

APPELLATE DEFENDER COMMISSION

2009 ANNUAL REPORT

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

2009 APPELLATE DEFENDER COMMISSION

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State Bar Designee

Rev. Carlyle Stewart, III
Governor's Designee

James R. Neuhard, Director
State Appellate Defender Office

Thomas Harp, Administrator
Michigan Appellate Assigned Counsel System

APPELLATE DEFENDER COMMISSION

SUITE 3300 PENOBSCOT • 645 GRISWOLD • DETROIT, MICHIGAN 48226 • 313/256-9833 • FAX 313/965-0372

DONALD E. MARTIN
Chair
SUPREME COURT DESIGNEE
LANSING

ERNEST J. ESSAD, JR.
SUPREME COURT DESIGNEE
BIRMINGHAM

JUDITH GRACEY
STATE BAR DESIGNEE
SYLVAN LAKE



HON. JOHN T. HAMMOND
MICHIGAN JUDGES ASSOC. DESIGNEE
ST. JOSEPH

DOUGLAS MESSING
COURT OF APPEALS DESIGNEE
DETROIT

JOHN NUSSBAUMER
STATE BAR DESIGNEE
AUBURN HILLS

REV. CARLYLE STEWART III, PH.D.
GOVERNOR'S DESIGNEE
BINGHAM FARMS

July 16, 2010

The Appellate Defender Commission is pleased to submit the 2009 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 2009 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,

A handwritten signature in black ink, appearing to read "Donald E. Martin".

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.

TABLE OF CONTENTS

Appellate Defender Commission 2009 Annual Report for the State Appellate Defender Office and Michigan Appellate Assigned Counsel System

	<u>Page</u>
Mission Statements	iii
Goals and Objectives	iv
History and Governance.....	vii

STATE APPELLATE DEFENDER OFFICE

Litigation	1
Assignment Levels.....	2
SADO Staffing and Direct Client Services.....	3
Productivity	4
Special Unit for Pleas and Early Releases	5
Grant Projects.....	7
2009 Goals and Objectives	8
Criminal Defense Resource Center Services	9
Overview of Noteworthy Accomplishments	9
Services Delivered by Mail, Phone, and In-Person	11
Services Delivered by the Web.....	12
Direct Training Events.....	16
Sharing with the Legal Services Community	17

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

Introduction	18
1. Maintaining the Roster.....	20
2. Coordinating Assignments.....	22
a. Methods.....	22
b. Statistics	23
3. Improving Attorney Performance	23
a. Training.....	24
b. Classification Reviews.....	25
c. Enforcement of Minimum Standards	26
4. Other Activities.....	27

Appendices

STATE APPELLATE DEFENDER OFFICE

Case Activity and Workload	30
Dismissals and Withdrawals	32
SADO Annual Report Summary Tables for 2009	34
SADO's Percent of Complex Appellate Assignments.....	36
Assignment of Cases by Type.....	38
Substitution Appointments.....	39
Overall Relief Rates	40
Attorney to Attorney Support Services	43

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

2009 Total Appellate Assignments	46
Plea Appeals By Circuit.....	47
Assigned Appeals By Jurisdictional Type By Circuit	49
Assigned Appeals By Case Type and Level By Circuit	53
Resentencings By Circuit.....	57
Appellate Assignments Changes By Circuits 2007 - 2009.....	59
SADO Assigned Appeals By Case Type and Level	63

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 2009 Commissioners were: **Donald E. Martin** (Chair), *Supreme Court designee*, **Ernest J. Essad Jr.**, *Supreme Court designee*; **John Nussbaumer** and **Judith Gracey**, *State Bar designees*; **Hon. John T. Hammond**, *Michigan Judges Association designee*; **Douglas Messing**, *Court of Appeals designee*; and **Rev. Carlyle Stewart, III**, the *Governor's designee*.

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

STATE APPELLATE DEFENDER OFFICE

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

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

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

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

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

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

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

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

The offices of MAACS are located at 1375 S. Washington Ave; Suite 300, Lansing, MI 48913. The MAACS Administrator is Thomas M. Harp; Deputy Administrator is Lyle N. Marshall. An Associate Administrator position remained vacant in 2009.

ANNUAL REPORT OF THE STATE APPELLATE DEFENDER OFFICE FOR JANUARY 1, 2009 THROUGH DECEMBER 31, 2009

In 2009, SADO represented over 500 clients on criminal appeal – 285 appeals of trial convictions and 266 appeals of guilty plea convictions. SADO attorneys successfully represented clients in the Michigan Supreme Court, the Michigan Court of Appeals, trial courts throughout Michigan, the United States District Court Eastern District of Michigan, the United States Court of Appeals for the Sixth Circuit, and the United States Supreme Court. Attorneys obtained relief for clients ranging from the release from prison of the wrongfully convicted to the reduction of unfair prison sentences.

MANAGING SADO'S STATE FUNDED RESOURCES/WORKLOAD

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

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

In 2009, the effects of the 2005 United States Supreme Court decision in *Halbert v. Michigan*, which provides appellate counsel for guilty plea appeals, had diminished and the total number of appeals statewide decreased back to normal levels. Since the *Halbert* decision, plea appeals make up a larger percentage of the total assignments than they did prior to *Halbert*. Through 2008 and 2009, as the number of assigned appeals statewide declined, SADO increased its intake of both plea and trial appeals. This year, SADO handled more than 28% of the trial appeals, increased its intake from 10% to 15% of the plea appeals. SADO continues to request additional funding to hire more plea attorneys in order to increase its ability to handle 25% of the plea appeals.

ASSIGNMENT LEVELS

In 2009, the formula for cases assigned to SADO was at 10% for the Level 1 & 2 plea categories through November. In November, Level 1 was increased to 15%. The formula for all trial categories was at 28% for the entire year, except Level 3 was increased to 30% in July through December. Based on 2009 year-end data, overall SADO received 17.1% of the total appellate assignments – 15.6% [200] Level 1 cases, 13.1.% [200] Level 2 cases, and 31.6% [149] Level 3 cases, plus an additional 21 cases from miscellaneous categories. The Level 3 cases represent the most serious types of trial cases, including murders. By focusing capacity increases on these kinds of complex cases, SADO reduces county expenditures and provides superior representation for the most important cases.

SADO's capacity to handle cases is largely based on the number of staff attorneys it employs. In 2009 SADO had the capacity to handle 17.9% of the appellate assignments. SADO was assigned 17.1% of the cases.

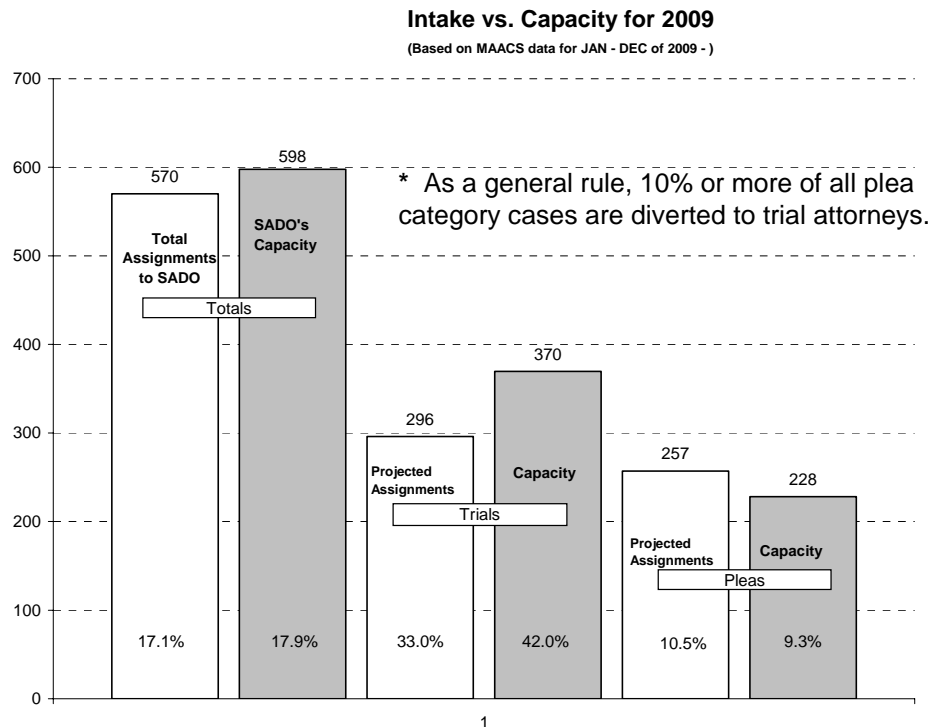
Figure 1 below illustrates SADO's capacity versus its assignments levels for 2009.

SADO's Capacity¹ vs. Intake for 2009

SADO's capacity to handle plea appeals is primarily based on the number of plea attorneys assigned to its specialized plea unit. In 2009, the assignment level for each plea unit attorney was an average of 69 cases per year. This is down from a high of 85 cases per year in 2004.

