

**APPELLATE DEFENDER COMMISSION MEETING  
MINUTES**

DECEMBER 13, 2017  
DETROIT, SADO  
12:00 P.M.

PRESENT:

COMMISSIONERS: Chair Thomas Cranmer, Thomas McNeil., 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, CDRC Administrator Marilena David-Martin, Fiscal Manager Bryan Vance, and Office & Human Resources Manager Wendy Dealca

**COMMISSION AGENDA**

Chairperson Cranmer asked Commissioner McNeill to chair the meeting, to which he agreed.

**APPROVAL OF THE MINUTES FROM THE MEETING OF SEPTEMBER 20, 2017:**

*Commissioner Messing moved, seconded by Commissioner Cranmer, to approve the minutes of the September 20, 2017 meeting. Carried unanimously.*

**APPROVAL OF THE MINUTES FROM THE MEETING OF OCTOBER 13, 2017:**

*Commissioner Messing moved, seconded by Commissioner Cranmer, to approve the minutes of the October 13, 2017 meeting. Carried unanimously.*

**2018 COMMISSION CALENDAR:**

The dates for the Commission meetings for 2018 are as follows:

March 21<sup>st</sup> (Detroit)  
June 20<sup>th</sup> (Detroit)  
September 19<sup>th</sup> (Lansing)  
December 12<sup>th</sup> (Detroit)

## **ADC ADVOCATES OF THE YEAR:**

Mr. Mittlestat nominated Peter Van Hoek for SADO's Norris J. Thomas Award. Mr. Van Hoek has worked at SADO since 1978 and is consistently the most productive lawyer in the office. Mr. Van Hoek takes many of the most challenging and high profile cases. He has been in every court in Michigan and has been to the US Supreme Court. Mr. Van Hoek is outstanding in oral argument, so much that SADO uses his oral arguments in clinics to train students. He's taught at all Michigan law schools and has run the University of Michigan clinic for years.

Mr. Hall nominated Kristina Dunne for MAACS's Barbara R. Levine Award. Ms. Dunne is a very hard working and dedicated roster attorney. She takes cases into the Michigan Supreme Court pro bono, which is something that not all roster attorneys will do. She works in circuits where higher level attorneys are needed. Further, she serves as a role model and teacher for newer attorneys.

***Commissioner Cranmer moved, seconded by Commissioner Messing, to confirm the nomination of Peter Van Hoek for the Norris J. Thomas Award and Kristina Dunne for the Barbara R. Levine Award. Both awardees will be invited to the next Commission meeting. Carried unanimously.***

## **RECRUITMENT ISSUES FOR MAACS ROSTER AND SADO STAFF:**

Mr. Hall presented a draft diversity plan. Discussion ensued regarding the methods and goals of the plan. The Commissioners were interested in hearing from Commissioner Adams who had a scheduling conflict and was not able to attend the meeting. Commission McNeill suggested scheduling a special meeting in January so that Commissioner Adams could be present and the Commission could give this agenda item its full attention. Commissioner Cranmer offered to have attorneys at his firm advise SADO on its diversity and recruitment issues. There was consensus to have a Special Meeting of the Commission on January 24, 2018 at 10:00 AM to address the topic. Ms. Dealca will confirm if Commissioner Adams is available on that date.

## **SADO AGENDA**

### **BUDGET:**

Ms. Van Hoek explained that SADO will have to payout leave balances to retiring employees in 2018. The combined payouts will hurt the budget for the year. SADO will replace key personnel, but will hold other positions open for some time to make up the money through staggered hiring. SADO hopes to do a March hiring for two new attorneys that will hopefully be lateral hires.

Ms. Van Hoek explained that she submitted the FY 2019 budget request for SADO/MAACS for 1.4 million for juvenile lifer work. SADO expects to start *Miller* hearings in FY 2019 and will need the additional revenue.

### **STAFF CHANGES:**

SADO hired the Wyoming Appellate Defender to work in its juvenile lifer unit.

## **CAPACITY / FORMULA:**

Mr. Mittlestat explained that there are three attorneys taking parental leaves, in addition to two departing. This will affect capacity for 2018. Therefore, SADO will try to hire caseload-ready attorneys.

## **JLWOP UPDATE:**

Mr. Mittlestat reported that SADO has had 63 juvenile lifer clients resentenced, resulting in an estimated 814 years in reduced sentences and a savings of incarceration costs of almost 28.1 million for the state. SADO has 129 remaining juvenile lifer cases.

## **PROJECT REENTRY:**

Marilena David-Martin presented information to the Commission about SADO's Reentry Project and its workshops. The Reentry Project is assisting juvenile lifers transitioning home. The workshops are aimed at assisting juvenile lifers with essential life skills and have focused on technology, employment, finances, and general support.

## **CASE HIGHLIGHTS:**

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

## **MAACS AGENDA**

### **ADMINISTRATIVE ORDER / MCR STATUS:**

Mr. Hall reported that the Supreme Court approved the Administrative Order that cemented the SADO-MAACS merger under a single organizational identity, provided official and permanent Supreme Court approval to the MAACS structural reforms, and clarified the roles and responsibilities of various system stakeholders in the appropriate settings. Therefore, the Pilot Project is no longer a pilot.

### **AIP GRANT:**

Mr. Hall reported that MAACS hired SADO Attorney Brett DeGroff as the Principal Attorney for the Appellate Investigation Project (AIP). The AIP is up and running again with continued Byrne/JAG funding through September 30, 2018.

### **ROSTER STATUS:**

Ms. Swedlow reported that MAACS currently has no attorneys in a performance-related standby or on suspension. The first in-depth review of the roster is completed.

### **CASE HIGHLIGHTS:**


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

**The meeting was adjourned at 1:23 p.m.**

Respectfully submitted,

Wendy Dealca  
SADO

APPELLATE DEFENDER COMMISSION

BY:   
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Thomas W. Cranmer, Chair