

Mich. advocates want changes to indigent defense

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LANSING, Mich. (AP) — Judges, lawyers and groups from both sides of the political spectrum on Wednesday demanded that Michigan spend more to improve legal aid for poor criminal defendants.

Forty-three states spend more per-capita on indigent defense than Michigan.

A coalition of organizations was announced Wednesday to seek legislative changes in the two-year session that ends at the end of 2010.

Officials from the Michigan Campaign for Justice told reporters at a Capitol news conference that they want to see the state, not counties, pay for indigent defense because counties spend unequal amounts — which they believe affects the quality of an individual's defense.

The plan's specifics are yet to be worked out.

Advocates also want state standards for public defenders' caseloads and qualifications.

The extra money will be hard to come by, though, in tough budget times. The state's 83 counties spend about \$80 million a year on criminal defense for the poor. Another \$40 million is needed to get Michigan to the middle of the pack nationally, according to the coalition.

Advocates said the issue is a moral one because Michigan isn't providing constitutionally adequate legal aid to the poor, leading to wrongful convictions that result in costly lawsuits and leave the guilty on the streets.

Walter Swift, who was freed by a Wayne County judge last year after spending 26 years in prison for a rape he said he didn't commit, said his court-appointed trial attorney was inept. There was a "well of evidence" showing he was innocent including a flawed identification by the victim, said Swift, who added that his lawyer didn't have time to track down witnesses or the money to hire experts.

Some members of the new coalition that will lobby lawmakers include the Michigan Judges Association, Citizens for Traditional Values, Michigan Catholic Conference and ACLU of Michigan.

Last June, a study requested by the Legislature found that criminal defendants who can't afford a lawyer are routinely processed through Michigan's justice system without ever speaking to an attorney in violation of the U.S. Constitution.

The study said many of today's problems are the same as they were 75 years ago.

It claimed defense lawyers are being appointed to cases for which they aren't qualified. They are underpaid and don't have sufficient time, training, investigators, experts and resources to prepare cases and battle better-funded prosecutors and police.

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