PERFORMANCE AUDIT
OF THE

APPELLATE DEFENDER COMMISSION

March 2002

05-155-01

EXECUTIVE DIGEST

APPELLATE DEFENDER COMMISSION

INTRODUCTION	This report, issued in March 2002, contains the results of our performance audit* of the Appellate Defender Commission.
AUDIT PURPOSE	This performance audit was conducted as part of the constitutional responsibility of the Office of the Auditor General. Performance audits are conducted on a priority basis related to the potential for improving effectiveness* and efficiency*. Also, this performance audit was conducted in accordance with Section 319, Act 126, P.A. 1999, and Section 319, Act 264, P.A. 2000 (Judiciary appropriations acts).
BACKGROUND	The Commission was created by Act 620, P.A. 1978, the Appellate Defender Act (Sections 780.711 - 780.719 of the *Michigan Compiled Laws*). The Commission is responsible for development of a system of indigent appellate defense services to be provided by the Appellate Defender and by locally appointed private counsel, development of minimum standards* for all indigent criminal defense appellate services, compilation and maintenance of a Statewide roster of attorneys eligible for and willing to accept appointment by an appropriate court to serve as criminal defense appellate counsel for indigents, and provision of a continuing legal education training program for Commission staff and roster attorneys. The Commission established the State Appellate Defender

* *See glossary at end of report for definition.*

Office (SADO) and the Michigan Appellate Assigned Counsel System (MAACS) to carry out these responsibilities.

SADO expended approximately $4.1 million in fiscal year 1999-2000 and had 45.5 full-time equivalent employees as of February 1, 2001. MAACS expended approximately $750,000 in fiscal year 1999-2000 and had 9 full-time equivalent employees as of February 1, 2001.

AUDIT OBJECTIVES, CONCLUSIONS, AND NOTEWORTHY ACCOMPLISHMENTS

Audit Objective: To assess the effectiveness and efficiency of the Commission's system for providing indigent appeal services through SADO.

Conclusion: The Commission's system for providing indigent appeal services through SADO was generally effective and efficient.

Noteworthy Accomplishments: SADO developed and implemented a relational database that is used to generate all reports necessary to monitor and track every appeal SADO is assigned. The database is fully integrated into SADO's case production and brief preparation. It has eliminated the need for repetitive data entry and for multiple proofing by both secretaries and attorneys. SADO has received inquiries from several other states as well as from Wayne County expressing an interest in obtaining the database.

Over the years, automation has allowed SADO to reduce the number of support staff necessary for each staff attorney. Automated desktops and linking case production to the relational database have greatly reduced the need for support staff, which has allowed for the conversion of these positions to staff attorney positions. SADO has reduced the support staff from one secretary for two attorneys to one paralegal for four attorneys.

SADO's web site has won numerous awards for its design, usability, and richness of content. It is fully interactive and updated almost daily. The web site contains all of SADO's publications, related web site links, and a fully searchable brief bank. The web site is available to both SADO and non-SADO attorneys throughout the State.

Audit Objective: To provide a comparative analysis of SADO, public sector, and private sector salaries for attorneys and supervisors.

Conclusion: We developed a comparative analysis of SADO, public sector, and private sector salaries for attorneys and supervisors. The salary comparison is presented as supplemental information.

Audit Objective: To assess the effectiveness and efficiency of the Commission's system for evaluating the quality of indigent appeal services provided by MAACS's roster attorneys.

Conclusion: The Commission's system for evaluating the quality of indigent appeal services provided by MAACS's roster attorneys was generally effective and efficient. However, our assessment disclosed reportable conditions* related to complaint investigation, performance reviews, and continuing legal education (Findings 1 through 3).

Noteworthy Accomplishments: Since its inception in 1985, MAACS monitored compliance with the assignment process through a cumbersome, manual mechanism involving monthly rotation of log sheets between MAACS and the individual circuit courts. Recently, MAACS implemented a new computerized, on-line system to

* *See glossary at end of report for definition.*

replace the manual process. The new on-line system is being used in 56 of the State's 57 circuit courts.

