

**MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM (MAACS)
BASIC INFORMATION SHEET**

NOTICE: Pursuant to MCL 780.712; MSA 28.114(102), lawyers wishing to receive appellate assignments from any circuit court must join the statewide roster of attorneys eligible and willing to represent indigent felony defendants on appeal by returning the attached application and supplying two (2) writing samples (MAACS Regulation 4(1)).

ELIGIBILITY: Any member in good standing of the State Bar of Michigan is eligible to apply for roster membership. Attorneys are designated Level 1, 2 or 3 depending on their experience and a review of their work on prior felony appeals. A prior appeal is defined as a case in which the attorney, as counsel of record, filed an appellate brief on the merits (not an Anders brief) on behalf of a felony defendant, in either Michigan or federal courts, within 3 years preceding the date of application. The cases available for assignment at each level are defined by the statutory maximum sentence for the offense of which the defendant was convicted by trial court proceeding type. Level 3 attorneys can receive Level 2 cases. Level 1 attorneys have priority in receiving Level 1 cases. The classification scheme is:

Level	Case Classification	Minimum Experience Required
1	Pleas & waiver trials - maximum sentence 10 years or less Jury trials - maximum sentence 5 years or less	None, but must qualify and be invited to attend and complete orientation training
2	Pleas & waiver trials - maximum sentence over 10 years Jury trials - maximum sentence over 5 and thru 15 years	Nine prior appeals - at least two from trials, including one jury trial
3	Trials - maximum sentence over 15 years	Eighteen prior appeals - at least six from trials, including four or more jury trials.

Upon request, in exceptional circumstances, the Appellate Defender Commission can waive the minimum experience requirements if it determines the applicant has comparable experience. Attorneys who have conducted the requisite total number of appeals for classification at Level 2 or 3 can meet the requirement of trial appeals by substituting representation at trial for representation on appeal on a 2 to 1 ratio.

To maintain eligibility, attorneys must complete 7 hours of relevant CLE annually, forward briefs and pleadings and respond to inquiries as the MAACS Regulations require, and comply with the Minimum Standards for Indigent Criminal Appellate Defense Services approved by the Supreme Court, the MAACS comments thereto and all MAACS Regulations.

ASSIGNMENT PROCEDURE: MAACS supplies each circuit court with a list of roster attorneys who desire appellate appointments from that jurisdiction. Copies of attorneys' roster applications are also supplied to introduce unfamiliar attorneys to the trial court. The Appellate Defender Commission has authorized MAACS to review the availability of attorneys in every county and restrict local lists as it finds necessary for the efficient administration of the system.

An attorney may request placement on any local list. Attorneys are strongly urged to consider scheduling and travel difficulties which may arise when (as is common in guilty plea appeals) appearances must be made in trial courts distant from their offices. It is advisable that inexperienced attorneys start taking assignments slowly; they can always join additional circuit lists in the future.

The trial courts select appellate assigned counsel from their local lists in the manner prescribed by the MAACS Regulations. A percentage of the appointments in each jurisdiction are made to the State Appellate Defender Office (SADO). Attorneys' names are added to each local list at the bottom. The number of assignments an attorney will receive from any trial court depends on the number of attorneys on the local list and the number of assignments available at the attorney's eligibility level.

FEES: Compensation is still the responsibility of each county. Fees are set by the trial courts and vary considerably. **NOTE:** Because the attorneys control which local lists they join, trial courts are not obligated to pay for travel and expenses of attorneys who must travel to the trial court for motions and evidentiary hearings. Questions about the amount and method of payment should be directed to the appropriate trial courts.

TRAINING: Applicants will be notified of the next scheduled orientation training program. Training materials are free. Meals and lodging are not provided.