The lower plea assignment rate is consistent with an administrative

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



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

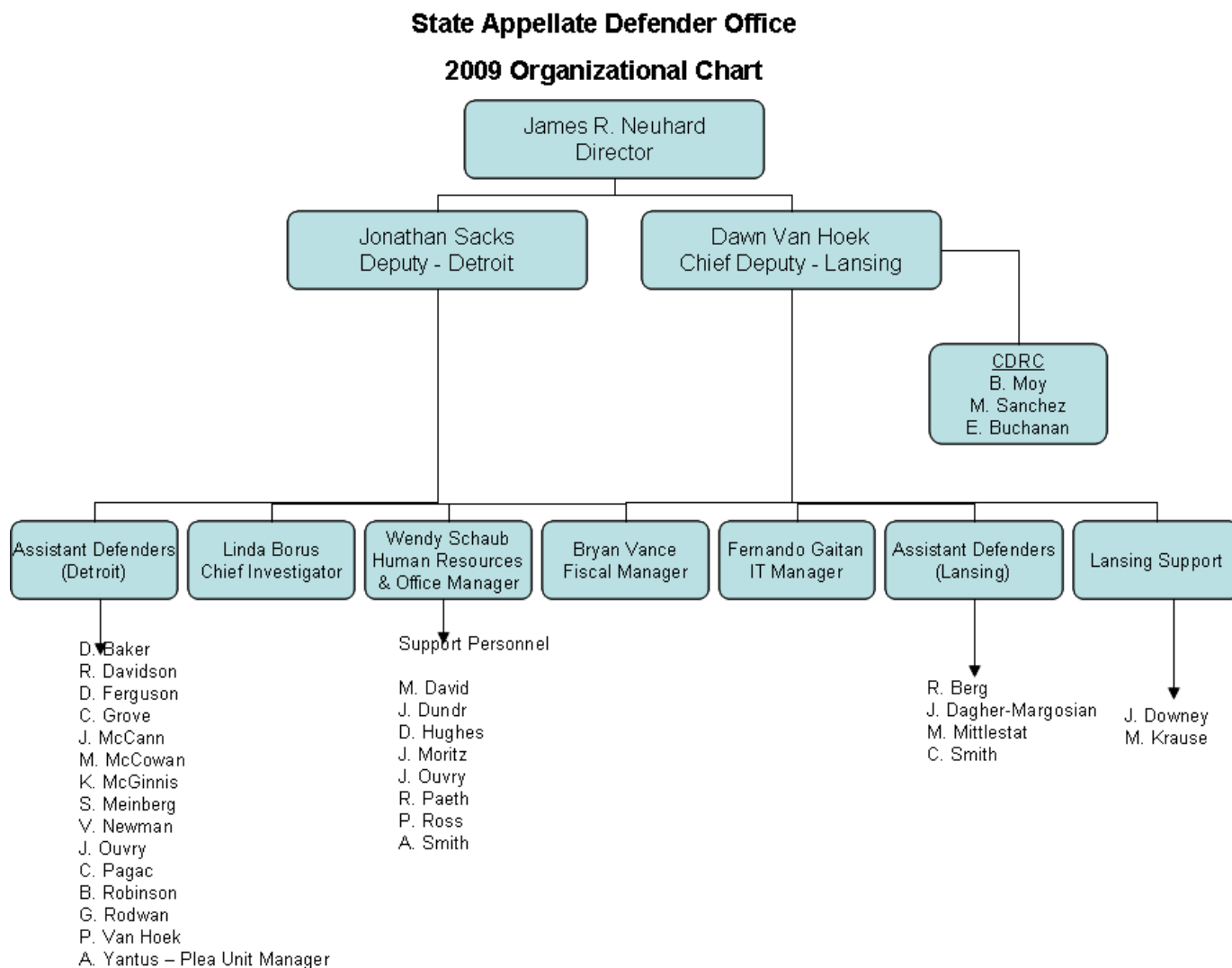
resulting deadline of two months or less in light of this new six-month rule, and the declining dismissal rate due to persistent challenges to financial penalties. Specifically, plea unit capacity was reduced from 85 cases per year per plea attorney to 72 cases per year because of these issues.

SADO STAFFING AND DIRECT CLIENT SERVICES

At the end of 2009, SADO's staffing levels included 37 full-time employees and 2 part-time employees. By the end of 2009, 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, Information Technology Manager, Site Administrator/Systems Analyst, Administrative Assistants, Clerk, and Receptionist assisted the administration and provided secondary support to the legal staff.

Below is an organizational chart that illustrates the composition of SADO's staff by the end of 2009.

Figure 2



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

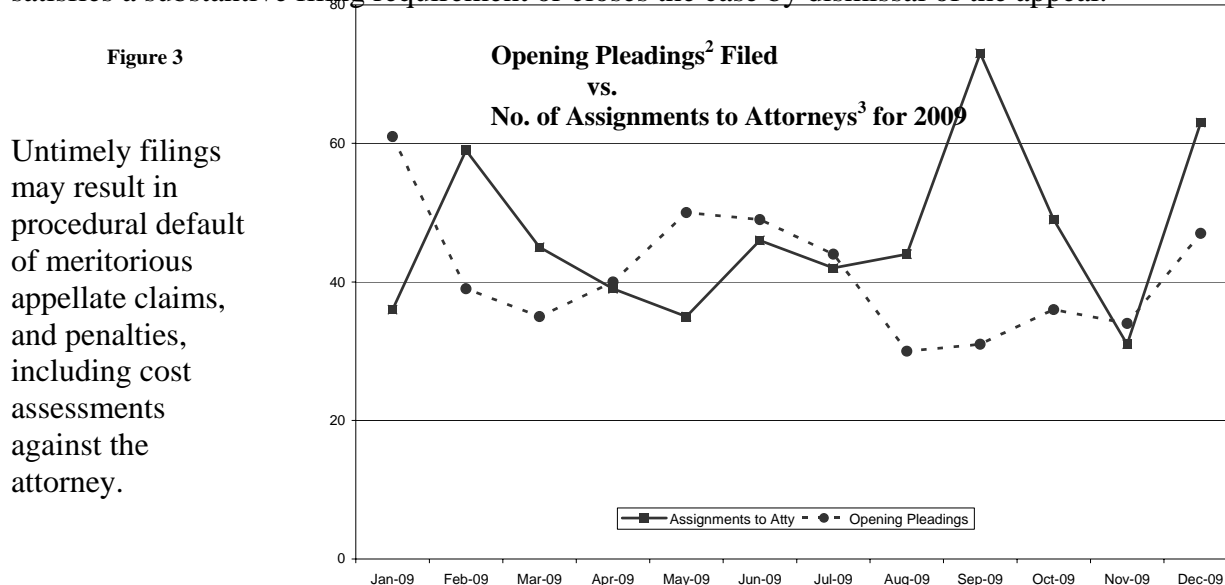
PRODUCTIVITY

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

The National Advisory Commission and the American Bar Association have frequently stated that appellate attorneys should handle no more than 25 appeals per attorney per year. Under this calculus, 18 appellate attorneys could handle 450 appeals annually. Using case weighting SADO is able to increase that to 564 appeals or greater. The most significant increase is through the Special Appeals Unit, often referred to as the Plea Unit, where attorneys can handle 2 to 3 times the number of appeals per attorney. Instead of averaging 25 appeals or less per attorney, SADO averaged 31.3 per attorney in 2009. (See Table I of the Appendix)

This year, SADO Assistant and Deputy Defenders were assigned 564 cases and produced 1,756 filings, 496 of which were opening pleadings (Brief on Appeal or Motion for New Trial or Resentencing with a supporting brief). (See Table I of the Appendix)

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



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

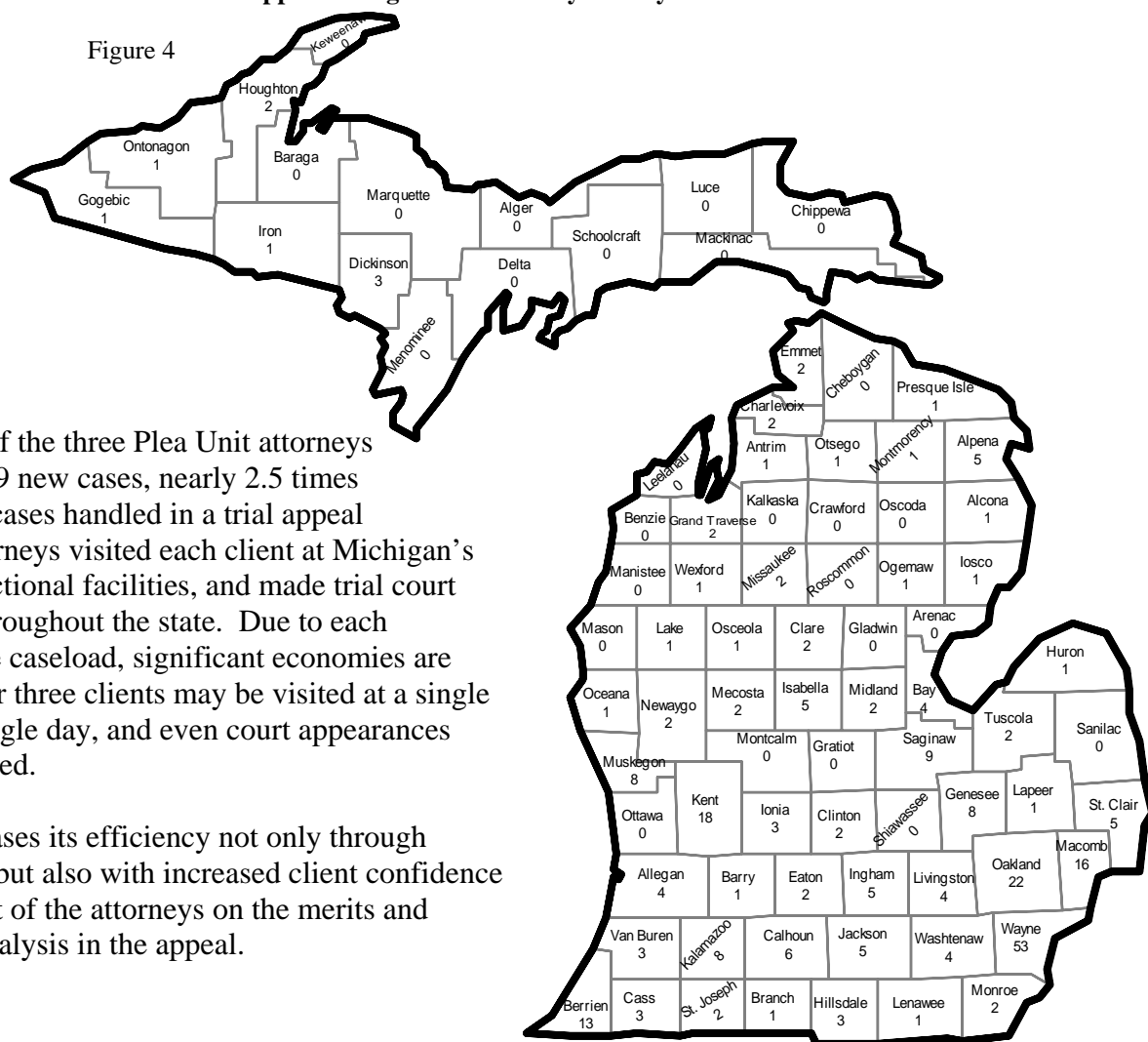
³ Assignments to Attorney – when a SADO staff attorney takes responsibility for a case assigned to SADO.

