

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

DAWN VAN HOEK
APPELLATE DEFENDER

BRADLEY R. HALL
MAACS ADMINISTRATOR

KATHRYN R. SWEDLOW
MAACS DEPUTY ADMINISTRATOR



200 N. WASHINGTON SQ., SUITE 250
LANSING, MI 48913
Phone: 517.334.1200 • Fax: 517.334.1228

www.mimaacs.org

INFORMATION ABOUT THE MAACS ROSTER

In approximately 75% of Michigan felony appeals, the trial courts appoint counsel from a “statewide roster” of “private counsel” maintained by the Michigan Appellate Assigned Counsel System (MAACS). MCL 780.712(4), (6). To apply to join the MAACS roster, an attorney must submit a completed application and supporting materials.

If invited to join the roster, an attorney will be designated as Level 1, 2 or 3, depending on an assessment of the attorney’s prior experience:

Level 1 attorneys may represent on direct appeal defendants convicted by plea of offenses carrying a statutory term of less than life imprisonment. There is no minimum experience requirement to join the roster at Level 1, but attendance at Orientation and Training sessions is mandatory.

Level 2 attorneys may represent any defendant convicted by plea or at trial, but will not generally be assigned Level 1 cases. Level 2 attorneys must have conducted at least 10 prior felony appeals through submission on the merits in the 5 years immediately preceding the attorney’s roster application.

Level 3 attorneys may represent any defendant convicted by plea or at trial, but have requested and been approved by the Administrator to represent only defendants convicted at trial.

A roster attorney may request placement on any local or multi-circuit assignment list. Caseload depends on the number, size, and assignment volume of lists, and compensation varies between circuits, though a growing number of courts have adopted a uniform attorney fee policy with rates of \$50 per hour for Level 1 cases and \$75 per hour for Level 2 and 3 cases.

Additional information is available on the MAACS page at www.sado.org/go/maacs.

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MAACS 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? Yes No

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:

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.

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: rostersupport@mimaacs.org

Excerpt from the Michigan Appellate Assigned Counsel System Regulations

Approved September 21, 2016

Effective January 1, 2017

Section 2: Membership and Classification on the MAACS Roster.

(1) Application procedure

[OMITTED.]

(2) Classification of MAACS roster attorneys.

(a) Roster attorneys are classified as follows:

(i) A Level I roster attorney may only represent on direct appeal defendants convicted by plea of offenses carrying a statutory maximum of less than life imprisonment, unless otherwise authorized by the Administrator and without objection from the attorney or the appointing court.

(ii) A Level II roster attorney may represent any defendant convicted by plea or at trial.

(iii) A Level III roster attorney may represent any defendant convicted by plea or at trial, but has requested and been approved to represent only defendants convicted at trial.

(b) All roster attorneys are classified at Level I unless approved by the Administrator for Level II or Level III.

(i) The Administrator must reserve Level II and Level III for roster attorneys who have established a significant record of consistently high-quality criminal appellate representation and an ability to handle any type of MAACS assignment. Relevant considerations include performance history, writing ability, familiarity with Michigan criminal law and procedure, client counseling skills, demonstrated interest in indigent defense, and reputation in the legal community.

(ii) An attorney is eligible to apply to Level II after conducting separate appeals of at least 10 felony convictions through submission on the merits in the 5 years immediately preceding the attorney's application.

a. In lieu of felony appeals, an attorney may rely on significant comparable experience, including criminal trials, state or federal post-conviction representation, amicus briefs, significant civil appeals, relevant scholarly articles, or substantial writing assignments as a judicial law clerk.

b. In exceptional circumstances and upon a request by the Administrator, the Commission may waive the experience requirement for Level II.

(iii) A Level II attorney is eligible for Level III upon approval by the Administrator, taking into consideration the needs of the roster.