



House Appropriations Subcommittee on Judiciary

March 1, 2023



The slide features a dark blue background on the left and a medium blue background on the right. A large, semi-transparent light blue circle is positioned in the upper right quadrant, overlapping both background colors. The text is white and centered on the dark blue background.

Michigan Appellate Defender Act  
MCL 780.711 (1978)

# SADO

Public Defenders

Criminal Defense  
Resource Center

Michigan Appellate  
Assigned Counsel System

Juvenile  
Lifer Unit

Wrongful  
Conviction Unit

Project  
Reentry

63  
employees

# FY 2024 Budget Priorities

## Expand Juvenile Lifer Unit Funding

- Necessary to represent all clients serving unconstitutional life sentences for offenses committed as youth

## Protecting Enhancements to MAACS

- Reimburse counties to properly fund private appellate assigned counsel services

## Expand SADO to Include Youth Defense

- Implement Task Force on Juvenile Justice Recommendations to include youth defense under the SADO umbrella

The logo features a large, light blue circle on a dark blue background. The circle is partially cut off by the right edge of the frame. The text 'Public Defender Division' is written in white, sans-serif font across the bottom of the circle.

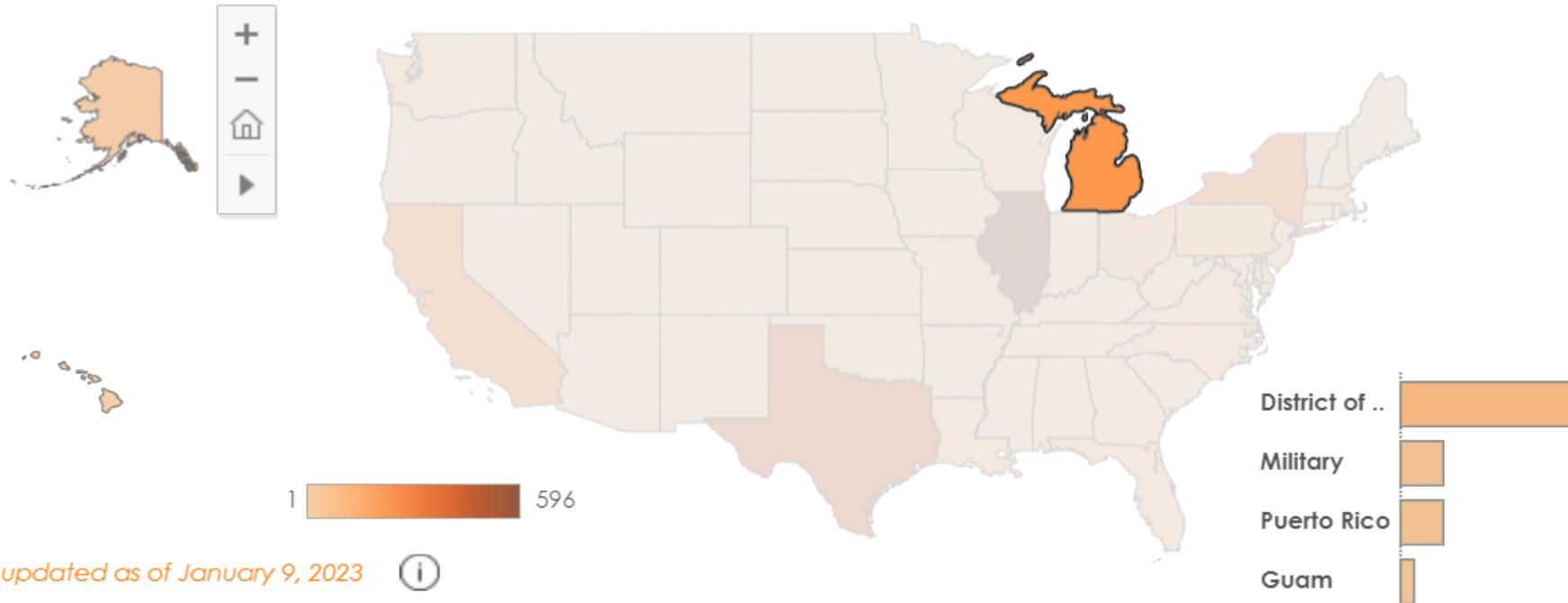
# Public Defender Division

# Overturning Wrongful Convictions



## Exonerations by State

Fed / Non-Fed (All) ▼



Data updated as of January 9, 2023



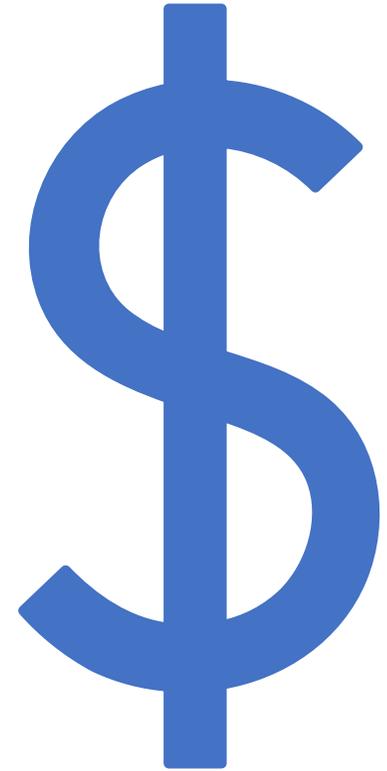
More than 20  
innocent clients  
recently exonerated

Terance Calhoun  
Incarcerated 15 years



# Human and Financial Cost of Sentencing Errors

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2022  
Sentencing  
Corrections

153 years reduced in  
2022



\$6 million dollars  
saved in 2022

Andre Brown





## We won this fight!

The Michigan Supreme Court granted a new trial finding that the right to a public trial was violated when the courtroom was closed for nearly the entirety of the trial.

