

APPELLATE DEFENDER COMMISSION

2010 ANNUAL REPORT

For the
STATE APPELLATE DEFENDER OFFICE
and
MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

2010 APPELLATE DEFENDER COMMISSION

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APPELLATE DEFENDER COMMISSION

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GOVERNOR'S DESIGNEE
BINGHAM FARMS

April 6, 2012

The Appellate Defender Commission is pleased to submit the 2010 Annual Report for the State Appellate Defender Office and the Michigan Appellate Assigned Counsel System.

The Mission of the Appellate Defender Commission is to provide high-quality, efficient and effective, appellate defense services composed of a state-funded public defender office (SADO) and an assigned counsel panel (MAACS).

Thank you for the opportunity to submit our 2010 Annual Report. For additional information, please feel free to contact Thomas Harp, Administrator of the Michigan Appellate Assigned Counsel System, Dawn Van Hoek, Director of the State Appellate Defender Office, or myself.

Sincerely,

A handwritten signature in black ink, appearing to read "John Nussbaumer".

John Nussbaumer, Chair
Appellate Defender Commission

MISSION STATEMENTS

APPELLATE DEFENDER COMMISSION: To provide a high-quality, efficient and effective, mixed indigent appellate defense system composed of a state-funded public defender office (State Appellate Defender Office) and a county-funded, assigned counsel panel (Michigan Appellate Assigned Counsel System).

STATE APPELLATE DEFENDER OFFICE: To provide cost-efficient, high-quality, timely, public appellate defense services to indigent criminal defendants in cases assigned by the courts. And correlatively, legal resources and training materials to support private criminal defense practitioners assigned to represent indigent criminal defendants, to enhance the quality and effectiveness of that representation and reduce indigent defense and overall criminal justice costs to State and local governmental units.

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM: As stated in MAACS Regulation Section 1(1): The duty of this office shall be to compile and maintain a statewide roster of attorneys eligible and willing to accept criminal appellate defense assignments and to engage in activities designed to enhance the capacity of the private bar to render effective assistance of appellate counsel to indigent defendants.

STATE APPELLATE DEFENDER OFFICE

GOALS

- Handle no less than 25% of the assigned indigent criminal appeals.
- Provide high-quality, timely, effective appellate defense services.
- Distribute services to all counties fairly and efficiently.
- Provide support services seasonably and efficiently to all assigned counsel in the state.

OBJECTIVES

- Maintain quality.
- Avoid unnecessary delay.
- Increase efficiency through innovation and automation.
- Reduce cost to counties (which pay for all appeals handled by private assigned counsel) by changing case allocation formula to assign SADO more costly, complex Level 3 cases while maintaining and supporting a mixed system of representation.
- Lower assigned counsel costs by reducing attorneys' need to duplicate work already done by SADO and others.

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

GOALS and OBJECTIVES

MAACS is charged with ensuring that criminal appeal and post-conviction cases are assigned in a systematic way, and pursuant to the MAACS Regulations, to qualified lawyers, that these lawyers received appropriate training and resource materials to enable them to provide effective representation for their clients, and that the lawyers comply with the MAACS Regulations and the performance standards outlined in the Minimum Standards for Indigent Criminal Appellate Defense Services, and the MAACS Comments thereto, when representing their clients.

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HISTORY AND GOVERNANCE

The State Appellate Defender Office began in 1969 under a Law Enforcement Assistance Administration grant awarded to the Supreme Court. The Appellate Defender Act, signed into law by Governor William G. Milliken in 1978, created the Appellate Defender Commission within the office of the State Court Administrator (MCL 780.711 et. seq). The Act directed the Commission to:

- Develop a system of indigent appellate defense services, which shall include services provided by the State Appellate Defender Office (SADO). MCL 780.712(4),
- Develop minimum standards to which all indigent criminal appellate defense services shall conform. MCL 780.712(5),
- Compile and keep current a statewide roster of private attorneys willing to accept criminal appellate appointments. MCL 780.712(6), and
- Provide continuing legal education for those private attorneys. MCL 780.712(7).

After a series of public hearings, the Commission determined that a mixed system of full-time defenders and assigned private attorneys would best serve the long-term interests of the entire system. It promulgated regulations governing the system for appointment of counsel and minimum standards for indigent criminal appellate defense representation, which were approved by the Supreme Court in Administrative Order 1981-7. 412 Mich lxv (1981).

The Michigan Appellate Assigned Counsel System (MAACS) administers the assignment of all cases and the roster of private assigned appellate counsel. The State Appellate Defender Office (SADO) staff attorneys are state-funded and handle about 25% of the total appellate assignments. The remaining 75% are handled by MAACS roster attorneys, who are appointed and paid by the counties.

Both organizations are governed by a seven-member Commission appointed by the Governor. Six Commissioners are recommended for the Governor's appointment: two by the Supreme Court, two by the State Bar, one by the Court of Appeals, and one by the Michigan Judges Association. The seventh member is a non-lawyer selected by the Governor. The 2010 Commissioners were: **Donald E. Martin** (Chair), *Supreme Court designee*, **Ernest J. Essad Jr.**, *Supreme Court designee*; **John Nussbaumer** and **Judith Gracey**, *State Bar designees*; **Hon. John T. Hammond**, *Michigan Judges Association designee*; **Douglas Messing**, *Court of Appeals designee*; and **Rev. Carlyle Stewart, III**, the *Governor's designee*.

The State Appellate Defender Office maintains a website at www.sado.org, which contains extensive resources for practicing criminal defense attorneys and an enormous amount of other criminal justice-related material. Information on the current Commissioners is also available on the website.

STATE APPELLATE DEFENDER OFFICE

SADO was created in 1969 under a grant awarded to the Michigan Supreme Court by the Law Enforcement Assistance Administration (LEAA), pursuant to which, the Supreme Court established the Appellate Defender Commission in Administrative Order 1970-1 and charged it to provide high-quality, cost-efficient legal representation of indigent criminal defendants in post-conviction matters.

The Appellate Defender Act, 1978 PA 620, MCL 780.711 et seq., formally established SADO in 1979. Among its many other activities, the Act authorizes SADO to appeal felony convictions or conduct other post conviction remedies in cases assigned by a court and to provide “services necessary for a complete appellate review or appropriate post conviction remedy.” MCL 780.716(a)-(b). It cannot voluntarily accept cases, nor handle general civil lawsuits or sue the Department of Corrections (except, technically, in collateral criminal appeal matters, such as federal habeas corpus and state mandamus to compel compliance with laws affecting appeals).

The Appellate Defender Act requires that SADO be assigned no less than 25% of all indigent criminal appeals, but limits the total cases the office accepts to “only that number of cases that will allow it to provide quality defense services consistent with the funds appropriated by the Legislature” (MCL 780.716(c)). Given the vagaries of funding and number of appeals, the Appellate Defender Commission must vigilantly monitor the overall assignment rate and the projected number of appeals for any given year to assure a proper match of SADO’s case intake to its resources.

The principal office of SADO is at 645 Griswold, Suite 3300, Detroit, MI 48226. A branch office is located in Lansing, Michigan. In addition, the office runs criminal appellate practice clinics at the University of Michigan Law School, Wayne State University Law School, and the University of Detroit Mercy Law School, and a plea and sentencing clinic at Michigan State University's Law School. Assistant Defenders also serve as adjuncts at the Michigan law schools.

SADO’s Criminal Defense Resource Center began in 1977. It is located in SADO’s Detroit office and provides a brief bank, newsletters, motion manuals, trial and sentencing books, recent case summaries, direct training events, a complete web-based version of its printed products with full-text search capabilities of SADO brief bank and additional support and training materials. The Center also provides phone and legal information support for its staff attorneys and several thousand assigned counsel throughout the state.

SADO Director James R. Neuhard and Deputy Director Jonathan Sacks are located in the Detroit office. Chief Deputy Director Dawn Van Hoek manages the Lansing office and directs the Criminal Defense Resource Center.

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

MAACS began to administer the appellate assignment process and maintain the roster of attorneys eligible for assignments in 1985. MAACS is charged with ensuring that cases are assigned by appropriate methods to qualified lawyers, that these lawyers receive appropriate training and resource materials, and that they comply with minimum performance standards when representing assigned appellate clients. It is also directed “to engage in activities designed to enhance the capacity of the private bar to render effective assistance of appellate counsel to indigent defendants.” MAACS Reg. 1(1).

The offices of MAACS are located at 1375 S. Washington Ave; Suite 300, Lansing, MI 48913. The MAACS Administrator is Thomas M. Harp; Deputy Administrator is Lyle N. Marshall. An Associate Administrator position remained vacant in 2010.

ANNUAL REPORT OF THE STATE APPELLATE DEFENDER OFFICE FOR JANUARY 1, 2010 THROUGH DECEMBER 31, 2010

In 2010, SADO represented over 700 clients on criminal appeal – 332 appeals of trial convictions and 405 appeals of guilty plea convictions. SADO attorneys successfully represented clients in the Michigan Supreme Court, the Michigan Court of Appeals, trial courts throughout Michigan, the United States District Court Eastern District of Michigan, the United States Court of Appeals for the Sixth Circuit, and the United States Supreme Court. Attorneys obtained relief for clients ranging from the release from prison of the wrongfully convicted to the reduction of unfair prison sentences.

MANAGING SADO'S STATE-FUNDED RESOURCES/WORKLOAD

Two of the most important functions of the Appellate Defender Commission (ADC) have been balancing SADO's workload with its funded capacity and allocating the complete criminal appellate caseload and workload between SADO and the roster attorneys in the Michigan Appellate Assigned Counsel System (MAACS). MAACS creates and manages the list of private attorneys accepting indigent criminal appellate assignments. Together, MAACS and SADO attorneys handle 100% of the assigned felony appeals for the State of Michigan.

From time to time, caseload increases or budget decreases have forced the ADC to reduce SADO's case intake pursuant to its statutory mandate to "Accept only that number of assignments and maintain a caseload which will insure quality criminal defense services consistent with the funds appropriated by the state." [MCL 780.716(c) ...].

By 2010, the effects of the 2005 United States Supreme Court decision in *Halbert v. Michigan*, which provides appellate counsel for guilty plea appeals, had diminished and the total number of appeals statewide decreased back to normal levels. However, since the *Halbert* decision, plea appeals now make up a larger percentage of the total assignments than they did prior to *Halbert*. Through 2008 and 2010, as the number of assigned appeals statewide declined, SADO increased its intake of both plea and trial appeals. This year, SADO handled more than 28% of the trial appeals and more than 15% of the plea appeals. SADO continues to request additional funding to hire more plea attorneys in order to increase its ability to handle 25% of the plea appeals.

ASSIGNMENT LEVELS

In 2010, the formula for cases assigned to SADO was at 15% for the Level 1 & 2 plea categories and ranged from 25-30% for all trial categories. Based on 2010 year-end data, overall SADO received 20.6% of the total appellate assignments – 18.0% [223] Level 1 cases, 18.4.% [322] Level 2 cases, and 33.0% [185] Level 3 cases, plus an additional 7 cases from miscellaneous categories. The Level 3 cases represent the most serious types of trial cases, including murders. By focusing capacity increases on these kinds of complex cases, SADO reduces county expenditures and provides superior representation for the most important cases.

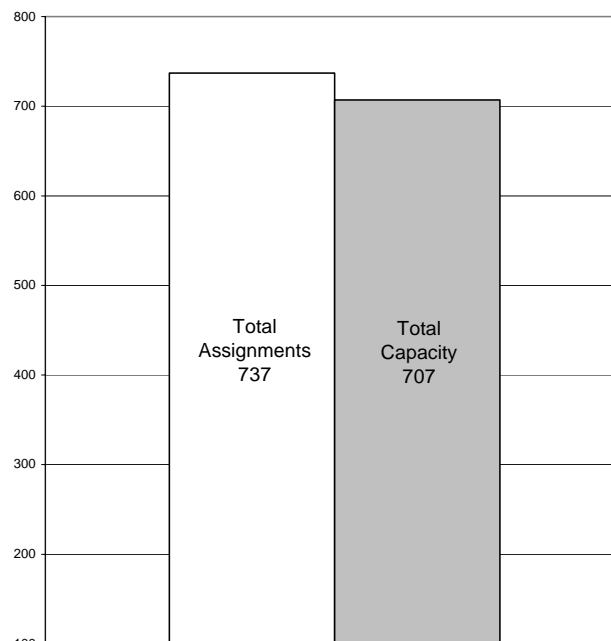
SADO's capacity to handle cases is largely based on the number of staff attorneys it employs. In 2010 SADO had the capacity to handle 19.8% of the appellate assignments. SADO was assigned 20.6% of the cases.

Figure 1 below illustrates SADO's capacity versus its assignments levels for 2010.

SADO's Capacity¹ vs. Intake for 2010

SADO's capacity to handle plea appeals is primarily based on the number of plea attorneys assigned to its specialized plea unit. In 2010, the assignment level for each plea unit attorney was an average of 71 cases per year. This is down from a high of 85 cases per year in 2004.

The lower plea assignment rate is consistent with an administrative decision made in the fall of 2008 to reduce the monthly assignment of plea cases to 6 cases per attorney rather than 7. That decision was premised on a court rule change establishing a shorter six month deadline for trial court proceedings, the continuous influx of emergency appeals with a resulting deadline of two months or less in light of this new six-month rule, and the declining dismissal rate due to persistent challenges to financial penalties.



SADO finished 2010 slightly over capacity, mostly due to an unusually high volume of complex trial assignments and a slight overassignment in plea appeals that corrected as the year went by.

¹ Capacity is the cumulative total of new cases all SADO attorneys can accept per month under established differential case weighting standards.

