

FREQUENTLY ASKED QUESTIONS:

Q: Why is Ottawa County creating a Public Defender Office?

A: Ottawa County was required to submit a plan to the Michigan Indigent Defense Commission (MIDC) for the provision of indigent legal defense services, in compliance with the MIDC standards. Ottawa County formed a team to review available options for providing indigent defense services in accordance with MIDC standards. Two options were considered—a Public Defender Coordinator and a Public Defender Office. The County decided to pursue a Public Defender Office because it provides the following benefits: parity in resources between defense counsel and prosecuting attorney; ability to control caseloads; more continuity and longevity in experience; and the maximization of state funding. The entire plan that was approved by the MIDC can be viewed on the County's website at www.miottawa.org/PublicDefender.

Q: Who will oversee the Public Defender Office?

A: The Public Defender Office will be a County department, with the Public Defender reporting to Al Vanderberg, the County Administrator.

Q: What types of cases will the Public Defender Office handle?

A: The Public Defender Office will handle all adult criminal cases as well as Friend of the Court show causes. Other cases—such as juvenile and neglect/abuse—will not be handled by the Public Defender Office at this time.

Q: How many staff will work in the Public Defender Office? What are their salary ranges?

A: The Public Defender Office will include 19.7 full-time equivalent (FTE) employees—15.7 FTE attorneys and 4.0 FTE support staff. Staffing levels were determined using historical Ottawa County caseload statistics and national caseload recommendations. Starting salaries, including fringe benefits, range from \$100k to \$159k for attorney positions and \$66k to \$93k for support staff.

Q: When will Public Defender Office staff be hired?

A: The Public Defender position and the First Assistant Public Defender positions were posted on August 30, 2018. The Public Defender position may close within 2 weeks of being posted or it may remain open until filled. First interviews for the Public Defender position will tentatively occur on September 26, 2018. The Public Defender start date is tentatively set for October 29, 2018. Once the Public Defender is employed with the County, he/she will be involved in hiring the remaining staff for the Public Defender Office. Ottawa County has created a tentative Public Defender Office staff hiring timeline that can be viewed on the County's website at www.miottawa.org/PublicDefender.

Q: Who will be responsible for hiring the Public Defender?

A: The initial hiring committee for the Public Defender position is comprised of the County Administrator, Human Resources Director, Circuit Court Administrator, District Court Administrator, Ottawa County Board Chair, and the Planning Department Assistant Director. The Circuit Court Administrator and District Court Administrator are on the hiring committee to provide their expertise regarding candidates for the position. According to Public Act 93 of 2013 as amended, “The delivery of indigent criminal defense services must be independent of the judiciary but ensure that the judges of this state are permitted and encouraged to contribute information and advice concerning that delivery of indigent criminal defense services.” The County Administrator will make the final determination on who is hired as Public Defender.

Q: Will Public Defender Office staff begin taking cases immediately upon hire?

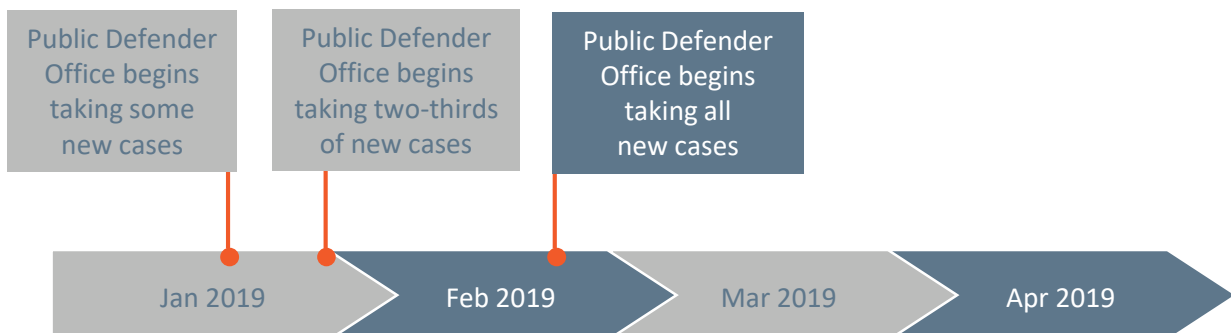
A: No. The County anticipates that all attorneys will participate in an orientation process prior to taking cases. For the Public Defender and First Assistant Public Defenders, the orientation process may last between 1.5 to 2.5 months because these attorneys will be devoting their time to hiring staff as well as establishing the policies and procedures for the Office.

Q: Where will the Public Defender Office be located?

A: The Public Defender Office will have two office locations. The Grand Haven location, which will include 14 offices, will be in the CMH building at 1111 Fulton Avenue. The Holland location, which will include 11 offices, will be in the lower-level of the DHHS building at 12185 James Street.

Q: What happens during the transition period from appointed counsel to Public Defender Office?

A: Ottawa County’s contract with the MIDC will be effective October 1, 2018. Until the Public Defender Office is staffed and ready to take cases, attorneys will continue to be appointed to defendants by the Judges. The attorneys appointed to defendants will continue representation through the completion of those cases. The tentative timeline for the Public Defender Office to take new cases is depicted below:



Q: Will the Public Defender Office approve requests for the use of experts and investigators?

A: Before the Public Defender is hired, the Judges will continue to approve requests for the use of experts and investigators. After the Public Defender is hired, he/she will determine when these requests will transition from the Judges to the Public Defender Office.

Q: Does the manner in which I submit bills change on October 1, 2018?

A: No. As of October 3, 2018, the MIDC is continuing to develop the new MIDC billing form. Until the form is complete and provided to Ottawa County, attorneys may continue to submit bills to Ottawa County using their current billing method. Once the MIDC billing form is available, attorneys will be required to complete that form and the County will not pay attorneys for any case activity unless it is submitted on the MIDC billing form. The County will share the MIDC billing form and the process for submitting completed forms with all attorneys as soon as possible.

Q: How will conflict cases be handled once the Public Defender Office is established?

A: The Public Defender will make the decision on who handles conflict cases. One option he/she may consider is to use attorneys from a roster, similar to current practices.

Q: How is the Public Defender Office being funded?

A: During FY19, Ottawa County will contribute \$923,087 (i.e. its local share) and the State will contribute \$1,944,219 in grant funding. State grant funds for FY19 are from a State appropriation. Ottawa County will submit a new plan to the MIDC prior to FY20 to determine the amount of grant funding it will receive. At a minimum, Ottawa County will be responsible for its local share of \$923,087, adjusted for inflation. The State funding source for FY20 and beyond is unknown, but it may be from a new tobacco tax.

Q: How long will it take for Ottawa County to establish the Public Defender Office?

A: Ottawa County will receive its first grant payment from the MIDC in October or November 2018. The County has 180 days from when it receives this first grant payment to implement its approved plan. Thus, the County's goal is to hire all staff in the Public Defender Office and have the Public Defender Office handling all new cases by the end of the 180 day time period.

FOR MORE INFO

VISIT US AT:

www.miottawa.org/PublicDefender



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