



Legislation Text

File #: 21-0090, **Version:** 1

Resolution to Approve a Professional Legal Services Agreement with Washtenaw County for Public Defender Services (\$206,305)

This resolution seeks Council approval for a Professional Legal Services Agreement with Washtenaw County in the amount of \$206,305 to provide legal representation to indigent persons charged with misdemeanor offenses, who appear in the 15th Judicial District Court.

Budget/Fiscal Impact: The City's Local Share amount of \$206,305 is budgeted in the 15th Judicial District Court's FY21 budget.

The 15th Judicial District Court is required by law to provide for attorneys to represent indigent defendants when potential sanctions, including sanctions for violations of court orders, upon conviction may include incarceration. The Washtenaw County Public Defender's Office has experience providing these services.

The Michigan Indigent Defense Commission (MIDC) was created by legislation in 2013 (MCL §780.991) and charged with identifying and encouraging best practices for delivering the effective assistance of counsel to all indigent adults in this state consistent with the safeguards of the United States constitution, the state constitution of 1963, and with the Michigan Indigent Defense Commission Act.

MIDC requires that all indigent defense delivery systems in Michigan must submit compliance plans and cost projections for all the standards approved by the Department of Licensing and Regulatory Affairs. In grant FY2021, the City joined with Washtenaw County and Ypsilanti Township under one compliance plan. The County is the grantee and is administering the plan on behalf of the partners.

The County, Ypsilanti Twp. and the City are each required to maintain their local indigent defense funding, an amount referred to as the "Local Share." The local share amount for the City of Ann Arbor for FY21 is \$206,305. Washtenaw County will invoice the 15th District Court for the City's Local Share amount.

A system's duty of compliance with the terms of the compliance plan is contingent upon receipt of a grant in the amount contained in the plan and cost analysis approved by the MIDC. See MCL §780.997.

Prepared by: Shryl Samborn, Court Administrator

Approved by: Tom Crawford, City Administrator

Whereas, The United States Constitution and the amendments thereto, as well as the Michigan Constitution provide that people charged with criminal offenses are entitled the right to have an attorney represent them in court proceedings;

Whereas, The judicial system recognizes the rights of persons without the ability to pay for an attorney and/or other legal services (e.g. hiring investigators or expert witnesses) have the same right

of legal representation in the court system as a person who can afford to pay for an attorney and/or other legal services;

Whereas, The MIDC is purposed with creating more effective and equitable funding at the State and local level for persons who are charged with criminal offenses and do not have the financial ability to pay for an attorney and/or other legal services;

Whereas, The County is the MIDC compliance plan grantee and is administering the plan;

Whereas, The Washtenaw County Public Defender's Office is an appropriate and skilled provider of such services; and,

Whereas, Funding for the City's Local Share amount of \$206,305 is available in the approved 15th Judicial District Court FY21 budget;

RESOLVED, That City Council approve the attached Professional Legal Services Agreement with Washtenaw County to provide court-appointed counsel for indigent defendants appearing in the 15th Judicial District Court in the amount of \$206,305;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract on behalf of the Court and the City following approval as to form by the City Attorney and as to substance by the City Administrator; and,

RESOLVED, That Council authorize the City Administrator to take all necessary administrative actions to implement this resolution including execution of any amendments that do not exceed the amount authorized herein.