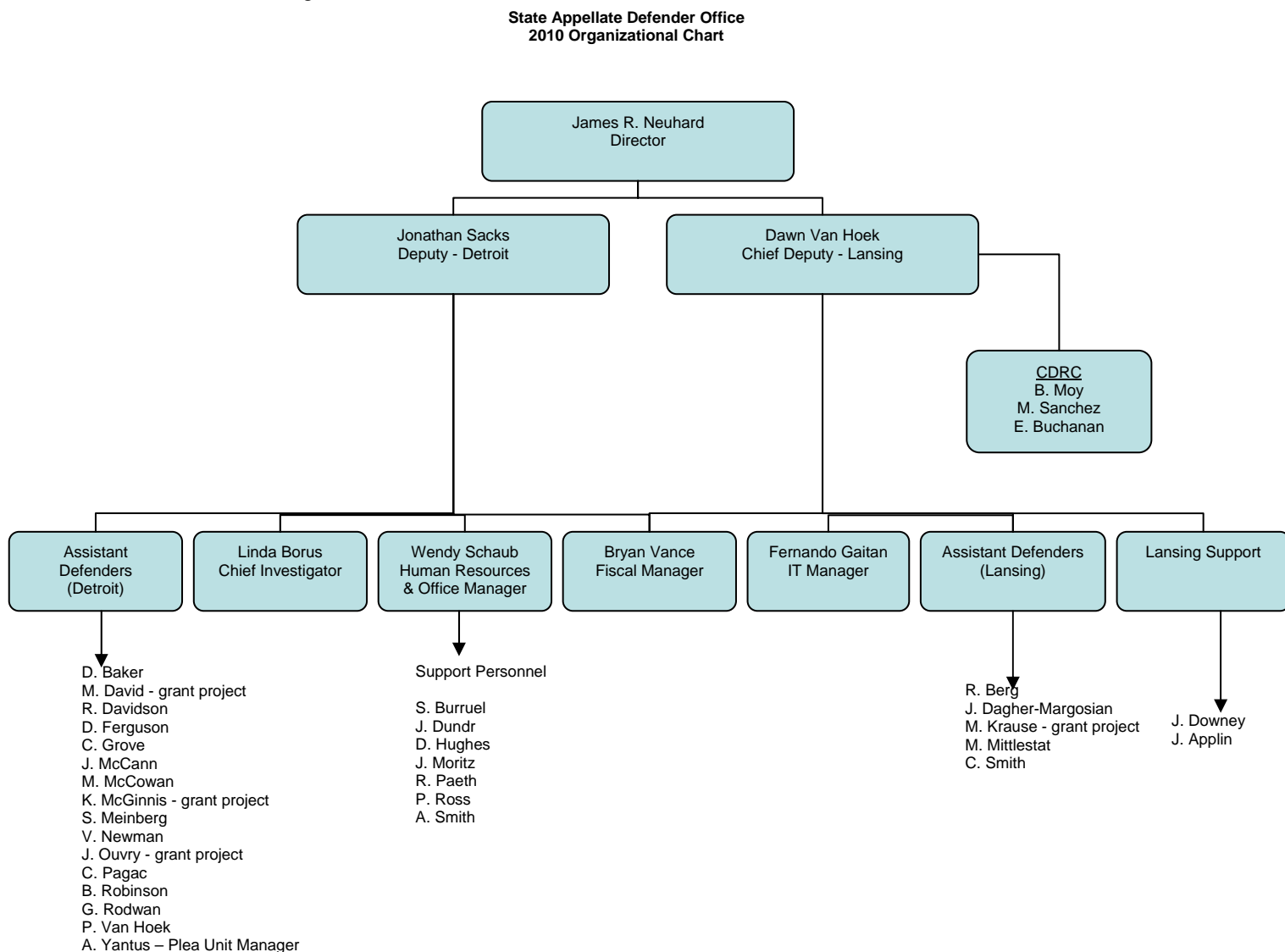
Specifically, plea unit capacity was reduced from 85 cases per year per plea attorney to 72 cases per year because of these issues.

SADO STAFFING AND DIRECT CLIENT SERVICES

At the end of 2010, SADO's staffing levels included 37 full-time employees and 2 part-time employees. By the end of 2010, the Director, Deputy Director, and 15 Assistant Defenders were housed in the Detroit (main) office; and the Chief Deputy Director and five Assistant Defenders were located in the Lansing office. Three Legal Assistants, two Legal Secretaries, and the Chief Investigator directly supported the legal staff. The Human Resources Manager, Fiscal Manager, Information Technology Manager, Site Administrator/Systems Analyst, Administrative Assistants, Clerk, and Receptionist assisted the administration and provided secondary support to the legal staff.

Below is an organizational chart that illustrates the composition of SADO's staff by the end of 2010.

Figure 2



Six SADO lawyers taught Criminal Appellate Practice Clinics and Plea and Sentencing Clinics at Michigan law schools. These courses enjoy excellent reputations among both students and faculty while providing outstanding client representation.

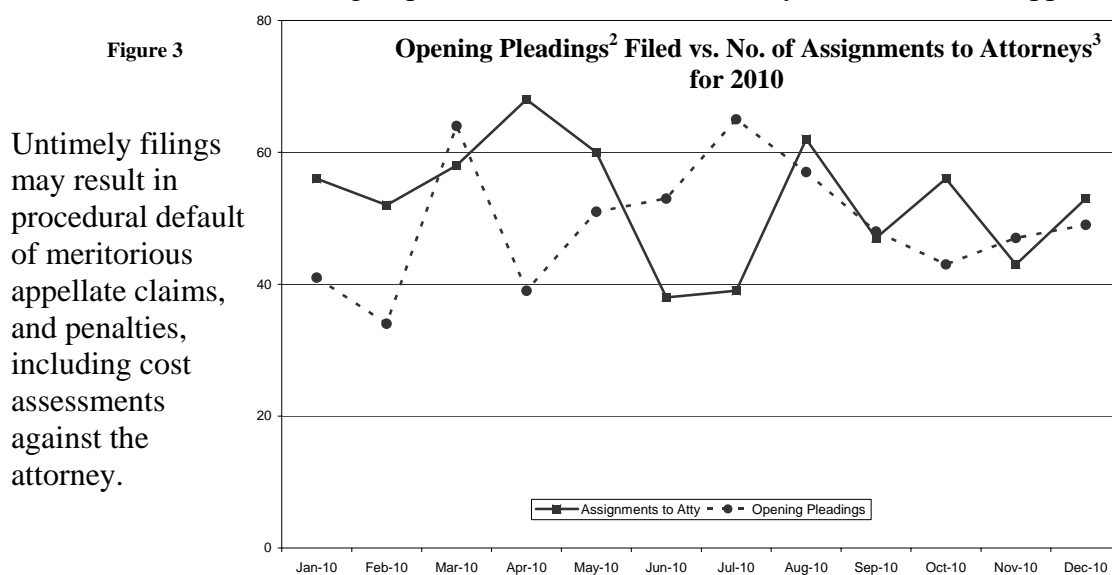
PRODUCTIVITY

SADO not only monitors its intake to match the workload to its capacity, but it uses a weighted caseload model to distribute work to its staff attorneys. The use of differential caseload management allows for more efficient use of resources through assignments of work based on when expected work will occur, and through the use of time and caseload studies, timing the assignments to match the work when there will be time to perform it. The use of weighted assignments significantly increases the office's capacity.

The National Advisory Commission and the American Bar Association have frequently stated that appellate attorneys should handle no more than 25 appeals per attorney per year. Under this calculus, 16 trial caseload appellate attorneys could handle 400 appeals annually. Using case weighting, SADO was able to increase that to over 700 appeals in 2010. The most significant increase is through the Special Appeals Unit, often referred to as the Plea Unit, where attorneys can handle 2 to 3 times the number of appeals per attorney. Instead of averaging 25 appeals or less per attorney, SADO averaged 43.3 per attorney in 2010. (See Table I of the Appendix)

This year, SADO Assistant and Deputy Defenders were assigned 693 cases and produced 1,834 filings, 660 of which were opening pleadings (Brief on Appeal or Motion for New Trial or Resentencing with a supporting brief). (See Table I of the Appendix)

The chart in Figure 3 compares assignments to the opening pleadings. An opening pleading satisfies a substantive filing requirement or closes the case by dismissal of the appeal.

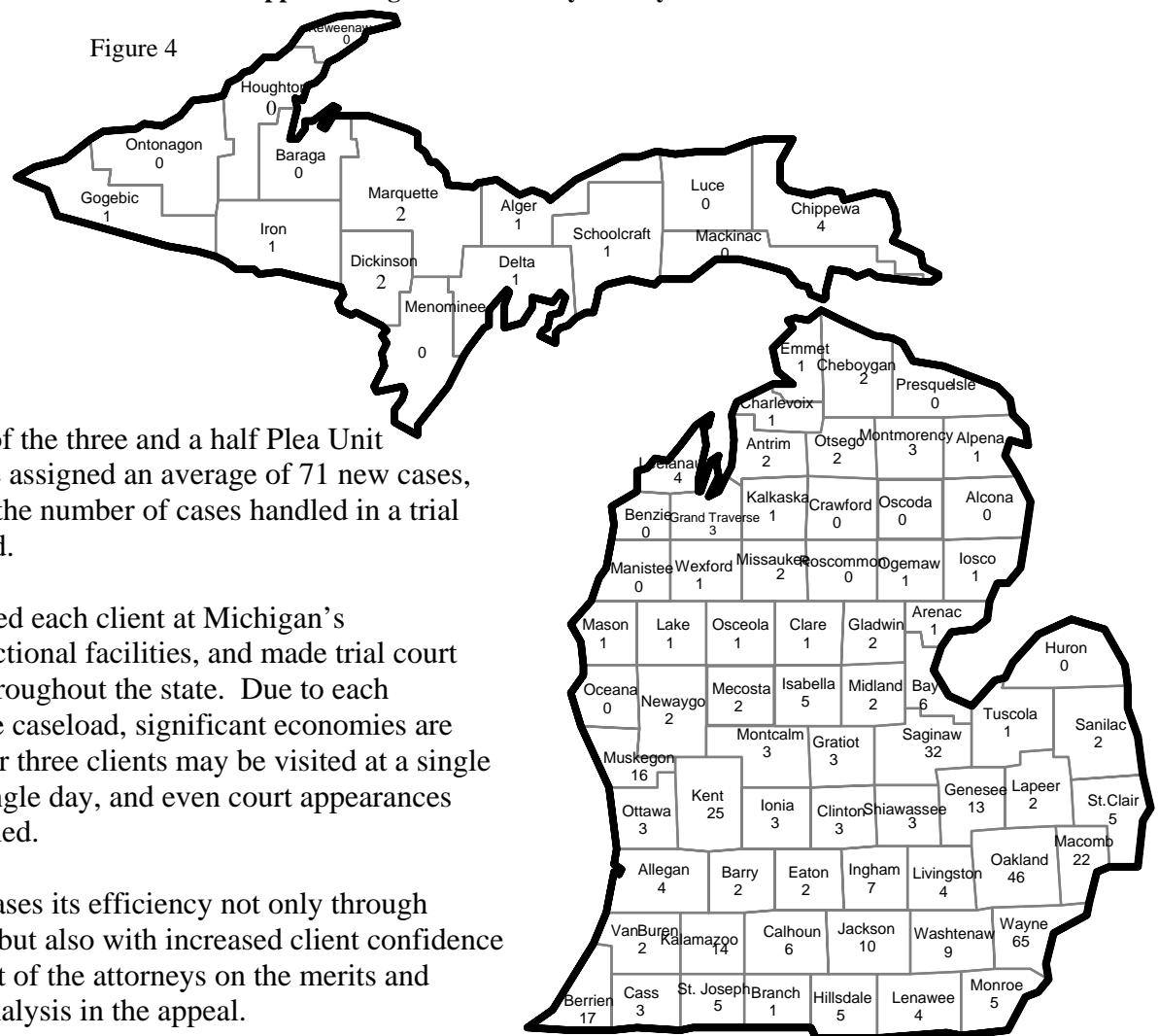


² An opening pleading seeks relief from a conviction or sentence – e.g., a brief on appeal, motion for peremptory reversal with supporting brief, motion for new trial or resentencing with brief/memo in support and motion for relief from judgment under Chapter 6 of the Michigan Court Rules - or dismissal or withdrawal from the case.

³ Assignments to Attorney – when a SADO staff attorney takes responsibility for a case assigned to SADO.

SPECIAL UNIT FOR PLEAS AND EARLY RELEASES (PLEA UNIT)

Number of Plea Appeals Assigned to SADO by County for 2010



Attorneys visited each client at Michigan's far-flung correctional facilities, and made trial court appearances throughout the state. Due to each attorney's large caseload, significant economies are possible: two or three clients may be visited at a single facility on a single day, and even court appearances may be combined.

The Unit increases its efficiency not only through specialization, but also with increased client confidence in the judgment of the attorneys on the merits and risk/benefits analysis in the appeal.

After Unit attorneys review the file, conduct research and fact investigation, consult with and advise the client, their clients dismiss a significant percentage of cases.

Sentencing Errors Corrected in One-Third of SADO Appeals

The Unit's overall relief rate⁴ generally exceeds 37%, with a relief rate of over 90% in the cases presented on the merits to trial courts. In 2010, the average relief rate for all plea unit files was 32.3%, largely in the trial court, and the overall average for files where the appeal was taken was 52.5% for the 3.5 staff attorneys in the Unit, who handled 72.9% of the total plea-based appeal assignments to attorneys.

Initiating the appeal in the trial court has numerous advantages: memories are fresh, trial judges are well-acquainted with the file, prosecutors are more likely to negotiate, and a costly proceeding in the higher appellate courts may be avoided. Of the cases that are not dismissed and proceed first in the trial court, relief was granted an average of 88.5% of the time.

Correcting Sentencing Errors Saves Money for the State of Michigan

For the eight calendar years of 2003-2010, the Plea Unit accomplished a cumulative reduction in minimum prison terms of 186 years, and a cumulative reduction of maximum prison terms of 477 years. In 2010, the average reduction per plea unit attorney was 3.5 years on the minimum term, and 14 years on the maximum term. The average number of assignments, per unit attorney was 71 cases.

Below are the numbers and averages for sentence reductions for each year. Please note that the number of plea unit attorneys in the Plea Unit has varied each year, and therefore the number of overall reduced sentences will vary from year to year. There were two unit attorneys from 2004-2005, three unit attorneys in 2007-2009, and four unit attorneys in 2003 and 2006. Although the Unit started 2010 with four attorneys, one attorney stopped taking assignments in September of 2010.

⁴ On cases where relief is sought (excludes dismissals).

	Cumulative Min Term Reduction	Average Per Atty Min Term Reduction	Cumulative Max Term Reduction	Average Per Atty Max Term Reduction
2003	45 ½ Years	11 Years	73 Years	18 Years
2004	18 ½ Years	9 Years	15 Years	7 ½ Years
2005	10 ½ Years	5 Years	21 ½ Years	10 ½ Years
2006	19 ½ Years	4 ½ Years	85 ½ Years	21 Years
2007	28 ½ Years	9 ½ Years	114 Years	38 Years
2008	17 ¾ Years	6 Years	49 Years	16 ½ Years
2009	31 ¾ Years	10 ½ Years	62 Years	22 ¾ Years
2010	14 Years	3 ½ Years	57 Years	14 Years

Assuming an average annual cost of incarceration of \$30,000 (clients reside in a variety of correctional settings), sentencing error correction by Special Unit attorneys during 2010 saved the State of Michigan approximately \$420,000 (14 years reduced from sentence minimum x \$30,000).

GRANT PROJECTS

In 2010, SADO received a Byrne Justice Assistance Grant from the State of Michigan in the amount of \$154,584 for its Innovative Technology for Indigent Defense Project. The grant funds will be used by SADO to create the most dynamic website in the nation for criminal defense attorneys needing access to criminal defense resources, including experts, investigators, training events, discussion groups, databases, practice manuals, local practice guides and more. The innovative site will both deliver and collect resources from attorneys in local communities, essential in Michigan due to the absence of a statewide public defense system. A collaborative online community will be created around the resources assigned counsel need to provide effective assistance of counsel. SADO will also build on its existing videoconferencing partnership with the Michigan Department of Corrections to provide all appellate assigned counsel with cost-effective and innovative access to their clients.

