

APPELLATE DEFENDER ACT (EXCERPT)
Act 620 of 1978

780.712 Appellate defender commission; creation; appointment, qualifications, and terms of members; compensation and expenses; development of system of appellate defense services; development and adoption of minimum standards; roster of attorneys; appointment; continuing legal education training program.

Sec. 2. (1) An appellate defender commission is created within the office of the state court administrator. The appellate defender commission consists of 9 members appointed by the governor for terms of 4 years. The members of the commission must be determined as follows:

- (a) Two members must be recommended by the supreme court of this state.
- (b) One member must be recommended by the court of appeals of this state.
- (c) One member must be recommended by the Michigan Judges Association.
- (d) Two members must be recommended by the State Bar of Michigan.
- (e) One member must be recommended by the Michigan Indian Judicial Association.
- (f) Two members who are not attorneys must be selected from the general public by the governor to represent the interests of individuals who have been impacted by the youth or adult justice system.
- (g) A member appointed to the commission under subdivisions (a) to (f) shall not be, at the time of appointment, a sitting judge, a prosecuting attorney, or a law enforcement officer.
- (2) Initially 4 members of the commission shall be appointed for terms of 4 years and 1 member each for terms of 1, 2, and 3 years respectively.
- (3) Members of the commission shall not receive a salary in that capacity but must be reimbursed for their reasonable actual and necessary expenses by the state treasurer upon the warrant of the state treasurer.
- (4) The commission shall be responsible for the development of both of the following:
 - (a) A system of appellate defense services for indigent adults.
 - (b) A system of appellate defense services for indigent youth.
- (5) Both of the systems described in subsection (4) must include services provided by both of the following:
 - (a) The office of the state appellate defender created in section 3.
 - (b) Locally appointed private counsel.
- (6) The commission shall be responsible for the development of minimum standards to which all indigent appellate defense services for adults and youth shall conform. Whenever the commission deems it advisable, the commission shall submit proposed standards to the supreme court. Upon approval of the proposed standards by the supreme court, the commission shall adopt the standards.
- (7) The commission shall compile and keep current both of the following:
 - (a) A statewide roster of attorneys eligible for, and willing to accept, appointment to serve as appellate defense counsel for indigent adults.
 - (b) A statewide roster of attorneys eligible for, and willing to accept, appointment to serve as appellate defense counsel for indigent youth.
- (8) The appointment of appellate defense services for indigent adults and youth must be made from the applicable roster described in subsection (7), or referred to the office of the state appellate defender.
- (9) The commission shall provide a continuing legal education training program for its staff and the private attorneys who appear on the rosters described in subsection (7).

History: 1978, Act 620, Imd. Eff. Jan. 6, 1979;—Am. 2023, Act 299, Eff. Oct. 1, 2024.