



**STRIKE  
FORCE**  
CRIMINAL DEFENSE ATTORNEYS  
OF MICHIGAN

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## Mission Statement

The Criminal Defense Attorneys of Michigan Strike Force is created to protect our members, prevent prosecutorial misconduct and judicial overreach, ensure effective representation for the accused, and provide guidance to CDAM members attacked while ethically and appropriately representing their clients.

## Purpose

CDAM's Strike Force is to assist Michigan criminal defense attorneys who are appropriately representing their clients and who, as a result, find themselves under attack. Circumstances where Strike Force aid may be provided include threats of contempt of court or other sanctions, or threats of sanction, which may hinder the criminal defense attorney in fairly representing their client.

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# Committee Organization

Pursuant to CDAM bylaws, CDAM's President will appoint members to the Strike Force Committee. Strike Force Committee members are also deemed "Primary Attorneys" due to their role as a committee member and can represent attorneys in need of Strike Force assistance. Strike Force Committee members have the discretion to recruit and train additional Primary Attorneys from across Michigan to represent attorneys in need of Strike Force assistance. However, Primary Attorneys are not part of the Strike Force Committee and have no committee voting privileges.



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## Assistance Eligibility

- CDAM members in good standing at the time the problem arose.
- The Strike Force can extend assistance to non-lawyer members on a case-by-case basis.
- The Strike Force will retain discretion to assist a non-member lawyer provided that the attorney immediately become a member of CDAM.
- If an attorney requesting assistance is not a CDAM member they will be encouraged to join. The Strike Force Committee has the discretion to provide assistance to a non-CDAM member.

# Types of Cases



**Cases will typically involve an attorney who is attacked during the course of their representation. Circumstances may include, but may not be limited to,**

- An accusation of threat of contempt.
- A subpoena threatening confidentiality.
- The denial of a reasonable or necessary continuance.
- An improper motion to disqualify.



**Where the attorney is accused of criminal or civil contempt, as a general rule, the Strike Force will not represent a member charged with a criminal act. The only exemption may be to recognize the rare situation where the criminal charge is made as an apparent effort to harass or stifle legitimate efforts by a member of CDAM on behalf of a client.**

“To be eligible for assistance in the latter category, all members of the Strike Force and CDAM’s Executive Committee must unanimously agree to accept the case.”



**If a member has retained counsel, the Strike Committee may, within its discretion, provide assistance upon request of the member or his or her retained counsel:**

- To assist as co-counsel in the defense of the member, or
- Provide advice, guidance, and the benefit of any brief, memorandum of law, research, pleadings, and any other defense tool at the disposal of the committee.
- The committee may seek to intervene in any suit pending in a trial or appellate court when a lawyer is being prosecuted for civil or criminal contempt incident to the representation of an accused in a criminal or related processing or in any suit where a criminal defense attorney and the rights of his or her client are placed in jeopardy.

# Process

## **1** Members seeking Strike Force assistance contact\*, in order:

- a. Strike Force Committee Chair
- b. Strike Force Committee Co-Chair
- c. Other Strike Force Committee Members
- d. CDAM President
- e. CDAM Executive Director
- f. Strike Force Primary Attorney in closest proximity

*\*Contact information appears at the end of the document.*

## **2** If someone other than the Strike Force Committee Chair is contacted for assistance, that person should contact the Committee Chair and all Committee Members as soon as can reasonably be expected.

## **3** The Strike Force Committee Chair (or Co-Chair in the absence of the Chair) will call a meeting to determine, by majority vote, the following criteria:

- a. The principle or issue, is the case is appropriate for Strike Force involvement, or has widespread application to our profession, and
- b. The availability of sufficient resources (volunteers, time, money).

**Once a determination has been made, the Strike Force Committee Chair must notify CDAM's Executive Committee about the decision (through the Executive Director) as to whether assistance has been granted.**

## **4** If the Strike Force has reached an impasse on involvement, CDAM's Executive Committee will be engaged to make a final determination.

## **5** Strike Force Committee Chair will communicate with committee members on the plan of action.

## **6** Strike Force Committee members cannot act without approval from Chair(s).



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## Right to Appeal

1. Anyone requesting assistance from the Strike Force, and who is either denied assistance or who believes assistance offered is inadequate, may appeal the decision to CDAM's Board of Directors.
2. Those wish to appeal the decision of the Strike Force should provide a synopsis of the facts and law, along with an appeal to the Executive Director of CDAM.

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# Presumption of Confidentiality

1. There shall be a presumption that any attorney seeking assistance wishes their identity to remain confidential. Assistance information shall be restricted to members of the Strike Force and whomever they may need to assist with the case, CDAM President, CDAM Executive Committee, CDAM Staff, and CDAM Board of Directors (when applicable and outlined in the process) unless the attorney waives this right.
2. Nothing in this shall limit the reporting of the nature of the matter, the venue, and the outcome.





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# Special Thanks

Thanks to the following associations who provided their Strike Force protocols to CDAM:



TACDL

TENNESSEE ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS

