

ANNUAL REPORT

1997

STATE APPELLATE DEFENDER OFFICE

1997 APPELLATE DEFENDER COMMISSION

John E. S. Scott, Chairperson
State Bar Designee

Honorable Samuel Gardner
State Bar Designee

Bethany Goodman
Governor's Designee

Carl Gromek
Court of Appeals Designee

Honorable Joseph R. McDonald
Judge's Association Designee

Professor John R. Nussbaumer
Supreme Court Designee

Representative Richard A. Young
Supreme Court Designee

James R. Neuhard, Director
State Appellate Defender Office

3300 Penobscot
645 Griswold
Detroit, MI 48226
(313) 256-9833
(313) 965-0372 fax
E Mail: jneuhard@SADO.org
www.SADO.org

MISSION STATEMENT

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 efficient, high-quality appellate defense services to indigent criminal defendants represented by assigned counsel, and to reduce costs to the counties and state by providing effective and efficient legal support to the private bar.

The State Appellate Defender Office's mission is to provide cost-efficient, high-quality, timely, public appellate defense services to indigent criminal defendants in cases assigned by the courts. As an outgrowth of that representation, SADO provides 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.

GOALS

- Handle no less than 25% of the assigned indigent criminal appeals.
- Provide high-quality, timely 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.
- Reduce delay.
- Increase efficiency through innovation and automation.
- Reduce costs to counties (who pay for all appeals handled by the private bar) while maintaining and supporting a mixed system of representation.
- Lower assigned counsel costs by reducing their need to duplicate work already done by SADO and other contributors and efficiently supply current legal information to all assigned counsel to reduce errors and thereby reduce the need for appeals.

The following report contains narratives and graphs that depict the State Appellate Defender Office's 1997 activities and efforts to accomplish its mission and goals.

STATE APPELLATE DEFENDER OFFICE

The State Appellate Defender Office (SADO) was formed in 1969 as a result of a grant submitted by the Michigan Supreme Court to the Law Enforcement Assistance Administration (LEAA). After receiving the grant, the Court issued Order 1970-1, formally establishing the Appellate Defender Commission. The Supreme Court established the office to provide high-quality, efficient legal representation to indigent criminal defendants in post-conviction matters. In 1979, legislation was enacted that formally established the office. The legislation created a seven-member Appellate Defender Commission, established within the State Court Administrator's Office, to develop and supervise a coordinated system for regulating the assignment of counsel to all indigent criminal appeals in Michigan. 1978 PA 620; MCL 780.711 et. seq.; MSA 28.1114(101) et. seq.

Pursuant to that charge, the Commission held public hearings and 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 created the Michigan Appellate Assigned Counsel System (MAACS) to provide training and maintain the roster of appointed counsel and to coordinate assignments between the private bar and SADO. SADO would employ a staff of public defenders to handle its statutory percentage of assigned appeals and provide legal resources to the indigent criminal defense bar. The Michigan Appellate Assigned Counsel System began operation in 1985. Pursuant to 1978 PA 620, the Commission developed performance standards for criminal appellate counsel, which were adopted by the Michigan Supreme Court.

The Appellate Defender Commission regulates the allocation of assignments between the SADO and private assigned appellate attorneys by adjusting SADO's capacity based on resources and the projected number of appeals there will be during the fiscal year. Standards for the appointment of appellate counsel and counsel's performance are found in Administrative Order 1981-7, 412 Mich lxv. The regulations governing the provision of appellate defense services are published in a booklet available from the Commission through MAACS in Lansing. Administrative Order 1989-3 mandated that all circuit courts comply with Section 3 of the regulations regarding appointing counsel on appeal.

Six Commission members are recommended to the Governor for appointment by the Supreme Court (2), the State Bar (2), the Court of Appeals (1), and the Trial Judges Association (1). The Governor makes one additional appointment.

The Act requires that SADO receive no less than 25% of all indigent criminal appeals, but limits the total intake by adding that SADO may accept only that number of cases that will allow it to provide quality defense services consistent with the funds appropriated by the legislature.

The principal office of SADO is in Detroit. The branch office is located in Lansing, Michigan.

The Legal Resources Project (LRP) of the State Appellate Defender Office formally began in 1977. It is located in the Detroit office and provides a brief bank, newsletters, trial and sentencing books, recent case summaries, direct training events, on-line web services, phone support and legal support for both staff attorneys and several thousand assigned counsel throughout the state.

The Appellate Defender Commission Chair is John E. S. Scott, who may be reached at Dickinson, Wright, Moon, VanDusen and Freeman, One Detroit Center, 500 Woodward Avenue, Suite 4000, Detroit, MI 48226-3425; (313) 223-3500. SADO's Director, James R. Neuhard, the Chief Deputy Defender, Norris J. Thomas, Jr. and the Legal Resources Director, Dawn Van Hoek are in the Detroit office. F. Martin Tieber is the Deputy Defender in the Lansing Office at 340 Business and Trade Center, 200 Washington Square, North, Lansing, MI 48913.

INDEX

	<u>Page</u>
1997 Annual Report of the State Appellate Defender Office	
Mission Statement	i
Goals	i
Objectives.....	i
SADO Statutes and Structure	ii
Introduction	
Governance.....	1
Background.....	1
SADO's 1997 Annual Report	
1997 Goals and Objectives:	
(1) Totally Eliminate Backlog	
(2) Accept 25% of the Assigned Appeals	
(3) Reduce Delay and Become Timely in all Cases	
(4) Increase Quantity of Support to the Private Bar and	
Increase Access to Services with the Internet.....	4
SADO Staffing and Direct Client Services	6
Production.....	7
Increased Internal Efficiency Monitoring	
And Quality Control.....	7
Innovation and Automation	8
Collateral Attorney Services and Activities.....	9
Legal Resources Project Fiscal Year 1996-97.....	10
Overview and Goals Achieved	10
Services Delivered by Mail and Phone.....	11
Services Delivered by the World Wide Web	12
Direct Training Events.....	16
Sharing with the Legal Services Community	17
Conclusion.....	18
Appendix	
New Assignments in 1997 and Last Action on Open Cases	1a
Disposition of Cases Closed in 1997	2a
Filings by SADO in 1997	3a
Case Activity and Workload	4a
SADO's Percent of Complex Assignments	5a
Assignment of Cases by Type	6a
Substitution Appointments	7a
SADO Overall Relief Rates	8a
Dismissals and Withdrawals	9a
WebSite Overview	10a
WebSite Use.....	15a
Comments from WebSite Users	17a
Organizational Chart	19a

THE 1997 ANNUAL REPORT OF THE STATE APPELLATE DEFENDER OFFICE

INTRODUCTION

GOVERNANCE

This year's annual report marks the first time that ties SADO's statistics and accomplishments to its mission statement, goals and objectives. The intent of the annual report is to review SADO's 1997 caseload and workload activity and place them in a context of available capacity throughout the year, overall office improvements, budget disruptions and legislative or constitutional changes – all of which affected them. Since this is SADO's first report of this nature, a background statement is given to summarize the achievements and activities of 1997 – many of which began years earlier.