Throughout 2010, SADO also continued work on three grant projects that began in 2009. The grant projects included:

Crime Lab Unit:

SADO received \$318,000 for its Crime Lab Unit from the State of Michigan Byrne Justice Assistance Grant Program pursuant to the American Recovery and Reinvestment Act of 2009. The project creates a SADO Crime Lab Unit consisting of a full-time appellate attorney and a paralegal tasked with reviewing both SADO and non-SADO cases that involve potentially unreliable evidence processed by the now-closed Detroit Police Crime Lab. The Unit identifies and notifies potentially affected criminal defendants, reviews and evaluates files, investigates and submits cases for retesting, and provides legal representation and advocacy for defendants.

Appellate Plea Caseload Relief Project:

SADO received \$147,172 for its Appellate Plea Caseload Relief Project from the federal government's Edward Byrne Memorial Competitive Grant under its National Initiatives - Adjudication Program. The Appellate Plea Caseload Relief Project added one trained appellate public defender to SADO's Special Unit on Plea Appeals, serving the goals of alleviating the overwhelmed statewide caseload administered by SADO's sister agency, the Michigan Appellate Assigned Counsel System (MAACS), and improving the quality of representation provided to Michigan's indigent appellants. SADO trained one appellate attorney to carry a full caseload of plea appeals, arising from all Michigan circuit courts, for an eighteen month period.

Fast Response for Wrongful Conviction:

SADO received \$223,797 for its Fast Response for Wrongful Conviction Project from the federal government's Edward Byrne Memorial Competitive Grant under its National Initiatives - Wrongful Prosecution Review Program. The project is a two year intensive "fast response" initiative to identify and respond to legitimate post conviction claims of innocence. One attorney was hired to screen and identify potential cases of wrongful conviction stemming from unreliable eyewitness identification evidence, possible false confession evidence, and questionable forensic evidence prior to the receipt of transcripts and the running of artificial appellate deadlines. SADO attorneys will thus have several extra months to successfully prepare for trial court evidentiary hearings and give our wrongfully convicted clients their day in court. A limited first response pilot program existed for six months at SADO for cases in one county that resulted in the release from prison and dismissal of charges for a client convicted by fabricated testimony. This project will expand the program statewide to screen every client appointed to SADO and immediately respond to every potential case of wrongful prosecution.

2010 GOALS AND OBJECTIVES

Timely Process As Close to 25% of the Total Assigned Appeals As Resources Will Permit.

The Appellate Defender Commission has expanded or constricted SADO's caseload to reflect funding and staffing realities. SADO's principal goal at the start of 2009 was to handle as close to 25% of the total appellate assignments as resources would permit. However, as historically has been the case, in 2010 SADO was understaffed and underfunded and therefore handled only 20.6% of the appeals. In spite of these challenges, SADO still accepted over 33.3% of the most complex, costly, and serious trial-based appeals. SADO has never been removed from any case for want of prosecution under MCR 7.217(A) in spite of accepting more cases than it has had the capacity to handle and absorbing the caseloads from the loss of numerous staff attorney positions over the last ten years.

CRIMINAL DEFENSE RESOURCE CENTER 2010 ANNUAL REPORT

Primary Goals for 2010: Increase quantity of support to the private and public defender bar, increase access to services through the Web, continue training on web-based resources.

I. Overview of noteworthy accomplishments

The year 2010⁵ marked the thirty-fourth year the Criminal Defense Resource Center (CDRC, formerly the Legal Resources Project) has served Michigan's criminal defense community with services essential to the competent practice of criminal law in Michigan. The CDRC's objectives for the year remained to deliver core services through traditional means, expand their delivery through web-based means, and directly train criminal defense attorneys on the resources available to them. The advantages of web-delivered services are many, including access at all times, from any location, for unlimited lengths of time. Many attorneys find that research needs are well-met by their own "browsing" or "searching" of the CDRC's databases. Such online access is very cost-effective, and serves the CDRC goals of: (1) improving the quality of criminal defense representation, (2) reducing the possibility of errors and need for appeals, and (3) reducing costs for the state and counties by reducing the hours of research for which appointed counsel might otherwise submit a bill.

CDRC operations were once again funded through a combination of SADO budgetary support, user fees, and grants. User fees supported a portion of the costs of books, newsletters, copying, and operation of the SADO web site. The principal grants were from the Michigan Commission on Law Enforcement Standards, earmarked for training projects, in the amount of \$245,854, a decrease of \$38,544 from 2009. This MCOLES award supported: (1) hands-on workshops for assigned counsel, covering computerized research, writing and presentations, (2) staff attendance of technology conferences, (3) publication of the Defender Trial, Sentencing, Habeas and Motions Books, (4) scholarships for assigned counsel to attend skills conferences, both in-state (CDAM Trial College) and out-of-state (ABA Techshow and NLADA Management Training), (5) seminars of the Wayne County Criminal Advocacy Program, and (6) the Trial College and Skills Training Conferences of the Criminal Defense Attorneys of Michigan (CDAM). A month-by-month grant continued for the Attorney-to-Attorney Project in Wayne Circuit Court, awarded by the Wayne Criminal Defense Attorneys Association.

While operations are described in detail below, several activities during 2010 are noteworthy:

- The "Attorney-to-Attorney" Project provided in-person support at Wayne Circuit Court and e-mail support statewide. The Project connects criminal defense attorneys with the CDRC's experienced research attorneys, who provide legal research, advice, pleadings and training. Despite well-documented need for this support, funding remains problematic.⁶ During 2010, the Wayne County Criminal Defense Attorneys Association

⁵ Due to reporting methods based on a subscription year, the time period covered by this report is October 1, 2009 to September 30, 2010.

⁶ For over 23 years, SADO funded the service from its budget for contract legal assistance, helping thousands of attorneys with matters of law and strategy. When budget reductions occurred during the late 1990s, the service was significantly reduced and then discontinued. In 2000, the CDRC obtained a grant from the Department of Justice's

remained enthusiastic about partnering with the CDRC to provide the service in Wayne County Circuit Court, where CDRC research attorneys met directly with those attorneys needing assistance. And, throughout the report period, an e-mail gateway became the principal way to provide the service statewide, supported by subscriptions.

- The CDRC's web databases grew significantly in content and value. The CDRC's web site was increasingly used as the state's main portal for criminal defense attorneys, containing its own large research databases of unique material. No other Michigan-focused web site contains both trial and appellate pleadings, full text of practice manuals (the Defender Books), collections of witness testimony, and videos from actual training events; all CDRC databases are searchable and downloading of useful material is facilitated.
- Forum traffic . The Forum, the CDRC's online discussion group of over 524 criminal defense attorneys, remained very active, with messages averaging a bit over 1375 per month (The months of April and May did not have complete email backup records). Attorneys post messages 24/7, asking questions about practice and procedure, sharing pleadings and suggestions for strategy. Messages are collected in a searchable database, providing a rich resource of advice that can be used over and over.
- Delivery of certain publications in electronic form again proved popular during the year, advancing both timeliness and cost savings. The Criminal Defense Newsletter and the summaries of appellate decisions went out to nearly 700 online newsletter subscribers, delivered as attachments to e-mail messages.
- An "umbrella" grant to the CDRC for statewide criminal defense training continued. During the report period, the CDRC obtained MCOLES funding not only for its "traditional" projects, but also for those undertaken with training partners. That training included the one-week Trial Skills College of the Criminal Defense Attorneys of Michigan (CDAM), its two large statewide advanced skills training conferences, and the 10-seminar series of the Wayne County Criminal Advocacy Program (CAP). Along with MCOLES-funded training seminars presented by CDRC staff in "high-tech" courtrooms, the CDRC partnered with Cooley Law School to teleconference training to satellite locations, and provided in-depth training on selected topics through the use of webinars.
- Partnerships with the Wayne Circuit Court's Criminal Advocacy Program and the Attorney Discipline Board continued, primarily through the hosting and operation of web sites (capwayne.org and www.adbmich.org), and other technical support provided by the CDRC.
- On demand printing of the Defender Books continued, with printing costs borne by the user, as the CDRC continued to encourage use of online resources The books remained

Bureau of Justice Assistance, emerging as the top awardee following a nationwide competition. The 18-month, \$150,000 award funded six attorneys, all experienced private attorneys working one or two days per week, from either the main SADO office (e-mail and phone intake) or an office inside Wayne Circuit Court (in-person intake). The support service resumed in June of 2001 and operated with federal grant funding until the middle of 2003. As the federal grant ended, the Michigan State Bar Foundation responded to the CDRC's request, awarding "bridge" funding in the amount of \$27,000. In 2004, the CDRC obtained MCOLES funding for the service in the amount of \$54,000. MCOLES funding for the project was not awarded in 2006, due to its Commission's determination that the project did not qualify as "training." For MCOLES purposes, research attorneys trained other attorneys on how to use online resources for research and writing purposes, working together to solve problems arising in real cases. As a long-range goal, the CDRC is working toward state funding of this essential service. The SADO and Wayne County Criminal Defense Attorneys Association increased funding and instituted daily support and service in January, 2010.

searchable on the CDRC's web site, www.sado.org, including all archived earlier editions.

II. Services Delivered by Mail, Phone, Electronically, and In Person

During the report period, the CDRC provided the following services by mail, phone, electronically, and in person.

A. Criminal Defense Newsletter.

This near-monthly newsletter (eleven issues published) delivered an average twenty-seven pages of essential information to approximately 800 subscribers electing to receive hard copy, and seven hundred subscribers who chose to receive the electronic version. Each issue contained a lead article providing in-depth analysis of a legal issue, news, announcements, a training calendar, practice notes, summaries of appellate decisions, news of pending and recently-passed legislation, and much more.

B. Defender Trial, Sentencing and Post-Conviction, Motions, and Habeas Books.

In addition to online posting for web subscribers, 618 sets of the books were printed on demand for distribution to criminal defense attorneys, judges, inmates, law libraries and other criminal justice system participants. Over 2500 pages of relevant information were delivered to users, covering developments through July of 2010. These four annually-updated looseleaf books contain well-organized summaries of the law on all aspects of criminal law and procedure, from arrest through appeal. In addition, the Defender Motions and the Defender Habeas Books contain model pleadings that can be adapted for use in any case, as well as consulted as writing models. Summaries and analysis of case law, statutes, court rules and legal practice are also included. Users also receive a USB flashdrive version of the books that contains links to online resources, including the full text of cited opinions and statutes. The books also reside, in all editions, on the CDRC's web site, www.sado.org. All books are full-text searchable on the web site.

Asked in 2010 about how frequently they use the books, 18.52% of the users said daily, 59.26% said weekly, 18.52% said monthly and 3.7% said less than monthly. These results reflect heavy use, as in prior years. Approximately 31.25% said they use the books to browse a topic to learn the law, 26.56% used them to quickly identify a case, rule or statute, 10.94% used them to check a citation, and 29.69% used them to browse a topic to refresh their memories. Many indicated that the books provide a useful starting point in research. Asked about the value of the books to their practices, 75% said they were indispensable, and 25% said they were helpful.

C. Attorney-to-Attorney Support Project.

The CDRC continued its partnership with the Wayne County Criminal Defense Attorneys Association to provide the Attorney-to-Attorney support in Michigan's busiest criminal venue, Wayne Circuit Court. CDRC research attorneys provided approximately 20 hours

of service weekly, directly consulting with other criminal defense attorneys who needed urgent answers to their legal questions. CDRC attorneys provided pleadings, citations, and a sounding board on matters of criminal law and procedure. During the year, 1641 contacts took place between CDRC research attorneys and the users of the courthouse service. A detailed report appears in the appendix.

The CDRC continued to offer statewide support to Michigan's criminal defense community through an e-mail help desk, called help@sado.org. Subscribers to the CDRC's web-based services may send messages at any time, and they are answered within 24 hours by a CDRC research attorney. In addition to substantive answers in the body of e-mail messages, pleadings and other useful documents are attached to the replies. During the year, 350 contacts took place between the CDRC Research Attorney and the attorneys using the online service.

III. Services Delivered by the Web

A. Databases

The year 2010 again saw consistent use of the CDRC's web-based database resources, showing that attorneys have realized the potential of performing online legal research. The databases available at www.sado.org included appellate and trial level pleadings, resumes of expert witnesses, full text of the Defender Books, full text of the Criminal Defense Newsletters, opinion summaries and full text of appellate court decisions, both state and selected federal, testimony of selected expert and police witnesses, and much more. Several of the databases (particularly the Defender Books) remained available in "PDA" format, allowing attorneys to store full text of these resources on their handheld devices. The amount of information available to attorneys through the CDRC's site made it possible to minimize use of expensive fee-based alternatives (such as Westlaw or Lexis). The advantages of this delivery method remain that:

- ❑ Attorneys may perform online research from their office or home computers, at any time of night or day, downloading useful material and legal pleadings;
- ❑ Research and downloaded materials are available immediately, without the delay inherent in surface mailing;
- ❑ Research results improve, as attorneys adapt their own searches, without filtering requests through another person; and
- ❑ The currency of information is vastly improved over traditional methods, as the web site is updated on a near-daily basis.

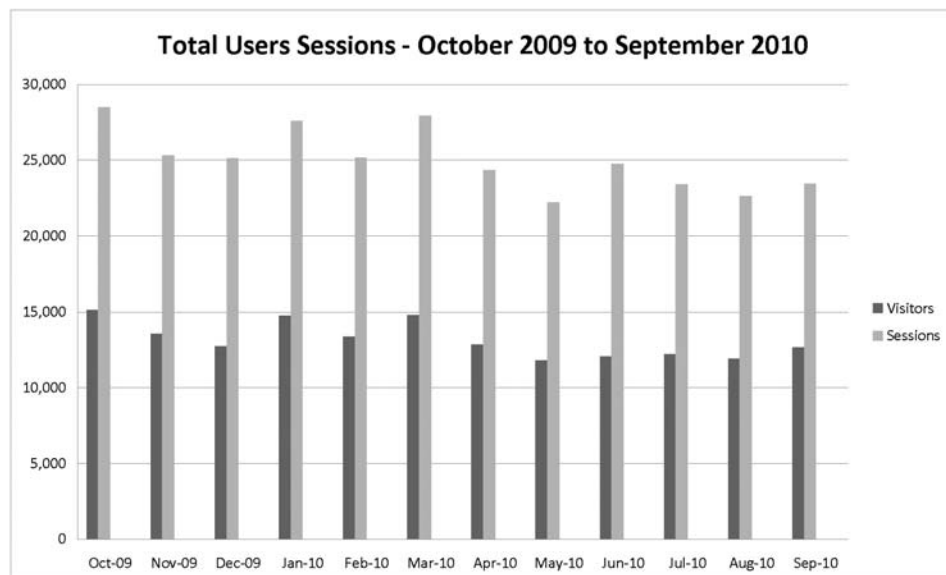
During 2010, content was added to both the public and subscriber-restricted sides of the web site. Materials were added in all segments, including descriptions of legal processes, training events, legal databases, and summaries of appellate decisions. Videotaped training events of the Criminal Advocacy Program (CAP) were added to its web site (www.capwayne.org) during the year, including links to the presenters' handout materials. This significant enhancement makes it possible to obtain training on an as-needed, or as-possible basis, facilitating continuing review of a topic as well.

