

APPELLATE DEFENDER COMMISSION

2008 ANNUAL REPORT

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

2008 APPELLATE DEFENDER COMMISSION

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APPELLATE DEFENDER COMMISSION

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August 19, 2009

The Appellate Defender Commission is pleased to submit the 2008 Annual Report for the State Appellate Defender Office and the Michigan Appellate Assigned Counsel System.

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

Thank you for the opportunity to submit our 2008 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,

Donald E. Martin, Chair
Appellate Defender Commission

MISSION STATEMENTS

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

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

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM: 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 others.

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 Regulations and the performance standards outlined in the Minimum Standards for Indigent Criminal Appellate Defense Services, and the MAACS Comments thereto, when representing their clients.

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HISTORY AND GOVERNANCE

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

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

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

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

Both organizations are governed by a seven-member Commission appointed by the Governor. Six Commissioners are recommended for the Governor's appointment: two by the Supreme Court, two by the State Bar, one by the Court of Appeals, and one by the Michigan Judges Association. The seventh member is a non-lawyer selected by the Governor. The 2008 Commissioners were: **Donald E. Martin** (Chair), *Supreme Court designee*, **Ernest J. Essad Jr.**, *Supreme Court designee*; **John Nussbaumer** and **Judith Gracey**, *State Bar designees*; **Hon. John T. Hammond**, *Michigan Judges Association designee*; **Douglas Messing**, *Court of Appeals designee*; and **Rev. Carlyle Stewart, III**, the *Governor's designee*.

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

STATE APPELLATE DEFENDER OFFICE

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

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

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

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

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

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

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

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

The offices of MAACS are located at 1375 S. Washington Ave; Suite 300, Lansing, MI 48913. The MAACS Administrator is Thomas M. Harp; Deputy Administrator is Lyle N. Marshall. An Associate Administrator position remained vacant in 2006.

ANNUAL REPORT OF THE STATE APPELLATE DEFENDER OFFICE FOR JANUARY 1, 2008 THROUGH DECEMBER 31, 2008

In 2008, SADO represented over 600 clients on criminal appeal – 366 appeals of trial convictions and 237 appeals of guilty plea convictions. SADO attorneys successfully represented clients in the Michigan Supreme Court, the Michigan Court of Appeals, trial courts throughout Michigan, the United States District Court Eastern District of Michigan, and the United States Court of Appeals for the Sixth Circuit. Attorneys obtained relief for clients ranging from the release from prison of the wrongfully convicted to the reduction of unfair prison sentences.

MANAGING SADO'S STATE FUNDED RESOURCES/WORKLOAD

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

From time to time caseload increases or budget decreases have forced the ADC to reduce SADO's case intake pursuant to its statutory mandate to "Accept only that number of assignments and maintain a caseload which will insure quality criminal defense services consistent with the funds appropriated by the state." [MCL 780.716(c) ...]. In 2007, SADO was still dealing with the effects of the United States Supreme Court decision from June of 2005 in *Halbert v. Michigan*, 545 U.S. 605; 125 S.Ct. 2582; 162 L.Ed.2d 552 (2005). This case held unconstitutional Michigan's statutes that denied defendants who pled guilty their right to counsel on appeal.

As a result, the rate of guilty plea appeals increased over 50%. SADO was forced to reduce its percentage of plea appeals from 25% of the cases to 10% in 2005 and had to shut down to guilty plea appeals from October of 2005 through the end of December. As 2006 started, SADO reopened to plea appeals at the 10% level and remained at 10% throughout 2006, 2007, and 2008 because SADO did not have the funding and resources to handle the increase in plea appeals.

During the budget hearings in 2007, the legislature required the Michigan Supreme Court to prepare a report to be submitted in 2008 that would address the impact of *Halbert* on the appellate system, particularly SADO. This report confirmed that as a result of the decision, "a new level of plea assignments will be established that will be higher than the one that existed before *Halbert*."

In spite of the conclusions reached by this report, the budget crisis in Michigan has prevented SADO from hiring additional attorneys to increase the capacity of plea cases.

ASSIGNMENT LEVELS

In 2008, the formula for cases assigned to SADO was at 10% for the Level 1 & 2 plea categories and at 28% for all other trial categories. Based on 2008 year-end data, overall SADO received 15.9% of the total appellate assignments – 13.0% [190] Level 1 cases, 13.2.% [234] Level 2 cases, and 32.4% [176] Level 3 cases. The Level 3 cases represent the most serious types of trial cases, including murders. By focusing capacity increases on these kinds of complex cases, SADO reduces county expenditures and provides superior representation for the most important cases.

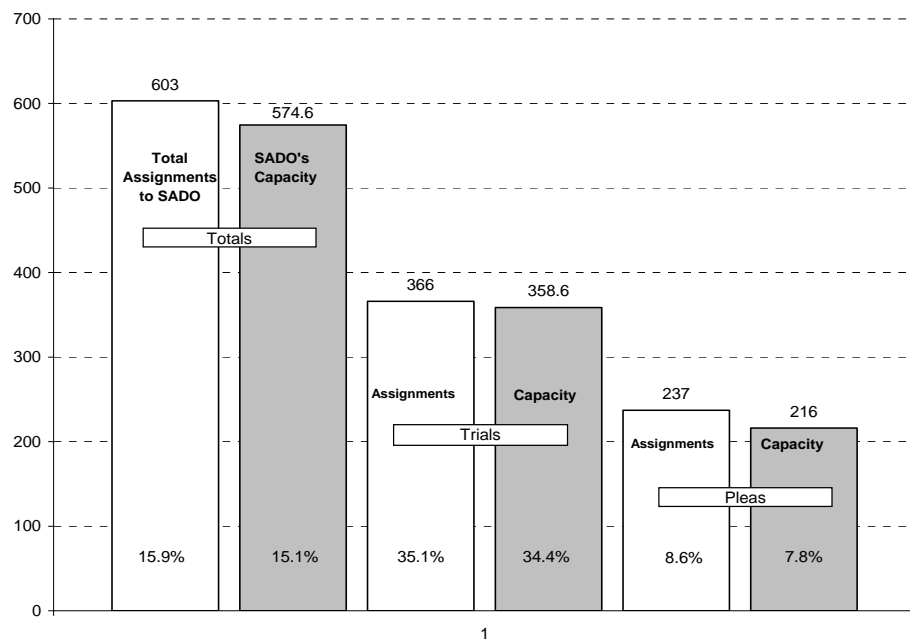
SADO's capacity to handle cases is largely based on the number of staff attorneys it employs. In 2008 SADO had the capacity to handle 15.1% of the appellate assignments. SADO was assigned 15.9% of the cases. Due to a surge from increasing the trial formula from 25% to 28%, SADO received 35.1% of the overall trial appeal assignments. SADO's trial capacity was 34.4% - slightly lower than its assignment level for the year.

Figure 1 below illustrates SADO's capacity versus its assignments levels for 2008.

SADO's Capacity¹ vs. Intake for 2008

Figure 1

SADO's capacity to handle plea appeals is primarily based on the number of plea attorneys assigned to its specialized plea unit. In 2008, the assignment level for each plea unit attorney was an average of 68 cases per year in 2008. This is down from the average of 78 in 2007, and down from a high of 85 cases per year in 2004.



The lower plea assignment rate is consistent with an administrative decision made in the fall of 2008 to reduce the monthly assignment of plea cases to 6 cases per attorney rather than 7. That decision was premised on a court rule change establishing a shorter six month deadline for trial court proceedings, the continuous influx of emergency appeals with a resulting deadline of two

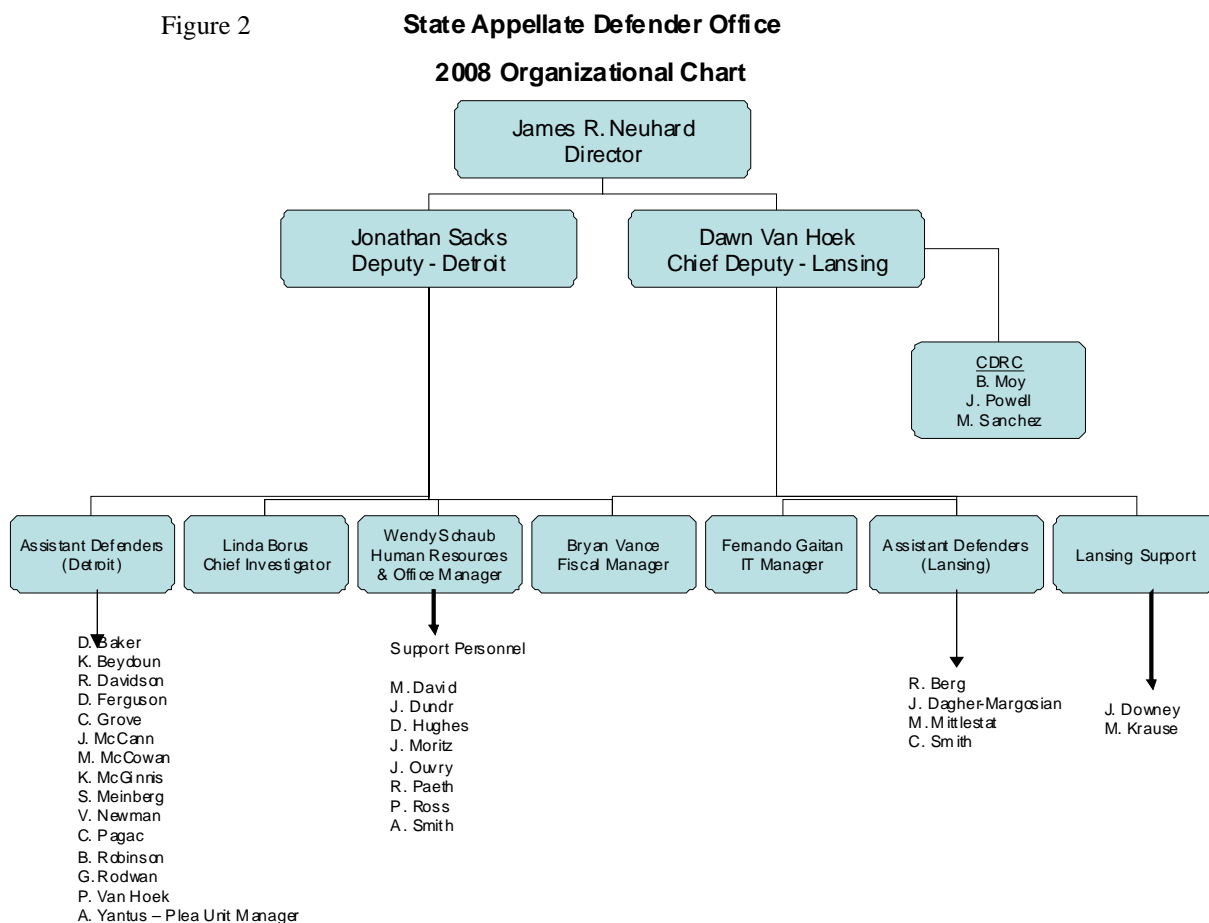
¹ Capacity is the cumulative total of new cases all SADO attorneys can accept per month under established differential case weighting standards.

months or less in light of this new six-month rule, and the declining dismissal rate due to persistent challenges to financial penalties. Specifically, plea unit capacity was reduced from 85 cases per year per plea attorney to 72 cases per year because of these issues.