This new system has significantly simplified and improved the appointment process primarily because trial court local designating authorities can now prepare orders of appointment by going directly on-line to MAACS. Once basic information is entered in response to prompts, the computer rotates the circuit court's local list and presents the correct name for appointment. The trial court local designating authority then prints the order of appointment and obtains the judge's signature. Copies are then distributed to the judge, the appointed attorney, the indigent defendant, the Michigan Court of Appeals, and MAACS. The need for MAACS to monitor the rotation of assignments by exchanging log sheets has been eliminated.

Also, MAACS developed a system that automatically sends reminder notices to attorneys. The Michigan Court of Appeals monitors and tracks appeals "of right*." As part of the monitoring process, the Court sends reminder notices to attorneys advising them when their time period for filing necessary briefs with the Court is about to expire. However, the Court does not monitor or track appeals "by leave*." A 1994 voter referendum changed the type of appeals in most cases from "of right" to "by leave." The impact to MAACS's roster attorneys is that, in most instances, they no longer receive reminder notices from the Court. To address this issue, MAACS now automatically sends its roster attorneys a reminder notice four months prior to when the "by leave" appeal deadline expires. This helps to ensure that MAACS's roster attorneys file necessary briefs on a timely basis.

* *See glossary at end of report for definition.*

In addition, MAACS made roster attorney training improvements. MAACS recently produced and distributed to its roster attorneys a four-volume "expert lecture" series on compact disk. This series includes eight separate lectures by distinguished members of the criminal defense bar. The disks contain valuable information related to criminal appellate legal issues that can be used by criminal appellate practitioners to become more proficient in their profession.

AUDIT SCOPE AND METHODOLOGY

Our audit scope was to examine the program and other records of the State Appellate Defender Office and the Michigan Appellate Assigned Counsel System. Our audit was conducted in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included such tests of the records and such other auditing procedures as we considered necessary in the circumstances.

Our audit work included examination of SADO and MAACS operations for the period October 1, 1998 through June 30, 2001. Our examination included researching applicable statutes, regulations, and Commission minutes to gain an understanding of the Commission's programs. Also, we reviewed financial records, personnel policies, agency caseload data, records related to circuit court case assignments, and attorney credentials and experience to assess the effectiveness and efficiency of the Commission's system for ensuring the quality of indigent appeal services provided by court-appointed attorneys.

We researched the salaries of attorneys and supervisors in both the public and private sectors by obtaining and evaluating salary surveys, pay schedules, and compensation plans. We obtained and evaluated documentation related to job duties and discussed

attorneys' and supervisors' salaries with management personnel.

AGENCY RESPONSES AND PRIOR AUDIT FOLLOW-UP

Our audit report includes 3 findings and 3 corresponding recommendations. The Commission's preliminary response indicated that it agrees with the findings and has complied or will comply with the recommendations.

The agency complied with 6 of the 8 prior audit recommendations included within the scope of our current audit. One prior audit recommendation was repeated and 1 was rewritten for inclusion in this report.

March 29, 2002

Mr. D. Joseph Olson, Chairperson
Appellate Defender Commission
Penobscot Building, Suite 3300
645 Griswold
Detroit, Michigan

Dear Mr. Olson:

This is our report on the performance audit of the Appellate Defender Commission.

This report contains our executive digest; description of agency; audit objectives, scope, and methodology and agency responses and prior audit follow-up; comments, findings, recommendations, and agency preliminary responses; a salary comparison, presented as supplemental information; and a glossary of acronyms and terms.

Our comments, findings, and recommendations are organized by audit objective. The agency preliminary responses were taken from the agency's responses subsequent to our audit fieldwork.

We appreciate the courtesy and cooperation extended to us during the audit.

