

BAR BRIEFS

Official Publication of the Macomb Bar Association

September 2024



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The Importance of Taking Care of Ourselves

By Dana Freers, President of the Macomb Bar Association

Our jobs are incredibly stressful, no matter what type of law you practice. Over 45% of attorneys report experiencing depression during their career. Of those, 12% report having suicidal thoughts. 36% of lawyers (and most professionals surmise the actual percentage is higher) struggle with alcohol abuse and 9% drug abuse. Clearly, these are troubling statistics. Sometimes we place so much emphasis on helping others that we forget we have to help ourselves as well. Or sometimes it's difficult to know how or where to begin. As a profession, we can definitely use some assistance in maintaining our own health and wellness.

Did you know that there is a Task Force on Well-Being in the Law? A collaborative effort between the Michigan Supreme Court and the State Bar of Michigan, the Task Force issued a report in August of 2023 calling for a permanent Commission to address the health and wellness of lawyers and judges. The task force report correctly pointed out that if we're struggling, we can't help our clients as effectively as we could if we addressed our own wellness. The Task Force recommendations for lawyers included:

- Incorporating the Lawyers and Judges Assistance Program resources into the Attorney Grievance Commission intake screening process;
- Providing ongoing training on lawyer well-being and mental health to the Attorney Discipline Board and Attorney Grievance Commission staff;
- Including training on well-being in the State Bar of Michigan's "Tips and Tools for a Successful Practice" seminars;
- Encouraging local/affinity bars and employers to create well-being committees;
- De-emphasizing alcohol at legal functions and social events;
- Amending MRPC 1.1 (Competence) to include lawyer well-being as a function of competence;

- Recognizing organizations and individuals who demonstrate their commitment to lawyer well-being;
- Including a personal testimonial of recovery following the discipline section of the Michigan Bar Journal;
- Offering wellness seminars on a regular basis to Michigan attorneys; and,
- Creating and using a tool to measure the impact of lawyer well-being initiatives.

After the findings and report of the Task Force, the Michigan Supreme Court created the Commission on Well-Being in the Law in September of 2023. Our own Judge Kathleen Galen sits on the Commission. According to Judge Galen, "The Wellness Commission seeks to reduce stigma, provide resources and support to foster a supportive environment starting in law school and in the legal profession." More information on the Commission can be found at <https://www.courts.michigan.gov/administration/special-initiatives/well-being-in-the-law/>.

The Michigan Bar Association has a Lawyers and Judges Assistance Program with resources, support groups, meetings and ideas <https://www.michbar.org/generalinfo/ljap/wellness>.

I'd love to have a section of the Macomb County Bar Association dedicated to health and wellness, so if you're interested in chairing, please let me know!

I've tried to include information and resources in this article but above all else, I want you all to know that people care about you. If you're struggling, reach out. I know this can be easier said than done, but people will surprise you. They want to help. We're all in this together. Take time for yourself and the things that help you relax and make you happy!

Information for this article was taken from the American Addiction Centers, the State Court Administrator's Office and the Michigan Bar Association.



Member Spotlight

Steven G. Freers

By Erin Freers-Cole, Macomb County Public Defender's Office

Nepotism exists. I write this article knowing full well that I have benefited from the reputation and career that my father built. I am grateful for it and want to share his story, because while I had that, he did not. He was born in 1949 in Indiana to Howard and Eleanor Freers (both legends in their own right, just different fields). I see traits of both of them in him. He has the general demeanor of his dad, easy going, cheerful and an inquisitiveness. My grandfather always marveled at new technology and ideas and liked to learn as much as he could about something, I see the same attitude in my father. My grandmother stayed home with her kids and ran the household. Her sense of justice was legendary. I heard many stories of her speaking her mind trying to right a perceived wrong. She was not deterred by a challenge. The following is a question and answer between me and my dad:

Why did you want to be a lawyer?

Perry Mason syndrome. I used to watch Perry Mason as a kid and thought, this is great, he gets them off all the time! My plan was also to be a big time anti-trust attorney.

What would you have been if you were not a lawyer?

I am not really sure, maybe an accountant, since I have a degree in that.

What is your favorite thing about being a lawyer?

Working with people.

Least favorite?

Working with people and rude attorneys.

Favorite war story?

I once had a client that wanted to retain me on a capital case. He was in jail and I was helping him get the paperwork together on a claim he had (not the crime) that would give him the funds to do so. He had the check already and I just needed to take it up to the jail for him to sign. I found out he had passed away in jail before I made it up there.

