

APPELLATE DEFENDER COMMISSION

SUITE 3300 PENOBSCOT • 645 GRISWOLD • DETROIT, MICHIGAN 48226 • 313/256-9833 • FAX 313/965-0372

JOHN NUSSBAUMER
Chair
STATE BAR DESIGNEE

THOMAS W. CRANMER
Vice-Chair
SUPREME COURT DESIGNEE

THOMAS J. ADAMS
GOVERNOR'S DESIGNEE



JUDITH GRACEY
STATE BAR DESIGNEE

VACANT
MICHIGAN JUDGES ASSOC. DESIGNEE

THOMAS G. MCNEILL
SUPREME COURT DESIGNEE

DOUGLAS MESSING
COURT OF APPEALS DESIGNEE

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Contact: Wendy Schaub

Secretary to the Commission
(313) 256-9833
wschaub@sado.org

Appellate Defender Commission Praises Legislature for Passage of Michigan Indigent Defense Commission Act

The Appellate Defender Commission (ADC) has thanked the Michigan Legislature for its groundbreaking passage of the Michigan Indigent Defense Commission Act. Meeting this week in its oversight capacity over the state's appellate assigned counsel system, the ADC had high praise for the process culminating in the comprehensive reform of the trial-level system. The Michigan Legislature addressed the appellate system nearly 35 years ago with passage of the Appellate Defender Act, creating a model that has been adopted by numerous other states. MCL 780.711 *et seq.* Now, the trial-level system will be similarly overseen by a governor-appointed commission that establishes standards for effective assistance of counsel.

The ADC governs operations of the State Appellate Defender Office (SADO) and Michigan Appellate Assigned Counsel System (MAACS). A state-funded agency, SADO provides representation to approximately 25% of those indigent criminal defendants seeking appeal of their felony convictions each year. SADO also provides extensive support and training to the criminal defense community through its Criminal Defense Resource Center. MAACS, also state-funded, operates a roster of private attorneys providing representation on the remaining 75% of the cases; these roster attorneys are paid by Michigan counties.

"We stand ready to help the new commission with its very important task in any way that the commission deems appropriate," said John Nussbaumer, Chair of the Appellate Defender Commission and Dean of Cooley Law School's Auburn Hills campus. "The ADC has developed and administered standards and regulations for the appellate system that will serve as excellent models for the new commission, similar to those the new trial-level commission must develop. We are ready, willing, and able to share our experience in this area." An ADC Commissioner, Judith Gracey, participated in Governor Snyder's Indigent Defense Advisory Commission, the body producing recommendations in 2012 for the new trial-level system. "Ms. Gracey's contributions to the dialogue, from her ADC perspective, were invaluable," according to Nussbaumer.

Dean Nussbaumer also gave credit to the work done by SADO's Director, Dawn Van Hoek, who authored "Penny Wise and Pound Foolish: Waste in Michigan Public Defense Spending," a data-driven analysis of the criminal justice system revealing the fiscal benefits of effective trial-level defense representation. "Ms. Van Hoek's work has been instrumental in changing the way many look at wise use of taxpayer money for this critical, and constitutional, state obligation," Nussbaumer added.