Congrats to SADO Attorneys Jackie McCann and Steven Helton.

*For Mr. Davis*

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New Trial



## We won this fight!

On remand from the Michigan Supreme Court, the Court of Appeals granted Mr. Hughes a new trial, finding ineffective assistance of counsel for failure to object to a meritorious 4th amendment violation.

Congrats to SADO attorney Jason Eggert.

*For Mr. Hughes*

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New Trial

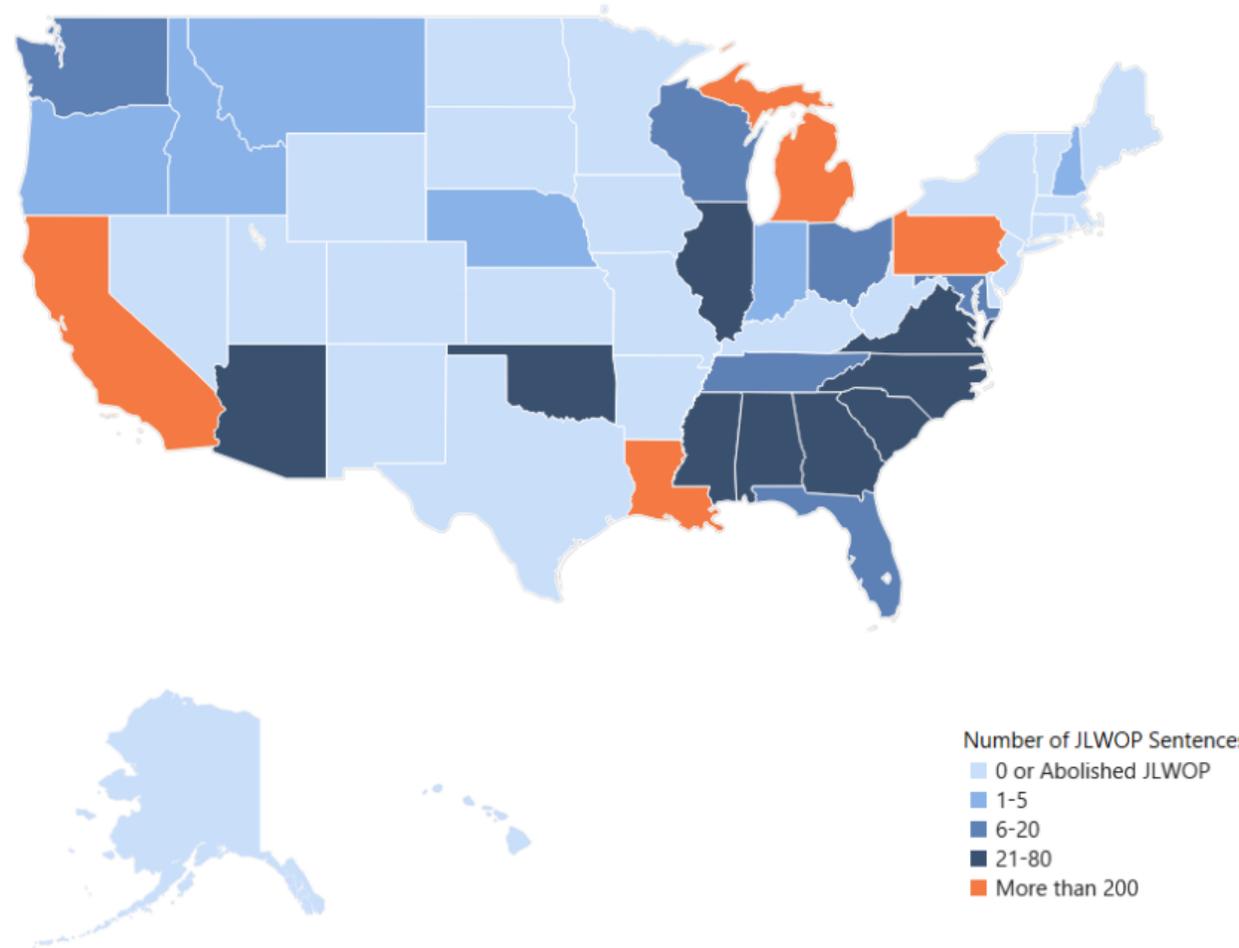


# Juvenile Lifer Unit

“[M]andatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on ‘cruel and unusual punishments.’”