Thorough briefing also reduces pro se client written filings which place a significant burden on local courts and the appellate system. Figure 3 essentially tracks actual attorney intake and output. Differential case management and case weighting standards determine maximum attorney and overall office intake capacity. These sophisticated management and measuring tools are designed to achieve the operational goal of matching output to intake.

SPECIAL UNIT FOR PLEAS AND EARLY RELEASES (PLEA UNIT)

Because of the large number of plea appeals assigned to the office, in the early 1980's SADO developed a Special Unit for Pleas and Early Release to process plea-based appeals. Unit attorneys handle two to three times as many clients and cases as attorneys handling randomly mixed caseloads. Figure 4 shows the number of pleas assigned to SADO for each county.

Number of Plea Appeals Assigned to SADO by County for 2009



In 2009, each of the three Plea Unit attorneys was assigned 69 new cases, nearly 2.5 times the number of cases handled in a trial appeal caseload. Attorneys visited each client at Michigan's far-flung correctional facilities, and made trial court appearances throughout the state. Due to each attorney's large caseload, significant economies are possible: two or three clients may be visited at a single facility on a single day, and even court appearances may be combined.

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

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

Sentencing Errors Corrected in One-Third of SADO Appeals

The Unit's overall relief rate⁴ generally exceeds 37%, with a relief rate of over 90% in the cases presented on the merits to trial courts. In 2009, the average relief rate for all plea unit files was 37.3%, largely in the trial court, and the overall average for files where the appeal was taken was 51.3% for the three staff attorneys in the Unit, who handled 83% 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 85% of the time.

Correcting Sentencing Errors Saves Money for the State of Michigan

For the seven calendar years of 2003-2009, the Plea Unit accomplished a cumulative reduction in minimum prison terms of 217.5 years, and a cumulative reduction of maximum prison terms of 420 years. In 2009, the average reduction per plea unit attorney was 10.5 years on the minimum term, and 22.75 years on the maximum term. The average number of assignments, per unit attorney was 69 cases.

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

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

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

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 2009 saved the State of Michigan approximately \$952,500 (31.75 years reduced from sentence minimum x \$30,000).

GRANT PROJECTS

In 2009, SADO was awarded three grants.

Crime Lab Unit:

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

Appellate Plea Caseload Relief Project:

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

Fast Response for Wrongful Conviction:

SADO received \$223,797 for its Fast Response for Wrongful Conviction Project from the federal government's Edward Byrne Memorial Competitive Grant under its National Initiatives - Wrongful Prosecution Review Program. The project is a two year intensive "fast response" initiative to identify and respond to legitimate post conviction claims of innocence. One attorney was hired to screen and identify potential cases of wrongful conviction stemming from unreliable

eyewitness identification evidence, possible false confession evidence, and questionable forensic evidence prior to the receipt of transcripts and the running of artificial appellate deadlines. SADO attorneys will thus have several extra months to successfully prepare for trial court evidentiary hearings and give our wrongfully convicted clients their day in court. A limited first response pilot program existed for six months at SADO for cases in one county that resulted in the release from prison and dismissal of charges for a client convicted by fabricated testimony. This project will expand the program statewide to screen every client appointed to SADO and immediately respond to every potential case of wrongful prosecution.

2009 GOALS AND OBJECTIVES

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

The Appellate Defender Commission has expanded or constricted SADO's caseload to reflect funding and staffing realities. SADO's principal goal at the start of 2009 was to handle as close to 25% of the total appellate assignments as resources would permit. However, as historically has been the case, in 2009 SADO was understaffed and underfunded and therefore handled only 17.1% of the appeals. In spite of these challenges, SADO still accepted over 31% of the most complex, costly, and serious trial-based appeals. SADO has never been removed from any case for want of prosecution under MCR 7.217(A) in spite of accepting more cases than it has had the capacity to handle and absorbing the caseloads from the loss of numerous staff attorney positions over the last ten years.

Criminal Defense Resource Center 2009 Annual Report

Primary Goals for 2009: 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 2009⁵ marked the thirty-third 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 \$284,398, an increase of \$6,901 from 2008. 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 2009 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 2009, 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, 2008 to September 30, 2009.

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 2009, the collection of testimony by expert witnesses was expanded.
- The Criminal Defense Wiki continued to grow as 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, remained very active, with messages averaging a bit over 1681 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). Along with MCOLES-funded training seminars presented by CDRC staff in "high-tech" courtrooms, the CDRC partnered with Cooley Law School to teleconference training to satellite locations, and provided in-depth training on selected topics through the use of webinars.
- Partnerships with the Wayne Circuit Court's Criminal Advocacy Program and the Attorney Discipline Board continued, primarily through the hosting and operation of web sites (capwayne.org and www.adbmich.org), and other technical support provided by the CDRC.
- On demand printing of the Defender Books continued, with printing costs borne by the user, as the CDRC continued to encourage use of online resources. The books remained

\$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.

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

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

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

A. Criminal Defense Newsletter.

This monthly newsletter (twelve issues published) delivered an average twenty-four pages of essential information to approximately 800 subscribers electing to receive hard copy. Over seven 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.

In addition to online posting for web subscribers, 752 sets of the books were printed on demand for distribution to criminal defense attorneys, judges, inmates, law libraries and other criminal justice system participants. Over 2500 pages of relevant information were delivered to users, covering developments through July of 2009. These four annually-updated looseleaf books contain well-organized summaries of the law on all aspects of criminal law and procedure, from arrest through appeal. In addition, the Defender Motions and the Defender Habeas Books contain model pleadings that can be adapted for use in any case, as well as consulted as writing models. Summaries and analysis of case law, statutes, court rules and legal practice are also included. Users also receive a CD-ROM version of the books that contains links to online resources, including the full text of cited opinions and statutes. The books also reside, in all editions, on the CDRC's web site, www.sado.org. All books are full-text searchable on the web site.

Asked in 2009 about how frequently they use the books, 8.70% of the users said daily, 73.91% said weekly, 8.70% said monthly and 8.70% said less than monthly. These results reflect heavy use, as in prior years. Approximately 81.82% said they use the books to browse a topic to learn the law, 81.82% used them to quickly identify a case, rule or statute, and 95.45% 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, 81.82% said they were indispensable, and 18.18% said they were helpful.

C. Attorney-to-Attorney Support Project.

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

of service weekly, directly consulting with other criminal defense attorneys who needed urgent answers to their legal questions. CDRC attorneys provided pleadings, citations, and a sounding board on matters of criminal law and procedure. During the year, 1424 contacts took place between CDRC research attorneys and the users of the courthouse service. A detailed report appears in the appendix.

The CDRC continued to offer statewide support to Michigan's criminal defense community through an e-mail help desk, called help@sado.org. Subscribers to the CDRC's web-based services may send messages at any time, and they are answered within 24 hours by a CDRC research attorney. In addition to substantive answers in the body of e-mail messages, pleadings and other useful documents are attached to the replies. During the year, 242 contacts took place between the CDRC Research Attorney and the attorneys using the online service.

III. Services Delivered by the Web

A. Databases

The year 2009 again saw consistent use of the CDRC's web-based database resources, showing that attorneys have realized the potential of performing online legal research. The databases available at www.sado.org included appellate and trial level pleadings, resumes of expert witnesses, full text of the Defender Books, full text of the Criminal Defense Newsletters, opinion summaries and full text of appellate court decisions, both state and selected federal, testimony of selected expert and police witnesses, and much more. Several of the databases (particularly the Defender Books) remained available in "PDA" format, allowing attorneys to store full text of these resources on their handheld devices. The amount of information available to attorneys through the CDRC's site made it possible to minimize use of expensive fee-based alternatives (such as Westlaw or Lexis). The advantages of this delivery method remain that:

