

**APPELLATE DEFENDER COMMISSION MEETING
DRAFT MINUTES**

JUNE 21, 2017
DETROIT, SADO
12:00 P.M.

PRESENT:

COMMISSIONERS: In-person: Chair Tom Cranmer, Tom Adams, Doug Mains, and Douglas Messing. Via-phone: Hon. William Caprathe and Judith Gracey

OTHERS PRESENT:

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

GUESTS: Motoki Taniguchi and Eric Buchanan

COMMISSION AGENDA

WELCOME AND INTRODUCTIONS:

Ms. David-Martin introduced Motoki Taniguchi, SADO's Reentry Coordinator in its Juvenile Lifer Unit. Mr. Taniguchi was a public defender in Japan and came to the United States as a Fulbright Scholar for his masters in social work at the University of Michigan. He's been working on SADO's reentry project for a year.

APPROVAL OF THE MINUTES FROM THE MEETING OF MARCH 15, 2017:

Commissioner Messing moved, seconded by Commissioner Mains, to amend the minutes to exclude the names of the two roster attorneys who appealed their removal from the roster in March of 2017. Carried unanimously.

Commissioner Messing moved, seconded by Commissioner Mains, to approve the minutes of the March 15, 2017 meeting as amended. Carried unanimously.

ANNUAL REPORT OF SADO AND MAACS:

Ms. Van Hoek provided the Commission with the 2016 Annual Report of SADO and MAACS.

2017 COMMISSION CALENDAR:

The remaining meeting dates for 2017 are as follows:

September 20th – Lansing

December 13th – Detroit

SADO AGENDA

STAFF CHANGES:

Ms. Van Hoek announced that she will retire from SADO on January 1, 2018. The Commission expressed their gratitude for Ms. Van Hoek's leadership and service to SADO.

Chairperson Cranmer suggested using a subcommittee of the Commission to develop a search process for the hiring of a new SADO director, which will be considered by the full Commission. Commissioners Adams, Gracey, and Messing agreed to serve on the subcommittee. Commissioner McNeill was also suggested as a subcommittee member.

BUDGET:

Ms. Van Hoek reported that she believes SADO's budget request will be approved within the next day or two for 700k in one-time funding for its Juvenile Lifer Unit.

CAPACITY / FORMULA:

Mr. Mittlestat reported that SADO expects to handle 24% of the total statewide appeals for 2017.

JLWOP UPDATE:

Mr. Mittlestat reported that Valerie Newman stepped down as the head of the Juvenile Lifer Unit and that he was acting as the point person instead. Mr. Mittlestat provided an update on the progress of the juvenile lifer cases. SADO has 194 juvenile lifer clients. To date, forty-six clients have been resentenced to a term of years. Twenty-two clients are waiting for resentencing. Nine clients have been released on parole, with another sixteen approved for parole. With 662 years reduced from minimum term sentences in total so far, SADO has potentially saved the state 23 million dollars.

REENTRY PROJECT:

Ms. David-Martin reported that SADO's reentry project team presented at the NLADA conference in Baltimore and that SADO's Reentry Project may be the model project for reentry services for juvenile lifers in the nation. Ms. David-Martin provided the Commission with an overview of the project and the services it provides to juvenile lifers. Feedback from the parole board on SADO's Reentry Project has been highly favorable.

MIDC UPDATE:

Ms. Van Hoek stated that MIDC received approval from LARA of the first four standards that were published and they have now proposed three more standards focusing on Independence from the Judiciary, indigent defense workloads, and the qualifications of defense counsel.

GRANT APPLICATIONS FOR 2018:

Ms. Van Hoek reported that SADO requested a small grant from the State Bar Foundation for its website and that SADO applied for the postconviction DNA grant again.

DETROIT CRIME LAB:

Mr. Mittlestat provided a summary of the *Ricks* case to the Commission. Based on what occurred in *Ricks*, where the wrong bullets were provided to the independent forensic examiner for testing, Mr. Mittlestat stated that SADO's crime lab cases need a second look.

CASE HIGHLIGHTS:

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

MAACS AGENDA

NEW ASSIGNMENT SYSTEM:

Mr. Hall and Mr. Buchanan demonstrated the new case assignment system to the Commission. The system went live on June 5, 2017 and is much more user-friendly than the previous system. Feedback from the courts and roster attorneys has been very positive. Under the new system, roster attorneys receive notice of appointments by email and are able to review the appointment orders and accompanying documents online before electronically accepting the appointment. This process drastically reduces the number of substitutions of counsel. Further, documents are signed and shared electronically, reducing paper and mailing costs. The new system also has dashboards that show the pending orders, signed orders, the number and percentage of cases to SADO by month and year-to-date, etc. The system prepopulates data from the MDOC and from previous case/defendant information in order to reduce data entry time.

REGIONAL PILOT PROJECT UPDATE:

Mr. Hall reported that the current pilot project expires December 31, 2017. With the new case assignment system in place, MAACS can now extend its pilot project to other circuits.

MODIFICATION OF CC 265:

Mr. Hall reported that the Request for Counsel Form is being modified to eliminate unnecessary complications that defendants face when trying to complete the form. Mr. Hall provided a copy of the new form to the Commission.

APPELLATE INVESTIGATION PROJECT UPDATE:

Mr. Hall reported that the application process for another Byrne grant for the project should be opening shortly.

ROSTER RETENTION AND PERFORMANCE EVALUATION UPDATE:

Ms. Swedlow stated that the roster has 150 attorneys. All roster attorneys have been reclassified in conjunction with the rollout of the new assignment system. Ms. Swedlow reported that the retention reviews are almost complete, with about twenty-two remaining. Ms. Swedlow hopes she will be done with all retention reviews by the next Commission meeting. To address Commissioner Adams concerns about diversity of the roster, Ms. Swedlow added that MAACS is reaching out to the affinity bar groups to recruit new roster attorneys.

MAACS TRAINING:

Ms. David-Martin reported that they had their third Appellate Writing Workshop in May. The goal of the workshop is to teach storytelling and client-centered persuasive writing. The workshop was well attended with more interest than there were spots available.

CASE HIGHLIGHTS:

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

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,
Wendy Dealca
SADO

APPELLATE DEFENDER COMMISSION

BY: _____
Thomas W. Cranmer, Chair