FOR FURTHER INFORMATION CONTACT:

*Michigan Appellate Assigned Counsel System (MAACS)
200 N. Washington Sq.
Suite 250
Lansing, Michigan, 48933
(517) 334-1200*

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

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ROSTER APPLICATION

Name: _____

Bar No. _____ Year Admitted _____

Principal Business Address: _____

Phone: _____ Fax: _____ Email: _____

Specify any language, other than English, in which you are FLUENT: _____

Approximate percentage of current practice consisting of: Felony Trials _____% Felony Appeals _____%

Have you ever been disciplined by the bar in Michigan or any other jurisdiction? _____

If yes, please explain:

Do you currently maintain malpractice insurance? _____

If so, please include a copy of your current declarations page.

List the names and circuits of judges who have assigned criminal cases to you during the past three years:

Indicate which circuits from which you wish to receive appellate assignments. _____

After reading the explanation of the eligibility levels in the attached Basic Information Sheet, check the level at which you wish to be classified:

Level 1

Level 2

Level 3

NOTE: If you are seeking classification at Level 2 or 3, please attach a separate explanation of your qualifications, as described in the Basic Information Sheet.

A. If you are relying on prior appellate experience, please provide the following information for all appeals you have litigated in the past three years, up to the most recent 18 cases.

1. Name of Case
2. Name of County and Lower Court No.
3. COA No.
4. Was the appeal from bench or jury trial, plea or interlocutory?
5. Was a post-trial motion filed in the trial court?
6. Was a post-trial evidentiary hearing held?
7. Was a Motion for Remand filed?
8. Did you attend oral argument in the COA?
9. Did you file an Application to the MSC?
10. Dates of representation

B. If you are seeking a waiver of the minimum appellate experience requirements based on comparable experience, please attach a one-page explanation.

PROFESSIONAL REFERENCES. Please provide MAACS with contact information for two references familiar with your abilities and reputation as a practicing attorney.

1. Name: _____ Phone: _____
 2. Name: _____ Phone: _____
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I certify that the information provided on this application is true and accurate, and I agree to comply with the Minimum Standards for Indigent Criminal Appellate Defense Services and the regulations governing the Michigan Appellate Assigned Counsel System.

Signature _____ Date _____

To apply for membership on the MAACS Roster, please **email a cover letter, a copy of this application (including any necessary attachments), a current resume, and two writing samples**, all in .pdf format, to: emelanderm@mimaacs.org.

MAACS OFFICE USE ONLY:

Level 1 _____ **Level 2** _____ **Level 3** _____
Date Date Date

Orientation Dates: _____

Local Lists: _____

Section 4. Attorney Eligibility for Assignments.

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(2) * * *

(b) A Level II attorney:

- (i) must have conducted through submission for decision on the merits separate appeals of at least nine felony convictions, at least two of which arose from trials, including one jury trial, in Michigan or federal courts, during the three years immediately preceding the date of application, and
- (ii) may, subject to the provisions of Sec.3(6)(c)(i), only represent a defendant who was convicted at a jury trial of an offense carrying a statutory maximum sentence greater than 5 but not greater than 15 years, or by plea or at a waiver trial of an offense carrying a statutory maximum sentence greater than 10 years.

(c) A Level III attorney:

- (i) must have conducted through submission for decision on the merits separate appeals of at least eighteen felony convictions, at least six of which arose from trials, including four or more jury trials, in Michigan or federal courts, during the three years immediately preceding the date of application, and
- (ii) may, subject to the provisions of Sec. 3(6)(c)(i), represent defendants convicted at trial or by plea of any felony, but may elect to represent only those convicted at trial.

(d) Any attorney seeking classification at Level II or III who has conducted the requisite total number of appeals but lacks the requisite number of appeals from trial-based convictions may substitute cases in which he or she represented the defendant at trial through decision by the fact-finder. Conduct of two jury trials shall count as the equivalent of one jury trial-based appeal. Conduct of two bench trials shall count as the equivalent of one bench trial-based appeal. Verdicts in the trials must have been entered during the three years immediately preceding the date of application.

(3) In exceptional circumstances, the Appellate Defender Commission may waive the requirements for Level II or III when it determines that an applicant has acquired comparable experience. Attorneys who join the roster under this section may be required to attend an orientation program.