

**APPELLATE DEFENDER COMMISSION MEETING
MINUTES**

**September 17, 2014
Lansing, MAACS
12:00 P.M.**

PRESENT:

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

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

MAACS: MariaRosa Juarez Palmer, Jane Doyle and MaryLou Emelander

Guests: Kristina Dunne

Chairperson Nussbaumer acknowledged awards and recognitions received by Dawn Van Hoek (State Bar Champion of Justice), Thomas McNeill (Kim Cahill State Bar Leader Award) and Thomas Cranmer (Super Lawyer of Michigan)

COMMISSION AGENDA

APPROVAL OF THE MINUTES OF JUNE 18, 2014 MEETING:

Commissioner Adams moved, seconded by Commissioner Messing, to approve the Minutes of June 18, 2014 meeting. Carried.

WELCOME AND INTRODUCTIONS

Mrs. Van Hoek introduced Jane Doyle and Mary Lou Emelander from MAACS. Both Mrs. Van Hoek and Chairperson Nussbaumer expressed their gratitude to MAACS staff for their work and openness to the recent changes. Mrs. Van Hoek also welcomed Kristina Dunne a 14-year MAACS roster attorney.

COMMISSION MEETING LOCATION

Discussion ensued about where to have future Commission meetings. It was decided that they continue to meet in Lansing at least once a year. Chairperson Nussbaumer also agreed with Mrs.

Van Hoek that once Lansing SADO and MAACS are in a new location, the Commission would like to see the new space.

Administrative Order Status – MI Supreme Court

Mrs. Van Hoek provided the Commission with a brief overview of the process. Mrs. Van Hoek worked with the Court's legal counsel staff and submitted a draft for consideration to the Court. The draft was well-received. The order allows a full merger of the Michigan Appellate Assigned Counsel System and the State Appellate Defender Office effective immediately. The Commission is now charged with reviewing the Regulations and submitting a proposal of any changes or updates to the Court by March 31, 2015.

Chairperson Nussbaumer asked Mrs. Van Hoek to come back to the December meeting with a proposal regarding changes or updates.

COMPENSATION

After discussion, there was a consensus that Mrs. Van Hoek should receive a modest one-time performance bonus for taking on the additional duties of MAACS Director between June 18, 2014, when Mr. Harp retired, until September 17, 2014, when the Supreme Court released its administrative order merging MAACS and SADO. In addition, there was consensus that the Commission should consider at its December meeting a proposal to increase Mrs. Van Hoek's compensation from September 17, 2014 forward in light of her additional responsibilities.

NEEDS ASSESSMENT AND STRATEGIC PLANNING FOR SADO AND MAACS

Mrs. Van Hoek provided the Commission with the result of a survey that was sent to the MAACS roster. This survey asked the roster about their needs and what they would like from MAACS. The Commission discussed the results and Mrs. Van Hoek provided the Commission with her short-term and long term goals in Technology, Training and MAACS Operations which will address the needs of the roster and MAACS.

LOCATION OF LANSING SADO AND MAACS

Mrs. Van Hoek informed the Commission that she is still working on finding space. She indicated they were looking for a location with approximately 12,000 square feet to accommodate MAACS, SADO and the MIDC. Mrs. Van Hoek suggested that the Commission meet in closed session to discuss in more detail. Lease negotiations are exempt from the Open Meetings Act.

Commissioner McNeill moved, seconded by Commissioner Adams, to move the meeting into CLOSED SESSION to discuss the lease negotiations. Carried.

MAACS Agenda

Budget

Mrs. Van Hoek informed the Commission MAACS will receive the same budget as 2013/2014 for 2014/2015. She plans to continue with IT solutions for MAACS and hire a MAACS Administrator.

SADO AGENDA

Budget

Mrs. Van Hoek indicated that she would continue to ask for a budget that will allow SADO to receive 40% of the appellate assignments. The deadline to submit the budget request is October 1st.

CAPACITY, FORMULA

Mr. Sacks reported that the SADO percentage from January to July is around 27.6%. Mr. Sacks anticipates SADO will handle 28% by the end of the year. SADO has adjusted the formula to reduce the number of Level 1 cases and increased the number of Level 2 and 3 cases.

GRANTS

Mr. Sacks provided the Commission with a brief update on the current grants at SADO.

VOLUNTEER ATTORNEY CORPS (PILOT PROJECT)

Mrs. Van Hoek reported that this project will handle special assignments, high profile cases and amicus filings. Chairperson Nussbaumer has volunteered to be a participant.

MIDC UPDATE

Mrs. Van Hoek reported that the MIDC will meet next week and she plans to attend.

SENTENCING REFORM

The Michigan Law Reform Commission will recommend specific changes to the legislature.

JLWOP

Mr. Sacks reported that SADO is focused on their 8 direct appeals and indicated that SADO attorneys are meeting once every two months to discuss their cases.

CASE HIGHLIGHTS

Mrs. Van Hoek reported that a summary of SADO case highlights was provided in the materials.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,
MariaRosa Juarez Palmer
MAACS

APPELLATE DEFENDER COMMISSION

BY: 

John Nussbaumer, Chair