. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

181. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

182. Monroe County, Michigan, Attorney List to MIDC (FY2025).

183. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026); Monroe County, Michigan, Attorney List to MIDC (FY2025).

184. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

185. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

186. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

187. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026; Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

188. The south-central region includes Clinton, Eaton, Genesee, Gratiot, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Monroe, Shiawassee, and Washtenaw counties.

189. Criminal case data from the Judicial Data Warehouse (JDW), provided by the Michigan State Court Administrative Office (Apr. 10, 2026).

190. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026); MIDC, Statewide Michigan Indigent Defense Providers Total Assignments and Payments (FY2025).

191. MIDC, Statewide Michigan Indigent Defense Providers Total Assignments and Payments (FY2025).

192. Criminal case data from the Judicial Data Warehouse (JDW), provided by the Michigan State Court Administrative Office (Apr. 10, 2026).

193. Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026); MIDC, Statewide Michigan Indigent Defense Providers Total Assignments and Payments (FY2025); Criminal case data from the Judicial Data Warehouse (JDW), provided by the Michigan State Court Administrative Office (Apr. 10, 2026).

194. *United States v. Cronin*, 466 U.S. 648, 656 (1984).

195. *Strickland v. Washington*, 466 U.S. 668, 688–89 (1984).

196. See NATIONAL LEGAL AID & DEF. ASS’N, PERFORMANCE GUIDELINES FOR CRIMINAL DEFENSE REPRESENTATION (1995).

197. Mich. Indigent Def. Comm’n, Minimum Standards For Indigent Criminal Defense Services, standards 2–3 (Oct. 2023).

198. *Strickland v. Washington*, 466 U.S. 668, 688 (1984).

199. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 2 (Oct. 2023).

200. Mich. Indigent Def. Comm’n, Minimum Standards For Indigent Criminal Defense Services, standard 2 (Oct. 2023).

201. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 2 (Oct. 2023).

202. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 3 (Oct. 2023).

203. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 3 cmt. 1 (Oct. 2023).

204. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 3 cmt. 2 (Oct. 2023).

205. MICH. INDIGENT DEF. COMM’N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 3 (Oct. 2023).

206. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026; Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025); Monroe County, Michigan, Indigent Defense Request for Expert and Investigator Form (2026).

207. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

208. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

209. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026; Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

210. Monroe County, Michigan, Indigent Defense Office Expert and Investigator Requests Tracker (as of Jan. 2026).

211. Attorneys submitted 35 requests for investigators in fiscal year 2024 (in four misdemeanor cases and 31 felony cases) and 37 requests in fiscal year 2025 (in four misdemeanor cases and 33 felony cases). Attorneys submitted 31 requests for expert assistance in fiscal year 2024 (in three misdemeanor cases and 28 felonies) and 33 requests in fiscal year 2025 (in four misdemeanor cases and 29 felonies). See Monroe County, Michigan, Indigent Defense Office Expert and Investigator Requests Tracker (as of Jan. 2026). The office handled a total of 1725 felonies and 3356 misdemeanors across both fiscal years. See Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026); MIDC, Statewide Michigan Indigent Defense Providers Total Assignments and Payments (FY2024).

212. Monroe County, Michigan, Indigent Defense Office Expert and Investigator Requests Tracker (as of Jan. 2026); Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026).

213. Monroe County, Michigan, Indigent Defense Office Expert and Investigator Requests Tracker (as of Jan. 2026); Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026); MIDC, Statewide Michigan Indigent Defense Providers Total Assignments and Payments (FY2024).

214. Monroe County, Michigan, Indigent Defense Office Expert and Investigator Requests Tracker (as of Jan. 2026); Monroe County, Michigan, Indigent Defense Caseload Tracker (as of Feb. 2026); MIDC, Statewide Michigan Indigent Defense Providers Total Assignments and Payments (FY2024).

215. Criminal case data from the Judicial Data Warehouse (JDW), provided by the Michigan State Court Administrative Office (Apr. 10, 2026).

216. Criminal case data from the Judicial Data Warehouse (JDW), provided by the Michigan State Court Administrative Office (Apr. 10, 2026).