The value of the site to users was demonstrated by the number of web site hits and user sessions. The most revealing statistic tracked, user sessions, averaged about 59,816 per month during the report period (an increase from last year's average of about 45,038).

Evaluation of the databases showed their great value to practicing attorneys, with surveys revealing that 76% of users rate the quality of information on the site as “Very High” quality. Use of the SADO site is significant because it contains the most content of any legal research site available to Michigan’s assigned criminal defense counsel. 100% of users considered content on the site timely and up-to-date, and over 82% consulted the online Defender Manuals on a daily, weekly or monthly basis.

User sessions, reporting period

	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10
Visitors	15,155	13,575	12,736	14,764	13,388	14,806	12,870	11,804	12,056	12,219	11,912	12,683
Sessions	28,495	25,329	25,121	27,607	25,144	27,933	24,333	22,197	24,761	23,408	22,614	23,443



B. E-mail Groups

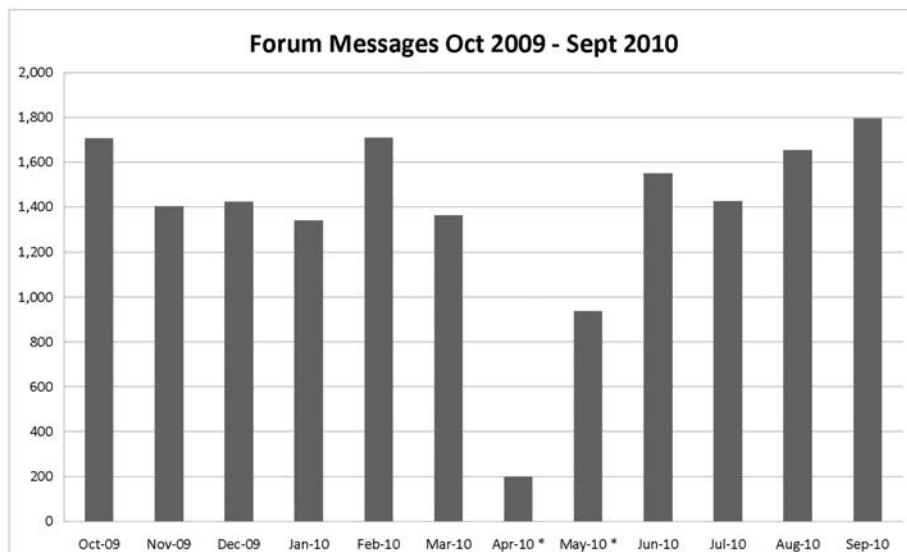
(1) The Forum, an online discussion group for criminal defense attorneys

The CDRC continued to operate the Forum, the popular listserv for criminal defense attorneys. With approximately 524 members, the Forum proved a lively place to exchange ideas and information. Attorneys posed questions on topics ranging from particular judge’s sentencing practices to the most recent grants of leave by the Michigan Supreme Court, often sharing their own pleadings or lending encouragement to a colleague. During the report period, usage of this listserv averaged over 1375 messages

per month (The months of April and May did not have complete email backup records). As the Forum is not actively moderated, messages go out to the entire group as soon as sent by a member, no matter what time of day or night. Members are particularly active at night and on the weekends, reaching each other at times otherwise difficult by phone. Forum members often receive help from several other members.

	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10
General	1,510	1,317	1,393	1,324	1,694	1,358	192	915	1,529	1,405	1,653	1,795
DUI	4	2	0	0	2	0	7	23	19	21	0	0
Off Topic	192	83	30	15	13	3						
Total	1,706	1,402	1,423	1,339	1,709	1,361	199	938	1,548	1,426	1,653	1,795

NOTE: Blank cells represent months where there was no email backup information for that forum group



* NOTE: Months April and May did not have complete email backup records.

(2) Electronic summaries of appellate decisions, Criminal Defense Newsletter

To save mailing costs and increase the timeliness of delivery, the CDRC again encouraged users to read electronic copies of appellate decision summaries, in lieu of mailed hard copies, which were discontinued in 2004. Once a week, summaries of that week's appellate decisions were sent via e-mail to the 524 subscribers to the CDRC's web services and 175 online subscribers. The summaries cover all criminal decisions of the Michigan Court of Appeals and Michigan Supreme Court, significant orders of those courts, selected unpublished Michigan Court of Appeals decisions, and selected decisions of Michigan's federal district courts, the Sixth Circuit Court of Appeals and the United States Supreme Court. Most of these summaries are linked to the full text of the decisions. Several hundred summaries were delivered through this listserv. The same

subscribers to web services also received electronic copies of each month's Criminal Defense Newsletter, again, long before it would otherwise arrive by "snail mail."

IV. Direct Training Events/Conferences

With funding support from the Michigan Council on Law Enforcement Standards (MCOLES), the CDRC once again offered statewide training events on the subjects of "Hot Legal Topics, Affordable Legal Research & Managing the Forum," "Courtroom Tech: The Art of Visual Evidence," "Technology Boot Camp for Lawyers," "Michigan Felony Sentencing," and "Sentencing Guidelines Boot Camp." A total of five events took place, varying in length from one to three hours long, reaching a total of 368 trainees in approximately six physical locations and many different virtual locations throughout Michigan. The average size of the group trained varied, depending upon location and topic. Each trainee had good access to the trainer, for questions and demonstrations. Taking the events directly to the attorneys' communities allowed for more participation by those unable to take the time to travel to a central location. Attorneys were trained in many separate communities, statewide.

In 2010, we continued our partnership between the CDRC and the Thomas M. Cooley Law School: trainers used Cooley's teleconferencing network to simultaneously present training in three locations, further reducing travel time for trainees.

The CDRC continued webinar training during 2010. These 1-hour web-based seminars were made available over the Internet. The CDRC was able to offer key interactive training elements by having the ability to provide training and information over the web.

Evaluation of the direct training events showed their great value to practicing attorneys. For "Hot Legal Topics, Affordable Legal Research & Managing the Forum sessions, 30% of trainees felt that training was very good or excellent, with 40% feeling that it was good, and 30% considering it fair. 31% felt that it was very helpful, and 69% felt that it was of some help. The principal trainer was rated very good or excellent by 27% of the trainees. For "Courtroom Tech: The Art of Visual Evidence sessions, 60% felt that the training overall was excellent, and 40% felt that it was very good, 80% felt that it was very helpful and 20% felt it was of some help. The trainer for these sessions was rated excellent or very good by 100% of trainees. For Technology Boot Camp for Lawyers sessions, 50% felt that the training overall was excellent, 33% felt that it was very good, and 17% felt that it was good. The majority (83%) also felt that the training would be very helpful to performing their jobs, and 17% felt that it would offer some help. The principal trainer received ratings of excellent (33%) or very good (67%), ratings that were similar to those received by other trainers. For Michigan Felony Sentencing sessions, 39% felt that the training was excellent, 48% felt that it was very good, and 13% felt that it was good. 84% found the training very helpful, 11% found that it offered some help and 5% found that it was not helpful. The principal trainer received ratings of excellent (33%) or very good (67%) of those attending this training. For Webinars, 66% felt that the training overall was excellent or very good, with 33% considering it fair. Trainers received ratings of good or very good from most responding to the surveys.

For the sixth year running, the CDRC included in its MCOLES grant application funding for conferences planned with training partners, the Criminal Defense Attorneys of Michigan (CDAM) and the Criminal Advocacy Programs of Wayne County Circuit Court (CAP). Funding was obtained for ten trainee scholarships to attend the summer CDAM Trial College, and also for the operational expenses of the ten CAP seminars conducted each fall.

V. Sharing/partnering with the Community

The CDRC continued in 2010 to share its resources and expertise with others. During the year, the CDRC continued to provide major technical support to Michigan's Attorney Discipline Board. The CDRC's webmaster helped the agency to organize its resources into databases provided online, and SADO continued the hosting of its web site. The CDRC also continues its partnership with the Wayne County Criminal Advocacy Program and the Wayne County Criminal Defense Attorneys Association to maintain a web site that captures the excellent training offered each fall for assigned criminal defense attorneys in Wayne Circuit Court. Presenters' handouts and the video of their presentations are available at www.capwayne.org. And, CDRC staff provided significant technical assistance to the Criminal Defense Attorneys of Michigan (CDAM). CDAM again reduced its operating budget considerably by publishing training materials on CD-ROM instead of printed pages, during the report period.

The CDRC's success in serving the appointed criminal defense bar is largely due to its relationship with a fully-functional law office, the State Appellate Defender Office. CDRC staff interacts constantly with SADO's practicing attorneys, developing expertise on substantive issues. The CDRC's databases, particularly its brief bank, consist primarily of pleadings prepared during the normal course of SADO's business. Administrative support and overhead are shared, as are computer resources. Both SADO and appointed counsel benefit from the symbiosis, as both SADO and outside attorneys draw upon the collective expertise and work product. A freestanding support office would lose the cost-effectiveness of this relationship, which encourages re-use of pleadings and expertise.

ANNUAL REPORT 2010 THE MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

HISTORY AND GENERAL OVERVIEW

Indigent Michigan felony defendants who submit requests within certain time limits and in certain circumstances are entitled to have publicly funded counsel appointed to represent them on appeal. The overall system for providing indigent appellate felony defense is governed by the seven-member Appellate Defender Commission pursuant to MCL 780.711 *et seq.* The system has two components. About 25% of the indigents' appeals are handled by the State Appellate Defender Office (SADO), the state-funded appellate level public defender office established in 1969. The remaining appeals are handled by private attorneys who are appointed and paid (through County appropriations) by the Circuit Courts.

MAACS began to administer the appellate assignment process in conjunction with the circuits and maintain the roster of attorneys eligible for assignments in 1985. MAACS is charged with ensuring that cases are assigned by appropriate methods to qualified lawyers, that these lawyers receive appropriate training and resource materials, and that they comply with the MAACS Regulations and the Minimum Standards for Indigent Criminal Appellate Defense Services when representing assigned appellate clients. MAACS is also directed "to engage in activities designed to enhance the capacity of the private bar to render effective assistance of appellate counsel to indigent defendants." MAACS Reg. 1(1).

In Administrative Order 1981-7, the Supreme Court approved the regulations, developed by the Commission, that govern which private attorneys are eligible to receive appellate assignments and how counsel is to be selected for each individual case. The Supreme Court also approved 20 minimum performance standards – the Minimum Standards for Indigent Criminal Appellate Defense Services – with which all assigned appellate attorneys, including SADO, must comply. Those standards had been in effect since February 1, 1982. In 2004, the Supreme Court adopted seven Revised Minimum Standards, in Administrative Order 2000-32, which combined some former Standards with one another, and slightly revised others. These minimum performance standards became effective on January 1, 2005. So, too, did MAACS Comments to these Standards, approved by the Appellate Defender Commission and created to guide MAACS in its evaluation of attorney performance and resolution of complaints from clients of roster attorneys which implicate violations of the Minimum Standards. Also effective January 1, 2005, the Appellate Defender Commission approved the addition of a new Section 5 of the MAACS Regulations. Section 5 defines the confidentiality parameters of MAACS files and investigations.

RECENT BUDGET HISTORY

In 2002, due to a reduction in appropriations to the office, MAACS was compelled to lay off personnel. One full time administrative staff member and two half-time paralegal/clerk positions were eliminated. These positions remained vacant in 2010.

In fiscal year 2006-2007 (October 1, 2006- September 30, 2007) a further reduction in appropriation occurred. This normally would have required either the implementation of approximately twelve agency-wide “furlough” (unpaid) days or the layoff of an additional employee. This possibility was avoided only because an agency employee experienced the need to take an extended period of long-term medical leave followed by family medical leave in 2007. This circumstance created sufficient personnel savings to allow the agency to remain open and functional throughout fiscal and calendar 2006 and nearly all of calendar 2007. In fiscal year 2007-2008, the previous year’s reduction in appropriation was continued and further reductions were also imposed. MAACS, with the concurrence of the Appellate Defender Commission, implemented the previous year’s furlough plan and imposed 12 “furlough” days during the 2007-2008 fiscal year.

For fiscal year 2008 the Legislature restored the reductions in funding which MAACS had experienced in the preceding two FYs. This allowed MAACS to continue its current staffing levels and alleviated the need for staff to take any furlough days.

2010 BUDGET

The Legislature reduced the MAACS budget appropriation in FY 2009-10. In response, MAACS implemented a variety of non-personnel cost-reductions which prevented the need to implement any furlough shutdowns. In late-2010, two MAACS employees opted to take advantage of the Governor’s/Legislature’s incentive retirement program. MAACS lost its Systems/Financial Manager and its Assignment Coordinator. MAACS total staff was reduced from 7 to 5 FTEs: by an additional 29 %. Since FY 2001-2002 MAACS staff has been reduced by 3 FTEs and 2 PTEs (both half-time): by 44%.

At the close of 2010, and as has been the historical response to elimination of positions, the remaining staff had been reorganized: Current MAACS employees accepted, with grace and substantial additional effort, the responsibilities formerly handled by the people who held those positions. It is anticipated that no new hiring will occur during FY 2010-2011.

MAACS ADMINISTRATION/STAFFING

At the close of 2010, the staff had been reorganized as follows:

Three of these positions are administrative, and must be filled by members of the Bar:

Administrator, **Thomas M. Harp**;

Deputy Administrator, **Lyle N. Marshall**;

Associate Administrator [Vacant since 2002: These responsibilities have been re-assigned to the remaining Administrative staff.]

As of the end of 2009, the staff also consisted of five full-time support personnel, as follows:

Legal Secretary/Receptionist, **Jane Doyle**;

Roster Manager, **Mary Lou Emelander**;

Administrative Assistant/Office Manager, **MariaRosa Juarez-Palmer**;

Systems/Financial Manager, **Judy Miller**, and;
Case Assignment Coordinator, **Lou Ann Palmer**.

The decisions of the Systems/Financial Manager and the Case Assignment Coordinator to opt for the early-retirement incentive resulted in the 2010 administrative re-organization of the agency, as follows:

Case Assignment Coordinator /Receptionist, **Jane Doyle**;
Roster Manager/Legal Secretary, **Mary Lou Emelander**;
Administrative Assistant/Office Manager, **MariaRosa Juarez-Palmer**;
Systems/Financial Manager, **MariaRosa Juarez-Palmer**; [w/ Administrator].

ADMINISTRATIVE DESIGN-INTRODUCTION

The administrative design has four primary components. First, MAACS maintains the statewide roster of attorneys eligible and willing to receive assignments. Second, MAACS oversees the assignment process, ensuring that cases are appropriately matched to qualified lawyers and that they are correctly distributed between roster attorneys and SADO. Third, MAACS attempts to improve the quality of representation by providing roster attorneys with training and other forms of assistance, and by conducting investigations and/or resolving complaints concerning noncompliance with the Minimum Standards. Finally, because of its central position in a network that includes the trial and appellate courts, roster attorneys, SADO, and defendants, MAACS is able to perform a number of other functions important to the ultimate goal of providing high quality indigent appellate defense.

