

State public defender system needs revamping

Although much of his energy has been focused on trying to rejuvenate Michigan's economy and creating jobs, Gov. Rick Snyder last week turned his attention to a different topic: providing quality legal representation to all Michigan residents, regardless of their economic status.

Snyder issued an executive order establishing a commission that will look into how the state can ensure that low-income residents facing criminal charges can obtain qualified legal counsel.

Such a commission is overdue. "A Race to the Bottom," a 2008 report by the National Legal Aid & Defender Association - and commissioned by Michigan legislators - found that the state spent 38 percent less than the national average in providing defense attorneys for the indigent, ranking 44th out of 50 states.

The quality of counsel provided often depends on the county in which a person resides. Although the state allocates funding for courts, the state's 83 counties each set their own pay rates under their own hiring systems for public defenders. According to "A Race to the Bottom," some counties contract with lawyers to pay them as little as \$40 an hour - a fraction of the going rate for most attorneys - or provide

a flat fee to represent any number of indigent cases in a certain time period. Such bargain-basement deals may save money, but they do little to ensure quality representation.

More troubling is the fact that the report found conflicts of interests in many court systems where defense attorneys worked more to accommodate judges' schedules than defend their clients.

Michigan's public defender system has been a source of controversy for years. The inconsistencies throughout the state make it virtually impossible to guarantee that an individual charged with a crime gets adequate legal representation.

Snyder wants the 14-member Indigent Defense Advisory Commission to come up with recommendations for improvement by next July 15. We hope those recommendations lead to a better system that upholds the standards of justice throughout the state.

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