*Miller v Alabama (2012)*

*Juvenile Life-Without-Parole Sentences in the United States*



Pennsylvania: 525

Michigan: 364

Louisiana: 300

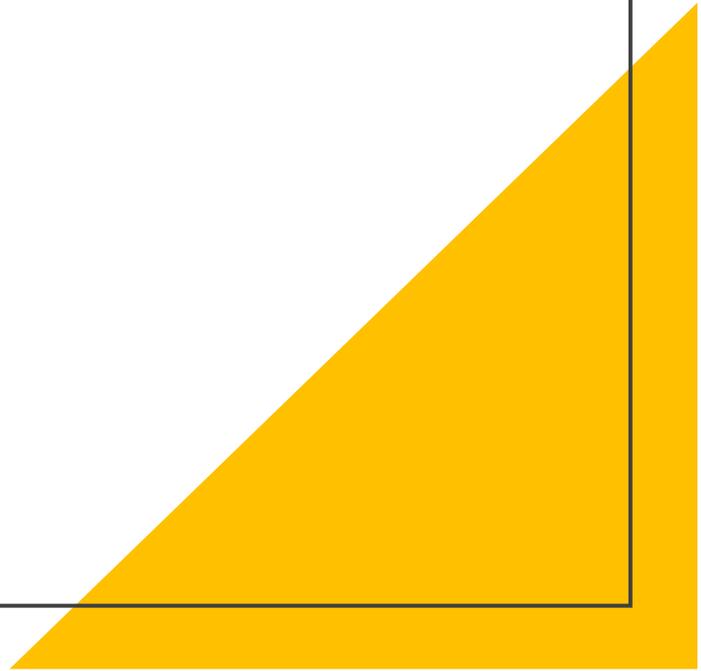
California: 310

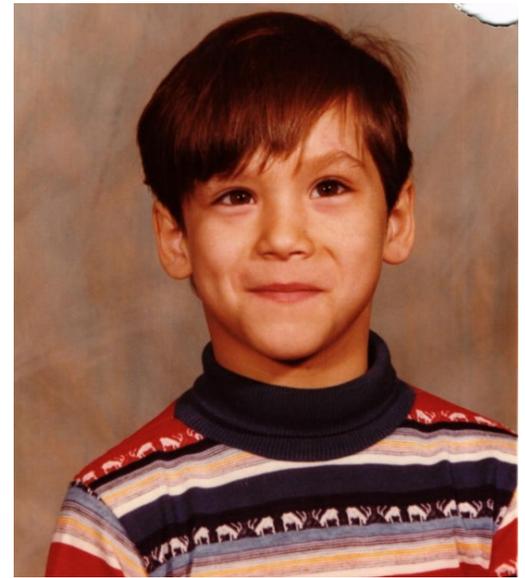
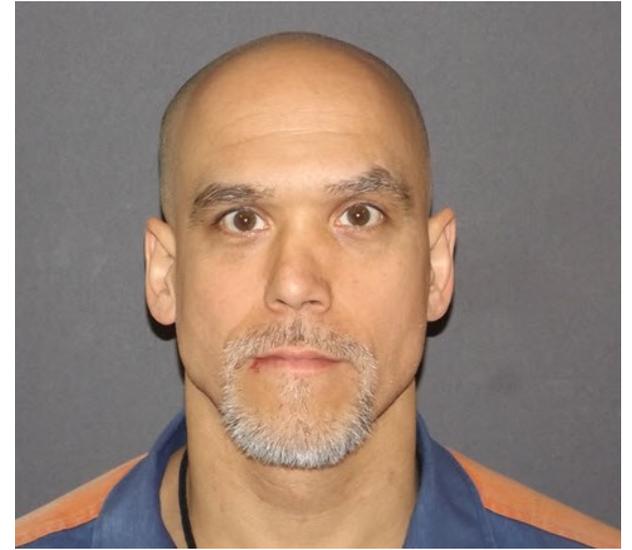
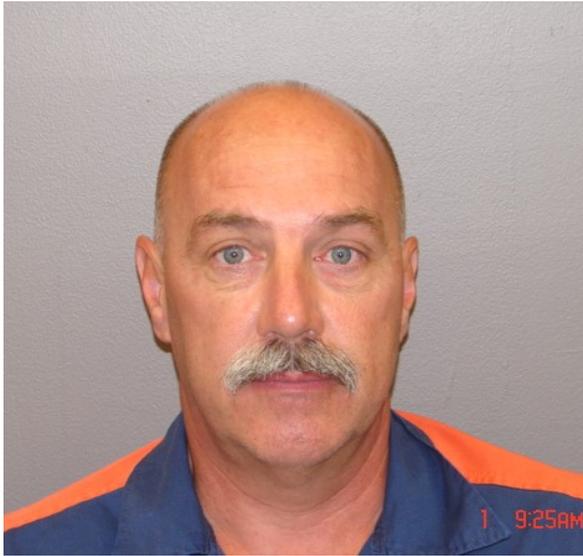
193  
Clients

5  
Attorneys

4  
Mitigation Specialists

1  
Reentry Coordinator





# Results

157 people resentenced to term of years

8 people resentenced to life without parole\*

32.7 year average minimum sentence

77 people back in community

25 people awaiting resentencing

# 2016-2022 Outcomes

1,892 years  
reduced

\$69.1 million  
dollars saved

Average of \$11.5  
million per year

# 2016-2022 Outcomes

“The Michigan Department of Corrections reports 242 of the state’s 364 juvenile-lifers have been resentenced to a term of years and of those, 151 have been released. Among those who were released, only one has reoffended, the MDOC reported.”



TOP STORY

The road to redemption: Benton Harbor man navigates life after prison

With unique court ruling, Clayton is making the most of his second chance

By JULIE SWIDWA HP Staff Writer

Dec 31, 2021



“[H]is sentence of mandatory life without parole violates the Michigan Constitution’s ban on ‘cruel or unusual’ punishment . . . . his sentence . . . fails to take into account the mitigating characteristics of youth, specifically late-adolescent brain development.”