I. MAACS Roster Maintenance

A. Generally

Attorneys who wish to receive appellate assignments file an application to join the statewide roster with MAACS. The applicants specify the circuits from which they want appointments. Attorneys may obtain appointments from any circuit in the state.

MAACS classifies roster attorneys into three eligibility levels, depending on their qualifications. Reg. 4(2). Level 1 includes appeals from plea-based and bench-trial-based convictions with statutory maximum sentences up to 10 years and from jury trial-based convictions with maximum sentences up to 5 years. Level 2 includes appeals from plea-based and bench trial-based convictions with maximum sentences over 10 years, and jury trial appeals with sentences between 5 and 15 years. Level 3 includes appeals from jury-trial-based convictions with statutory maximums over 15 years. The plea categories include probation violation hearings and resentencings. Level 1 attorneys are restricted to the (generally, but of course not always) simpler types of cases and those with lower maximum sentences. Only Level 3 attorneys can be assigned to jury trials for life maximum offenses. MAACS also allows Level 3 lawyers to choose to provide representation exclusively in appeals involving trial-based convictions. For administrative, though not regulatory, purposes, these lawyers are internally-designated as “Level 4” lawyers.

The MAACS Regulations require that entry level attorneys complete a two-day orientation program to become members of the roster. All roster attorneys are required to complete seven hours of relevant continuing legal education (CLE) each year. Those who seek reclassification to a higher level must meet “experience” requirements outlined by the Regulations and submit samples of their work for evaluation by MAACS administrative personnel. Attorneys wishing to join the MAACS roster may submit an application and examples of written work demonstrating appellate and/or comparable legal experience for evaluation by MAACS administrative staff. An individual lawyer who relies on comparable experience to meet Regulatory requirements for admission to the roster at a level higher than Level 1 must be recommended for placement on the roster by the MAACS administrative staff and, if recommended, approved for such placement by the Appellate Defender Commission.

From the statewide roster, MAACS maintains local lists containing the names of roster members who want to receive assignments from each, individual, Circuit Court. Attorneys advise MAACS when they wish to join or leave local lists, as well as when their postal and e-mail addresses or phone numbers change. This information is then provided to the Circuits.

In 2002, the Appellate Defender Commission amended the Regulations to better insure that the eligibility of attorneys for continued roster membership is periodically reviewed by the MAACS Administrator. Roster attorneys must now re-apply to be retained on the roster every three years. Based on a review of the renewal application, the applicant’s work on prior felony appeals, and the assessment of any supplementary materials, the Administrator then notifies the re-applicant whether he/she will be retained at Level 1, 2 or 3, or not be retained, for good cause, or for administrative reasons. An attorney who is not retained has the right to appeal the Administrator’s decision to the Commission.

B. 2010 Roster

1. 2010 Roster Attorney Status

As of December 31, 2010, the status of the statewide roster was 114 total members, as follows: 48 Level 1 attorneys, 35 Level 2 attorneys, 31 Level 3 attorneys (including 6 attorneys who opt to be assigned exclusively to trial-based appeals).

Two attorneys were added to the roster at Level 2 by the Appellate Defender Commission in 2010. (However, one of these was not added to the roster until 2011, after her retirement from the Court of Appeals became official.) Two former MAACS roster attorneys re-joined the roster at Level 3. Requests for roster applications continued to be regular and consistent. However, lawyers interested in joining the MAACS roster at Level 1 were unable to do so, for a variety of reasons. First, sufficient funds to conduct the 2-day Orientation, required by MAACS Regulations in order to admit new roster members, were unavailable, given the agency’s budgetary constraints. Second, MACCS received numerous indications from current roster members that they perceived they were receiving insufficient numbers of assignments generally. And, appellate assignments continued a generally downward trend.

Nine attorneys left the roster in 2010 as follows: a Level 4 attorney re-located out-of-state; two (a Level 2 and a Level 3) left due to employment changes; two Level 1 attorneys left, for “personal,” or “no,” reason(s); and, one Level 1 attorney died.

Three attorneys (two Level 2 and one Level 1) were removed by MAACS for performance and/or regulatory reasons.

2. “Comparable Experience” Additions to the Roster pursuant to Regulation Section 4(2)(d)

As noted above, the Appellate Defender Commission approved the Administrator’s recommendation to admit two lawyers to the roster at Level 2 during this period.

3. Roster Lawyer Re-Classification

No requests for re-classification were received from any MAACS roster member in 2010. One attorney’s level was lowered from Level 2 to Level 1 by the Administrator, based on investigation of performance concerns and consultation with the attorney involved.

II. Coordinating Assignments

A. Methods

While the statute specifies that appellate counsel are to be appointed by the trial courts, the MAACS Regulations require, if the Circuit Judge or Chief or Presiding Judge does not choose to personally engage in the assignment selection process (and none currently do so) require non-judicial personnel to select the lawyer to be appointed according to standardized procedures. The “local designating authority” (LDA) is the person in each circuit court who is given the responsibility for preparing the orders of appointment. An eligible attorney may be passed over only for specified causes, such as a conflict of interest or the fact that another eligible attorney is already representing the defendant on an active appeal. The name of the appointed attorney then drops to the bottom of the selection list. Pursuant to the Regulations, SADO is slotted into the rotation in a specified sequence, based on the percentage of cases it’s capability to provide representation in numbers and levels of cases, as determined by the Commission. SADO may also be selected “out-of-sequence” for appointment in unusually long or complex cases.

For years, MAACS ensured compliance with the assignment process through a cumbersome manual mechanism. That is, the trial court LDAs supplied MAACS with monthly log sheets that tracked the process by which lawyers were selected. MAACS then reviewed the log sheets for compliance with its Regulations and rotated the list of attorney names to reflect the assignments that had been made. MAACS then returned the log sheets to the LDAs for use in the next month.

The assignment system has since been greatly streamlined by means of an on-line appointment system. This system began in the fall of 1999 with a pilot project involving three large circuits (Wayne, Oakland and Genesee). After a few months were spent refining the system, MAACS began to add additional circuits throughout 2000 and 2001. By December 31, 2001, 56 of the

state's 57 circuits were participating. The final circuit (the 13th) came on-line in June, 2002 and the system is now 100% operational.

The on-line system has significantly simplified and improved the appointment process. Trial court LDAs now can prepare orders of appointment by getting directly on-line to MAACS. Once basic information is entered in response to prompts, the computer rotates the circuit's local list and presents the correct name for appointment. The LDA then prints the order at the trial court's end, obtains a judge's signature, and distributes copies. Since the trial courts no longer are able to make selection errors, the need to monitor the rotation of assignments by exchanging log sheets has been eliminated. If something unique about a case requires it, the automated selection process can be overridden by MAACS.

The increased automation has created substantial efficiencies for MAACS as well. Since attorney address, telephone, and level changes are accessible to the trial courts through the MAACS database, the large amounts of time, paper, and postage previously expended to share this information have been saved. Even more importantly, MAACS opens manual and computer files on every assignment. Data that MAACS previously posted to its computer after receiving hard copies of the orders of appointment now enter the database when the orders are created.

MAACS continues to investigate computer-driven options which will further simplify and increasingly organize both the assignment process and the record-keeping involved in it. Two future goals remain in this regard: First, the current assignment system is "dial-up." For a number of years MAACS has been working with a contractual service-provider to insure that the cases assignment system will be completely a creature of the internet. By the close of 2010, it appeared very likely that this system would be ready for testing in late-2011. Second, because the maintenance of paper files is unwieldy, expensive, creates massive storage issues and is environmentally irresponsible, MAACS continues to pursue the goal of becoming "paperless."

B. 2010 Case Statistics

In 2010, appellate counsel was assigned in 3523 cases. This figure represented an modest increase from the 3336 cases assigned in 2009; an increase in appellate assignments of 187 cases, or 5.6%. In 2010, SADO was assigned in 714 cases, or 20.3% of the total number of assignments. The number of appellate assignments reversed a downward trend. This reversal was slight: in 2007 the total number of assigned appeals was 4,247; in 2008, 3789.

Included with this report is a "MAACS Appendix." The Appendix contains a series of Statistical Reports for 2010, prepared by MAACS, which describe the following:

1. Total Appellate Assignments
2. Assigned Appeals, by Case Type and Level, by Circuit
3. Changes in Appellate Assignments 2008-2010, by Circuit
4. MAACS Roster Assignments
5. Appeals by Jurisdictional Type, by Circuit
6. SADO Assigned Appeals, by Case Type and Level
7. Resentencings, by Circuit

III. Improving Attorney Performance

Introduction:

MAACS uses three methods to improve the quality of representation roster attorneys provide to their indigent clients. MAACS:

- A. Provides training programs, reference materials, and update memos, as well as one-on-one assistance in individual cases;
- B. Reviews in-depth the work of each attorney seeking to be classified at Level 2 or 3;
- C. Resolves allegations that roster members have violated the Minimum Standards.

A. Training

1. Training Seminars

MAACS has historically provided training through diverse means, and from with funding from diverse sources, including with funds appropriated by the Legislature. Over the last several years, however, MAACS has been fortunate to be awarded training funds through grants from the Michigan Commission on Law Enforcement Standards (MCOLES). These grants have served as the exclusive source of funding for meeting the regulatory requirement that MAACS “provide continuing legal education programs for all roster members . . . (MAACS Reg. Section 2 (11)). In 2010, and with this funding from MCOLES, MAACS conducted a Fall Training program, *the Attorney-Client Relationship, E-Filing in the Court of Appeals, Standards of Review, Federalizing Appellate Issues and Developments in Criminal Appellate Practice* in October, 2010 at locations in Grand Rapids, Lansing and Novi.

The 2010 Training involved the following speakers:

Lyle Marshall, MAACS Deputy Administrator, served throughout the programs as the Moderator, introducing the speakers and topics and facilitating questions from the attendees posed to the speakers. Randy Davidson of the State Appellate Defender Office presented two separate trainings. Mr. Davidson spoke on developing and maintaining the attorney-client relationship with appellate assigned clients. His presentation also included providing written materials to the attendees such as form letters and other material he had developed for use in an exclusively appellate-assigned practice. Mr. Davidson also provided an interactive presentation of the e-filing system in the Michigan Court of Appeals which included both written examples of the Odyssey system’s various screen options and an actual electronic filing of a brief on appeal. Ms. Gail Rodwan, also of the State Appellate Defender reprised, in response to MAACS roster attorney popular demand, her highly valued presentation of appellate standards of review. She also once again provided a written update on these standards as interpreted by the Michigan Supreme Court and Court of Appeals. MAACS roster attorney F. Martin Tieber (the former Deputy Chief Defender of the State Appellate Defender Office and highly-regarded private appellate practitioner) spoke on federalizing appellate issues and provided updates on federal appellate and *habeas corpus* practice. Finally, the MAACS Administrator, Thomas Harp, presented his annual survey of developments in criminal appellate practice, which included decisional information not covered by the other speakers, responses to common inquiries of the

MAACS administrative staff regarding evolving decisional law and information regarding MAACS policy and procedure.

A total of 96 roster attorneys attended these seminars.

The grant also provided for the video-taping and preparation of video discs to provide to roster members who wished to demonstrate their compliance with the MAACS Continuing Legal Education Regulation requirement through viewing these electronically-preserved lectures.

2. Practice Manuals

In previous years, MAACS has also prepared and disseminated practice manuals and/or compact discs to the entire roster. Grant funding was not requested for this purpose in 2010.

3. CLE Requirement Monitoring

During the last (2008) roster attorney re-application process, the MAACS Administrator implemented a serious overhaul of the monitoring of roster attorney compliance with the MAACS CLE regulation. MAACS roster lawyers are permitted by the Regulations to demonstrate compliance with the CLE regulation through attendance at criminal law-relevant training other than MAACS-conducted training. It became apparent, however, that this discretionary permission extended to some roster members had not resulted in sufficient proof of CLE compliance through these alternative means. Accordingly, the reapplications of a number of MAACS roster lawyers whose proof of CLE compliance was deficient were approved for roster membership on a “probationary” basis. That probationary status frequently required the condition that the CLE requirement could only be met by these identified roster members solely through attendance at MAACS-sponsored trainings. Demonstrated CLE compliance, as expected, greatly improved.

4. MAACS also conveys information in less formal ways.

It periodically sends memos in hard-copy form or by electronic mail, to the entire roster explaining the impact of court rule changes, major appellate decisions, and Michigan Department of Corrections policies that affect attorney/client communication. The administrators also routinely field telephone and electronic inquiries from roster members about a wide range of subjects, including representation in specific MAACS cases. In these latter cases, this provides an opportunity for MAACS administrative staff to provide an educational resource to the inquiring roster lawyer.

B. Classification Reviews.

An attorney wishing to be classified at Level 2 or 3 must undergo an in-depth performance review. A sampling of briefs is read in conjunction with the prosecution reply briefs and appellate opinions. Issue analysis, writing skills, and legal knowledge are assessed, and written feedback is given to the lawyer. Fee vouchers and Court of Appeals records are checked for any indication of problems, such as late filings, failures to conduct prison visits, or an excessive number of motions to withdraw as counsel.

As noted above, in 2010 no MAACS attorneys requested reclassification.

Similarly, non-roster attorneys may also request to join the roster at Level 2 or 3 under the “exceptional circumstances provision” of MAACS Reg. 4(3). This regulation permits the Commission to waive the normal requirements if it determines that an applicant has acquired “comparable experience.” MAACS reviews these applications and makes specific recommendations regarding them to the Commission, which has the final say, based on the recommendations and its own review of the applicant’s material/experience.

In 2010, The Appellate Defender Commission approved the Administrator’s recommendation to admit two lawyers to the roster at Level 2.

C. Enforcement of Minimum Standards.

The third, far more time-consuming, method of performance evaluation involves the processing of inquiries and complaints. MAACS receives a great many letters each year, primarily from defendants, but also from the Courts, regarding the conduct of roster members, inquiries regarding post-conviction issues from inmates, or concerning the operation of the MAACS system. In 2010, the administrative staff received and investigated 275 instances raised by these types of correspondence. Virtually all of these demanded a formal written response of some kind. Additionally, both of the members of the administrative staff received numerous additional inquiries of this type by email and telephone.

While many of these inquiries or complaints do not state facts that indicate a violation of the Minimum Standards may be implicated, about 25% require MAACS administrative staff to contact the lawyer involved in the representation, the defendant, or both. This contact may range from a letter warning counsel to write the client promptly to the initiation of a formal complaint process.

Nearly half of complaints from defendants involved allegations that the roster lawyer has failed to contact the client in writing or otherwise allegedly demonstrated a failure to keep the client aware of the status of the case. These require MAACS to write to the lawyer and request that he or she contact the client and provide written confirmation that this has been done and description of the measures which will be taken to insure that the client will remain aware of the status of the case. Most of these types of complaints are resolved by such action being taken by the lawyer involved. However, even if resolved by immediate action by the lawyer, supervision of this process remains time-consuming work.