Most important thing you have learned?

If you treat people with respect, you get respect back.

Lessons from trial?

Be prepared and be flexible. Things very rarely happen the way you thought and/or planned.

Favorite MCBA event?

Dana's swearing in as President of the MCBA!

Most unique argument you have made/heard?

I once told a Judge even though the precedent was against me, the Supreme Court blew it and he should rule in my favor. It was not successful.

Is there a law you think should be changed?

I would like to see the Supreme Court revisit diminished capacity. I would also like to see changes in the mental health system that helps end the incarceration of the mentally ill.

Pivotal changes in your career?

Technology, legal research, Zoom. I remember ordering and looking things up in books, now you just click on a link and have exactly what you need.

What do you hope for the future?

People can become less violent.

I really enjoyed talking with my dad for this article, although I did not give him much time to reflect on his answers, as I procrastinated. But, my article has a dual purpose. Not only to spotlight someone dear and inspirational to me but also to remind members that we, the MCBA, want to spotlight our members. We don't always know another person's story, though we may see them on a daily basis. I like learning about my colleagues and appreciate all the differences we bring to the table.

If there is a member you want to spotlight please contact Dana Freers at dcfreers@gmail.com and feel free to submit an article.



Family Tradition: The Legacy of Judge Robert Spier

*By Hon. James M. Biernat, Jr. - Chief Judge of the
16th Judicial Circuit Court and Macomb County Probate Court*

The Macomb County legal community has had families who have contributed to the practice of law for decades. Families, such as the Vivianos, Switalskis, and the Freers who are well known whether in private practice, public service, or the judiciary. With the passing of the Honorable Robert Eldredge Spier on July 19, 2024, at the age of 97 closed a chapter for a family that produced five generations of Macomb County lawyers.

Robert Spier served as Macomb County Probate judge from 1977-1992. Judge Spier was married to the former Anita R. Castelluci who preceded her husband in death December 30, 2014. After serving in the United States Navy at the tail end of WWII he completed law school in Colorado. He practiced in Detroit and then Mt Clemens for many years. In the 1960's Bob Spier felt that the Macomb County Bar Association was not doing enough to help younger lawyers in their professional growth; in response he helped establish the Young Lawyers section of the bar that helps mentor young lawyers to this day.

Judge Robert Spier's contribution to the judiciary and the Bar association was part of a long family tradition that he proudly carried on. His Father James Eldredge Spier was a giant in Macomb County legal community for most of the 20th century. Judge James Spier was born in the late 19th century and fought in WWI as a pursuit pilot. He received his law degree from University of Michigan and started practicing law in Mt. Clemens in 1922.

In 1928, he decided to run for a Circuit court Judgeship which he eventually won. Judge James Spier served in that capacity till 1971 making him the longest serving judge in the history of Macomb County. While he cast a larger-than-life figure as a judge, he could still be humorous in giving advice to younger attorneys. Judge James Biernat Sr. remembers arguing a motion in front of Judge Spier sometime late 1969. The arguments got

heated and Judge Biernat Sr., who was 29 years old at the time and an assistant prosecutor, found himself uncharacteristically shouting at the defense counsel. After ruling against young Biernat, Judge Spier asked him to come back to the chambers for some constructive criticism. While Judge Biernat Sr. could not recall all the conversation he does remember Judge Spier's parting advice which was to always keep in mind that, "The value of one's argument is not necessarily related to its volume."

Judge James Spier's father Silas B Spier was also an attorney and Judge. He served as a Macomb County Probate judge from 1896-

1900. He was also one of a small core of attorneys who met on December 11, 1905, to help create what became the Macomb County Bar Association. He also served as its President in 1911. Judge Silas B. Spier was married to Julia Eldredge the daughter of James B. Eldredge the great-grandfather of Robert Eldredge Spier. James B. Eldredge was the Macomb County prosecutor from 1864-1874. He then ran for and was elected Probate Judge 1876 and served till 1884. In 1893 he was elected circuit court judge, serving both Macomb and St. Clair counties for six years.