*People v Parks (2022)*

# Michigan Supreme Court Youth Sentencing Decisions

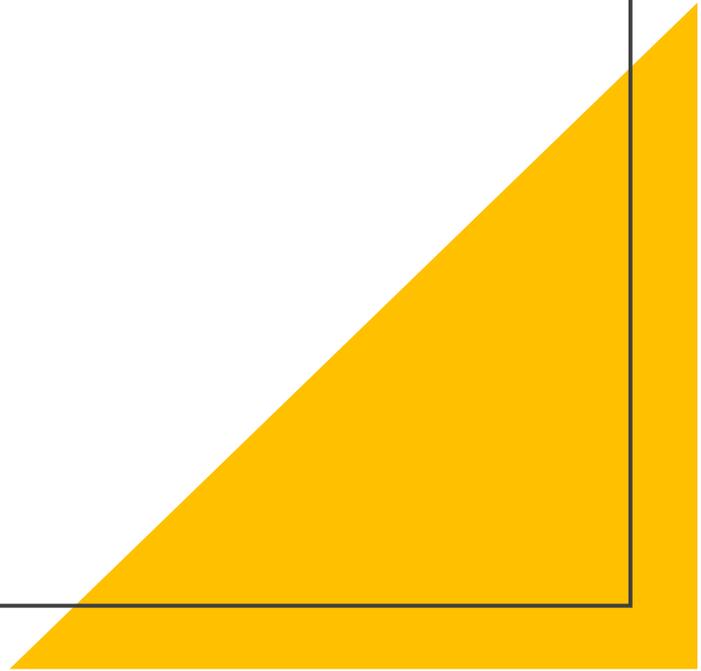
274 people serving life without parole sentences for offenses committed as 18-year-olds.

77 people serving parolable life for offenses committed under the age of 18.

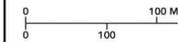
Supreme Court remanded cases involving 19- to 21- year-olds to Court of Appeals for evaluation.

# MAACS

Michigan Appellate Assigned Counsel System



# MAACS



15 <sup>th</sup> Branch	Schedule	1987	Plea: \$400 Trial: \$700
3 <sup>rd</sup> Wayne	Schedule	1998	Plea: Transcript - \$100; claim, brief all proceedings: \$350  Prison Visit: Wayne County Facilities - \$75; UP facilities - \$400; all others
16 <sup>th</sup> Macomb	Hourly	1974	\$25/hr  Travel: \$25/hr; no mileage
17 <sup>th</sup> Kent	Hourly	2008	\$55/hr; Flat fee includes oral arg  Plea: \$660 maximum Non-CAP Trial: \$1,100 maximum CAP Trial: \$2,205 maximum  The appellate appointment by th includes appointment to the CO.

**II. FEE INFORMATION**

SERVICES RENDERED (Itemize on additional sheet if needed)

	HOURS
1. Record review (transcript, court file, PSR/SIR).....	15.0
2. Client visit (including travel).....	2.5
3. Other client contact.....	1.0
4. Trial court motions (prepare, appear); new trial.....	19.0
5. Trial court motions (prepare, appear); withdraw plea.....	11.0
6. Trial court motions (prepare, appear); resentencing.....	
7. Evidentiary hearing (prepare, appear).....	
8. Resentencing (prepare, appear)...	
9. COA leave application.....	
10. COA motion to remand.....	
11. COA brief on appeal (research, write)	
12. COA oral argument (prepare, appear, travel).....	
13. COA motion for rehearing.....	
14. Reply to prosecutor's S Ct appl. ...	
15. S Ct leave application.....	

**ACTUAL EXPENSES**

21. Client visit: \_\_\_\_\_ miles x \_\_\_\_\_ \$/mile \$ 22.00

22. Oral argument \_\_\_\_\_ miles x \_\_\_\_\_ \$/mile \$ 2.50

23. Photocopying \_\_\_\_\_ pages x \_\_\_\_\_ \$/page \$ 0.00

24. Postage..... \$ 0.00

25. Phone calls..... \$ 0.00

26. Other (itemize)..... \$ 0.00

27. TOTAL EXPENSES: \$ 24.50

**REQUEST FOR PAYMENT**

28. Fee requested 350 \$ 975.00

29. Expenses requested..... \$ 0.00

30. TOTAL AMOUNT REQUESTED \$ 975.00

**BASIS OF REQUEST**

31.  Fee schedule

32.  Hourly

33. Rate/hour..... \$ 25.00

34. Maximum allowed (if applicable) \$ \_\_\_\_\_

35.  Motion for extraordinary fees (attach copy)

include proof of mailing transcripts to defendant.