Sincerely,

Thomas H. McTavish, C.P.A.
Auditor General

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Description of Agency

The Appellate Defender Commission was created by Act 620, P.A. 1978, the Appellate Defender Act (Sections 780.711 - 780.719 of the *Michigan Compiled Laws*). The Commission consists of seven members appointed by the Governor to staggered four-year terms. Of the 7 members, 2 are recommended by the Michigan Supreme Court, 1 is recommended by the Michigan Court of Appeals, 1 is recommended by the Michigan Judges Association, 2 are recommended by the State Bar of Michigan, and 1 member who shall not be an attorney is selected by the Governor from the general public. The Commission is responsible for:

1. Development of a system of indigent appellate defense services to be provided by the Appellate Defender and by locally appointed counsel.

2. Development of minimum standards for all indigent criminal defense appellate services.

3. Compilation and maintenance of a Statewide roster of attorneys eligible for and willing to accept appointment by an appropriate court to serve as criminal defense appellate counsel for indigents.

4. Provision of a continuing legal education training program for Commission staff and roster attorneys.

The Commission appoints the Appellate Defender. The Appellate Defender is responsible for conducting appeals or other post-conviction remedies on behalf of persons for whom the Appellate Defender is assigned as attorney of record. The Appellate Defender is also responsible for maintaining a repository of briefs prepared by the Appellate Defender and for making those briefs available to private attorneys providing criminal defense appellate services for indigents. The Commission established the State Appellate Defender Office (SADO) to enable the Appellate Defender to fulfill the responsibilities assigned by the Commission.

The Commission established the Michigan Appellate Assigned Counsel System (MAACS) to compile and maintain a Statewide roster of attorneys eligible for and willing to accept appointment by an appropriate court to serve as criminal defense appellate counsel for indigents. Also, MAACS monitors attorney compliance with minimum

standards for indigent criminal defense appellate services and provides continuing legal education training to attorneys on the Statewide roster.

The total number of indigent appellants was 3,983; 3,362; and 3,396 during calendar years 1998, 1999, and 2000, respectively. The total number of indigent appellants that MAACS assigned to SADO was 948, 776, and 922 during calendar years 1998, 1999, and 2000, respectively.

SADO and MAACS are part of the judicial branch of State government. SADO expended approximately $4.1 million in fiscal year 1999-2000 and had 45.5 full-time equivalent employees as of February 1, 2001. MAACS expended approximately $750,000 in fiscal year 1999-2000 and had 9 full-time equivalent employees as of February 1, 2001. There were 264 MAACS roster attorneys as of March 5, 2001.

Audit Objectives, Scope, and Methodology and Agency Responses and Prior Audit Follow-Up

Audit Objectives

Our performance audit of the Appellate Defender Commission had the following objectives:

1. To assess the effectiveness and efficiency of the Commission's system for providing indigent appeal services through the State Appellate Defender Office (SADO).

2. To provide a comparative analysis of SADO, public sector, and private sector salaries for attorneys and supervisors.

3. To assess the effectiveness and efficiency of the Commission's system for evaluating the quality of indigent appeal services provided by the Michigan Appellate Assigned Counsel System's (MAACS's) roster attorneys.

Audit Scope

Our audit scope was to examine the program and other records of the State Appellate Defender Office and the Michigan Appellate Assigned Counsel System. Our audit was conducted in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included such tests of the records and such other auditing procedures as we considered necessary in the circumstances.

Audit Methodology

Our audit work, performed from March through September 2001, included examination of SADO and MAACS operations for the period October 1, 1998 through June 30, 2001. Our examination included researching applicable statutes, regulations, and Commission minutes to gain an understanding of the Commission's programs. Also, we reviewed financial records, personnel policies, agency caseload data, records related to circuit court case assignments, and attorney credentials and experience to assess the effectiveness and efficiency of the Commission's system for ensuring the quality of indigent appeal services provided by court-appointed attorneys.

We researched the salaries of attorneys and supervisors in both the public and private sectors by obtaining and evaluating salary surveys, pay schedules, and compensation plans. We obtained and evaluated documentation related to job duties and discussed attorneys' and supervisors' salaries with management personnel.