217. Findings on the second highest paid attorney are still pending as of the publication of this study.

218. Plante Moran, Monroe County Indigent Defense Billing Analysis (Feb. 13, 2026).

219. Plante Moran, Monroe County Indigent Defense Billing Analysis (Feb. 13, 2026).

220. MICH. COMP. LAWS ANN. § 780.993(7), (8) (2025); see Mich. Comp. Laws Ann. § 780.983(f), (h), (i) (2025).

221. MICH. COMP. LAWS ANN. § 780.993(2), (4), (7)–(16) (2025).

222. MICH. COMP. LAWS ANN. § 780.993(2) (2025).

223. MICH. COMP. LAWS ANN. § 780.993(2), (3), (7) (2025).

224. MICH. INDIGENT DEF. COMM'N, GRANT FUNDING APPROVALS FOR FY2023–2026.

225. MICH. COMP. LAWS ANN. § 780.993(14)(a) (2025).

226. Monroe County, Michigan, Grant Agreement with MIDC (FY2026).

227. Monroe County, Michigan, Reports of Unexpended Grant Funds to MIDC (FY2023–2025).

228. Monroe County, Michigan, Report of Unexpended Grant Funds to MIDC (FY2023).

229. Monroe County, Michigan, Reports of Unexpended Grant Funds to MIDC (FY2024–2025).

230. Monroe County, Michigan, Grant Agreement with MIDC (FY2026) ("The current fiscal year indigent defense grant funds advanced will be reduced by the amount of unexpended funds from the prior fiscal year's grant by reducing all disbursement equally").

231. Specifically, 11.6% in fiscal year 2023, 17% in fiscal year 2024, and 14.7 in fiscal year 2025. Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

232. Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

233. Monroe County, MIDC Compliance Plan and Cost Analysis Renewals FY2023–2025.

234. Monroe County, MIDC Compliance Plan and Cost Analysis Renewals FY2023–2025.

235. Monroe County, MIDC Compliance Plan and Cost Analysis Renewals FY2023–2025; Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

236. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2024.

237. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2025; Monroe County, Michigan, Financial Status Report to MIDC (FY2024).

238. Monroe County, MIDC Compliance Plan and Cost Analysis Renewals FY2023–2025; Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

239. Specifically, 0.83% in fiscal year 2023, 0.34% in fiscal year 2024, and 0.47% in fiscal year 2025. Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

240. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

241. Specifically, 5.05% in fiscal year 2023, 3.75% in fiscal year 2024 and 4.11% in fiscal year 2025. Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

242. Monroe County, MIDC Compliance Plan and Cost Analysis Renewals FY2023–2025; Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

243. Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

244. In its compliance plan and cost analysis, the county explains that the reason for the increased request is because the system had already spent 67% of its budgeted amount for investigator and experts by Q2 of fiscal year 2024. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2025.

245. United States v. Cronin, 466 U.S. 648, 656–57 (1984).

246. United States v. Cronin, 466 U.S. 648, 656–57 (1984).

247. AMERICAN BAR ASS'N, STANDARDS FOR CRIMINAL JUSTICE – PROVIDING DEFENSE SERVICES, standard 5-2.4 & cmt. (3d ed. 1992); AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 2 (2023); NATIONAL LEGAL AID & DEF. ASS'N, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES, guideline 3.1 (1976); NATIONAL LEGAL AID & DEF. ASS'N, STANDARDS FOR THE ADMINISTRATION OF ASSIGNED COUNSEL SYSTEMS standard 4.7.1 (1989).

248. AMERICAN BAR ASS'N, STANDARDS FOR CRIMINAL JUSTICE – PROVIDING DEFENSE SERVICES Standard 5-2.4 (3d ed. 1992); NATIONAL LEGAL AID & DEFENDER ASS'N, STANDARDS FOR THE ADMINISTRATION OF ASSIGNED COUNSEL SYSTEMS Standard 4.7.2(b) (1989).

249. Mich. Indigent Def. Comm'n, Minimum Standards For Indigent Criminal Defense Services, standard 8(B) (Oct. 2023).

250. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 8(B) (Oct. 2023).

251. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 8(B) (Oct. 2023).

252. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 8(F) (Oct. 2023).