# MAACS

## Order

September 17, 2014

ADM File No. 2014-36

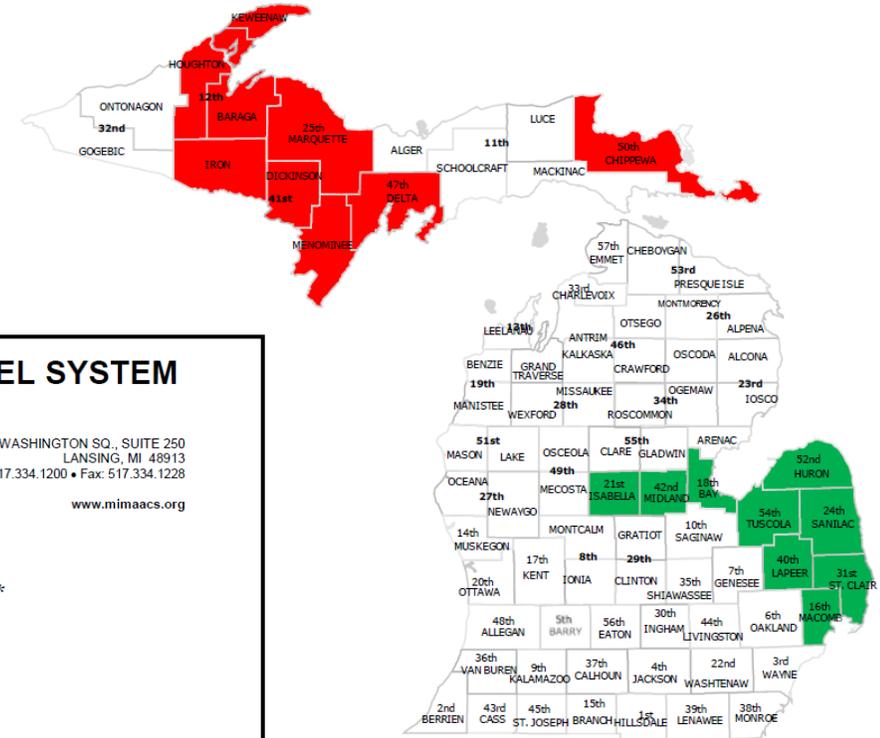
Administrative Order No. 2014-18

Merger of the State Appellate Defender Office (SADO) and Michigan Appellate Assigned Counsel System (MAACS)

### Michigan Supreme Court Lansing, Michigan

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices



## Order

September 16, 2015

ADM File No. 2014-36

Administrative Order No. 2015-9

Authorization of a One-year Pilot Project  
Related to the SADO/MAACS Merger

## MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

DAWN VAN HOEK  
APPELLATE DEFENDER

BRADLEY R. HALL  
MAACS ADMINISTRATOR

KATHRYN R. SWEDLOW  
MAACS DEPUTY ADMINISTRATOR



200 N. WASHINGTON SQ., SUITE 250  
LANSING, MI 48913  
Phone: 517.334.1200 • Fax: 517.334.1228

[www.mimaacs.org](http://www.mimaacs.org)

### Standard Attorney Fee and Expense Policy\*

#### 1. Hourly Rate for Non-Travel

Level 1 assignments: \$50 per hour

Level 2 assignments: \$75 per hour

Level 1 assignments are limited to guilty plea appeals with a statutory maximum sentence of less than life imprisonment. All other assignments are Level 2. See MAACS Regulations § III(B)(1).

#### 2. Presumptive Maximum Fees

Plea-based appeals: 15 hours (\$750 Level 1; \$1125 Level 2)

Trial-based appeals: 45 hours (\$3375)

Fee requests within these limits will be presumed reasonably necessary to the appellate representation. A request for fees beyond the presumptive maximum

# MAACS

## MAACS Assignment - Order No. 11085

**Sent:** 9/15/2017 10:33:AM (emailed)

**From:** SYSTEM

**To:** [Cecilia Q. Baunsoe](#)

Your name has come up in rotation for the following MAACS assignment:

**Order No:** 11085

**Court:** 3rd Circuit Court

**County:** Wayne

**Case:** 17-3247 01 FC

**Case Type:** Jury Trial

**Defendant:** Martin Sydney Jones

You must accept or decline this assignment before 9/18/2017 5:00 PM.

Visit <http://www.mimaacs.org/view/orderdetail/11cf9749-9a7e-493f-b44e-36756a4d84b5> to review case-related documents and accept or decline this

View your MAACS assignments by logging into [www.sado.org](http://www.sado.org).

Please verify bar number and select one of the options below:

Verify Bar Number

By accepting this assignment, I agree to accept electronic service of the order appointing me as appellate counsel.

I Accept This Assignment

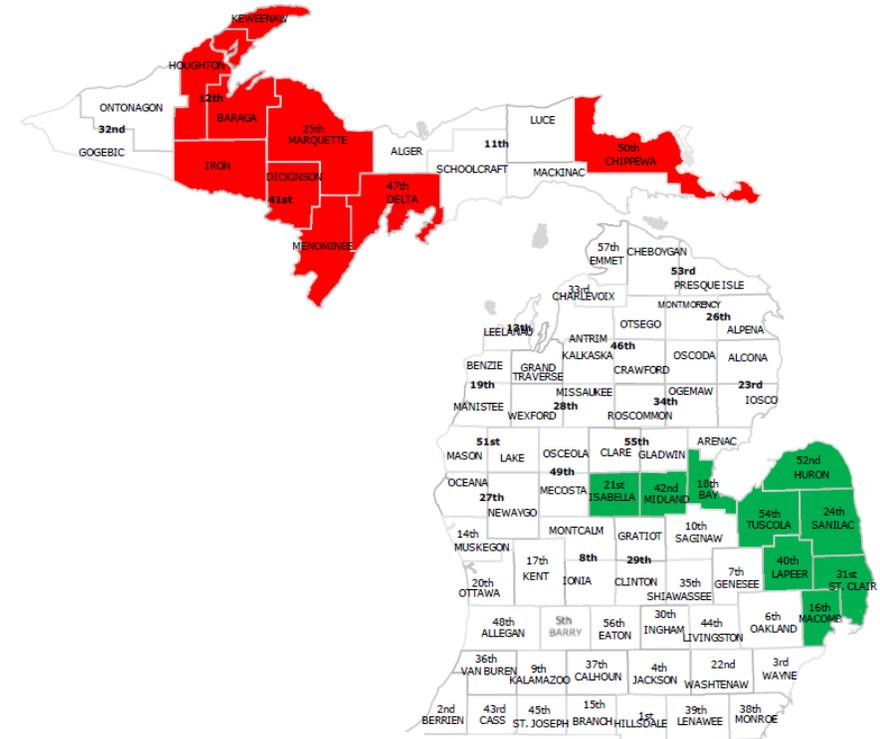
I Decline This Assignment

I Decline This Assignment Due to a Potential Conflict of Interest

Provide conflict reason...

