

**APPELLATE DEFENDER COMMISSION MEETING  
MINUTES**

JUNE 21, 2023  
SADO DETROIT  
12:00 P.M.

**PRESENT:**

**COMMISSIONERS:** Judith Gracey, JoAnn Lank, Daryl Woods, and Honorable Thomas Solka.

**OTHERS PRESENT:**

**SADO/MAACS:** Director Jonathan Sacks, Direct Appeals Managing Attorneys Katherine Marcuz and Jessica Zimbelman, Juvenile Lifer Managing Attorney Tina Olson, CDRC Manager Kathy Swedlow, Project Reentry Specialist Jose Burgos, MAACS Administrator Brad Hall, MAACS Deputy Administrator Patricia Maceroni, and Commission Secretary MariaRosa Palmer.

**Guests:** Staff: Wendy Dealca, Jean Downey, Stephanie Farkas, Tabitha Harris, Steven Helton, Rita Jajjoka, Emma Lawton, Heather Waara, and Mike Waldo.

Rachel Wolfe, MAACS Roster Attorney and her office manager.

**Via Teams:** Staff: Bill Moy, Julianne Cuneo, Angie Jackson, Monique Dake, Sabrina Schneider, Erin Bartels, Fernando Gaitan, and Adrienne Young.

**Welcome**

Acting Chair Judith Gracey called the meeting to order and welcomed everyone to the meeting. Mr. Sacks also welcomed everyone and introduced the attendees.

**PUBLIC COMMENT**

Jacqueline Ouvry made a public comment on behalf of the UAW Local 4200 Bargaining Unit.

## **AWARDS**

The Norris Thomas award was presented to Steven Helton. Katherine Marcuz spoke about Steven and described him as an excellent writer, listener, and a generous and kind attorney. She also shared that Steven recently received the Cooley Distinguished Brief Award. Mr. Helton thanked SADO and the Commission for the award.

The Barbara Levine award was presented to Rachel Wolfe. Ms. Maceroni highlighted Ms. Wolfe's work as a MAACS roster attorney for the past three years. She stated that Ms. Wolfe has been an asset to the MAACS roster and helping with difficult cases, especially 6.500s. Ms. Wolfe thanked MAACS, SADO and the Commission.

Mr. Sacks presented the SADO staff award to Jean Downey. He highlighted her years of service noting that Jean had been with SADO for over 40 years. Mrs. Downey thanked SADO and the Commission for her award.

## **APPROVAL OF THE MINUTES FROM THE MEETING OF MARCH 15, 2023, AND APRIL 27, 2023:**

***Commissioner Woods moved to approve the minutes of March 15, 2023, and April 27, 2023, seconded by Commissioner Solka. Carried.***

## **UPDATES:**

Case Highlights: Ms. Zimbelman highlighted case rounds. This is a resource for SADO attorneys to meet once a month in-person to discuss strategies and issues for their cases. She shared SADO will hold a weekly summer session on Strategic Litigation.

Ms. Maceroni shared positive highlights from MAACS cases. She also noted the positive impact the MAACS Mitigation Specialist, Emily Swanson has had with MAACS cases. Ms. Swanson's mitigation memos resulted in two significant recent sentence reductions.

Lastly, Ms. Maceroni shared that MAACS has its first summer intern from Wayne State. The intern will assist roster attorneys with collecting the record, issue spotting, client visits, etc.

Juvenile Lifer Unit: Ms. Olson discussed that the unit has several hearings taking place in the most difficult cases in Calhoun, Kent, and Oakland. She noted a big success in Genesee where a client was sentenced to a term of years. This is noteworthy because Genesee had been a circuit where they initially negotiated very few sentences.

Ms. Olson also shared that one JLU mitigation specialist recently accepted a job with Safe and Just Michigan. SADO has posted the position and hopes it will be filled by September.

Ms. Olson also stated that the unit will be meeting in July to discuss a rebranding of the unit's name in light of new caselaw impacting 18-year-olds to reflect the work it does.

MAACS: Mr. Hall provided an update of the MAACS roster. MAACS currently has 111 active attorneys. He also shared the MAACS recruitment flyer. MAACS has been actively recruiting new attorneys and highlighting the hourly pay rate increase which will come in October once the State Budget is passed and adopted.

Mr. Hall shared an update of the Appellate Assignments. He indicated that the numbers have now returned to pre-pandemic levels.

Mr. Hall also reported that he and Josh Pease were asked to be members of the new Michigan Supreme Court Child Protective Services Task Force. Mr. Sacks added that SADO will consider the pros and cons of a MAACS/SADO role in child protective proceedings and may come to the Commission for additional comments or feedback as the Task Force evaluates the issue.

Training: Kathy Swedlow reported on various zoom training courses that have been held. She also shared that CDRC has been on the road sharing information about the resources CDRC has available to attorneys. Ms. Swedlow also noted that CDRC has several new publications.

Court Rules and Legislation: Ms. Zimbelman reported that SADO staff submitted comments and testified on several court rules. She also shared that SADO and CDAM submitted a letter against the new hands-free driving law. Lastly, Ms. Zimbelman also testified on a bill that would prohibit defense attorneys from receiving unredacted police reports.

Budget: Mr. Sacks is hoping to hear about the budget this month. He noted that SADO's request has been recommended by the House, Senate, and Governor. The legislators go on break in July.

Hiring: Mr. Sacks reported that once the budget moves, SADO expects to fill seven direct appeal positions, JLU mitigation specialist positions, JLU attorney positions, and the MAACS Finance/Accounting position.

Appellate Defender Act: Mr. Sacks shared that the latest potential amendments to the act account for inflation for state matches for roster attorney funding. The amended Act, which codifies state grants for roster attorneys and the SADO/MAACS expansion for youth defense continues to move forward in the legislature.

Wrongful Conviction Unit: Commissioner Woods asked about the status of the unit. Mr. Sacks responded that the unit is now fully funded as part of the General Fund, and it has achieved one exoneration.

## **Recommendation of New Chair**

Discussion was held about the recommendation of a new chair. Both Chairperson Cranmer and Vice Chair McNeill have served three terms – twelve years, on the Commission and will not be reappointed due to term limits. New Commissioners should be appointed by the Governor prior to the September meeting.

Respectfully submitted,

MariaRosa J. Palmer  
SADO

APPELLATE DEFENDER COMMISSION

BY: Judith Gracey, Acting Chair