When a violation of the Minimum Standards is implicated by the complaint, a formal investigation is normally begun. [Where appropriate, and more rarely, problems may also be resolved with formal findings, but without a formal complaint process. These last situations may involve, for example, complaints implicating a violation of the Minimum Standards involving a roster attorney who has already resigned or been removed from the roster.] In 2010, 50 such complaints were resolved by MAACS, and one major investigation, involving the representation in 11 separate cases was also resolved; all but one of these were conducted and resolved by the Administrator.

When a formal complaint inquiry is issued, the lawyer is asked to respond in writing to the allegation that violation of a specific Minimum Standard or Standards has or have been implicated by the complaint. The lawyer's client (the complainant, normally) is given the opportunity to respond to any answer the attorney provides. MAACS conducts any independent investigation that may be necessary regarding the allegation(s), or regarding any additional information revealed during the course of this process which may implicate additional concerns, and then determines whether a substantial violation of the Standards has occurred. In 2010, MAACS resolved 28 formal complaints involving 17 different roster attorneys. Also, the major investigation referenced above involved an additional eleven cases. MAACS found violations of the Minimum Standards in all of these cases. Although the nature of these violations varied widely, by far the most common were failures to process appeals in a timely manner (by either failing to timely file pleadings in leave cases or by untimely filing briefs on appeal), failures to conduct personal confidential consultations with clients before filing briefs or pleadings, and failures to keep clients apprized of what was happening with their cases.

Depending on the circumstances, a finding that the Standards have been violated may result in a variety of consequences. These may range from an admonition, through probationary terms imposed by MAACS regarding caseload or roster list membership restrictions, to formal removal from the MAACS roster of lawyers. In 2010, one of the lawyers involved in these investigations was no longer a member of the roster at the time of the investigation, having previously resigned due to adverse findings in other investigations. Three others resigned in response to and during the investigatory process; determinations were, nevertheless made in all of those cases. Two other matters resulted in the imposition of probationary terms connected with the attorney's continued roster membership. And, the major investigation resulted in the removal of the attorney in question from the roster. That attorney did not appeal that removal to the Appellate Defender Commission. Finally, in five instances, the nature of the violations of the Minimum Standards justified a MAACS request for appointment of counsel in available post-conviction proceedings; all of these requests were granted by the circuit courts involved.

IV. Other Activities

As should be clear, MAACS serves a number of different constituencies. These include the circuit and appellate courts, roster attorneys, SADO, and defendants and/or members of their families. MAACS provides a variety of services to these systemic participants. As a partial example, MAACS may:

Respond to defendant inquiries about requests for counsel that had not been processed by the trial court. In numerous cases, where, for example, the request was misfiled or overlooked, MAACS intervention results in the appointment of counsel;

Respond to inquiries from circuit court staff regarding the type of orders which should be entered in particular cases;

Request of the circuit courts, where appropriate, that defendant's aggrieved by the defective representation of appellate counsel be provided with representation in available post-conviction proceedings;

Provide form pleading packets to defendants who wanted to appeal a trial court's

denial of a request for appellate counsel, or information concerning pending litigation regarding this issue;

Collect, analyze and disseminate annual data, not available from other sources, about the volume, type of appellate assignments, and their distribution to roster attorneys and SADO;

Respond to numerous inquiries per year from defendants and their families seeking information about post-conviction remedies or requesting assistance with problems outside the direct regulatory purview of MAACS;

Compile information about appellate assigned counsel fees and promote the payment of reasonable fees to roster members, and to consider alternative methods for the adequate funding of indigent appellate defense;

Serve as a spokesperson for the interests of roster attorneys and their clients in various forums and by various methods. For instance, MAACS may provide comments on proposed court rules, testify at Supreme Court public hearings regarding those proposals, and has participated in discussions with the Court of Appeals concerning its delay reduction efforts and in 2008 was directly involved in the anticipated electronic filing project for the criminal docket, and resolve administrative concerns with the Department of Corrections;

The Administrator and Deputy Administrator also serve on committees, commissions, boards, or task forces devoted to the improvement of appellate representation specifically and/or criminal defense representation generally.

**STATE APPELLATE DEFENDER OFFICE
LITIGATION APPENDICES**

TABLE I
CASE ACTIVITY AND WORKLOAD

YEAR	Average Staffing Level	Office Appointments	Attorney Assignments	Average Assignment Per Attorney***	Total Filings	Average Filing Per Attorney	Average Filing Per Case	Total *Opening Pleadings	Total **Major Filings	Average Major Filing Per Attorney	Average Major Filing Per Case
1993	23	1,078	1,127	49.0	4,581	199	4.0	1,167	1,492	64.86	1.32
1994	27	1016	907	33.6	4,083	151	4.5	1,083	1,638	60.66	1.61
1995	21	951	1,029	49.0	3,871	184	3.8	1,043	1,715	81.66	1.80
1996	25	874	1,071	42.84	3,699	148	3.5	944	1,554	62.16	1.77
1997	25	931	992	39.68	3,345	134	3.4	930	1,532	61.28	1.64
1998	27	1,033	1,125	41.66	2,993	110.8	2.08	885	1,786	66.14	1.59
1999	24	852+ +	1,041	43.4	2,974	124	2.856	1,025	1,840	76.7	1.8
2000	21.5	1,000	957	44.5	2,546	118	2.66	810	1,498	69.67	1.6
2001	20.5	839	964	47	2,817	137.4	2.92	927	1,688	82.34	1.75
2002	19.5	939	949	48.7	2489	127.6	2.62	898	1585	81.28	1.67
2003	17	749	936	55.1	2501	147.1	2.67	824	1544	90.8	1.65
2004	18	613	740	41.1	2196	122	2.97	657	1315	73.1	1.78
2005	17	607	701	41.2	1,813	106.6	2.59	609	1,234	72.6	1.76
2006	17	821	790	46.5	2,325	136.8	2.94	851	1,504	88.5	1.90
2007	17	631	727	42.8	2,305	135.6	3.65	669	1,411	83	2.24
2008	17	635	657	38.6	2,127	125.1	3.24	660	1,356	79.8	2.06

2009	18	588	564	31.3	1,756	97.6	3.1	552	1,196	66.4	2.12
2010	18	777	693	31.3	1,834	97.6	3.1	660	1,280	66.4	2.12

* An opening pleading seeks relief from a conviction or sentence – e.g., a brief on appeal, motion for peremptory reversal with supporting brief, motion for new trial or resentencing with brief/memo in support and motion for relief from judgment under Chapter 6 of the Michigan Court Rules - or dismissal or withdrawal from the case.

** Major filings include opening pleadings and all non-ministerial pleadings, such as motions to remand, motions to correct sentence or presentence report, motions for credit and motions for rehearing or reconsideration.

*** Some national standards recommend that criminal appellate attorneys handle only 25 appeals a year. See National Advisory Commission on Criminal Justice Standards and Goals, Courts 13.12 (1973); ABA Special Committee On Criminal Justice In A Free Society, Criminal Justice In Crisis 43 (1989); ABA Standards for Criminal Justice – Providing Defense Services, Standards 5 – 5.3 Workload (3ed 1992).

The National Legal Aid and Defender Association rejects fixed numbers, opining that workload standards depend on the jurisdiction and type of work, but suggests from its surveys about a 22 weighted non-death penalty work unit limit. NLADA Indigent Defense Caseloads and Common Sense: An Update, pp 10-11, citing NLADA Standards and Evaluations Design for Appellate Defender Offenses, Standards I.F., I.H., II.C. (1980).

Although the Commission officially increased SADO's new case intake in 1997, it simultaneously reduced the number of assignments to regular staff attorneys by two (2) weighted work units, due to the reduced briefing time in the Court of Appeals and the penalties that court personally imposes on staff attorneys who file untimely.

++ SADO closed assignment intake in November and December 1999. Otherwise, assignments would have been approximately 1,000.

TABLE II
DISMISSALS AND WITHDRAWALS

YEAR	TOTAL DISPOSITIONS	DISMISSALS*	WITHDRAWALS **
1993	1005	224 (24.27%)	69 (6.86%)
1994	1086	231 (21.27%)	36 (3.3%)
1995	1011	175 (17.31%)	34 (3.36%)
1996	1051	221 (21.02%)	30 (2.85%)
1997	1224	266 (23.66%)	24 (2.36%)
1998	1063	216 (20%)	32 (3%)
1999	1075	284 (26%)	39 (4%)
2000	922	189 (20%)	32 (3%)
2001	968	247 (26%)	52 (5%)
2002	923	250 (27%)	34 (4%)
2003	1014	193 (19%)	35 (3%)
2004	785	100 (13%)	27 (3%)
2005	733	139 (19%)	19 (3%)
2006	806	181 (22%)	30 (4%)
2007	695	98 (14%)	12 (2%)
2008	713	78 (11%)	30 (4%)
2009	586	71 (12%)	17 (3%)
2010	594	111 (19%)	28 (5%)

* Dismissals usually occur after complete review of the case and consultation with the client. This generally involves much substantive work for the defense attorney, but only minor or no work for the courts and prosecutors, and, thus, conserves scarce justice system resources. SADO does not use the non-consensual, laborious, and time- consuming appeal withdrawal procedure required by United State Supreme Court ruling in Anders v California, 386 US 738 (1967). See also, MCR 7.211(c)(5) (Michigan’s so-called “Anders” procedure. SADO’s dismissals and withdrawals are all voluntary. Counseling clients on voluntary dismissals prevents many from pursuing unnecessary, time-consuming and potentially harmful appeals.

** Withdrawal can occur before any substantial work is done, for example, in known conflict of interests cases, or at any point thereafter, even after full briefing and oral argument. None of these withdrawals is for overload.

TABLE III
STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT
FOR THE YEAR OF 2010

Total New Appointments to SADO 1/1/10 to 12/31/10	777
Total Cases Assigned to Staff Attorneys 1/1/10 to 12/31/10	693
Total Filings by SADO 1/1/10 to 12/31/10	1,834
Total Cases Closed (Done*) 1/1/10 to 12/31/10	510
Total Cases Open as of 12/31/10	1,970

* "Done" are those cases that are officially closed by the attorney and the file sent to storage.

TABLE IV
STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT
FOR THE YEAR OF 2010

SADO FILINGS 1/1/10 to 12/31/10

Trial Court	651
Court of Appeals	943
Supreme Court	211
Federal Courts	29
Total FILINGS	1,834

MAJOR FILINGS 1/1/10 to 12/31/10

Trial Court	563
Court of Appeals	512
Supreme Court	187
Federal Courts	18
Total MAJOR FILINGS	1,280 = 70% of all filings

SADO APPOINTMENTS BY CASE TYPE 1/1/10 to 12/31/10

Pleas	390
Probation Violation Pleas	59
Jury Trials	260
Bench Trials	33
Probation Violation Trials	2
Prosecutor Appeals/Interlocutory/ Parole Board	13
Resentencing	14
SC Application – OTHER	5
Specials (+ PPO cases)	1
Total ASSIGNMENTS	777*

* Again, this 588 cases assignment total differs from MAACS' 570 total because SADO must count cases differently than MAACS to take workload into account. See comments to Table V.

TABLE V
SADO'S PERCENT OF COMPLEX (LEVEL III JURY TRIAL APPEALS)
APPELLATE ASSIGNMENTS 1993-2010
AS COUNTED BY MAACS

	GRAND TOTAL	SADO'S PERCENT* OF GRAND TOTAL*	LEVEL III CASES PERCENT OF TOTAL	SADO'S PERCENT OF LEVEL III CASES
1993	5,927	953 16.1%	824 13.9%	286 34.7%
1994	5,047	917 18.2%	698 13.8%	271 38.8%
1995	4,762	837 17.6%	636 13.4	241 37.9%
1996	4,287	763 17.8%	687 16.0%	235 34.2%
1997	4,080	832 20.4%	581 14.2%	199 34.3%
1998	3,983	948 23.8%	612 15.4%	216 35.3%
1999	3,362	776 23.1%	591 17.6%	217 28%
2000	3,393	917 27.0%	533 15.7%	242 45.4%
2001	3,076	785 25.5%	549 17.9%	177 32.2%
2002	3,217	861 26.8%	595 18.5%	208 24.2%
2003	3,625	696 19.2%	755 20.8%	174 23.0%
2004	3,420	588 17.2%	551 16.1%	100 18.1%
2005	3,875	564 14.6%	624 16.1%	114 18.3%
2006	4,404	763 17.3%	569 12.9%	161 28.3%
2007	4,212	590 14.0%	626 14.9%	154 26.1%
2008	3789	603 15.9%	544 14.4%	176 32.4%
2009	3336	570 17.1%	471 14.1%	149 31.6%
2010	3576	737 20.6%	555 15.5%	185 33.3%

* The totals in this table differ from those in other tables because the numbers here are MAACS'. MAACS subtracts assignments if another attorney is substituted for the original attorney. SADO, however, counts those assignments and reconciles with MAACS at year's end. That is because these cases can have varying

amounts of work done before the substitution. The original attorney may have done virtually all or none of the work. The “new” attorney, no matter how much work was done by the previous attorney, must still do a significant amount of work, client visits, read the transcripts and court records, and review all pleadings in the case to correct any deficiencies and complete the work. Thus, each attorney will want to count the assignment, even though MAACS only credits one of them.

In addition, judges assign appeals of pre-conviction rulings and “special” appeals (e.g., mandamus, superintending control), not all of which are sent to MAACS for inclusion in the total number.

TABLE VI
ASSIGNMENT OF CASES BY TYPE

YEAR	PLEAS	TRIALS	BENCH	OTHER	TOTAL
1993	577 *[53.5%]	412 [38.2%]	81 [7.5%]	8 [0.7%]	1078
1994	532 [52%]	412 [41%]	57 [6%]	15 [1%]	1016
1995	508 **(87) [53%]	378 [40%]	50 [5%]	15 [2%]	951
1996	441 (307) [50%]	356 [41%]	53 [6%]	23 [3%]	874
1997	539 (434) [58%]	315 [34%]	50 [5%]	27 [3%]	931
1998	618 [60%]	332 [32%]	68 [7%]	15 [1%]	1033
1999***	462 (54%)	338 (40%)	47 (6%)	5 (1%)	852
2000	587 (59%)	357 (36%)	49 (5%)	7 (1%)	1000
2001	457 (54%)	308 (37%)	69 (8%)	5 (1%)	839
2002	515 (55%)	346 (37%)	56 (6%)	22 (2%)	939
2003	393 (52%)	305 (41%)	44 (6%)	7 (1%)	749
2004	344 (56%)	231 (38%)	35 (6%)	3	613
2005	349 (57%)	223 (37%)	31 (5%)	4	607
2006	444 (54%)	312 (38%)	60 (7%)	5	821
2007	319 (51%)	251 (40%)	44 (7%)	17 (2%)	631
2008	280 (44%)	292 (46%)	55 (9%)	8 (1%)	635
2009	296 (50%)	233 (40%)	42 (7%)	17 (2%)	588
2010	457 (59%)	269 (35%)	33 (4%)	18 (2%)	777

* Bracket = Percentage of total assignments

** Parenthesis = Number of Proposal B Cases (i.e. plea appeals after the 1994 constitutional amendment eliminating appeal by right from plea convictions.)