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

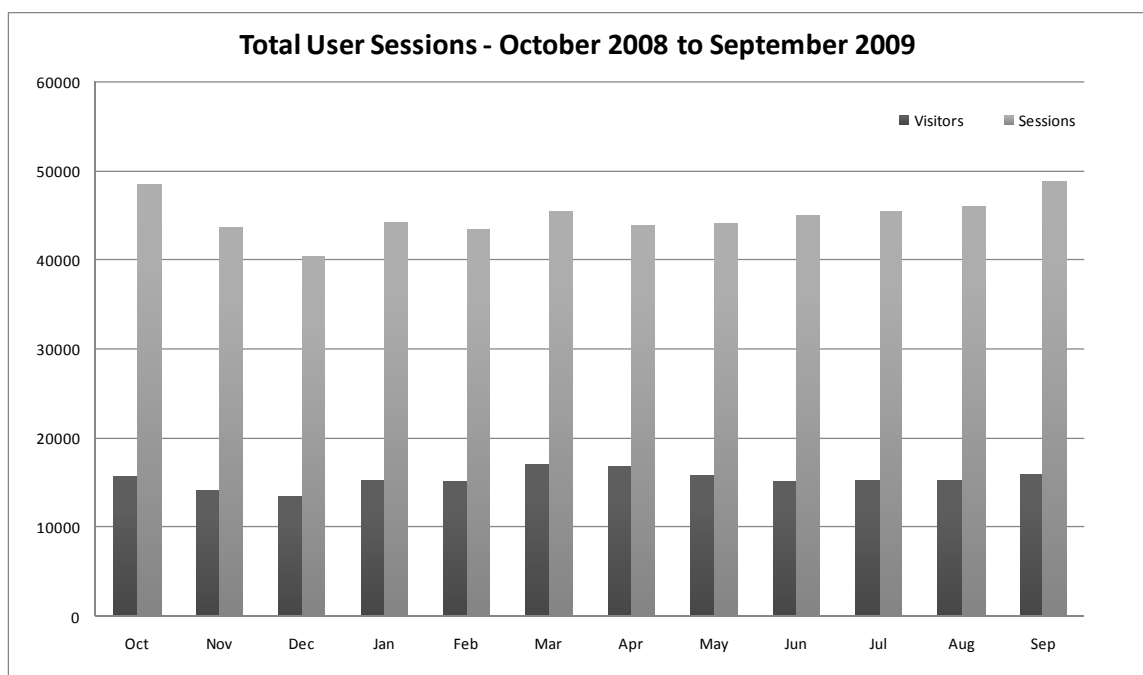
During 2009, content was added to both the public and subscriber-restricted sides of the web site. Materials were added in all segments, including descriptions of legal processes, training events, legal databases, and summaries of appellate decisions. Videotaped training events of the Criminal Advocacy Program (CAP) were added to its web site

(www.capwayne.org) during the year, including links to the presenters' handout materials. This significant enhancement makes it possible to obtain training on an as-needed, or as-possible basis, facilitating continuing review of a topic as well.

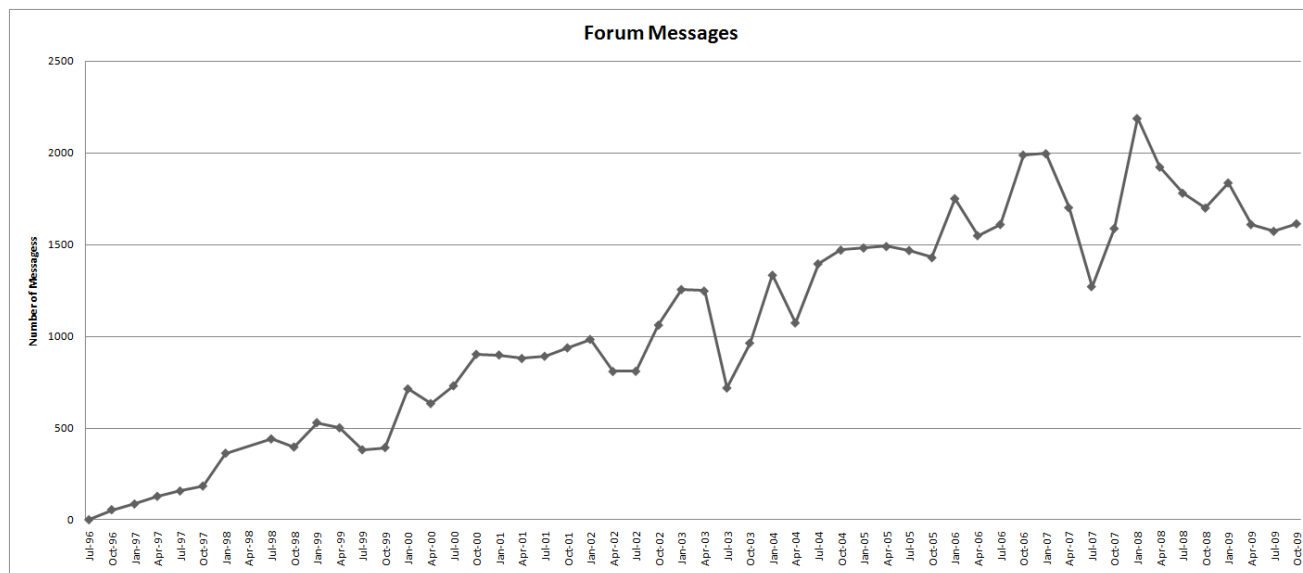
The value of the site to users was demonstrated by the number of web site hits and user sessions. The most revealing statistic tracked, user sessions, averaged about 45,038 per month during the report period (a decrease from last year's average of about 53,871).

Evaluation of the databases showed their great value to practicing attorneys, with surveys revealing that 76% of users rate the quality of information on the site as “Very High” quality. Use of the SADO site is significant because it contains the most content of any legal research site available to Michigan’s assigned criminal defense counsel. 100% of users considered content on the site timely and up-to-date, and over 86% consulted the online Defender Manuals on a daily, weekly or monthly basis.

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 718 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 1681 messages per month. 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, 2008 – September, 2009**

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October, 2008	106	313	325	386	432	329	104
November, 2008	101	220	282	351	233	250	132
December, 2008	105	268	323	261	266	248	67
January, 2009	100	310	379	346	362	356	186
February, 2009	119	278	332	344	232	262	107
March, 2009	129	311	317	315	355	269	106
April, 2009	100	253	347	462	305	238	87
May, 2009	98	167	278	388	295	309	105
June, 2009	71	294	291	250	232	195	69
July, 2009	46	222	278	350	325	209	61
August, 2009	75	292	323	291	258	215	96
September, 2009	78	190	355	399	326	276	56
Totals	1128	3118	3830	4143	3621	3156	1176

Total Messages Sent 20172

(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 718 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 718 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,” “High-Tech Courtroom Presentation,” “Web-based Research and Technology,” “E-filing in the Michigan Court of Appeals,” Trial Presentations and Case Review,” “Felony Sentencing Update,” and Forum Use, Tips and Tactics.” A total of fourteen events took place, varying in length from one to three hours long, reaching a total of 196 trainees in approximately six physical locations and many different virtual locations throughout Michigan. The average size of the group trained was approximately ten, 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 many separate communities, statewide.

And, during 2009, a new partnership was formed between the CDRC and the Thomas M. Cooley Law School: trainers used Cooley’s teleconferencing network to simultaneously present training in three locations, further reducing travel time for trainees.

The CDRC introduced webinar training during 2009. These 1-hour web-based seminars were broadcast live over the Internet. The CDRC was able to offer key interactive training elements by having the ability to give, receive and discuss information over the web. Attendees were given the opportunity to ask questions and provide instant feedback during training.

Evaluation of the direct training events showed their great value to practicing attorneys. For Web-based Research and Technology sessions, 76% of trainees felt that training was very good or excellent, with 22% feeling that it was good, and only 2% considering it fair. 68% felt that it was very helpful, 24% felt that it was of some help, and 8% felt that it was not helpful. The principal trainer was rated very good or excellent by 78% of the trainees. For High-Tech Courtroom sessions, 60% felt that the training overall was excellent, and 40% felt that it was very good. The same percentages felt that it was very helpful (60%) or of some help (40%). The trainer for these sessions was rated excellent or very good by 80% of trainees, with the remaining 20% considering him "good." For E-Filing/Legal Research sessions, 44% felt that the training overall was excellent, 30% felt that it was very good, 22% felt that it was good and 4% felt that it was fair. The majority (78%) also felt that the training would be very helpful to performing their jobs, and 22% felt that it would offer some help. The principal trainer received ratings of excellent (47%) or very good (33%), ratings that were similar to those received by other trainers. For Trial Presentation sessions, 75% felt that the training was excellent, 19% felt that it was very good, and 6% felt that it was good. 88% found the training very helpful, and 12% found that it offered some help. The trainer was rated excellent by 100% of those attending this training. For Webinars, 66% felt that the training overall was excellent or very good, with 33% considering it fair. Trainers received ratings of good or very good from most responding to the surveys.

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

V. Sharing/partnering with the Community

The CDRC continued in 2009 to share its resources and expertise with others. During the year, the CDRC continued to provide major technical support to Michigan's Attorney Discipline Board. The CDRC's webmaster helped the agency to organize its resources into databases provided online, and SADO continued the hosting of its web site. The CDRC also continues its partnership with the Wayne County Criminal Advocacy Program and the Wayne County Criminal Defense Attorneys Association to maintain a web site that captures the excellent training offered each fall for assigned criminal defense attorneys in Wayne Circuit Court. Presenters' handouts and the video of their presentations are available at www.capwayne.org. And, CDRC staff provided significant technical assistance to the Criminal Defense Attorneys of Michigan (CDAM). CDAM again reduced its operating budget considerably by publishing training materials on CD-ROM instead of printed pages, during the report period.

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

ANNUAL REPORT 2009

THE MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

GENERAL OVERVIEW

HISTORY AND GENERAL OVERVIEW

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

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

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

Recent Budget History

In 2002, due to a reduction in appropriations to the office, MAACS was compelled to lay off personnel, which resulted in the lay-off of one full time administrative staff member and of a half-time paralegal half-time clerk employee. For the same funding-related reasons, these positions remained vacant to date.

In fiscal year 2006-2007 (October 1, 2006- September 30, 2007) a further reduction in appropriation occurred. This normally would have required either the implementation of approximately twelve agency-wide “furlough” (unpaid) days or the layoff of an additional employee. This possibility was avoided only because an agency employee experienced the need to take an extended period of long-term medical leave followed by family medical leave in 2007. This circumstance created sufficient personnel savings to allow the agency to remain open and functional throughout fiscal and calendar 2006 and nearly all of calendar 2007.

