

1

6th Amendment

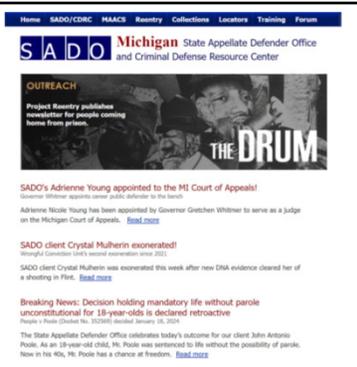


“That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries.”

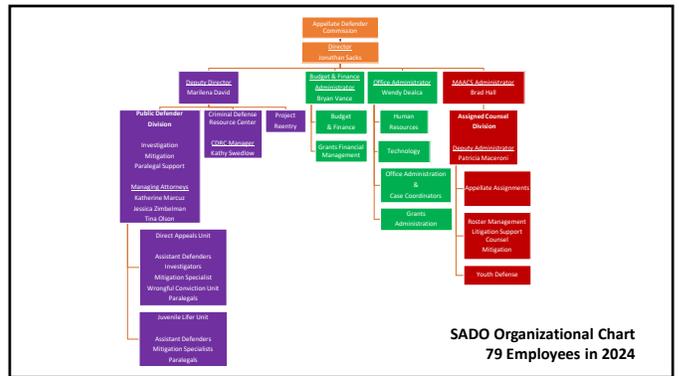
Gideon v. Wainwright (1963)

2

January 2024 Headlines



3



4

FY 25 Budget Priorities

1

Shift MAACS youth defense position from expiring grant to General Fund

2

Implement IRS recommendations for Judicial Branch by converting contracts to state employees

3

Implement Collective Bargaining Agreement's competitive and fair wages

4

Implement Appellate Defender Workload Standards set by National Center for State Courts

5

1

Shift MAACS youth defense position from expiring grant to General Fund

1 FTE

\$157,000

6

The Detroit News

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

Kara Bero
The Detroit News

Published 11:00 AM ET on 10/26/2023 | Updated 9:48 a.m. ET on 11/20/2023

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.

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Amendments to Appellate Defender Act

STATE OF MICHIGAN
SENATE LEGISLATURE
REGULAR SESSION OF 2023

ENROLLED SENATE BILL NO. 425

AN ACT to amend 1976 PA 425, entitled "An act relating to criminal procedure, to provide for the defense of persons accused or convicted of criminal offenses, to create the appellate defender position, to provide for an appellate defender to provide process and return, to provide facilities, personnel, and related maintenance and services for the appellate defender and the respondent, and to provide for the financing of the administration of this act," to renumber the title and sections 2, 4, 6, and 7, and 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the act to read:

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2

SADO Portion:

Implement IRS recommendations for Judicial Branch by converting contracts to state employees

3.5 FTEs
\$390,000

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2023 Update
Learn more at www.sado.org
@SADOmich

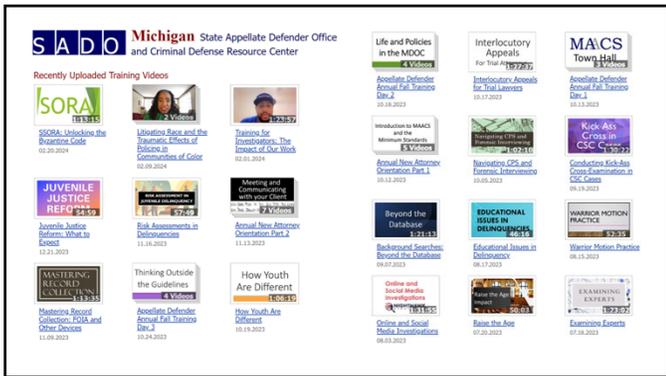
SADO Michigan State Appellate Defender Office and Criminal Defense Resource Center

Publications

2024
 Defender Sentencing Guidelines Manual Annotated (2024)
 Defender Habeas Book, Vol. I (2024)
 Defender Guide to Defending Against Life Sentences for Young People (2024)

2023
 Reentry Book (2023)
 Defender Appellate Manual (2023)
 Defender Interjurisdictional Appeals Book (2023)
 Compilation of Michigan Juvenile Delinquency, Traditional Waiver, and Detention Statuses and Court Rules Book (2023)

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SADO Michigan State Appellate Defender Office and Criminal Defense Resource Center