Order No. 11100

Circuit 16th Circuit Court



*“We LOVE this. Attorneys rejecting assignments was a major nuisance and this new process eliminates a lot of wasted time, effort, and cost.”*

– Circuit Court Administrator

# MAACS

### Legal Service Fee

\* Fee Type: COA - Brief on Appeal

\* Hours: 8

Rate: \$75.00 (Attorney)

Fee Amount: \$600.00

\* Date: 10/01/2018

Comments:

### Travel Fee

\* Travel Event: Client Visit

\* Travel Date: 10/02/2018

As a Round Trip:

Departure Address:  My Address  Other

Departure Name: Attorney's Address

\* Address 1: 645 Griswold

Address 2: Address 2

City/State/Zip: Detroit MI 48381

Destination Address:  My Address  Other

Destination Name: Cooper Street Correctional Facility

\* Address 1: 3100 Cooper Street

Address 2: Address 2

City/State/Zip: Jackson MI 49201

[Map Trip](#)

Traveled in Hours: 4.5 Rate: \$25.00 Total: \$112.50

Miles Traveled: 145 Rate: \$0.34 Total: \$49.30

Comments:

### Voucher Detail

Order: 12170 Level 2 Jury Trial

Attorney: Susan K. Walsh

Defendant: Crystal Y. Martin-Liever

Circuit: 6th Circuit Court

Case: 2017-262380 FC

Pages of Transcripts: 100

15  
Martin-Liever  
262380 FC

\$600.00  
\$161.80  
\$10.00  
\$10.00  
1 / 1  
\$781.80

#### Legal Services

Description	Date	Hours	Rate	Amount
COA - Brief on Appeal	10/01/2018	8.0	\$75.00	\$600.00
<b>Total:</b>		8.0		\$600.00

#### Travel

Description	Date	Hrs/Mi	Rate	Amount
Client Visit	10/02/2018	(Round Trip)		
From: Attorney's Address	Hours:	5.0	\$25.00	\$112.50
To: Cooper Street Correctional Facility	Miles:	145	\$0.34	\$49.30
<b>Total Hours:</b>		5.0		\$112.50
<b>Total Miles:</b>		145		\$49.30

#### Printing/Photocopying

Description	Date	Pages	Rate	Amount
Photocopying	10/03/2018	100	\$0.10	\$10.00
<b>Total:</b>		100		\$10.00

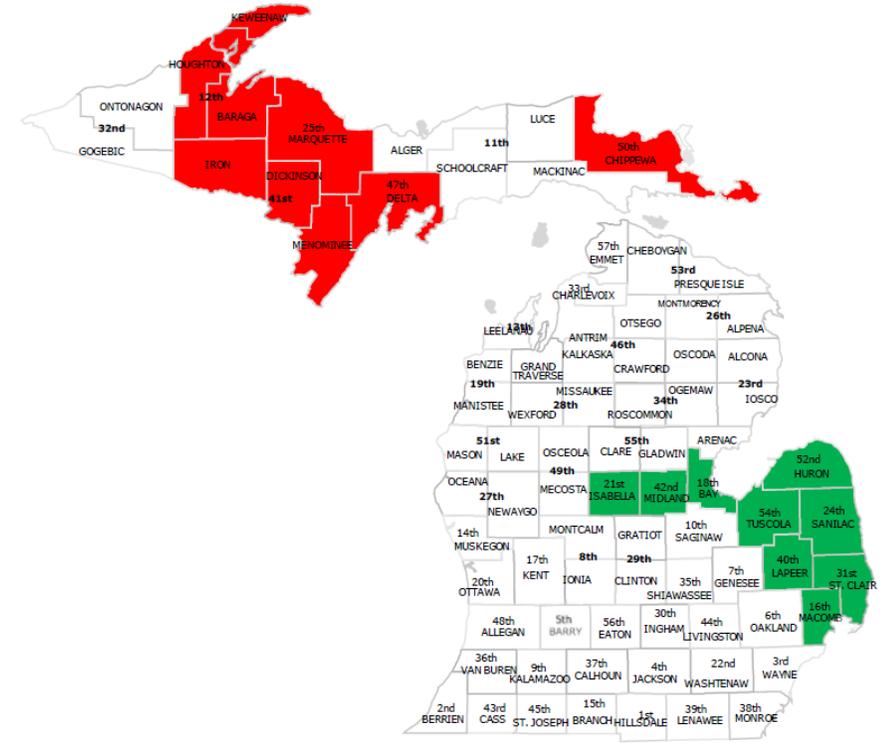
#### Expenses

Description	Date	Amount
Parking - COA Parking Lot	10/04/2018	\$10.00
<b>Total:</b>		\$10.00

#### Request For Payment

<b>Total Legal Hours:</b>	8.0	\$75.00	\$600.00
<b>Total Travel Hours:</b>	5.0	\$25.00	\$112.50
<b>Total Miles:</b>	145	\$0.34	\$49.30
<b>Total Expenses:</b>			\$10.00
<b>Total Requested Amount:</b>			\$781.80

