

**A PROPOSAL TO  
ESTABLISH AN  
EXEMPLARY PUBLIC  
DEFENDER OFFICE  
IN AND FOR KALAMAZOO  
COUNTY SERVING THE WHOLE  
CLIENT AND THEIR COMMUNITIES.**



It is obvious that if a man is to redeem his spiritual and moral lag, he must go all out to bridge the social and economic gulf between the haves and have nots of the world.

— Dr. Martin Luther King, Jr

Submitted by:  
Kalamazoo County Defender Inc.  
(A Michigan non-profit corporation)  
September 28, 2018

# PREAMBLE

This proposal is submitted by Kalamazoo County Defender, Inc, a Michigan non-profit corporation (“KCDI”), pursuant to Kalamazoo County’s “Request For Qualifications for Indigent Defense Services” dated September 7, 2018 (the “RFQ”). KCDI was formed specifically for the purpose of establishing a Public Defender Office in Kalamazoo pursuant to the RFQ.

This proposal is the product of careful, targeted outreach to many community stakeholders and thoughtful consideration on the part of dedicated civil and criminal attorneys, whose primary focus is to improve Kalamazoo County's criminal justice system through community engagement and the application of proven methods. This plan represents the best thinking among attorneys best suited for this task.

Thank you to the County Board, Administrator, Counsel, and all of your staff for taking the time to engage with our proposal. We believe this can be the basis for something special in our community.

## OVERVIEW

Kalamazoo County made a future-focused decision to create a public defender office. KCDI's proposal embraces the challenge set forth by the County and presents a model dedicated to ensuring the standards issued by the Michigan Indigent Defense Commission (“MIDC”) are strictly upheld in our county by competent counsel, equipped to deliver the best possible service to our clients.

Contracting with a single legal entity dedicated to representation of indigent defendants permits a structured, collaborative working environment that will produce results more comprehensive than the County's current contract model. As the RFQ states: “streamlining indigent defense service through a single entity would be far more effective.”

KCDI's model represents a first class public defender office for Kalamazoo County; a model that excels in structure, maturation of talent, attention to detail, and zealous representation. In order to deliver that zealous representation, KCDI's model incorporates best practices from the nation's most successful public defender offices by committing to holistic representation of the client, leveraging community resources to ensure a criminal justice system that sets up today's defendant for future success.

While largely remaining within the constraints of the model envisioned by the County, this proposal also identifies necessary growth within year-two in order to deliver the services believed necessary for the County to fully embrace its obligations under the 6th and 14th Amendments to the U.S. Constitution.

In order to meet the standards outlined by the MIDC and confront the circumstances that lead to recidivism, KCDI makes the following commitments:

### A. ESTABLISHING A QUALITY PUBLIC DEFENDER OFFICE

#### 1. KCDI will recruit and foster talented criminal defense attorneys.

KCDI has drawn on the advice of veteran criminal defense attorneys from Kalamazoo, recognized by the local bar and judiciary as leaders in their field. KCDI's leadership is dedicated to recruiting and training attorneys,

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both local and from across the state, who possess the requisite passion for defense work and demonstrated abilities to become outstanding in their profession. For example, KCDI has already reached out to Western Michigan University's Cooley Law School to arrange a legal clinic for externs, and will seek relationships with Michigan's other law schools to identify and recruit talent. KCDI will also create a supportive, group learning environment for staff attorneys that includes training within the communities they serve. The economies of scale, both economic and human, offered by a unified office will permit KCDI to be not merely a building full of defense attorneys, but an integrated law firm that is both specialized and diversified.

## 2. Professional Development.

KCDI will not only provide the 12 hours of CLE mandated by the state, but constantly assess the CLE programs available to ensure that attorneys get not only the training they need to maintain competence, but the best training for their circumstances. In addition, KCDI is already in conversation with Western Michigan University to obtain University support with analytic tools and expertise to inform ongoing assessments. We will dedicate internal staff resources to develop and maintain regularly updated model legal arguments for the staff. With attorneys being able to rely upon legally-current, plug-and-play arguments in their motions and briefs, more time can be dedicated to investigation, negotiation, and client services.

## 3. Holistic representation.

Criminal defendants from impoverished communities don't end up facing charges in a vacuum. Racism and barriers to safe housing, mental health services, education, nutrition, banking, and even maintaining a valid driver's license put those living in impoverished communities at substantially greater risk of confronting criminal charges. KCDI will represent the whole client, including assessment and guidance in addressing collateral legal and other issues that impede its clients' abilities to grow beyond a life on the margins.

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## B. COMMUNITY ENGAGEMENT

Holistic responses to poverty mandate collaboration in order to be effective. Kalamazoo has a rich reservoir of existing resources and initiatives that intersect with the core mission of KCDI, and integration with those resources—not duplication of the same—will be indispensable.

Building ongoing relationships with community organizations (e.g. United Way, Family Health Center, KCMH, Legal Aid, neighborhood associations, fair housing organizations, and countless others) will not only ensure better service to our clients, *it will better inform our mission.*

To be successful, KCDI must lift up the voices of our clients and properly represent their interests. To this end, our professional staff must spend time in our clients' communities. Accountability in this respect will be ensured by a Board of Directors with diverse backgrounds and competencies.

## C. ADDRESSING SYSTEMIC ISSUES

KCDI cannot represent the community it serves if it ignores systemic barriers to success, outside the constraints of individual criminal cases. We would fail our clients if we do not use the opportunity presented by their entry into the criminal justice system to ensure it is their last entry. In order to set our clients up for success, we commit to the following:

### 1. Employing social workers.

Social workers possess the professional skill to assess the struggles individuals confront within the context of their communities and life experiences. Social workers are also the best situated to identify the types of resources that would help our clients confront those struggles and adopt an approach to mediating them. While KCDI's year-one plan comports with the County's outsourced social worker support, KCDI's year two budget envisions social workers on our staff. This will permit those workers to fully integrate with our mission and develop working relationships with our attorneys; successful public defender offices demonstrate that the complex relationship between social worker and attorney demands this regular intimacy.

### 2. Employing attorneys with experience representing the indigent in civil matters.

Attorneys with civil experience are better equipped to remove legal barriers that exacerbate the effects of criminal charges in areas such as collections, evictions, public benefits, and domestic violence. These attorneys also have a more rounded view of the legal life of the indigent, beyond their alleged crimes, and they can provide direct legal advice and informed referrals to places like Legal Aid, KCMH, and others.

### 3. Establishing direct ties to the communities from which many of our indigent defendants come.

To best represent the client, we must understand the client and his or her community. Therefore, as part of the requirement that our attorneys spend time in the communities they serve, we will provide public legal education clinics, attend and organize forums on our activities and those of other stakeholder groups, and make ourselves available to hear community concerns.

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## CONCLUSION

This proposal is a product of careful outreach to stakeholders and thoughtful consideration on the part of dedicated civil and criminal attorneys, whose primary focus is improving Kalamazoo County's criminal justice system through community engagement and the application of proven methods.

KCDI's model respects the basic requirements of the County's RFQ and establishes a vision beyond it into which we will grow. While KCDI will first and foremost meet the requirements imposed by MIDC, the duties KCDI imposes upon itself—holistic representation, community integration, and confronting systemic barriers—are no less at the heart of our ethical duty, not just to our clients, but to our community. We have included these elements because they will reduce not only the barriers for defendants seeking to live a better life, but also the crime rate in Kalamazoo. This approach will also set Kalamazoo apart as a cutting edge leader in Michigan's indigent defense infrastructure.