Recently Uploaded Training Videos

- SORA: Unlock the Potential Code (02.20.2024)
- Libertine Race and the Impact of Our Work (02.09.2024)
- JUVENILE JUSTICE REFC (02.20.2024)
- Juvenile Justice Reform: What to Expect (02.20.2024)
- MASTERSHIP: BARRISTERS' ASSISTANTS (11.09.2023)
- Thinking Outside the Guidelines (09.24.2023)
- How Youth Are Different (09.19.2023)
- Life and Policies in the MDOC (09.18.2023)
- Appellate Defender Annual Fall Training Day 2 (09.18.2023)
- Introduction to MACS and the Michigan Appellate Defender Act (09.17.2023)
- Annual New Attorney Orientation Part 1 (09.14.2023)
- Beyond the Database: Background Searches Beyond the Database (09.13.2023)
- Educational Issues in Delinquency (09.13.2023)
- Online and Social Media Investigations (09.13.2023)
- Interjurisdictional Appeals for Trial Attorneys (09.12.2023)
- Navigating CPS and External Interventions (09.12.2023)
- Educational Issues in Delinquency (09.12.2023)
- RAISE THE AGE (09.12.2023)
- MAACS Town Hall (09.12.2023)
- ROCK-405 CROSS IN CSC (09.07.2023)
- Conductive Kid-As Case Examination in CSC Cases (09.06.2023)
- WARREN MOTION PRACTICE (08.15.2023)
- Warren Motion Practice (08.15.2023)
- EXAMINING EXPERTS (07.20.2023)
- Examiners Experts (07.20.2023)

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"I wanted to say how I appreciated the Zoom meeting you and Kathy facilitated for us. It was really nice... It is meaningful and very welcome to have SADO take a vested interest in helping us better our library services."

-MDOC Librarian

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3

Implement Collective Bargaining Agreement's competitive and fair wages

\$856,100: CBA
\$205,600: Parallel increase for other employees

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3 Implement Collective Bargaining Agreement's competitive and fair wages

Across the board, SADO is at 95% of comparable civil service salaries.

Compress attorney salary scale from 15 to 11 yearly step increases.

SADO starting salaries now less than comparable public defender salaries in Kent, Macomb, Oakland, Ottawa, Washtenaw, and Wayne Counties.

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4

Implement Appellate Defender Workload Standards set by National Center for State Courts

23 FTEs
\$3.259 million

16



Research Report

NICHOLAS M. PACE, MALIA N. BRINK, CYNTHIA G. LEE, STEPHEN F. HANLON

National Public Defense Workload Study

Excessive Defender Caseloads

- No attention for clients
- Violate ethics rules
- Unreliable justice system

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Minimum Standards for Indigent Criminal Defense Services
October 2023



GRETCHEN WHITNER, GOVERNOR | DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS | MARLOREN BROWN, DPA, ACTING DIRECTOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

In the matter of: The Michigan Indigent Defense Commission Proposed Minimum Standards 6 and 7

Issued and entered this 24th day of October 2023.

NOTICE AND ORDER APPROVING STANDARDS 6 and 7

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4 Implement Appellate Defender Workload Standards set by National Center for State Courts

**Michigan State Appellate Defender Office
Workload Assessment**

Final Report
February 2024

Cynthia G. Lee, J.D., M.P.P.,
Robert J. Bailey, Director, M.A.,
Thomas Bell, M.C.J.

Research and Bridge Group
National Center for State Courts



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4 Implement Appellate Defender Workload Standards set by National Center for State Courts

SADO's current model for public defender appellate workloads is nearly 40 years old and depends on obsolete case weights.

Current standards are 26.4 reduced by the Appellate Defender Commission to 21.6.

SADO attorneys worked significantly in excess of current workload expectations.

Maximum number of recommended weighted cases per attorney per year is 14.8.



Michigan State Appellate Defender Office
Workload Assessment

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Thinking Outside the Four Corners

How Michigan's unique criminal appellate process promotes justice through factual development on direct appeal

By: Winkey, R. 1/18

Appeals court says Jackson judge overstepped, suggests he's 'in the wrong line of work'

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Maximum number of recommended weighted cases per attorney per year is 14.8.