Year	Case No	PL	Rate	Case	Amount
2015 Total					8.25
2016	12-1996	RE			0.00
	13-2073	WT			1.00
	13-2082	WT			1.00
	14-2118	PL			1.00
	14-6791	PL			1.00
	15-2128	PL			1.75
	15-6829	PL			6.50
2016 Total					-
2017	12-1997	PL			0.00
	13-2073	WT			0.00
	15-1257	JT			0.00
	15-2128	PL			0.00
	15-3602	PL			1.75
	16-2179	WT			0.00
	16-2188	JT	6/14/2017	52.7 0.48	\$ 2,106.00
	16-2192	PL	11/16/2017	9.75 3.03	\$ 390.00
	16-2203	PL	8/17/2017	15 0.00	\$ 600.00
	16-3763	PL	12/21/2017	14.5 3.37	\$ 580.00
	17-2226	PL	11/16/2017	25.7 3.50	\$ 1,028.00
2017 Total					\$ 10,408.00 \$ 11,762.00 \$ 17,147.13 \$ 11,940.96 \$ 12,959.25 \$ 14,037.25
Grand Total					\$ 53,634.00 \$ 64,246.21 \$ 80,047.29 \$ 55,886.04 \$ 57,626.75 \$ 63,010.75
<p>Average: \$ 1,340.85 \$ 1,606.16 \$ 2,001.18 \$ 1,397.15 \$ 1,440.67 \$ 1,575.27</p> <p>Average Yearly Total: \$ 10,726.80 \$ 12,849.24 \$ 16,009.46 \$ 11,177.21 \$ 11,525.35 \$ 12,602.15</p>					



## Lansing State Journal

PART OF THE USA TODAY NETWORK

### Attorneys get better pay, more oversight in state program

State doesn't track quality of court-appointed attorneys

Justin A. Hinkley Lansing State Journal  
Published 7:05 a.m. ET Dec. 5, 2016 | Updated 3:45 p.m. ET Dec. 5, 2016

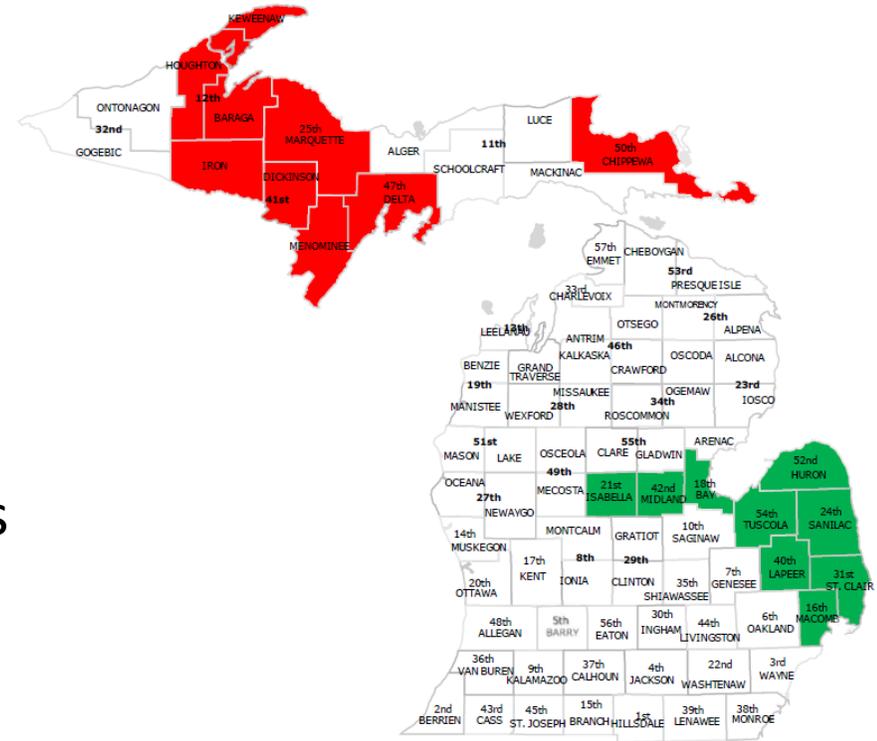


LANSING – Today, when a judge considers a bill from a court-appointed attorney who worked on an appeal, that judge has no data to gauge whether the attorney's request is appropriate.



“The best pilot I’ve seen in my years in the courts,” said Jerry Celmer Jr., the administrator of St. Clair County’s 31st Circuit Court.

“Our experience has just been tremendously positive.”



# MAACS

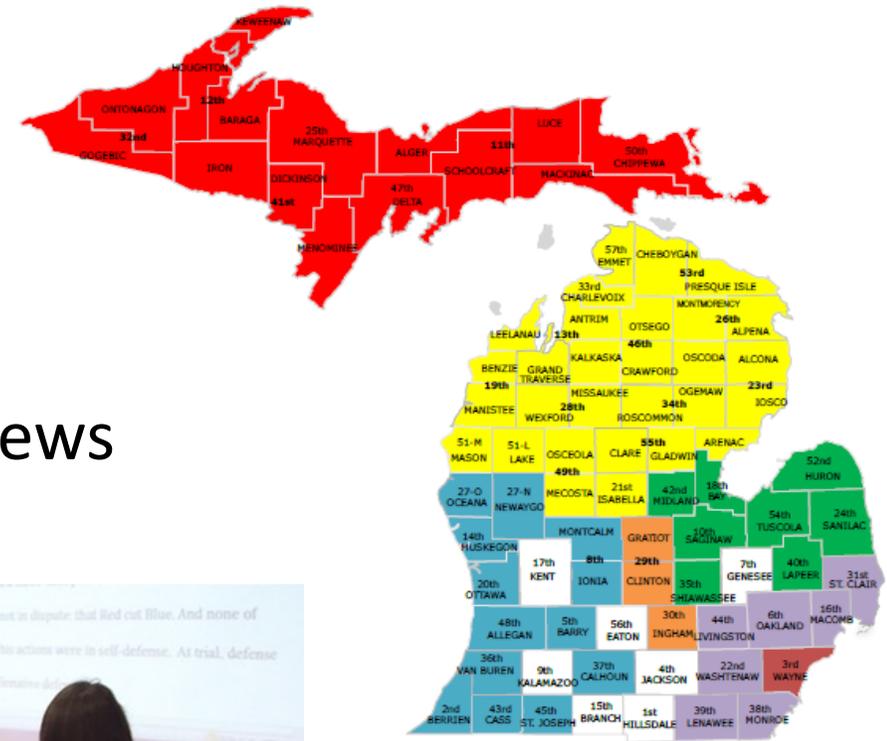
## Results:

