

**APPELLATE DEFENDER COMMISSION MEETING  
DRAFT MINUTES**

SEPTEMBER 20, 2017  
LANSING, SADO  
12:00 P.M.

PRESENT:

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

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

**COMMISSION AGENDA**

**APPROVAL OF THE MINUTES FROM THE MEETING OF JUNE 21, 2017:**

***Commissioner Messing moved, seconded by Commissioner Caprathe, to approve the minutes of the June 21, 2017 meeting. Carried unanimously.***

**APPROVAL OF THE MINUTES FROM THE MEETING OF AUGUST 30, 2017:**

***Commissioner Mains moved, seconded by Commissioner Messing, to approve the minutes of the August 30, 2017 meeting. Carried unanimously.***

**RESOLUTION FOR SADO'S CHIEF INVESTIGATOR LINDA BORUS:**

Ms. Van Hoek announced that SADO's Chief Investigator, Linda Borus, would be retiring at the end of 2017. Ms. Van Hoek presented the Commission with a draft Resolution of Thanks and Appreciation to Linda Borus.

***Commissioner Caprathe moved, seconded by Commissioner Adams, to adopt the Resolution of Thanks and Appreciation to Linda Borus, Chief Investigator for the State Appellate Defender Office. Carried unanimously.***

**REPORT OF THE HIRING SUBCOMMITTEE FOR THE APPELLATE DEFENDER POSITION:**

Commissioner McNeill, speaking on behalf of the hiring subcommittee, provided a summary of the Appellate Defender hiring process to date. The hiring subcommittee first approved a job description and job posting for the position and then posted the position for 21 days.

At a subcommittee meeting on August 30, 2017, the Commissioners reviewed applications and decided that they were looking for someone with deep experience with the Michigan indigent defense system and proven managerial experience within the system. Four candidates met these qualifications. The subcommittee recommended that the full Commission interview Marilena David-Martin, Brad Hall, Mike Mittlestat, and Jonathan Sacks at an open meeting at Miller Canfield's Detroit office on October 13<sup>th</sup>.

Commissioner McNeill proposed that the subcommittee members conduct references checks before the interviews. He further proposed that interviews should last for one hour each and that the Commission would move into deliberations immediately afterwards and select the next Appellate Defender on that date.

***Commissioner McNeill moved, seconded by Commissioner Messing, to approve the recommendation of the hiring subcommittee to interview Marilena David-Martin, Brad Hall, Mike Mittlestat, and Jonathan Sacks and to approve the proposed interview process. Carried unanimously.***  
**2017 COMMISSION CALENDAR:**

The remaining meeting dates for 2017 are as follows:  
October 13<sup>th</sup> – Special Meeting at Miller Canfield in Detroit  
December 13<sup>th</sup> – Detroit

**SADO AGENDA**

**BUDGET:**

Ms. Van Hoek reported that SADO will submit a budget request for fiscal year 2018-2019 for additional staff to handle the on-going juvenile lifer cases and for funding for the Appellate Investigation Project. However, she added that all state agencies were also asked to prepare for a 6% reduction, which is higher than the usual of 3%.

**CAPACITY / FORMULA:**

Mr. Mittlestat reported that SADO expects to handle close to 23% of the appeals for the year.

**JLWOP UPDATE:**

Mr. Mittlestat reported that SADO is almost done with the term of years juvenile lifer cases. Fifty-five clients have been resentenced, resulting in an estimated 723 years in reduced sentences and a savings of incarceration costs of almost 24.8 million for the state.

**CASE HIGHLIGHTS:**

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

**MAACS AGENDA**

**ADMINISTRATIVE ORDER / REGULATIONS / MCR. 6.425(G):**

Mr. Hall provided the Commission with a proposed Supreme Court Administrative Order, proposed amendments to MCR 6.425(G), and proposed amendments to the MAACS regulations for their approval for submission to the Supreme Court. The proposals together would cement the SADO-MAACS merger under a single organizational identity, provide official and permanent Supreme Court approval to the MAACS structural reforms, and clarify the roles and responsibilities of various system stakeholders in the appropriate settings.

***Commissioner Caprathe moved, seconded by Commissioner Adams, to approve the proposals and have them presented to the Supreme Court as a package. Carried unanimously.***

**ROSTER RETENTION:**

Ms. Swedlow provided the Commission with a status report on the on-going roster evaluation and performance review. Highlights of the report are that 103 attorneys have been reviewed. Twelve attorneys will be re-reviewed because they were on a "watch" list and need follow-up and seventeen attorneys were removed from the roster.

In conducting reviews, MAACS evaluated attorney work-product and found that the most frequent minimum standard violations were failing to preserve oral argument and client abandonment. Attorneys already removed from the roster were responsible for a large portion of the violations. She added that the roster currently has 122 active attorneys and that MAACS is currently recruiting new attorneys.

**CASE HIGHLIGHTS:**

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

**The meeting was adjourned at 1:45 p.m.**

Respectfully submitted,

Wendy Dealca  
SADO

APPELLATE DEFENDER COMMISSION

BY: \_\_\_\_\_  
Thomas W. Cranmer, Chair

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