



# APPELLATE DEFENDER COMMISSION

## 2004 ANNUAL REPORT

For the  
MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

And the  
STATE APPELLATE DEFENDER OFFICE

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### 2004 APPELLATE DEFENDER COMMISSION

Oliver C. Mitchell, Jr., Chairperson  
State Bar Designee

Honorable Robert A. Benson, Vice-Chair  
Michigan Judges Association Designee

Michael J. Bryanton  
Governor's Designee

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Supreme Court Designee

John E. S. Scott  
State Bar Designee

James R. Neuhard, Director  
**State Appellate Defender Office**

Thomas Harp, Administrator  
**Michigan Appellate Assigned Counsel System**

# APPELLATE DEFENDER COMMISSION

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MICHAEL J. BRYANTON  
GOVERNOR'S DESIGNEE  
HOLT

JOHN E. S. SCOTT  
STATE BAR DESIGNEE  
DETROIT

The Appellate Defender Commission is pleased to submit the 2004 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 (State Appellate Defender Office) and an assigned counsel panel (Michigan Appellate Assigned Counsel System).

Thank you for the opportunity to submit our 2004 Annual Report. For additional information, please feel free to contact Thomas Harp, Administrator of the Michigan Appellate Assigned Counsel System, James R. Neuhard, Director of the State Appellate Defender Office, or myself.

Sincerely,

Oliver C. Mitchell, Jr., Chair 2004  
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. As an outgrowth of that representation, to provide 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:** To compile and maintain a statewide roster of attorneys eligible and willing to accept criminal appellate 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 other contributors, and efficiently supply current legal information to all assigned counsel to reduce errors and reduce the need for appeals.

## MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM GOALS and OBJECTIVES

To ensure that criminal appeal and post-conviction cases are assigned by appropriate methods to qualified lawyers; that these lawyers receive appropriate training and resource materials to enable them to provide effective representation for their clients; and that the lawyers comply with the MAACS minimum performance standards when representing their clients.

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## HISTORY AND GOVERNANCE

The Appellate Defender Act was signed into law by Governor William G. Milliken in 1978 and created the Appellate Defender Commission within the office of the State Court Administrator (MCL 780.711 et. seq). The legislation 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 Commission, which consists of seven members appointed by the Governor. Six Commission members 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 Commission members on January 1, 2004 were: **Oliver C. Mitchell, Jr.** (Chairperson), *State Bar designee*; **Honorable Robert A. Benson** (Vice-Chair), *Michigan Judges Association designee*; **Honorable Robert A. Benson**, *Michigan Judges Association designee*; **John E.S. Scott**, *State Bar designee*; **Allan S. Falk**, *Court of Appeals designee*; **Ernest J. Essad Jr.** and **Donald E. Martin**, *Supreme Court designees*; and **Michael Pung**, *Governor's designee*. Mr. Pung retired during the year and on August 6, 2004, the Governor appointed **Michael J. Bryanton**, *Governor designee*.

The State Appellate Defender Office maintains a web site at [www.sado.org](http://www.sado.org). Extensive resources for practicing criminal defense attorneys are maintained at this site along with biographies of the current Appellate Defender Commission.

## **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 2004.

## **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). The Supreme Court established the Appellate Defender Commission pursuant to Administrative Order 1970-1 and charged it to provide high-quality, cost-efficient legal representation of indigent criminal defendants in post-conviction matters.

In 1979, the Appellate Defender Act, 1978 PA 620, MCL 780.711 et seq., formally established the office. The legislation specifically limits SADO’s representation to criminal, post-conviction cases assigned by a court. 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 “accept”(s) 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). Given the rise and fall of funding and number of appeals, the Appellate Defender Commission must monitor and match SADO’s case intake to its resources, taking into consideration the overall assignment rate and the projected number of appeals for any given year.

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. Lansing-based Defenders serve as adjuncts at the Cooley Law School.

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,

and phone and legal information support for its staff attorneys and several thousand assigned counsel throughout the state.

SADO Director James R. Neuhard and Chief Director Defender Norris J. Thomas are in the Detroit office. Deputy Director Dawn Van Hoek manages the Lansing office as well as directing the Criminal Defense Resource Center.



# THE 2004 ANNUAL REPORT OF THE MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

## 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 other 75% are handled by private attorneys who are appointed and paid by the Circuit Courts/Counties.

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).

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.

## ADMINISTRATION

### INTRODUCTION

When fully-staffed, MAACS employs 10 people. Eight positions are full-time salaried employees (FTEs) and two are part-time contract employees.

- An Administrator, a Deputy Administrator and an Associate Administrator (currently vacant), all of whom are lawyers.
- Five full-time support personnel (a roster manager, an administrative assistant/office manager, an assignment coordinator, a systems/financial manager and a legal secretary).
- A part-time paralegal (currently vacant), and
- A part-time file clerk (currently vacant).

In 2002, due to a reduction in appropriations to the office, MAACS was compelled to lay off personnel in the positions designated as vacant above. For the same funding-related reasons, these positions remained vacant throughout 2004.

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 resolving complaints about 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. MAINTAINING THE ROSTER**

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. As of April 12, 2005, there were 152 attorneys on the statewide roster.

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 re-sentencings. In general, then, Level 1 attorneys are restricted to the simpler types of cases and those with lower maximum sentences. Only Level 3 attorneys can be assigned to jury trials for life maximum offenses.

Entry level attorneys must complete a two-day orientation program. 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 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 approved for such placement by the Appellate Defender Commission.

From the statewide roster, MAACS breaks out local lists containing the names of roster members who want to receive assignments from each circuit. Attorneys advise MAACS when they wish to join or leave local lists, as well as when their addresses or phone numbers change.

In 2002, the Appellate Defender Commission amended the Regulations to better insure that

roster attorneys continuing eligibility 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 and 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.

The initial re-application process took place between September 1 - October 31, 2002. Many attorneys did not re-apply to be retained (58); others were not retained (4); some were retained at a lower level at their own request (2); and others were retained at a lower level not of their own choosing (5). Two of the lawyers not retained on the roster appealed the Administrator's non-retention decision to the Appellate Defender Commission in 2003. Both of these appeals were denied. All roster lawyers will be required to reapply for retention on the roster again in 2005.

## **II. COORDINATING ASSIGNMENTS**

### **A. Methods**

While the statute specifies that appellate counsel are to be appointed by the trial courts, the MAACS Regulations require nonjudicial 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 drops to the bottom of the list. SADO is slotted into the rotation in a specified sequence. SADO may also be selected out-of-sequence for appointment in unusually large 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 13<sup>th</sup>) came on-line in June, 2002 and the system is now 100% operational.

This 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 MAACS' database, the large amounts of time, paper, and postage previously expended to share this information can be 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.

## B. Statistics

In 2004, appellate counsel was assigned in 3420 cases (each original order is counted as one case, regardless of subsequent substitutions of counsel). This figure represents a 6.55 per cent decrease from the 3634 assignments in 2003. Of the total, 588 cases (17.2 %) were assigned to SADO.

The distribution of assignments by case type and level appears in the chart on the last page of this material. As noted above, 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 re-sentencings.

## III. IMPROVING ATTORNEY PERFORMANCE.

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

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

### A. Training

#### 1. Training Seminars

MAACS provides training through diverse means. Over the last several years, MAACS has been fortunate to be able to provide training through grants from the Michigan Commission on Law Enforcement Standards (MCOLES). For example, in September 2003 MAACS presented live training to 131 attorneys in three separate locations around the state: "*MAACS Criminal Appellate Practice Refresher: Recent Developments in Law, Science and Procedure.*" Experienced practitioners from MAACS and SADO, along with an expert in the scientific field

of DNA evidence, as well as a professor of law, lectured on key topics of importance to appellate counsel including: the scientific and statistical analysis of DNA evidence, the evidentiary law as it relates to DNA and other scientific and/or “expert” evidence, and recent interpretations of MRE 404(b)–“similar acts evidence”–in the government and defense case. Finally, MAACS administrators offered updates and breaking news on current events in appellate defense. In 2004, similar training sessions were provided to roster attorneys on subjects ranging from Department of Corrections and Parole Board policy, the legislative changes to sentencing provisions in the Controlled Substance Act and other appellate practice issues, once again including presentations by MAACS administrators. These programs received consistent “Excellent” evaluations from the attendees.

## 2. Appellate Bench Bar Conference

In 2004, MAACS also received funding to allow 30 MAACS roster lawyers to attend the Appellate Bench Bar Conference, tuition-free. This allowed these lawyers to participate in plenary and workshop sessions with Justices of the Supreme Court, Court of Appeals Judges, Legislators and other actors in the appellate process toward increasing understanding of real-life court practices and problems confronting the One Court of Justice and practitioners in that Court.

## 3. Practice Manuals

In 2003 and previous years, MAACS has also prepared and disseminated practice manuals and /or compact discs to the entire roster. Titles of these materials include *Felony Sentencing in Michigan* (4<sup>th</sup> Edition), *Pleadings and their Usage in Michigan Appellate Practice*, (2<sup>nd</sup> Edition), and an *Expert Lecture Series* on a wide variety of appellate practice issues (compact disc).

4. MAACS also conveys information in less formal ways. It periodically sends memos 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 internet inquiries from roster members about a wide range of subjects.

### 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.

Similarly, non-roster attorneys may also request to join the roster at Level 2 or 3 under the “exceptional circumstances” provision of 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.

