



State Appellate Defender Office
Criminal Defense Resource Center

Criminal Defense Newsletter

State Appellate Defender Office expands to unprecedented levels!

In 2014, the State Appellate Defender Office had 43 employees. By the end of 2025, SADO expects to have 108 people working to best represent its clients. This article explores the different opportunities that have made this expansion possible.

1. Merger of SADO and MAACS

In 2014, the Michigan Supreme Court issued Administrative Order 2014-18, which consolidated SADO and the Michigan Appellate Assigned Counsel System (MAACS) into one agency reporting to the Appellate Defender Commission for administrative and management purposes. The merger allowed the combined agencies to have a shared mission to best represent clients appealing felony convictions. Today, SADO continues to represent approximately 25% of trial-based convictions on appeal, while the MAACS roster represents the remaining 75%.

As a result of the reforms implemented after the merger, MAACS staff has doubled at SADO. A litigation support counsel works with newer roster attorneys and consults on complex cases. A mitigation specialist works with the roster attorneys to help their clients get the best possible outcomes at new sentencing hearings. A second mitigation specialist starts up in October. MAACS roster attorneys also now receive uniform and reasonable hourly fees through a state funding reimbursement. To implement this fee process, MAACS has brought on an accountant and a new attorney, who will review fee and expense vouchers, starts up later this year.

2. Direct appeals expansion

In 2024, the National Center for State Courts (NCSC) completed a study of SADO and MAACS workloads. The NCSC project included review of case intake data for five years, a 16-week time study where attorneys were keeping track of their time in 10-minute increments, a comparison with MAACS attorney fee voucher data, a review of case intake data, a series of focus groups, and a quality adjustment Delphi Panel. The NCSC report concluded that “SADO’s current model for public defender appellate workloads is nearly forty years old and depends on obsolete case weights.” NCSC data showed that SADO attorneys worked significantly in excess of current workload expectations per client. In response, SADO developed a three-year plan to both reduce SADO attorney workloads and increase SADO capacity to take more appeals.

“SADO is working to grow its public defender division to meet the appellate indigent defense caseload standards developed by the NCSC weighted caseload study.”

In 2024, the Governor recommended funding Year One of the plan and the Legislature appropriated the money. The result is eight new attorneys, one new managing attorney, three investigators, three mitigation specialists, four legal support staffers, and two reentry specialists will join SADO in 2024-2025.

3. Wrongful conviction unit

Direct Appeals representation in Michigan includes the ability and responsibility to investigate a conviction and expand the record if necessary. SADO has used this process to exonerate more than 20 innocent

individuals. This success has allowed SADO to start a new Unit with an investigator and an attorney to specialize in reviewing certain convictions where SADO clients might be innocent. In just a few years of existence, SADO’s Wrongful Conviction Unit has already exonerated two innocent individuals.

4. Juvenile lifer unit

A decision of the United States Supreme Court in 2016 created an extraordinary one-time constitutional crisis involving 364 children serving life without parole sentences in Michigan. *Montgomery v Louisiana* required resentencing of all people serving mandatory sentences of life without parole for offenses committed as youth because the sentences violate the Eighth Amendment ban on cruel and unusual punishment. As the statewide experts on mitigation and sentencing, SADO stepped in to represent almost 200 people impacted by this decision.

Then in 2022, the Michigan Supreme Court issued decisions expanding this rule. In *People v Parks*, the Court held that a mandatory sentence of life imprisonment without the possibility of parole for 18-year-olds constituted cruel or unusual punishment under the Michigan Constitution. In *People v Stovall*, the Court held that a sentence of life with parole for a youth convicted of second-degree murder violated Michigan’s constitution. These cases expanded the impact of the United State Supreme Court’s *Montgomery* decision to impact up to another 350 people as the Michigan Supreme Court reviews the Court of Appeals *Poole* decision finding *Parks* retroactive.

SADO now has nine attorneys, six mitigations specialists, two reentry specialists, and one paralegal representing

people in new sentencing hearings. A new paralegal and a document review specialist are slated to join the Juvenile Lifer Unit later this year.

5. Youth appellate defense

Following recommendations of Michigan’s Task Force on Juvenile Justice reform, the first-ever amendments to the Appellate Defender Act in 2024 expanded SADO and MAACS to include youth appellate defense. This expansion responds to the reality that Michigan’s appellate defense for youth has been practically non-existent. There are only approximately 20 appeals from delinquency cases per year despite 2019 caseload data showing more than 7,000 trial-level cases reaching the disposition phase that year.

First funded by a grant, MAACS now has a youth appellate defense counsel, while SADO has a youth appellate defense attorney, and the Criminal Defense Resource Center has a youth defense research and training attorney.

6. Project Reentry

In 2015, with a few volunteer interns, SADO started to focus on the reentry needs of Juvenile Lifers. Today Project Reentry includes four state-funded Reentry Specialists working for both Direct Appeals and the Juvenile Lifer Units at SADO. Project Reentry develops Comprehensive Reentry Plans to assist with the return to the community, holds reentry workshops, publishes a Reentry Guidebook and Reentry Newsletter, and has developed a Reentry Services Locator to help individuals find assistance for their specific needs.

7. Criminal Defense Resource Center expansion

For the past 47 years, an essential part of SADO’s mission has been to provide resources through support services and training to assigned criminal defense attorneys. This is especially important with training requirements linked to trial indigent defense reform. The Criminal Defense Resource Center hosts dozens of free online and in-person for trial and appellate attorneys, defense investigators, and mitigations specialists and social workers. The CDRC also produces books and manuals, self-help resources, and the Criminal Defense Newsletter. With the advent of Michigan Indigent Defense Commission reforms, CDRC subscribers have increased from about 600 people to about 1800 people, and SADO has now hired three new CDRC resource attorneys in addition to the new youth defense research and training attorney.

8. Administrative needs

SADO’s expansion to over one hundred people has created a need for new finance, human resources, and information technology professionals, and SADO has hired four new administrative staff in these roles.

Conclusion

SADO’s expansion centers around providing the best possible representation for people appealing their felony criminal convictions or seeking new sentencing hearings in Michigan. The outstanding work of SADO’s public defenders and MAACS roster attorneys has resulted in the recognition and support by the State of Michigan to support and fund this expansion.

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