

**APPELLATE DEFENDER COMMISSION MEETING
DRAFT MINUTES**

MARCH 13, 2019
DETROIT, SADO
12:00 P.M.

PRESENT:

COMMISSIONERS: Chair Thomas Cranmer, Thomas Adams, Douglas Messing, and Judith Gracey

OTHERS PRESENT:

SADO/MAACS: Director Jonathan Sacks, SADO Deputy Director Michael Mittlestat, MAACS Administrator Brad Hall, MAACS Deputy Administrator Kathy Swedlow, Training Director Marilena David-Martin, and Commission Secretary MariaRosa Palmer.

GUESTS: Jackie McCann, Cecilia Baunsoe, Melissa Krauskopf, Erin Van Campen, Angeles Meneses, Christine Pagac, Sofia Nelson, Mike Waldo, and Lindsey Ponce

WELCOME AND INTRODUCTIONS:

Mr. Sacks introduced several SADO staff who were present in support of their colleague Jackie McCann. Mr. Sacks also welcomed the recipients of the Thomas and Levine awards, Jackie McCann, Cecilia Baunsoe, and Melissa Krauskopf.

Chance for Life

Commissioner Adams also introduced and welcomed, Mr. Matthew Makowski. Mr. Makowski spent 31 years in prison was recently released. He thanked the Commission for the invite and thanked SADO for all their hard work.

PRESENTATION TO THE RECIPIENTS OF THE NORRIS THOMAS AND BARBARA LEVINE AWARDS

Mr. Mittlestat presented the Norris Thomas award to Jacqueline McCann. He stated that Ms. McCann is valuable to the SADO community, the legal community and a great mentor.

Mr. Hall presented the Barbara Levine award to Cecilia Baunsoe and Melissa Krauskopf. He acknowledged their hard work and their willingness to assist MAACS with juvenile lifer cases and caseloads.

APPROVAL OF THE MINUTES FROM THE MEETING OF DECEMBER 12, 2018:

Commissioner Messing moved, seconded by Commissioner Adams, to approve the minutes of the December 12, 2018 meeting. Carried unanimously.

UPDATES:

Budget: Mr. Sacks reported on the Governor's budget recommendation that was recently released. The Governor's recommendation included an increase in the Juvenile Lifer funding from \$700,000 to \$841,000. The Governor's recommendation also included an increase to SADO's general fund to grow SADO's caseload for \$457,000. The next step is the House and Senate Budget Appropriations.

Hiring: SADO has started the process to hire two entry level attorneys which will start in October. SADO anticipates hiring up to 5 new attorneys in the Fall if the budget is approved as presented.

Formula: Mr. Sacks shared a chart which demonstrated the formula based on pending appeals. The report is generated by the Court of Appeals and will be updated monthly. SADO is currently at 26.5% of pending appeals and total intake at 15%.

Strategic Planning: Marilena David Martin discussed the site visit that took place in January. She also reported that SADO received a draft report from the Center for Court Innovations which highlights an action plan and a timeline to complete. She is hoping to receive a final report within the next month.

Juvenile Lifer Unit: Mr. Mittlestat updated the Commission on the juvenile lifer cases. SADO has had 7 Miller hearings – 5 have resulted in a term of years sentence and 2 await a decision. SADO also has 7 more Miller hearings scheduled for the remainder of the year. Mr. Mittlestat also informed the Commission that Robyn Frankel will no longer work with the SADO Juvenile Lifer Unit since she has taken a position with the Attorney General's Office.

MAACS: Ms. Swedlow reported that roster has seen no changes. The MAACS roster is holding steady at 150 attorneys. MAACS has started their recruitment efforts.

Training and Reentry: Ms. David-Martin reported on several trainings that have taken place at SADO which included Respect in the Workplace for SADO staff; New Roster Attorney Training – Part 2; and Miller Hearing Training. She also informed the Commission about the Appellate Writing Workshop, which will take place in April.

For Project Reentry, Ms. David-Martin reported that 70 juvenile clients have been released and about 50 were SADO clients. Ms. David-Martin also shared the Drum, a newsletter with helpful information for those released from incarceration. The Reentry project is hosting a tax preparation workshop on March 31, 2019.

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

Wayne County

Mr. Sacks reported that an introductory meeting is scheduled with Judge Edwards within the next few weeks. Wayne could approach a crisis point because they may not have enough attorneys to accept assignments. Mr. Hall shared results from a MAACS survey of roster attorneys who are currently on the Wayne list and those who had been on the list. Mr. Sacks stated he expects a meeting with Judge Kenney, Judge Edwards and Wayne's financial administrator to discuss the need for a policy shift take place sometime in April or May.

MAACS Role in Appellate Counsel Appointments

The Michigan Supreme Court recently proposed a court rule amendment to change the language for form CC 265 from "returned to the court within 42 days" to "filed with the court within 42 days". MAACS would like to explore whether the language should state: "filed with the court" or "returned to MAACS within the 42 days" since MAACS already has an online system and in direct communication with all courts. Commissioner Gracey questioned whether additional liability coverage is needed if MAACS assumes this responsibility and SADO staff will follow-up.

Non-Profit SADO Support

Mr. Sacks would like SADO to explore private funding to allow for SADO projects such as Reentry. The statute authorizes SADO to take private funds. Mr. Sacks has done some research to see how other states accept private funding. In Maryland, the agency has a foundation and a board. The board makes decisions on the how funds should be allocated. Mr. Sacks has a meeting with Michigan Community Resources to discuss this potential model at SADO.

Trial Public Defender Support and Cooperation

15 new public defender offices will join the nine existing offices in Michigan. Mr. Sacks is seeking authorization for SADO to work with these offices through strategic litigation and emergency appellate litigation support.

Commissioner Adams moved, seconded by Commissioner Gracey to authorize the State Appellate Defender Office to provide appellate support to trial public defender offices when:

- 1. There is an issue involving systemic indigent defense***
- 2. The trial public defender office requests support; and***
- 3. SADO has the capacity to provide support***

Carried unanimously.

Juvenile Post-Disposition Grant

SADO has been requested by local and national juvenile justice reform experts to apply for a Department of Justice Grant. The grant would provide for a small pilot project that

would focus on juvenile adjudication appeals and post-disposition review. Mr. Sacks requested Commission authorization to apply for and implement the grant.

Commissioner Adams moved, seconded by Commissioner Messing to authorize State Appellate Defender Office to apply for and implement Department of Justice grant to offer juvenile post-disposition representation. Carried unanimously.

Contract Approvals

Appellate Defender Commission policies require Commission approval of SADO contracts larger than \$10,000. SADO has two new contracts for approval:

- Appellate Caseload Contact – Due to SADO’s hiring cycle starting in October, SADO will experience a six-month caseload with no attorney. Mr. Foster has agreed to handle twenty plea appeals for \$36,000.
- Juvenile Lifer caseload Contact – Robyn Frankel has worked with SADO’s Juvenile Lifer unit but recently accepted a position with the Attorney General’s Office. Attorney Jill Schinske has agreed to take over representation. SADO can compensate Ms. Schinske through a transfer of Ms. Frankel’s remaining contact and a new contract of \$23,000.

Commissioner Adams moved, seconded by Commissioner Messing to authorize State Appellate Defender Office to implement Mitch Foster and Jill Schinske contracts in Fiscal Year 2019. Carried unanimously.

The meeting was adjourned at 1:50 p.m.

Respectfully submitted,

MariaRosa J. Palmer
SADO

APPELLATE DEFENDER COMMISSION

BY: _____
Thomas W. Cranmer, Chair