Agency Responses and Prior Audit Follow-Up

Our audit report includes 3 findings and 3 corresponding recommendations. The Commission's preliminary response indicated that it agrees with the findings and has complied or will comply with the recommendations.

The agency complied with 6 of the 8 prior audit recommendations included within the scope of our current audit. One prior audit recommendation was repeated and 1 was rewritten for inclusion in this report.

COMMENTS, FINDINGS, RECOMMENDATIONS, AND AGENCY PRELIMINARY RESPONSES

STATE APPELLATE DEFENDER OFFICE

COMMENT

Audit Objective: To assess the effectiveness and efficiency of the Appellate Defender Commission's system for providing indigent appeal services through the State Appellate Defender Office (SADO).

Conclusion: The Commission's system for providing indigent appeal services through SADO was generally effective and efficient.

Noteworthy Accomplishments: SADO developed and implemented a relational database that is used to generate all reports necessary to monitor and track every appeal SADO is assigned. The database is fully integrated into SADO's case production and brief preparation. It has eliminated the need for repetitive data entry and for multiple proofing by both secretaries and attorneys. SADO has received inquiries from several other states as well as from Wayne County expressing an interest in obtaining the database.

Over the years, automation has allowed SADO to reduce the number of support staff necessary for each staff attorney. Automated desktops and linking case production to the relational database have greatly reduced the need for support staff, which has allowed for the conversion of these positions to staff attorney positions. SADO has reduced the support staff from one secretary for two attorneys to one paralegal for four attorneys.

SADO's web site has won numerous awards for its design, usability, and richness of content. It is fully interactive and updated almost daily. The web site contains all of SADO's publications, related web site links, and a fully searchable brief bank. The web site is available to both SADO and non-SADO attorneys throughout the State.

STATE APPELLATE DEFENDER OFFICE
SALARY ANALYSIS

COMMENT

Audit Objective: To provide a comparative analysis of SADO, public sector, and private sector salaries for attorneys and supervisors.

Conclusion: We developed a comparative analysis of SADO, public sector, and private sector salaries for attorneys and supervisors. The salary comparison, presented as supplemental information, includes salaries for attorneys and supervisors for the following entities:

SADO
Wayne County Prosecuting Attorney's Office
Oakland County Prosecuting Attorney's Office
Macomb County Prosecuting Attorney's Office
Department of Attorney General
Private sector

The information presented for SADO and the Department of Attorney General was as of October 1, 1999. The information presented for the county prosecuting attorney's offices was the data they reported to the Prosecuting Attorneys Coordinating Council and related to their 1999 budget year. For the information related to the private sector, we relied upon *The 2000 Survey of Law Firm Economics*. This survey was conducted during 2000 and was based on 1999 data published by Altman Weil Publications, Inc., of Newtown Square, Pennsylvania. To maintain consistency and objectivity throughout our analysis, we compared 1999 salaries, as those were the most current available for the private sector.

During our review of the duties performed by SADO staff attorneys, we noted that staff attorneys are divided into three categories: Defender I, Defender II, and Defender III. The Defender I position is an entry-level attorney trainee. The Defender II position requires the attorney to manage and maintain an active case load of new felony appeals. The Defender III position is a senior attorney who handles the high-profile and complex cases. They regularly supervise other defenders. The salary range for all three categories of attorneys was from $39,338 to $73,811.

Our review of the civil service job descriptions for the Department of Attorney General staff attorneys disclosed that they are classified as either a Staff Attorney P15 or a Senior Attorney 16. We identified staff attorney duties as performing a full range of professional assignments in a full-functioning capacity requiring considerable independent judgment. The salary range for these two classifications was from $40,674 to $88,465.

MICHIGAN APPELLATE ASSIGNED COUNSEL SYSTEM

COMMENT

Audit Objective: To assess the effectiveness and efficiency of the Commission's system for evaluating the quality of indigent appeal services provided by the Michigan Appellate Assigned Counsel System's (MAACS's) roster attorneys.

