

JUDICIAL BRANCH AGENCIES

State Appellate Defender Office

The State Appellate Defender Office (SADO) functions to implement United States and Michigan constitutional requirements to provide legal representation to people who appeal their criminal convictions and cannot afford their own attorneys.

The Michigan Supreme Court established SADO through a 1969 federal grant award, followed by Administrative Order 1970-1, charging it with providing high-quality and efficient legal representation to indigent criminal defendants in post-conviction matters. In 1979, legislation was enacted to formally establish and fund the office, with mandates to handle no less than 25% of pending statewide appellate assignments, and to provide legal resources to the criminal defense bar. Public Act 620 of 1978 (MCL 780.711 et seq.) created a 7-member Appellate Defender Commission, charged with developing and supervising a coordinated system for providing counsel for all indigent criminal appeals in Michigan.

SADO has offices in Detroit and Lansing providing appellate representation to indigent criminal appellants in all state and appropriate federal courts. SADO public defenders routinely correct errors in client sentences that decrease their prison sentences and thereby produce cost savings for Michigan taxpayers. Appellate representation also results in reversal of unfair trials and at times, exonerations of actually innocent people. SADO also represents most of Michigan's "juvenile lifers"—people serving unconstitutional mandatory sentences of life without parole for offenses committed as children—in new sentencing hearings.

SADO has a comprehensive training program for its staff, and trains law students through clinics or classes offered at all Michigan law schools. Special projects are funded through a variety of federal grants. In recent years, projects have included: (1) a Crime Lab Project providing advocacy for persons adversely affected by the closure of the Detroit Police Crime Lab, (2) a Fast Response for Wrongful Conviction Project that identifies and investigates forensic and evidentiary issues in sufficient time to allow for their development on appeal, (3) a Social Worker Sentencing Project that uses a social worker/attorney team to seek non-prison and shorter sentences for clients posing little risk to public safety, and (4) reentry assistance for people returning to their communities from prison. Community outreach and holistic client support are provided through a variety of special events and materials developed by SADO staff.

Assigned private counsel handle approximately 75 percent of all indigent felony pending appeals in Michigan. Until the advent of Michigan Appellate Assigned Counsel System (MAACS), there existed no uniform statewide method of qualifying and selecting those attorneys. Each jurisdiction had its own method of appointing appellate counsel and of paying them from county funds. The result was wide disparity in the quality of representation provided.

Public Act 620 of 1978 requires the Appellate Defender Commission to compile and keep current a statewide roster of attorneys eligible for, and willing to accept, appointment as criminal appellate defense counsel and to provide continuing legal education for those attorneys. MAACS is the administrative office that screens the qualifications of attorneys seeking to join the statewide roster, compiles local lists of roster attorneys willing to accept appointments in circuit court, provides training programs and resource materials to roster attorneys, and monitors compliance with the Minimum Standards for Indigent Criminal Appellate Defense Services.

Pursuant to its statutory mandate to develop a comprehensive service delivery system, the Appellate Defender Commission has adopted regulations designed to insure that appellate assignments are fairly distributed among qualified lawyers and that assigned private counsel remain professionally independent. MAACS monitors the process by which appellate counsel are selected in each jurisdiction, the distribution of cases among private counsel, and the allocation of cases between private counsel and SADO.

SADO's Criminal Defense Resource Center (CDRC) provides support services and training to MAACS and SADO attorneys and Michigan's criminal defense community on the website, www.sado.org. Services include online databases (pleadings, expert testimony, and more), court opinion summaries, practice manuals (the *Defender Books*), and training events throughout the state.

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Attorney Discipline Board

The Michigan Attorney Discipline Board was created by the Michigan Supreme Court, effective October 1, 1978, as the adjudicative arm of the Supreme Court for the discharge of the court's constitutional responsibility to supervise and discipline Michigan attorneys.

The Attorney Discipline Board consists of nine members who serve without compensation and who are appointed by the Supreme Court as follows: six lawyers and three public members (nonlawyers), each of whom may serve no more than two 3-year terms.