BACKGROUND

One of the Commission's most important functions has been to balance the percentage of appeals assigned to SADO and the private bar. There are two reasons why this balancing of assignments between SADO and assigned counsel is critical. **First**, because the State pays the cost of appeals assigned to SADO, while counties pay the cost of the appeals assigned to appointed private attorneys, the Commission must assure that the state-funded resource is fairly distributed to all counties. To this end, the Commission adopted the MAACS regulations and regularly reviews and apportions appeals between SADO and MAACS roster attorneys. The distribution formula may provide that SADO accept varying numbers of assignments from the circuits: 1 out of 4, 5, 6, or 7, depending on the ratio of qualified attorneys willing to accept appeals in particular jurisdictions, the needs of those jurisdictions and SADO's capacity. MAACS compiles rosters of qualified private attorneys and slots SADO in at the appropriate percentage. Local appointing authorities sequentially appoint either SADO or private defense counsel from those rosters. The system also allows counties to assign SADO out of sequence if the judge believes the case will be costly, difficult or otherwise problematic to handle. This is an "insurance policy" for the counties and allows them to avoid extremely large fee cases, one or two of which could totally deplete their assigned counsel funds.

Second, because the state pays the cost of appeals handled by SADO, there is great pressure to assign more cases to SADO than the staff can handle. This, coupled with the extreme growth in the total number of assigned appeals, resulted in chronic overloads and a growing backlog of cases. Beginning in the mid 1980's, prison populations and the resultant criminal appeals rapidly increased. Indigent defense funding, however, did not keep pace. In fact, funding decreased dramatically in 1989 and 1990. From 1986-1989, SADO attempted to control its rapidly growing caseload by restricting new assignments a month at a time. This moderated the intake for brief periods, but so abruptly turned on and off the flow of work that it created unpredictable peaks and valleys of new work that proved very difficult to coordinate with attorney staffing levels. For example, record high assignments to the office for 11 months might force the office to reject assignments the 12th month. While this reduced the assignments to the office on a yearly basis, it did not reduce the workload for the other 11 months. Moreover, the Court of Appeals severe restriction on extensions of time to file briefs, created greatly magnified pressure on the first 11 months' work. Attorneys were overloaded during those months and could not get extensions to move the work into the open month.

When it appeared clear that the overall growth in cases would continue indefinitely, on March 29, 1990, the Appellate Defender Commission, after considering the resources available, reduced SADO's percentage of cases from "no less than 25%" of the assigned appeals to "no more than 17%." This unprecedented step reduced the intake each month, eliminated the abrupt peaks and valleys of the workload and made the workflow more predictable. The new assignment levels became effective in June of 1990. By the close of 1990, SADO began to receive slightly over 17% of the state's indigent criminal appeals.

While the workload of the criminal justice system grew dramatically during these years, as drug-enforcement and other funds were poured into law enforcement, funding and staffing levels for the Court of Appeals and indigent criminal defense lagged far behind. This negatively affected the capacity of the entire system and created a serious backlog of cases in the courts and at SADO. Even though SADO's assignments were reduced to 17% of the total, the raw number of assignments still grew, peaking in 1992 at 1,250 of the total 6,500 assigned appeals that year.

SADO (and the courts) did receive some funding from the Office of Drug Enforcement Policy. From 1991 to 1993, SADO used those funds to operate a Delay Reduction/Backlog Project, which was achieving commendable success until there was a policy change in 1994 which ended all ODEP funding to indigent criminal defense agencies in the State.

SADO's backlog problem deepened as law enforcement and the Court of Appeals continued to receive funds and vigorously pursue their backlog elimination efforts and the Court of Appeals' expedited filing and timing requirements to rapidly

reduce its docket and increase its output. Matters were further complicated by hiring freezes that periodically prevented SADO from filling critical vacancies. As a result, SADO could not keep pace.

In 1987, the Defender Commission voted to match SADO's case intake with its staff attorneys case-handling capacity. Under that continuing resolution, in 1994, the office attempted to restrict its intake to 75 new cases a month until the backlog of some 320 cases was eliminated. From that point, while there were fluctuations, the office's capacity increased from 86/month in 1993 to 96/month in 1997 (18% to 24% of total appeals). In 1996, as the backlog came under control, at SADO's request, the Commission voted to increase SADO's new case intake by 10 per month, effective in 1997.

SADO's 1997 ANNUAL REPORT

1997 GOALS AND OBJECTIVES:

- (1) TOTALLY ELIMINATE BACKLOG**
- (2) ACCEPT 25% OF THE ASSIGNED APPEALS**
- (3) REDUCE DELAY AND BECOME TIMELY IN ALL CASES**
- (4) INCREASE QUANTITY OF SUPPORT TO THE PRIVATE BAR AND
INCREASE ACCESS TO SERVICES WITH THE INTERNET**

SADO's principal goals for 1997 were to eliminate its backlog and increase its percentage of total assignments to no less than 25%. In 1993, prison commitments began to fall. Since an average 43% of those committed to prison appeal, predictably, in 1994, SADO's caseload also began to fall. With this and the continuing tight budget probability in mind, SADO began creating alternative methods to reduce its backlog. Using a multi-faceted plan, by the end of 1997, SADO was accepting over 21% of the appointments, had eliminated its backlog of overdue cases and had reached its capacity to accept 25% of the cases in 1998.

First, SADO established filing agreements and a rigid filing schedule with the Courts and strictly adhered to them. Second, SADO became more efficient through significant cutting edge enhancements of its automation, brief production and data processing. This allowed support positions to be converted to attorney positions, thus expanding case production. Third, SADO expanded its cost-efficient arrangements with the University of Michigan and Wayne Law Schools for clinical programs. Fourth, it utilized contract attorneys to help staff attorneys keep pace. Finally, SADO tightly monitored its budget, and its smaller cadre of very experienced and capable attorneys and support staff assumed more and more responsibility. As can be seen in Table I (Attorney Output Activity/Workload) over the last 5 years, SADO attorneys' output has exceeded their assignments, thus making it possible to eliminate SADO's backlog.

In addition to its increased productivity, SADO projected in 1993, during the height of the appellate overload, that crime would drop and along with it the appellate caseload. This indeed did occur. SADO planned to use this drop in case intake to increase its productivity and thus cut deeply into its backlog.

In 1997 the total number of assigned appeals dropped to the lowest levels since the late 1980's: 4,080 cases. SADO's assignments increased to 832 (68 over the 763 in 1996) raising its percentage from 17.8% to 22.7%. By the spring of 1998, SADO projects it will be receiving 25% of the total new appellate assignments – approximately 1,000 case a year.

After 5 attorneys were hired in the fall of 1997 to fill vacancies and the backlog under old standards was eliminated¹, the Commission voted to raise SADO's intake to the statutory 25% level by the spring of 1998. Given the drop in total assigned appeals in 1997 and projections of a leveling at the 1997 level for some time, if the reduction holds, SADO may either increase its new case intake percentage or the number of complex, costly or difficult cases in the mix of assignments it receives.

Since 1992, there has been a steady decline in the number of appeals, from 6,400 in 1992 to 5,927 in 1993 to 5,047 in 1994 down to 4,080 in 1997. However, over that same period of time SADO's percentage of the total increased over 4.3%. (See Table II) By the spring of 1998, the increase will have exceeded 8%.

