

Attorney-to-Attorney Service Providing Much-Needed Support to Criminal Defense Bar

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Since the June 2001 launch of its federally-funded Attorney-to-Attorney Support Service, the Criminal Defense Resource Center (CDRC) of the State Appellate Defender Office (SADO) has steadily increased the number of helpful responses provided to criminal defense attorneys statewide. From a first-month intake of approximately 50 inquiries, the February 2002 monthly intake number was close to 250. In the first eight months of operation, more than 2,000 requests for help were answered by the CDRC's research attorneys. The word is clearly out in the criminal defense community: help is just a phone call, visit, or e-mail message away.

Nature of the Service

A unique partnership was formed to create the Attorney-to-Attorney Support Service, initiated by the CDRC and joined by the Wayne County Circuit Court, that court's Criminal Advocacy Program, and the Recorder's Court Bar Association (now, the Wayne County Criminal Defense Bar Association). The group entered a nationwide competition for grants awarded by the Department of Justice's Bureau of Justice Assistance, and came out at the top. A generous award of \$150,000 from the Justice Department was joined by contributions from the partners (administration, web connections, space, computers, and phone service). The federal grant funding supported the hiring of



CDRC personnel (left to right): Susan Walsh, Daniel Manville, Patricia Anderson-Green, Neil Leithauser, and Mary Hickey

research attorneys to provide the service, at least until January 2003.

Hiring experienced criminal defense attorneys was key to the project's success. A group of six research attorneys was hired in June 2001 and trained at the Detroit SADO office. Each maintains a private defense practice of his or her own, working just one or two days per week on the CDRC's Attorney-to-Attorney project. Their experience as trial and appellate counsel, with an average of at least 10 years of practice, make them ideally suited to help others. If the research attorneys don't already know the answer to a question, they know where to find it.

During business hours, an attorney is on duty in both the Detroit SADO office (9:00–5:00) and the Wayne Circuit Court office (8:00–4:00). Intake varies somewhat by location: in the central office, research attor-

neys generally handle phone calls placed by attorneys statewide, while the courthouse attorneys consult directly in face-to-face meetings with other attorneys. Both locations also answer questions that arrive via e-mail, through the mailbox help@sado.org. The offices also share applications through a gateway of SADO's website, <http://www.sado.org>, which is the state's largest and most active research site for defense attorneys.

Questions from attorneys run the gamut, from how to make a trial objection, to where to find a recent appellate decision, to what that decision actually means in practice. In most cases, the CDRC's research attorneys find the answers within the CDRC's databases, which include not only practice manuals, newsletters, and opinion summaries, but also model and actual pleadings for criminal cases. Thousands of appellate briefs are

searchable in a database, which is available not only to the research attorneys, but also to all criminal defense attorneys on a subscription basis.

Significantly, the research attorneys don't just "spoon feed" those they help. Each makes an effort to train other attorneys on how to find the answers themselves, using the many legal research databases available on the web. These "mini seminars" provide training that is tailored to each attorney's skill level. Such individualized training is an important supplement to the small group seminars conducted in 12 locations statewide each year by the CDRC's webmaster, John Powell.

Numbers Served

The Attorney-to-Attorney Support Service is reaching a large percentage of Michigan's criminal defense attorneys, at both trial and appellate levels. Estimates place the number of active defense attorneys at about

2,000, and the project has served nearly 1,300 individuals within that total. With the total number of contacts more than 2,000, that means an average of about two contacts per attorney within the project's first eight months. Most of the 1,300 attorneys (741, to be exact) were served in the courthouse location. The questions posed by attorneys were almost evenly divided between trial and appellate issues.

A reflection of the value of technology is the large number of messages received at help@sado.org. Research attorneys provided answers to 798 questions that arrived in e-mail form. That number surpassed the number answered by phone, which was 544. Clearly, attorneys like the convenience of posing a detailed question, at any time of day or night. Also, use of e-mail makes it easy to respond with an attachment containing pleadings, ready for use as a model or research starting point. Using e-mail to send a

question directly to a CDRC research attorney supplements the help criminal defense attorneys receive through the Forum, an on-line e-mail discussion group operated by the CDRC. About 600 criminal defense attorneys participate in lively and well-informed postings about criminal law and practice in Michigan, often providing valuable strategic advice to one another. The volume of postings in the Forum is high, surpassing 1,000 messages posted in February 2002.

Impact of the Service on Quality

The success of the service is not all about numbers, however. A recent survey of attorneys using the service revealed that it is heavily used to get citations, discuss strategy, get legal pleadings or legal research, and obtain training on web research techniques. Asked how often they use the service, those responding broke into these categories: 5.1 percent daily, 9.2 percent three times a week,

The research attorneys don't just "spoon feed" those they help, but endeavor to train other attorneys on how to find the answers themselves.