SADO STAFFING AND DIRECT CLIENT SERVICES

At the end of 2008, SADO's staffing levels included 35 full-time employees and 2 part-time employees. Two new attorneys and one paralegal were hired in the Detroit office. By the end of 2008, the Director, Deputy Director, and 15 Assistant Defenders were housed in the Detroit (main) office; and the Chief Deputy Director and four Assistant Defenders were located in the Lansing office. Four Legal Assistants, two 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 2008.



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

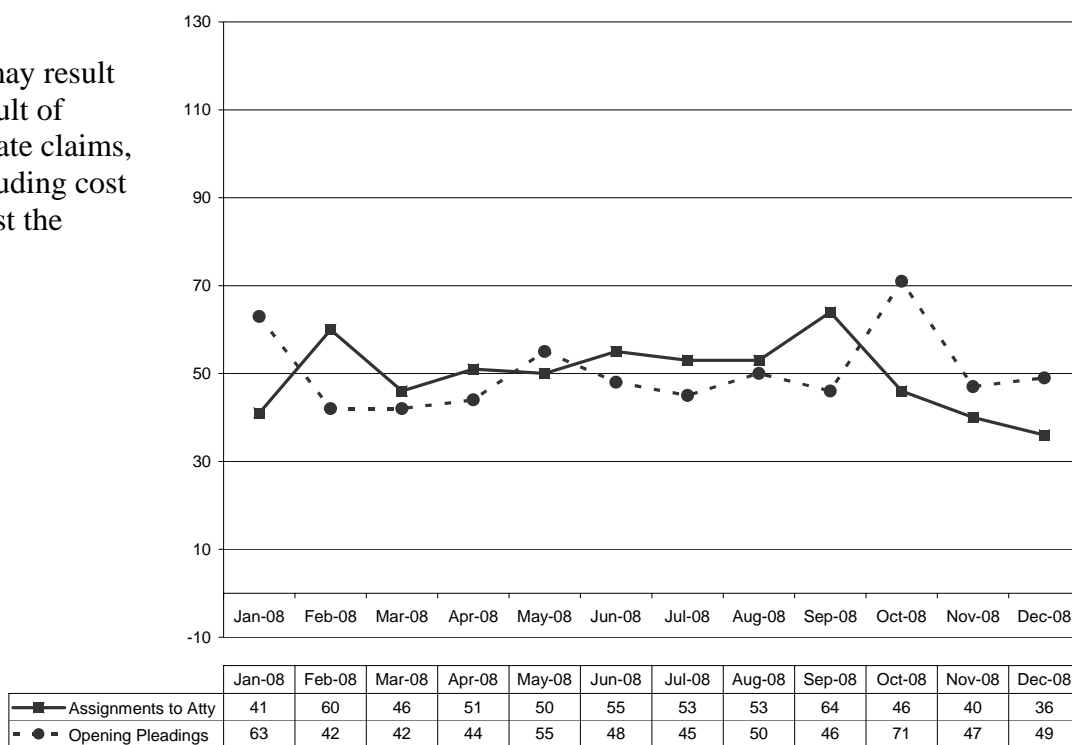
PRODUCTIVITY

In 2008, SADO Assistant and Deputy Defenders were assigned 657 cases and produced 2,127 filings, 660 of which were opening pleadings (Brief on Appeal or Motion for New Trial or Resentencing with a supporting brief). (See Table I of the Appendix)

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

Figure 3
**Opening Pleadings² Filed
vs.
No. of Assignments to Attorneys³ for 2008**

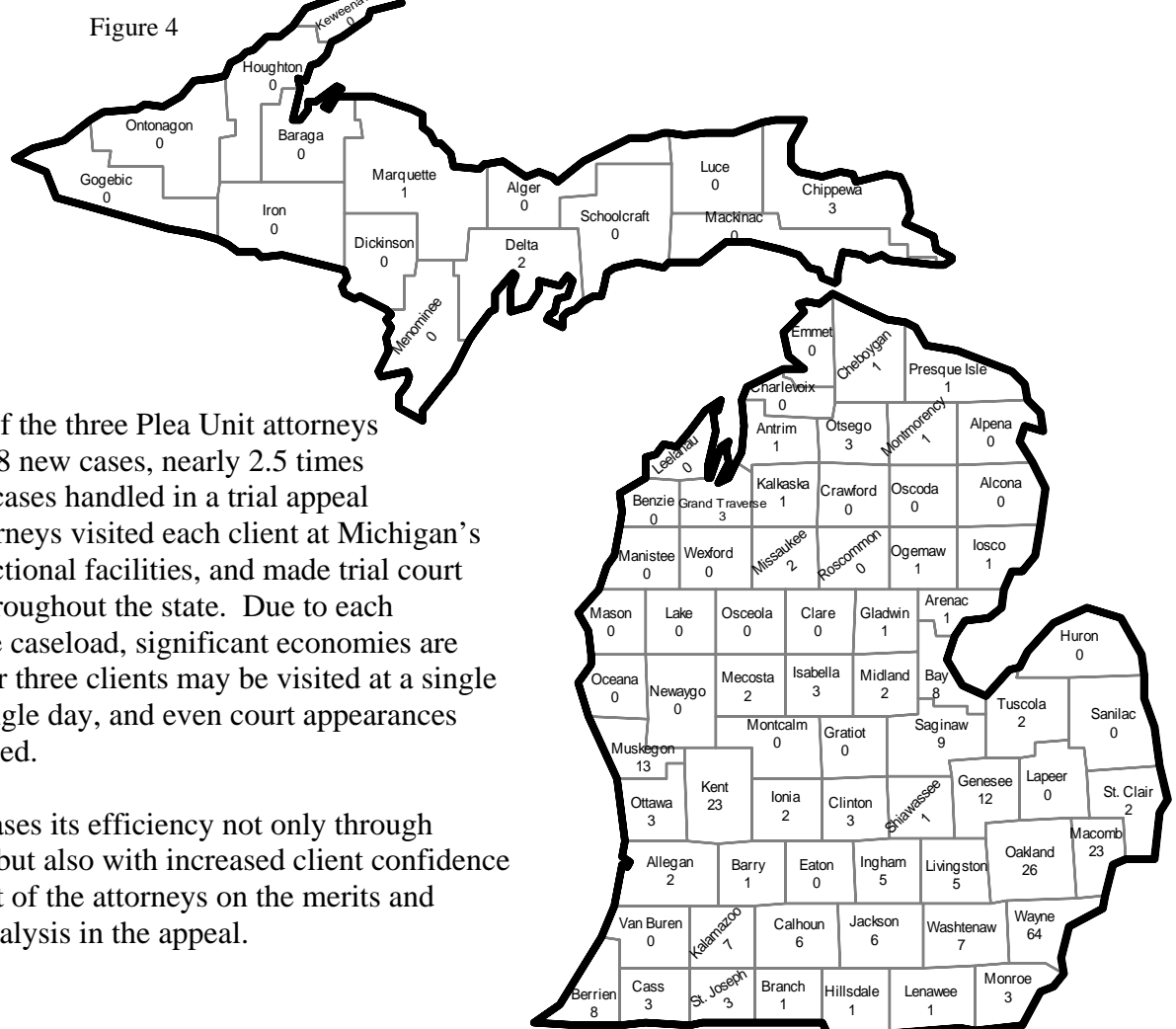
Untimely filings may result in procedural default of meritorious appellate claims, and penalties, including cost assessments against the attorney.



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

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

Figure 4



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 dismiss a significant percentage of cases.

Sentencing Errors Corrected in One-Third of SADO Appeals

The Unit's overall relief rate⁴ generally exceeds 37%, with a relief rate of over 90% in the cases presented on the merits to trial courts. In 2008, the average relief rate for all plea unit files was 36.7%, largely in the trial court, and the overall average for files where the appeal was taken was 54% for the three staff attorneys in the Unit, who handled 88% of the total plea-based appeal assignments to attorneys.

Initiating the appeal in the trial court has numerous advantages: memories are fresh, trial judges are well-acquainted with the file, prosecutors are more likely to negotiate, and a costly proceeding in the higher appellate courts may be avoided. Of the cases that are not dismissed and proceed first in the trial court, relief was granted an average of 90.3% of the time.

Correcting Sentencing Errors Saves Money for the State of Michigan

For the five calendar years of 2003-2008, the Plea Unit accomplished a cumulative reduction in minimum prison terms of 140 ¼ years, and a cumulative reduction of maximum prison terms of 358 years. The average reduction per plea unit attorney per year was 8 ¾ years on the minimum term, and 22 1/3 years on the maximum term. The average number of assignments, per unit attorney, per year from 2003-2008, was 88 cases.

Below are the numbers and averages for sentence reductions for each year. Please note that the number of plea unit attorneys in the Plea Unit has varied each year, and therefore the number of overall reduced sentences will vary from year to year. There were two unit attorneys from 2004-2005, three unit attorneys in 2007-2008, and four unit attorneys in 2003 and 2006.

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

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

Assuming an average annual cost of incarceration of \$30,000 (clients reside in a variety of correctional settings), sentencing error correction by Special Unit attorneys during 2008 saved the State of Michigan approximately \$532,000 (17.75 years reduced from sentence minimum x \$30,000).

2008 GOALS AND OBJECTIVES

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

The Appellate Defender Commission has expanded or constricted SADO's caseload to reflect funding and staffing realities. SADO's principal goal at the start of 2008 was to handle as close to 25% of the total appellate assignments as resources would permit. However, as historically has been the case, in 2008 SADO was understaffed and underfunded and therefore handled only 15.9% of the appeals. In spite of these challenges, SADO still accepted over 32% of the most complex, costly, and serious trial-based appeals. SADO has never been removed from any case for want of prosecution under MCR 7.217(A) in spite of accepting more cases than it has had the capacity to handle and absorbing the caseloads from the loss of fifteen staff attorney positions over the last nine years.

SADO attorneys have worked within significant caseloads to obtain actual relief for for clients throughout the state.

