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Editorial

It's time Michigan got it right for indigent defendants

Michigan is notoriously tough on crime, but no one should want innocent people to go to prison. Nor should anyone condone a system that sentences poor defendants more harshly than those who can pay for competent counsel. That's exactly what's happening in Michigan with an indigent defense system that saddles thousands of poor defendants with inadequate lawyering.

To be sure, it's a national problem. Still, Michigan's indigent defense system is among the very worst, ranking 44th among 50 states in spending -- lower than Alabama, for example. A package of bills now before the state House would go a long way toward fixing the problem. Lame duck legislators looking for a legacy, or just the right thing to do, should move these bills as soon as possible.

The Michigan Public Defense Act sponsored by Reps. Bob Constan, D-Dearborn Heights, and Justin Amash, R-Cascade Township, calls for adequate funding by the Legislature and a state Office of Public Defense that would provide training and enforce uniform and reasonable standards. It would replace a hodgepodge of poorly funded and inadequate county programs.

Now, court-appointed attorneys must settle for wages comparable to those paid fast-food workers or take on more cases than they can competently handle. It's an immoral, ineffective and ultimately costly system that sends some innocent people to prison, while increasing sentencing errors and wrongful conviction lawsuits. Getting it right at trial is crucial in Michigan, with appellate courts practically rubber-stamping criminal convictions.

Even in these tough times, upholding constitutional rights and keeping innocent people out of prison ought to be a priority. That's why, three years ago, another struggling state, Louisiana, quadrupled funding for indigent defense.

Unfortunately, the troubling cracks in Michigan's criminal justice system remain invisible to most, except during high-profile exonerations, such as Eddie Joe Lloyd's. He was wrongly convicted and imprisoned for 17 years for rape and murder.

A legislative fix is imperative now that the Michigan Supreme Court, earlier this year, effectively ruled in favor of unequal justice for poor defendants. It was a sad day for the court, especially the four justices who reversed themselves in a lawsuit challenging Michigan's system of indigent defense: Stephen Markman, Maura Corrigan, Robert Young Jr. and Elizabeth Weaver.

A Legislature that, through its inaction, permits this unjust system to continue should be equally shamed.