### C. Enforcement of Minimum Standards.

The second, far more time-consuming, method of performance evaluation involves the processing of complaints. MAACS receives several hundred letters each year, primarily from defendants, regarding the conduct of roster members. While upon examination many of these do not state facts that indicate a violation of the Minimum Standards may have occurred, about 30% require MAACS to contact the lawyer. Action may range from a letter warning counsel to write the client promptly to the initiation of a formal complaint. Where appropriate, problems may be resolved without a formal complaint, as when the attorney has already resigned or been removed from the roster, but the defendant needs substitute counsel appointed or forms to file a Supreme Court application.

When a formal complaint is issued, the lawyer is asked to respond to the allegation that specific Minimum Standards have been violated. The client is given the opportunity to respond to any answer the attorney provides. MAACS conducts any independent investigation that may be necessary, then determines whether a substantial violation of the Standards has occurred.

For example, in 2003 MAACS resolved 23 formal complaints involving 16 different roster attorneys, 10 of whom were no longer on the roster. In 87% of the cases (20 of 23), MAACS found violations of the Minimum Standards. Although the nature of these violations varies widely, by far the most common were failures to process appeals in a timely manner, failures to interview clients before filing briefs, 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 have consequences ranging from a warning to substituting new counsel. Requests for the appointment of substitute counsel were made in six of these 23 complaints where violations were found and the various trial courts granted all but one of the requests.

## IV. OTHER ACTIVITIES

As should be clear, MAACS serves a number of different constituencies, which include the trial and appellate courts, roster attorneys, SADO, and defendants. MAACS provides a variety of services to these systemic participants. As a partial example, MAACS:

Responds to defendant inquiries about counsel requests that had not been processed by the trial court. In numerous cases where the request was misfiled or overlooked, MAACS' intervention prompts the appointment of counsel.

Provides 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.

Collects, analyzes and disseminates annual data, not available from other sources, about the volume, type of appellate assignments, and their distribution to roster attorneys and SADO.

Responds to hundreds of inquiries per year from defendants and their families seeking information about postconviction remedies or assistance with problems outside MAACS' bailiwick.

Compiles information about appellate assigned counsel fees and attempts to promote the payment of reasonable fees, and consideration of alternative methods for the adequate funding of indigent appellate defense.

Serves as a spokesperson for the interests of roster attorneys and their clients in various forums and by various methods. For instance, MAACS provides comments on proposed court rules, testifies at Supreme Court public hearings regarding those proposals, participates in discussions with the Court of Appeals concerning its delay-reduction efforts and other issues, and resolves administrative concerns with the Department of Corrections. The administrator and deputy administrator also serve on numerous committees, commissions, boards, and task forces.

## **ANNUAL REPORT OF THE STATE APPELLATE DEFENDER OFFICE FOR JANUARY 1, 2004 THROUGH DECEMBER 31, 2004**

Over the years, two of the most important functions of the Appellate Defender Commission have been balancing SADO's workload with its funded capacity and allocating the 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 appeals for the State of Michigan.

The balancing and distribution of the workload between SADO and private assigned counsel is most often necessary when SADO is assigned more cases than it has capacity to handle. To address this issue, the Commission has employed several strategies in its attempts to meet the timing and quality demands of the Courts, the resources of SADO, the needs of the counties and the distribution and availability of qualified appellate counsel willing to accept appointments.

The number of assigned criminal appeals rapidly grew from the low 2,000's in the early 1980's to over 6,400 in 1992. This growth placed enormous strain on the entire appellate system – courts, court reporters, prosecution and defense alike. During this period of growth, the state faced numerous budget crises and budget cuts, and SADO's budget was reduced on several occasions. An additional stress was the Court of Appeal's delay reduction policies that included significant reductions in time and severe restrictions on extensions of time allotted to file the brief on appeal. Failure to file timely resulted in loss of oral argument, potential forfeiture or waiver of meritorious issues and imposition of personal cost assessments on the attorneys handling the cases.

From time to time these pressures have forced the Commission 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 ...]. When its workload exceeds its case-handling capacity, the Commission has reduced the total percentage of appeals accepted by the office, or closed the office to new assignments for periods necessary to match the caseload with the resources, or filed motions with the Court of Appeals to withdraw from cases currently assigned to the office. With the advent of the on-line MAACS assignment system, the Commission has been able to more efficiently match SADO's assignment rate to its current and projected capacity. While this method reduced the assignments in gross over a year period, it failed to offer predictability in the processing of appeals.



## MANAGING SADO'S STATE FUNDED RESOURCES/WORKLOAD

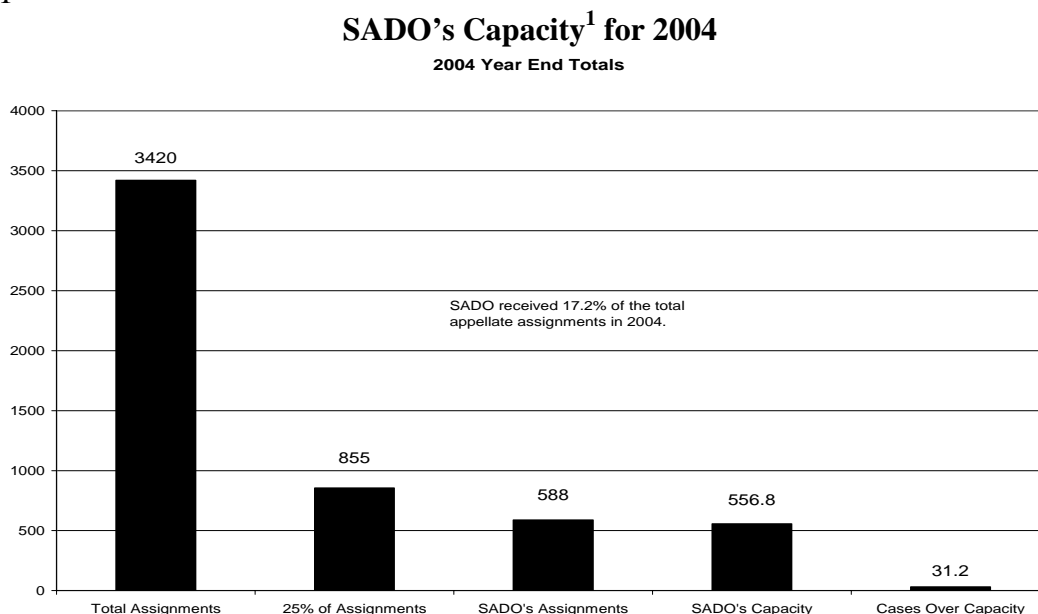
### ASSIGNMENT LEVELS

As the year began, the formula for cases assigned to SADO was 20% of Level 1, 25% of Level 2, and 25% of Level 3 cases. This formula was designed to provide SADO with a larger quantity of the more complex Level 3 cases, while trying to average 25% of the total appellate assignments for the state. However, due to an increase in overall appeals, an overload of assignments during the first two months of the year, and a decrease in SADO's staffing level, by mid-March, the formula was adjusted down to 10% across all levels in order to minimize assignments to SADO temporarily while the backlog was processed and to prevent the potential for a continuous overload of assignments. In May of 2004, the formula was adjusted up to 15% across all levels with the expectation that SADO would be able to handle 15% of the total assigned appeals statewide for the rest of the year. However, in November and December, SADO had to reduce its formula down to 5% across all levels in order to prevent a further overload of appellate assignments and to process the backlog.

Based on 2004 year-end data, overall SADO received 17.2% of the total appellate assignments – 17.7% [238] Level 1 cases, 16.4% [250] Level 2 cases, and 18.1% [100] Level 3 cases – an amount still in excess of its capacity for the year.

SADO's capacity to handle the cases it receives is largely based on the number of staff attorneys it employs. Due to budget cuts and staff reductions, in 2004 SADO did not have the capacity to handle the 17.2% [588] cases it received because, as Figure 1 below indicates, SADO's capacity for 2004 was 556.8, only 16.3%. Consequently, SADO finished the year with 31.2 cases more than it had the capacity to handle.