Criminal Defense Resource Center 2008 Annual Report

Primary Goals for 2008: Increase quantity of support to the private and public defender bar, increase access to services through the Web, continue training on web-based resources.

I. Overview of noteworthy accomplishments

The year 2008⁵ marked the thirty-second 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 \$277,498. This MCOLES award supported: (1) hands-on workshops for assigned counsel, covering computerized research, writing and presentations, (2) staff attendance of technology conferences, (3) publication of the Defender Trial, Sentencing, Habeas and Motions Books, (4) scholarships for assigned counsel to attend skills conferences, both in-state (CDAM Trial College) and out-of-state (National Criminal Defense College and NLADA Appellate Defender Training) and (5) seminars of the Wayne County Criminal Advocacy Program. A month-by-month grant continued for the Attorney-to-Attorney Project in Wayne Circuit Court, awarded by the Wayne Criminal Defense Attorneys Association.

While operations are described in detail below, several activities during 2008 are noteworthy:

- The "Attorney-to-Attorney" Project provided in-person support at Wayne Circuit Court and e-mail support statewide. The Project connects criminal defense attorneys with the CDRC's experienced research attorneys, who provide legal research, advice, pleadings and training. Despite well-documented need for this support, funding remains problematic.⁶ During 2008, the Wayne County Criminal Defense Attorneys Association

⁵ Due to reporting methods based on a subscription year, the time period covered by this report is October 1, 2007 to September 30, 2008.

⁶ For over 23 years, SADO funded the service from its budget for contract legal assistance, helping thousands of attorneys with matters of law and strategy. When budget reductions occurred during the late 1990s, the service was significantly reduced and then discontinued. In 2000, the CDRC obtained a grant from the Department of Justice's Bureau of Justice Assistance, emerging as the top awardee following a nationwide competition. The 18-month,

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

- The CDRC's web databases grew significantly in content and value. The CDRC's web site was increasingly used as the state's main portal for criminal defense attorneys, containing its own large research databases of unique material. No other Michigan-focused web site contains both trial and appellate pleadings, full text of practice manuals (the Defender Books), collections of witness testimony, and videos from actual training events; all CDRC databases are searchable and downloading of useful material is facilitated. In 2008, the collection of testimony by expert witnesses was expanded.
- An online Criminal Defense Wiki was launched, containing information about local courts, statewide. Users provide content, including "inside information" about practice and procedure in their local courtrooms.
- Forum traffic continued to increase. The Forum, the CDRC's online discussion group of over 700 criminal defense attorneys, continued its upward path in the number of messages exchanged. Messages averaged a bit over 1843 per month. Attorneys post messages 24/7, asking questions about practice and procedure, sharing pleadings and suggestions for strategy. Messages are collected in a searchable database, providing a rich resource of advice that can be used over and over.
- Delivery of certain publications in electronic form again proved popular during the year, advancing both timeliness and cost savings. The Criminal Defense Newsletter and the summaries of appellate decisions went out to nearly 700 subscribers to web services, delivered as attachments to e-mail messages.
- An "umbrella" grant to the CDRC for statewide criminal defense training continued. During the report period, the CDRC obtained MCOLES funding not only for its "traditional" projects, but also for those undertaken with training partners. That training included the one-week Trial Skills College of the Criminal Defense Attorneys of Michigan (CDAM), its two large statewide advanced skills training conferences, and the 10-seminar series of the Wayne County Criminal Advocacy Program (CAP). And, MCOLES-funded training included seminars presented by CDRC staff in "high-tech" courtrooms, where in-depth training on trial presentation software was provided.
- Partnerships with the Wayne Circuit Court's Criminal Advocacy Program and the Attorney Discipline Board continued, primarily through the hosting and operation of web sites (capwayne.org and www.adbmich.org), and other technical support provided by the CDRC.
- Grant-funded printing of the Defender Books was discontinued due to a policy shift by MCOLES, which encourages use of online resources: users were provided with electronic

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

versions of the books, which could be printed on demand. The books remained searchable on the CDRC's web site, www.sado.org, including all archived earlier editions.

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

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

An online supplement of the Defender Books was published, covering developments from May, 2007, to January, 2008. 450 sets of the books were printed on demand for distribution to criminal defense attorneys, judges, inmates, law libraries and other criminal justice system participants. Over 2300 pages of relevant information were delivered to users, covering developments through July of 2008. 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. The books also reside, in all editions, on the CDRC's web site, www.sado.org. All books are full-text searchable on the web site.

Asked about how frequently they use the books, 9.09% of the trainees said daily, 63.64% said weekly, 22.73% said monthly and 4.55% said less than monthly. These results reflect heavy use, as in prior years. Approximately 31% said they use the books to browse a topic to learn the law, 46% used them to quickly identify a case, rule or statute, and 53% used them to browse a topic to refresh their memories. Many indicated that the books provide a useful starting point in research. Asked about the value of the books to their practices, 26% said they were indispensable, and 18% said they were helpful.

C. Attorney-to-Attorney Support Project.

The CDRC continued to offer support to Michigan's criminal defense community through support projects operated in Wayne Circuit Court, and through a strictly e-mail version, called help@sado.org. Subscribers to the CDRC's web-based services may send messages at any time, and they are answered within 24 hours by a CDRC research attorney. In addition to substantive answers in the body of e-mail messages, pleadings and other useful documents are attached to the replies. During the year, 198 contacts took place between the CDRC Research Attorney and the attorneys using the online service.

The CDRC continued its partnership with the Wayne County Criminal Defense Attorneys Association to provide the Attorney-to-Attorney support in Michigan's busiest criminal venue, Wayne Circuit Court. CDRC research attorneys provide approximately 20 hours of service weekly, directly consulting with other criminal defense attorneys who need urgent answers to their legal questions. During the report period, new space was opened in the courthouse, making it easier to consult and gain access to online resources. CDRC attorneys provide pleadings, citations, and a sounding board on matters of criminal law and procedure.

During the year, 860 contacts took place between CDRC research attorneys and the users of the courthouse service. A detailed report appears in the appendix.

III. Services Delivered by the Web

A. Databases

The year 2008 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 included appellate and trial level pleadings, resumes of expert witnesses, full text of the Defender Books, full text of the Criminal Defense Newsletters, opinion summaries and full text of appellate court decisions, both state and selected federal, testimony of selected expert and police witnesses, and much more. Several of the databases (particularly the Defender Books) remained available in "PDA" format, allowing attorneys to store full text of these resources on their handheld devices. The amount of information available to attorneys through the CDRC's site made it possible to minimize use of expensive fee-based alternatives (such as Westlaw or Lexis). The advantages of this delivery method remain that:

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

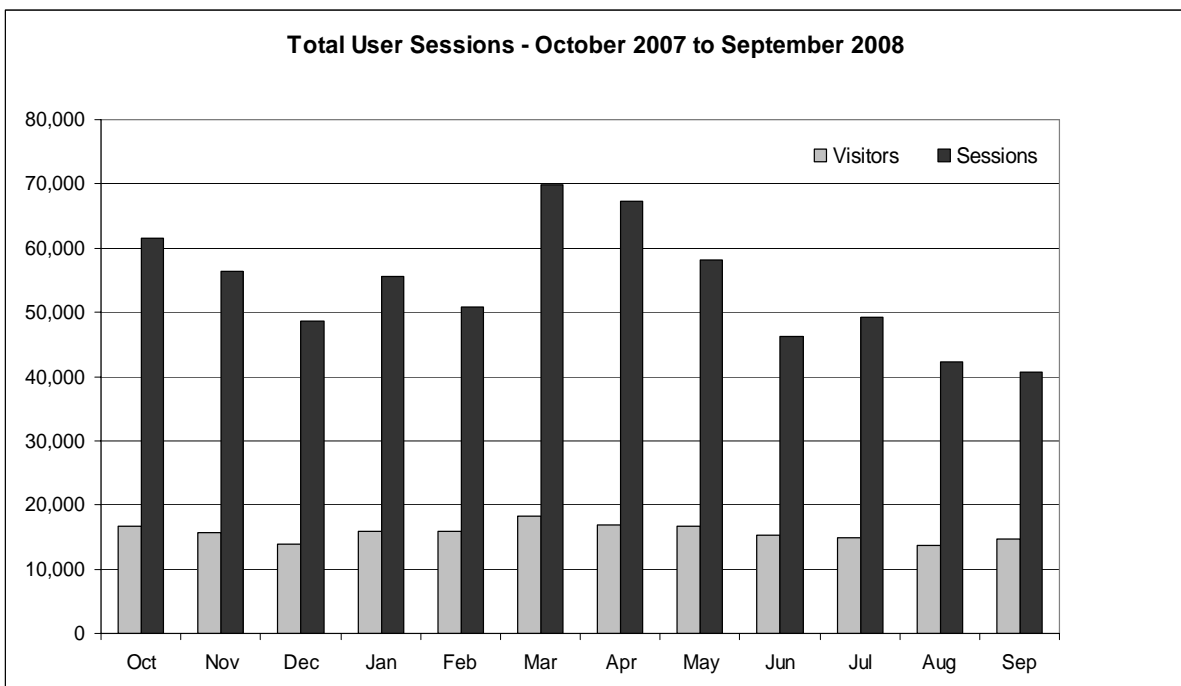
During 2008, content was added to both the public and subscriber-restricted sides of the web site. Materials were added in all segments, including descriptions of legal processes, training events, legal databases, and summaries of appellate decisions. Videotaped training events of the Criminal Advocacy Program (CAP) were added to its web site (www.capwayne.org) during the year, including links to the presenters' handout materials. This significant enhancement makes it possible to obtain training on an as-needed, or as-possible basis, facilitating continuing review of a topic as well.

The Criminal Defense Wiki was launched in December, 2008, adding an online collection of user-driven information about Michigan courts including contacts, locations, local rules and forms, inside information and local attorneys. Subscribers post and build upon core information supplied by the CDRC.