The passage of Proposal B in 1994 eliminated appeals of right in guilty plea cases. However, the number of plea appeals and the ratio of plea appeals to trial appeals continued much the same after Proposal B as before. While there was little impact on the caseload - the number of plea assignments to SADO remained about the same - there was an increase in work. In addition to the applications for leave that must now be filed if the case proceeds beyond the initial filing in the trial court, there is additional travel necessary in these appeals. A result of Proposal B is that it almost completely shifts plea appeals from the Court of Appeals workload to the trial court dockets across the state.

Significantly, the percentage of complex, difficult level III cases handled by SADO far exceeded its overall percentage of the total assignments (See Table II). Thus, while the total number of assigned appeals continued to drop over the last 5 years, the work coming to SADO has consistently been more dense and complex than the ordinary assignment of one in four appeals would produce. SADO's percentage of Level III cases more than doubled the counties allotted percentage of appeals. (See Table II.) So, although in raw number terms SADO was not carrying its 25% of the indigent appellate defense caseload, in weight terms it has more than carried its 25% share of that work.

¹ SADO had 320 backlogged cases under the old 8-month no progress court rule. In 1997 it averaged only 35 to 40 overdue cases under the new rule, which abolished the 8-month no progress rule and required that overdue briefs or pleadings be filed within 21 days.

SADO STAFFING AND DIRECT CLIENT SERVICES

SADO is committed to providing high-quality, efficient defense services to its clients. SADO attorneys obtain all transcripts and court records and review them for appealable issues. They then visit and interview clients at the 60-odd Michigan prison facilities and all the county jails around the State. Attorneys litigate cases at all levels of the Michigan and Federal courts. They investigate facts, research, analyze and write legal issues, file appropriate pleadings, conduct post-conviction hearings and present oral arguments in State and Federal courts, handling many of the landmark cases.

By the end of 1997, the Director, Chief Deputy Director, 25 Assistant Defenders and the Legal Resources Project Director were housed in the Detroit (Main) office, and the Deputy Director, Special Unit Director and four (4) Assistant Defenders were located in the Lansing office. A paralegal/secretary, 9 legal secretaries, the Chief Investigator and her paralegal/investigator assistant directly supported the legal staff. The office managers in the Detroit and Lansing offices, the executive assistant, the financial director, the computer systems manager, administrative assistants, clerks and receptionist assisted the administration and provided secondary support to the legal staff.

Two SADO lawyers were housed and received secretarial/clerical and legal research support from the University of Michigan while teaching the Criminal Appellate Practice Course. Another taught the other SADO-established Criminal Appellate Practice Course at the Wayne State University Law School. These courses enjoy excellent reputations among both students and faculty, provide excellent client representation and often provide future SADO lawyers.

SADO began 1997 by increasing its intake by 10 additional assignments a month over its officially allotted percentage. This increased SADO's percentage of total appeals from about 17% to over 20% of the total appeals. Unfortunately, this promising beginning was later disrupted when the Court of Appeals eliminated the policy for extensions of time for cases assigned to SADO, including those used in the Criminal Appellate Advocacy Courses at the University of Michigan and Wayne State University law schools. As a result, intake could not be further increased, and the lack of adequate briefing time reduced student enrollment. Course cases were cut in half and the types of cases used by students severely limited.

PRODUCTION

In 1997, SADO Assistant and Deputy Defenders were assigned 992 cases and produced some 3,345 filings, 930 of which were major pleadings. (Table I depicts their workloads over the last five years.)

The Unit Manager and three attorneys (four after September 1997), in SADO's Special Unit for Pleas and Early Releases continue to expeditiously handle non-trial-based (mostly plea) appeals. Even though Proposal B dramatically reduced the number of guilty plea appeals reaching the Court of Appeals and diverted them to the trial court dockets, there has been very little reduction in the number of guilty plea appeals assigned to SADO.

SADO was assigned 544 guilty pleas appeals in 1993 and 509 in 1994, prior to Proposal B, and an equal number afterwards; most recently 539 in 1997, the majority of which (434) were Proposal B appeals. Currently, over 80% of SADO's plea appeals are Proposal B appeals, and they require more work than appeals of right, because, if the case is appealed beyond the trial court by the prosecution or defense, attorneys must, after the prerequisite trial court proceedings, file an application for leave to appeal and a brief on appeal in the Court of Appeals.

After review of the entire file, preliminary research and consultation with and advice to the client, the Special Unit voluntarily dismisses between 38% to 42% of its cases, on average.² The Unit's overall relief rate³ exceeds 32% on average, with a relief rate of over 75% in the cases taken to hearings in the trial courts. In 1996 and 1997 the 4 Unit attorneys handled 79% of the plea appeals assigned to attorneys. The goal is to assign the Unit over 95% of plea appeals in the future.

INCREASED INTERNAL EFFICIENCY MONITORING AND QUALITY CONTROL

Beginning in 1978, through a series of grants and internal cost savings, SADO became one of the most automated law offices in America. Starting in 1980, the office automated brief production and management information systems. It now has automated its case tracking system and brief bank library. The entire staff is highly proficient on computers, and assigned counsel from all parts of the state are permitted electronic access to all its legal resource materials. This has allowed the office to convert typing and clerical positions to staff attorney positions, and increase office production, even though the budget remained static or decreased.

² This percentage is quite significant, because voluntary dismissals markedly reduce work for the courts and prosecutors since no pleadings are filed and therefore no oral argument or opinions are required.

³ On cases where relief is sought – excludes dismissals.

INNOVATION AND AUTOMATION

As part of its continuing effort to provide high-quality, cost-efficient representation, SADO created another special work team, composed of 4 staff attorneys and 1 paralegal. The attorneys do virtually all of their own word-processing and many other tasks formerly done by legal secretaries. In exchange, the paralegal assists the lawyers on a much broader range of activities than they would receive from a regular legal secretary. Other such groups are in the planning stage.

Over the last three years, SADO has gone from a very good caseweighting system (probably the first appellate defender office in the nation to do so) for determining appropriate attorney and office workloads, to a sophisticated, automated system of caseweighting, monitoring and supervision. Computer-generated reports now show the precise overall position of the office and the individual attorney caseloads at chosen intervals, permitting the efficient regulation of the workload and workflow and assuring that deadlines are met.

In 1997, the office completed its third generation case-related management information system (MIS). The tiring DOS-based non-compliant database was overhauled and upgraded to a Year 2000 compliant windows-based, Client / Server system. SADO employed additional contractual staff on a per project basis to assist the in-house Information System team in designing and implementing the new system. The new Windows based system is user-friendly and intuitive, helping SADO reduce its training requirements and improve productivity. The system utilizes selection lists wherever possible. These lists allow all SADO staff to update selected fields while maintaining database accuracy. The open systems, Client / Server design of the new case management system allows access to backend data from many applications such as a traditional database utilities, Web Pages, E-Mail applications, and MS Word. This is the first phase of a two-phase project that will streamline SADO's business applications.

SADO's main IS project for 1998 will be upgrading its word processing system from WordPerfect 5.1 for DOS to MS-Word 97. This is the second phase in streamlining SADO's business applications. Goals for this phase are to effortlessly convert existing boilerplates to templates (codes and all), create master templates for all types of legal documents, merge templates with case management data from a live database, utilize a familiar intuitive interface, and reduce overall training requirements.