Figure 1



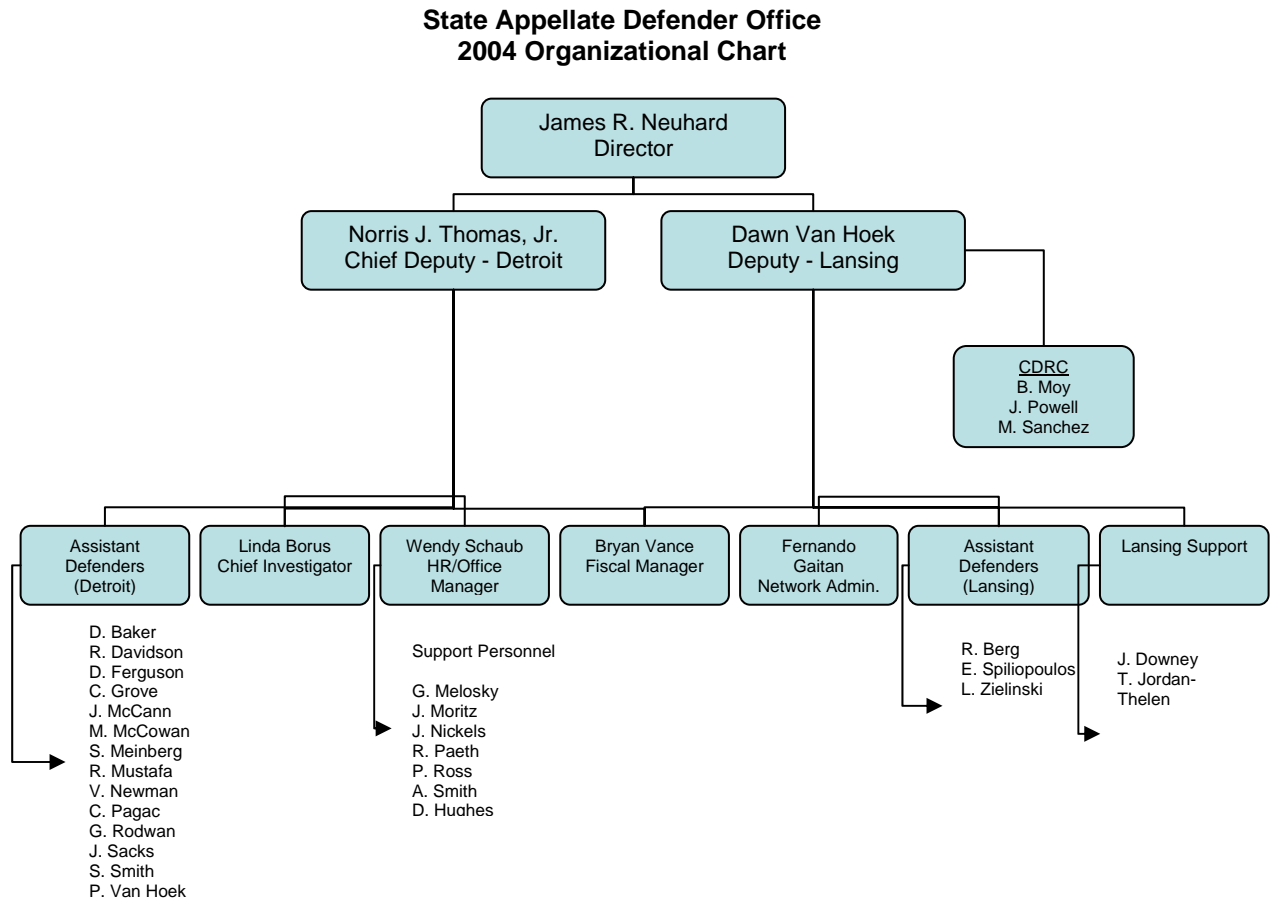
<sup>1</sup> Capacity is the cumulative total of new cases all SADO attorneys can accept per month under established differential case weighting standards.

## SADO STAFFING AND DIRECT CLIENT SERVICES

From 2003 – 2004, SADO’s staffing levels remained somewhat constant at 35 full-time employees. There was some turnover in 2004, resulting from the departure of two senior attorneys and the hiring of four new attorneys. By the end of 2004, the Director, Chief Deputy Director, and 15 Assistant Defenders were housed in the Detroit (main) office; and the Deputy Director and three Assistant Defenders were located in the Lansing office. One Paralegal, four Legal Secretaries, and the Chief Investigator directly supported the legal staff. The Human Resources Manager, Fiscal Manager, Network Administrator, Webmaster, 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 2004.

Figure 2



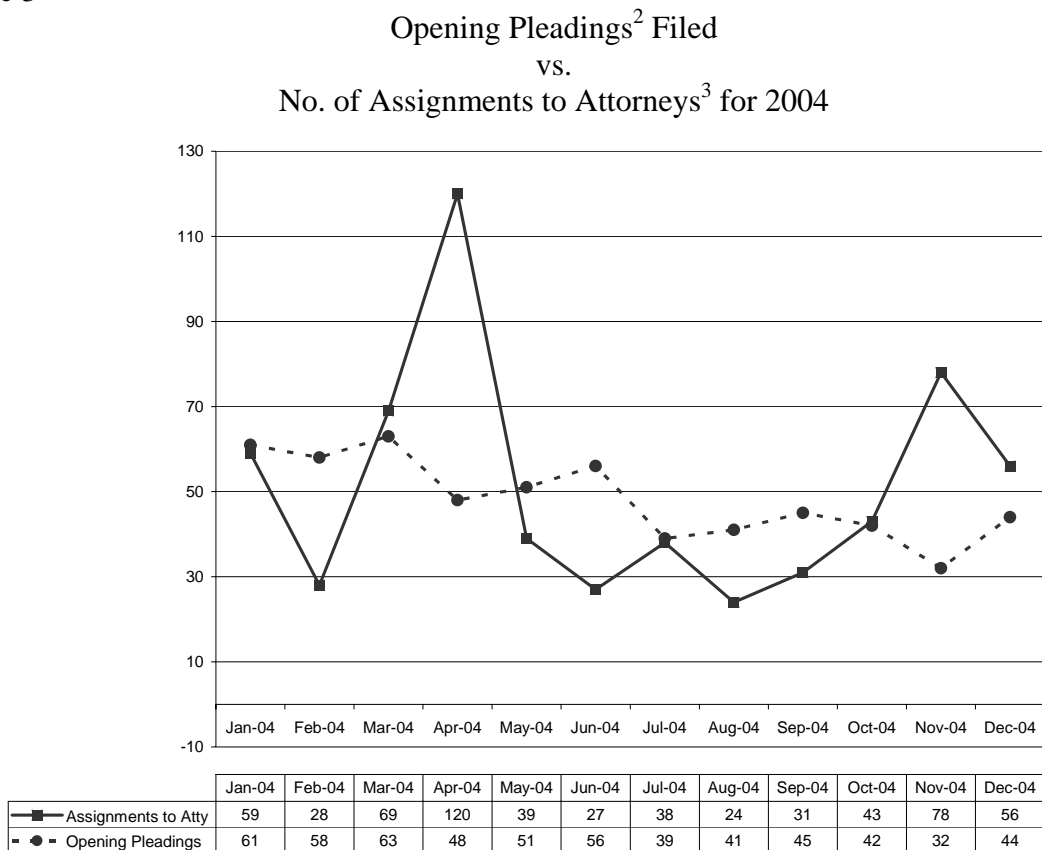
Two SADO lawyers were housed at and received secretarial/clerical and legal research support from the University of Michigan Law School while teaching the Criminal Appellate Practice Course. Two others taught the other SADO-established Criminal Appellate Practice Course at the Wayne State University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

## PRODUCTIVITY

In 2004, SADO Assistant and Deputy Defenders were assigned 740 cases and produced 2,196 filings, 657 of which were opening pleadings (Brief on Appeal or Motion for New Trial or Resentencing with a supporting brief). (See Table III, page 3 of the Appendix)

The chart in Figure 3 compares assignments to the opening pleading. This opening pleading satisfies a substantive filing requirement or closes the case through dismissal of the appeal (See Table VIII, page 10 of the Appendix).

Figure 3



<sup>2</sup> 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.

<sup>3</sup> Assignments to Attorney – when a SADO staff attorney takes responsibility for a case assigned to SADO

Court of Appeals filings are the most critical, because untimely filings may result in penalties, including cost assessments against the attorney, remand and assignment of a new attorney, causing further delays for the client and expense to the system, or loss of oral arguments in the case. The more thorough the filing is, the less likely the need to file additional pleadings to satisfy exhaustion requirements. These pro se briefs place a significant burden on local courts and the appellate system. Figure 3 essentially tracks actual attorney intake and output. Differential case management and case weighting standards determine maximum attorney and overall office intake capacity. These sophisticated management and measuring tools are designed to achieve the operational goal of matching output to intake.

### **SPECIAL UNIT FOR PLEAS AND EARLY RELEASES (PLEA UNIT)**

Because of the large number of plea appeals assigned to the office, in the early 1980's SADO developed a Special Unit to process plea-based appeals and trial-based appeals with short sentences, where early action was required to avoid loss of potential sentencing relief. This differential case management allowed the Unit attorneys to handle twice as many clients and cases than attorneys handling randomly mixed caseloads. This in turn allowed the office to increase its case-handling average from generally suggested standards of 25 to 30 cases per staff attorney to 41.1 cases per staff attorney in 2004 (see Table III, page 3 of the Appendix).

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 on average voluntarily dismiss between 38% and 42% of their cases.<sup>4</sup> The Unit's overall relief rate<sup>5</sup> exceeds 37%, with a relief rate of over 90% in the cases presented on the merits to trial courts. In 2004 there were only three full-time staff attorneys in the Unit. However, the Unit was still able to handle 65% of the plea-based appeal assignments to attorneys.

The Unit continues to expeditiously handle primarily plea-based appeals. A 1994 amendment to the Michigan Constitution (Proposal B) and subsequent legislation limiting poor people's right to appointed counsel to appeal their guilty pleas and sentences continue to reduce the number of guilty plea appeals reaching the Court of Appeals. However, to date, there has only been a minimal reduction in the total number of assigned guilty plea appeals.

