



State Appellate Defender Office

3031 W. Grand Blvd., Ste. 450, Detroit, MI 48202
(Phone) 313.256.9833 (Client calls) 313.256.9822
(Fax) 313.263.0042 www.sado.org

Jonathan Sacks
Director

Marilena David-Martin
Deputy Director

Julianne Cuneo
Chief Investigator

Katherine Marcuz
Managing Attorney, Direct Appeals Unit

Tina Olson
Managing Attorney, Juvenile Lifer Unit

Jessica Zimbelman
Managing Attorney, Direct Appeals Unit

May 10, 2021

**Request for Proposals:
Michigan Appellate Public Defense Caseload Standards Study**

Response to Questions:

1. What is the desired time frame (from contract award) for the delivery of provisional standards for the Appellate Defender Commission's review?

For State of Michigan budgetary requirements, a contract must be signed and work for the project must start before October 1, 2021. Although there might be some flexibility, SADO hopes the study will be completed by October 1, 2022.

2. What is the maximum permissible time frame (from contract award) for the delivery of provisional standards for the Appellate Defender Commission's review?

The goal is a completed study by October 1, 2022.

3. Can you provide a rough estimate of the percent of payment vouchers submitted by private counsel in which the maximum permissible amount of hours were requested without any special motion for additional payment?

SADO will be able to provide this information.

4. Can you provide an idea of the number of weeks that at least 75 percent of a sample of SADO staff attorneys participating in a limited duration time study would continue to participate?

SADO attorneys would be flexible, but at least two months.

Response to Questions/ 2

5. Can you provide an idea of the number of weeks that at least 75 percent of a sample of MAACS attorneys participating in a limited duration time study would continue to participate?

MAACS administration estimates at least two months.

6. Are there reference materials available that describe the internal operating procedures and cultural expectations that distinguish SADO staff attorney responsibilities and practices that differ from those ordinarily exercised by MAACS roster attorneys?

SADO has internal operating procedures that list some of these different practices and expectations. Certain additional cultural differences are not formally recorded. The successful bidder will have an opportunity to review the IOPs and interview SADO and MAACS staff about these differences.

7. For each of the following appeal characteristic, please indicate whether each appeal currently tracked by the SADO case management system and/or the MAACS case management system flags such characteristic in recorded data:
 - a. Whether a trial court evidentiary hearing took place
Yes for SADO and MAACS
 - b. Whether a trial court resentencing hearing took place
Yes for SADO and MAACS
 - c. The appeal involved a case transfer
 - i. Whether the transfer was before the opening pleading,
Yes for SADO and MAACS
 - ii. was when COA orals were forthcoming, or
Yes for SADO and MAACS
 - iii. when a supplemental brief was required.
Yes for SADO and MAACS
 - d. The number of pages in the transcript
Yes for SADO and MAACS
 - e. Whether the appeal was...
 - i. From a plea
Yes for SADO and MAACS
 - ii. From a trial
Yes for SADO and MAACS
 - iii. From a probation violation
Yes for SADO and MAACS

Response to Questions/ 3

- iv. From an interlocutory appeal
Yes for SADO and MAACS
- v. Involved a prosecutor appeal from a dismissal
Yes for SADO (SADO tracks if it is a prosecutor's appeal, but does not capture the reason in the database) and Yes for MAACS
- vi. Involved a prosecutor appeal from a parole decision
Yes for SADO and MAACS
- vii. Involved a collateral appeal
No for SADO and maybe for MAACS
- viii. Involved juvenile life without parole
Yes for SADO and MAACS

8. When was the practice of MAACS attorneys submitting invoices for their efforts to SADO and having such information recorded in a form that would be available to the successful bidder begun?

August 2020. Compliance is very high with the exception of Wayne County, the highest-volume circuit accounting for about 1/5 of all assignments statewide. Wayne County maintains its own event-based payment system and so very few roster attorneys bother with the MAACS voucher system. Outside Wayne, there are only a few cases submitted outside the voucher system.

9. Does recorded MAACS invoice information include all hours submitted for reimbursement by the attorney for that appeal even if some of the time expended on the appeal took place before the initial date in which MAACS invoices were available to SADO?

Generally, yes. Any voucher submitted on the new system (after August 2020) could include time spent before that date, even years before.

Note in response to a comment: **Budget and Budget Narrative sections do not count towards the 20 page Proposal Narrative limit. Bidders may submit their Budgets in a format of their choosing as long as they meet the criteria in the RFP.