In fiscal year 2007-2008, the previous year’s reduction in appropriation was continued and further reductions were also imposed. MAACS, with the concurrence of the Appellate Defender Commission, implemented the previous year’s furlough plan and imposed 12 “furlough” days during the 2007-2008 fiscal year.

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

2009-2010 Budget Appropriation

The Legislature reduced the MAACS budget appropriation in FY 2009. MAACS implemented a variety of non-personnel cost-reductions in response to the previous reductions of FYs 2006-2007 and 2007-2008. However, and because the budget was reduced to a level below the “restoration amount” appropriated in 2008-2009, it remains likely that the taking of “furlough days” or staff layoffs will be required during this budget cycle to meet the constraints imposed by the 2009-2010 appropriation.

MAACS ADMINISTRATION

2009 Staff

When fully-staffed, MAACS employs 10 people. Eight positions are full-time salaried employees (FTEs) and two are part-time contract employees. In 2009, the staff remained the same as it has since 2002.

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:

Legal Secretary/Receptionist, **Jane Doyle**;
Roster Manager, **Mary Lou Emelander**;
Administrative Assistant/Office Manager, **MariaRosa Juarez-Palmer**;
Systems/Financial Manager, **Judy Miller**, and;

Case Assignment Coordinator, **Lou Ann Palmer**.

Two former, part-time, positions have remained vacant, since 2002: A part-time paralegal and part-time file clerk.

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.

1. 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.

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

MAACS administrative staff and approved for such placement by the Appellate Defender Commission.

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

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

All roster lawyers were required by the MAACS Regulations to reapply for retention on the roster again in 2008.

B. 2009 Roster Maintenance

1. 2009 Roster Attorney Status

As of December 31, 2009, the status of the statewide roster was 120 total members, as follows: 51 Level 1 attorneys, 38 Level 2 attorneys, 24 Level 3 attorneys and 7 Level 4 attorneys. Three attorneys were added to the roster at Level 2 and one at Level 3. One attorney re-joined the roster at Level 3. Requests for roster applications continued to be regular and consistent. However, lawyers interested in joining the MAACS roster at Level 1 were unable to do so; 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.

Nine attorneys left the roster in 2009. One Level 1 attorney belatedly retracted his re-application for roster membership. Three resignations (one Level 1 and two at Level 2) were designated as Aunder fire@ (that is, the three lawyers were under investigation by MAACS relative to performance concerns at the time of the resignation). One (Level 2) attorney requested temporary deletion from the roster due to ongoing medical concerns. Two Level 1 lawyers resigned for employment related reasons: one because her non-MAACS practice had become too busy to allow her to provide indigent representation and one as result of obtaining other legal employment. Two other Level 1 lawyers resigned without providing any reasons to MAACS for their decision.

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 two lawyers to the roster at Level 2 and one lawyer to the roster at Level 3 during this period.

3. Roster Lawyer Re-Classification

During 2008, two attorneys were reclassified from Level 1 to Level 2 and one attorney was reclassified from Level 2 to Level 3. Two attorney=s requests for reclassification from Level 1 to Level 2 were denied. One lawyer’s request for reclassification to Level 2 was rescinded after she was informed she did not have the requisite number of appeals upon which to make the decision to reclassify.

4. Other Roster Matters

On December 31, 2009, two lawyers, while remaining on the roster, remained suspended from receiving future assignments, pursuant to the Regulations, by action of the Administrator. In both 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. [On January 11, 2010, one of those lawyers resigned from the roster.]

2. 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 long or complex cases.

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

The assignment system has since been greatly streamlined by means of an on-line appointment system. This system began in the fall of 1999 with a pilot project involving three large circuits (Wayne, Oakland and Genesee). After a few months were spent refining the system, MAACS began to add additional circuits throughout 2000 and 2001. By December 31, 2001, 56 of the state’s 57 circuits were participating. The final circuit (the 13th) came on-line in June, 2002 and the system is now 100% operational.

The on-line system has significantly simplified and improved the appointment process. Trial court LDAs now can prepare orders of appointment by getting directly on-line to MAACS. Once basic information is entered in response to prompts, the computer rotates the circuit’s local list

and presents the correct name for appointment. The LDA then prints the order at the trial court's end, obtains a judge's signature, and distributes copies. Since the trial courts no longer are able to make selection errors, the need to monitor the rotation of assignments by exchanging log sheets has been eliminated. If something unique about a case requires it, the automated selection process can be overridden by MAACS.

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

MAACS continues to investigate computer-driven options which 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. 2009 Statistics

In 2009, appellate counsel was assigned in 3336 cases. This figure represented a decrease from the 3789 cases assigned in 2008; a reduction in appellate assignments of 453 cases, or 11.9%. In 2009 SADO was assigned in 570 cases, or 17.1% of the total number of assignments.

The number of appellate assignments continued a downward trend. In 2007, 4247 appellate assignments were made. The total reduction in number of appellate assignments for the last two-year period was 911 cases, or 21.5%.

Included with this report is a "MAACS Appendix." The Appendix contains a series of Statistical Reports for 2009, prepared by MAACS, which 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.

3. 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 2009, and with grant funding from MCOLES, MAACS conducted a Fall Training program, *Michigan Sentencing, Correction Issues, The University of Michigan Innocence Clinic and Developments in Criminal Appellate Practice* in October, 2009 at locations in Grand Rapids, Lansing and Novi.

The 2009 Training involved the following speakers:

Anne Yantus and Jacqueline McCann of the State Appellate Defender Office presented two separate trainings regarding sentencing issues. Ms. Yantus presented on recent developments in federal and state decisional law and state legislative changes relevant to sentencing in Michigan. Ms. McCann addressed both decisional and legislative developments as they specifically involved scoring of the Michigan Sentencing Guidelines. Dennis Schrantz, Michigan Department of Corrections (MDOC) Deputy Director, presented information of the Department's Prisoner Re-entry Initiative and its impact on prison population and its overall success. Richard Stapleton, MDOC Administrator of Legal Affairs, presented an overview on Department policies of particular importance to MAACS roster lawyers and their incarcerated clients. University of Michigan Law School Associate Dean Bridget McCormack and Professor David Moran introduced the roster lawyers to the operations of the new Innocence Clinic at the school. Finally, the MAACS Administrator, Thomas Harp, presented his annual survey of *Developments in Criminal Appellate Practice*, which included decisional information not covered by the other speakers and information regarding MAACS policy and procedure.

A total of 82 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. Grant funding was not requested for this purpose in 2009.

3. CLE Requirement Monitoring

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

4. 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, including representation in specific MAACS cases. In these latter cases, this provides an opportunity for MAACS administrative staff to provide an educational resource to the inquiring roster lawyer.

B. Classification Reviews.

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

As noted above, in 2009 two attorneys were reclassified from Level 1 to Level 2 and one attorney was reclassified from Level 2 to Level 3. Two attorney=s requests for reclassification from Level 1 to Level 2 were denied. One lawyer’s request for reclassification to Level 2 was rescinded after she was informed she did not have the requisite number of appeals upon which to make the decision to reclassify.

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 2009 The Appellate Defender Commission approved the Administrator’s recommendation to admit two lawyers to the roster at Level 2 and one lawyer to the roster at Level 3.

C. Enforcement of Minimum Standards.

The third, 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, inquiries regarding post-conviction issues from inmates, or concerning the operation of the MAACS system. In 2009, the Administrator received and investigated 245 pieces of this type of correspondence. Virtually all of these demanded a formal written response of some kind. Additionally, both of the members of the administrative staff received numerous additional inquiries of this type by email and telephone.

While many of these 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. In 2009, 35 such complaints were required to be resolved by MAACS.

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 2009, MAACS resolved 20 formal complaints involving 12 different roster attorneys. In all but one 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 (by either failing to timely file pleadings in leave cases or by untimely filing briefs on appeal), failures to conduct personal confidential consultations with clients before filing briefs or pleadings, and failures to keep clients apprized of what was happening with their cases.

Depending on the circumstances, a finding that the Standards have been violated may 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 nature of the violations of the Minimum Standards justified a MAACS request for appointment of

counsel in available post-conviction proceedings; all of these requests were granted by the circuit courts involved.

Additionally, one of the lawyers involved in these investigations was no longer a member of the roster at the time of the investigation, having previously resigned due to adverse findings in other investigations. Three other lawyers resigned from the roster as a result of the complaint determination process.

4. Other Activities

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

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

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

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

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

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

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

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

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

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

**STATE APPELLATE DEFENDER OFFICE
LITIGATION APPENDICES**

TABLE I
CASE ACTIVITY AND WORKLOAD

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

2009	18	588	564	31.3	1,756	97.6	3.1	552	1,196	66.4	2.12
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* An opening pleading seeks relief from a conviction or sentence – e.g., a brief on appeal, motion for peremptory reversal with supporting brief, motion for new trial or resentencing with brief/memo in support and motion for relief from judgment under Chapter 6 of the Michigan Court Rules - or dismissal or withdrawal from the case.