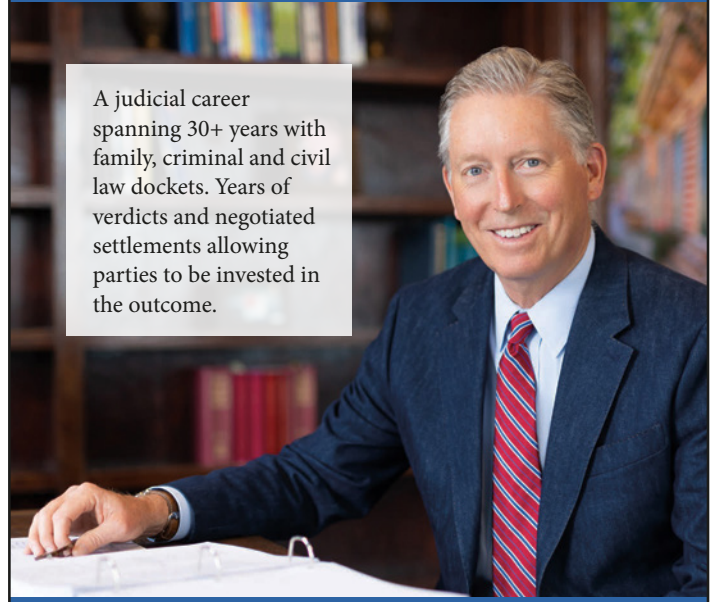
Finally, the family's legal roots in Macomb County can be traced to Judge Robert Eldredge Spier's great, great grandfather Robert P. Eldredge. He was admitted to the bar in 1828 and was the first lawyer to open a practice in Macomb County. He was also one of the earliest if not the first person to hold the office of Macomb County prosecutor from 1832-34. He served as Secretary of state and other political offices, such as, State Senator until 1847 at which time he retired from politics and resumed his practice of law in Mt. Clemens, and worked till he passed away in 1884.

So, there you have it. A short history of a family that practiced law in the county for five generations, almost as long as the practice of law has existed in Macomb County. Mostly, it must be said a forgotten history, but that's mostly due to the nature of men like Judge Robert E. Spier. He was not the kind of person to boast about his family's history but rather simply served with honor whether it be his country in WWII or as a Probate Judge. Dane Derush, former chief referee for juvenile court who worked for Judge Spier for 16 years, stated that the best way to describe the judge was that he was a "very humble man with nothing but kindness for all he encountered." What else can you ask for in a public servant?

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Taking Seriously the Rebuttal Presumption of a Non-Jail, Non-Probationary Sentence

By William Barnwell, *Barnwell Law*



“Have I complied with the Court rule?” This is a familiar question nearly every attorney in Michigan hears while nearing the end of a plea hearing. While Judges and attorneys are usually very precise to make sure MCR 6.302 is followed, there is comparatively little effort to ensure that MCL 769.5 in sentencing hearings is followed.

What is MCL 769.5? It is a statute that took effect in early 2021 that states in subsection (3): “There is a rebuttable presumption that the court shall sentence an individual convicted of a misdemeanor, other than a serious misdemeanor, with a fine, community service, or other nonjail or nonprobation sentence.”

What exactly is a serious misdemeanor? Subsection (7) of the statute states that it is those misdemeanors outlined and defined by the Crime Victims Rights Act. These misdemeanors are found in MCL 780.811. They include, but are not limited to, assaultive crimes, embezzlement, indecent exposure, stalking, and OWI’s *in certain circumstances*. Note that neither standard OWVI’s, OWI’s, or even High BAC offenses are defined as “serious misdemeanors” in the Crime Victim Right’s Act, unless there is a showing of an accident resulting in injury, death, or property damage.

The statute explicitly says that it is presumed that a court shall (not may, or could) sentence a defendant to a sentence that does not include jail *or* probation. Rather, the Court shall sentence a defendant to a fine, community service, or “other” nonjail and non-probationary sentence.

Does this lock Judges into such a sentence? There are exceptions. Subsection (4) of the statute reads: “The court may depart from the presumption under subsection (3) if the court finds reasonable grounds for the departure and states on the record the grounds for the departure.”

It is important to note that even though the statute allows for a departure, the court must find “reasonable grounds” to overcome the presumption. If something is “presumed”, it stands logically that it is the starting point itself, not the exception. That the Court must find reasonable grounds to depart from the presumption demonstrates that the legislature explicitly intended that the departure is the exception to the general rule, not the other way around.

Now, what exactly are “reasonable grounds?” So far, there is no published caselaw defining that. In 2023, this writer served as appellate counsel in the matter of *People v Simpson*. It was the first appellate case challenging a jail sentence for a non-serious misdemeanor. A now-retired Judge sentenced a defendant to 60 days in jail for Failure to Display a Valid License.