21.4 percent once a week, 1 percent twice a month, 30.6 percent once a month, and 27.6 percent rarely. Rating the value of services provided, 51 percent said they were indispensable, 44.9 percent said they were helpful, and 1 percent said they were of minimal value. 81.6 percent of responding attorneys said the CDRC research attorneys were very helpful, 14.3 percent said they were helpful, and none rated them as not helpful.

Among the comments received about the CDRC research attorneys, and the quality of service provided, were the following:

- "All the attorneys have been pleasant, helpful and quick with responses"
- "Excellent help with key legal issue"
- "It is so nice to have a reliable sounding board for discussing legal issues and strategies"
- "Top notch"
- "Hope the service continues... excellent staff"
- "The attorneys are reliable and don't stop at research with one source. They will often go to several resources to ensure their work."

Asked about the speed of responses, 91.8 percent of the respondents said the service was timely. Asked about how much research time was saved, 6.1 percent said more than 100 hours, 14.3 percent said 50 to 100 hours, 67.3 percent said 1 to 50 hours, and 4.1 percent said no time saving.

Most importantly, attorneys were asked about the service's impact on the quality of representation afforded to clients. With more than 100 responding to the question, 42.9 percent said the service had a "major positive impact," 49 percent said it had some positive impact, and 3.1 percent said it had no impact. Most said the service reduced research time (76.5 percent), or improved the quality of research done (58.2 percent), with many saying that it improved the result for a client (45.9 percent). A significant number of respondents said the service improved the quality of pleadings filed (33.7 percent), or improved their courtroom performance (31.6 percent). Asked if they would continue to

use the service, an overwhelming majority of 99 percent said that they would.

Cost of Attorney-to-Attorney Service

Due to the generosity of the Bureau of Justice Assistance grant, and the project's partners, criminal defense attorneys do not pay a fee for the Attorney-to-Attorney service. For the cost of a phone call or drop-in visit, attorneys throughout the state of Michigan receive help otherwise unavailable. Because many provide representation at low assigned counsel fee rates, under schedules that generally do not compensate them for legal research, the service fills a significant gap. It is generally considered one of the few good things about criminal defense practice in the state, which currently ranks at the bottom nationally of fees paid to assigned counsel. The support provided by the CDRC's Attorney-to-Attorney project is commonly available in other states, where public defense systems are both better-funded and more organized.

The current project is funded at \$147,000 for staff salaries over the 18-month period, with many other costs absorbed by partners making in-kind contributions.

The Future

In the absence of funding from the state legislature, the project's future is uncertain. Federal grant funding is extremely limited, in light of current emphasis on terrorism projects, and there are few other funding sources. The Attorney-to-Attorney Project's Director, Dawn Van Hoek, is actively seeking other funding sources, while hoping that state funding for a criminal defense support center will eventually appear. The prosecution counterpart, the Prosecuting Attorney's Coordinating Council, receives multi-million dollar annual appropriations, and is the subject of an enabling statute. On the defense side, the Criminal Defense Resource Center receives a modest budget within that of the State Ap-

pellate Defender Office, relying primarily on annual funding from grant sources.

Among those grant sources is a "bridge" award from the Michigan State Bar Foundation. The award is intended to bridge the gap between the end of the federal grant and more permanent state funding. It will support the Attorney-to-Attorney Support Service at half-strength during 2003, with staff alternating between the Wayne Circuit Court and Detroit SADO offices. Intake for criminal defense attorneys statewide remains through the e-mail portal, help@sado.org, and by phone, (313) 256-9833.

A coalition is currently examining what is widely acknowledged as a statewide crisis in criminal defense services. The Michigan Public Defense Task Force, with the support of the Michigan Council on Crime and Delinquency, is comprised of concerned citizens, justice system professionals, and groups concerned about the quality of justice afforded under a poorly-funded system. More information about the Task Force is available at <http://www.mipublicdefense.org>. The Task Force recently adopted guiding principles that included the goal that:

There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.

Updates to the Attorney-to-Attorney service and defense services generally appear regularly on the CDRC's website, www.sado.org. ♦



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chair of the WLAM Foundation. State Bar of Michigan activities include serving as reporter and chair of the Criminal Jury Instructions Committee, chair of the Domestic Violence Committee, co-chair of the Task Force on Gender, Racial and Ethnic Issues in the Courts and Legal Profession, member of the Appellate Task Force and Open Justice Commission, and co-chair of the Bar's Annual Bar Leadership Conference.