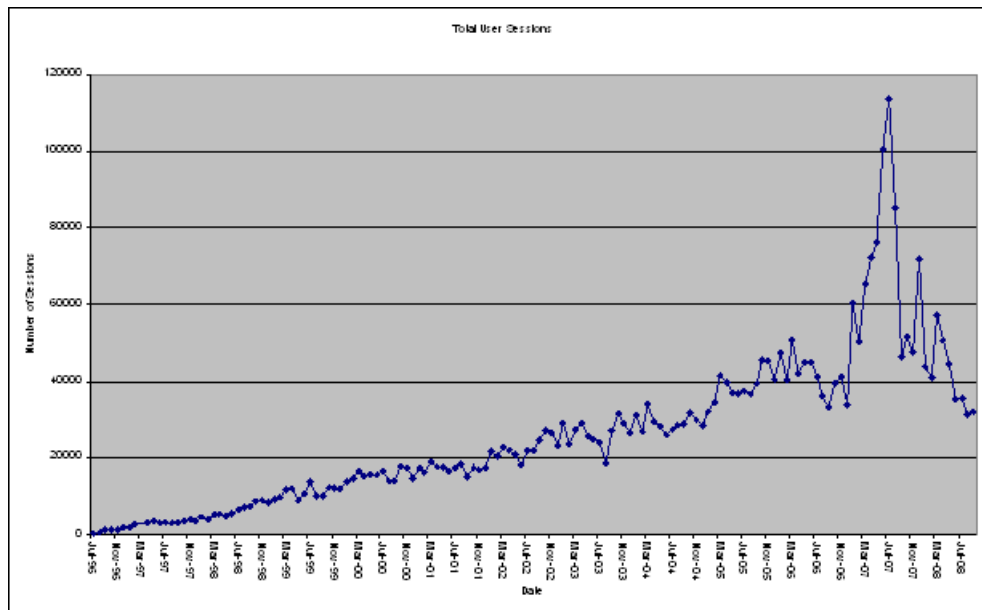
Also new was the segmenting of the CDRC listserv, the Forum. Available to subscribing criminal defense attorneys, the Forum has three message groups; general, drunk driving defense, and off-topic.

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 53,871 per month during the report period (a decrease from last year's average of about 65,412).

User sessions, reporting period



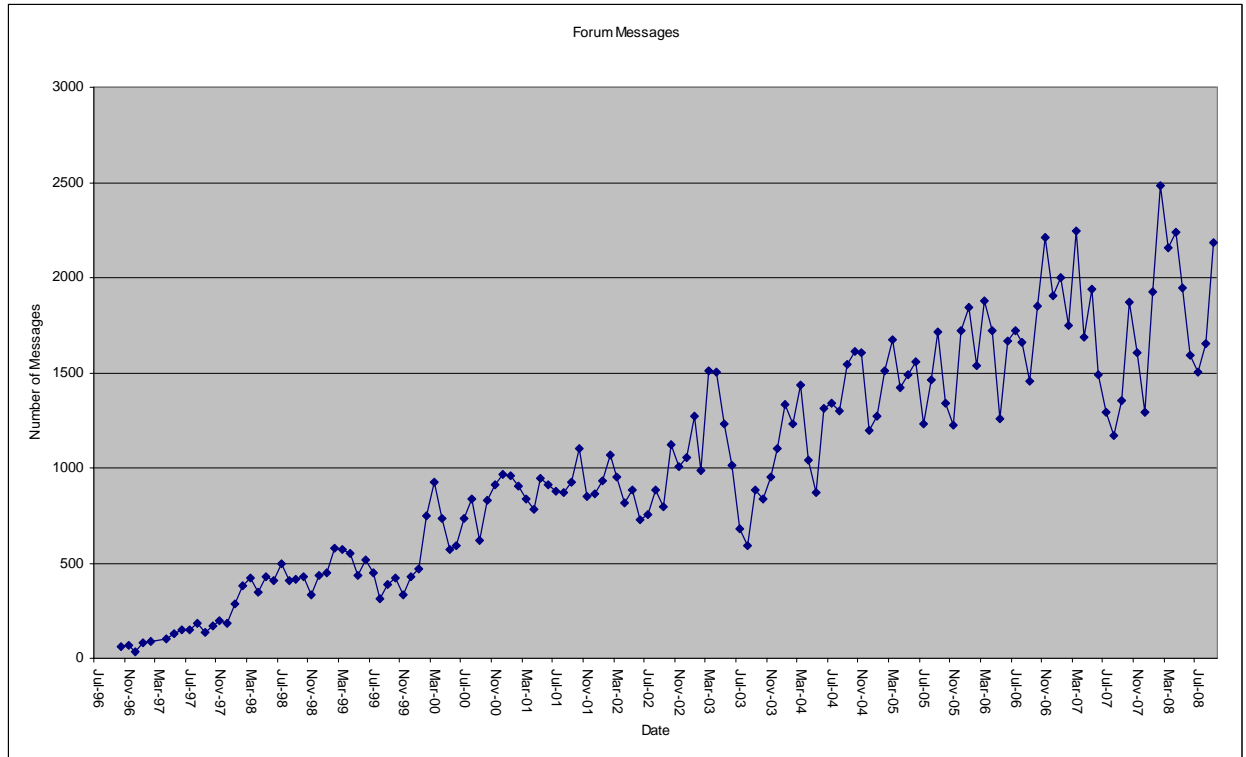
User sessions, historically



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 700 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 1843 messages per month, with many months in the 1800-2000 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.



Forum Messages by Day of Week October, 2007 – September, 2008

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October, 2007	98	350	435	390	222	291	82
November, 2007	55	262	342	324	283	281	59
December, 2007	56	146	198	218	173	129	37
January, 2008	94	295	347	353	411	292	135
February, 2008	159	450	454	464	385	396	174
March, 2008	194	453	318	388	402	279	125
April, 2008	158	266	496	559	324	329	104
May, 2008	98	275	296	396	414	351	114
June, 2008	77	305	419	261	289	199	42
July, 2008	78	216	316	383	334	124	55
August, 2008	63	243	260	342	270	386	90
September, 2008	150	338	442	390	373	370	122
Totals	1280	3599	4323	4468	3880	3427	1139
Total Messages Sent	22116						

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

To save mailing costs and increase the timeliness of delivery, the CDRC again encouraged users to read electronic copies of appellate decision summaries, in lieu of mailed hard copies, which were discontinued in 2004. Once a week, summaries of that week's appellate decisions were sent via e-mail to the 600 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 600 subscribers to web services also received electronic copies of each month's Criminal Defense Newsletter, again, long before it would otherwise arrive by "snail mail."

IV. Direct Training Events/Conferences

With funding support from the Michigan Council on Law Enforcement Standards (MCOLES), the CDRC once again offered statewide training events on the subjects of "Legal Research and Document Automation" and "Power Up Your Trial Presentation." A total of fifteen events took place, varying in length from three hours long for Legal Research and Document Automation to eight hours for Power Up Your Trial Presentation, reaching a total of 184 trainees in approximately eleven different locations throughout Michigan. The average size of the group trained was approximately twelve, 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 ten separate communities, statewide. As in previous years, 2008 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.

And, during 2008, partnerships were formed between the CDRC and judges who run "high-tech" courtrooms. Those judges are eager to train attorneys on use of trial presentation hardware and software, and several programs were presented in such courtrooms.

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 SADO web site for legal research, 5% said every time, 40% said most of the time, 50% said sometimes, and 5% said 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: 29% said more than 10 hours monthly, 14% said between 5 and 10 hours monthly, 50% said under 5 hours monthly, and 7% 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, 100% responded that he was either "excellent" or "very good."

For the fourth time, the CDRC included in its MCOLES grant application funding for conferences planned with training partners, the Criminal Defense Attorneys of Michigan (CDAM) and the Criminal Advocacy Programs of Wayne County Circuit Court (CAP).

Funding was obtained for ten trainee scholarships to attend the summer CDAM Trial College, and also for the operational expenses of the ten CAP seminars conducted each fall.

V. Sharing/partnering with the Community

The CDRC continued in 2008 to share its resources and expertise with others. During the year, the CDRC continued to provide major technical support to Michigan's Attorney Discipline Board. The CDRC's webmaster helped the agency to organize its resources into databases provided online, and SADO continued the hosting of its web site. The CDRC also continues its partnership with the Wayne County Criminal Advocacy Program and the Wayne County Criminal Defense Attorneys Association to maintain a web site that captures the excellent training offered each fall for assigned criminal defense attorneys in Wayne Circuit Court. Presenters' handouts and the video of their presentations are available at www.capwayne.org. And, CDRC staff provided significant technical assistance to the Criminal Defense Attorneys of Michigan (CDAM). CDAM reduced its operating budget considerably by publishing training materials on CD-ROM instead of printed pages, during the report period.

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

ANNUAL REPORT 2008

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 the MAACS Regulations and the Minimum Standards for Indigent Criminal Appellate Defense Services when representing assigned appellate clients. MAACS is also directed "to engage in activities designed to enhance the capacity of the private bar to render effective assistance of appellate counsel to indigent defendants." MAACS Reg. 1(1).

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

ADMINISTRATION

Staffing/Funding

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

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

Administrator, Thomas M. Harp;

Deputy Administrator, Lyle N. Marshall;

Associate Administrator (vacant since 2002).

Five are full-time support personnel:

Roster Manager, Mary Lou Emelander;

Administrative Assistant/Office Manager, MariaRosa Juarez-Palmer;

Case Assignment Coordinator, Lou Mn Palmer;

Systems/Financial Manager, Judy Miller, and;

Legal Secretary/Receptionist, Jane Doyle.

Two former, part-time, positions remain vacant: A part-time paralegal and a part-time file clerk.

Recent Budget History

In 2002, due to a reduction in appropriations to the office, MAACS was compelled to lay off personnel, which created the vacancies outlined above. For the same funding-related reasons, these positions remain vacant to date. Further reduction in appropriations imposed in fiscal year 2006-2007 (October 1, 2006- September 30, 2007) would have required the implementation of twelve agency-wide "furlough" (unpaid) days or the layoff of an additional employee. This possibility was avoided only because an agency employee experienced the need to take an extended period of long-term medical leave followed by family medical leave in 2007. This circumstance created sufficient personnel savings to allow the agency to remain open and functional throughout fiscal and calendar 2006 and nearly all of calendar 2007. In fiscal 2006-2007, the previous year's reduction in appropriation was continued and further reductions were also imposed. MAACS, with the concurrence of the Appellate Defender Commission, implemented a plan to take between 12 and 18 "furlough" days during the 2007-2008 fiscal year.

For fiscal year (FY) 2008 the Legislature restored the reductions in funding which MAACS had experience in the preceding two FYs. This allowed MAACS to continue its current staffing levels and alleviated the need for staff to take any furlough days, to date. The economic circumstances facing the State of Michigan during this fiscal year has resulted, however, in Legislative discussions regarding the need for a cut-back in that appropriation, given the projected short-fall in State revenue. Any cut-back, or reduction in the Legislative appropriation for FY 2008-2009, will result in the necessity to impose either furlough days or additional lay-offs of essential personnel.