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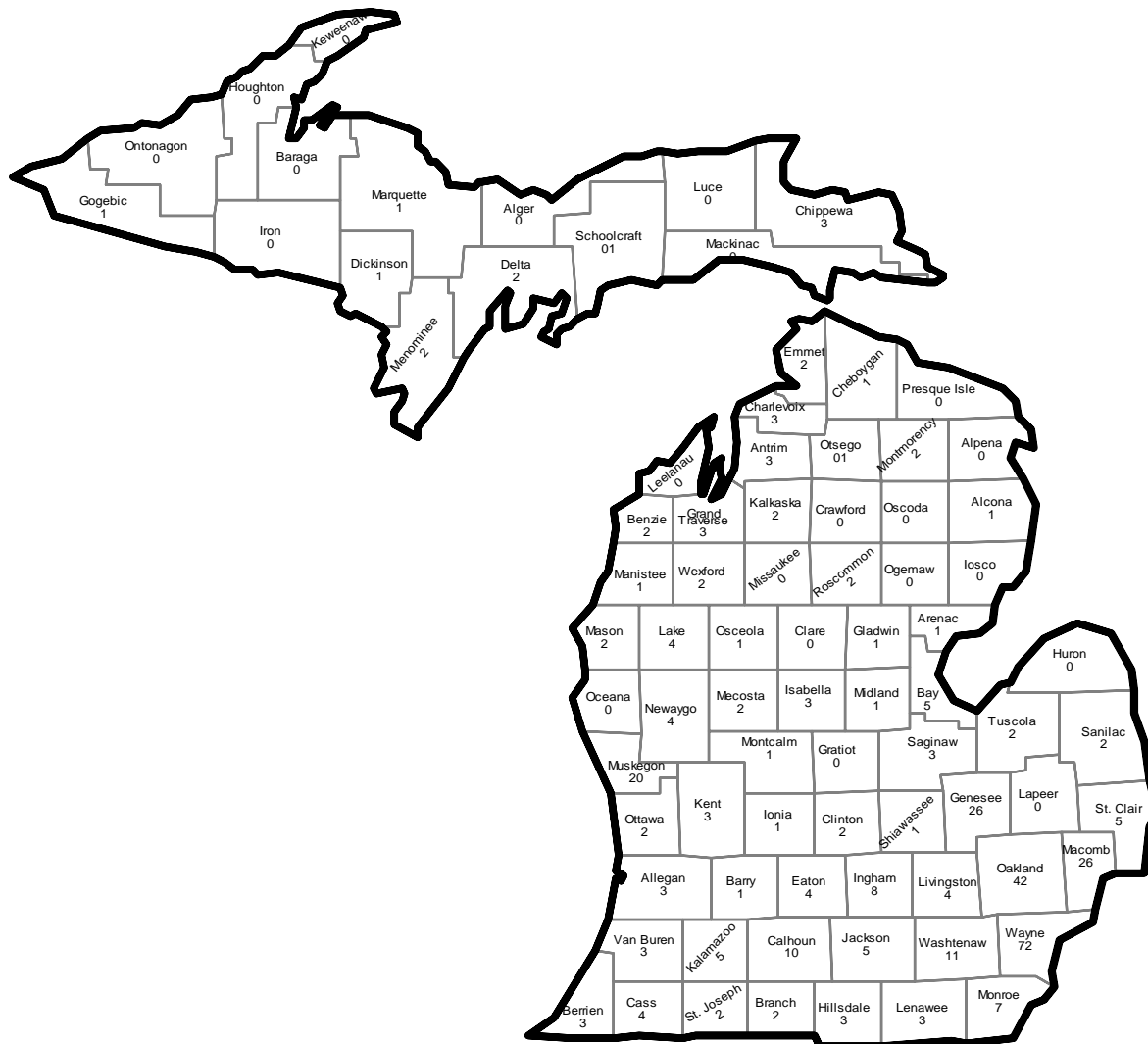
<sup>4</sup> This percentage is quite significant, because voluntary dismissals markedly reduce work for the entire adjudicative system, since no pleadings are filed and, therefore, no oral argument or opinions are required.

<sup>5</sup> On cases where relief is sought (excludes dismissals).

As shown in Table V, page 6 of the Appendix, SADO was assigned 577 (53.5% of all SADO assignments) guilty plea appeals in 1993 and almost the same number and percentage, 532 (52%), in 1994, prior to the constitutional amendment. The percentages have remained about the same over the last 9 years, same being 52% (393) in 2003. Figure 4 shows the number of pleas assigned to SADO for each county.

Figure 4

**Number of Plea Appeals Assigned to SADO by County for 2004**



## **2004 GOALS AND OBJECTIVES**

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

Over the past years, 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 2004 was to handle as close to 25% of the total appellate assignments as resources would permit. However, as historically has been the case, in 2004 SADO was understaffed and under funded therefore handled only 17.2% of the appeals, which was still more than its capacity. Of particular note, 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 fifteen staff attorney positions over the last eight years.

## **Criminal Defense Resource Center 2004 Annual Report\***

**Primary Goals for 2004:** Increase quantity of support to the private and public defender bar, increase access to services through the Web, continue training on web-based resources, obtain funding for Attorney-to-Attorney service.

### **I. Overview of noteworthy accomplishments**

The year 2004\* marked the twenty-eighth 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 grant was from the Michigan Commission on Law Enforcement Standards, earmarked for training projects, in the amount of \$226,509. This MCOLES award supported: (1) 17 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 national skills conferences, and (5) operation of the Attorney-to-Attorney Training Project. Late in the year, a month-by-month grant was awarded for the Attorney-to-Attorney Project by the Wayne Criminal Defense Attorneys Association, for service in Wayne Circuit Court.

While operations are described below, several activities during 2004 are noteworthy:

- The "Attorney-to-Attorney" Project obtained funding from the Michigan Commission on Law Enforcement Standards (MCOLES), and shifted emphasis to individualized training. The Project connects criminal defense attorneys with the CDRC's experienced research attorneys, working from two locations, providing legal research, advice, pleadings and training. Despite well-documented need for this support, funding remains problematic. 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

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\* Due to reporting methods based on a subscription year, the time period covered by this report is October 1, 2003 to September 30, 2004.

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. 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 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. One area of the site was targeted for development during 2004: home page gateways were created into special collections, including materials on public defense and "Blakely" sentencing issues. These are "hot" issues of considerable interest to attorneys, so an easy user interface was created.
- Forum traffic continued to increase. The Forum, the CDRC's online discussion group of over 650 criminal defense attorneys, continued its upward path in the number of messages exchanged. Messages averaged a bit over 1000 per month, ending the year at approximately 1300 (September, 2004). 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 650 subscribers to web services, delivered as attachments to e-mail messages. Mailing of hard copy was completely eliminated.
- The CDRC sent defense attorneys to national skills colleges, funded by a grant from the Michigan Commission on Law Enforcement Standards. For the second time, MCOLES funding covered skills training that has been offered for years to prosecutors. Three criminal defense attorneys handling assignments attended the two-week Trial Practice Institute offered by the National Criminal Defense College. Three appellate defenders attended the one-week Appellate Advocacy Institute offered by the National Legal Aid and Defender Association (NLADA). And, three criminal defense attorneys handling assignments attended the one-week Defender Advocacy Institute offered by NLADA.

## **II. Services Delivered by Mail, Phone, and In-Person**

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



## **A. Criminal Defense Newsletter.**

This near-monthly newsletter (eleven issues published) delivered an average thirty pages of essential information to approximately 1,200 subscribers electing to receive hard copy (nearly 650 chose 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.**

3000 sets of the popular books were printed for distribution to criminal defense attorneys, judges, inmates, law libraries and other criminal justice system participants. Over 2300 pages of relevant information were delivered to users, covering developments through May of 2004. 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 another 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 CD-ROM version of the books that contains the full text of any unpublished Court of Appeals decisions cited in the books. The books are installed on a user's own computer from the CD-ROM and bundled with a powerful search program that allows full-text search and retrieval of useful information.

Asked in 2004 about how frequently they use the books, 7.69% of the trainees said daily, 62.82% said weekly, 21.79% said monthly and 7.69% said less than monthly. These results reflect heavy use, as in prior years. Approximately 66% said they use the books to browse a topic to learn the law, 75% used them to quickly identify a case, rule or statute, and 69% used them to browse a topic to refresh their memories. Many indicated that the books provide a useful starting point in research. Asked in 2004 about the value of the books to their practices, 26% said they were indispensable, and 66% said they were helpful.

## **C. Attorney-to-Attorney Training Project.**

Due to the emphasis of MCOLES grants on training, the Attorney-to-Attorney Project provided assigned attorneys with the skills they need to find answers for themselves, rather than "spoon-fed" results. Intake continued both in Wayne Circuit Court, where attorneys consulted directly with staff, and statewide from SADO through phone and e-mail contacts. Each of five research attorneys worked one or two days a week, maintaining their private law practices as well. With \$54,000 allocated for the project, service was provided every business day in either the courthouse or SADO location. The research attorneys responded to each problem by explaining how to research and find answers on the web, using primarily CDRC databases. Trainees were often referred to other grant-funded training, for more in-depth experience. Scheduling of work, work

performed, and reporting were web-based and captured in databases. As the year approached its end, funding for the Wayne Circuit Court service was obtained from the Wayne County Criminal Defense Attorneys Association.

During the year, 1130 contacts took place between CDRC research attorneys and the users of the service. A detailed report appears in the appendix.

### **III. Services Delivered by the Web**

#### **A. Databases**

The year 2004 again saw steady and increasing use of the CDRC's web-based database resources, signifying that more and more attorneys realized the potential of performing online legal research. The databases available at [www.sado.org](http://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 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 2004, 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. Additional videotaped training events of the Criminal Defense Attorneys of Michigan (CDAM) were added during the year. Video from selected events was edited and linked to written materials, making it possible to listen to a speaker and review related documents, such as the speaker's handout, or appellate decisions. 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, all of which continued to climb. The most revealing statistic tracked, user sessions, averaged about 29,000 per month during the report period (an increase from last year's average of about 25,000).