- 50/57 circuit courts have adopted uniform fee policy, representing 85% of total caseload
- Over \$1 million in annual county investments
- More efficient assignment and voucher processes
- Over 10,000 paid vouchers of meaningful performance, efficiency, and cost data
- **Smaller caseloads, greater accountability, and better client representation**



# MAACS

- Enhanced Training Programs
- Robust Litigation Support
- Sentencing Mitigation Support
- Client Reentry Services
- Confidential video client visits
- Discounted Legal Research Tools
- Comprehensive performance reviews



# MAACS



MICHIGAN INDIGENT  
DEFENSE COMMISSION

Standard 8 Rates			
Rates approved Aug 2018:	\$100/hr Misd.	\$110/hr Felony	\$120/hr Capital
Adjusted Rates FY 2024:	\$118/hr Misd.	\$130/hr Felony	\$142/hr Capital

## New Pressure:

- Active MAACS roster of 110, down from 150 just a few years ago.
- Frequent delays in appointment of counsel in violation of court rules
- MAACS roster attorney caseloads of up to five times a SADO staff attorney.

*“I need to make money to pay bills and maintain my practice. The pay is now higher with many trial court appointments, most of the cases are a lot less stressful, it is an easier caseload to manage and maintain for not only a higher pay but usually quicker payment and usually a lot less stress and headaches that come with appellate representation.”*

– Anonymous MAACS Roster Attorney, 2022 Survey

## The Detroit News

**Michigan's appeals aid for juveniles is 'nonexistent.' This project aims to fix that**



**Kara Berg**

The Detroit News

Published 11:00 p.m. ET Jan. 30, 2023 | Updated 9:48 a.m. ET Jan. 31, 2023

[View Comments](#)



When adults are sentenced in a criminal case, they are automatically notified of their right to an appeal.

That's not the case for Michigan juveniles when their case is adjudicated. Courts do not have to tell juveniles of their appellate rights and many don't even know they can appeal certain orders and decisions, said Josh Pease, the director of Michigan's new Youth Defense Project, which operates out of the State Appellate Defender Office.

*“This is a real game changer for juvenile indigent defense in Michigan. It will expand a successful formula for private assigned appellate counsel and could lay the foundation for further reform.”*

– Former Michigan Supreme Court Chief Justice Bridget Mary McCormack

# Questions?

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and Criminal Defense Resource Center[Login](#) [Join CDRC](#)

## Top Stories

### We are Hiring Assistant Appellate Defenders

Apply March 11, 2022

Join Michigan's State Appellate Defender Office (SADO) as an Assistant Appellate Defender working statewide to address injustices and disparities in the criminal legal system based on race, class, ability, behavioral health, and other identifying characteristics and statuses. We are appointed by the trial courts to work with our clients to appeal their felony convictions. The pay ranges from \$60,000 for new attorneys to \$122,000 for senior-level attorneys. [Read More](#)

### We are Hiring a Reentry and Parole Team Lead

Apply March 11, 2022

Project Reentry is a unit of SADO whose mission is to help individuals obtain sentencing relief, obtain parole, and to successfully return to and stay in the community after incarceration. Project Reentry Team members develop reentry plans for people with pending appellate cases, prepare individuals for parole, and provide post-incarceration guidance and assistance to people as they come home. The Reentry and Parole Team Lead coordinates the work of the Project Reentry team members and interns and the daily operations of the project. Reentry and parole work will at times require reimbursable travel and may require working outside of traditional workdays or hours if needed. The Team Lead will have reentry and parole caseload responsibilities focused on helping individuals within SADO's Juvenile Lifer Unit. Those who are just starting or who are mid-level could earn from \$49,000 to \$57,000 annually, depending on experience. Successful team members will earn up to \$73,000 through annual pay increases.

[Read More](#)

### Do you have a conviction for failing to register under SORA?

The State Appellate Defender Office is starting a project to work with eligible people to vacate failure to register convictions under the Michigan Supreme Court's decision in *Betts* and the federal *Does* litigation. Whether a conviction can be vacated is fact-dependent. Generally, you will be eligible if the underlying sex offense took place before July 1, 2011 and you either

## QUICK LINKS

[Subscribe Now!](#)[About SADO](#)[Locate an Attorney](#)[Self-Help Resources](#)[Careers](#)

## Upcoming Events

03.04.2022 CAP - A Look at Eye Witness ...

03.10.2022 CDAM - A is For Attorney

03.11.2022 CDAM - 2022 Annual Spring Co...

03.17.2022 NAPD - VIRTUAL - Rise. Resis...

03.22.2022 CAP - District Court Practic...

[View All Events](#)

This project was funded by the Byrne JAG grant #2010-DJ-BX-0003, awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice (DOJ), and administered by the Michigan State Police (MSP). Points of view or opinions contained within this document do not necessarily represent the official position or policies of the MSP or DOJ.