

**APPELLATE DEFENDER COMMISSION MEETING
DRAFT MINUTES**

MARCH 15, 2017
DETROIT, SADO
12:00 P.M.

PRESENT:

COMMISSIONERS: Chair Tom Cranmer, Vice-Chair Tom McNeill, Tom Adams, Hon. William Caprathe, Judith Gracey, Doug Mains, and Douglas Messing

OTHERS PRESENT:

SADO/MAACS: Director Dawn Van Hoek, SADO Deputy Director Michael Mittlestat, MAACS Administrator Brad Hall, MAACS Deputy Administrator Kathy Swedlow, MAACS Office Manager MariaRosa Juarez Palmer, CDRC Administrator Marilena David-Martin, Fiscal Manager Bryan Vance, and Office & Human Resources Manager Wendy Dealca

GUESTS: Erin Van Campen, Alona Sharon, Adil Haradhvala, and Brian Selburn

COMMISSION AGENDA

APPROVAL OF THE MINUTES FROM THE MEETING OF DECEMBER 14, 2016:

Commissioner Messing moved, seconded by Commissioner Caprathe, to approve the Minutes of the December 14, 2016 meeting. Carried unanimously.

RECOGNITION OF 2016 ADVOCATES OF THE YEAR:

The Commission recognized Erin Van Campen and Alona Sharon for excellence in appellate advocacy as the recipients of the 2016 Norris J. Thomas Award and 2016 Barbara R. Levine Award, respectively.

APPEALS OF REMOVALS FROM MAACS ROSTER:

The Commission heard appeals from attorneys Adil Haradhvala and Brian Selburn to their removal from the MAACS roster. MAACS administrators responded to the appeals.

With consent from all parties, Commissioner Caprathe moved, seconded by Commissioner Adams, to continue the meeting in closed session at 2:20 PM for deliberations on the appeals. Carried unanimously.

At 2:59 PM the closed session ended and the regularly scheduled Commission meeting resumed.

The Commissioners voted unanimously to remove Mr. Haradhvala and Mr. Selburn from the MAACS roster.

ADC TERM EXPIRING IN MAY 2017:

Judge Caprathe's first term on the Commission will expire in May 2017 and he has requested that the Michigan Judges Association reappoint him.

2017 COMMISSION CALENDAR:

The meeting dates for 2017 are as follows:

June 21st – Detroit

September 20th – Lansing

December 13th – Detroit

SADO AGENDA

ANNUAL REPORT:

Ms. Van Hoek provided the Commission with a summary version of its 2016 Annual Report. The full report will be available in the upcoming months.

BUDGET:

Ms. Van Hoek reported that SADO has testified before the Senate and House appropriations subcommittees on the budget request. Further, Ms. Van Hoek, Mr. Mittlestat, and Mr. Hall have had numerous meetings with legislators regarding the budget request.

CAPACITY / FORMULA:

Mr. Mittlestat reported that SADO exceeded its statutory mandate in 2016, handling 26.1% of the appeals even with the influx of juvenile lifer cases and numerous staffing changes.

JLWOP UPDATE:

Mr. Mittlestat reported that SADO has already saved the state about 15-16 million dollars from prison sentence reductions in juvenile lifer cases.

IT FUNDING REQUEST FROM MICHIGAN STATE BAR FOUNDATION:

Ms. Van Hoek asked the Commission to support SADO's grant request to the Michigan State Bar Foundation for its Web Resources for Indigent Defense project.

Commissioner Caprathe moved, seconded by Commissioner McNeill, to support SADO's grant request to the State Bar Foundation for its Web Resources for Indigent Defense project. Chairperson Cranmer abstained. Carried.

CASE HIGHLIGHTS:

Mr. Mittlestat provided a summary of SADO's case highlights to the Commission.

MAACS AGENDA

MAACS WEIGHTED CASELOAD REPORT:

Mr. Hall provided the Commission with a weighted caseload report for the roster for 2012 – 2016. The report showed that most of the MAACS roster attorneys have a weighted caseload average that is below the SADO's annual weighted caseload standard of 26.4 cases. Mr. Hall will continue to make improvements to the system to address concerns about heavy caseloads and bring all attorneys to reasonable caseload levels.

ROSTER RETENTION AND PERFORMANCE EVALUATION UPDATE:

Ms. Swedlow provided a written report to the Commission to update the status of the MAACS roster and retention reviews.

REQUESTS FOR ADMISSION ABOVE LEVEL 1:

Commissioner McNeill moved, seconded by Commissioner Messing, to approve requests for Leonid Feller and Garry Hartleib to join the roster as Level 3 attorneys for special assignments. Carried unanimously.

NEW CASE MANAGEMENT SYSTEM UPDATE:

Mr. Hall reported that LDAs in numerous circuits have begun testing the new system. He anticipates it will launch during the summer months.

APPELLATE INVESTIGATION PROJECT:

Mr. Hall reported that the project's second year of funding will end September 30, 2017, but they are pursuing another Byrne grant and will meet with the funding agency in a couple of weeks to push the project. MIDC is also applying for a Byrne grant this year, so there will be competition for this pool of money.

CASE HIGHLIGHTS:

Mr. Hall provided a summary of recent roster attorney successes to the Commission.

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,
Wendy Dealca
SADO

APPELLATE DEFENDER COMMISSION

BY: _____
Thomas W. Cranmer, Chair