Year one: FY 25	8 attorneys
<u>17</u> weighted cases per year	1 managing attorney
23 FTE's	3 investigators
\$3.259 million	3 mitigation specialists
	3 paralegals & 1 paralegal team lead
	2 reentry specialists
	1 case coordinator
	1 information technology technician

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Impact of Investment

- \$** Savings to the State of Michigan
- ↑** Increased morale and retention
- ↓** Reduction in MAACS roster workloads
- 🏆** Highest quality client representation for more clients
- 🏠** Successful reentry and safer communities

23

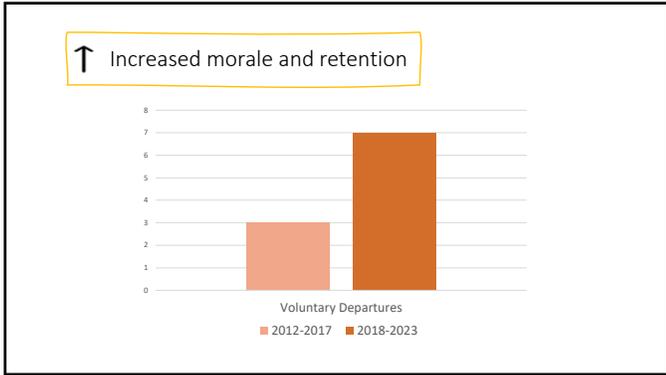
\$ Savings to the State of Michigan

2023

193 years

\$8.7 million

24



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↑ Increased morale and retention

“Recently I’ve had a number of conversations with SADO lawyers struggling with caseload pressure . . . Really good lawyers, who work really hard, and who are talking about maybe not being able to keep it up much longer. Who wholeheartedly agree with our office imperative to adapt best practices and aspire to holistic representation but don’t know where to find the time. Who are starting to think about moving on.”

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↓ Reduction in MAACS roster workloads

2023: 22 roster attorneys with workloads higher than SADO standards.

NCSC: “MAACS does not have caseload caps and some private roster attorneys carry caseloads which greatly exceed SADO’s current caseload standards.”

75 new trial appeals or 200 new plea appeals per year to SADO.

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↓ Reduction in MAACS roster workloads

All circuit courts have adopted uniform fee policy.

Over \$1.5 million in annual county investments and starting FY 24, a state 1:1 match to pay attorneys at reasonable rates.

More efficient assignment and voucher processes.

Over 10,000 paid vouchers of meaningful performance, efficiency, and cost data.

Goal: Smaller caseloads, greater accountability, and better client representation.

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Enhanced training programs

Robust litigation support

Sentencing mitigation support

Client reentry services

Confidential client video visits

Discounted legal research tools

Comprehensive performance reviews

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MAACS Mitigation Specialist – Byrne JAG grant funded project since 2022

40 clients, 26 roster attorneys

More than 77 years in sentencing reductions - \$3.5 million in savings

Trial Court Judge approved: “It would be wonderful in every single criminal case to have the deep dive that the Court has had the opportunity to review contained within the re-sentencing memorandum. It would be wonderful to have all that information and be able to do that in every single case.”

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Highest quality client representation for more clients



Direct Appeals & Wrongful Conviction Unit

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We won this fight!

The Michigan Supreme Court granted a new trial and held that Mr. Stewart's statement to police was involuntarily made under a totality of the circumstances analysis given his age, the timing of the interview, the officers' references to leniency, the officers' use of falsehoods, and the officers' overall tone and use of language.

Congrats to SADO Deputy Director Marilena David.



- 18 years old
- False promises of leniency
- Deception by police
- Racially charged language

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Successful reentry and safer communities



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Juvenile Lifer Unit and Project Reentry

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Children 17 and under

2016-2024

- 177 resentenced to term of years
- 42 contested hearings
- 9 resentenced to life without parole*
- 85 welcomed home
- 13 awaiting resentencing

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Project Reentry in 2023



- 121 referrals for reentry support for SADO and MAACS clients
- 66 comprehensive reentry plans
- 47 parole hearings
- Revised Reentry Book
- Nine workshops and community events

36

"Freedom was enough:" Life after life without parole for one metro Detroit man



Michigan Public | By Sarah Shook

Lorenzo Harrell
Reentry Specialist



Michigan's standard recidivism rate: 22.1%

Michigan's juvenile lifer recidivism rate: .017%

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Upcoming Litigation



260+ people serving life without parole sentences for offenses committed as 18-year-olds. Now entitled to resentencing.

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

Supreme Court reviewing cases involving 19- and 20- year-olds from the Court of Appeals.

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Questions?

Contact: Jonathan Sacks | jsacks@sado.org | 313-402-5382



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