Administrative Design

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

A. Generally

Attorneys who wish to receive appellate assignments file an application to join the statewide roster with MAACS. The applicants specify the circuits from which they want appointments. Attorneys may obtain appointments from any circuit in the state. MAACS classifies roster attorneys into three eligibility levels, depending on their qualifications. Reg. 4(2). Level 1 includes appeals from plea-based and bench-trial-based convictions with statutory maximum sentences up to 10 years and from jury trial-based convictions with maximum sentences up to 5 years. Level 2 includes appeals from plea-based and bench trial-based convictions with maximum sentences over 10 years, and jury trial appeals with sentences between 5 and 15 years. Level 3 includes appeals from jury trial-based convictions with statutory maximums over 15 years. The plea categories include probation violation hearings and resentencings. Level 1 attorneys are restricted to the (generally) simpler types of cases and those with lower maximum sentences. Only Level 3 attorneys can be assigned to jury trials for life maximum offenses. MAACS also allows Level 3 lawyers to choose to provide representation exclusively in appeals involving trial-based convictions. For administrative, though not regulatory, purposes, these lawyers are designated as "Level 4" lawyers.

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 I 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. All roster lawyers were required to reapply for retention on the roster again in 2008.

B. 2008 Roster Maintenance

1. 2008 Roster Attorney Status

As of December 31, 2008, the status of the statewide roster was 123 total members, as follows: 58 Level I attorneys, 36 Level 2 attorneys, 22 Level 3 attorneys and 7 Level 4 attorneys. 1 attorney was added to the roster at Level 2 and 2 attorneys re-joined the roster (1 at Level 1 and 1 at Level 2). Requests for roster applications continued to be regular and consistent. However, lawyers interested in joining the MAACS roster at Level 1 were unable to do so; sufficient funds to conduct the 2-day Orientation, required by MAACS Regulations in order to admit new roster members, were unavailable given the agency's budgetary constraints.

Twenty-five attorneys left the roster in 2008. Two resignations (one Level 1 and one Level 2) were designated as "under fire" (that is, the two lawyers were under investigation by MAACS relative to performance concerns at the time of the resignation). One (Level 2) was "in response to a letter from the Administrator calling into question the lawyer's continued interest in roster membership and one (Level 1) was removed from the roster for failure to respond to MAACS' inquiries about complaints received about the lawyer's performance: a violation of the MAACS Regulations. One attorney (Level 1); resigned after declining to respond to a MAACS inquiry, as well as due to military deployment. One attorney (Level 4) gave dissatisfaction with the funding paid by the circuit courts as the reason for resignation. One attorney resigned to take a maternity leave (Level 1) and *four* attorneys gave no reason for their resignations (Two Level 1 and two Level 2).

Fifteen attorneys were deleted from the roster during the 2008 retention process. Eleven of those deletions were the result of no re-application for retention being received (Seven at Level 1, two at Level 2 and 2 at Level 4). One attorney (Level 4) returned a re-application form but indicated she would be "seeking other employment in the near future" and was deleted from the roster.

(Subsequently, this same lawyer experienced a change of heart and was returned to the roster in early 2009.) One attorney, deleted from the roster on December 17, 2008 for having failed to return a re-application form by the deadline, was later retained (Level 1), after demonstrating to the satisfaction of the Administrator that the failure to meet the required deadline was excusable. One attorney (Level 1) was deleted from the roster due to insufficient recovery from a stroke in 2004 and because MAACS had no contact from the lawyer during the last retention period. Finally, one lawyer resigned from the roster in early-2009 after having received an extremely negative complaint determination concerning his representation of a MAACS client; that lawyer's re-application for roster membership was not considered, the resignation having rendered it moot.

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

The Appellate Defender Commission approved the Administrator's recommendation to admit one lawyer to the roster, at Level 2, during this period.

As of December 31, 2008, one non-roster attorney request to join at Level 2 or 3 remained pending.

3. Roster Lawyer Re-Classification

During 2008, two attorneys were reclassified from Level 1 to Level 2, one attorney's request for reclassification from Level 2 to Level 3 was denied and one attorney's pending request for Level 2 reclassification was closed without action upon his deletion from the roster for failure to return a re-application form and consequent removal from the roster. As of December 31, 2008, one reclassification request received during 2008 (from Level 2 to 3) remained pending.

4. Other Roster Matters

On December 31, 2008, four lawyers, while remaining on the roster, remained suspended from receiving future assignments, pursuant to the Regulations, by action of the Administrator. In two of these cases, this resulted from the lawyer's inability to provide representation for health reasons and was at the request of the lawyers involved. In a third, the action was taken in response to the lawyer's failure to respond to requests from the Administrator for additional information concerning the lawyer's re-application for roster membership. By the time of the approval of this report by the Commission, that lawyer had been reinstated to receive assignments and had been retained on the roster, though at a lower level. The fourth, referred to above, resigned from the roster during the pendency of his re-application review, in response to having received a determination from the Deputy Administrator that multiple violations of the Minimum Standard had been demonstrated in a case involving one of this lawyer's MAACS clients.

II. Coordinating Assignments

A. Methods

While the statute specifies that appellate counsel are to be appointed by the trial courts, the MAACS Regulations require non judicial personnel to select the lawyer to be appointed according to standardized procedures. The local designating authority (LDA) is the person in each circuit court who is given the responsibility for preparing the orders of appointment. An eligible attorney may be passed over only for specified causes, such as a conflict of interest or the fact that another eligible attorney is already representing the defendant on an active appeal. The name of the appointed attorney 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 13th) came on-line in June, 2002 and the system is now 100% operational.

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

The increased automation has created substantial efficiencies for MAACS as well. Since attorney address, telephone, and level changes are accessible to the trial courts through 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.

MAACS continues to investigate computer-driven options which would further simplify and increasingly organize both the assignment process and the record-keeping involved in it. Two future goals remain in this regard: First, the current assignment system is "dial-up;" the system should be completely a creature of the internet. Second, the maintenance of paper files is unwieldy, expensive, creates massive storage issues and is environmentally irresponsible: with appropriate technological improvements, the office could, and should, become "paperless."

B. Statistics

In 2008, appellate counsel was assigned in 3789. This figure represented a decrease from the 4247 cases assigned in 2007, or (8.9%). The figure of 3789 was almost comparable to the 3875 assignments in 2005, and still represented a 9.0% increase from the 3420 assignments in 2004: the year prior to the *Halbert* decision. In 2008 SADO was assigned in 603 cases, or 15.9% of the total.

Following this report is an "MAACS Appendix." Included in this appendix are a series of which Statistical Reports which are prepared by MAACS and fully analyze the following:

1. Total Appellate Assignments
2. Plea appeals by Circuit
3. Appeals by Jurisdictional Type, by Circuit
4. Assigned Appeals by Case Type and Level, by Circuit
5. Resentencings, by Circuit
6. Changes in Appellate Assignments 2005-2007, by Circuit.
7. SADO Assigned Appeals by Case type and Level.

III. Improving Attorney Performance

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

1. Provides training programs, reference materials, and update memos, as well as one-on-one assistance in individual cases;
2. Reviews in-depth the work of each attorney seeking to be classified at Level 2 or 3;
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). In 2008, and with grant funding from MCOLES, MAACS a Fall Training program, *Technology and the Law: How to Work Smarter and Faster*, in October, 2008 at locations in Grand Rapids, Lansing and Troy.

The 2008 Training involved presentations as follows:

JoAnn Hathaway and Diane Ebersoll, Practice Management Advisors, State Bar of Michigan: Ms. Hathaway presented on *Getting the Most out of Microsoft Word* and Ms. Ebersoll on *The Power of Adobe Acrobat* John Powel, SADO Database Manager and Webmaster gave two presentations; one entitled *Legal Research and Document Automation* and the other *Tips, Tricks, Shortcuts Gadgets and Other Cool Stuff*. Private criminal trial and appellate practitioner Stuart Friedman presented information on *The Technology Integrated Law Office*. Finally, the MAACS Administrator, Thomas Harp, presented the annual survey of *Developments in Criminal Appellate Practice*.

A total of 98 roster attorneys attended these seminars, which received excellent evaluations.

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

2. Practice Manuals

In previous years, MAACS has also prepared and disseminated practice manuals and/or compact discs to the entire roster. Titles of these materials include *Felony Sentencing in Michigan* (4th Edition), *Pleadings and their Usage in Michigan Appellate Practice*, (2nd Edition), and an *Expert Lecture Series* on a wide variety of appellate practice issues (compact disc) and the 2nd Edition of *Sample Client Letters* in either CD-ROM or written hard-copy versions. The MAACS Standards and Commentary and the MAACS Regulations was distributed in hard-copy form in 2006. Grant funding was not requested for this purpose in 2008.

3. MAACS also conveys information in less formal ways. It periodically sends memos in hard-copy form or, increasingly, by electronic mail, to the entire roster explaining the impact of court rule changes, major appellate decisions, and Michigan Department of Corrections policies that affect attorney/client communication. The administrators also routinely field telephone and 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.

As noted above, during 2008, two attorneys were reclassified from Level 1 to Level 2, one attorney's request for reclassification from Level 2 to Level 3 was denied and one attorney's pending request for Level 2 reclassification was closed without action upon his deletion from the roster for failure to return a re-application form and consequent removal from the roster. As of

December 31, 2008, one reclassification request received during 2008 (from Level 2 to 3) remained pending.

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. In 2007, no lawyers requested roster membership pursuant to this Regulation.

As noted above, The Appellate Defender Commission approved the Administrator's recommendation to admit one lawyer to the roster, at Level 2, during 2008 and one non-roster attorney request to join at Level 2 or 3 remained pending.

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, but also from the Courts, regarding the conduct of roster members. In 2008, the Administrator processed 369 pieces of this type of correspondence. Both of the members of the administrative staff received numerous additional inquiries of this type by email and telephone. Virtually all of these demanded a formal written response of some kind.

While many of these do not state facts that indicate a violation of the Minimum Standards may be implicated, about 30% require MAACS administrative staff to contact the lawyer involved in the representation, the defendant, or both. This contact may range from a letter warning counsel to write the client promptly to the initiation of a formal complaint process. Where appropriate, and more rarely, problems may also be resolved with formal findings, but without a formal complaint process. These last situations generally involve complaints implicating a violation of the Minimum Standards involving a roster attorney who has already resigned or been removed from the roster.

A large percentage of complaints from defendants involve allegations that the roster lawyer has failed to contact the client in writing or otherwise allegedly demonstrated a failure to keep the client aware of the status of the case. These require MAACS to write to the lawyer and request that he or she contact the client, with written confirmation that this has been done and that measures will be taken to insure that the client will remain aware of the status of the case. Most of these types of complaints are resolved by such action being taken by the lawyer involved. If it does not, a violation of the Minimum Standards is implicated, and a formal investigation is begun. Even if resolved by immediate action by the lawyer, supervision of the process remains time-consuming work, however, as, in 2008, 57 such complaints were required to be resolved by MAACS. This reflected a reduction of 19% in these types of complaints from the number in 2007.