253. See MICH. INDIGENT DEF. COMM'N, INCENTIVIZING QUALITY INDIGENT DEFENSE REPRESENTATION: RECOMMENDATIONS FOR REFORMING COMPENSATION MECHANISMS IN MICHIGAN (Mar. 2018) ("Properly run hourly systems require the setting of internal hourly case thresholds and strict review of attorney invoices to prevent discrepancies and abuse. Without hourly controls, both the funding units and taxpayers risk being overcharged for unnecessary services.").

254. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 8(B) (Oct. 2023).

255. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 8(F) (Oct. 2023).

256. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 8(F) (Oct. 2023).

257. MICH. INDIGENT DEF. COMM'N, INCENTIVIZING QUALITY INDIGENT DEFENSE REPRESENTATION: RECOMMENDATIONS FOR REFORMING COMPENSATION MECHANISMS IN MICHIGAN (Mar. 2018).

258. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025); Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

259. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2026.

260. Specifically, 82% of total expenditures in fiscal year 2023 were for attorney compensation, 79% in fiscal year 2024, and 80% in fiscal year 2025. Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

261. Monroe County, MIDC Compliance Plan and Cost Analysis Renewals FY2023–2025; Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

262. Monroe County, MIDC Compliance Plan and Cost Analysis Renewals FY2023–2025; Monroe County, Michigan, Financial Status Reports to MIDC (FY2023–2025).

263. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2025.

264. Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2025; Monroe County, Michigan, Attorney Lists to MIDC (FY2025) (reporting the number of hours worked on felony and life offense cases).

265. The county in its reports to MIDC does not distinguish between life offenses and capital cases, even though it has two distinct hourly rates for these case types. As such, the number of hours spent on "life offense" cases reported to MIDC could include both life offense cases and capital cases. 6AC used the higher hourly rate for capital case to calculate the amount spent on hours worked.

266. MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 8(F) (Oct. 2023).

267. Mich. Indigent Def. Comm'n, Incentivizing Quality Indigent Defense Representation: Recommendations For Reforming Compensation Mechanisms In Michigan (Mar. 2018).

268. Monroe County, Michigan, Indigent Defense Office Billing Procedures (Jul. 2025).

269. Contract for the Provision of Indigent Defense Services between Monroe County, Michigan, and Private Attorney (last amended Sept. 2025).

270. Monroe County, Michigan, Indigent Defense Office Billing Procedures (Jul. 2025).

271. Monroe County, Michigan, Indigent Defense Office Billing Procedures (Jul. 2025).

272. For fiscal year 2025, one attorney who handled misdemeanors in district court and covered arraignments for out-of-custody defendants billed 80% of their time as "docket coverage" and 20% on individual cases. In contrast, another attorney who also handled misdemeanors in district court and covered arraignment dockets billed only 15% of their time as "docket coverage" and 85% on individual cases. See Statewide Michigan Indigent Defense Providers Total Assignments and Payments (FY2025).

273. Monroe County, Michigan, Indigent Defense Office Billing Procedures (Jul. 2025).

274. Monroe County, Michigan, Indigent Defense Office Billing Procedures (Jul. 2025).

275. Monroe County, Michigan, Indigent Defense Office Billing Procedures (Jul. 2025).

276. This is an average for the months of February through September 2025. Monroe County Finance Office, Voucher Volume for Indigent Defense (Feb.–Sept. 2025).

277. Monroe County, Michigan, Indigent Defense Office Billing Procedures (Jul. 2025).

278. Monroe County, Michigan, Indigent Defense Office Billing Procedures (Jul. 2025).

279. AMERICAN BAR ASS'N, STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES, § 5-1.2 & cmt. (3d ed. 1992) ("The legal representation plan for each jurisdiction should provide for the services of a full-time defender organization when population and caseload are sufficient to support such an organization...Every system should include the active and substantial participation of the private bar."); see also AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 2 cmt. (2023) ("Absent substantial private practitioners to augment the representation of full-time public defenders, public defenders are likely to become overwhelmed with cases.").

Importantly, MIDC's caseload standards are based on the first national caseload standards established in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals (NAC standards). However, MIDC intended to replace the NAC standards with Michigan-specific standards that would have imposed much lower caseload maximums. While MIDC has not yet adopted these lower limits, Monroe County should begin planning for the likelihood that MIDC will do so, and the infrastructural changes this caseload reduction would require.