The Detroit and Lansing offices have been solidly linked electronically and more powerful equipment has been purchased and installed recently, creating even greater efficiency. SADO is exploring the possibility of electronically linking the office with the Court of Appeals and cooperating circuit courts to further improve efficiency and reduce costs.

COLLATERAL ATTORNEY SERVICES AND ACTIVITIES

As has historically been the case, SADO attorneys are expected to and continued in 1997 to again serve as officers on boards and commissions, members of sections and committees of many national, state and local bar organizations and task forces, on the Legislative Sentencing Commission, the Michigan Justice Training Commission, legislative workgroups, and committees of the Michigan and American Bar Associations, and National Legal Aid and Defender Association. Office attorneys have testified before Michigan and Federal legislative committees and the Attorney General of the United States, taught classes in virtually all of the Michigan law schools and served as faculty for many legal and cross-professional seminars and conferences. They taught criminal law and procedure to law students, high school students, paralegals and prisoners. Some wrote practice and procedure manuals for both the bench and bar. Some volunteered to mentor pre-law and law students. Many were deeply involved in civic and community-based activities.

LEGAL RESOURCES PROJECT REPORT

Fiscal Year 1996-97

OVERVIEW AND GOALS ACHIEVED

Fiscal year 1996-97 marked the twenty-first year the Legal Resources Project (LRP) has served Michigan's criminal defense community with services essential to the competent practice of criminal law in Michigan. LRP objectives for the year were to continue delivery of core services through traditional means, while expanding their delivery through new, and Web-based, means. Core services include publication of a monthly newsletter, trial and sentencing books, summaries of appellate decisions, maintenance of a research database which includes a brief bank, and provision of legal advice by phone to attorneys across the state. Since these services are in large part based on electronic files, a key objective for the year was to make them available to more attorneys via the World Wide Web. With launch of SADO's Web site in fall of 1996, a reporting program tracked the steady growth in use of these files by attorneys throughout Michigan.

The best yardstick for measuring this improved access to LRP services was provided by the reporting program which tracked user sessions and the total number of "hits" on the Web pages. Approximately 1,000 user sessions occurred during October of 1996, and that number had grown to more than 3,000 one year later. "Hits," or the number of pages accessed, grew from 20,000 to over 80,000 during the same time frame.

More attorneys gained the ability to get research, documents and legal advice, in all part of Michigan, at any time of day or night. The Web tracking program revealed that access to the SADO research collections occurred every day of the week, at virtually every hour of the day, liberating attorneys from the hours of a normal business week. By using the Web as the primary delivery method of services, the LRP significantly reduced costs for both the agency and end users; rather than placing a long-distance phone call, Web users made a local call to their Internet Service Provider, and could download materials at no additional cost. Rather than waiting until normal business hours, these attorneys could use LRP services at any time, including nights and weekends. The major developments of 1996-97 all served the LRP's 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 appellate counsel might otherwise submit a bill.

During Fiscal Year 1996-97, attorneys at any level of computer expertise could access LRP services, with considerable time saved by those who had modem-equipped computers with Web access. For the traditionalists, the LRP continued to offer all

publications in hard copy, and experienced staff answered phone calls from attorneys needing information, guidance or advice. For the computer-adept, a significant segment of the community, Web-based services freed them from time constraints, while also saving money through electronic transmission of information and documents. The growing number of attorneys choosing to use the Web resulted in a significant shift to that delivery method, from the more traditional mail and phone methods. The heavy use of all services reflects confidence in the relevancy and accuracy of materials delivered, considerable timesaving over traditional research methods, and high value to the criminal defense practice.

To summarize, the year was marked by:

- ❑ Technological breakthroughs allowed true remote access to the LRP's research collection, using the World Wide Web;
- ❑ Direct training of attorneys on automated research and writing techniques was expanded to reach over 300 attorneys in 45 separate events throughout the state;
- ❑ Content of research collections was expanded and organized into numerous databases, all Web-accessible; and
- ❑ More attorneys were served through a combination of all delivery methods.

SERVICES DELIVERED BY MAIL AND PHONE

During the report period, the Legal Resources Project continued all services delivered through traditional methods of mail and phone. These services included:

- (1) **Criminal Defense Newsletter.** This monthly newsletter delivers an average thirty pages of essential information to approximately 1,700 subscribers. Each issue contains a lead article providing in-depth analysis of an issue, news, announcements, a training calendar, practice notes, summaries of appellate decisions, news of pending and recently-passed legislation, and much more. An annual index issue provides a comprehensive listing of issues covered during the year. Of subscribers responding to the annual survey, most felt it was indispensable (44%) or helpful (53%) to their practice.
- (2) **Summaries of Appellate Decisions.** Twice a month, the 200 subscribers to the LRP's summaries service receive summaries of the most recent appellate decisions (Michigan Court of Appeals, Supreme Court, Sixth Circuit Court of Appeals and United States Supreme Court). Summaries of over 800 decisions were mailed to subscribers during 1996-97.

- (3) **Defender Trial and Sentencing Books.** Supported with grant funds awarded by the Michigan Justice Training Commission, the LRP published new editions of the very popular Defender Trial and Sentencing Books. Over 1600 pages of relevant information is delivered to over 3,000 subscribers. These two annually-updated loose-leaf binders contain well-organized summaries of the law on all aspects of criminal law and procedure, from arrest through appeal. Summaries and analysis of case law, statutes, court rules and legal practice are included. Subscribers also receive a diskette version of the books, along with full text of any unpublished Court of Appeals decision cited in them; the books are installed on a user's own computer system and bundled with a powerful search program which allows full text search and retrieval of useful information. Approximately 3,000 subscribers receive the books, including criminal defense attorneys, judges, and prison and county law libraries. Of the users responding to the annual survey, 64% found the books indispensable to their practice, with 58% using them weekly, and 14% using them daily.
- (4) **Legal Consultation and Brief Bank Service.** During the report period, approximately 1,252 attorneys, 540 inmates, and 1,386 others either called, wrote or visited the LRP for help with a legal issue. Their questions ranged from help with framing a legal issue, to advice on strategy, and were answered by experienced legal research attorneys. An additional 236 automated research requests were completed for SADO attorneys. Over 25,000 pages of material from the brief bank were mailed or hand-delivered to the non-SADO users of the service. Legal consultation and brief bank services were used by attorneys in 82 of Michigan's 83 counties. Prison inmate support was limited to mailing information packets on how to pursue relief on their own or advice on how to obtain counsel.

SERVICES DELIVERED BY THE WORLD WIDE WEB

In the wake of several years of development, 1996-97 represented a breakthrough year in computerized delivery of all LRP services to criminal defense attorneys. Several factors made this possible:

- ❑ a significant number of attorneys throughout the State of Michigan possessed Web-capable computer systems;
- ❑ internet service providers offered cheap and reliable connections to the Web;
- ❑ the LRP hired a Webmaster capable of organizing the resources into databases and maintaining an active Web site; and

- ❑ grants to the LRP from the Michigan Justice Training Commission and the Michigan State Bar Foundation made it possible to directly train large numbers of attorneys on how to conduct Web-based legal research and writing.