When a formal complaint inquiry is issued, the lawyer is asked to respond in writing to the allegation that a specific Minimum Standard or multiple Standards has or have been violated during the representation. The lawyer's client (the complainant, normally) is given the opportunity to respond to any answer the attorney provides. MAACS conducts any independent investigation that may be necessary regarding the allegation(s), or regarding any additional information revealed during the course of this process which may implicate additional concerns, and then determines whether a substantial violation of the Standards has occurred. In 2008, MAACS resolved 29 formal complaints involving 22 different roster attorneys. In all of these cases, MAACS found violations of the Minimum Standards. Although the nature of these violations varied widely, by far the most common were failures to process appeals in a timely manner, failures to conduct personal confidential consultations with clients before filing briefs or pleadings, and failures to keep clients apprized of what was happening with their cases. Depending on the circumstances, a finding that the Standards have been violated may have consequences ranging from a warning, to a request to the circuit court to appoint substitute counsel or to formal removal from the MAACS roster of lawyers. In three instances, the violations of the Minimum Standards in these twenty-nine-seven cases resulted in MAACS successfully seeking the appointment of substitute counsel by the circuit courts involved. Additionally, one of the lawyers involved in these investigations was no longer a member of the roster, and six subsequently resigned from the roster. Two additional lawyers were informed in 2007, pursuant to the Regulations, that the Administrator contemplated their removal. In 2008, one of these lawyers voluntarily resigned in the face of that warning and the other was removed from the roster by the Administrator.

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 may:

- Respond 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 results in the appointment of counsel;

- Provide form pleading packets to defendants who wanted to appeal a trial court's denial of a request for appellate counsel, or information concerning pending litigation regarding this issue;

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

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

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

**STATE APPELLATE DEFENDER OFFICE
LITIGATION APPENDICES**

TABLE I
CASE ACTIVITY AND WORKLOAD

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

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

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

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

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

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

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

TABLE II
DISMISSALS AND WITHDRAWALS

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

* 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©(5) (Michigan’s so-called “Anders” procedure. SADO’s dismissals and withdrawals are all voluntary. Counseling clients on voluntary dismissals prevents many from pursuing unnecessary, time-consuming and potentially harmful appeals.

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

TABLE III
STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT
FOR THE YEAR OF 2008

Total New Appointments to SADO 1/1/08 to 12/31/08	635
Total Cases Assigned to Staff Attorneys 1/1/08 to 12/31/08	657
Total Filings by SADO 1/1/08 to 12/31/08	2,127
Total Cases Closed (Done*) 1/1/08 to 12/31/08	730
Total Cases Open as of 12/31/08	1,343

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

TABLE IV
STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT
FOR THE YEAR OF 2008

SADO FILINGS 1/1/08 to 12/31/08

Trial Court	577
Court of Appeals	1,314
Supreme Court	203
Federal Courts	33
Total FILINGS	2,127

MAJOR FILINGS 1/1/08 to 12/31/08

Trial Court	510
Court of Appeals	640
Supreme Court	194
Federal Courts	12
Total MAJOR FILINGS	1,356 = 64% of all filings

SADO APPOINTMENTS BY CASE TYPE 1/1/08 to 12/31/08

Pleas	239
Probation Violation Pleas	34
Jury Trials	285
Bench Trials	55
Probation Violation Trials	6
Prosecutor Appeals/Interlocutory	3
Resentencing	8
SC Application – OTHER	4
Specials (+ PPO cases)	1
Total ASSIGNMENTS	635*

* Again, this 821 cases assignment total differs from MAACS' 763 total because SADO must count cases differently than MAACS to take workload into account. See comments to Table IV.

TABLE V
SADO'S PERCENT OF COMPLEX (LEVEL III JURY TRIAL APPEALS)
APPELLATE ASSIGNMENTS 1993-2008
AS COUNTED BY MAACS

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

* The totals in this table differ from those in other tables because the numbers here are MAACS'. MAACS subtracts assignments if another attorney is substituted for the original attorney. SADO, however, counts those assignments and reconciles with MAACS at year's end. That is because these cases can have varying amounts of work done before the substitution. The original attorney may have done virtually all or none of the work. The "new" attorney, no matter how much work was done by the previous attorney, must still do a significant amount of work, client visits, read the transcripts and court records, and review all pleadings in the case to correct any deficiencies and complete the work. Thus, each attorney will want to count the assignment, even though MAACS only credits one of them.

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

TABLE VI
ASSIGNMENT OF CASES BY TYPE

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

* Bracket = Percentage of total assignments

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

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

TABLE VII
SUBSTITUTION APPOINTMENTS

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

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

TABLE VIII
SADO OVERALL RELIEF RATES* 1993-2008

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

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

<u>TOTAL</u>	<u>AFFIRMED</u>	<u>DISMISSED</u>	<u>RELIEF</u>
Pleas (N=185)	87 (47.0%)	75 (40.5%)	23 (12.4%)
Trials (N=103)	73 (70.9%)	12 (11.7%)	18 (17.5%)
Total (N=288)	160 (55.6%)	87 (30.2%)	41 (14.2%)

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

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

WCCDA Grant
Individualized Support of Assigned Criminal Defense Attorneys
January 1, 2008 through December 31, 2008

1. Number of contacts with service

Total	Neil Leithauser	Mary Hickey	Kelly McDoniel	Michael Skinner	Kelly Watson
860	430	56	33	9	297

2. Number of attorneys using service:

Total
190

3. Method of contact:

	FMHJ
E-mail	1
Telephone	35
In-Person	824
Mail	0
Other	0

4. Nature of presenting issues:

Total	FMHJ
Trial	651
Appellate	44
Plea	22
Sentencing	46
Web	3
Software	0
Forum	3
Research	23
Other	68

Nature of solutions provided: *

Identify/discuss legal issues:	439
Discuss strategy	209
Discuss procedure	80
Provide pleadings (from our databases, including packets)	33
Provide legal research (including citations & experts)	269
Train on web research	29
Troubleshoot technical problem	14
Provide forms (other sources, SCAO, CJI)	17
Referral to another agency or attorney	6
Other	69

*some contacts may involve solutions in multiple categories.

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM APPENDICES

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENTS
JANUARY 1, 2008 TO DECEMBER 31, 2008
CORRECTED**

	Total No. --- Percent of <u>Grand Total</u>	SADO No. --- Percent of <u>SADO Total</u>	SADO Percent of Total Case Type
<u>Level I</u>			
Plea/PV/Resentencing	1282 33.8%	125 20.7%	9.8%
Waiver Trial/INT/6.5/PPO Evidentiary Hearing	58 1.5%	21 3.5%	36.2%
Jury Trial	111 2.9%	42 7.0%	37.8%
Level I Total	1451 38.3%	188 31.2%	13.0%
<u>Level II</u>			
Plea/PV/Resentencing	1490 39.3%	138 22.9%	9.3%
Waiver Trial/INT/6.5/PPO Evidentiary Hearing	89 2.3%	33 5.5%	37.1%
Jury Trial	145 3.8%	50 8.3%	34.5%
Level II Total	1724 45.5%	221 36.7%	12.8%
<u>Level III</u>			
Jury Trial	544 14.4%	176 29.2%	32.4%
Level III Total	544 14.4%	176 29.2%	32.4%
Motions for Relief	55 1.5%	15 2.5%	27.3%
Prosecution Appeals of Dismissals	11 0.3%	2 0.3%	18.2%
Miscellaneous	4 0.1%	1 0.2%	25.0%
GRAND TOTAL	3789	603	15.9%

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
PLEA APPEALS FROM
JANUARY 1, 2008 TO DECEMBER 31, 2008

<u>CIRCUIT</u>	<u>PLEA APPEALS</u>	<u>CIRCUIT</u>	<u>PLEA APPEALS</u>	<u>CIRCUIT</u>	<u>PLEA APPEALS</u>
1st Hillsdale	24	17th Kent	172	33rd Charlevoix	4
2nd Berrien	91	18th Bay	68	34th Arenac/Ogemaw/ Roscommon	19
3rd Wayne	530	19th Benzie/Manistee	6	35th Shiawassee	11
4th Jackson	53	20th Ottawa	23	36th Van Buren	8
5th Barry	8	21st Isabella	29	37th Calhoun	58
6th Oakland	267	22nd Washtenaw	63	38th Monroe	36
7th Genesee	122	23rd Iosco/Oscoda	22	39th Lenawee	37
8th Ionia/Montcalm	29	24th Sanilac	6	40th Lapeer	7
9th Kalamazoo	75	25th Marquette	7	41st Dickinson/Iron/ Menominee	7
10th Saginaw	64	26th Alcona/Alpena Montmorency/Presque Isle	6	42nd Midland	12
11th Alger/Luce Schoolcraft	6	27th Newaygo/Oceana	9	43rd Cass	21
12th Barab/Houghton/ Keweenaw	2	28th Missaukee/Wexford	10	44th Livingston	40
13th Antrim/Grand Traverse/Leelanau	33	29th Clinton/Gratiot	23	45th St. Joseph	13
14th Muskegon	97	30th Ingham	52	46th Crawford/Kalkaska/ Otsego	25
15th Branch	7	31st St. Clair	33	47th Delta	8
16th Macomb	208	32nd Gogebic/Ontonagon	2		

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
PLEA APPEALS FROM
JANUARY 1, 2008 TO DECEMBER 31, 2008**

<u>CIRCUIT</u>	<u>PLEA APPEALS</u>
48th Allegan	32
49th Mecosta/Osceola	27
50th Chippewa/Mackinac	25
51st Lake/Mason	3
52nd Huron	2
53rd Cheboygan	8
54th Tuscola	16
55th Clare/Gladwin	17
56th Eaton	17
57th Emmet	10
TOTAL	2610

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MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2008 TO DECEMBER 31, 2008

Circuit	CLAIM			APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total
1st	0	0	0	0	0	24	0	24	0	0	0	24
Hillsdale												
2nd	21	0	0	21	0	91	3	94	0	0	0	115
Berrien												
3rd	329	3	16	348	40	527	108	675	0	0	0	1023
Wayne												
4th	0	1	12	13	0	52	6	58	0	0	0	71
Jackson												
5th	0	0	0	0	1	8	0	9	0	0	0	9
Barry												
6th	91	0	5	96	5	267	8	280	0	0	0	376
Oakland												
7th	20	0	0	20	2	122	8	132	0	0	0	152
Genesee												
8th	8	0	0	8	1	29	0	30	0	0	0	38
Ionian/Montcalm												
9th	28	0	1	29	0	75	2	77	0	0	0	106
Kalamazoo												
10th	21	0	1	22	0	64	4	68	0	0	0	90
Saginaw												
11th	4	0	0	4	1	6	0	7	0	0	0	11
Alger/Luce												
Schoolcraft												
12th	0	0	0	0	0	2	1	3	0	0	0	3
Baraga/Houghton/Keweenaw												
13th	11	0	0	11	0	33	1	34	0	0	0	45
Antrim/Grand Traverse/Leelanau												