## **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 650 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 1000 messages per month, with many months in the 1300 range. 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, as well as from the CDRC research attorneys, who closely monitor Forum traffic. Graphs on Forum use appear in the appendix to this report.

### **(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. Once a week, summaries of that week's appellate decisions were sent via e-mail to the 650 subscribers to the CDRC's web services. 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 650 subscribers to web services also received electronic copy of each month's Criminal Defense Newsletter, again, long before it would otherwise arrive by "snail mail."

## **IV. Direct Training Events**

With funding support from the Michigan Council on Law Enforcement Standards, the CDRC once again offered statewide training events on the subject of Automated Research and Writing for Criminal Defense Attorneys. Seventeen events took place, each three hours long, reaching a total of 151 trainees in approximately a dozen different locations throughout Michigan. The average size of the group trained was approximately nine, a small-group format ideal for this type of training. 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 twelve separate communities, statewide. As in 2003, 2004 was particularly noteworthy for the ability of trainers to use computer labs; most trainees were able to work at their own computer, with live web access, greatly enhancing the learning experience.

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. 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 CDRC 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. Increased use of the CDRC's web site is largely attributable to this direct training, as well.

Evaluation of the direct training events showed their great value to practicing attorneys, with surveys revealing that 70% of trainees increased their use of the web for legal research after receiving the training. Asked how often they use the web for legal research, 26% said daily, 34% said three times a week, 22% said once a week, 12% said rarely, and 6% said not at all. Asked how often they include the SADO site in a research session, 10% said they use it daily, 10% said three times a week, 34% said they used it once a week, 40% said they used it rarely, and the remainder (6%) not at all. Use of the SADO site is significant because it contains the most content of any legal research site available to Michigan's assigned counsel. Trainees also were asked how much research time was saved by using the SADO online databases: 37.1% said more than 10 hours monthly, 31.4% said between 5 and 10 hours monthly, 25.7% said under 5 hours monthly, and 5.8% said no time was saved. Asked if they would continue to use the SADO site for research and writing purposes, virtually all (100%) gave an affirmative answer. Asked to rate SADO's trainer, John Powell, 97% responded that he was either "excellent" or "very good."

## **V. Sharing with the Legal Services Community**

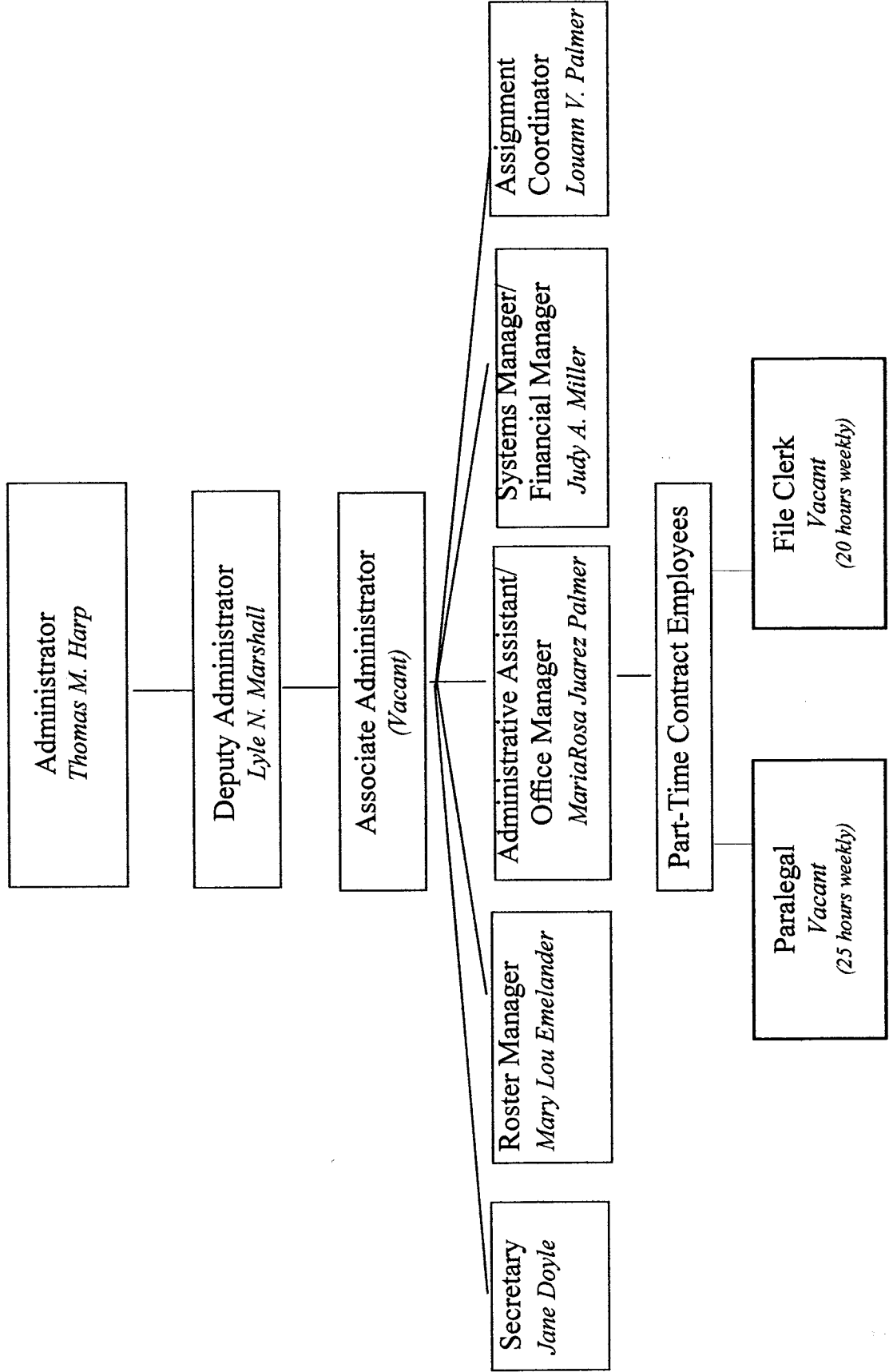
The CDRC continued in 2004 to share its resources and expertise with others. During the year, the CDRC continued to provide major technical support to Michigan's Attorney Discipline Board. The CDRC's webmaster helped the agency to organize its resources into databases provided online, and SADO continued the hosting of its web site. Similar services were provided to the Detroit Metropolitan Bar Association. And, CDRC staff provided significant technical assistance to the Criminal Defense Attorneys of Michigan. CDAM 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.

**MICHIGAN APPELLATE  
ASSIGNED COUNSEL SYSTEM  
APPENDICES**

2004

# MAACS ORGANIZATIONAL CHART



**APPELLATE ASSIGNMENTS****1986-2004**

	<b>TOTAL</b>	<b>MAACS NUMBER</b>	<b>SADO NUMBER</b>	<b>SADO PERCENTAGE</b>
<b>1986</b>	3627	2872	755	20.8%
<b>1987</b>	3831	2991	840	21.9%
<b>1988</b>	4230	3341	889	21.0%
<b>1989</b>	5224	4135	1089	20.8%
<b>1990</b>	5550	4616	934	16.8%
<b>1991</b>	5297	4443	854	16.1%
<b>1992</b>	6469	5454	1015	15.7%
<b>1993</b>	5927	4974	953	16.1%
<b>1994</b>	5047	4130	917	18.2%
<b>1995</b>	4763	3926	837	17.6%
<b>1996</b>	4287	3524	763	17.8%
<b>1997</b>	4080	3248	832	20.4%
<b>1998</b>	3983	3035	948	23.8%
<b>1999</b>	3362	2586	776	23.1%
<b>2000</b>	3396	2474	922	27.2%
<b>2001</b>	3076	2291	785	25.5%
<b>2002</b>	3226	2346	880	27.3%
<b>2003</b>	3634	2938	696	19.2%
<b>2004</b>	3431	2841	590	17.2%

**APPELLATE ASSIGNMENTS  
JANUARY 1, 2004 TO DECEMBER 31, 2004**

	Total No. — <u>Percent of Grand Total</u>	SADO No. — <u>Percent of SADO Total</u>	<u>SADO Percent of Total Case Type</u>
<b><u>Level I</u></b>			
Plea/PV/Resentencing	1103 32.1%	171 29.0%	15.5%
Waiver Trial/INT/6.5/PPO Evidentiary Hearing	88 2.6%	18 3.1%	20.5%
Jury Trial	153 4.5%	49 8.3%	32.0%
<b>Level I Total</b>	<b>1344 39.2%</b>	<b>238 40.3%</b>	<b>17.7%</b>
<b><u>Level II</u></b>			
Plea/PV/Resentencing	1247 36.3%	183 31.0%	14.7%
Waiver Trial/INT/6.5/PPO Evidentiary Hearing	115 3.4%	25 4.2%	21.7%
Jury Trial	161 4.7%	42 7.1%	26.1%
<b>Level II Total</b>	<b>1523 44.4%</b>	<b>250 42.4%</b>	<b>16.4%</b>
<b><u>Level III</u></b>			
Jury Trial	550 16.0%	101 17.1%	18.4%
<b>Level III Total</b>	<b>550 16.0%</b>	<b>101 17.1%</b>	<b>18.4%</b>
Prosecution Appeals of Dismissals	13 0.4%	0 0.0%	0 0.0%
Miscellaneous	1 0.0%	1 0.2%	0 0.0%
Motion for Relief	0	0	0 0.0%
<b>GRAND TOTAL</b>	<b>3431</b>	<b>590</b>	<b>17.2%</b>



