

**APPELLATE DEFENDER COMMISSION MEETING  
MINUTES**

MARCH 15, 2023  
SADO DETROIT  
12:00 P.M.

PRESENT:

COMMISSIONERS: Chair Thomas Cranmer, Judith Gracey, JoAnn Lank, Vice Chair Thomas McNeill, Honorable Thomas Solka and Darryl Woods

OTHERS PRESENT:

SADO/MAACS: Director Jonathan Sacks, Deputy Director Marilena David, Direct Appeals Managing Attorneys Katherine Marcuz and Jessica Zimbelman, CDRC Manager Kathy Swedlow, MAACS Administrator Brad Hall, MAACS Deputy Administrator Patricia Maceroni, and Commission Secretary MariaRosa Palmer.

Guests: UAW Representative and SADO Assistant Defender Jessica Newton

**Welcome**

Chairman Cranmer welcomed and began the meeting by asking everyone to introduce themselves. Jonathan Sacks distributed copies of a Senate resolution recognizing the 60<sup>th</sup> anniversary of *Gideon v Wainwright*.

**PUBLIC COMMENT**

No public comment.

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

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

## UPDATES:

Case Highlights: Ms. Marcuz and Ms. Zimbelman introduced and provided a brief background on SADO's newest assistant defenders - Emma Lawton; Kierston Nunn and Ali Wright.

Ms. Maceroni shared positive highlights from MAACS cases. She noted that overall, the MAACS roster attorneys are continuing to argue for their clients in a variety of ways such as challenging OV's and fees. She also noted that the roster attorneys are encouraged to continue their representation to the Michigan Supreme Court if denied in the Court of Appeals.

Juvenile Lifer Unit: Ms. Olson highlighted the success of negotiations with juvenile lifer cases in Wayne County. She noted that there are 30 cases that have not been resentenced yet.

Budget and Hiring: Mr. Sacks reported that the Governor's budget recommendation included all SADO's budget requests. These requests included funding for the MAACS reforms, Youth Defense, and funding for the 285 youth lifelong sentencing cases impacted by recent Michigan Supreme Court decisions.

MAACS and Intake / Case Statistics: Brad Hall shared an update of the MAACS roster. MAACS currently has 113 active roster attorneys. Mr. Hall also discussed the caseload distribution for MAACS and SADO. He indicated that the intake is back to pre-pandemic levels but stated that trials are not. This could be because circuits are still working on backlog. He also noted that 17 MAACS roster attorneys are above the SADO adjusted caseload.

Mr. Hall is optimistic that the pending legislation which will increase the fee schedule for roster attorneys will lead to more attorneys joining the roster which will help with attorney caseloads. Chairperson Cranmer questioned if the fee legislation has been well received by courts and Mr. Hall indicated it has. Commissioner Lank asked if MAACS will reach out to attorneys who left the roster due to economics. Mr. Hall stated that yes, they will be inviting these attorneys to rejoin. Lastly, Commissioner Solka asked when the new fees would go into effect. Mr. Hall stated that this is something that MAACS is still working on and hoping to provide the Commission with a plan at the June or September meeting.

Mr. Hall provided an update on the Youth Defense Project. Josh Pease has completed his 7<sup>th</sup> webinar training and has trained over 300 individuals and MAACS has their first private assigned youth defense case out of Isabella. Mr. Hall also shared information about a case that was highlighted by the Detroit Free Press out of Hillsdale. He and Josh Pease are currently working on getting an attorney appointed for this individual. Commissioner Woods asked if the project has engaged with the juvenile bench. Mr. Hall stated that Josh Pease will be presenting along with Chief Judge Gleicher at the Statewide Judges conference in April. Commissioner Woods suggested that the Project familiarize themselves with the Care Management Organizations (CMO) in each county.

Ms. Maceroni reported on a success by the MAACS mitigation specialist, Emily Swanson, on a case for MAACS roster attorney Ian Kierpaul. The judge resentenced the client from

25 years to 16 years because of the mitigation report that was submitted on their client's behalf.

Ms. Maceroni also shared that she and Stephanie Farkas will be interviewing for a summer internship for MAACS roster attorneys.

### **MAACS Reimbursement Formula for Roster Attorney Compensation**

The Executive Budget recommendation included over \$3 million to partially reimburse local governments for the payment of MAACS roster attorney fees consistent with Michigan Indigent Commission rates. MAACS seeks approval of a policy for the state reimbursement of local systems for attorney compensation on a one-to-one basis.