During oral arguments, both appellant and appellee counsels urged the Court to lay down some parameters of what is and isn’t reasonable grounds. Both sides were hopeful a published opinion would follow. Instead the Court issued an unpublished opinion remanding the case back to the District Court to ensure that the judge knew of the presumption and based its sentence on it accordingly. Not surprisingly, the District Court said it was aware, issued an opinion citing the statute and the reasons for its departure, and upheld the sentence.

However, in *Simpson*, there were a host of reasons that the Court of Appeals found that overcame the presumption which are cited in their opinion. But what about a run of the mill Retail Fraud defendant being jailed or put on probation? Or Disorderly Conduct? Or OWI?

What is happening in many sentencing hearings is that defense attorneys are not arguing or citing the statute, or alternatively, many judges are slow to adapt to the new

standard. Instead, probation department PSI's are often (but not always) recommending sentences, including even for first-offenders, that ignore the statute.

While the Court of Appeals has yet to define "reasonable grounds", it is fair to say "Just Because" isn't one of them, or "This is how we've always done it." What is the point of laws if we do not follow them in our courtrooms?

Just as in *People v Thue*, a published and binding opinion that explicitly allows probationers to use medical marijuana, Courts cannot just these statutes, or binding precedential opinions, because they go against "how we've always done things" or the personal opinions of Judges, prosecutors, and probation department employees.

As such, defense lawyers need to make a proper record at every sentencing where the presumption applies, should be noting why the presumption applies, and why it is not the exception to the rule. Judges should make a record of why the presumption does not apply and list their reasons on the record. They should also remember that it is "presumed" that they "shall" issue sentences abiding by the presumption.

For example, if a Judge has sentenced 20 people for a given non-serious misdemeanor and 18 of these defendants all received a probationary or even jail sentences, then it stands to reason that the presumption isn't being followed. While most Judges across the state are not quick to put misdemeanor defendants in jail, many continue to see probation as a given and default for non-serious misdemeanors.

There are currently a couple more cases on this issue being considered by the Court of Appeals at the time of this writing.¹ The hope is that soon or eventually a binding precedential opinion is published giving advocates and judges greater guidance on what is and isn't "reasonable grounds". Until that time, prosecutors, defense lawyers, and Judges must be aware of the law and to ensure a proper record supporting their positions of why the presumption should or not be followed. The "rule of law" demands it.

¹For additional guidance, look to the recently published case *City of Auburn Hills vs Mason*, ___ Mich App ___; (2024) issued August 22, 2024 COA Docket No. 367687.

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Commissioners Corner

By Sherrie L. Detzler, SMB Commissioner – District D

It's Fall – New Bar Year – New Programs – for YOU!

Your State Bar of Michigan Lawyers & Judges Assistance Program –LJAP – has two things going on right now that if you have never taken advantage of the incredible programs offered by LJAP, you simply must ENGAGE for YOUR WELLNESS! FREE!

Here is a quick overview about the groups in general: Lawyers & Judges Assistance Program: Support Groups (<https://www.michbar.org/generalinfo/ljap/supportgroups>). We run groups in series, they are open groups, meaning you can attend any or all in each of the series, and they are for ALL of US. The present series running, which begins on October 2nd: New Virtual Support Group for Attorneys to Start in October (<https://www.michbar.org/News/NewsDetail/New-Virtual-Support-Group-for-Attorneys-to-Start-in-October?nid=6059>). Each week will have a specific focus, so you can attend the week's most interesting to YOU:

The schedule of topics will be:

- Week 1: The Power of Gratitude
- Week 2: Coping Mechanisms for Stress Management
- Week 3: Setting Healthy Boundaries

- Week 4: Work - Life Balance
- Week 5: Vicarious Trauma
- Week 6: Compassion Fatigue
- Week 7: Resilience
- Week 8: Dealing with Difficult Personalities

Then a DO NOT MISS Opportunity: Virtual Wellness Event, Friday, October 25th 10 a.m. It's going to be phenomenal! Keynote speaker, Jordana Confino, talking about perfectionism. The 90-minute session is "The Paradox of Perfectionism: How to Shift Your Mindset for Greater Satisfaction and Success" will focus on how perfectionism, often seen as a strength, may actually hinder professional and personal growth. Attorneys can expect to learn how to manage perfectionism, leading to greater personal satisfaction as well as how it can help them better serve their clients. To register, visit: SBM Virtual Wellness Seminar Registration (<https://michbar.wufoo.com/forms/ropsjuz0cz4hsz/>).

