

**APPELLATE DEFENDER COMMISSION MEETING
MINUTES**

**JUNE 17, 2015
DETROIT, SADO
12:00 P.M.**

PRESENT:

**COMMISSIONERS: CHAIRPERSON JOHN NUSSBAUMER, VICE-CHAIR
THOMAS CRANMER, JUDGE CAPRATHE, DOUGLAS
MESSING AND JUDITH GRACEY**

OTHERS PRESENT:

**SADO: DIRECTOR DAWN VAN HOEK, DEPUTY DIRECTOR MICHAEL
MITTLESTAT, CDRC ADMINISTRATOR MARILENA DAVID-MARTIN,
FISCAL MANAGER BRYAN VANCE, AND HUMAN RESOURCES
MANAGER WENDY SCHAUB**

MAACS: ADMINISTRATOR BRAD HALL

GUEST: MIKE WALDO

COMMISSION AGENDA

WELCOME AND INTRODUCTIONS

Ms. Van Hoek introduced Mike Waldo to the Commission. Mr. Waldo was hired in May as the project attorney for SADO's grant-funded Wrongful Conviction Unit.

APPROVAL OF THE MINUTES FROM THE MEETING OF MARCH 18, 2015

Judge Caprathe moved, seconded by Commissioner Cranmer, to approve the Minutes of the March 18, 2015 meeting as amended. Carried.

ADC MEMBERSHIP EXPIRING TERMS

Ms. Van Hoek said there was a slight mishap with the paperwork for the commissioners' reappointment applications, but that it seemed to be straightened out.

ADC MEETING LOCATIONS FOR 2015

Chairperson Nussbaumer announced the remaining meeting dates for 2015 as follows:

September 16th (Lansing SADO)
December 16th (Detroit SADO)

ANNUAL REPORTS

Drafts of the 2014 Annual Reports for SADO and MAACS were provided to the Commission. Ms. Schaub will email the Commission a deadline to provide comments or suggested revisions to the reports, likely within about two weeks, after which she will post the finalized reports on SADO's website.

SADO & MAACS CONSOLIDATION

Ms. Van Hoek reported that SADO and MAACS have been realigning staff since the merger and will use a couple of contract positions to fill temporary needs as they work through redefining staffing needs.

Ms. Van Hoek provided the Commission with a draft of the new Administrative Order (AO) for MAACS. The proposed AO is due to the Supreme Court on October 1, 2015. Mr. Hall explained that the proposed AO has some new ideas in it such as establishing regions with a uniform fee schedule and MAACS functioning as the LDA for circuits that agree to be a part of a region.

Discussion ensued regarding the new AO and how to address the flaws of the current system with incentives or deterrents to certain practices.

Chairperson Nussbaumer asked Mr. Hall to provide the Commission with a summary sheet of major concept changes between the old AO and the draft of the new one. Chairperson Nussbaumer also asked that Ms. Van Hoek provide a summary of program improvements, budget savings, and increased efficiencies created by the consolidation of SADO and MAACS.

SADO AGENDA

BUDGET

Ms. Van Hoek reported that the 2016 budget remains status quo. Some other departments were cut, but the Judiciary was not. Ms. Van Hoek mentioned that she is looking for training money for the Criminal Defense Resource Center (CDRC). Much of the defense training functions were funded through MCOLES grants, which were cut. However, the prosecutors were able to get training money through the general fund. Ms. Van Hoek may attempt for a supplemental appropriation through the legislature. Ultimately, Ms. Van Hoek wants the training funds to become part of the appropriated budget to SADO each year. As a long range goal, Ms. Van Hoek will seek a large

increase in funding for the CDRC, to achieve parity with what is awarded to the prosecutors.

HIRING TWO STAFF ATTORNEYS:

SADO hired two new staff attorneys to start in September.

CAPACITY AND FORMULA

Mr. Mittlestat reported that there was an uptick in appeals in April and May, but it's too early to tell if that will become the norm or if it's just a couple of heavy months. SADO has made an upward adjustment to take in a handful of more cases per month and expects to still finish the year handling 25% or more of the statewide appeals.

GRANTS

Ms. Van Hoek reported that SADO hired Amanda Tringl to replace departing attorney Pat Selby on the DNA grant.

Ms. Van Hoek stated that SADO/MAACS will be applying for a Byrne/JAG grant for an investigator and expert project. The deadline for the grant application is towards the end of July.

JLWOP

Mr. Mittlestat reported that in the *Eliason* case, SADO attorneys were able to convince the judge to change the client's sentence to a term of years instead of life without parole. The sentencing hearing has yet to occur.

CASE HIGHLIGHTS

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

MAACS AGENDA

HIRING AT MAACS

Mr. Hall reported that he'll be hiring a contract attorney to assist with attorney retention reviews on a project basis.

FEE LITIGATION SUPPORT

Mr. Hall provided the Commission with a copy of MAACS' Motion to Intervene in roster attorney Mitch Foster's attorney fee matter.

MAPPIS ACCESS / ATTORNEY REVIEW PROCESS

For technical reasons, MAACS most likely will not be able to gain access to MAPPIS. MAACS used MAPPIS in the past to access roster attorneys' pleadings. For the time being, MAACS will request specific pleadings from roster attorneys to conduct performance reviews. Moving forward, when the new case management system is launched, roster attorneys will be required to upload their pleadings to the new system and MAACS will be able to access them through their own system instead of the court's system.

DENIALS OF COUNSEL

Mr. Hall reported that the new AO will require the circuit courts to provide copies of denials of counsel to MAACS. Mr. Hall will also take a look at which rule provisions need to be clarified regarding reasons for denying counsel. Additionally, MAACS is looking at appeal rates per county to see if there are some circuits where appeals rates are lower than the norm. If so, MAACS will research why that may be occurring.

CASE HIGHLIGHTS

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

The meeting was adjourned at 2:40 p.m.

Respectfully submitted,
Wendy Schaub
SADO

APPELLATE DEFENDER COMMISSION

BY: 

Thomas Cranmer, Interim Chair