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EDITORIAL

Public defense must be upgraded

Scandalously low pay. No standards. That's the world of court-appointed attorneys in Michigan, and it's a sham of the constitutional right to adequate legal counsel.

Ineffective legal assistance for poor defendants is a national problem, but Michigan's system is among the worst, ranking 44th among the 50 states in spending -- lower than Alabama, for example. Even in tough times, upholding constitutional rights and keeping innocent people out of prison ought to be a priority.

A package of bills scheduled to be introduced in the state House of Representatives this month would help fix this longstanding problem, following months of work by a House subcommittee, which was appointed in March, and the Michigan Campaign for Justice. Among other things, the nonpartisan coalition has recommended adequate state funding and a state commission to oversee an office of public defense that would provide training and enforce uniform and reasonable standards, replacing a hodgepodge of poorly funded and inadequate county programs. Those recommendations, and others, should be included in the bills and passed by legislators as soon as possible.

"Access to justice should not depend on which side of a county line you live on," said Laura Sager, director of the Campaign for Justice.

As it stands, Michigan fails to meet even minimum standards set by the American Bar Association. Many counties use low-bid, flat-fee defender offices that yield discount justice -- cheap but suspect in quality. Attorneys either settle for hourly wages comparable to those of fast food workers, or take on more cases than they can competently handle.

An effective public defense system will save money by reducing wrongful-conviction lawsuits, keeping innocent people out of prison and making sure defendants who can't afford counsel don't get unjustifiably long sentences.

Every inmate costs taxpayers \$35,000 -- far too high a price to pay for those who are wrongfully convicted or unreasonably sentenced because of bad lawyering.

Moreover, when innocent people are convicted, the guilty remain at large. Getting it right at trial is especially important in Michigan's current judicial climate, in which appellate courts practically rubber stamp criminal convictions.

The moral and constitutional costs of such injustices outweigh even the economic costs. That's why two years ago another struggling state, Louisiana, quadrupled funding for indigent defense.

In calling attention to Michigan's abysmal public defense system, U.S. Attorney General Eric Holder recently cited the wrongful conviction of Eddie Joe Lloyd, who served 17 years in prison for a murder and rape he didn't commit. Lloyd's appointed attorneys failed to investigate, or even cross-examine police about, Lloyd's false

confession. As Holder pointed out, Lloyd's imprisonment and appeals cost Michigan nearly \$1 million, not including the \$4-million civil judgment Lloyd later won for his wrongful conviction.

Legislators ought to remember cases like Lloyd's as they consider overdue bills to fix Michigan's morally indefensible and economically shortsighted system for public defense.