As our SBM Director of LJAP Molly Ranns has said, "Lawyers are tasked with sitting with other people's pain." Take advantage of these opportunities to educate yourself on how to do just that!



THANK YOU

I am honored and humbled.

R. Timothy Kohler

Criminal Law Think Tank Sessions

By Elisha Oakes, Macomb County Public Defender's Office

Some of you may wonder: what is the Criminal Law Think Tank? The Criminal Law Think Tank Sessions are a safe place for Defense Attorney's to discuss their cases, issues, strategies, struggles, and other items that may arise in representing their criminal clients.

As a young attorney I found immense value in attending these sessions and brainstorming case issues with experienced attorneys. I learned valuable insight and information by participating in discussions of my fellow colleagues about their cases and issues.

In addition to information relating to cases, we often discuss the MIDC standards and the changes that are occurring as well as general updates from the Public Defender's Office. Recently we have added a few moments to discuss interesting cases coming out of the Court of Appeals and Supreme Court.

If you have any suggestions for topics or guest speakers, please feel free to email Elisha Oakes at elisha.oakes@macombgov.org. We hope that you will come join us!

The upcoming dates for the Think Tank are: October 7, 2024; November 4, 2024; and December 2, 2024. The sessions are held in the main conference room at the Public Defender's Office located at 22 Market Street, Mount Clemens, MI 48043.



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New For The Fall of 2024

MIDC Standard 6: Indigent Defense Workloads MIDC Standard 7: Qualifications and Review

By Thomas J. Tomko, Macomb County Public Defender

Coming in the Fall of 2024 are two new MIDC Standards to be implemented. They will be rolled out during the upcoming FY 24-25 grant year which begins in October 2024. Procedures related to Standard 6 and 7 are expected to be in place during the first two quarters of the fiscal year. With implementation of these new Standards 6 and 7, all the originally proposed MIDC Standards will finally be in place and meet the overall continuing mandate of the MIDC.¹ The newest adopted² Standards are:

MIDC Standard 6 – Indigent Case Workloads; and MIDC Standard 7 – Qualifications and Review.

Portions of these Standards are already being followed in Macomb County. The remaining requirements are part of the Macomb County Funding Unit's grant Plan for FY 24-25.

What Are MIDC Standards 6 and 7, and How Do They Affect Me?

MIDC Standards 6 and 7 are part of the continued efforts to advance the quality of representation in indigent criminal defense cases. The specifics are summarized here.

MIDC Standard 6 Indigent Defense Workloads

MIDC Standard 6 concerns the managing of workloads and avoiding situations where an attorney is over-burdened with too many cases. The focus is on having time to allow effective representation. Standard 6 embodies the idea that excessive workloads can interfere with effective representation.

An overburdensome case load can “interfere with the rendering of quality representation” and thereby have a negative impact on clients.³

These important concepts are behind managing workloads have application to all attorneys. Whether having a book of retained cases, assigned cases, or a combination of both, it is critical for the attorney to have enough time to devote to each case and provide effective representation.

MIDC Standard 6 recognizes that continued pressures related to a heavy caseload can impact effective representation. When an attorney's workload is too great, negative results can follow. The attorney may find that they don't have time to respond to clients, regularly have scheduling conflicts, struggle to file written motions and briefs, take short cuts which minimize investigation, avoid time consuming jail visits, skip attending PSI

meetings, or otherwise find themselves spread too thin.

Application of MIDC Standard 6 addresses the more extreme situations where the attorney is spread too thin and may not have enough time for effective representation. Standard 6 proscribes that using a rolling 12-month average to monitor the number of assigned criminal cases for each attorney taking assignments. Case assignments are then limited to 150 felony cases or 400 non-traffic misdemeanor cases or a proportional combination of both during any 12-month period.⁴ Docket Assignment hours are also factored into these limits.⁵ The number of assignments considered in this rolling average includes criminal assignments from all funding units. (e.g. total assignments include ones from the Office of Macomb Public Defender, together with those from the other Funding Units).⁶ When an attorney reaches the maximum level, any assignment of new cases would be “paused” until the average is below limits. It is estimated that these assigned case limits will directly impact relatively few attorneys. The goal is to improve representation. Improvement may come in different ways and include:

- avoiding caseload pressures that result in recommending uninformed/rushed pleas,
- encouraging complete reasonable investigation,
- promoting more client contact, and
- being better prepared for court hearings.