**2004 MAACS STATISTICS  
ASSIGNED APPEALS BY CASE TYPE AND LEVEL**

Circuit	MISC.	MOTION/ RELIEF		PROSEC. APPEALS	PLEA/PV/ RESENTENCING		BENCH/ EVIDENTIARY HEARING/6.5/JNT.			JURY	Total	Grand Total			
		0	0		1	2	Total	1	2				3		
														1	2
1st Hillsdale	0	0	0	0	12	3	15	0	0	0	0	0	15		
2nd Berrien	0	0	0	0	11	10	21	1	0	1	0	1	7	30	
3rd Wayne	0	0	9	0	289	326	615	71	84	155	55	41	191	1066	
4th Jackson	0	0	0	0	29	16	45	3	4	7	7	5	7	19	71
5th Barry	0	0	0	0	4	3	7	0	0	0	0	0	0	0	7
6th Oakland	0	0	1	0	84	215	299	6	9	15	13	24	91	128	443
7th Genesee	0	0	0	0	112	121	233	1	0	1	0	4	19	23	257
8th Ionia/Montcalm	0	0	0	0	2	1	3	1	0	1	0	0	2	2	6
9th Kalamazoo	0	0	0	0	11	16	27	0	1	1	1	3	11	15	43
10th Saginaw	0	0	0	0	5	18	23	0	0	0	2	2	29	33	56
11th Alger/Luce Schoolcraft Mackinac	0	0	0	0	0	0	0	0	0	0	0	4	0	4	4

**2004 MAACS STATISTICS  
ASSIGNED APPEALS BY CASE TYPE AND LEVEL**

Circuit	MOTION/ PROSEC.		PLEA/PV/ RESENTENCING		BENCH/ EVIDENTIARY HEARING/6.5/INT.			JURY			Grand Total		
	MISC.	RELIEF APPEALS	1	2	Total	1	2	Total	1	2		3	
													Total
12th Baraga/Houghton/ Keweenaw	0	0	0	0	0	0	0	0	0	1	0	1	1
13th Antrim/Grand Traverse/Leelanau	1	0	28	13	41	0	0	0	3	3	4	10	52
14th Muskegon	0	0	43	87	130	0	2	2	1	5	8	14	146
15th Branch	0	0	1	6	7	0	0	0	0	1	0	1	8
16th Macomb	0	0	112	89	201	1	2	3	8	7	26	41	246
17th Kent	0	0	8	10	18	0	3	3	4	9	28	41	62
18th Bay	0	0	27	12	39	0	0	0	0	1	5	6	45
19th Benzie/Manistee	0	0	12	2	14	0	0	0	1	0	1	2	16
20th Ottawa	0	0	3	5	8	1	1	2	0	1	2	3	13
21st Isabella	0	0	15	13	28	0	0	0	0	0	2	2	30
22nd Washtenaw	0	0	32	31	63	1	2	3	6	0	11	17	83

**2004 MAACS STATISTICS  
ASSIGNED APPEALS BY CASE TYPE AND LEVEL**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			BENCH/ EVIDENTIARY HEARING/6.5/INT.			JURY	Total	Grand Total
				1	2	Total	1	2	Total			
				1	2	3	1	2	3			
23rd Alcona/Alpena/ Iosco/Oscoda	0	0	0	1	2	3	0	0	0	0	0	3
24th Sanilac	0	0	0	1	1	2	0	0	0	0	0	2
25th Marquette	0	0	0	1	4	5	0	0	0	1	0	7
26th Alpena/ Montmorency	0	0	0	2	1	3	0	0	0	1	3	7
27th Newaygo/Oceana	0	0	0	17	6	23	0	0	0	1	0	26
28th Missaukee/Wexford	0	0	0	8	4	12	0	0	0	0	0	13
29th Clinton/Gratiot	0	0	0	8	4	12	0	0	0	2	4	18
30th Ingham	0	0	0	35	19	54	1	0	1	3	5	72
31st St. Clair	0	0	0	14	21	35	0	0	0	3	6	50
32nd Gogebic/Ontonagon	0	0	0	1	0	1	0	0	0	0	1	2
33rd Charlevoix	0	0	0	4	6	10	0	0	0	1	1	12

**2004 MAACS STATISTICS  
ASSIGNED APPEALS BY CASE TYPE AND LEVEL**

Circuit	MISC.		MOTION/ RELIEF		PROSEC. APPEALS		PLEA/PV/ RESENTENCING			BENCH/ EVIDENTIARY HEARING/6.5/INT.			JURY			Grand Total
	1	Total	1	2	1	2	1	2	1	2	Total	1	2	3	Total	
34th Ogemaw/ Roscommon	0	0	0	0	1	1	2	2	0	0	0	0	1	1	2	4
35th Shiawassee	0	0	0	0	0	1	1	1	0	0	0	0	1	1	2	3
36th Van Buren	0	0	0	0	7	8	15	15	0	0	0	0	1	1	2	17
37th Calhoun	0	0	1	1	42	38	80	80	0	1	1	9	10	9	28	110
38th Monroe	0	0	0	0	15	17	32	32	0	1	1	1	5	9	15	48
39th Lenawee	0	0	1	1	10	2	12	12	0	0	0	16	0	1	17	30
40th Lapeer	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2
41st Dickinson/Iron Menominee	0	0	0	0	9	1	10	10	0	0	0	3	0	2	5	15
42nd Midland	0	0	0	0	8	8	16	16	0	1	1	4	1	2	7	24
43rd Cass	0	0	0	0	9	13	22	22	0	0	0	0	1	3	4	26

**2004 MAACS STATISTICS  
ASSIGNED APPEALS BY CASE TYPE AND LEVEL**

Circuit	MISC.		MOTION/ RELIEF		PROSEC. APPEALS		PLEA/PV/ RESENTENCING			BENCH/ EVIDENTIARY HEARING/6.5/INT.			JURY			Grand Total
	1	2	1	2	1	2	1	2	3	1	2	3	1	2	3	
	Total		Total		Total			Total			Total					
44th Livingston	0	0	0	0	6	16	22	1	1	2	3	2	2	3	8	32
45th St. Joseph	0	0	0	0	5	8	13	0	0	0	2	4	4	7	13	26
46th Crawford/Kalkaska Otsego	0	0	0	0	5	7	12	0	0	0	1	1	1	12	14	26
47th Delta	0	0	0	0	3	1	4	0	0	0	2	1	1	2	5	9
48th Allegan	0	0	0	0	4	13	17	0	0	0	1	2	2	7	10	27
49th Mecosta/Osceola	0	0	0	0	8	6	14	0	0	0	0	0	0	5	5	19
50th Chippewa/Mackinac	0	0	0	0	9	3	12	1	0	1	0	1	0	3	4	17
51st Lake/Mason	0	0	0	0	5	5	10	0	0	0	0	0	0	0	0	10
52nd Huron	0	0	0	0	0	1	1	0	0	0	1	0	0	0	1	2
53rd Cheboygan/ Presque Isle	0	0	0	0	4	2	6	0	0	0	0	0	0	1	1	7

**2004 MAACS STATISTICS  
ASSIGNED APPEALS BY CASE TYPE AND LEVEL**

Circuit	MOTION/ PROSEC.			PLEA/PV/ RESENTENCING			BENCH/ EVIDENTIARY HEARING/6.5/INT.			JURY			Grand Total	
	MISC.	RELIEF	APPEALS	1	2	Total	1	2	Total	1	2	3		Total
54th Tuscola	0	0	0	5	13	18	0	0	0	1	1	3	5	23
55th Clare/Gladwin	0	0	0	1	2	3	0	0	0	0	0	0	0	3
56th Eaton	0	0	0	9	7	16	0	3	3	0	1	4	5	24
57th Emmet	0	0	0	5	9	14	0	0	0	0	0	1	1	15
<b>ALL CIRCUITS</b>	<b>1</b>	<b>0</b>	<b>13</b>	<b>1102</b>	<b>1247</b>	<b>2349</b>	<b>89</b>	<b>115</b>	<b>204</b>	<b>153</b>	<b>161</b>	<b>550</b>	<b>864</b>	<b>3431</b>
<b>TOTALS</b>	<b>0.0%</b>	<b>0.08%</b>	<b>0.4%</b>	<b>32.1%</b>	<b>36.3%</b>	<b>68.5%</b>	<b>2.6%</b>	<b>3.4%</b>	<b>5.9%</b>	<b>4.5%</b>	<b>4.7%</b>	<b>16.0%</b>	<b>25.2%</b>	
Level 1	1344													
Level 2	1523													
Level 3	550													
Total	3417													