*** Office closed to new assignments in November and December; 20% budget cut and concomitant 20% reduction in staff

TABLE VII
SUBSTITUTION APPOINTMENTS

YEAR	APPOINTMENTS	SUBSTITUTIONS
1993	1078	110
1994	1016	131
1995	951	95
1996	874	97
1997	931	107
1998	1033	124
1999	852	101
2000	1000	138
2001	839	92
2002	939	105
2003	749	80
2004	613	71
2005	607	57
2006	821	137
2007	631	95
2008	635	88
2009	588	70
2010	777	92

- Many of these cases are problematic. They often involve alleged ineffective assistance of private counsel, or MAACS, court or Grievance Commission removal of prior counsel. Many involve unmanageable clients (some going through several trial and appellate attorneys) and/or very complex issues. Sometimes private counsel are simply underpaid and/or overwhelmed by these cases and withdraw because of personal or economic hardship.

TABLE VIII
SADO OVERALL RELIEF RATES* 1993-2010

	TOTAL	NO RELIEF GRANTED	RELIEF GRANTED	PARTIAL RELIEF GRANTED	RELIEF RATE COMBINED%
1993	712	531 (74.5%)	139 (19.5%)	42 (5.9%)	25.4
1994	819	633 (77%)	145 (17.7%)	141 (5%)	22.7
1995	802	641 (79.9%)	112 (13.96%)	49 (6.11%)	20.07
1996	800	649 (81.1%)	107 (13.37%)	44 (5.5%)	18.87
1997	929	776 (83.5%)	119 (12.8%)	34 (3.65%)	16.45
1998	763	643 (84.2%)	108 (13.76%)	25 (3.27%)	17.03
1999	676	553 (81.8%)	97 (14.35%)	26 (3.84%)	18.2
2000	678	562 (83%)	89 (13.0%)	25 (3.76%)	16.76
2001	656	513 (78.2%)	114 (17.38%)	29 (4.42%)	21.8
2002	618	500 (81%)	95 (15.37%)	23 (3.72%)	19.09
2003	759	582 (77%)	139 (18.31%)	38 (5%)	23.31
2004	613	508 (83%)	94 (15.33%)	32 (5%)	20.33
2005	554	435 (79%)	90 (16.24%)	29 (5%)	21.24
2006	568	429 (76%)	101 (18%)	38 (7%)	25
2007	558	392 (56%)	113 (16%)	53 (8%)	24
2008	577	390 (67%)	102 (18%)	85 (15%)	33
2009	585	352 (60%)	109 (19%)	28 (5%)	24
2010	593	314 (53%)	112 (19%)	13 (2%)	21

- Cases where relief sought – excludes dismissals, death, cases closed without litigation and withdrawals. MAACS’ analysis of a 5.6% random sampling of 5,255 post conviction cases assigned in 1990 (including SADO appointments) produced the following results in the 93% of the cases that had reached disposition by October 1993: (It’s time to delete old text and chart and rewrite this part. E.g., the most recent published analysis of post-conviction relief rates, done by MAACS in 1993, when there was still an appeal of right in plea cases found relief granted in 12.4% of plea appeals and 17.2% of trial appeals, for a combined rate of 14.2%)

- | <u>TOTAL</u> | <u>AFFIRMED</u> | <u>DISMISSED</u> | <u>RELIEF</u> |
|---------------|-----------------|------------------|---------------|
| Pleas (N=185) | 87
(47.0%) | 75
(40.5%) | 23
(12.4%) |

Trials (N=103)	73 (70.9%)	12 (11.7%)	18 (17.5%)
Total (N=288)	160 (55.6%)	87 (30.2%)	41 (14.2%)

Nationally reported appellate relief rates in criminal and civil cases are in the 10-20% range. The relief rate in assigned Michigan plea appeals decided by trial and appellate courts on the merits was 21%.

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM APPENDICES

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENTS
JANUARY 1, 2010 TO DECEMBER 31, 2010**

	Total No. --- Percent of ---	SADO No. --- Percent of <u>SADO Total</u>	<u>SADO Percent of Total Case Type</u>
<u>Level I</u>			
Plea/PV/Resentencing	1099 31.2%	173 24.2%	15.7%
Waiver Trial/INT/6.5/PPO Evidentiary Hearing	46 1.3%	13 1.8%	28.3%
Jury Trial	81 2.3%	36 5.0%	44.4%
Level I Total	1226 34.8%	222 31.1%	18.1%
<u>Level II</u>			
Plea/PV/Resentencing	1512 42.9%	255 35.7%	16.9%
Waiver Trial/INT/6.5/PPO Evidentiary Hearing	126 3.6%	36 5.0%	28.6%
Jury Trial	123 3.5%	33 4.6%	26.8%
Level II Total	1761 50.0%	324 45.4%	18.4%
<u>Level III</u>			
Jury Trial	536 15.2%	168 23.5%	31.3%
Level III Total	536 15.2%	168 23.5%	31.3%
Motions for Relief	0 0.0%	0 0.0%	0.0%
Prosecution Appeals of Dismissals	0 0.0%	0 0.0%	0.0%
Miscellaneous	0 0.0%	0 0.0%	0.0%

GRAND TOTAL	3523	714	20.3%
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MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010

				PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY					
Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	Level			Level			Level			Total	Grand Total	
				1	2	Total	1	2	Total	1	2	3			
1st Hillsdale				19	8	27	0	0	0	0	1	0	1	28	
2nd Berrien				62	49	111	0	0	0	3	2	16	21	132	
3rd Wayne		42		148	289	437	29	65	94	21	25	153	199	772	
4th Jackson			1	23	34	57	2	0	2	0	2	16	18	78	
5th Barry				6	7	13	0	0	0	0	0	0	0	13	
6th Oakland		1		74	230	304	2	6	8	6	14	91	111	424	
7th Genesee				37	60	97	0	0	0	2	3	19	24	121	
8th Ionia/Montcalm				19	16	35	0	0	0	0	2	5	7	42	
9th Kalamazoo				39	51	90	0	0	0	3	4	26	33	123	
10th Saginaw				63	146	209	0	0	0	5	11	33	49	258	
11th Alger/Luce Schoolcraft				5	5	10	1	0	1	1	2	1	4	15	
12th Baraga/Houghton/ Keweenaw			0	0	0	0	0	0	0	0	0	0	0	0	
13th Antrim/Grand				18	8	26	0	0	0	1	0	5	6	32	

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010

				PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY				
Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	Level			Level			Level			Grand Total	
				1	2	Total	1	2	Total	1	2	3	Total	
Traverse/Leelanau														
14th Muskegon				33	65	98	1	4	5	3	2	9	14	117
15th Branch				6	3	9	0	0	0	1	0	3	4	13
16th Macomb				91	78	169	1	0	1	6	7	18	31	201
17th Kent				69	85	154	1	1	2	3	14	37	54	210
18th Bay				33	25	58	0	0	0	0	1	4	5	63
19th Benzie/Manistee				4	0	4	0	0	0	0	0	1	1	5
20th Ottawa				4	7	11	0	0	0	2	3	3	8	19
21st Isabella				20	10	30	2	0	2	1	0	0	1	33
22nd Washtenaw				29	28	57	0	2	2	0	4	6	10	69
23rd Iosco/Oscoda				2	6	8	0	1	1	0	1	0	1	10
24th Sanilac				2	0	2	0	0	0	0	0	1	1	3
25th Marquette		1		4	3	7	0	0	0	1	1	0	2	10
26th Alcona/Alpena/ Montmorency/				4	7	11	0	1	1	1	0	0	1	13

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010

Circuit				PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY				
	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	Level			Level			Level			Total	Grand Total
				1	2	Total	1	2	Total	1	2	3		
Presque Isle														
27th				7	4	11	0	0	0	0	0	0	0	11
Newaygo/Oceana														
28th				11	7	18	0	0	0	0	0	1	1	19
Missaukee/Wexford														
29th				29	8	37	0	0	0	1	0	1	2	39
Clinton/Gratiot														
30th		1		26	26	52	0	2	2	3	5	18	26	81
Ingham														
31st				13	20	33	0	0	0	1	2	9	12	45
St. Clair														
32nd				2	2	4	0	0	0	0	1	1	2	6
Gogebic/Ontonagon														
33rd				3	2	5	0	0	0	0	0	1	1	6
Charlevoix														
34th				5	6	11	1	0	1	0	0	1	1	13
Arenac/Ogemaw														
Roscommon														
35th				5	9	14	0	0	0	0	1	3	4	18
Shiawassee														
36th				1	10	11	0	0	0	1	0	3	4	15
Van Buren														
37th				33	24	57	0	0	0	3	4	8	15	72
Calhoun														
38th				9	18	27	0	2	2	0	0	2	2	31
Monroe														
39th				14	19	33	0	0	0	0	0	4	4	37
Lenawee														

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010

				PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY				
Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	Level			Level			Level			Total	Grand Total
				1	2	Total	1	2	Total	1	2	3	Total	
40th Lapeer				4	4	8	0	0	0	0	0	2	2	10
41st Dickinson/Iron Menominee				8	4	12	0	0	0	0	0	2	2	14
42nd Midland				6	5	11	0	0	0	0	1	1	2	13
43rd Cass				8	8	16	0	0	0	1	1	3	5	21
44th Livingston			1	17	13	30	0	0	0	1	0	3	4	35
45th St. Joseph		1		7	15	22	0	0	0	2	0	4	6	29
46th Crawford/Kalkaska Otsego				10	11	21	0	0	0	2	4	7	13	34
47th Delta				0	1	1	0	0	0	1	0	1	2	3
48th Allegan				15	11	26	0	0	0	1	0	5	6	32
49th Mecosta/Osceola				10	6	16	0	0	0	0	0	2	2	18
50th Chippewa/Mackinaw				9	2	11	0	0	0	0	0	4	4	15
51st Lake/Mason				5	1	6	0	0	0	0	0	0	0	6
52nd Huron				4	0	4	0	0	0	0	0	1	1	5

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Total	Grand Total
				Level		Total	Level		Total	Level		3		
53rd Cheboygan				4	6	10	0	0	0	0	3	0	3	13
54th Tuscola				2	14	16	0	0	0	3	0	0	3	19
55th Clare/Gladwin				12	8	20	0	0	0	0	0	1	1	21
56th Eaton				3	21	24	0	0	0	0	0	0	0	24
57th Emmet				3	7	10	0	0	0	1	2	1	4	14
ALL CIRCUITS TOTALS	0	46	2	1099	1512	2611	40	84	124	81	123	536	740	3523

Level 1	1220
Level 2	1719
Level 3	536
Total	3475

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2008-2010

	2008 TOTAL	2009 TOTAL	08-09 % CHANGE #/%	2010 TOTAL	09-10 % CHANGE #/%	08-10 % CHANGE #/%
1st Hillsdale	24	23	-1 -4.2%	28	5 21.7%	4 16.7%
2nd Berrien	115	136	21 18.3%	132	-4 -2.9%	17 14.8%
3rd Wayne	1023	867	-156 -15.2%	772	-95 -11.0%	-251 -24.5%
4th Jackson	71	74	3 4.2%	78	4 5.4%	7 9.9%
5th Barry	9	14	5 55.6%	13	-1 -7.1%	4 44.4%
6th Oakland	376	296	-80 -21.3%	424	128 43.2%	48 12.8%
7th Genesee	152	137	-15 -9.9%	121	-16 -11.7%	-31 -20.4%
8th Ionia/Montcalm	38	36	-2 -5.3%	42	6 16.7%	4 10.5%
9th Kalamazoo	106	111	5 4.7%	123	12 10.8%	17 16.0%
10th Saginaw	90	148	58 64.4%	258	110 74.3%	168 186.7%
11th Alger/Luce Schoolcraft	11	4	-7 -63.6%	15	11 275.0%	4 36.4%
12th Baraga/Houghton/ Keweenaw	3	6	3 100.0%	0	-6 -100.0%	-3 -100.0%
13th Antrim/Grand Traverse/Leelanau	45	39	-6 -13.3%	32	-7 -17.9%	-13 -28.9%
14th	115	108	-7	117	9	2

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2008-2010**

	2008 TOTAL	2009 TOTAL	08-09 % CHANGE #/%	2010 TOTAL	09-10 % CHANGE #/%	08-10 % CHANGE #/%
Muskegon			-6.1%		8.3%	1.7%
15th Branch	12	9	-3 -25.0%	13	4 44.4%	1 8.3%
16th Macomb	262	208	-54 -20.6%	201	-7 -3.4%	-61 -23.3%
17th Kent	244	238	-6 -2.5%	210	-28 -11.8%	-34 -13.9%
18th Bay	77	37	-40 -51.9%	63	26 70.3%	-14 -18.2%
19th Benzie/Manistee	7	7	0 0.0%	5	-2 -28.6%	-2 -28.6%
20th Ottawa	32	24	-8 -25.0%	19	-5 -20.8%	-13 -40.6%
21st Isabella	38	40	2 5.3%	33	-7 -17.5%	-5 -13.2%
22nd Washtenaw	83	62	-21 -25.3%	69	7 11.3%	-14 -16.9%
23rd Iosco/Oscoda	27	13	-14 -51.9%	10	-3 -23.1%	-17 -63.0%
24th Sanilac	7	5	-2 -28.6%	3	-2 -40.0%	-4 -57.1%
25th Marquette	8	5	-3 -37.5%	10	5 100.0%	2 25.0%
26th Alcona/Alpena/ Montmorency/ Presque Isle	10	7	-3 -30.0%	13	6 85.7%	3 30.0%
27th Newaygo/Oceana	9	4	-5 -55.6%	11	7 175.0%	2 22.2%
28th Missaukee/Wexford	15	18	3 20.0%	19	1 5.6%	4 26.7%

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2008-2010**

	2008 TOTAL	2009 TOTAL	08-09 % CHANGE #/%	2010 TOTAL	09-10 % CHANGE #/%	08-10 % CHANGE #/%
29th Clinton/Gratiot	28	33	5 17.9%	39	6 18.2%	11 39.3%
30th Ingham	81	62	-19 -23.5%	81	19 30.6%	0 0.0%
31st St. Clair	48	47	-1 -2.1%	45	-2 -4.3%	-3 -6.3%
32nd Gogebic/Ontonagon	4	9	5 125.0%	6	-3 -33.3%	2 50.0%
33rd Charlevoix	6	3	-3 -50.0%	6	3 100.0%	0 0.0%
34th Arenac/Ogemaw Roscommon	21	19	-2 -9.5%	13	-6 -31.6%	-8 -38.1%
35th Shiawassee	15	7	-8 -53.3%	18	11 157.1%	3 20.0%
36th Van Buren	12	10	-2 -16.7%	15	5 50.0%	3 25.0%
37th Calhoun	79	72	-7 -8.9%	72	0 0.0%	-7 -8.9%
38th Monroe	49	34	-15 -30.6%	31	-3 -8.8%	-18 -36.7%
39th Lenawee	43	30	-13 -30.2%	37	7 23.3%	-6 -14.0%
40th Lapeer	9	14	5 55.6%	10	-4 -28.6%	1 11.1%
41st Dickinson/Iron Menominee	13	11	-2 -15.4%	14	3 27.3%	1 7.7%
42nd Midland	18	22	4 22.2%	13	-9 -40.9%	-5 -27.8%
43rd	30	26	-4	21	-5	-9

