

SADO and Michigan's Indigent Appellate Defense System

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Persons convicted of a felony in Michigan's trial courts have a state constitutional right to counsel for purposes of appealing their trial or plea-based convictions. A system for providing counsel was created in 1978 with passage of the Appellate Defender Act, MCL 780.711 et seq. That Act established the Appellate Defender Commission within the office of the State Court Administrator, directing it to:

- Develop a system of indigent appellate defense services, which shall include services in no less than 25% of the statewide caseload to be provided by SADO (MCL 780.712(4));
- Develop minimum standards to which all indigent criminal appellate defense services shall conform (MCL 780.712(5));
- Compile and keep current a statewide roster of private attorneys willing to accept criminal appellate appointments (MCL 780.712(6));
- Provide continuing legal education for those private attorneys (MCL 780.712(7))

SADO is Michigan's only state-funded public defense services provider, and currently represents 17% of the indigent criminal defendants pursuing an appeal. The remaining 83% of cases are handled by private assigned counsel, who are paid by counties, through a roster administered by the Michigan Appellate Assigned Counsel System (MAACS). Both SADO and MAACS are subject to performance standards approved by the Michigan Supreme Court in 1981, and amended in 2005. Assignments of appellate counsel take place within a system of regulations adopted by the Appellate Defender Commission in 1985. SADO and MAACS are overseen by the seven-member Appellate Defender Commission, which is appointed by Michigan's Governor.

SADO facts:

- SADO complies (where applicable) with the Eleven Principles for an Effective Public Defense System, including:
 - independence (governance is by an independent commission, case assignments are from local designating authorities);
 - caseload controls that focus on maintaining quality representation (by statute, SADO takes only that number of assignments; insuring quality services, consistent with appropriated funds)
 - supervision and review of its attorneys for quality and efficiency;
 - training and mentoring that is available on a regular basis;
 - matching of attorneys' ability, training and experience with case complexity

- SADO obtains federal grant funding for special projects that ensure high quality representation and solutions to systemic problems, including:
 - a Detroit Police Crime Lab Unit providing representation to defendants prejudiced by evidence handling in the now-closed Lab;
 - a Sentencing Social Worker Project providing sentencing plans and community placement options for SADO clients obtaining resentencing relief;
 - a Wrongful Conviction Project providing appellate relief for cases involving questionable forensic evidence

- SADO’s attorneys function at the highest levels of proficiency, demonstrated by:
 - High relief rates for clients
 - Caseload levels that meet or exceed national standards
 - Regular performance reviews that set goals, measure quality, and ensure the highest possible advocacy for clients
 - Practice in the highest appellate courts, including the United States Supreme Court
 - ✓ SADO attorneys argued 3 cases in the United States Supreme Court during 2010-2011
 - ✓ SADO attorneys argued 7 cases in the Michigan Supreme Court during the 2011 term
 - Effective appellate defense that has identified, and obtained exonerations for, 13 clients who were wrongfully convicted
 - Special assignments by Michigan courts to challenging cases
 - ✓ SADO attorneys have set the standard for appeals from Michigan Parole Board decisions to award parole
 - ✓ SADO accepts an average of two special assignments per month of unique cases (high profile, old or “cold” cases, interlocutory appeals that involve significant legal questions)
 - ✓ SADO handles an average of one case per month involving a very large trial court record, relieving Michigan counties from extraordinary expenses

- SADO’s appellate advocacy saves approximately \$5 million each year in prison costs for the Michigan Department of Corrections, when sentences are corrected to their proper levels:

Year	No. of Years Reduced from Minimum Terms	Cost Savings to the MDOC
2008	187.7	\$6,006,400
2009	188.1	\$6,019,200
2010	176.8	\$5,657,600
2011	173.4	\$5,548,800

* Annual cost of incarceration = \$32,000

- SADO trains and supports criminal defense attorneys statewide through grants awarded by the Michigan Commission on Law Enforcement Standards, partnering with the Wayne Circuit Criminal Advocacy Program and Criminal Defense Attorneys of Michigan
- SADO's Criminal Defense Resource Center maintains a content-rich web-based collection of pleadings, transcripts, manuals, and local resources, supporting assigned counsel at both trial and appellate levels (www.sado.org)