Conclusion: The Commission's system for evaluating the quality of indigent appeal services provided by MAACS's roster attorneys was generally effective and efficient. However, our assessment disclosed reportable conditions related to complaint investigation, performance reviews, and continuing legal education.

Noteworthy Accomplishments: Since its inception in 1985, MAACS monitored compliance with the assignment process through a cumbersome, manual mechanism involving monthly rotation of log sheets between MAACS and the individual circuit courts. Recently, MAACS implemented a new computerized, on-line system to replace the manual process. The new on-line system is being used in 56 of the State's 57 circuit courts.

This new system has significantly simplified and improved the appointment process primarily because trial court local designating authorities can now prepare orders of appointment by going directly on-line to MAACS. Once basic information is entered in response to prompts, the computer rotates the circuit court's local list and presents the correct name for appointment. The trial court local designating authority then prints the order of appointment and obtains the judge's signature. Copies are then distributed to the judge, the appointed attorney, the indigent defendant, the Michigan Court of Appeals, and MAACS. The need for MAACS to monitor the rotation of assignments by exchanging log sheets has been eliminated.

Also, MAACS developed a system that automatically sends reminder notices to attorneys. The Michigan Court of Appeals monitors and tracks appeals "of right." As part of the monitoring process, the Court sends reminder notices to attorneys advising them when their time period for filing necessary briefs with the Court is about to expire. However, the Court does not monitor or track appeals "by leave." A 1994 voter referendum changed the type of appeals in most cases from "of right" to "by leave." The impact to MAACS's roster attorneys is that, in most instances, they no longer receive reminder notices from the Court. To address this issue, MAACS now automatically sends its roster attorneys a reminder notice four months prior to when the "by leave" appeal deadline expires. This helps to ensure that MAACS's roster attorneys file necessary briefs on a timely basis.

In addition, MAACS made roster attorney training improvements. MAACS recently produced and distributed to its roster attorneys a four-volume "expert lecture" series on compact disk. This series includes eight separate lectures by distinguished members of the criminal defense bar. The disks contain valuable information related to criminal appellate legal issues that can be used by criminal appellate practitioners to become more proficient in their profession.

FINDING

1. Complaint Investigation

MAACS needs to expand its efforts to resolve complaints regarding roster attorneys in a timely manner.

We reviewed the complaint investigation reports and noted 27 unresolved complaints as of April 30, 2001. Our analysis of these complaints disclosed that 25 of the 27 complaints were filed over one year before our date of testing. Seventeen of the 25 complaints were filed over two years prior to our testing, and 4 of the 25 complaints were filed more than four years prior to our testing. We considered one year to be a reasonable time frame for resolving complaints.

During our audit, we noted that the Appellate Defender Commission appointed the current MAACS administrator to that position during July 1999. The current MAACS administrator indicated that the recent focus of MAACS's limited resources has been on resolving new complaints, as those typically relate to active appeals. To substantiate this assertion, we identified and reviewed all complaints that had been received by MAACS between May 1, 2000 and June 7, 2001. Of the 31

complaints that we identified, 30 (97%) were resolved within one year or less. The 1 (3%) remaining complaint was received by MAACS on April 21, 2001 and was unresolved as of June 7, 2001.

Because MAACS did not resolve all complaints in a timely manner, it does not have assurance that the court-appointed attorneys provided quality representation.

RECOMMENDATION

We recommend that MAACS expand its efforts to resolve complaints regarding roster attorneys in a timely manner.

AGENCY PRELIMINARY RESPONSE

The Commission agrees with this finding and will continue to seek funding for additional personnel to better ensure that complaints are resolved in a more timely manner. The Commission notes, however, that for eight months of the audit period (July 1999 to March 2000), the position of deputy administrator, the attorney at MAACS primarily responsible for investigating complaints, was vacant due to a hiring freeze in effect once the former administrator resigned. Once a new deputy administrator was hired in March 2000, complaints have been resolved in a more timely manner, with only 11 remaining unresolved as of December 31, 2001.