The role of the board in disciplinary proceedings begins after a grievance has been investigated by the grievance administrator and approved by the Attorney Grievance Commission for the filing of a formal complaint with the board. Grievances against attorneys are confidential during the investigation stage; however, the formal complaint, pleadings, hearing transcript, and orders are a matter of public record. All hearings conducted by the Attorney Discipline Board and its hearing panels are open to the public.

As appointees of the Attorney Discipline Board, approximately 425 Michigan attorneys serve as volunteers on the 3-member panels, which act as the trial level of the board's proceedings. The board may also refer a matter for examination by a special master when a complaint involves specialized questions of fact or is of such complexity or volume that it requires prolonged hearing time or expedited attention.

Proceedings before a hearing panel are governed by the Michigan Court Rules applicable to a civil matter tried without a jury and by the Michigan Rules of Evidence. Special procedural rules apply in cases based upon an attorney's conviction of a crime or an adjudication of professional misconduct in another jurisdiction. In all other disciplinary proceedings, professional misconduct must be established by a preponderance of the evidence. If misconduct is established, the hearing panel must conduct a separate hearing to determine the appropriate level of discipline. A hearing panel may enter orders of probation, reprimand, suspension for a stated period of time (minimum—30 days), or disbarment. A hearing panel is empowered to order restitution to the attorney's client(s) and must order reimbursement to the State Bar of Michigan of the expenses of the hearing. A separate court rule governs proceedings before a hearing panel based upon a complaint by the grievance administrator to place an attorney on inactive status because of mental or physical incapacity.

A hearing panel's order to dismiss a complaint or to impose discipline becomes a final order unless appealed to the Attorney Discipline Board. Appeals from hearing panel decisions are heard by the full board as a matter of right and are based upon the record before the panel. Appeals from a decision by the board may be pursued only by leave of the Michigan Supreme Court. Appeals may be filed by the grievance administrator, the respondent/attorney, or the original complainant(s).

Attorneys who are found to be physically or mentally unable to continue in the practice of law may be placed on inactive status for an indefinite period; disciplinary complaints against such individuals are held in abeyance during the period of incapacity.

Attorneys suspended for 179 days or less may be automatically reinstated upon the filing of an affidavit of compliance with the order of discipline. In cases of suspension for 180 days or more, the attorney must file a petition for reinstatement, which is followed by a new investigation and establishment by the respondent/attorney of his or her fitness to reenter the practice of law. Attorneys suspended for three years or more must, in addition to reinstatement proceedings, undergo examination and recertification by the State Board of Law Examiners. In Michigan, an attorney who has been disbarred may petition for reinstatement after five years. The office of the board is located in Suite 1410, 211 W. Fort St., Detroit, MI 48226. Mark Armitage, Executive Director.

Further information about the board, including board orders and opinions, notices of discipline and the most recent annual reports may be obtained at www.adbmich.org.

Attorney Grievance Commission

The Michigan Attorney Grievance Commission was created by the Michigan Supreme Court, effective October 1, 1978. Along with the simultaneously created Attorney Discipline Board, the commission succeeded the former State Bar Grievance Board. Pursuant to MCR 9.108(A), the commission is the prosecutorial arm of the supreme court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys.

The Attorney Grievance Commission has nine members. Three members are lay persons and six are attorneys, appointed by the Supreme Court.

Pursuant to MCR 9.108(E)(1), the commission has the power and duty to recommend attorneys to the Supreme Court for appointment as grievance administrator and deputy grievance administrator. The grievance administrator serves as executive director and chief prosecutor.

Sub-chapter 9.100 of the Michigan Court Rules governs attorney disciplinary proceedings.

Grievances filed against attorneys are denominated “requests for investigation.” Any person may file a request for investigation with the grievance administrator and the grievance administrator may also file a request.