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2008 TO DECEMBER 31, 2008**

Circuit	CLAIM				APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
14th Muskegon	13	0	2	15	2	97	1	100	0	0	0	0	115
15th Branch	3	0	0	3	2	7	0	9	0	0	0	0	12
16th Macomb	39	0	2	41	3	208	10	221	0	0	0	0	262
17th Kent	56	0	5	61	2	172	9	183	0	0	0	0	244
18th Bay	6	0	1	7	0	68	2	70	0	0	0	0	77
19th Benzie/Manistee	0	0	0	0	0	6	1	7	0	0	0	0	7
20th Ottawa	8	0	0	8	1	23	0	24	0	0	0	0	32
21st Isabella	7	0	0	7	2	29	0	31	0	0	0	0	38
22nd Washtenaw	18	0	0	18	1	63	1	65	0	0	0	0	83
23rd Iosco/Oscoda	4	0	0	4	0	22	1	23	0	0	0	0	27
24th Sanilac	1	0	0	1	0	6	0	6	0	0	0	0	7
25th Marquette	1	0	0	1	0	7	0	7	0	0	0	0	8
26th Alcona/Alpena/ Montmorency/ Presque Isle	3	0	0	3	1	6	0	7	0	0	0	0	10
27th Newaygo/Oceana	0	0	0	0	0	9	0	9	0	0	0	0	9

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2008 TO DECEMBER 31, 2008

Circuit	CLAIM				APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
28th Missaukee/Wexford	2	0	0	2	0	10	3	13	0	0	0	0	15
29th Clinton/Gratiot	4	0	0	4	0	23	1	24	0	0	0	0	28
30th Ingham	22	0	0	22	3	52	4	59	0	0	0	0	81
31st St. Clair	15	0	0	15	0	33	0	33	0	0	0	0	48
32nd Gogebic/Ontonagon	2	0	0	2	0	2	0	2	0	0	0	0	4
33rd Charlevoix	2	0	0	2	0	4	0	4	0	0	0	0	6
34th Arenac/Ogemaw/Roscommon	0	0	0	0	0	19	2	21	0	0	0	0	21
35th Shiawassee	3	0	0	3	1	11	0	12	0	0	0	0	15
36th Van Buren	4	0	0	4	0	8	0	8	0	0	0	0	12
37th Calhoun	15	0	1	16	0	58	5	63	0	0	0	0	79
38th Monroe	10	0	0	10	1	36	2	39	0	0	0	0	49
39th Lenawee	4	0	2	6	0	37	0	37	0	0	0	0	43
40th Lapeer	1	0	0	1	0	7	1	8	0	0	0	0	9
41st Dickinson/Iron Menominee	6	0	0	6	0	7	0	7	0	0	0	0	13

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2008 TO DECEMBER 31, 2008

Circuit	CLAIM				APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
42nd	4	0	1	5	1	12	0	13	0	0	0	0	18
Midland													
43rd	8	0	0	8	0	21	1	22	0	0	0	0	30
Cass													
44th	6	0	1	7	0	40	2	42	0	0	0	0	49
Livingston													
45th	3	0	2	5	0	13	2	15	0	0	0	0	20
St. Joseph													
46th	7	0	1	8	0	25	2	27	0	0	0	0	35
Crawford/Kalkaska													
Otsego													
47th	5	0	0	5	0	8	0	8	0	0	0	0	13
Delta													
48th	9	0	1	10	3	32	0	35	0	0	0	0	45
Allegan													
49th	2	0	0	2	0	27	2	29	0	0	0	0	31
Mecosta/Osceola													
50th	2	0	0	2	0	25	0	25	0	0	0	0	27
Chippewa/Mackinaw													
51st	3	0	0	3	0	3	0	3	0	0	0	0	6
Lake/Mason													
52nd	1	0	0	1	0	2	0	2	0	0	0	0	3
Huron													
53rd	3	0	0	3	0	8	1	9	0	0	0	0	12
Cheboygan													
54th	5	0	0	5	0	16	2	18	0	0	0	0	23
Tuscola													
55th	4	0	0	4	0	17	0	17	0	0	0	0	21
Clare/Gladwin													
56th	4	0	0	4	3	17	1	21	0	0	0	0	25
Eaton													

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
 ASSIGNED APPEALS BY JURISDICTIONAL TYPE
 JANUARY 1, 2008 TO DECEMBER 31, 2008

Circuit	CLAIM				APPLICATION				RESPONSE				Grand Total
	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	
57th Emmet	2	0	0	2	1	10	1	12	0	0	0	0	14
ALL CIRCUITS TOTALS	850	4	54	908	77	2606	198	2881	0	0	0	0	3789

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**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2008 TO DECEMBER 31, 2008
CORRECTED**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Grand Total	
				Level		Total	Level		Total	Level		Total		
				1	2		1	2		1	2			3
1st Hillsdale				19	5	24	0	0	0	0	0	0	0	24
2nd Berrien				57	35	92	0	0	0	6	4	13	23	115
3rd Wayne	2	46	10	247	349	596	49	65	114	49	38	168	255	1023
4th Jackson			1	33	23	56	1	2	3	2	2	7	11	71
5th Barry				6	2	8	0	0	0	1	0	0	1	9
6th Oakland	1	1		65	213	278	2	3	5	7	13	71	91	376
7th Genesee		2		49	79	128	1	0	1	0	2	19	21	152
8th Ionia/Montcalm				14	15	29	0	0	0	1	6	2	9	38
9th Kalamazoo				32	45	77	1	1	2	5	5	17	27	106
10th Saginaw				20	49	69	0	0	0	2	5	14	21	90
11th Alger/Luce				3	3	6	0	0	0	1	1	3	5	11
Schoolcraft														
12th Baraga/Houghton/				2	1	3	0	0	0	0	0	0	0	3

Otsego	8	0	8	0	1	1	0	1	3	4	13
47th											
Delta	16	17	33	0	1	1	0	3	8	11	45
48th											
Allegan	16	13	29	0	0	0	0	0	2	2	31
49th											
Mecosta/Osceola	16	9	25	0	0	0	0	1	1	2	27
50th											
Chippewa/Mackinaw	3	0	3	0	0	0	1	0	2	3	6
51st											
Lake/Mason	1	1	2	0	0	0	0	0	1	1	3
52nd											
Huron	3	5	8	0	1	1	0	0	3	3	12
53rd											
Cheboygan	2	16	18	0	0	0	2	0	3	5	23
54th											
Tuscola	11	6	17	0	0	0	0	2	2	4	21
55th											
Clare/Gladwin	7	10	17	1	0	1	1	2	4	7	25
56th											
Eaton	7	4	11	0	0	0	0	1	2	3	14
57th											
Emmet											
ALL CIRCUITS	4	55	11	58	89	147	111	145	544	800	3789
TOTALS											
Level 1				1282	1490	2772	58	89	147	111	145
Level 2				1451							
Level 3				1724							
Total				544							
				3719							

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
RESENTENCINGS
1/1/08 TO 12/31/08**

<u>CIRCUIT</u>	<u>TOTAL CASES</u>	<u>LEVEL I</u>					<u>LEVEL II</u>				
		<u>PL</u>	<u>PVP</u>	<u>PVH</u>	<u>JT</u>	<u>WT</u>	<u>PL</u>	<u>PVP</u>	<u>PVH</u>	<u>JT</u>	<u>WT</u>
2	1						1				
3	45	11	4	3	6	1	3	2	3	11	1
4	1						1				
6	9		1				3			5	
7	6						6				
9	2	2									
10	3			1			1			1	
12	1						1				
13	1	1									
14	2						1			1	
16	8	2					4			2	
17	8	2					3			3	
18	3			1			2				
19	1	1									
23	1						1				
29	1						1				
30	2	1	1								
34	2	1	1								
37	6				1		4			1	
38	1	1									
39	2									1	1
40	1						1				
42	1									1	
44	2	1								1	

**RESENTENCINGS
1/1/08 TO 12/31/08**

<u>CIRCUIT</u>	<u>TOTAL CASES</u>	<u>LEVEL I</u>					<u>LEVEL II</u>				
		<u>PL</u>	<u>PVP</u>	<u>PVH</u>	<u>JT</u>	<u>WT</u>	<u>PL</u>	<u>PVP</u>	<u>PVH</u>	<u>JT</u>	<u>WT</u>
45	3						1			2	
46	2						2				
48	1									1	
54	2						2				
57	1						1				
TOTAL	119	23	7	5	7	1	39	2	3	30	2

	<u>TOTAL</u>	<u>LEVEL I</u>	<u>LEVEL II</u>
PLEAS	62	23	39
PVP	9	7	2
PVH	8	5	3
JT	37	7	30
WT	3	1	2

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**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2006-2008**

	2006 TOTAL	2007 TOTAL	06-07 % CHANGE #/%	2008 TOTAL	07-08 % CHANGE #/%	06-08 % CHANGE #/%
1st Hillsdale	27	13	-14 -51.9%	24	11 84.6%	-3 -11.1%
2nd Berrien	152	147	-5 -3.3%	115	-32 -21.8%	-37 -24.3%
3rd Wayne	1179	1198	19 1.6%	1023	-175 -14.6%	-156 -13.2%
4th Jackson	123	128	5 4.1%	71	-57 -44.5%	-52 -42.3%
5th Barry	25	19	-6 -24.0%	9	-10 -52.6%	-16 -64.0%
6th Oakland	485	462	-23 -4.7%	376	-86 -18.6%	-109 -22.5%
7th Genesee	211	174	-37 -17.5%	152	-22 -12.6%	-59 -28.0%
8th Ionia/Montcalm	31	32	1 3.2%	38	6 18.8%	7 22.6%
9th Kalamazoo	117	103	-14 -12.0%	106	3 2.9%	-11 -9.4%
10th Saginaw	141	114	-27 -19.1%	90	-24 -21.1%	-51 -36.2%
11th Alger/Luce Schoolcraft	9	6	-3 -33.3%	11	5 83.3%	2 22.2%
12th Baraga/Houghton/ Keweenaw	8	3	-5 -62.5%	3	0 0.0%	-5 -62.5%
13th Antrim/Grand Traverse/Leelanau	53	50	-3 -5.7%	45	-5 -10.0%	-8 -15.1%
14th Muskegon	129	125	-4 -3.1%	115	-10 -8.0%	-14 -10.9%
15th Branch	14	7	-7 -50.0%	12	5 71.4%	-2 -14.3%
16th Macomb	263	264	1 0.4%	262	-2 -0.8%	-1 -0.4%