The advantages of Web-based delivery are many:

- ❑ Hundreds of attorneys gained the ability to do online research from their office or home computers, at any time of night or day, downloading useful research material and legal pleadings;
- ❑ The advent of Web-based services has vastly improved the speed with which attorneys can access the databases otherwise available only through an LRP research assistant and the telephone;
- ❑ Research results also improve, as attorneys can adapt their own searches, without filtering requests through another person;
- ❑ The currency of information is vastly improved over traditional methods, as the LRP Web site is updated on a near-daily basis (in contrast to books, which are updated annually).

Web-based services offer much to both experienced and new attorneys. An experienced and trained attorney can run a search through any of several dozen databases, quickly retrieving relevant research material. An inexperienced attorney can browse through the document collections, including the Defender Trial and Sentencing Books, educating themselves thoroughly on a subject.

Both experienced and new attorneys are served well by the online discussion group, or listserv, operated for criminal defense attorneys. Within this e-mail group, attorneys both ask and answer legal questions within the online community of other criminal defense attorneys. This connects attorneys to help by other experienced attorneys even if they do not have another criminal defense attorney in their community to ask for guidance.

All of the services traditionally delivered by mail or phone, and more, are available through the LRP Web site, Criminal Defense Online. The Criminal Defense Newsletter and Summaries of Appellate Decisions are posted immediately upon final editing, beating mail delivery by at least two weeks; the Defender Trial and Sentencing Books form their own searchable database, and are on the Web immediately upon completion (avoiding delays of printing and distribution); Legal Consultation is possible through an e-mail link directly into the mailbox of the LRP's research attorney; and the Brief Bank is a separate database, fully searchable through index cards and subject headings. An overview of the Web site appears in attached appendix.

Web-based services of the LRP serve hundreds of attorneys, throughout the State, at all times of the day. Attached charts reveal that the number of "user sessions"

and "hits" has grown significantly since launch of the site in July of 1996 [See Appendix]. Reports on use of the site reveal that briefs and appellate decisions are routinely downloaded by attorney users. In addition to downloading an entire document for use within a word processing program, attorneys may also "cut-and-paste" the materials they find; a portion of an appellate decision may be imported directly into a brief, for example.

The universe of shared materials has expanded considerably, as the LRP continues to organize existing documents into new databases. The databases presently available include the following, each of which is updated regularly:

Pleadings

Selected state appellate briefs filed by attorneys at the State Appellate Defender Office from 1992 to the present, including issue "cards" which may be browsed.

State model appellate pleadings.

Federal model appellate pleadings.

Summaries of Opinions and Orders

United States Supreme Court Opinions and grants of certiorari (all criminal cases), from May of 1990 to the present.

Sixth Circuit Court of Appeals opinions (selected), from October, 1997 to the present.

Published Michigan Appellate opinions and orders, from May of 1990 to the present, for the following:

- Supreme Court opinions (all criminal)
- Supreme Court grants of leave (all criminal)
- Supreme Court orders (selected)
- Court of Appeals opinions (all criminal)

Summaries & Fulltext of Unpublished Opinions

Unpublished Michigan Court of Appeals opinions, summaries and fulltext, in selected cases, from May of 1990 to the present.

**Defender Trial and
Sentencing Books**

Full text of the current editions.

Attorney Fees: Appellate

Chart of appellate assigned counsel fees, by circuit,
prepared in August, 1997 (prepared by the MAACS)

**Criminal Defense
Newsletter**

Full text of the monthly periodical, from June of 1989 to the
present.

**Department of Corrections
Rules & Remedies**

Selected administrative rules and policy directives of the
Michigan Department of Corrections, and practice manuals on
administrative remedies.

Expert Witnesses

Names, addresses and other information about expert
witnesses who have worked with criminal defense
attorneys.

Jury Voir Dire

Sample questions for prospective jurors, submitted by
Michigan criminal defense attorneys.

**Michigan Rules of
Evidence**

Full text of the Michigan Rules of Evidence, as amended.

Michigan Court Rules

Fulltext of Chapter 6 (Rules of Criminal Procedure) and
Chapter 7 (Rules of Appellate Procedure), as amended.

**Non-Standard Criminal
Jury Instructions**

Sample jury instructions which are not covered or different from
CJI, submitted by Michigan criminal defense attorneys.

Reports and Treatises

Selected materials.

Forum Messages

Messages exchanged among criminal defense attorneys who participate in SADO's discussion group, the Forum.

SADO Forum

In addition to the online databases which are heavily used by criminal defense attorneys, the SADO Forum, or e-mail discussion group, receives heavy use. At least one dozen messages a day are exchanged on matters of criminal law and procedure, providing attorneys with practical advice from their peers. All messages are archived in a searchable database, allowing users to retrieve older discussion threads. The average weekly number of messages grew from under 100 to nearly 200 during 1996-97, as reflected in the Web tracking program.

DIRECT TRAINING EVENTS

During the report period, the LRP provided a significant amount of direct training on how to conduct Web-based legal research. Grants from the Michigan Justice Training Commission and the State Bar of Michigan Foundation allowed the LRP to conduct over 45 individual four-hour training events, reaching over 300 attorneys. The nature of the material made it ideal for small training groups, in which every attorney has access to the trainer for questioning and demonstrations. The LRP Webmaster/Trainer traveled throughout Michigan, going directly to attorneys in their local communities. Training groups ranged in size from six to one dozen. This small group training proved more effective than large lecture formats and encouraged follow-up with the Trainer. Also, many of the trainees could not otherwise clear the time it would take to travel to a central location for a seminar, particularly given the low fees paid for assigned criminal cases. The saving in travel time encouraged their attendance at the local event. Those receiving the training uniformly rated it excellent and extremely worthwhile.

Direct training is not only effective, but essential. A comparison of those handling assigned trials and appeals statewide reveals nearly one-third turnover on an annual basis.⁴ With so many new attorneys taking assignments, training prevents many costly blunders attributable to lack of knowledge. The hundreds of attorneys trained annually by the LRP gain the skills needed to navigate the Web for its legal research capabilities, and to incorporate their findings into legal pleadings. Without timesaving automated research, counties would be billed much more time for traditional research.

⁴ Combined trial court and MAACS appointed counsel lists were compared for 1996 and 1997

SHARING WITH THE LEGAL SERVICES COMMUNITY

The LRP's expertise with Web-delivered services and training has placed it at the forefront, nationally, of such projects. As a result, it devotes considerable time to helping other practice groups and defender systems to develop their own resources. During the end of the report period, the LRP also obtained a grant from the State Bar of Michigan Foundation which supports sharing of its expertise and resources; LRP staff currently serve on the State Bar's Technology Task Force, planning a similar Web-based network for the civil legal services community.

The LRP's success in serving the appointed criminal defense bar is largely due to its relationship to a fully-functional law office, the State Appellate Defender Office. LRP staff interact constantly with SADO's practicing attorneys, developing expertise on substantive issues. The LRP'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 the relationship, which encourages re-use of pleadings and expertise developed in the normal course of SADO's business.