Following the filing of a request for investigation, the grievance administrator must determine whether a prima facie allegation of professional misconduct, i.e., a violation of Michigan Court Rule 9.104, exists. The grievance administrator may reject the request for investigation on its face or after a preliminary investigation, or he or she may conduct a full investigation. If the grievance administrator does not reject the request for investigation, he or she will, upon conclusion of the investigation, recommend to the commission that (1) the matter be closed as there is not evidence of professional misconduct sufficient to sustain the burden of proof at a disciplinary proceeding, or (2) the commission admonish the respondent attorney pursuant to MCR 9.106(6) (this does not constitute discipline), or (3) authorization be granted for the issuance of a formal complaint.

Upon being authorized to file a formal complaint by the commission, the grievance administrator causes a complaint to be prepared and filed with the Attorney Discipline Board. The only exception to this is in the case of criminal convictions, where an order is issued by the board commanding the respondent to show cause why discipline should not be imposed.

Public hearings on charges of misconduct are held before 3-lawyer hearing panels of the Attorney Discipline Board. In the case of a formal complaint, the grievance administrator is required to prove his or her case by a preponderance of the evidence. Upon conclusion of the hearing, if the panel finds that the grievance administrator has failed to prove misconduct alleged in the formal complaint by a preponderance of the evidence, the charge against the respondent must be dismissed. If the panel concludes that misconduct has been proven by a preponderance of the evidence, the panel must enter an order of discipline, which may consist of a reprimand, probation, suspension, or disbarment. Restitution to an aggrieved party may also be required.

Any party may appeal an order of a hearing panel, as a matter of right, to the Attorney Discipline Board, and may seek leave to appeal to the Michigan Supreme Court from an order of the Attorney Discipline Board. The office of the commission is located in Suite 2100, 755 W. Big Beaver Rd., Troy, MI 48084. Michael V. Goetz, Grievance Administrator.

Judicial Tenure Commission

Michigan’s Judicial Tenure Commission was established in 1968 when voters approved H.J.R. PP, which added Sec. 30 to Article VI of the Michigan Constitution of 1963. The commission serves to promote the integrity of the judicial process and preserve public confidence in the courts by holding judges accountable for their misconduct without jeopardizing or compromising the essential independence of the judiciary. The basis for commission action is a violation of the Code of Judicial Conduct, the Rules of Professional Responsibility, or MCR 9.202(B). The code is published with the Michigan Court Rules.

On recommendation of the Judicial Tenure Commission, the Michigan Supreme Court may censure, suspend with or without salary, retire, or remove a judge for conviction of a felony, physical or mental disability that prevents the performance of judicial duties, misconduct in office, persistent failure to perform duties, habitual intemperance, or conduct that is clearly prejudicial to the administration of justice. The office is located at Cadillac Place, 3034 W. Grand Blvd., Detroit, MI 48202. Lynn Helland, Executive Director. For more information, see www.jtc.courts.mi.gov.

State Board of Law Examiners

The State Board of Law Examiners, constituted by Public Act 236 of 1961, consists of five active members of the bar, each of whom holds office for five years and one of whom is appointed by the governor on nomination by the Supreme Court on the first day of July each year.

The board has charge of the investigation and examination of all persons who initially apply for admission to the bar of this state. The board offices are located at 4th Floor, Hall of Justice, P.O. Box 30052, Lansing, MI 48909. Maribeth Preston, Executive Director. For more information, see courts.mi.gov/courts/MichiganSupremeCourt/BLE.

STATE COURT ADMINISTRATIVE OFFICE

According to the Michigan Constitution of 1963, Article VI, Section 3, “. . . the supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.” Under the general direction of the Supreme Court, the State Court Administrative Office (SCAO) is responsible for assisting in the administration of justice in Michigan’s trial courts. The state court administrator is also responsible for advising the Supreme Court, as well as the executive and legislative branches, on matters relating to the management of Michigan’s One Court of Justice. For more information on SCAO, go to www.courts.michigan.gov/scao.

The **State Court Administrative Office** (SCAO) provides management assistance and oversight to chief judges and judges of 242 trial courts and their trial court staff on matters relating to trial court management. SCAO collects, analyzes, and publishes management information regarding operations of trial courts. This information is used by the Supreme Court and state court administrator in evaluating the performance of Michigan courts and making decisions regarding their operations. The office provides analyses of legislative and executive branch policy initiatives in terms of their administrative impact on the judiciary. SCAO also assists in the evaluation of court rules and legislation affecting administration of courts, proposes changes to rules and statutes where appropriate, and advises the Supreme Court on administrative matters.