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

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

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

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

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

TABLE II
DISMISSALS AND WITHDRAWALS

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

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

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

TABLE III
STATE APPELLATE DEFENDER OFFICE ANNUAL REPORT
FOR THE YEAR OF 2009

Total New Appointments to SADO 1/1/09 to 12/31/09	588
Total Cases Assigned to Staff Attorneys 1/1/09 to 12/31/09	564
Total Filings by SADO 1/1/09 to 12/31/09	1,756
Total Cases Closed (Done*) 1/1/09 to 12/31/09	546
Total Cases Open as of 12/31/09	1,387

* "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 2009

SADO FILINGS 1/1/09 to 12/31/09

Trial Court	469
Court of Appeals	1,046
Supreme Court	213
Federal Courts	28
Total FILINGS	1,756

MAJOR FILINGS 1/1/09 to 12/31/09

Trial Court	414
Court of Appeals	566
Supreme Court	204
Federal Courts	12
Total MAJOR FILINGS	1,196 = 68% of all filings

SADO APPOINTMENTS BY CASE TYPE 1/1/09 to 12/31/09

Pleas	241
Probation Violation Pleas	40
Jury Trials	228
Bench Trials	42
Probation Violation Trials	8
Prosecutor Appeals/Interlocutory	6
Resentencing	12
SC Application – OTHER	5
Specials (+ PPO cases)	6
Total ASSIGNMENTS	588*

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

TABLE V
SADO'S PERCENT OF COMPLEX (LEVEL III JURY TRIAL APPEALS)
APPELLATE ASSIGNMENTS 1993-2009
AS COUNTED BY MAACS

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

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

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

TABLE VI
ASSIGNMENT OF CASES BY TYPE

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

* Bracket = Percentage of total assignments

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

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

TABLE VII
SUBSTITUTION APPOINTMENTS

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

- 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* 1993-2009

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

- 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%)

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<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. Tthe 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
October 1, 2008 through September 30, 2009

1. Number of contacts with service

Total	Neil Leithauser	Mary Hickey	Kelly McDoniel	William Schooley	Michael Skinner	Kelly Watson
1286	638	55	250	144	174	25

2. Number of attorneys using service:

Total
184

3. Method of contact:

	FMHJ
E-mail	1
Telephone	25
In-Person	1260
Mail	0
Other	0

4. Nature of presenting issues:

Total	FMHJ
Trial	845
Appellate	90
Plea	30
Sentencing	72
Web	4
Software	0
Forum	1
Research	128
Other	116

Nature of solutions provided: *

Identify/discuss legal issues:	689
Discuss strategy	407
Discuss procedure	186
Provide pleadings (from our databases, including packets)	61
Provide legal research (including citations & experts)	572
Train on web research	16
Troubleshoot technical problem	22
Provide forms (other sources, SCAO, CJI)	23
Referral to another agency or attorney	8
Other	112

*some contacts may involve solutions in multiple categories.

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM APPENDICES

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM APPENDICES

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENTS
JANUARY 1, 2009 TO DECEMBER 31, 2009**

	Total No. --- Percent of <u>Grand Total</u>	SADO No. --- Percent of <u>SADO Total</u>	SADO Percent of Total <u>Case Type</u>
<u>Level I</u>			
Plea/PV/Resentencing	1126 33.8%	147 25.8%	13.1%
Waiver Trial/INT/6.5/PPO Evidentiary Hearing	61 1.8%	22 3.9%	36.1%
Jury Trial	96 2.9%	31 5.4%	32.3%
Level I Total	1283 38.5%	200 35.1%	15.6%
<u>Level II</u>			
Plea/PV/Resentencing	1321 39.6%	138 24.2%	10.4%
Waiver Trial/INT/6.5/PPO Evidentiary Hearing	87 2.6%	25 4.4%	28.7%
Jury Trial	117 3.5%	37 6.5%	31.6%
Level II Total	1525 45.7%	200 35.1%	13.1%
<u>Level III</u>			
Jury Trial	471 14.1%	149 26.1%	31.6%
Level III Total	471 14.1%	149 26.1%	31.6%
Motions for Relief	40 1.2%	15 2.6%	37.5%
Prosecution Appeals of Dismissals	10 0.3%	4 0.7%	40.0%
Miscellaneous	7 0.2%	2 0.4%	28.6%
GRAND TOTAL	3336	570	17.1%

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**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
PLEA APPEALS FROM
JANUARY 1, 2009 TO DECEMBER 31, 2009**

CIRCUIT	PLEA APPEALS	CIRCUIT	PLEA APPEALS	CIRCUIT	PLEA APPEALS
1st Hillsdale	21	16th Macomb	165	32nd Gogebic/Ontonagon	4
2nd Berrien	113	17th Kent	174	33rd Charlevoix	3
3rd Wayne	457	18th Bay	31	34th Arenac/Ogemaw/ Roscommon	17
4th Jackson	48	19th Benzie/Manistee	7	35th Shiawassee	4
5th Barry	12	20th Ottawa	16	36th Van Buren	7
6th Oakland	194	21st Isabella	33	37th Calhoun	51
7th Genesee	102	22nd Washtenaw	47	38th Monroe	25
8th Ionia/Montcalm	29	23rd Iosco/Oscoda	11	39th Lenawee	25
9th Kalamazoo	77	24th Sanilac	4	40th Lapeer	10
10th Saginaw	116	25th Marquette	4	41st Dickinson/Iron/ Menominee	9
11th Alger/Luce Schoolcraft	4	26th Alcona/Alpena Montmorency/Presque Isle	6	42nd Midland	16
12th Barab/Houghton/ Keweenaw	5	27th Newaygo/Oceana	4	43rd Cass	20
13th Antrim/Grand Traverse/Leelanau	28	28th Missaukee/Wexford	14	44th Livingston	33
14th Muskegon	89	29th Clinton/Gratiot	28	45th St. Joseph	20
		30th	35		

15th Branch	9	Ingham 31st St. Clair	33	46th Crawford/Kalkaska/ Otsego	16
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**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
PLEA APPEALS FROM
JANUARY 1, 2009 TO DECEMBER 31, 2009**

CIRCUIT	PLEA APPEALS
47th Delta	4
48th Allegan	35
49th Mecosta/Osceola	15
50th Chippewa/Mackinac	7
51st Lake/Mason	6
52nd Huron	6
53rd Cheboygan	8
54th Tuscola	12
55th Clare/Gladwin	14
56th Eaton	14
57th Emmet	11
TOTAL	2308

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY JURISDICTIONAL TYPE
JANUARY 1, 2009 TO DECEMBER 31, 2009

	CLAIM				APPLICATION				RESPONSE				Grand
Circuit	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Trials	Pleas	Other	Total	Total
1st	1	0	0	1	0	21	1	22	0	0	0	0	23
Hillsdale													
2nd	17	1	1	19	2	112	3	117	0	0	0	0	136
Berrien													
3rd	282	2	17	301	34	455	77	566	0	0	0	0	867
Wayne													
4th	19	0	1	20	1	48	5	54	0	0	0	0	74
Jackson													
5th	0	0	0	0	0	12	2	14	0	0	0	0	14
Barry													
6th	76	0	6	82	7	194	13	214	0	0	0	0	296
Oakland													
7th	22	0	0	22	1	102	12	115	0	0	0	0	137
Genesee													
8th	6	0	0	6	1	29	0	30	0	0	0	0	36
Ionia/Montcalm													
9th	27	0	3	30	1	77	3	81	0	0	0	0	111
Kalamazoo													
10th	27	0	0	27	2	116	3	121	0	0	0	0	148
Saginaw													
11th	0	0	0	0	0	4	0	4	0	0	0	0	4
Alger/Luce													
Schoolcraft													
12th	0	0	0	0	0	5	1	6	0	0	0	0	6
Baraga/Houghton/ Keweenaw													
13th	9	0	0	9	0	28	2	30	0	0	0	0	39
Antrim/Grand													

Traverse/Leelanau													
14th	14	0	2	16	2	89	1	92	0	0	0	0	108
Muskegon													
15th	0	0	0	0	0	9	0	9	0	0	0	0	9
Branch													
16th	29	0	1	30	3	165	10	178	0	0	0	0	208
Macomb													
17th	59	0	0	59	2	174	3	179	0	0	0	0	238
Kent													
18th	6	0	0	6	0	31	0	31	0	0	0	0	37
Bay													
19th	0	0	0	0	0	7	0	7	0	0	0	0	7
Benzie/Manistee													
20th	8	0	0	8	0	16	0	16	0	0	0	0	24
Ottawa													
21st	3	0	0	3	0	33	4	37	0	0	0	0	40
Isabella													
22nd	14	1	0	15	0	46	1	47	0	0	0	0	62
Washtenaw													
23rd	2	0	0	2	0	11	0	11	0	0	0	0	13
Iosco/Oscoda													
24th	0	0	0	0	0	4	1	5	0	0	0	0	5
Sanilac													
25th	1	0	0	1	0	4	0	4	0	0	0	0	5
Marquette													
26th	1	0	0	1	0	6	0	6	0	0	0	0	7
Alcona/Alpena/													
Montmorency/													
Presque Isle													
27th	0	0	0	0	0	4	0	4	0	0	0	0	4
Newaygo/Oceana													
28th	2	0	0	2	0	14	2	16	0	0	0	0	18
Missaukee/Wexford													
29th	4	0	1	5	0	28	0	28	0	0	0	0	33
Clinton/Gratiot													
30th	21	1	0	22	2	34	4	40	0	0	0	0	62
Ingham													

31st St. Clair	10	0	0	10	2	33	2	37	0	0	0	0	47
32nd Gogebic/Ontonagon	4	0	0	4	0	4	1	5	0	0	0	0	9
33rd Charlevoix	0	0	0	0	0	3	0	3	0	0	0	0	3
34th Arenac/Ogemaw	2	0	0	2	0	17	0	17	0	0	0	0	19
Roscommon													
35th Shiawassee	3	0	0	3	0	4	0	4	0	0	0	0	7
36th Van Buren	1	0	1	2	1	7	0	8	0	0	0	0	10
37th Calhoun	11	0	2	13	0	51	8	59	0	0	0	0	72
38th Monroe	6	1	0	7	1	24	2	27	0	0	0	0	34
39th Lenawee	2	0	0	2	0	25	3	28	0	0	0	0	30
40th Lapeer	4	0	0	4	0	10	0	10	0	0	0	0	14
41st Dickinson/Iron	2	1	0	3	0	8	0	8	0	0	0	0	11
Menominee													
42nd Midland	5	0	1	6	0	16	0	16	0	0	0	0	22
43rd Cass	4	0	0	4	1	20	1	22	0	0	0	0	26
44th Livingston	4	0	1	5	0	33	2	35	0	0	0	0	40
45th St. Joseph	7	0	0	7	0	20	1	21	0	0	0	0	28
46th Crawford/Kalkaska	5	0	0	5	0	16	1	17	0	0	0	0	22
Otsego													
47th Delta	4	0	0	4	1	4	0	5	0	0	0	0	9