CONCLUSION

By the end of 1997, SADO achieved its goal of increasing its capacity to handle no less than 25% of all assigned cases and dramatically reduced the time for the filing of all of its opening pleadings. The Legal Resources Project increased its subscribers to all services and dramatically increased electronic access to resources. In all, SADO reasonably met its goals and objectives for 1997.

**STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT
FOR THE YEAR ENDED DECEMBER 31, 1997**

Total New Assignments 1/1/97 to 12/31/97	931
Cases Open as of 12/31/97	1,770
Cases Closed 1/1/97 to 12/31/97	<u>1,045</u>
TOTAL CASES PROCESSED 1/1/97 TO 12/31/97	2,815

Last Action on Cases Open as of 12/31/97*

I.	TRIAL COURT	
	Pending	153
	Due and Owing	10
	Disposition	10
	Done (cases sent to closed files)	<u>15</u>
	Total	188
II.	COURT OF APPEALS	
	Pending	26
	Due and Owing (No Brief/App)	185
	SADO Brief	107
	Prosecutors Brief	175
	Orals	87
	Delayed Applications	56
	Disposition	155
	Done (cases sent to closed files)	<u>37</u>
	Total	828
III.	SUPREME COURT	
	SADO Application	310
	Prosecutor Application	5
	Motion for Rehearing	9
	Brief Due	1
	Orals	7
	Abeyance	9
	Disposition	<u>164</u>
	Total	505
IV.	UNITED STATES COURT – DISTRICT/APPEALS/SUPREME	
	Pending	24
	Orals	2
	Disposition	<u>4</u>
	Total	30
V.	OPEN COURT	
	Due and Owing	<u>219</u>
	Total	219
	TOTAL OPEN CASES:	1,770

*This chart tracks the status of all cases on the 31st day of December 1997. "Open Court" cases are those where SADO was assigned by the choice of court in which to file the opening (first) pleading has not yet been made. Cases where there is a "disposition" will have either a "rehearing" filed, or application to the next highest court filed by defense or prosecution, or be closed.

**STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT
FOR THE YEAR ENDED DECEMBER 31, 1997**

Disposition of Cases Closed 1/1/97 to 12/31/97

I.	TRIAL COURT	
	Motion Resentence/Credit/Presentence Report/ Granted/Denied	54
	Substitute Counsel Appointed/Retained	24
	Dismissed by Motion/Stipulation/Order	153
	Motion Vacate Plea/Sentence/Conviction Granted/Denied	5
	Motion New Trial/Withdraw Plea Granted/Denied	7
	Motion for Relief of Judgment	5
	Appeal Dismissed-Client Died	0
	Other Disposition	4
	Closed Without Disposition*	<u>29</u>
	Total	281
II.	COURT OF APPEALS	
	Regular Disposition	254
	Appeal Dismissed By Stipulation/Motion/Guidance/Court	60
	Application Leave/Delayed Appeal Denied	114
	Appeal Dismissed-Client Died	1
	Substitute Counsel Appointed/Retained	8
	Closed Without Disposition*	<u>3</u>
	Total	440
III.	SUPREME COURT	
	Leave Denied – SADO	288
	Leave Denied – Prosecutor	7
	Reverse and Remanded	2
	Reversed – Prosecutor	2
	Affirmed	2
	Affirmed – Prosecutor	0
	Leave Granted – SADO (New Case Started)	5
	Leave Granted – Prosecutor (New Case Started)	2
	Appeal Dismissed by Motion/Stipulation	1
	Appeal Dismissed – Client Died	<u>12</u>
	Total	321
IV.	UNITED STATES COURTS – DISTRICT/APPEALS/SUPREME	
	Petition for Writ of Certiorari Denied	2
	Petition for Writ of Habeas Corpus	1
	Motion Granted/Denied	0
	Reversed	0
	Affirmed	<u>0</u>
	Total	3
IV.	MISCELLANEOUS	
	No Disposition	<u>0</u>
	Total	0
	TOTAL CLOSED CASES:	1,045

*"Closed without Disposition" means closed without litigation or order.

**STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT
FOR THE YEAR ENDED DECEMBER 31, 1997**

Filings by SADO 1/1/97 to 12/31/97

TRIAL COURT	645
COURT OF APPEALS	2,075
SUPREME COURT	558
UNITED STATES COURTS	<u>67</u>
Total Filings:	3,345

Major Filings by SADO 1/1/97 to 12/31/97

TRIAL COURT	283
COURT OF APPEALS	792
SUPREME COURT	431
UNITED STATES COURTS	<u>26</u>
Total Filings:	1,532

Assignments of SADO 1/1/97 to 12/31/97

PLEAS	464
Probation Violation Pleas	58
JURY TRIALS	296
BENCH TRIALS	50
Probation Violation Trials	11
PROSECUTOR APPEALS	8
RESENTENCING	17
LEAVE GRANTED – SADO	5
LEAVE GRANTED – OTHER	5
SC APPLICATION – OTHER	1
SPECIALS	<u>16</u>
Total:	931

TABLE I
CASE ACTIVITY AND WORKLOAD

	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

* 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.

** 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 for 1997, it simultaneously reduced the number of assignments to regular staff attorneys by two (2) weighted work units, due to the reduced time to file briefs in the Court of Appeals and the penalties personally imposed by the Court of Appeals on the staff attorneys, if their briefs are filed untimely.

TABLE II

**SADO'S PERCENT OF COMPLEX (LEVEL III JURY TRIAL APPEALS)
APPELLATE ASSIGNMENTS 1993-1997
AS COUNTED BY MAACS**

	GRAND TOTAL	SADO'S PERCENT* OF <u>GRAND TOTAL*</u>	LEVEL III CASES PERCENT OF <u>TOTAL</u>	SADO'S PERCENT OF <u>LEVEL III CASES</u>
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%

* The total in this table will necessarily differ from those in other tables. The numbers here are MAACS percentages. MAACS counts each assignment once even if another attorney is substituted for the original attorney. Each attorney, however, would count that as one assignment to them.

These cases can have very little work or the substitution can occur after the original attorney had done virtually all of the work. The "new" attorney still must do a significant amount of work to familiarize him/herself with the case, to correct any deficiencies and to complete the work.

In addition, judges assign appeals of pre-conviction rulings, not all of which are sent to MAACS for inclusion in the total number.

TABLE III

ASSIGNMENT OF CASES BY TYPE

	<u>PLEAS</u>	<u>JURY TRIALS</u>	<u>BENCH TRIALS</u>	<u>OTHER</u>	<u>TOTAL</u>
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

* Bracket = Percentage of total assignments

** Parenthesis = Number of Proposal B Cases

TABLE IV

SUBSTITUTION APPOINTMENTS

	<u>APPOINTMENTS</u>	<u>SUBSTITUTIONS*</u>
1993	1078	110
1994	1016	131
1995	951	95
1996	874	97
1997	931	107

- * Many of these cases are problematic. They often involve alleged ineffective assistance of private counsel, or MAACS, a court or the Grievance Commission has removed prior counsel. Many involve unmanageable clients (some going through as many as 5 trial and appellate attorneys) and/or very complex issues. Sometimes private counsel are simply underpaid and/or overwhelmed by these cases and needed to withdraw due to the necessities of their practice.