SCAO is comprised of ten major operational divisions: Court Services, Child Welfare Services, Friend of the Court Bureau, Office of Dispute Resolution, Judicial Information Systems, MiFile, Michigan Judicial Institute, Regional Administration, Specialty Services, and Statistical Research. Each division has a director or manager responsible for oversight, coordination, improvement efforts, and overall management of each of their respective divisions. Each division has a director or manager who reports directly to a senior director, deputy court administrator, or the state court administrator.

Court Services is responsible for providing management assistance to courts: administering, participating in, and providing support to a variety of court improvement projects; developing and implementing policies and procedures; conducting legislative and policy analyses; providing standards for trial court operations; serving as liaison to court management organizations and executive and legislative branch agencies; and producing various publications and procedural manuals used in everyday operations within the courts.

Specialty Services provide staff support to the Court Reporting and Recording Board of Review, which establishes criteria and administers tests for certification of court reporters and recorders, the Language Access Services program, and provide standard forms used in the courts. Special projects include the Problem-Solving Court Programs and Trial Court Collections.

Child Welfare Services (CWS) provides assistance to circuit court family divisions on child welfare matters, including child protective proceedings, foster care, coordination with Indian tribes, termination of parental rights, permanency outcomes, and data collection and analysis. CWS administers the Michigan Court Improvement Program (CIP) and the Foster Care Review Board Program (FCRB) and provides numerous multi-disciplinary trainings each year on a variety of child welfare issues. The CIP is part of a nationwide effort to improve how courts handle child abuse and neglect cases. The program is funded by federal grants that are guided by and operate through a statewide, cross-disciplinary task force aimed at improving the three key elements of child protective proceedings: safety, permanency, and well-being for children. The CIP allows Michigan to implement necessary reforms, track its progress toward meeting state and federal laws, national standards, and program improvement plans to improve child protective court proceedings. The FCRB provides independent, periodic review of cases in the state foster care system to ensure that cases are progressing toward permanency. A statewide advisory committee, including leaders from the child welfare community, ensures that the program fulfills its statutory mandates and provides maximum benefit to improving the foster care system.

The **Friend of the Court Bureau** (FOCB) offers policy and operational support to family division judges and friend of the court offices. The FOCB analyzes statistics, reviews laws, regulations, and court rules; and reviews grievances and responses to provide custody, parenting time and child support guidelines for FOC operations. The division assists courts and FOCB offices in developing and implementing special projects to improve family court services and provides subject matter experts to train FOC and court staff for The Michigan Judicial Institute, Michigan Family Support Conference, and other training conferences. The FOCB also cooperates with the Michigan Department of Health and Human Service’s Office of Child Support to coordinate FOC offices in providing services under Title IV-D of the Social Security Act and is responsible for developing and revising the Michigan Child Support Formula and created and updates The Michigan Parenting Time Guideline.

The **Office of Dispute Resolution** is responsible for developing dispute resolution practices and protocols for the trial courts, providing technical assistance to the trial courts, implementing dispute resolution practices mandated or permitted by court rule or statute, evaluating dispute resolution systems, and providing recommendations to the state court administrator for improving dispute resolution services for Michigan citizens.

The office also provides project administration, oversight, and evaluation of the Community Dispute Resolution Program. Created by Public Act 260 of 1988, this program also provides financial support to nonprofit organizations that in turn provide free or low-cost mediation in a wide variety of disputes as an alternative to the traditional adversarial court process.

The office serves as liaison to dispute resolution service providers, academic programs, associations, courts, and other agencies and organizations having special focus on dispute resolution research, services, and evaluation.