FINDING

2. Performance Reviews

MAACS dd not conduct routine performance reviews of newly appointed and newly reclassified roster attorneys.

MAACS established three levels of classification of attorneys within its roster system. These levels relate to the difficulty of cases for which attorneys are considered competent to provide appropriate legal representation. Section 4(6)(d) of the MAACS regulations requires that each roster attorney submit copies of the first two briefs filed on the behalf of defendants after initial appointment to the roster or reclassification to a higher level. This allows for a review of those appellate briefs to assess the quality of the attorney's performance. Section 2(3)(a) requires the MAACS administrator to periodically review each attorney on the roster in accordance with the criteria for continuing eligibility listed in Section 4(6) of the regulations.

We examined files for 11 attorneys who either were newly appointed to the roster or were reclassified on the roster during our audit period. The files did not contain the required briefs or other documentation supporting reviews of the attorneys' work after appointment to the roster or after reclassification.

Because MAACS did not sufficiently enforce its requirement requiring attorneys to submit briefs after they were newly appointed to the roster or after reclassification, it could not conduct performance reviews of the quality of representation provided by roster attorneys. As a result, MAACS lacked assurance that the quality of representation provided by its roster attorneys was appropriate.

We noted the same condition in our prior audit. The Commission agreed with our finding and stated it would continue to seek funding for the necessary personnel to conduct routine performance reviews of newly appointed and newly reclassified roster attorneys.

RECOMMENDATION

WE AGAIN RECOMMEND THAT MAACS CONDUCT ROUTINE PERFORMANCE REVIEWS OF NEWLY APPOINTED AND NEWLY RECLASSIFIED ROSTER ATTORNEYS.

AGENCY PRELIMINARY RESPONSE

The Commission agrees with this finding and will establish better procedures to ensure that MAACS roster attorneys submit their first two briefs, and that MAACS administrators review them, on a regular basis. The Commission notes, however, that MAACS was, in various manners, conducting performance reviews of many of its roster attorneys during the audit period. The Commission will continue to seek funding for the necessary personnel to conduct performance reviews of newly appointed and newly reclassified roster attorneys.

FINDING

3. Continuing Legal Education

MAACS did not maintain documentation to substantiate that its roster attorneys were in compliance with MAACS regulations requiring annual continuing legal education training.

Section 4(6)(f) of the MAACS regulations requires that each attorney annually complete seven hours of continuing legal education in subjects relevant to criminal appellate advocacy. Section 2(3)(a) requires the MAACS administrator to periodically review each attorney on the roster. This review should be based on the criteria for continuing eligibility listed in Section 4(6) of the regulations.

From the population of 264 attorneys who were on the MAACS Statewide roster as of March 2001, we initially selected a sample of 23 attorneys who had been on the roster for more than one year. We reviewed the related attorney files and determined:

Length of Time Since Attorney Completed 7 Hours of Annual Continuing Legal Education Training	Attorneys	
	Number	Percentage
One year or less	0	
More than 1 year but less than 2 years	2	9%
At least 2 years but less than 5 years	8	35%
At least 5 years but less than 10 years	4	17%
10 years or more	8	35%
No training identified	1	4%
Total	23	100%

After seeing the results of our initial testing, MAACS management attempted to gather documentation supporting attorney compliance with MAACS regulations, including sending letters to roster attorneys requesting them to provide updated information related to continuing legal education training and asking third party trainers to provide documentation that roster attorneys attended training sessions. Two months later, we sampled 24 attorneys who had been on the roster for more than one year in addition to the 23 originally sampled attorneys to determine the

last time the attorneys had received continuing legal education training. We determined:

Length of Time Since Attorney Attended Last Continuing Legal Education Training	Attorneys	
	Number	Percentage
One year or less	31	66%
More than 1 year but less than 2 years	1	2%
At least 2 years but less than 5 years	8	17%
At least 5 years but less than 10 years	3	6%
10 years or more	4	9%
Total	47	100%

Compliance with annual continuing legal education requirements provides some assurance that the court-appointed attorneys maintained proficiency in their field.