TABLE V
SADO OVERALL RELIEF RATES* 1993-1997

	<u>TOTAL</u>	<u>NO RELIEF GRANTED</u>	<u>RELIEF GRANTED</u>	<u>PARTIAL-RELIEF GRANTED</u>	<u>COMBINED %</u>
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

* Cases where relief sought – excludes dismissals 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:

<u>TOTAL</u>	<u>AFFIRMED</u>	<u>DISMISSED</u>	<u>RELIEF</u>
Pleas (N=184)	86 (46.7%)	75 (40.8%)	23 (12.5%)
Trials (N=85)	59 (69.4%)	12 (14.1%)	14 (16.5%)
Total (N=269)	145 (53.9%)	87 (32.3%)	37 (13.8%)

“While data on appellate relief rates, in criminal and civil cases, is scarce, these rates are within the 10-20% range reported nationally. Notably, when the cases dismissed without any decision on the merits are excluded, the relief rate in plea cases rises dramatically. Among the plea appeals left after assigned counsel have screened for merit and risk, 21% bring relief in the trial court or the Court of Appeals.”

Source: A Decade of Challenges, Report of the Michigan Appellate Assigned Counsel System April 1985 – April 1995, pp. 20-21.

The decline in relief rate over recent years is caused by several factors: better training of the bench and bar, standardized jury instructions, refined sentencing guidelines, clarification of existing law and broadened use of harmless error doctrines.

TABLE VI
DISMISSALS AND WITHDRAWALS

	<u>TOTAL DISPOSITIONS</u>	<u>DISMISSALS *</u>	<u>WITHDRAWALS **</u>
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%)

* 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 prosecution. SADO only does voluntary dismissals. These save the system a tremendous amount of resources. SADO does not use the laborious and time consuming dismissal of appeals without the approval of the client required by United State Supreme Court ruling in Anders California, 386 US 738 (1967): See also MCR 7.211(C)(5) on the motion to withdraw as counsel required in Michigan for “Anders” briefs. Counseling clients on dismissals also 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 are for overload.

Criminal Defense Online



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Serving Michigan's Criminal Defense Community Since 1977

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The State Appellate Defender Office's Legal Resources Project has been serving Michigan's criminal defense community since 1977, offering a variety of useful publications, on-line services and advice to attorneys. SADO is an agency of the State of Michigan which represents indigent criminal appellants; its collective legal expertise and resources are shared with attorneys through the LRP. Located in Downtown Detroit's Penobscot Building, the LRP is open to attorneys during business hours.

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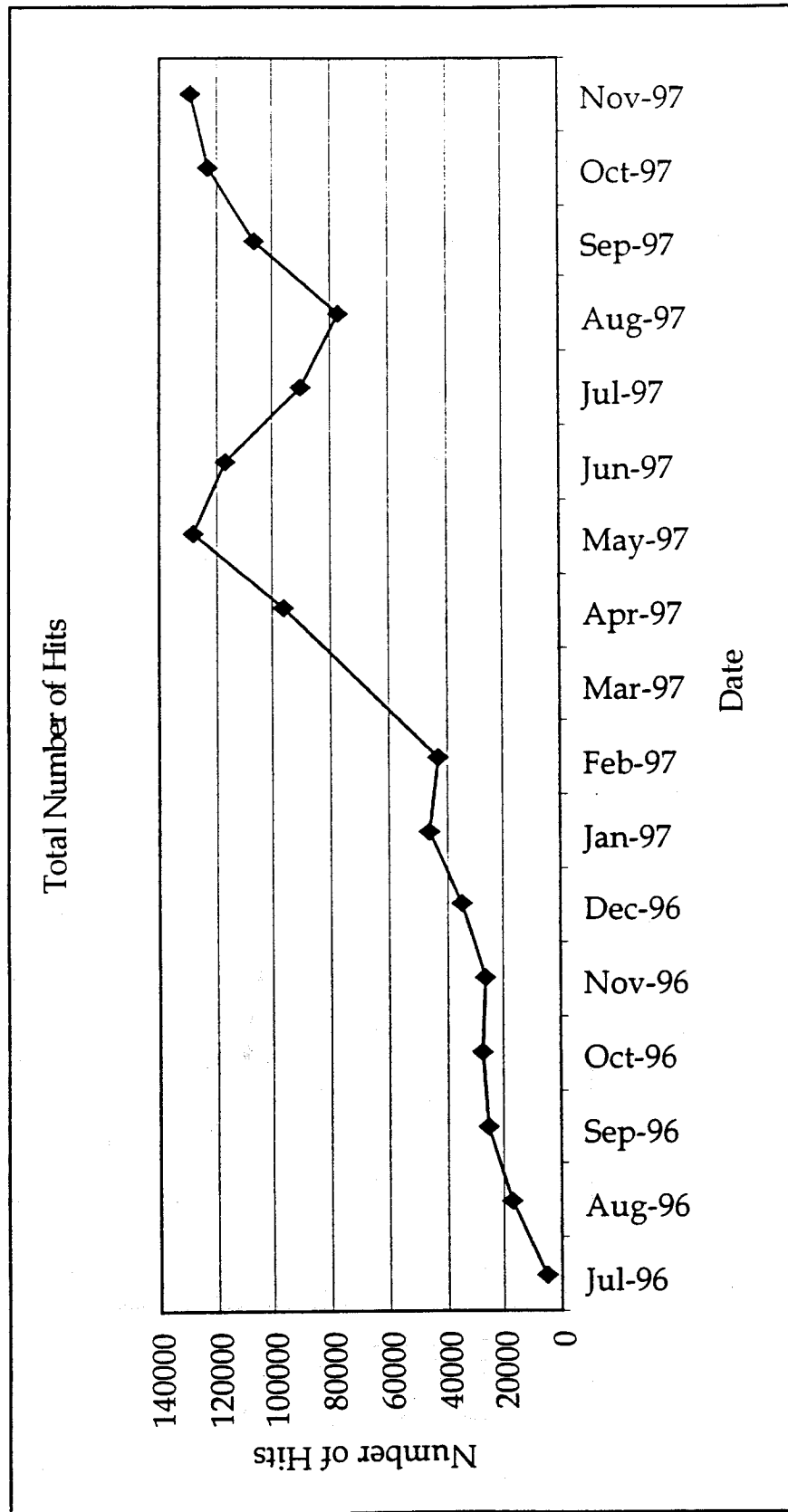
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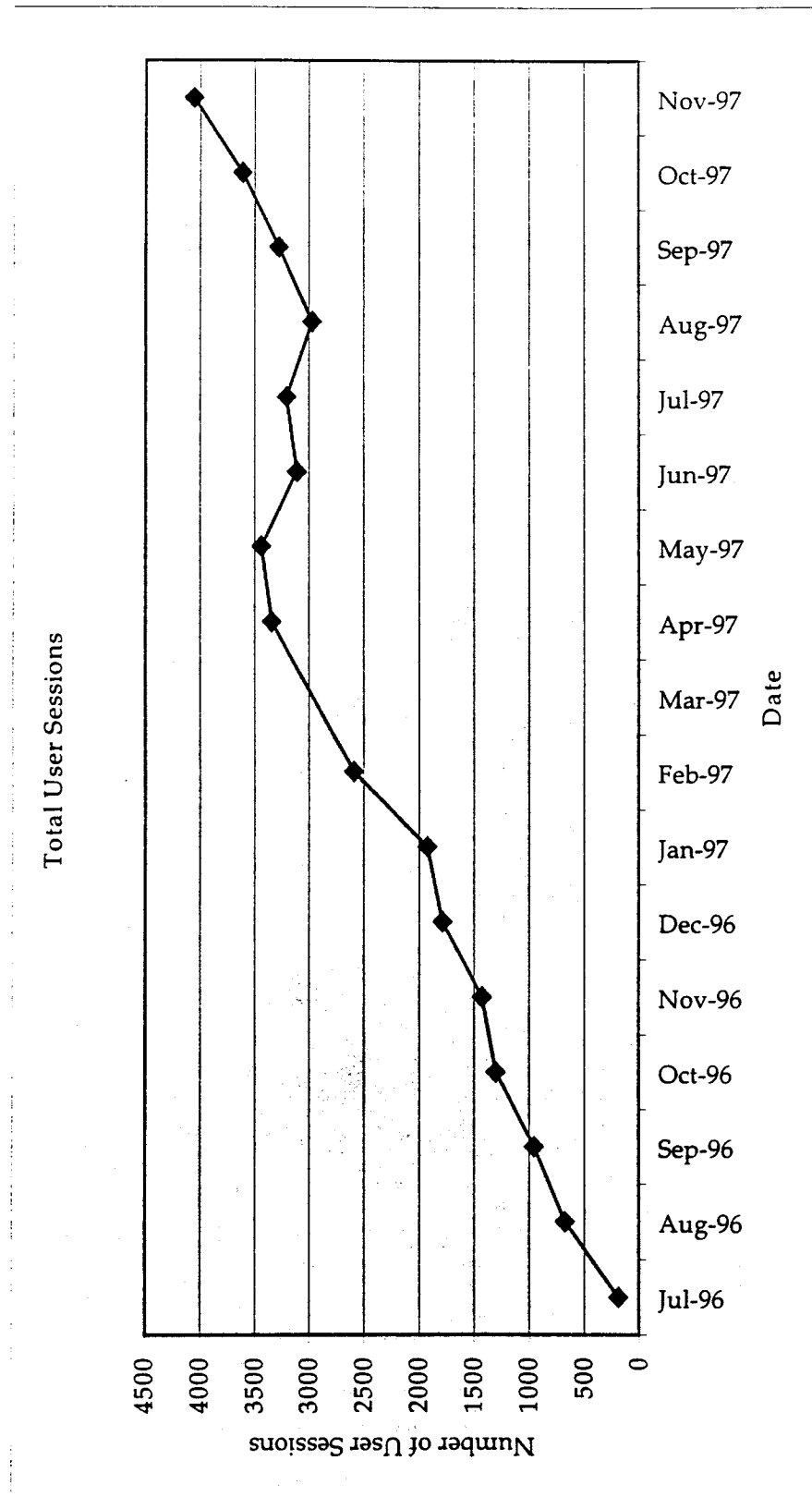
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Updated: 01/14/99 15:02:20