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2006-2008**

	2006 TOTAL	2007 TOTAL	06-07 % CHANGE #/%	2008 TOTAL	07-08 % CHANGE #/%	06-08 % CHANGE #/%
17th Kent	235	252	17 7.2%	244	-8 -3.2%	9 3.8%
18th Bay	84	62	-22 -26.2%	77	15 24.2%	-7 -8.3%
19th Benzie/Manistee	9	7	-2 -22.2%	7	0 0.0%	-2 -22.2%
20th Ottawa	38	29	-9 -23.7%	32	3 10.3%	-6 -15.8%
21st Isabella	34	39	5 14.7%	38	-1 -2.6%	4 11.8%
22nd Washtenaw	72	85	13 18.1%	83	-2 -2.4%	11 15.3%
23rd Iosco/Oscoda	22	31	9 40.9%	27	-4 -12.9%	5 22.7%
24th Sanilac	4	7	3 75.0%	7	0 0.0%	3 75.0%
25th Marquette	7	14	7 100.0%	8	-6 -42.9%	1 14.3%
26th Alcona/Alpena/ Montmorency/ Presque Isle	13	8	-5 -38.5%	10	2 25.0%	-3 -23.1%
27th Newaygo/Oceana	19	18	-1 -5.3%	9	-9 -50.0%	-10 -52.6%
28th Missaukee/Wexford	16	26	10 62.5%	15	-1 -42.3%	-1 -6.3%
29th Clinton/Gratiot	37	28	-9 -24.3%	28	0 0.0%	-9 -24.3%
30th Ingham	104	84	-20 -19.2%	81	-3 -3.6%	-23 -22.1%
31st St. Clair	56	54	-2 -3.6%	48	-6 -11.1%	-8 -14.3%
32nd Gogebic/Ontonagon	4	6	2 50.0%	4	-2 -33.3%	0 0.0%
33rd Charlevoix	11	10	-1 -9.1%	6	-4 -40.0%	-5 -45.5%

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2006-2008**

	2006 TOTAL	2007 TOTAL	06-07 % CHANGE #/%	2008 TOTAL	07-08 % CHANGE #/%	06-08 % CHANGE #/%
34th Arenac/Ogemaw Roscommon	19	15	-4 -21.1%	21	6 40.0%	2 10.5%
35th Shiawassee	20	20	0 0.0%	15	-5 -25.0%	-5 -25.0%
36th Van Buren	20	21	1 5.0%	12	-9 -42.9%	-9 -40.0%
37th Calhoun	99	103	4 4.0%	79	-24 -23.3%	-20 -20.2%
38th Monroe	74	38	-36 -48.6%	49	11 28.9%	-25 -33.8%
39th Lenawee	55	44	-11 -20.0%	43	-1 -2.3%	-12 -21.8%
40th Lapeer	11	19	8 72.7%	9	-10 -52.6%	-2 -18.2%
41st Dickinson/Iron Menominee	9	11	2 22.2%	13	2 18.2%	4 44.4%
42nd Midland	26	29	3 11.5%	18	-11 -37.9%	-8 -30.8%
43rd Cass	27	18	-9 -33.3%	30	12 66.7%	3 11.1%
44th Livingston	29	57	28 96.6%	49	-8 -14.0%	20 69.0%
45th St. Joseph	29	30	1 3.4%	20	-10 -33.3%	-9 -31.0%
46th Crawford/Kalkaska Otsego	34	34	0 0.0%	35	1 2.9%	1 2.9%
47th Delta	13	6	-7 -53.8%	13	7 116.7%	0 0.0%
48th Allegan	61	37	-24 -39.3%	45	8 21.6%	-16 -26.2%
49th Mecosta/Osceola	21	26	5 23.8%	31	5 19.2%	10 47.6%
50th Chippewa/Mackinaw	16	22	6 37.5%	27	5 22.7%	11 68.8%

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2006-2008**

	2006 TOTAL	2007 TOTAL	06-07 % CHANGE #/%	2008 TOTAL	07-08 % CHANGE #/%	06-08 % CHANGE #/%
51st Lake/Mason	18	4	-14 -77.8%	6	2 50.0%	-12 -66.7%
52nd Huron	4	7	3 75.00%	3	-4 -57.1%	-1 -25.0%
53rd Cheboygan	21	17	-4 -19.0%	12	-5 -29.4%	-9 -42.9%
54th Tuscola	7	22	15 214.3%	23	1 4.5%	16 228.6%
55th Clare/Gladwin	19	19	0 0.0%	21	2 10.5%	2 10.5%
56th Eaton	55	32	-23 -41.8%	25	-7 -21.9%	-30 -54.5%
57th Emmet	19	11	-8 -42.1%	14	3 27.3%	-5 -26.3%
All Circuit Totals	4,438	4,247	-191 -4.3%	3,789	-458 -10.8%	-649 -14.6%

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**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2008 TO DECEMBER 31, 2008**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Grand Total
				Level		Total	Level		Total	Level		Total	
				1	2		1	2		1	2		
1st Hillsdale				1	0	1	0	0	0	0	0	0	1
2nd Berrien				6	2	8	0	0	0	2	2	4	16
3rd Wayne			1	25	32	57	16	30	46	12	10	45	171
4th Jackson			1	4	2	6	1	0	1	1	1	2	12
5th Barry				1	0	1	0	0	0	1	0	0	2
6th Oakland				6	21	27	1	1	2	2	4	20	55
7th Genesee				5	7	12	1	1	2	0	1	7	22
8th Ionia/Montcalm				1	1	2	0	0	0	1	3	1	7
9th Kalamazoo				3	4	7	1	1	2	1	2	4	16
10th Saginaw				3	6	9	0	0	0	1	2	4	16
11th Alger/Luce Schoolcraft				0	0	0	0	0	0	0	0	2	2
12th Baraga/Houghton/ Keweenaw				0	0	0	0	0	0	0	0	0	0

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2008 TO DECEMBER 31, 2008**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Grand Total
				1	2	Total	1	2	Total	1	2	3	Total
13th				3	1	4	0	0	0	1	1	2	4
Antrim/Grand Traverse/Leelanau				4	7	11	0	1	1	0	1	3	4
14th													
Muskegon				0	1	1	0	1	1	0	1	2	3
15th													
Branch				13	10	23	0	0	0	2	2	11	15
16th	1												
Macomb				9	10	19	1	1	2	2	2	11	15
17th													
Kent				4	4	8	0	0	0	1	0	1	2
18th													
Bay				0	0	0	0	0	0	0	0	0	0
19th													
Benzie/Manistee				1	2	3	0	0	0	0	0	4	4
20th													
Ottawa				2	1	3	0	2	2	0	0	2	2
21st				4	3	7	0	1	1	1	1	3	5
Isabella													
22nd				1	1	2	0	0	0	1	0	0	1
Washtenaw				0	0	0	0	0	0	0	0	0	0
23rd													
Iosco/Oscoda				0	0	0	0	0	0	0	0	0	0
24th				1	0	1	0	0	0	0	0	1	1
Sanilac													
25th				1	0	1	0	0	0	0	0	3	3
Marquette													
26th				1	0	1	0	0	0	0	0	0	0
Alcona/Alpena/ Montmorency/ Presque Isle													

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2008 TO DECEMBER 31, 2008

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Grand Total	
				Level			Level			Level				
				1	2	Total	1	2	Total	1	2	3		Total
27th Newaygo/Oceana				0	0	0	0	0	0	0	0	0	0	0
28th Missaukee/Wexford				0	0	0	1	0	1	0	0	1	1	2
29th Clinton/Gratiot				2	1	3	0	0	0	1	1	0	2	5
30th Ingham				2	3	5	0	0	0	1	0	5	6	11
31st St. Clair				0	2	2	0	0	0	0	1	3	4	6
32nd Gogebic/Ontonagon				0	0	0	0	0	0	0	1	1	2	2
33rd Charlevoix				0	0	0	0	0	0	0	1	1	2	2
34th Arenac/Ogemaw				1	0	1	0	0	0	0	0	0	0	1
Roscommon				0	1	1	1	0	1	0	1	1	2	4
35th Shiawassee				0	0	0	0	0	0	0	1	1	2	2
36th Van Buren				3	3	6	0	1	1	1	1	2	4	11
37th Calhoun				3	0	3	0	1	1	1	0	3	4	8
38th Monroe				0	2	2	0	1	1	2	1	0	3	6
39th Lenawee				0	0	0	0	0	0	1	0	0	1	1
40th Lapeer														

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2008 TO DECEMBER 31, 2008**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Grand Total	
				Level		Total	Level		Total	Level		Total		
				1	2		1	2		1	2			1
41st Dickinson/Iron Menominee				0	0	0	0	1	1	0	1	2	3	4
42nd Midland				1	1	2	0	0	0	0	0	1	1	3
43rd				1	1	2	0	0	0	1	1	1	3	5
Cass				3	2	5	0	0	0	0	2	1	3	8
44th Livingston				1	1	2	0	0	0	0	0	2	2	4
45th St. Joseph				2	2	4	0	0	0	1	0	2	3	7
46th Crawford/Kalkaska				1	0	1	0	1	1	0	1	3	4	6
Otsego				1	1	2	0	1	1	0	1	3	4	7
47th Delta				2	1	3	0	0	0	0	0	1	1	4
48th Allegan				2	1	3	0	0	0	0	0	1	1	4
49th Mecosta/Osceola				0	0	0	0	0	0	1	0	1	2	2
50th Chippewa/Mackinaw				0	0	0	0	0	0	0	0	1	1	1
51st Lake/Mason				0	0	0	0	0	0	0	0	1	1	1
52nd Huron				1	0	1	0	1	1	0	0	2	2	4
53rd Cheboygan				0	1	1	0	0	0	2	0	1	3	4
54th Tuscola														

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2008 TO DECEMBER 31, 2008**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING		WT/EVIDENTIARY HEARING/INT/PPO		JURY		
				Level		Level		Level		
				1	2	1	2	1	2	3
55th				1	0	0	0	0	1	1
Clare/Gladwin										
56th				0	0	0	0	1	1	2
Eaton										
57th				0	0	0	0	0	1	1
Emmet										
ALL CIRCUITS	1	0	2	125	138	263	46	42	50	176
TOTALS							69	268		603

Level 1	190
Level 2	234
Level 3	176
Total	600

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