MIDC Standard 7 Qualifications and Review

Standard 7 is directed at matching attorney qualifications with the type of case assigned. In Macomb County, attorneys apply for and are approved to take assigned cases based on the level of severity. This severity level is a proxy for recognizing the complexity of a case and the level of experience needed to provide effective representation.⁷ Levels of assignments are currently:

Level A – LIFE Offenses

Level B – Felonies with maximum penalties of over 5 years & up to LIFE

Level C – Felonies with maximum penalties of up to 5 years

Level D – Misdemeanor cases with maximum penalties of 1 year

These qualifications, and the continued requirement of taking 12 annual CLE hours are currently in place. (Ref: MIDC Standard 1, Education and Training). Attorneys can submit requests to be on one or more of these Roster Attorney Lists by submitting a Roster Attorney Application. <https://www.macomb.gov/public-defender/indigent-fee-schedule-felony-cases>

Attorneys looking to move up in Level by getting paid 2nd chair experience to enhance experience and qualifications should call Erin Freers-Cole at the Macomb County Office of Public Defender (586) 466-8311. Increased hourly rates for FY 24-25 will apply for services performed.⁸

MIDC Standard 7 provides a new concept of “review” of attorneys taking criminal assignments. The MIDC Act calls for a standard establishing:

“Defense counsel’s ability, training, and experience match the nature and complexity of the case to which he or she is appointed”

It also provides that:

“Defense counsel is systematically reviewed at the local level for efficiency and for effective representation according to MIDC standards.”⁹

To put this idea of systematic attorney “review” in place, it is required that each attorney be reviewed at least once every three years. This applies both to Roster Attorneys and attorneys employed by the Office of Public Defender.¹⁰ Attorneys new to taking assignments may be reviewed during their first year of taking assignments.

The idea of attorney review for assigned cases not new. For example, appellate attorneys in the MAACS system have been subject to regular attorney review procedures since at least 2017.¹¹ The process of attorney review under MIDC Standard 7 will be different from a MAACS review, and it is under development by the Macomb County Office of Public Defender. The MIDC attorney review process will be implemented during FY 24-25. Important features of MIDC Standard 7 include the requirement that the attorney review process be performed by “peers.” The review must also allow input from other stakeholders in the criminal justice system.¹²

To facilitate implementation of MIDC Standards 6 and 7, the Macomb County Office of Public Defender will create a new administrative “Compliance Attorney” full-time position. This position would be responsible for monitoring assigned case limits under Standard 6 and for developing/conducting the attorney review process under Standard 7. Attorneys interested in being hired as a Compliance Attorney can apply through the Macomb County website when the position is posted later this year.

Important Take Aways

New MIDC Standard 6 and Standard 7 “take aways” for FY 24-25 include:

- There are limits on the number of cases that can be assigned to an attorney over a rolling 12-month period. (e.g. generally: 150 felonies or 400 non-traffic misdemeanors, or a pro-rata mix).
- Roster Attorneys are qualified to take certain severity Levels of criminal case assignments. Roster Attorneys can apply to be on one or more of Macomb County’s Roster Attorney Levels, or apply to move up in level, based on experience. Paid “Second Chair” opportunities are available by contacting the Macomb County Office of Public Defender. (Dana Freers-Cole 586-466-8311)
- Attorneys taking criminal adult case assignments will have a Standard 7 review at least once every three years. Details of this review process in Macomb County are being developed.

¹The MIDC’s stated mandate is: “We [MIDC] are required by statute [to develop and implement minimum standards for those providing indigent defense services and to collect data, support compliance, administer grants, and encourage best practices to accomplish our mission.”

²MIDC Standard 6 and 7 were approved by LARA on 10-24-23. These Standards were part of the original eight proposed standards which were approved and implemented over time. MIDC Standards 6 and 7 required compliance within 180 days of a signed grant contract for FY 24-25.