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2008-2010**

	2008 TOTAL	2009 TOTAL	08-09 % CHANGE #/%	2010 TOTAL	09-10 % CHANGE #/%	08-10 % CHANGE #/%
Cass			-13.3%		-19.2%	-30.0%
44th	49	40	-9	35	-5	-14
Livingston			-18.4%		-12.5%	-28.6%
45th	20	28	8	29	1	9
St. Joseph			40.0%		3.6%	45.0%
46th	35	22	-13	34	12	-1
Crawford/Kalkaska			-37.1%		54.5%	-2.9%
Otsego						
47th	13	9	-4	3	-6	-10
Delta			-30.8%		-66.7%	-76.9%
48th	45	46	1	32	-14	-13
Allegan			2.2%		-30.4%	-28.9%
49th	31	17	-14	18	1	-13
Mecosta/Osceola			-45.2%		5.9%	-41.9%
50th	27	12	-15	15	3	-12
Chippewa/Mackinaw			-55.6%		25.0%	-44.4%
51st	6	7	1	6	-1	0
Lake/Mason			16.7%		-14.3%	0.0%
52nd	3	8	5	5	-3	2
Huron			166.7%		-37.5%	66.7%
53rd	12	10	-2	13	3	1
Cheboygan			-16.7%		30.0%	8.3%
54th	23	14	-9	19	5	-4
Tuscola			-39.1%		35.7%	-17.4%
55th	21	14	-7	21	7	0
Clare/Gladwin			-33.3%		50.0%	0.0%
56th	25	20	-5	24	4	-1
Eaton			-20.0%		20.0%	-4.0%
57th	14	14	0	14	0	0
Emmet			0.0%		0.0%	0.0%

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2008-2010**

	2008 TOTAL	2009 TOTAL	08-09 % CHANGE #/%	2010 TOTAL	09-10 % CHANGE #/%	08-10 % CHANGE #/%
All Circuit Totals	3,789	3,336	-453 -12.0%	3,523	187 5.6%	-266 -7.0%

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2010 TO DECEMBER 31, 2010

Circuit	CLAIM				APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
1st Hillsdale	1	0	0	1	0	27	0	27	0	0	0	0	28
2nd Berrien	19	1	0	20	2	109	1	112	0	0	0	0	132
3rd Wayne	268	1	21	290	17	392	73	482	0	0	0	0	772
4th Jackson	19	0	0	19	1	54	4	59	0	0	0	0	78
5th Barry	0	0	0	0	0	12	1	13	0	0	0	0	13
6th Oakland	108	0	8	116	9	287	12	308	0	0	0	0	424
7th Genesee	22	1	1	24	2	92	3	97	0	0	0	0	121
8th Ionia/Montcalm	7	0	0	7	0	34	1	35	0	0	0	0	42
9th Kalamazoo	31	0	0	31	2	80	10	92	0	0	0	0	123
10th Saginaw	41	1	1	43	8	206	1	215	0	0	0	0	258
11th Alger/Luce Schoolcraft	5	0	0	5	0	10	0	10	0	0	0	0	15
12th Baraga/Houghton/ Keweenaw	0	0	0	0	0	0	0	0	0	0	0	0	0
13th Antrim/Grand	6	0	0	6	0	26	0	26	0	0	0	0	32

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2010 TO DECEMBER 31, 2010

Circuit	CLAIM				APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
Traverse/Leelanau													
14th	17	0	3	20	2	94	1	97	0	0	0	0	117
Muskegon													
15th	4	0	0	4	0	9	0	9	0	0	0	0	13
Branch													
16th	30	0	1	31	2	161	7	170	0	0	0	0	201
Macomb													
17th	55	1	0	56	1	149	4	154	0	0	0	0	210
Kent													
18th	4	0	1	5	1	56	1	58	0	0	0	0	63
Bay													
19th	1	0	0	1	0	4	0	4	0	0	0	0	5
Benzie/Manistee													
20th	8	0	1	9	0	10	0	10	0	0	0	0	19
Ottawa													
21st	2	0	1	3	1	25	4	30	0	0	0	0	33
Isabella													
22nd	11	0	0	11	1	57	0	58	0	0	0	0	69
Washtenaw													
23rd	2	0	0	2	0	7	1	8	0	0	0	0	10
Iosco/Oscoda													
24th	1	0	0	1	0	2	0	2	0	0	0	0	3
Sanilac													
25th	2	0	1	3	0	7	0	7	0	0	0	0	10
Marquette													
26th	2	0	0	2	0	11	0	11	0	0	0	0	13
Alcona/Alpena/ Montmorency/													

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2010 TO DECEMBER 31, 2010

Circuit	CLAIM				APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
Presque Isle													
27th	0	0	0	0	0	11	0	11	0	0	0	0	11
Newaygo/Oceana													
28th	1	0	0	1	0	18	0	18	0	0	0	0	19
Missaukee/Wexford													
29th	2	0	0	2	0	37	0	37	0	0	0	0	39
Clinton/Gratiot													
30th	26	0	2	28	3	45	5	53	0	0	0	0	81
Ingham													
31st	12	0	0	12	0	33	0	33	0	0	0	0	45
St. Clair													
32nd	2	0	0	2	0	3	1	4	0	0	0	0	6
Gogebic/Ontonagon													
33rd	1	0	0	1	0	5	0	5	0	0	0	0	6
Charlevoix													
34th	2	0	0	2	0	11	0	11	0	0	0	0	13
Arenac/Ogemaw													
Roscommon													
35th	4	0	0	4	0	14	0	14	0	0	0	0	18
Shiawassee													
36th	4	0	0	4	0	10	1	11	0	0	0	0	15
Van Buren													
37th	13	0	0	13	2	54	3	59	0	0	0	0	72
Calhoun													
38th	3	0	2	5	1	25	0	26	0	0	0	0	31
Monroe													
39th	4	0	0	4	0	30	3	33	0	0	0	0	37
Lenawee													

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2010 TO DECEMBER 31, 2010

Circuit	CLAIM				APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
40th Lapeer	1	0	0	1	1	8	0	9	0	0	0	0	10
41st Dickinson/Iron Menominee	2	0	0	2	0	11	1	12	0	0	0	0	14
42nd Midland	2	0	1	3	0	9	1	10	0	0	0	0	13
43rd Cass	4	0	0	4	1	16	0	17	0	0	0	0	21
44th Livingston	4	0	1	5	0	29	1	30	0	0	0	0	35
45th St. Joseph	6	0	0	6	0	22	1	23	0	0	0	0	29
46th Crawford/Kalkaska Otsego	11	1	0	12	2	18	2	22	0	0	0	0	34
47th Delta	2	0	0	2	0	1	0	1	0	0	0	0	3
48th Allegan	6	0	0	6	0	24	2	26	0	0	0	0	32
49th Mecosta/Osceola	1	0	0	1	1	16	0	17	0	0	0	0	18
50th Chippewa/Mackinaw	3	0	0	3	1	11	0	12	0	0	0	0	15
51st Lake/Mason	0	0	0	0	0	5	1	6	0	0	0	0	6
52nd Huron	1	0	0	1	0	4	0	4	0	0	0	0	5

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2010 TO DECEMBER 31, 2010

	CLAIM				APPLICATION				RESPONSE				Grand Total
Circuit	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
53rd Cheboygan	3	0	0	3	0	10	0	10	0	0	0	0	13
54th Tuscola	3	0	1	4	0	13	2	15	0	0	0	0	19
55th Clare/Gladwin	1	0	0	1	0	14	6	20	0	0	0	0	21
56th Eaton	0	0	0	0	0	24	0	24	0	0	0	0	24
57th Emmet	4	0	0	4	0	9	1	10	0	0	0	0	14
ALL CIRCUITS TOTALS	794	6	46	846	61	2461	155	2677	0	0	0	0	3523

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Total	Grand Total
				Level			Level			Level				
				1	2	Total	1	2	Total	1	2	3		
1st Hillsdale				3	2	5	0	0	0	0	0	0	0	5
2nd Berrien				9	8	17	0	0	0	1	5	0	6	23
3rd Wayne		8	0	22	0	22	9	64	73	6	8	43	57	160
4th Jackson			1	4	6	10	0	0	0	0	1	5	6	17
5th Barry				1	1	2	0	0	0	0	0	0	0	2
6th Oakland				11	34	45	0	2	2	2	3	27	32	79
7th Genesee				6	9	15	0	0	0	1	1	6	8	23
8th Ionia/Montcalm				3	3	6	0	0	0	0	1	2	3	9
9th Kalamazoo				6	8	14	0	0	0	1	1	8	10	24
10th Saginaw				11	22	33	0	0	0	1	2	12	15	48
11th Alger/Luce Schoolcraft				1	2	3	1	0	1	1	1	1	3	7
12th Baraga/Houghton/ Keweenaw				0	0	0	0	0	0	0	0	0	0	0
13th Antrim/Grand				3	2	5	0	0	0	1	0	1	2	7

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Total	Grand Total
				Level			Level			Level				
				1	2	Total	1	2	Total	1	2	3		
Traverse/Leelanau														
14th Muskegon				5	11	16			0	1	0	2	3	19
15th Branch				1	0	1	0	0	0	1	0	3	4	5
16th Macomb				14	12	26	0	0	0	1	2	7	10	36
17th Kent				11	13	24	0	0	0	1	4	12	17	41
18th Bay				5	4	9	0	0	0	0	1	1	2	11
19th Benzie/Manistee				0	0	0	0	0	0	0	0	1	1	1
20th Ottawa				1	1	2	0	0	0	1	0	1	2	4
21st Isabella				4	2	6	0	0	0	1	0	0	1	7
22nd Washtenaw				5	5	10	0	1	1	0	1	2	3	14
23rd Iosco/Oscoda				1	1	2	0	1	1	0	0	0	0	3
24th Sanilac				1	0	1	0	0	0	0	0	1	1	2
25th Marquette		1		1	1	2	0	0	0	0	1	0	1	4
26th Alcona/Alpena/ Montmorency/				2	1	3	0	0	0	1	0	0	1	4

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Total	Grand Total
				Level			Level			Level				
				1	2	Total	1	2	Total	1	2	3		
Presque Isle														
27th Newaygo/Oceana				1	1	2	0	0	0	0	0	0	0	2
28th Missaukee/Wexford				2	1	3	0	0	0	0	0	1	1	4
29th Clinton/Gratiot				4	2	6	0	0	0	1	0	0	1	7
30th Ingham				4	4	8	0	0	0	3	2	5	10	18
31st St. Clair				2	3	5	0	0	0	1	1	3	5	10
32nd Gogebic/Ontonagon				0	1	1	0	0	0	0	0	0	0	1
33rd Charlevoix				0	1	1	0	0	0	0	0	1	1	2
34th Arenac/Ogemaw Roscommon				2	0	2	0	1	1	0	0	0	0	3
35th Shiawassee				1	2	3	0	0	0	0	0	2	2	5
36th Van Buren				0	2	2	0	0	0	1	0	1	2	4
37th Calhoun				4	4	8	0	0	0	2	1	3	6	14
38th Monroe				2	3	5	0	2	2	0	0	0	0	7
39th Lenawee				2	5	7	0	0	0	0	0	0	0	7

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Total	Grand Total
				Level			Level			Level				
				1	2	Total	1	2	Total	1	2	3		
40th Lapeer				1	2	3	0	0	0	0	0	0	0	3
41st Dickinson/Iron Menominee				2	1	3	0	0	0	0	0	2	2	5
42nd Midland				1	1	2	0	0	0	0	0	1	1	3
43rd Cass				1	2	3	0	0	0	1	0	1	2	5
44th Livingston			1	2	2	4	0	0	0	1	0	1	2	7
45th St. Joseph		1		1	3	4	0	0	0	1	0	1	2	7
46th Crawford/Kalkaska Otsego				1	2	3	0	0	0	1	1	2	4	7
47th Delta				1	0	1	0	0	0	0	0	0	0	1
48th Allegan				2	2	4	0	0	0	1	0	1	2	6
49th Mecosta/Osceola				2	1	3	0	0	0	0	0	0	0	3
50th Chippewa/Mackinaw				2	1	3	0	0	0	0	0	1	1	4
51st Lake/Mason				1	1	2	0	0	0	0	0	0	0	2
52nd Huron				0	0	0	0	0	0	0	0	1	1	1

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2010 TO DECEMBER 31, 2010**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Total	Grand Total
				Level			Level			Level				
				1	2	Total	1	2	Total	1	2	3		
53rd Cheboygan				2	1	3	0	0	0	1	0	0	1	4
54th Tuscola				0	3	3	0	0	0	1	0	0	1	4
55th Clare/Gladwin				2	3	5	0	0	0	0	0	1	1	6
56th Eaton				1	3	4	0	0	0	0	0	0	0	4
57th Emmet				2	0	2	0	0	0	1	0	0	1	3
ALL CIRCUITS TOTALS	0	10	2	179	205	384	10	71	81	37	37	163	237	714

Level 1	226
Level 2	313
Level 3	163
Total	702

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
RESENTENCINGS
JANUARY 1, 2010 to DECEMBER 31, 2010**

<u>CIRCUIT</u>	<u>TOTAL CASES</u>	<u>LEVEL I</u>					<u>LEVEL II</u>				
		<u>PL</u>	<u>PVP</u>	<u>PVH</u>	<u>JT</u>	<u>WT</u>	<u>PL</u>	<u>PVP</u>	<u>PVH</u>	<u>JT</u>	<u>WT</u>
2	1						1				
3	33	7	1	1	2		5		1	10	6
4	2						1	1			
5	1						1				
6	10		1				3	2		4	
7	4						3			1	
8	1						1				
9	5			1			2		1	1	
10	1									1	
14	3							1		2	
16	7	1					4			2	
17	3						3				
18	2						1			1	
20	1									1	
21	2	2									
23	1						1				
30	5	2					2			1	
32	1						1				
36	1						1				
37	1						1				
38	2				1					1	
39	2	1					1				

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
RESENTENCINGS
JANUARY 1, 2010 to DECEMBER 31, 2010**

<u>CIRCUIT</u>	<u>TOTAL CASES</u>	<u>LEVEL I</u>					<u>LEVEL II</u>				
		<u>PL</u>	<u>PVP</u>	<u>PVH</u>	<u>JT</u>	<u>WT</u>	<u>PL</u>	<u>PVP</u>	<u>PVH</u>	<u>JT</u>	<u>WT</u>
41	1						1				
42	1	1									
44	1									1	
46	2	1					1				
48	1						1				
54	3						2			1	
55	3	1								2	
57	1	1									
TOTAL	102	17	2	2	3	0	37	4	2	29	6

	TOTAL	LEVEL I	LEVEL II
PLEAS	54	17	37
PVP	6	2	4
PVH	4	2	2
JT	32	3	29
WT	6	0	6