48th Allegan	9	0	0	9	1	35	1	37	0	0	0	0	46
49th Mecosta/Osceola	1	0	0	1	0	15	1	16	0	0	0	0	17
50th Chippewa/Mackinaw	3	0	1	4	0	7	1	8	0	0	0	0	12
51st Lake/Mason	1	0	0	1	0	6	0	6	0	0	0	0	7
52nd Huron	2	0	0	2	0	6	0	6	0	0	0	0	8
53rd Cheboygan	1	0	0	1	0	8	1	9	0	0	0	0	10
54th Tuscola	1	0	1	2	0	12	0	12	0	0	0	0	14
55th Clare/Gladwin	0	0	0	0	0	14	0	14	0	0	0	0	14
56th Eaton	4	0	0	4	0	14	2	16	0	0	0	0	20
57th Emmet	3	0	0	3	0	11	0	11	0	0	0	0	14
ALL CIRCUITS TOTALS	749	7	39	795	65	2301	175	2541	0	0	0	0	3336

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2009 TO DECEMBER 31, 2009**

Circuit	PLEA/PV/ RESENTENCING						WT/EVIDENTIARY HEARING/INT/PPO			JURY				Grand Total
	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	Level			Level			Level				
				1	2	Total	1	2	Total	1	2	3	Total	
1st Hillsdale				19	3	22	0	0	0	0	1	0	1	23
2nd Berrien	1			67	49	116	0	0	0	3	4	12	19	136
3rd Wayne		31	4	194	311	505	43	72	115	36	36	140	212	867
4th Jackson				27	27	54	0	2	2	2	5	11	18	74
5th Barry			1	8	5	13	0	0	0	0	0	0	0	14
6th Oakland	1			62	148	210	2	3	5	10	9	61	80	296
7th Genesee	2	2	2	55	53	108	0	0	0	1	2	20	23	137
8th Ionia/Montcalm				19	10	29	0	0	0	1	2	4	7	36
9th Kalamazoo				30	51	81	4	2	6	2	5	17	24	111
10th Saginaw			1	32	86	118	0	0	0	2	6	21	29	148
11th Alger/Luce				3	1	4	0	0	0	0	0	0	0	4
Schoolcraft														
12th Baraga/Houghton/ Keweenaw			1	3	2	5	0	0	0	0	0	0	0	6
13th Antrim/Grand		1		19	10	29	0	0	0	3	1	5	9	39

Traverse/Leelanau												
14th	1	36	55	91	1	1	2	2	4	8	14	108
Muskegon												
15th		5	4	9	0	0	0	0	0	0	0	9
Branch												
16th	1	108	67	175	0	0	0	0	5	27	32	208
Macomb												
17th		81	96	177	0	2	2	8	6	45	59	238
Kent												
18th		12	19	31	0	1	1	2	1	2	5	37
Bay												
19th		5	2	7	0	0	0	0	0	0	0	7
Benzie/Manistee												
20th		6	10	16	1	0	1	0	1	6	7	24
Ottawa												
21st		21	16	37	0	0	0	2	1	0	3	40
Isabella												
22nd	1	25	22	47	3	0	3	2	0	9	11	62
Washtenaw												
23rd		5	6	11	0	0	0	0	1	1	2	13
Iosco/Oscoda												
24th		0	5	5	0	0	0	0	0	0	0	5
Sanilac												
25th		4	0	4	0	0	0	1	0	0	1	5
Marquette												
26th		1	5	6	0	1	1	0	0	0	0	7
Alcona/Alpena/ Montmorency/ Presque Isle												
27th		3	1	4	0	0	0	0	0	0	0	4
Newaygo/Oceana												
28th		11	5	16	0	0	0	0	1	1	2	18
Missaukee/Wexford												
29th		22	6	28	1	0	1	1	1	2	4	33
Clinton/Gratiot												
30th	1	20	17	37	2	1	3	1	7	13	21	62
Ingham												

31st		17	18	35	0	0	0	4	1	7	12	47
St. Clair												
32nd		3	2	5	0	0	0	0	1	3	4	9
Gogebic/Ontonagon												
33rd		3	0	3	0	0	0	0	0	0	0	3
Charlevoix												
34th		10	7	17	0	0	0	1	0	1	2	19
Arenac/Ogemaw												
Roscommon												
35th		0	4	4	1	0	1	0	1	1	2	7
Shiawassee												
36th		5	3	8	0	0	0	0	0	2	2	10
Van Buren												
37th		27	34	61	0	1	1	0	0	10	10	72
Calhoun												
38th	1	11	15	26	0	1	1	2	1	3	6	34
Monroe												
39th		16	12	28	0	0	0	1	0	1	2	30
Lenawee												
40th		7	3	10	1	0	1	0	1	2	3	14
Lapeer												
41st		8	1	9	0	0	0	1	1	0	2	11
Dickinson/Iron												
Menominee												
42nd		12	5	17	0	0	0	1	1	3	5	22
Midland												
43rd		8	13	21	0	0	0	0	2	3	5	26
Cass												
44th	1	11	23	34	1	0	1	0	1	3	4	40
Livingston												
45th	1	6	14	20	0	0	0	0	1	6	7	28
St. Joseph												
46th		11	6	17	0	0	0	1	1	3	5	22
Crawford/Kalkaska												
Otsego												
47th		3	1	4	1	0	1	2	1	1	4	9
Delta												

48th				16	20	36	0	0	0	0	3	7	10	46
Allegan														
49th				11	5	16	0	0	0	0	0	1	1	17
Mecosta/Osceola														
50th		1		5	3	8	0	0	0	1	0	2	3	12
Chippewa/Mackinaw														
51st				5	1	6	0	0	0	0	0	1	1	7
Lake/Mason														
52nd				3	3	6	0	0	0	1	0	1	2	8
Huron														
53rd				2	7	9	0	0	0	0	0	1	1	10
Cheboygan														
54th				3	10	13	0	0	0	1	0	0	1	14
Tuscola														
55th				6	8	14	0	0	0	0	0	0	0	14
Clare/Gladwin														
56th		2		8	6	14	0	0	0	0	1	3	4	20
Eaton														
57th				6	5	11	0	0	0	1	1	1	3	14
Emmet														
ALL CIRCUITS	7	40	10	1126	1321	2447	61	87	148	96	117	471	684	3336
TOTALS														
Level 1				1283										
Level 2				1525										
Level 3				471										
Total				3279										

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
RESENTENCINGS
JANUARY 1, 2009 to DECEMBER 31, 2009**

<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>
1	1						1				
2	2	1								1	
3	39	15	1		2	2	5	3	1	8	2
4	3						2			1	
5	1						1				
6	15		1		1		10			3	
7	6		1				5				
10	1						1				
13	1						1				
16	10	2	2				5			1	
17	3	1					2				
24	1						1				
28	2	2									
30	2	1	1								
31	1		1								
32	1	1									
36	1									1	
37	5	2					1			2	
38	1					1					
39	3	2					1				
46	1	1									
54	1									1	

TOTAL	101	28	7	0	3	3	36	3	1	18	2
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	TOTAL	LEVEL I	LEVEL II
PLEAS	64	28	36
PVP	10	7	3
PVH	1	0	1
JT	21	3	18
WT	5	3	2

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**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
APPELLATE ASSIGNMENT CHANGES BY CIRCUIT 2007-2009**

	2007 TOTAL	2008 TOTAL	07-08 % CHANGE #/%	2009 TOTAL	08-09 % CHANGE #/%	07-09 % CHANGE #/%
1st	13	24	11	23	-1	10
Hillsdale			84.6%		-4.2%	76.9%
2nd	147	115	-32	136	21	-11
Berrien			-21.8%		18.3%	-7.5%
3rd	1198	1023	-175	867	-156	-331
Wayne			-14.6%		-15.2%	-27.6%
4th	128	71	-57	74	3	-54
Jackson			-44.5%		4.2%	-42.2%
5th	19	9	-10	14	5	-5
Barry			-52.6%		55.6%	-26.3%
6th	462	376	-86	296	-80	-166
Oakland			-18.6%		-21.3%	-35.9%
7th	174	152	-22	137	-15	-37
Genesee			-12.6%		-9.9%	-21.3%
8th	32	38	6	36	-2	4
Ionia/Montcalm			18.8%		-5.3%	12.5%
9th	103	106	3	111	5	8
Kalamazoo			2.9%		4.7%	7.8%
10th	114	90	-24	148	58	34
Saginaw			-21.1%		64.4%	29.8%
11th	6	11	5	4	-7	-2
Alger/Luce			83.3%		-63.6%	-33.3%
Schoolcraft						
12th	3	3	0	6	3	3
Baraga/Houghton/ Keweenaw			0.0%		100.0%	100.0%
13th	50	45	-5	39	-6	-11
Antrim/Grand			-10.0%		-13.3%	-22.0%
Traverse/Leelanau						
14th	125	115	-10	108	-7	-17