The **Judicial Information Systems (JIS) Division**, with offices in Lansing and Detroit, is responsible for developing and maintaining office automation applications for the Michigan Supreme Court and to subscribers of its trial court applications. JIS currently provides support and training to more than 247 judicial branch employees and to 249 of 319 trial court locations that use its Circuit, District and Probate Courts case management system. Sixty-four locations use the Jury management system. JIS advises and assists trial courts in the selection, acquisition, installation, programming, and operation of automated data processing systems. The division coordinates with other state agencies in the development, support, accumulation, and submission of court-related data to state repositories. JIS also participates in other Supreme Court initiatives where technological advances contribute to improved service, performance, and access to the judiciary. These initiatives include trial court connectivity, improving electronic submission of data to state agencies, web-enabled applications for court payments and e-filing, data warehousing, and the next generation of case management software for the state's trial courts.

The **Michigan Judicial Institute (MJi)** was developed by the Michigan Supreme Court in 1977 to provide judges and court personnel with opportunities to develop and enhance professional skills. Continuing judicial branch education is provided in many formats, including live seminars; publications; distance learning opportunities; web-based training; a resource library that includes materials from the State Justice Institute, American Bar Association, American Judicature Society, National Association of State Judicial Educators, and National Association for Court Management; and MJi-sponsored programs. MJi is also responsible for the Supreme Court Learning Center, located in the Hall of Justice, and designed to educate the public on the Michigan court system. Electronic versions of MJi training materials can be accessed at www.courts.mi.gov/mji. The Supreme Court Learning Center information is available at www.courts.mi.gov/education/mji.

Regional Administration is comprised of six regional offices that provide direct services to the courts and serve as links between the Supreme Court and the local trial courts. Each regional office provides management assistance to trial court chief judges and staff in the administration of judicial business. They implement Supreme Court judicial administration policy, monitor workload and caseload, and serve as a primary contact for local funding units and other local justice system stakeholders regarding judicial operations. Regional administrators and their staff visit courts in their respective regions and meet with judges, court staff, county commissioners, and other local officials. In addition, the regional offices issue judicial assignments authorizing judges to serve in courts outside of their jurisdiction when necessary.

The Region I State Court Administrative Office is located in Detroit and serves the trial courts in Wayne County. The Region II State Court Administrative Office is located in Lansing and serves the trial courts in Clinton, Eaton, Genesee, Gratiot, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Monroe, Shiawassee, and Washtenaw counties. The Region III State Court Administrative Office is located in Mt. Pleasant and serves the trial courts in Alcona, Arenac, Bay, Benzie, Clare, Gladwin, Huron, Ionia, Iosco, Isabella, Lake, Manistee, Mason, Mecosta, Midland, Montcalm, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Roscommon, Saginaw, Sanilac, and Tuscola counties. The Region IV State Court Administrative Office is located in Gaylord and serves the trial courts in Alger, Alpena, Antrim, Baraga, Charlevoix, Cheboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Leelanau, Luce, Mackinac, Marquette, Menominee, Missaukee, Montmorency, Ontonagon, Otsego, Presque Isle, Schoolcraft, and Wexford counties. The Region V State Court Administrative Office is located in Lansing and serves the trial courts in Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, Kent, Muskegon, Ottawa, St. Joseph, and Van Buren counties. The Region VI State Court Administrative Office is located in Detroit and serves the trial courts in Lapeer, Macomb, Oakland, and St. Clair counties.

Statistical Research collects, maintains, analyzes, and reports credible, accurate, timely and usable information regarding Michigan courts. This division coordinates data collection through the Michigan Court Application Portal (MCAP), including the Caseload Reporting System. The information is used to prepare statistical reports, such as the Judicial Resources Recommendations Report, the Michigan Supreme Court Annual Report, and the statistical supplements.

MiFILE is a statewide e-Filing system sponsored by the State Court Administrative Office that provides parties to a case with the ability to electronically file documents in any Michigan court, 24 hours a day, without traveling to a courthouse and waiting in line. It will also allow parties to electronically serve one another with documents and to electronically receive notifications and documents from the courts. MiFILE will be available in all Michigan courts for every eligible case type. The system is operational at several courts around the state and will be rolled out statewide over the next few years.