RECOMMENDATION

We recommend that MAACS maintain documentation to substantiate that its roster attorneys are in compliance with MAACS regulations requiring annual continuing legal education training.

AGENCY PRELIMINARY RESPONSE

The Commission agrees with this finding and notes that MAACS has already implemented procedures to better document that its roster attorneys are in compliance with MAACS regulations requiring annual continuing legal education for roster attorneys.

SUPPLEMENTAL INFORMATION

APPELLATE DEFENDER COMMISSION
Salary Comparison

	Staff Attorneys		Attorney Supervisors		Director	
SADO	Starting salary	$ 39,338	Minimum salary [1]	$ 72,287	Salary [2]	$119,120
	Maximum salary	$ 69,656 [3]	Maximum salary	$ 97,280		
County Prosecuting Attorney's Offices:						
Wayne County	Starting salary	$ 39,600	Minimum salary [4]	$ 79,800	Salary [5]	$120,700
	Maximum salary	$111,200 [6]	Maximum salary	$111,200		
Oakland County	Starting salary	$ 44,020 [7]	Salary [8]	$ 90,800	Salary [5]	$112,300
	Maximum salary	$ 83,696 [6]				
Macomb County	Starting salary	$ 41,674	Salary [8]	$ 86,000	Salary [5]	$ 94,400
	Maximum salary	$ 83,400 [6]				
Department of Attorney General	Starting salary	$ 40,674	Minimum salary [9]	$ 72,349	Salary of the Attorney General, State of Michigan [10]	$112,000
	Maximum salary [11]	$ 88,465	Maximum salary [11]	$105,220		
Private sector [12]	Average starting salary	$ 62,550 [13]				
	Average salary for staff attorneys with 11 to 15 years of experience [14]	$ 93,656	Average salary for associate attorneys with 11 to 15 years of experience [15]	$104,108	Average salary for non-equity partner [16]	$149,427

(1) For SADO, we reported the salary range for the deputy director and the chief deputy director. Duties include supervising and directing the work activities of staff attorneys and other professional and support staff, providing analyses and advice to staff attorneys on complex and problematic cases, and assisting the director. Employment qualifications include a juris doctorate degree from an accredited law school, 5 years of experience as a criminal defense appellate practitioner with additional experience in a managerial or supervisory capacity in a defender office or large law firm, and active membership in the State Bar of Michigan.

(2) Employment qualifications for the director of SADO include a juris doctorate degree from an accredited law school, active membership in the State Bar of Michigan, and several years of experience as a criminal defense appellate practitioner with management experience in a defender office or large law firm. Essential functions include preparing and presenting the annual budget to the Supreme Court, the Legislature, and the Executive Office. Other functions include developing grant requests; managing all aspects of daily office operations; directing personnel administration activities, including salary administration; and reviewing and evaluating staff performance. The director also supervises and directs all management staff responsible for attorneys, legal resources, and support personnel.

(3) SADO has one individual in a specially created position that involves training who earned an annual salary of $73,811.

(4) For the Wayne County Prosecuting Attorney's Office, we reported the salary range of the chief assistant prosecuting attorney.

(5) The county prosecuting attorney is the chief law enforcement officer in each county. The Wayne County Prosecuting Attorney's Office's total 1999 budget was approximately $25 million dollars, and the office had 146 assistant prosecuting attorneys on staff. The Oakland County Prosecuting Attorney's Office's total 1999 budget was approximately $14 million dollars, and the office had 107 assistant prosecuting attorneys on staff. The Macomb County Prosecuting Attorney's Office's total 1999 budget was approximately $6.5 million dollars, and the office had 54 assistant prosecuting attorneys on staff.

(6) Dollar amounts reported for staff attorneys included all county assistant prosecuting attorneys, which may include supervisory personnel.

(7) The dollar amount reported for the Oakland County staff attorneys' starting salary was obtained directly from Oakland County.