- Notes:
1. Data not available for March, 1997 due to technical problems.
 2. July and August, 1997 statistics are low due to lack of a program used to evaluate web connectivity.



- Notes:
1. Data not available for March, 1997 due to technical problems.
 2. July and August, 1997 statistics are low due to 'lac' a program used to evaluate web connectivity.

COMMENTS FROM WEB SITE USERS

This is a comment on the LRP Web Site, particularly the availability of the full text briefs. This resource is an outstanding tool for research, especially on appeals. It is a crowning achievement after the years of experimentation on the bulletin board etc. The choice of several briefs on any given subject, with varieties of writing style and research approaches of the different SADO attorneys creates a whole new world of brief writing potential for those of us out there struggling alone with major problems. You can truly be proud.

Thank you for answering my e-mail so soon. I shall mail the \$30.00 for the use of SADO's web site today. You are right. It is a very modest fee for the service you provide. I used "Forum" last night for the first time and it is a great resource!

I received your narcotics defense mailing today. It was an unexpected, pleasant surprise. I appreciate the enthusiasm exhibited by my fellow form group members. The responses have provided some good resources. I look forward to blowing my meager income on the group's recommended literature.

Once again, thanks. SADO is a tremendously helpful resource.

The page is excellent. You'll be pleased to know the NACDL forum already ran my letter, and another person wrote in regarding his State's Tenn web page. It's at www.tncrimlaw.com. I don't have time to check it out now, but let me know what you think. To me, the links in you page are what make the site most useful.

Your web site is fantastic.

Just a note to day thanks again for your time and effort at the Criminal Bar Section of ICBA. I've heard nothing but good things about the presentation. I expect to hear many good things about the web sight as soon as some of the lawyers have time to get on it. As I said at the meeting, if the new lawyers have time to get on it. As I said at the meeting, if the new lawyers on the system are as impressed as I was I'm sure that they will be apostles for you too. We may have to ask you to return.

Thanks for your feedback-I am arguing my motion tomorrow morning. I found an unpublished case directly on point thanks research via SADO. I certainly can't wait for the Supreme to rule on this issue once and for all-hopefully it will stand that police officers can't create a crime, thus arrest someone merely by shouting "stop police"

By the way, this is a court appointed case. I was encouraged by the fact that only one defense attorney reminded me that I wasn't getting paid enough to bother with this. Hum-I don't remember anything in that oath that states that thou shall represent zealously only when paid well.

Just found your site and wanted to say thank you. I am public defender in NH and really appreciate the effort you have put into this. Thank you and may the force be with you.

Congratulation on your new web site. It is wonderful I created and maintain Criminal Law Links(<http://dpa.state.ky.us/rwheeler>) for the Kentucky Department of Public Advocacy. But I am the only one working on the site and do it mostly in my spare time. I am envious of the quality of your site and the resources you have been able to devote to the LRP.

It works. Found what I wanted in less than five minutes Thank you for the help.

As a relatively new attorney (admitted in '94), may I say that your web site is one of the best legal resources I've encountered. I am too poor at the moment to subscribe to your services. But once I make my way in the world. I fully intend to utilize some of your resources. Keep up the good work!

Thanks for your speedy reply. You folks have the best web page I've ever seen! Wish I were practicing law Michigan again -- with the SADO resources it would be a breeze to do research. In Cambodia there are virtually no law books, let alone internet resources.

To all fellow members of NACDL: If you have the time, I suggest you check out the excellent web site that Michigan's State Appellate Defender Office has been maintaining. It is linked to some of the most useful pages throughout the country that any criminal defense lawyer could desire. You can find it at www.sado.org.

One minute after reading your response regarding People v Howay, I had downloaded the case from ICLE. Case will be helpful in formulating argument in brief which I must file within a couple of days. Proves the Forum and the developing of resources are marvelous. The exchange among Forum people is invaluable to me.

Congratulations on an interesting and easy to use site. I'm in the process of developing our site and enjoyed seeing what you are doing. You're always ahead of the curve.

APPELLATE DEFENDER COMMISSION