***Commissioner Solka moved to adopt the policy for the state reimbursement of local systems for attorney compensation on a one-to-one basis, seconded by Commissioner Woods. Carried.***

### **Nominations for Barbara Levine, Norris Thomas, and Amanda Smith Awards**

SADO nominates Steven Helton for the Norris Thomas award. Mr. Helton was a MAACS roster attorney before joining SADO. He is an amazing writer, excellent brief editor, CDAM presenter, and a recent recipient of the WMU-Cooley Distinguished Brief Award.

MAACS nominates Rachel Wolfe for the Barbara Levine award. She is a MAACS roster attorney who establishes a relationship with client 60 days after receiving the appointment order, she accepts 6.500 cases, quickly moved from a level 1 to a level 2 roster attorney and had her first argument in the Michigan Supreme Court.

Mr. Sacks nominated Jean Downey for the Amanda Smith award. This year marks Mrs. Downey's 41<sup>st</sup> anniversary with SADO. She is an asset and invaluable to the defense team.

***Commissioner Woods moved to accept the nominations for the Barbara Levine, Norris Thomas, and Amanda Smith awards, seconded by Commissioner Gracey. Carried.***

### **Annual Report**

The annual report captures all the work conducted at SADO. Mr. Sacks requested that the commission adopt and publish the 2022 Report with nominal edits to be made and the awards section to be added.

***Commissioner McNeil moved to adopt and publish the 2022 Annual Report with nominal edits and awards section to be added, seconded by Commissioner Gracey. Carried.***

### **Director Evaluation**

Chairperson Cranmer entertained a motion moving that the Commission go into a closed session in accordance with MCL 15.268(1)(a) to consider a periodic personnel review of

a public officer or an employee if the individual requests to do so. Commissioner Cranmer asked Mr. Sacks if he would like a closed session and Mr. Sacks indicated he would.

***Commissioner Gracey moved to go to a close session, seconded by Commissioner McNeil. A roll call vote was conducted by Chairperson Cranmer. All in favor. Carried.***

The Commission met in closed session before returning to the open meeting.

***Commissioner Gracey moved to adopt and approve the director evaluation undertaken by the subcommittee seconded by Commissioner Woods. Carried. The Chairperson also stated that the director's evaluation should be filed in his personnel file.***

### **Director Compensation**

***Commissioner McNeil moved to table the discussion of the compensation increase subject to obtaining additional information and the commission would meet at a special session within the next month and subject to the availability of the Commission, seconded by Commissioner Gracey. Carried.***

### **Continued Updates**

Training: Ms. Swedlow reported that CDRC is traveling around the state discussing the available resources at CDRC. She shared information about upcoming lunch-time trainings via zoom, and the planned in-person Appellate Writing Workshop.

Reentry: Ms. David discussed reentry and how it started with no funding, in-kind support, and volunteers for SADO juvenile lifer cases. Now, Reentry has expanded to MAACS/SADO juvenile clients, direct appeals, parole preparations, and publishes resources on the SADO website. She thanked her team for going above and beyond every day. She shared information about upcoming reentry workshops.

Court Rules and Legislation: Ms. Zimbelman shared a comment that was written by Josh Pease about attorneys and appellate rights for young people. She also indicated that SADO is drafting comments on several upcoming proposed rules. She also reported that abolition of the life without parole for young people legislation was introduced in the Senate and House. This would ban life without parole for individuals 18 years old and younger. SADO is also involved in the Second Look coalition. These bills have not been introduced yet, but they would allow judges to review sentences. Ms. Zimbelman will testify on behalf of CDAM before the House Criminal Justice Committee on April 11, 2023.

### **Appellate Defender Act**

Mr. Sacks shared with the Commission the most recent version of the Appellate Defender Act. The act includes the extension of SADO and MAACS to do youth defense work and codifying of the MAACS roster fee policies.

NAPD Evaluation

Mr. Sacks reported that he was interviewed by the NAPD. The NAPD will move forward with internal and external interviews. The recommendation will be submitted by end of fiscal year.

NCSC Workload Study

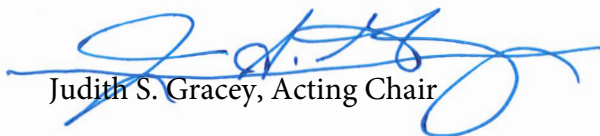
Mr. Sacks reported that the study is progressing and should be complete by end of fiscal year.

Respectfully submitted,

MariaRosa J. Palmer  
SADO

APPELLATE DEFENDER COMMISSION

BY: \_\_\_\_\_  
Thomas W. Cranmer, Chair

  
Judith S. Gracey, Acting Chair