

**APPELLATE DEFENDER COMMISSION MEETING  
MINUTES**

DECEMBER 14, 2022  
SADO DETROIT  
12:00 P.M.

**PRESENT:**

**COMMISSIONERS:** Chair Thomas Cranmer, Thomas McNeill, Honorable Thomas Solka (ret.), and Darryl Woods present in person.  
  
Judith Gracey, JoAnn Lank, and Douglas Mains present via Zoom, non-voting status only.

**OTHERS PRESENT:**

**SADO/MAACS:** Director Jonathan Sacks, Direct Appeals Managing Attorneys Katherine Marcuz and Jessica Zimbelman, MAACS Administrator Brad Hall, MAACS Deputy Administrator Patricia Maceroni, CDRC Manager Kathy Swedlow, Reentry and Parole Lead Anna Kohn, Assistant Defender Jacqueline Ouvry and Commission Secretary MariaRosa Palmer.

**Guests:** SADO Staff: Jose Burgos, Stephanie Farkas and Jessica Newton

**Welcome**

Jonathan Sacks introduced the attendees. Mr. Sacks noted that Marilena David and Tina Olson are in court and their agenda items will be handled by Kathy Swedlow, Anna Kohn and Jackie Ouvry.

**PUBLIC COMMENT**

No public comment.

**APPROVAL OF THE MINUTES FROM THE MEETING OF SEPTEMBER 14, 2022:**

*Commissioner Woods moved to approve the minutes of September 14, 2022, seconded by Commissioner McNeill. Carried.*

## UPDATES:

Case Highlights: Ms. Marcuz and Ms. Zimbelman shared that SADO has 21 cases before the Michigan Supreme Court. These will be heard between December 2022 and April 2023. They also discussed the process of how a case reaches the Michigan Supreme Court.

Ms. Maceroni shared positive highlights from MAACS cases. Ms. Maceroni highlighted two cases from attorneys Tiffany Hughes and Michael Dezsi.

Ms. Maceroni also shared that MAACS is working on an internship program for MAACS roster attorneys which was suggested by a roster attorney. The intern will assist in transcript review, issue spotting and visits. They are hoping to have a program in place by the Spring/Summer term.

Juvenile Lifer Unit: Jackie Ouvry reported on behalf of Tina Olson. Ms. Ouvry discussed the work done by the Unit which has resulted in positive outcomes for many of their clients, financial savings to the state, and created a sense of community for those returning home.

MAACS: Brad Hall shared an update of the MAACS roster. MAACS currently has 109 active roster attorneys. Twelve new attorneys were added to the roster, two attorneys completed their orientation and are accepting cases.

Mr. Hall provided an update on the Youth Defense Project, shared proposed amendments of court rules and provided information about the upcoming youth defense training.

Case Statistics/Intake: SADO is currently at 33% pending appeals and 36% pending trials. SADO expects the case assignments to go up after five attorneys have completed training.

Mr. Hall shared that the appellate assignments are back to pre-pandemic statistics except in trial appeals. He also noted that MAACS has 17 attorneys where their caseloads are on track to be higher than the weighted caseload of a SADO attorney. Commissioner McNeill questioned if Judge Gleicher was aware of the workload crisis and asked what the Commission could do to help. Mr. Hall commented that MAACS cannot compete with the MIDC payment rates. Mr. Sacks informed the Commission that he and Mr. Hall are working on a funding strategy to address MAACS roster attorney rates.

Commissioner Cranmer asked how MAACS deals with cases that are waiting for an attorney. Mr. Hall indicated that MAACS does not have the bandwidth to triage but if SADO cannot take cases, MAACS staff will reach out to attorneys to accept the case.

Judge Solka commented that he believes the slope of assignments may still go up with courts reopened, just occurring more slowly than expected. He also noted that he remains impressed with the mission of the organization, the efforts of both SADO and MAACS attorneys, and that the Commission should do whatever they can do to support the staff.

Budget: SADO has submitted three appropriations Proposals for Change. First, protecting the enhancements for MAACS. SADO is requesting \$3 million to allow for the MAACS

roster attorney payment rates to increase from \$50 and \$75 to \$120 and \$110 depending on case type. The request will also allow for an additional staff member to oversee and distribute funds to the local systems.

