

Order

**Michigan Supreme Court
Lansing, Michigan**

September 16, 2015

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2014-36

Stephen J. Markman
Mary Beth Kelly

Administrative Order No. 2015-9

Brian K. Zahra

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

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein,
Justices

In Administrative Order No. 2014-18, the Court ordered the merger of the State Appellate Defender Office (SADO) and the Michigan Appellate Assigned Counsel System (MAACS), and further ordered the Appellate Defender Commission “to review operations of the MAACS and submit a proposed administrative order that reflects the consolidation of the two offices and incorporates proposed updates or revisions that the commission recommends.”

On order of the Court, and upon the request of the Appellate Defender Commission, MAACS is authorized to implement a one-year pilot project to assess the feasibility, costs, and benefits associated with structural reforms currently under consideration for permanent statewide implementation. These reforms would consolidate the individual “local lists” of roster attorneys, which currently exist in all 57 circuit courts, into a smaller number of regional lists to be maintained and administered by MAACS. The pilot will assess the extent to which this consolidation results in greater speed and efficiency in the assignment process, by reducing the number of lists to maintain and allowing MAACS to assume the responsibility of prescreening counsel, preparing appointment orders, and sending notification of appointments to defendants and their attorneys.

The reforms under consideration will depend upon the standardization of appellate assigned counsel policies among the circuit courts, most notably including the voluntary adoption of a standard attorney fee and expense policy. The pilot will assess the extent to which uniformity in attorney fee policies allows more meaningful data analysis related to attorney performance and efficiency, as well as the potential financial impact of these reforms on the circuit courts and their funding units. The pilot will also assess the extent to which standardization of attorney fees affects MAACS’s attorney recruitment and retention efforts.

The pilot shall begin as soon as possible as authorized by this order and when there is participation by a sufficient number of circuit courts to constitute two geographic regions, as identified and approved by MAACS. The pilot shall remain in effect for 12 months, unless extended with the approval of this Court and participating circuit courts. MAACS shall track the effectiveness of the reforms by quantitative and qualitative analysis, and shall make its findings available to the Michigan Supreme Court.

For the duration of the pilot project, all participating circuit courts shall comply with the following regulations, which supplement Section 3 of the MAACS regulations as adopted by this Court in Administrative Order No. 1989-3:

- (1) Upon the consent of all affected circuit courts and MAACS, local lists of MAACS roster attorneys may be consolidated by geographic region in whatever manner MAACS deems appropriate, with MAACS assuming certain administrative responsibilities that have traditionally been handled by individual circuit courts.
- (2) In order to facilitate the consolidation of local lists, any affected circuit court shall adopt the following administrative procedures:
 - (a) Within one business day after receiving a request for appellate counsel, the trial court shall provide a copy to MAACS, along with the judgment of sentence, the register of actions, and the identities of all court reporters not named on the register of actions.
 - (b) Within seven days after the filing of a timely request for counsel, MAACS shall provide to the trial court a proposed order of appointment naming a qualified attorney who has been selected by list rotation or approved specific selection, and directing the court reporter(s) to prepare and file all transcripts as required by MCR 6.425(G) within the time limits specified in MCR 7.210.
 - (c) Within seven days after receiving a proposed appointment order naming appellate counsel, and within the deadline provided by MCR 6.425(G)(1)(a), the trial court shall issue an order appointing counsel or denying the request for counsel. If the court denies the request for counsel, it shall accompany its ruling with a statement of reasons. The court shall provide copies of its order to MAACS, the prosecutor, and the court reporter(s). MAACS shall provide copies of the trial court's order to the defendant and appointed counsel, thereby satisfying the trial court's responsibilities under MCR 6.425(G)(2).
 - (d) Within 28 days after receiving a timely request for payment detailing the time and expenses related to the representation in a manner approved by

MAACS, the trial court shall order reimbursement pursuant to a standard attorney fee and expense policy that has been approved by the appellate defender commission and the trial court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 16, 2015


Clerk