

# Bar Briefs

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## Macomb County Public Defender Thomas J. Tomko



# Macomb County's First Public Defender

*By Dana Freers,  
Macomb Bar Association Director*

I recently had the pleasure of catching up with Macomb County's First Public Defender, Thomas Tomko. He is found most days, working at the Macomb County Office of Public Defender, laying the foundation for his newly formed County Department. At the heart of the new department is compliance with Michigan Indigent Defense Commission (MIDC) Standards, which has prompted change in the provision of legal services for indigent adult defendants charged with criminal offenses. The Office of Public Defender is currently located at 16 Market Street in Mount Clemens, behind Buffalo Wild Wings in a suite connected to the building where the Probation Department is housed.

Thomas Tomko a 1987 graduate of the University of Detroit School of Law. Prior to Law School, Thomas Tomko worked in Midland Michigan as a Financial Analyst for Dow Corning. He worked there after earning a Bachelor's Degree and Masters Degree from Central Michigan University in 1981 and 1982.

The start of activity creating a Public Defender Office in Macomb County began just as the pandemic started in early 2020. Thomas Tomko was hired in the role of Public Defender Administrator, based on the County Executive's chosen direction to start this new Department. Without an established framework, and with all immediate concerns being directed to the public health threat of COVID-19, there was no fanfare connected with

starting the new Public Defender Department. Thomas Tomko faced the challenge of charting a course for the Department. No structure was in place, and the County was in the midst of shelter-at-home orders and COVID-19 fears. Most of us were soon to learn about a new normal and discovered this new thing called "Zoom."

An immediate problem identified at the yet-to-be formed Public Defender Office, was the public health crisis facing inmates at the Macomb County Jail. Jonathan Sacks reached out to Thomas Tomko and the one-person Office of Public Defender. Thomas reached out to several attorney volunteers. With these volunteers, Thomas Tomko partnered with SADO, and together, they worked to contact courts, file motions, and reduce the population of at-risk prisoners at the jail. These joint efforts helped secure

the release of many at-risk prisoners either awaiting Court dates or under sentence at the Macomb County Jail. The jail population was reduced from around 900 to under 300 in a matter of weeks.

The Office of Public Defender next focused on the task of laying the foundation for the Office. Initially, Thomas Tomko hired 2 staff persons. The Office began by inventing a system of securing attorneys at Circuit Court PV and BW arraignments. In October, two attorneys were hired to begin work in the 42-1 and 42-2 District Courts. In March, four attorneys were hired to begin taking capital and other felony cases.



Judge Biernat Swears in Thomas Tomko as the First Macomb County Public Defender on 10-16-20, with County Executive Mark Hackel.



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Thomas Tomko performing Kata at Hall of Fame Tournament in Gatlinburg Tennessee, 2017.

Thomas Tomko is expanding, hoping to be fully staffed with 8 attorneys and 4 staff members shortly. Thomas Tomko has set the tone for the office by developing the current Mission Statement of the Public Defender Office:

- (1) To Operate, Supervise and Manage a System of Providing Court Appointed Counsel for Indigent Defendants                      And
- (2) To Competently, Effectively, and Vigorously Protect and Defend the Constitutional Rights of our Indigent Clients

The overall goal of the Macomb County Office of Public Defender is to improve indigent defense in Macomb County. This involves managing the over 240 Roster Attorneys who take appointments in Macomb County, and developing the Macomb County System of Indigent Defense. This development includes creating a system of reasonable case loads and increasing fees to reasonable attorney fees.

It is not all work for Thomas Tomko. He has an

unusual hobby which provides a release from job related stress. He enjoys a rewarding role as a karate practitioner. Thomas Tomko earned his 5<sup>th</sup> Degree Black Belt in the Isshin Ryu style of karate. This accomplishment is the culmination of spans over 40 years of martial arts training. Even today he continues with his practice of karate two or three days a week.

Positive things are expected from the Office of Public Defender. Thomas Tomko currently is surrounded by great staff members. Current Assistant Public Defender attorneys (in order of hire) are: Adrian Cranford, Elisha Oakes, Marissa Kulcsar, Gary Kennedy, and Josh Jones. Staff members include LaTasha Newell, Nicole Perttunen, and Cortney Gorgon. With all eyes on the Office of Public Defender, Thomas Tomko looks to work with promoting strong representation of indigent criminal defendants. At the same time, Thomas Tomko seeks to elevate and assist all Macomb County Roster Attorneys to meet and exceed MIDC Standards. These Standards are the minimum expectation for attorneys representing indigent defendants. In answering the question: "How can you represent people who are charged with sometimes



5th Degree Black Belt Thomas Tomko with Attorney and 8th Degree Black Belt Master Michael Schaefer, 2016.

terrible offenses," the answer is simple. Thomas points out that each person is entitled to fairness in the legal process and to have an attorney rigorously represent them. His passion is to create and facilitate an Office of Public Defender in Macomb County that treats clients both fairly and with dignity.