(8) For the Oakland and Macomb County Prosecuting Attorney's Offices, we reported the salary of the chief assistant prosecuting attorney.

(9) For the Department of Attorney General, we obtained and reviewed the civil service job descriptions for several attorney administrators. The Attorney Administrator 19 position was similar to the job descriptions for SADO's deputy director and chief deputy director positions. The Attorney Administrator 19 serves as an overall assistant to the director of a legal division or as the assistant chief legal advisor to the heads of principal departments. Employment qualifications include a juris doctorate degree from an accredited law school, 4 years of legal experience as an attorney, and status as a member in good standing in the State Bar of Michigan.

(10) The principal duties of the Attorney General include acting as legal counsel to all State departments, agencies, boards, commissions, officers, and employees; representing the Legislature and the courts when they are sued; and intervening in any litigation when the public interest is involved.

(11) This dollar amount includes an 8% premium on the position's base pay. Employees are eligible to receive all or a portion of the 8% premium based on their job performance and the availability of funds.

(12) The information reported on the private sector was obtained from *The 2000 Survey of Law Firm Economics*. The survey was conducted by Altman Weil, Inc., and published by Altman Weil Publications, Inc.; Two Campus Boulevard, Suite 200; Newtown Square, PA 19073; (610) 359-9900. The survey was conducted during 2000 and was based on 1999 data.

(13) This is the average 1999 starting salary for new graduates in the East Central Region, which includes Illinois, Indiana, Michigan, Ohio, and Wisconsin. The amount does not include bonus offers.

(14) This average is based on dollar amounts reported by Altman Weil Publications, Inc., as the 1999 average cash compensation paid to staff attorneys in all sections of the country for individuals who were admitted to the bar from 1984 through 1988. A staff attorney is a lawyer employed by a law firm who is hired with the understanding that the position will not lead to consideration for ownership status.

(15) This average is based on dollar amounts reported by Altman Weil Publications, Inc., as the 1999 total compensation paid to associate attorneys in all sections of the country for individuals who were admitted to the bar from 1984 through 1988. An associate attorney is a lawyer employed by a law firm who is understood to be in a program leading to consideration for partnership or shareholder status or who has been so considered.

(16) This dollar amount is the national average total compensation for non-equity partners. A non-equity partner is considered to be any individual who is held out to the public as a partner or principal but is clearly in a separate class that is characterized as having lower capital contribution requirements, lesser voting rights, and lesser economic risk or reward potential.

Glossary of Acronyms and Terms

appeal "by leave"	An appeal that can only be taken with the permission of the Michigan Court of Appeals. The defendant must try to persuade the Court in an application that the case is worth considering. If the Court grants leave (allows the case to continue), the Court will treat the case as if it were an appeal "of right" and will decide the issues of the case on their merits.
appeal "of right"	An appeal that anyone convicted of a felony is entitled to make, as long as the convicted person or legal counsel meets certain deadlines. If so, the Michigan Court of Appeals must consider all the issues raised in the case and decide whether each warrants relief.
effectiveness	Program success in achieving mission and goals.
efficiency	Achieving the most outputs and outcomes practical for the amount of resources applied or minimizing the amount of resources required to attain a certain level of outputs or outcomes.
MAACS	Michigan Appellate Assigned Counsel System.
minimum standards	State statute stipulates that the Appellate Defender Commission shall be responsible for the development of minimum standards to which all indigent criminal defense services shall conform. The minimum standards were approved by the Michigan Supreme Court effective February 1, 1982.

performance audit	An economy and efficiency audit or a program audit that is designed to provide an independent assessment of the performance of a governmental entity, program, activity, or function to improve public accountability and to facilitate decision making by parties responsible for overseeing or initiating corrective action.
reportable condition	A matter coming to the auditor's attention that, in the auditor's judgment, should be communicated because it represents either an opportunity for improvement or a significant deficiency in management's ability to operate a program in an effective and efficient manner.
SADO	State Appellate Defender Office.