APPELLATE DEFENDER COMMISSION MEETING
MINUTES

June 18, 2014
Detroit SADO
12:00 PM

PRESENT:

Commissioners:  Chairperson John Nussbaumer, Vice-Chair Thomas Cranmer, Thomas Adams, Judge Caprathe, Thomas McNeill, Douglas Messing, and Judith Gracey

Others Present:  For SADO:  Director Dawn Van Hoek, Deputy Director Jonathan Sacks, CDRC Manager Marla McCowan, Fiscal Manager Bryan Vance, and Human Resources Manager Wendy Schaub

For MAACS:  Deputy Administrator Lyle Marshall and Office Manager MariaRosa Juarez Palmer

Guests:  Manisha Mahapatra and Eric Buchanan

COMMISSION AGENDA

WELCOME AND INTRODUCTIONS:
Ms. Van Hoek introduced Manisha Mahapatra, a contract developer from CW Professionals hired to work on the MAACS case assignment application, and Eric Buchanan, SADO’s full-time IT staffer currently working on SADC’s case management system as well as the MAACS case assignment system.

APPROVAL OF THE MINUTES OF THE MARCH 19, 2014 MEETING:
Judge Caprathe moved, seconded by Commissioner Messing, to approve the Minutes of the March 19, 2014 meeting. Carried.

REAPPOINTMENT OF COMMISSIONER DOUG MESSING:
Chairperson Nussbaumer announced that Commissioner Doug Messing was reappointed to serve another term on the Commission.

RESIGNATION OF MAACS ADMINISTRATOR TOM HARP:
Chairperson Nussbaumer summarized that he and Commissioners Cranmer and McNeill met with Mr. Harp on June 2nd regarding his resignation.
Vice-Chair Cranmer moved, seconded by Judge Caprathe, to accept Mr. Harp’s resignation, express the Commission’s gratitude for his service, and approve the severance agreement. Carried.

Chairperson Nussbaumer announced that the next commission meeting will still be held on September 17th at the MAACS office in Lansing.

Chairperson Nussbaumer directed Mr. Marshall and Ms. Van Hoek to draft a Resolution of Thanks for Mr. Harp’s service to MAACS, which should be circulated by email to the Commission for immediate consideration and approval.

Chairperson Nussbaumer advised that the Commission needed to address next steps including appointing an Interim Administrator, adoption of a new management model, and notification to the roster.

*Judge Caprathe moved, seconded by Commissioner Adams, to appoint Ms. Van Hoek as the Interim Administrator of MAACS. Carried.*

Chairperson Nussbaumer stated that the Commission needed to approve the concept of a new management model to fully merge SADO and MAACS under a single director managing both the private counsel and public defender sides. This would be similar to the federal model and is the most efficient model for the system. For the past two years, the two agencies have been merging IT, training, and space. The new management model would make Ms. Van Hoek’s interim appointment a permanent one and both sides of the system would then become completely coordinated under one director.

*Vice-Chair Cranmer moved, seconded by Commissioner Adams, to approve the concept of fully merging both agencies under one director, thereby making Ms. Van Hoek’s interim appointment permanent. Carried.*

At Chairperson Nussbaumer’s direction, Ms. Van Hoek presented a draft Administrative Order to the Commission for its review that addresses the merging of the two agencies. If approved by the Commission, the Administrative Order would be recommended to the Supreme Court for its adoption. Discussion ensued regarding the draft administrative order addressing the merger of the management of SADO and MAACS.

*Vice-Chair Cranmer moved, seconded by Commissioner Adams, to give Ms. Van Hoek the authority to work with the Supreme Court General Counsel Joe Baumann in preparing a draft Administrative Order to send to the Court with recommendation for adoption. Carried.*

At Chairperson Nussbaumer’s request, Ms. Van Hoek presented a plan for managing MAACS for the next 90 days.

Chairperson Nussbaumer asked SADO to come back to the next meeting with some data and a proposal on how it would affect the system and SADO’s percentage of cases.
handled if SADO took more cases from levels 2 and 3, and less from level 1, to temporarily help the system on the MAACS side since there aren’t enough roster attorneys at all of the levels in each circuit. If it is possible to address making adjustments in SADO’s formula on a county basis, SADO should look at that too.

As for next steps, the Commission agreed to notify the roster attorneys and the Chief Judge of the Court of Appeals of the change in management at MAACS and the Commission’s goal to fully merge SADO and MAACS.

2013 ANNUAL REPORTS:

The 2013 Annual Reports of MAACS and SADO were provided to the Commission for review. If there are no edits or concerns, the reports will be posted on SADO’s website on July 1, 2014.

PROGRESS REPORT ON TWO-YEAR TIMELINE AND STRATEGIC PLAN FOR SADO/MAACS OPERATIONAL MERGER:

Shared Space
Ms. Van Hoek reported on the progress of the operational merger, informing the Commission that they will give notice to the MAACS landlord on July 31st that MAACS wants the contractual 3-month option to continue to lease their current space as they search for new shared space for SADO, MAACS, and hopefully the MIDC.

Shared IT
Mr. Buchanan and Ms. Van Hoek provided the Commission with a summary and demonstration of the progress of the MAACS case assignment application.

Shared Training
There is a training event planned for the MAACS attorneys on October 16th. Ms. McCowan and Mr. Marshall will work together on follow-up training for the new roster attorneys.

REVIEW OF HIGHER ASSIGNMENT/LOWER HOURS MAACS ROSTER ATTORNEYS:
Mr. Marshall provided the Commission with roster attorney assignment reports showing the levels of assignments and proposed caps on assignments. On May 8th MAACS implemented caps for those overassigned attorneys where it was possible to impose a cap because there were enough attorneys on that circuit’s roster to absorb the additional cases. The capping of overassigned attorneys is being managed manually by MAACS staff for the time being until more roster attorneys are added where needed and until the case assignment application is reprogrammed to account for caps for roster attorneys.
SADO AGENDA

BUDGET:
Ms. Van Hoek reported that SADO will likely receive a budget increase to add three positions in October 2014.

CAPACITY/FORMULA:
A report was provided to the Commission showing that SADO handled 26.5% of the statewide appeals as of April 30, 2014 and that current projections show SADO handling between 25%-28% for the entire year.

JLWOP:
Mr. Sacks reported that SADO is currently awaiting the decision on three juvenile lifer cases. If the Court finds Miller retroactive, SADO will most likely have to make adjustments to the formula.

CASE HIGHLIGHTS:
A handout covering SADO’s case highlights was provided to the Commission.

MAACS AGENDA:

BUDGET:
Mr. Marshall reported that MAACS has a surplus this year, which it has been using to pay for the contract IT position.

RECOMMENDATION OF COMMISSION APPROVAL OF ROSTER ATTORNEY CARL CHRISTOPH’S REQUEST FOR RECLASSIFICATION FROM LEVEL 1 TO LEVEL 2 PER REGULATION SECTION 4(3):

Mr. Marshall provided the Commission with a memo explaining his recommendation that the Commission approve roster attorney Carl Christoph’s request for reclassification from Level 1 to Level 2.

Judge Caprathe moved, second by Vice-Chair Cranmer, to approve the reclassification of Carl Christoph from a Level 1 to a Level 2 roster attorney.

CASE HIGHLIGHTS:
A handout covering MAACS’ case highlights was provided to the Commission.

ADJOURNMENT
The meeting was adjourned at 2:35 PM.

Respectfully submitted,
Wendy Schaub
Human Resources/Office Manager, SADO

APPELLATE DEFENDER COMMISSION

BY:  
John Nussbaumer, Chair