The second request is for the expansion of the Juvenile Lifer Unit to handle the new cases after the recent Michigan Supreme Court decisions. The new cases would double the current size of the Juvenile Lifer Unit. To handle these cases, SADO needs four new attorneys, two mitigation specialists, one paralegal, and one reentry specialist. The request is for \$1.8 million.

The final request is for Juvenile Defense for \$556,925. This proposal would provide SADO necessary resources to handle youth appeal cases as recommended by the Juvenile Justice Task Force. The request would add an additional defender, a CDRC staff member, and a programmer that will work with MAACS to make the necessary changes to the assignment system to handle these cases.

Mr. Sacks will receive the Governor's recommendations at the end of January or February.

Training and Reentry: Kathy Swedlow reported on training on behalf of Marilena David. Ms. Swedlow shared that the CDRC conducted a one-day training on the *Stovall* decision and representation. 55 attorneys attended and it was well-received. She also shared information regarding the 4-day annual fall training held for roster attorneys and SADO attorneys in person and online and the Mastering Dialogue training that was held for some SADO staff.

Anna Kohn reported on reentry for Marilena David. She shared the Triumph Reports that were put together by the summer fellow, Brandon Harrington. She also shared that reentry completed 14 comprehensive reentry plans: 11 parole hearing preparations and assisted 12 clients with one-on-one services such as resumes, jobs, housing, etc.

Commissioner Woods acknowledged Anna and Jose Burgos for their hard work.

Court Rules and Legislation: Ms. Zimbelman reported that SADO submitted four comments on proposed rule changes. The committee will meet in January to discuss priorities for changes in legislation that would benefit SADO/MAACS clients.

Hiring: Mr. Sacks reported that Kathy Swedlow was hired as the Criminal Defense Resource Manager. SADO is currently fully staffed at 61. SADO will fill two positions in February, the finance administration position, and the human resources position.

### **SADO/MAACS Merger Evaluation: National Association for Public Defense**

Mr. Sacks reported that the initial project kick-off meeting was held in September. The NAPD has been provided with names of individuals to interview which include SADO and MAACS Leadership, past MAACS administrators, roster attorneys and MAACS staff. He indicated that interviews would begin January/February.

## **SADO/MAACS NCSC Workload Study**

The NCSC has completed their work with SADO attorneys. This included focus groups with SADO attorneys, time keeping for 16 weeks, and a Delphi panel conducted in September to discuss the data that was collected. The next step for the NCSC study is MAACS with a final report to be completed in March.

## **Election Day Holiday**

Mr. Sacks informed the commission that SADO will observe Election Day on even numbered years as a Holiday. This change implemented one of the expected collective bargaining agreements with the UAW. The Executive Branch of the Michigan government observes this holiday but not the Judicial Branch. He noted that there has been discussion with the State Court Administrative Office regarding this decision and there will be follow-up discussions with SCAO as to SADO and Commission policy and implementation.

## **Detroit Wrongful Conviction Lawsuits**

Mr. Sacks reported that SADO has received 8 subpoenas from attorneys for the City of Detroit police officers for both SADO clients and SADO non-clients who have been exonerated as part of their litigation strategy as defendants in wrongful conviction lawsuits. Representation for responding to these subpoenas are covered under SADO's malpractice insurance. Melissa Graves will represent SADO and handle these subpoenas.

## **Director Biennial Review**

Commissioner Solka reported that an evaluation form will be sent via email to all commissioners. He would also like to meet with Mr. Sacks in late January. Commissioner Solka anticipates having recommendations completed by March 1.

## **2023 Commission Meeting Dates**

The proposed dates:


March 15, June 21, September 20, and December 20.

***Commissioner McNeill moved to approve the meeting dates and amending the December 20 meeting to December 13, seconded by Commissioner Woods. Carried.***

Respectfully submitted,

MariaRosa J. Palmer  
SADO

APPELLATE DEFENDER COMMISSION

BY:   
Thomas W. Cranmer, Chair