**STATE APPELLATE DEFENDER OFFICE  
LITIGATION APPENDICES**

**TABLE I**  
**STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT**  
**FOR THE YEAR OF 2004**

Total New Appointments to SADO 1/1/04 to 12/31/04	<b>613</b>
Total Cases Assigned to Staff Attorneys 1/1/04 to 12/31/04	<b>740</b>
Total Filings by SADO 1/1/04 to 12/31/04	<b>2196</b>
Cases Closed (not Done*) 1/1/04 to 12/31/04	<b>65</b>
Cases Officially Closed (Done*) 1/1/04 to 12/31/04	<b>768</b>
Total Cases Closed 1/1/04 to 12/31/04	<b>480</b>
Total Cases Open as of 12/31/04	<b>1427</b>

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



**TABLE II**  
**STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT**  
**FOR THE YEAR OF 2004**

**SADO FILINGS 1/1/04 to 12/31/04**

Trial Court	460
Court of Appeals	1392
Supreme Court	311
Federal Courts	33
<b>Total FILINGS</b>	<b>2196</b>

**MAJOR FILINGS 1/1/04 to 12/31/04**

Trial Court	413
Court of Appeals	615
Supreme Court	274
Federal Courts	13
<b>Total MAJOR FILINGS</b>	<b>1315</b> = 60% of all filings

**SADO APPOINTMENTS BY CASE TYPE 1/1/04 to 12/31/04**

Pleas	295
Probation Violation Pleas	41
Jury Trials	198
Bench Trials	35
Probation Violation Trials	21
Prosecutor Appeals	2
Resentencing	19
SC Application – OTHER	1
Specials	1
<b>Total ASSIGNMENTS</b>	<b>613*</b>

\* Again, this 613 cases assignment total differs from MAACS' 588 total because SADO must count cases differently than MAACS to take workload into account. See comments to Table IV.

**TABLE III  
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

- An opening pleading seeks relief from a conviction or sentence – e.g., a brief on appeal, motion for preemptory 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 IV**  
**SADO'S PERCENT OF COMPLEX (LEVEL III JURY TRIAL APPEALS)**  
**APPELLATE ASSIGNMENTS 1993-2004**  
**AS COUNTED BY MAACS**

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

- 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 V  
ASSIGNMENT OF CASES BY TYPE**

<b>YEAR</b>	<b>PLEAS</b>	<b>TRIALS</b>	<b>BENCH</b>	<b>OTHER</b>	<b>TOTAL</b>
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

- 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 VI  
SUBSTITUTION APPOINTMENTS**

<b>YEAR</b>	<b>APPOINTMENTS</b>	<b>SUBSTITUTIONS</b>
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

- 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 VII**  
**SADO OVERALL RELIEF RATES\* 1993-2004**

	<b>TOTAL</b>	<b>NO RELIEF GRANTED</b>	<b>RELIEF GRANTED</b>	<b>PARTIAL RELIEF GRANTED</b>	<b>RELIEF RATE COMBINED%</b>
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

- Cases where relief sought – excludes dismissals, death, cases closed without litigation and withdrawals. 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 is in the 10-20% range. The relief rate in assigned Michigan plea appeals decided by trial and appellate courts on the merits was 21%.

Source: A Decade of Challenges, Report of the Michigan Appellate Assigned Counsel System April 1985 – April 1995, pp. 20-21, updated for brief in People v Bulger, 462 Mich 495 (2000).

The decline in relief rate over recent years may be attributable to 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 are thought to be the primary ones.



**TABLE VIII  
DISMISSALS AND WITHDRAWALS**

<b>YEAR</b>	<b>TOTAL DISPOSITIONS</b>	<b>DISMISSALS*</b>	<b>WITHDRAWALS **</b>
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%)

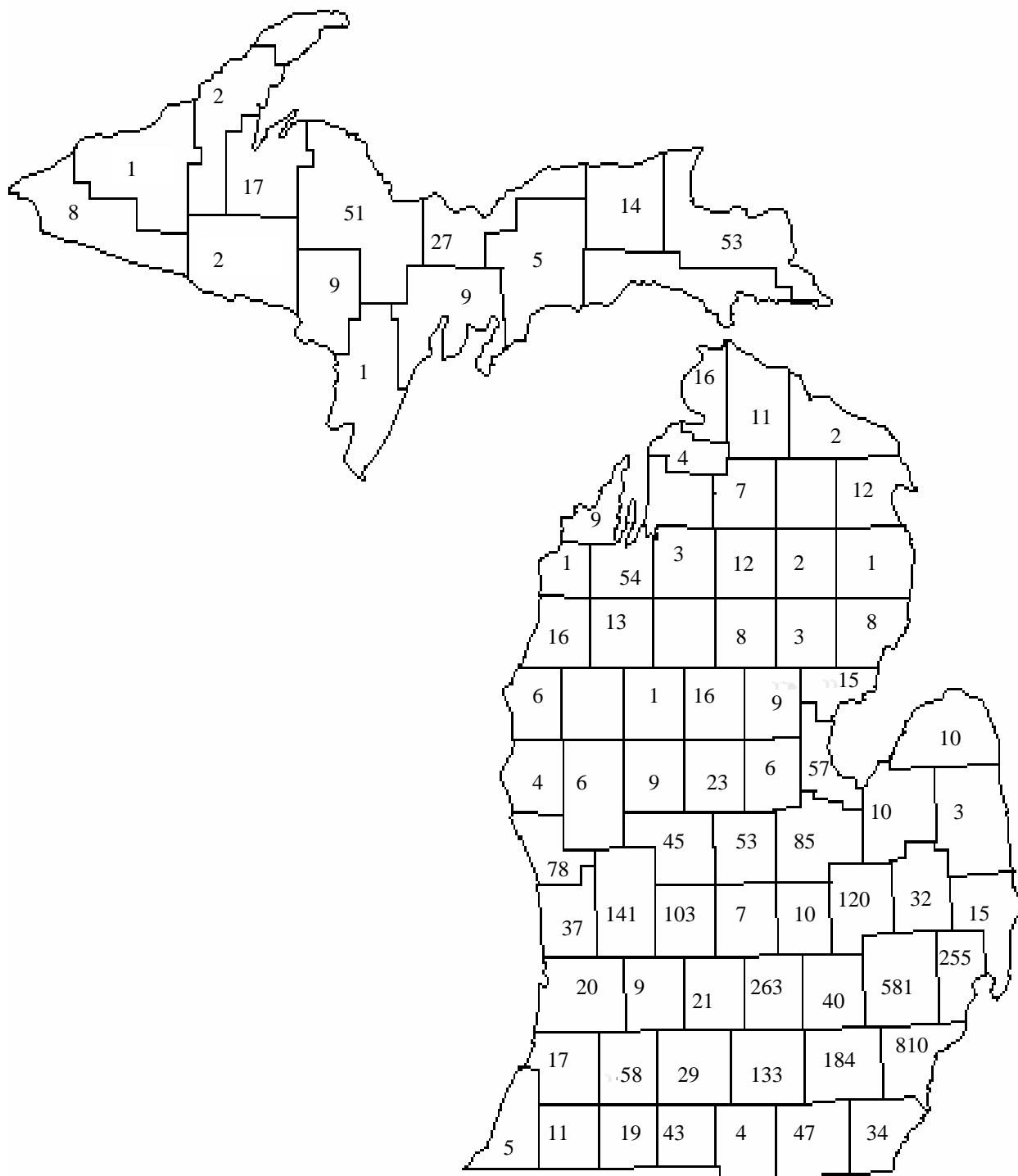
- Dismissals usually occur after complete review of the case and consultation with the client. This generally involves much substantive work for the defense attorney, but only minor or no work for the courts and prosecutors, and, thus, conserves scarce justice system resources. SADO does not use the 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.

