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Snyder names commission to improve legal defense

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LANSING, Mich.—

The quality of legal representation provided to defendants unable to afford an attorney varies widely around Michigan, something Gov. [Rick Snyder](#) hopes to correct next year.

The governor issued an executive order Thursday setting up a commission to study ways to improve legal representation for low-income residents charged with a crime. He wants the Indigent Defense Advisory Commission's 14 members to recommend a set of improvements by next July 15 that will lead to cost-effective, qualified legal counsel provided in a consistent manner around the state.

"A core principle of our criminal justice system is to guarantee that an individual charged with a crime be entitled to legal representation, even if they are unable to hire private counsel," Snyder said in a release. "The commission will work to ensure that all criminal defendants receive effective assistance of counsel."

The Michigan Campaign for Justice has been pushing for three years to improve Michigan's public defense system and welcomed Snyder's move.

"This commission presents a true opportunity for needed reform," Executive Director Peter Cunningham said in a statement. He added that the state needs to pass legislation to reform the indigent defense system and "meet the basic constitutional standards Michigan residents deserve and taxpayers expect."

Michigan was a 19th century pioneer in indigent legal aid but now has one of the nation's stingiest and most fragmented public defense systems. A 2008 report found that \$74.4 million was spent annually in Michigan on indigent defense, or \$7.35 per person. That's 38 percent less than the national average and less than all but six states, the National Legal Aid & Defender Association said in "A Race to the Bottom," commissioned by Michigan lawmakers.

Courts in each of Michigan's 83 counties set their own pay rates and hiring systems for public defenders. The state provides overall funding for county courts, but the courts determine how much to spend, which lawyers to hire and how much help to give them with expert witnesses and investigations.

The report found some courts pay lawyers on a contract basis as little as \$40 an hour, or pay flat fees for them to take on as many indigent cases as come before the court in a given period. It also found that many county systems are filled with conflicts of interest that make defense lawyers beholden to judges who want to keep cases moving,

"Today's announcement from Governor Snyder is a welcome step in the effort to uphold every citizen's constitutional rights," said Wayne County Circuit Court Judge Wade McCree III, a Campaign for Justice board member. "It is time Michigan undertakes desperately needed and long overdue reforms to improve our broken public defense system."

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