³From MIDC Standard 6: “The caseload of indigent defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation...” “Neither... contract attorneys, nor assigned counsel should accept workloads that by reason of their excessive size, interfere with the rendering of quality representation.” <https://michiganvidc.gov/standards/#tab-id-6>

From MIDC Standard 6. michiganidc.gov/standards/#tab-id-6

⁴A pro-rate approach is taken for attorneys taking both felony and misdemeanor assignments. An example for reaching the limit may be an attorney with 75 felonies and 200 misdemeanors during a 12-month period. See Standard 6, fn 5. <https://michiganidc.gov/standards/#tab-id-6>. Traffic misdemeanors and PV cases count as ½ of a misdemeanor assignment. See MIDC Grant Manual pp 29-30.

⁵Docket hours (e.g. shift work) is factored into caseloads using 1856 available hours. See Grant Manual pp 29-30.

⁶“If an attorney is carrying a mixed caseload which includes cases from felonies and misdemeanors, or non-criminal cases, these standards should be applied proportionally.” MIDC Standard 6.

⁷MIDC Standard 7, Saff Comment 6, “The appointing authority should maintain a list of qualified counsel... in order to appoint counsel with the ability, training and experience to match the nature and complexity of the case to be assigned.”

⁸For FY 24-25, the hourly rates in Macomb County are: Level A = \$200/hr; Level B = \$150/hr; Level C = \$140/hr; Level D = \$125/hr. Second Chair Experiences can be paid up to o\$150/hr.

⁹See MIDC Standard 7. michiganidc.gov/standards/#tab-id-7

¹⁰MIDC Grant Manual (p 33)

¹¹MAACS Regulations adopted 9-20-2017 and amended 3-13-19, 9-20-23,

Section II (C) Performance review and reclassification procedure... “All roster attorneys are subject to comprehensive performance reviews at least once every 3 years.”

¹²“In all cases, the evaluation of attorneys must be made by peers in the criminal defense community, allowing for input from other stakeholders in the criminal justice system including judges, prosecutors and clients.” MIDC Standard 7 *Qualifications and Review*; Section C.

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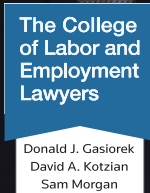


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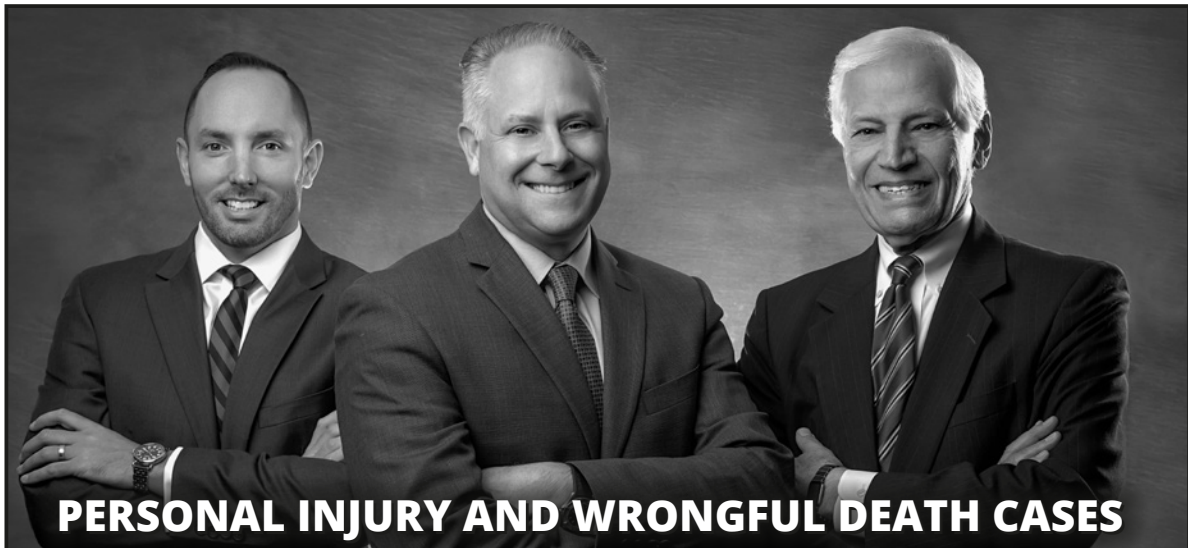
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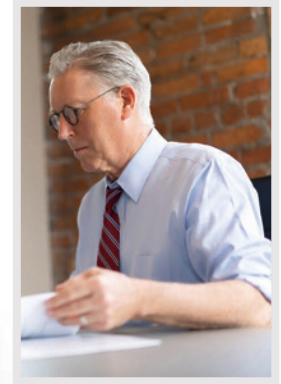
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