**STATE APPELLATE DEFENDER OFFICE  
CRIMINAL DEFENSE RESOURCE CENTER  
APPENDICES**

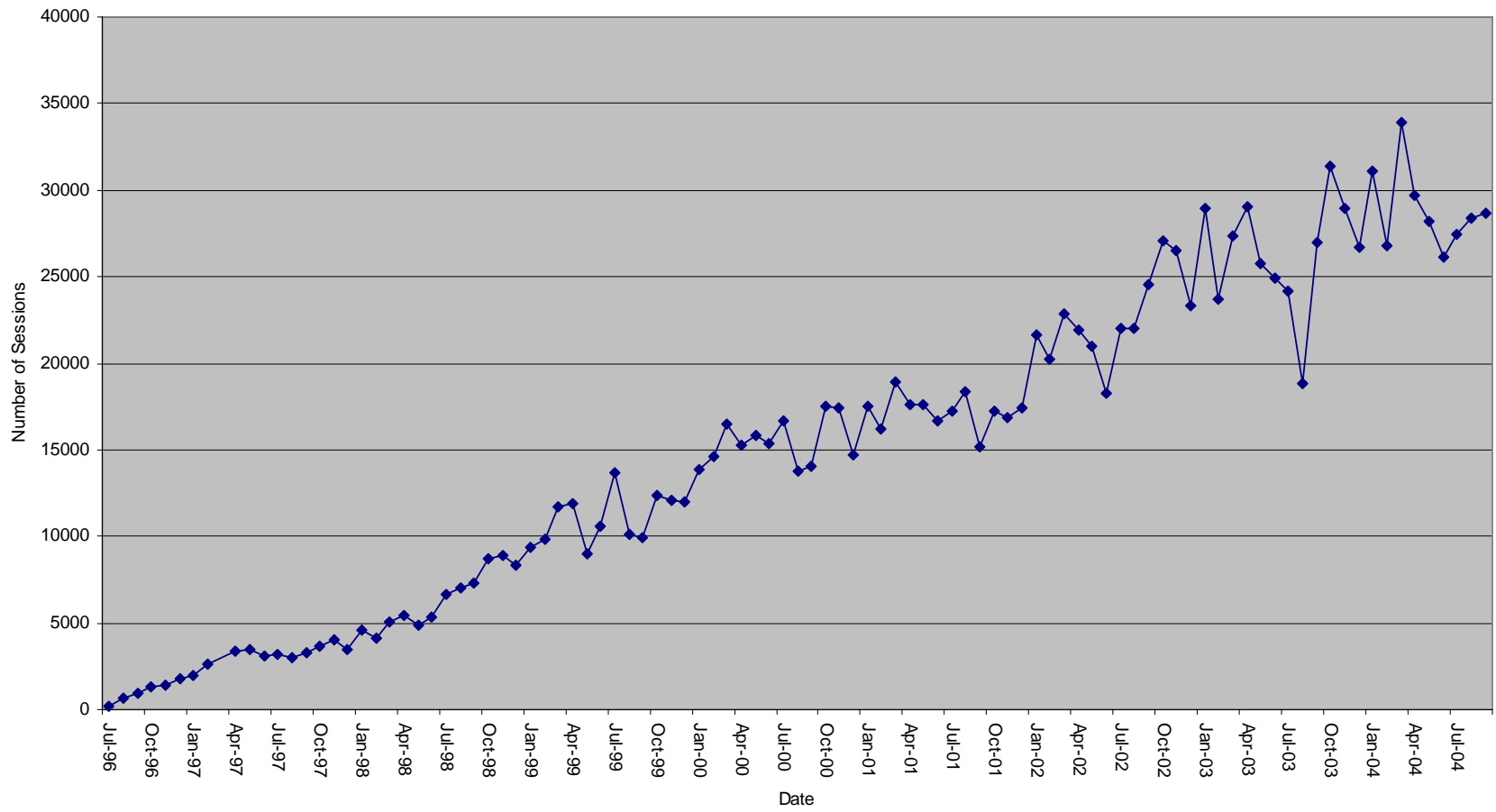
Geographic Representation of  
Subscriptions to Project Services<sup>6</sup>

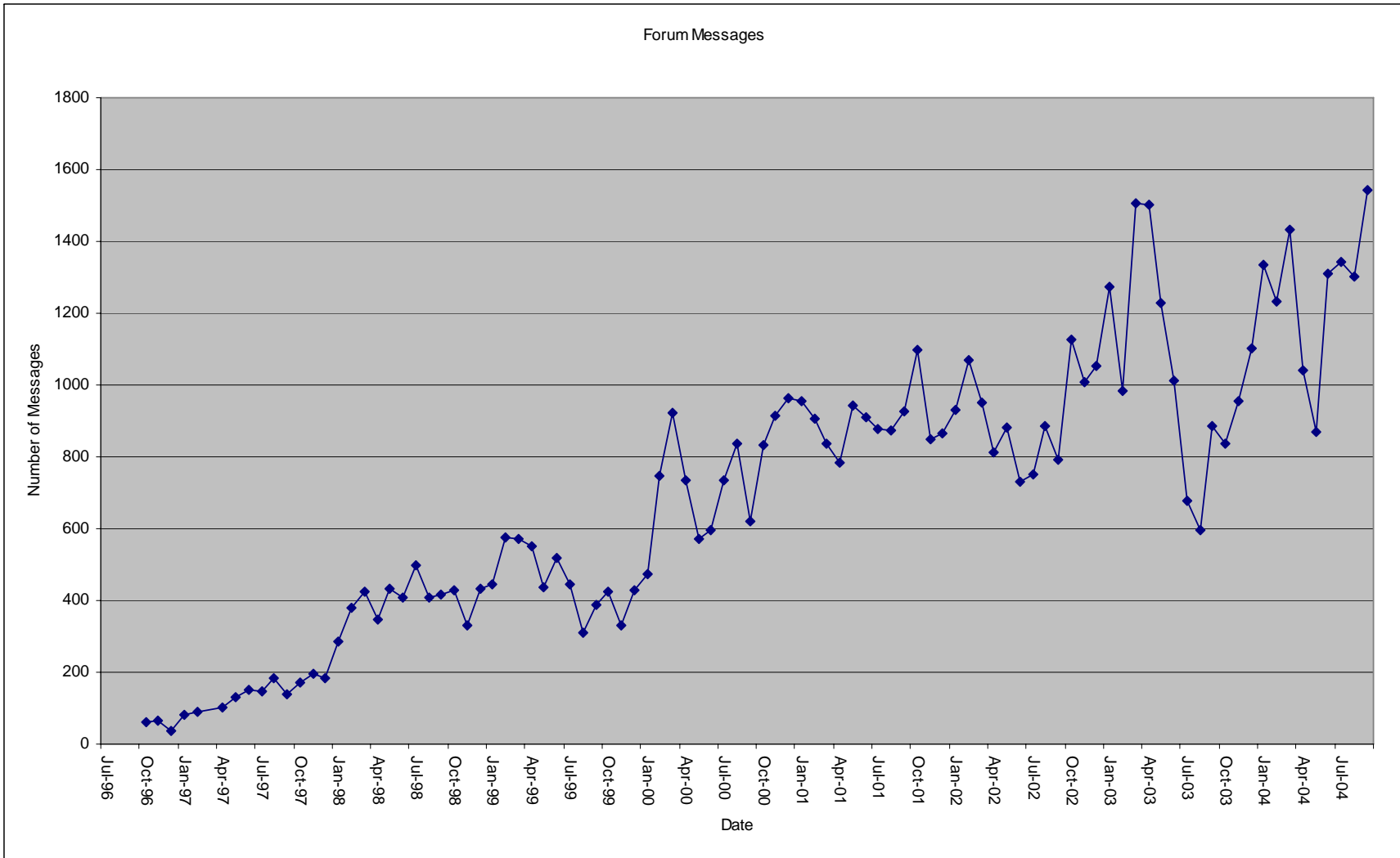
October 1, 2003 - September 30, 2004



<sup>6</sup> Each number represents a subscription to the Defender Books, Criminal Defense Newsletter or Web Services.

Total User Sessions  
CDRC Web Site





**Forum Messages by Day of Week  
October, 2003 – September, 2004**

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October, 2003	36	128	124	191	178	158	22
November, 2003	59	174	107	212	153	176	73
December, 2003	51	216	219	212	165	169	70
January, 2004	93	201	227	276	226	217	95
February, 2004	54	168	262	194	248	255	51
March, 2004	48	264	306	294	234	246	42
April, 2004	30	174	224	128	211	234	40
May, 2004	27	161	180	156	172	137	38
June, 2004	58	208	266	273	235	207	64
July, 2004	53	120	250	225	364	278	52
August, 2004	60	243	271	232	226	206	63
September, 2004	51	217	294	337	319	243	83
<b>Totals</b>	<b>620</b>	<b>2274</b>	<b>2730</b>	<b>2730</b>	<b>2731</b>	<b>2526</b>	<b>693</b>
<b>Total Messages Sent</b>	<b>14,304</b>						

**WCCDA (FMHJ) and MCOLES (SADO) Grants  
Attorney-to-Attorney Support Service  
October, 2003 through September, 2004**

**1. Number of contacts with service**

Total	SADO	FMHJ
	468	662

**2. Number of attorneys using service:**

Total	SADO	FMHJ
	224	123

**3. Number of individuals using service (SADO Only):**

Total	Attorneys	Non-Attorneys
224	189	35

**4. Method of contact:**

	SADO	FMHJ
E-mail	68	5
Telephone	374	21
In-Person	16	636
Mail	0	0
Other	10	

**5. Nature of presenting issues:**

Total	SADO	FMHJ
Trial	186	483
Appellate	111	44
Plea	6	20
Sentencing	53	55
Web	3	10
Software	0	0
Forum	1	2
Research	25	11
Other	83	37

**6. Geographical spread of research provided (SADO Only):**

<b>County</b>	<b>No of Requests</b>		
ALPENA	1	LEELANAU	1
ARENAC	1	LENAWEE	1
BARRY	1	LIVINGSTON	2
BAY	4	LUCE	2
BENZIE	2	MACOMB	22
BERRIEN	1	MANISTEE	1
CALHOUN	7	MARQUETTE	2
CASS	1	MECOSTA	1
CHARLEVOIX	1	MENOMINEE	1
CLARE	1	MONROE	5
DELTA	4	MUSKEGON	1
EATON	2	OAKLAND	106
EMMET	1	SAGINAW	1
GENESEE	3	SANILAC	1
GRAND TRAVERSE	2	SCHOOLCRAFT	1
GRATIOT	2	ST. CLAIR	5
HURON	1	ST. JOSEPH	2
INGHAM	18	VAN BUREN	1
JACKSON	3	WASHTENAW	14
KALAMAZOO	5	WAYNE	132
KENT	9	WEXFORD	2
LAPEER	13		

**6. Nature of solutions provided: \***

Identify/discuss legal issues:	557
Discuss strategy	222
Discuss procedure	163
Provide pleadings (from our databases, including packets)	90
Provide legal research (including citations & experts)	632
Train on web research	396
Troubleshoot technical problem	9
Provide forms (other sources, SCAO, CJI)	16
Referral to another agency or attorney	88
Other	107

\* some contacts involve solutions in two categories.



Number of Contacts Per Month