280. For example, the executive director might explore collaborating with criminal justice stakeholders to require in-person court appearances; standardize the process for notifying defendants of their right to counsel and waiving their right to counsel; and expand in-person visitation for in-custody clients; obtain defense access to discovery for effective bail arguments.

281. NATIONAL STUDY COMM'N ON DEFENSE SERVICES, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES § 2.12 (1976); *see also* AMERICAN BAR ASS'N, STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES, § 5-4.1 & cmt. (3d ed. 1992).

282. NATIONAL STUDY COMM'N ON DEFENSE SERVICES, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES § 2.12 (1976); *see also* AMERICAN BAR ASS'N, STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES, § 5-4.1 & cmt. (3d ed. 1992).

283. NATIONAL ADVISORY COMM'N ON CRIM. JUST. STANDARDS AND GOALS, REPORT OF THE TASK FORCE ON THE COURTS, ch. 13 (The Defense), standard 13.16 (1973).

284. National Advisory Comm'n On Crim. Just. Standards And Goals, Report Of The Task Force On The Courts, ch. 13 (The Defense), standard 13.164(1973).

285. NATIONAL STUDY COMM'N ON DEFENSE SERVICES, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES § 4.1 (1976).

286. NATIONAL STUDY COMM'N ON DEFENSE SERVICES, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES § 4.1 (1976).

287. NATIONAL STUDY COMM'N ON DEFENSE SERVICES, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES § 4.1 (1976).

288. NATIONAL STUDY COMM'N ON DEFENSE SERVICES, GUIDELINES FOR LEGAL DEFENSE SYSTEMS IN THE UNITED STATES § 4.1 (1976).

289. The estimated total caseload used for this sample budget is similar to Monroe County's caseload estimates for fiscal year 2027 with two exceptions: (1) it does not include adult probation violation cases and (2) while the county projects 200 life offense cases, this sample budget estimates 50 life offenses because in fiscal year 2025, there were only 12 life offenses and no capital cases recorded. *See* Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2027; Statewide Michigan Indigent Defense Providers Total Assignments and Payments (FY2025).

290. To attract and retain competitive candidates into Monroe County, all employees (attorneys and non-attorneys) of both divisions should have parity in salary and benefits with their counterparts in the prosecutor's office. AMERICAN BAR ASS'N, ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM, principle 2 (2023); *see also* MICH. INDIGENT DEF. COMM'N, MINIMUM STANDARDS FOR INDIGENT CRIMINAL DEFENSE SERVICES, standard 8(B) ("Reasonable salaries and benefits and resources should be provided to indigent defense counsel. The rates paid by the Michigan Attorney General for Special Assistant Attorneys General, or other state offices serve as guidance for reasonable compensation.") (Oct. 2023).

Finally, the budget of the indigent defense system's operational expenses (all expenses other than the cost of personnel) should be "substantially equivalent to, and certainly not less than, that provided for other components of the justice system . . . such as the courts, prosecution, the private bar, and the police." NATIONAL ADVISORY COMM'N ON CRIM. JUST. STANDARDS AND GOALS, REPORT OF THE TASK FORCE ON THE COURTS, ch. 13 (The Defense), standard 13.14 (1973).

291. For this illustration, personnel benefits were estimated as 30% of salaries.

292. For this illustration, staffing for the public defender division is calculated as 40% of an estimated total caseload of 2,150 misdemeanors (traffic and non-traffic), 975 non-life felonies, 50 life offense cases, and 12 capital cases.

293. For this illustration, the total number of cases handled by MAC division private attorneys is calculated as 60% of the same estimated total caseload used to calculate staffing of the public defender division.

294. The hours per case is based on the hours per case estimates used by Monroe County in its FY2027 compliance plan and cost analysis to MIDC. *See* Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2027.

295. For this illustration, the hourly rate used is the one for fiscal year 2027. *See* Monroe County, MIDC Compliance Plan and Cost Analysis Renewal FY2027.

296. For this illustration, an estimated \$13 per square foot was used to calculate the cost of office space near the courthouse in Monroe County.