Muskegon			-8.0%		-6.1%	-13.6%
15th	7	12	5	9	-3	2
Branch			71.4%		-25.0%	28.6%
16th	264	262	-2	208	-54	-56
Macomb			-0.8%		-20.6%	-21.2%
17th	252	244	-8	238	-6	-14
Kent			-3.2%		-2.5%	-5.6%
18th	62	77	15	37	-40	-25
Bay			24.2%		-51.9%	-40.3%
19th	7	7	0	7	0	0
Benzie/Manistee			0.0%		0.0%	0.0%
20th	29	32	3	24	-8	-5
Ottawa			10.3%		-25.0%	-17.2%
21st	39	38	-1	40	2	1
Isabella			-2.6%		5.3%	2.6%
22nd	85	83	-2	62	-21	-23
Washtenaw			-2.4%		-25.3%	-27.1%
23rd	31	27	-4	13	-14	-18
Iosco/Oscoda			-12.9%		-51.9%	-58.1%
24th	7	7	0	5	-2	-2
Sanilac			0.0%		-28.6%	-28.6%
25th	14	8	-6	5	-3	-9
Marquette			-42.9%		-37.5%	-64.3%
26th	8	10	2	7	-3	-1
Alcona/Alpena/ Montmorency/ Presque Isle			25.0%		-30.0%	-12.5%
27th	18	9	-9	4	-5	-14
Newaygo/Oceana			-50.0%		-55.6%	-77.8%
28th	26	15	-11	18	3	-8
Missaukee/Wexford			-42.3%		20.0%	-30.8%
29th	28	28	0	33	5	5
Clinton/Gratiot			0.0%		17.9%	17.9%
30th	84	81	-3	62	-19	-22
Ingham			-3.6%		-23.5%	-26.2%
31st	54	48	-6	47	-1	-7
St. Clair			-11.1%		-2.1%	-13.0%

32nd	6	4	-2	9	5	3
Gogebic/Ontonagon			-33.3%		125.0%	50.0%
33rd	10	6	-4	3	-3	-7
Charlevoix			-40.0%		-50.0%	-70.0%
34th	15	21	6	19	-2	4
Arenac/Ogemaw			40.0%		-9.5%	26.7%
Roscommon						
35th	20	15	-5	7	-8	-13
Shiawassee			-25.0%		-53.3%	-65.0%
36th	21	12	-9	10	-2	-11
Van Buren			-42.9%		-16.7%	-52.4%
37th	103	79	-24	72	-7	-31
Calhoun			-23.3%		-8.9%	-30.1%
38th	38	49	11	34	-15	-4
Monroe			28.9%		-30.6%	-10.5%
39th	44	43	-1	30	-13	-14
Lenawee			-2.3%		-30.2%	-31.8%
40th	19	9	-10	14	5	-5
Lapeer			-52.6%		55.6%	-26.3%
41st	11	13	2	11	-2	0
Dickinson/Iron			18.2%		-15.4%	0.0%
Menominee						
42nd	29	18	-11	22	4	-7
Midland			-37.9%		22.2%	-24.1%
43rd	18	30	12	26	-4	8
Cass			66.7%		-13.3%	44.4%
44th	57	49	-8	40	-9	-17
Livingston			-14.0%		-18.4%	-29.8%
45th	30	20	-10	28	8	-2
St. Joseph			-33.3%		40.0%	-6.7%
46th	34	35	1	22	-13	-12
Crawford/Kalkaska			2.9%		-37.1%	-35.3%
Otsego						
47th	6	13	7	9	-4	3
Delta			116.7%		-30.8%	50.0%
48th	37	45	8	46	1	9
Allegan			21.6%		2.2%	24.3%

49th	26	31	5	17	-14	-9
Mecosta/Osceola			19.2%		-45.2%	-34.6%
50th	22	27	5	12	-15	-10
Chippewa/Mackinaw			22.7%		-55.6%	-45.5%
51st	4	6	2	7	1	3
Lake/Mason			50.0%		16.7%	75.0%
52nd	7	3	-4	8	5	1
Huron			-57.1%		166.7%	14.3%
53rd	17	12	-5	10	-2	-7
Cheboygan			-29.4%		-16.7%	-41.2%
54th	22	23	1	14	-9	-8
Tuscola			4.5%		-39.1%	-36.4%
55th	19	21	2	14	-7	-5
Clare/Gladwin			10.5%		-33.3%	-26.3%
56th	32	25	-7	20	-5	-12
Eaton			-21.9%		-20.0%	-37.5%
57th	11	14	3	14	0	3
Emmet			27.3%		0.0%	27.3%
All Circuit Totals	4,247	3,789	-458	3,336	-453	-911
			-10.8%		-12.0%	-21.5%

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**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM
SADO ASSIGNED APPEALS BY CASE TYPE AND LEVEL
JANUARY 1, 2009 TO DECEMBER 31, 2009**

Circuit	MISC.	MOTION/ RELIEF	PROSEC. APPEALS	PLEA/PV/ RESENTENCING			WT/EVIDENTIARY HEARING/INT/PPO			JURY			Total	Grand Total
				Level 1	2	Total	Level 1	2	Total	Level 1	2	3		
1st				3	1	4	0	0	0	0	1	0	1	5
Hillsdale														
2nd				8	5	13	0	0	0	1	1	4	6	19
Berrien														
3rd		10	1	21	30	51	11	18	29	10	9	42	61	152
Wayne														
4th				2	3	5	0	1	1	0	1	3	4	10
Jackson														
5th			1	1	0	1	0	0	0	0	0	0	0	2
Barry														
6th	1			8	14	22	2	1	3	3	3	19	25	51
Oakland														
7th		1	1	5	5	10	0	0	0	1	0	6	7	19
Genesee														
8th				2	1	3	0	0	0	0	0	1	1	4
Ionia/Montcalm														
9th				4	5	9	1	0	1	1	2	5	8	18
Kalamazoo														
10th			1	4	7	11	0	0	0	0	2	6	8	20
Saginaw														
11th				0	0	0	0	0	0	0	0	0	0	0
Alger/Luce														
Schoolcraft														
12th				2	0	2	0	0	0	0	0	0	0	2
Baraga/Houghton/ Keweenaw														
13th		1		2	0	2	0	0	0	1	1	2	4	7
Antrim/Grand														

Traverse/Leelanau												
14th		3	5	8	1	1	2	1	1	3	5	15
Muskegon												
15th		1	0	1	0	0	0	0	0	0	0	1
Branch												
16th	1	13	7	20	0	0	0	0	1	8	9	30
Macomb												
17th		8	10	18	0	1	1	2	2	14	18	37
Kent												
18th		2	2	4	0	1	1	0	0	1	1	6
Bay												
19th		0	0	0	0	0	0	0	0	0	0	0
Benzie/Manistee												
20th		0	0	0	1	0	1	0	1	2	3	4
Ottawa												
21st		5	1	6	0	0	0	1	1	0	2	8
Isabella												
22nd		3	2	5	1	0	1	0	0	3	3	9
Washtenaw												
23rd		1	1	2	0	0	0	0	1	1	2	4
Iosco/Oscoda												
24th		0	0	0	0	0	0	0	0	0	0	0
Sanilac												
25th		0	0	0	0	0	0	1	0	0	1	1
Marquette												
26th		1	5	6	0	1	1	0	0	0	0	7
Alcona/Alpena/												
Montmorency/												
Presque Isle												
27th		2	1	3	0	0	0	0	0	0	0	3
Newaygo/Oceana												
28th		2	1	3	0	0	0	0	1	0	1	4
Missaukee/Wexford												
29th		2	0	2	1	0	1	0	0	1	1	4
Clinton/Gratiot												
30th		3	2	5	1	1	2	0	2	4	6	13
Ingham												

31st		3	2	5	0	0	0	1	0	2	3	8
St. Clair												
32nd		2	0	2	0	0	0	0	0	1	1	3
Gogebic/Ontonagon												
33rd		2	0	2	0	0	0	0	0	0	0	2
Charlevoix												
34th		4	2	6	0	0	0	1	0	1	2	8
Arenac/Ogemaw												
Roscommon												
35th		0	0	0	0	0	0	0	0	0	0	0
Shiawassee												
36th		2	1	3	0	0	0	0	0	1	1	4
Van Buren												
37th		5	3	8	0	0	0	0	0	3	3	11
Calhoun												
38th		1	2	3	0	0	0	0	1	1	2	5
Monroe												
39th		1	0	1	0	0	0	1	0	1	2	3
Lenawee												
40th		0	1	1	1	0	1	0	1	1	2	4
Lapeer												
41st		3	1	4	0	0	0	1	0	0	1	5
Dickinson/Iron												
Menominee												
42nd		1	1	2	0	0	0	1	1	0	2	4
Midland												
43rd		2	1	3	0	0	0	0	0	1	1	4
Cass												
44th	1	2	3	5	1	0	1	0	0	1	1	8
Livingston												
45th	1	0	1	1	0	0	0	0	1	2	3	5
St. Joseph												
46th		1	0	1	0	0	0	0	1	1	2	3
Crawford/Kalkaska												
Otsego												
47th		0	0	0	1	0	1	1	0	1	2	3
Delta												

48th				3	2	5	0	0	0	0	2	3	5	10
Allegan														
49th				2	1	3	0	0	0	0	0	1	1	4
Mecosta/Osceola														
50th	1			0	0	0	0	0	0	1	0	1	2	3
Chippewa/Mackinaw														
51st				0	1	1	0	0	0	0	0	0	0	1
Lake/Mason														
52nd				1	0	1	0	0	0	1	0	0	1	2
Huron														
53rd				0	1	1	0	0	0	0	0	0	0	1
Cheboygan														
54th				1	1	2	0	0	0	0	0	0	0	2
Tuscola														
55th				1	4	5	0	0	0	0	0	0	0	5
Clare/Gladwin														
56th				1	1	2	0	0	0	0	0	1	1	3
Eaton														
57th				1	1	2	0	0	0	1	0	1	2	4
Emmet														
ALL CIRCUITS	2	15	4	147	138	285	22	25	47	31	37	149	217	570
TOTALS														
Level 1				200										
Level 2				200										
Level 3				149										
Total				549										

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