

**APPELLATE DEFENDER COMMISSION MEETING
MINUTES**

DECEMBER 12, 2018
DETROIT, SADO
12:00 P.M.

PRESENT:

COMMISSIONERS: Chair Thomas Cranmer, Thomas Adams, Doug Mains, Thomas McNeill, Douglas Messing, and Judith Gracey via phone

OTHERS PRESENT:

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

GUESTS: Rebecca Hahn, Lindsey Ponce, Charleen Hutson, Claire Ward, Hailey McMullen, and Leah Ouellete.

WELCOME AND INTRODUCTIONS:

Mr. Sacks introduced several SADO employees to the Commission. SADO has two new attorneys doing direct appeals, Steven Helton and Lindsey Ponce. Charlene Hutson has also joined the direct appeal side as a mitigation specialist. Additions to the Juvenile Lifer team include attorneys Becky Hahn and Claire Ward and Leah Ouellette and Hailey McMullen as the new mitigation specialists.

Chance for Life

Mr. Sacks and others from SADO recently attended a graduation hosted by Chance for Life at the Huron Valley Women's Correctional Facility. Mr. Sacks congratulated Commissioner Adams for his inspiring work with Chance for Life.

APPROVAL OF THE MINUTES FROM THE MEETING OF SEPTEMBER 19, 2018:

Commissioner Adams moved, seconded by Commissioner Messing, to approve the minutes of the September 19, 2018 meeting. Carried unanimously.

UPDATES:

Budget: Mr. Sacks reported the budget will focus on two proposals for change. The first proposal is to continue the Juvenile Lifer funding with a slight increase and the second proposal is the General SADO/MAACS growth budget - a 5-year plan. This first year SADO is seeking a budget to add 7 attorneys and 2 support staff.

Hiring: Mr. Sacks reported that with the most recent hirings, SADO is in a solid and stable place. SADO will hire a new attorney sometime in January to fill the position left vacant after a current SADO attorney took a position as the Chief Clerk for the new Michigan Supreme Court Justice. SADO will also hire a part-time reentry coordinator.

Formula: In January SADO will implement the new plea and trial intake to reflect “pending” appeals. SADO will handle 10% of the plea caseload and approximately 40% of the trial caseload, for 30% of pending appeals.

Strategic Planning: Marilena David Martin reported that the committee has met and has performed its first assignment – a self-assessment to prepare for the site visit scheduled to take place January 8 -11, 2019.

Detroit Office Space: Mr. Sacks reported that because of maintenance and elevator issues, they are beginning to explore options for new space. Their current lease does not expire until September 2021 and he will keep the Commission posted.

Secretary to the Commission: Mr. Sacks reported to the Commission that MariaRosa Palmer would serve as the new Secretary to the Commission. Ms. Dealca is still the Office and Human Resources Manager for SADO but if a complaint had to be filed regarding managerial staff, it would be best for Ms. Dealca to step away from her duties as Secretary to avoid a potential conflict between her roles as office manager / human resources and the role of Secretary to the Commission. The Commission thanked Ms. Dealca for her years of service to the Commission.

Juvenile Lifer Unit: Mr. Mittlestat updated the Commission on the juvenile lifer cases. The data is demonstrating a cost savings to the State and several successful hearings for clients. SADO currently has approximately 100 contested resentencings under Miller with 3 scheduled within the next few weeks.

MAACS: Mr. Hall updated the Commission with additions to the regional assignment lists – Calhoun, Ionia and Montcalm were added on November 1, 2018 and Lenawee will join effective January 1, 2019. Mr. Hall also met with officials from Hillsdale. They will not join the region, but they will increase their fees effective January 1, 2019. Mr. Hall also informed the Commission that the article he and Ms. Swedlow wrote for the Bar Journal will be published in the January issue. The final draft was distributed in the materials. Ms. Swedlow reported that MAACS added 25 attorneys to the roster. The roster currently has 161 attorneys with 138 active.

Court Rule 6.425: Mr. Hall provided the Commission with a copy of a letter sent to the Michigan Supreme Court in opposition to the proposed changes to the court rule. The

proposed change would require indigent criminal defendants to “file” their request for counsel with the court instead of just returning it to the court. This change may be difficult for defendants to accomplish since they are often incarcerated and indigent.

Training and Reentry: Ms. David-Martin reported that both the New Attorney Orientation and MAACS Fall Training were well attended and received good evaluations. She also informed the Commission about upcoming trainings. Ms. David-Martin also provided an update regarding the reentry and their current projects. The first is a manual/guide which will help those recently released on topics as to how to obtain a state identification, etc. and she also demonstrated the second project, a new database which will aid their clients in locating resources they may need. The staff is hoping to go live next year. SADO is also doing a clothing drive. Drop boxes are located at both the Lansing and Detroit offices.

Case Highlights: Mr. Mittlestat and Ms. Swedlow provided a summary of case highlights to the Commission.

Wayne County: Mr. Hall discussed with the Commission the ongoing administrative issues with Wayne County and the lack of appropriate fees. Wayne has had a rise in cases and due to problems obtaining records from Wayne and getting paid appropriately, MAACS roster attorneys are leaving the list. This results in MAACS staff calling and searching for attorneys to accept Wayne cases. Mr. Sacks noted that Mr. Hall has been working with Wayne to resolve some of the administrative issues but there is still much to do. Mr. Sacks, Mr. Hall, and Ms. Swedlow will be working and meeting with Judge Kenny in the next few months in hopes to get Wayne added to the Regional lists and Standard Fee Policy. Mr. Sacks will keep the Commission posted.

RECRUITMENT AND DIVERSITY:

Ms. Swedlow reported on the final recruitment and diversity plan for the hiring of SADO attorneys and applicants to the MAACS roster. This plan has already been used during the recent hiring cycle at SADO.

Commissioner Adams moved, seconded by Commissioner McNeill to approve the recruitment and diversity plan as set forth in the materials and presented by Ms. Swedlow. Carried unanimously.

AWARDS:

Mr. Mittlestat recommended that Jackie McCann receive the Norris Thomas award. Ms. McCann is in her 20th year at SADO and has shown she is a great attorney and an excellent resource for her peers.

Commissioner McNeill moved, seconded by Commissioner Adams to approve Mr. Mittlestat's recommendation of Jackie McCann as the recipient of the Norris Thomas Award. Carried unanimously.

Ms. Swedlow recommended that law partners Cecilia Baunsoe and Melissa Krauskopf receive the Barbara R. Levine award. She added that both have demonstrated to be outstanding lawyers and colleagues.

Commissioner McNeill moved, seconded by Commissioner Mains to approve Ms. Swedlow's recommendation of law partners Cecilia Baunsoe and Melissa Krauskopf as the recipients of the Barbara Levine Award. Carried unanimously.

Mr. Hall also presented the Commission with a resolution to recognize Mr. Terence Flanagan for his years of service to indigent defense as an attorney at SADO, an administrator at MAACS, and finally a roster attorney. Mr. Flanagan has officially retired from the practice of law.

Commissioner McNeill moved, seconded by Commissioner Adams to adopt the resolution for Terence Flanagan. Carried unanimously.

2019 Meetings were announced as March 13, June 19, September 18, and December 11.

The meeting was adjourned at 2:20 p.m.

Respectfully submitted,

MariaRosa Palmer
SADO

APPELLATE DEFENDER COMMISSION

BY: 

Thomas W. Cranmer, Chair