

**APPELLATE DEFENDER COMMISSION MEETING
MINUTES**

**MARCH 16, 2016
DETROIT, SADO
12:00 P.M.**

PRESENT:

**COMMISSIONERS: CHAIRPERSON THOMAS CRANMER, JUDITH GRACEY,
VICE-CHAIR THOMAS MCNEILL, DOUGLAS MESSING,
and JUDGE CAPRATHE (via phone)**

OTHERS PRESENT:

**SADO: DIRECTOR DAWN VAN HOEK, DEPUTY DIRECTOR MICHAEL
MITTLESTAT, FISCAL MANAGER BRYAN VANCE, and HUMAN
RESOURCES MANAGER WENDY DEALCA**

MAACS: ADMINISTRATOR BRAD HALL

**GUEST: MITCH FOSTER, ANDREW LEE, KATHERINE MARCUZ, and CHRIS
SMITH**

COMMISSION AGENDA

APPROVAL OF THE MINUTES FROM THE MEETING OF DECEMBER 16, 2015

Commissioner Messing moved, seconded by Commissioner Gracey, to approve the Minutes of the December 16, 2015 meeting as amended. Carried.

RECOGNITION OF 2015 ADVOCACY AWARDEES

Chris Smith was recognized by the Commission for excellence in appellate advocacy as the recipient of the 2015 Norris J. Thomas Award. Mitch Foster was recognized by the Commission for excellence in appellate advocacy as the recipient of the 2015 Barbara R. Levine Award.

STATUS OF ADC MEMBERSHIP

Ms. Van Hoek reported that the State Bar nominated Doug Mains of Dykema Gossett to serve as the State Bar's designee on the Commission. Commissioner Tom Adams' term expires this year and Ms. Van Hoek hopes that he is reappointed.

ADC MEETING DATES AND LOCATIONS FOR 2016:

June 15, 2016 (Detroit)
September 21, 2016 (Lansing)
December 14, 2016 (Detroit)

SADO AGENDA

BUDGET

Ms. Van Hoek reported that SADO submitted a budget request in November for additional funding of about 1.3 million dollars to increase its capacity so that it could handle 40% of the statewide appellate workload. The Flint water and Detroit public school crises came to light and it became clear that budget increases were unlikely since a lot of funding would have to be directed to addressing those problems instead. However, on January 25, 2016, the *Montgomery* decision came down and SADO began to talk to the Governor's office about how to comply with the decision and a budget increase to staff up SADO to handle the additional workload. SADO's request for 1.1 million to handle the juvenile lifer cases is under consideration with the legislature.

HIRING AT SADO:

SADO's Plea Unit Manager, Anne Yantus, is leaving on May 1, 2016 to become the Director of Clinical Programs at Detroit Mercy Law School. SADO will hire a staff attorney to replace Ms. Yantus. SADO is also hiring an additional investigator and will hire a sentencing mitigation specialist to replace Nicole George.

CAPACITY AND FORMULA

Mr. Mittlestat reported that SADO handled more than 25% of the statewide appeals in 2015 and is currently over 25% for 2016. Although SADO hoped to handle closer to 30% this year, there are some attorney leaves of absence and a departure coming up which will affect its capacity.

GRANTS

Ms. Van Hoek and Mr. Mittlestat provided the Commission with an update of the DNA and Wrongful Conviction grants.

CASE HIGHLIGHTS

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

JLWOP

Commissioner McNeill moved, seconded by Commissioner Messing, to do the following:

1) Approve SADO to handle its prior clients' juvenile life without parole cases, totaling approximately 114 cases.

2) Approve the conditional assignment to SADO of cases that do not have pro-bono representation and were not SADO-client cases, presently estimated to be 100-175 cases. The conditional assignment to SADO is for the purpose of building the files, but not actually working up the cases, and is subject to the Commission reviewing and approving the submission to circuit courts defining what the conditional appointment means.

3) Approve MAACS creating a special assignment list within the roster of attorneys for appointment to juvenile lifer cases. Mr. Hall will, with some frequency in the near future, seek approval from the Commission to add attorneys to the roster and will have the discretion to put attorneys from the roster onto the special assignment list to handle juvenile lifer cases.

4) Defer consideration of whether or not the Commission will authorize SADO to drop its case intake to less than the 25% mandate in order for SADO to handle the 100-175 unassigned juvenile lifer cases.

The motion was carried.

MAACS AGENDA

HIRING MAACS DEPUTY ADMINISTRATOR

Mr. Hall reported that MAACS is ready to hire a Deputy Administrator and will likely do so in the next month.

APPELLATE INVESTIGATION PROJECT

Katherine Marcuz and Andrew Lee provided an update on the Appellate Investigation Project. The first three months have been focused on setting up the project's internal operating procedures, reaching out to the roster and informing them about the project, and training roster attorneys. The project team also worked on ten cases to date and the team anticipates that recent outreach efforts will cause more attorneys to seek the services of project staff.

REGIONAL PILOT PROJECT

Mr. Hall reported that 210 cases have been assigned through the pilot project. Voucher data is too limited at this point in time to draw any conclusions regarding vouchers, but as the cases progress, more voucher data will become available. Feedback has been very positive with regards to the pilot project. The project has proven to be more administratively efficient to the courts. As an example, Macomb County had only one case come back since starting the pilot for reassignment, whereas this was a weekly occurrence before.

WAYNE COUNTY ASSIGNMENT PROJECT

Mr. Hall reported that Wayne County is working on a solution to provide case records and transcripts online to roster attorneys and to reduce the number of substitution cases much like how MAACS's pilot project does through a pre-screening process before appointments of counsel are officially made.

PERFORMANCE REVIEW OF ROSTER

Mr. Hall reported that MAACS removed four attorneys from the roster due to performance concerns. MAACS is continuing with the in-depth review of the entire roster.

CASE HIGHLIGHTS

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

The meeting was adjourned at 3:02 p.m.

Respectfully submitted,
Wendy Dealca
SADO

APPELLATE DEFENDER COMMISSION

BY: 

Thomas W. Cranmer, Chair