

## **SADO/MAACS Basics, 2016**

**Dawn Van Hoek, Appellate Defender**

[dvanhoek@sado.org](mailto:dvanhoek@sado.org)

### **The State Appellate Defender Office (SADO) and Michigan Appellate Assigned Counsel System (MAACS) are judicial branch agencies**

- SADO/MAACS is overseen by an independent commission appointed by the Governor.
- SADO was created in 1969 by a Michigan Supreme Court grant.
- SADO was funded by the State of Michigan in 1978, through the statutory mandate of MCL 780.712 et seq, to handle no less than 25% of the assigned criminal appellate caseload statewide.
- SADO is compliant with the American Bar Association's Ten Principles for an Effective Defense Delivery System.
- SADO offers the defense counterpart to appellate prosecution services provided statewide by the Michigan Attorney General.
- MAACS was created in 1985 to administer appellate assignments to private appellate assigned counsel in the non-SADO share of the statewide caseload, by maintaining a roster of counsel trained and qualified at different levels.
- MAACS roster attorneys are paid by counties for appellate defense services, using local schedules.
- SADO and MAACS were merged in 2014, for management purposes.
- SADO/MAACS client services are rooted in the state constitutional guarantee of effective counsel on appeal.

### **SADO represents indigent appellants**

- SADO staff attorneys review trial court proceedings to determine whether appellate relief is appropriate: focus is on whether the proceedings were fair, whether counsel functioned effectively, whether the proven facts supported the conviction(s), and whether the sentence was accurate and individualized.
- SADO's full-time appellate defenders are trained, supervised, and successful at correcting errors that occurred in guilty pleas, jury or bench trials, and sentencing.
- Outcomes for SADO clients reflect justice; errors are corrected, innocent defendants are exonerated, identification of actual perpetrators is encouraged.
- In 2015, SADO's percentage of the statewide caseload reached 26%.
- Assignment of cases to SADO saves money for Michigan counties, which must otherwise pay for appellate services provided by MAACS private assigned counsel.

### **SADO supports the criminal defense bar**

- The functional equivalent of the Prosecuting Attorneys Coordinating Council, SADO's Criminal Defense Resource Center (CDRC) provides support services and training to criminal defense attorneys taking criminal assignments.

- The need for support and training is considerable in the absence of a coordinated defense delivery system at the trial court level, and due to training standards proposed in 2015 by the Michigan Indigent Defense Commission. Counties independently fund and operate defense services, resulting in a system generally considered to be constitutionally defective.
- The CDRC provides training and administers statewide training grants, partnering with the Criminal Defense Attorneys of Michigan, Wayne County's Criminal Advocacy Program, and others.
- An award-winning web site, [www.sado.org](http://www.sado.org), provides assigned counsel with manuals, pleadings, databases, training videos, and tools needed to provide effective defense representation.

### **SADO provides taxpayers with excellent return on investment**

- SADO's sentencing advocacy and error correction regularly reduces prison costs of over \$5 million each year, averaging over \$300,000 per staff attorney.
- SADO's data-driven management measures and monitors performance, ensuring accountability and best outcomes.
- SADO pursues federal grant funding for innovative projects, such as social worker sentencing, Detroit Police Crime Lab and Sexual Assault Evidence cleanup, and wrongful prosecution relief.
- SADO collaborates with system stakeholders to seek cost-effective solutions, and improve the quality of justice in Michigan.

### **MAACS interacts with Michigan counties to assign appellate counsel**

- Using an increasingly paperless process, MAACS ensures that an appellate attorney is assigned on every case in which a timely request is made, approximately 6% of felony dispositions each year.
- Approximately 150 attorneys serve on the roster, following admission screening and including ongoing performance monitoring.
- An innovative pilot project launched in 2015, with the Michigan's Supreme Court's approval, has streamlined the appointment process and reduced substitutions of counsel, giving assigned counsel more time to prepare and present a case on appeal.

### **MAACS provides tools to assigned appellate counsel**

- A negotiated plan for automated research services brought Westlaw to roster attorneys in 2015, at a special group rate, enabling them to do more legal research.
- A federal Byrne/JAG grant awarded in 2015 provides MAACS roster attorneys with access to attorneys on the Appellate Investigation Project, supporting advocacy that identifies wrongful convictions.
- Training programs reached all roster attorneys on a wide variety of important issues.