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## Commentary

# State's public defense system requires reform

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Does Michigan belong at the bottom of the heap?

Well, we are not quite at the bottom. But a report card released this month shows that our state fails to measure up on nearly every measure of an effective public defense system.

Is this something we should be proud of? I don't think so. But there is hope. A statewide coalition, with groups and individuals from across the political spectrum, has emerged to work with lawmakers on reform.

Michigan's history includes many battles fought in defense of the poor, the underprivileged and the oppressed. We are the Arsenal of Democracy.

So why do we rank so low in defense of what is one of the most valuable of constitutional rights?

Surely, one of the primary reasons must be that Michigan is one of only seven states that shifts the entire cost of trial-level indigent defense services for adults and children onto the counties. The individual counties have limited resources, which are aggravated in economically tough times like these.

As a former chief judge, I have had firsthand experience with county fiscal constraints that hurt the quality of the public defense system.

The level of fees paid to attorneys who represent the indigent accused has not been raised for decades. The dedicated counsel who do this labor often work at effective hourly rates that are shockingly low. Our public defense attorneys can only do the best they can, but with scarce resources, the job becomes increasingly impossible.

Last June, the National Legal Aid and Defender Association released a comprehensive evaluation of Michigan's trial-level public defense system. After studying 10 representative counties -- including Wayne County -- it concluded that Michigan fails to adequately fund public defense services.

In addition, the state does not monitor the system to ensure that even minimum national standards are met.

As a result, the representation a person receives depends on which side of the county line he or she is charged. This results in a patchwork system of justice that is ridden with cost inefficiencies.

Taxpayer dollars are wasted with 83 counties delivering public defense in more than 83 different ways, with different levels of funding.

Furthermore, mistakes and inappropriate sentences lead to millions in corrections costs, appeals, and lawsuits that could have been prevented.

It is time for legislators to take the difficult but necessary steps to develop a legislative solution that includes state funding and national standards. Our nation's principles insist upon "liberty and justice for all," but Michigan's criminal justice system fails its citizens by giving us the worst of both worlds: the diminution of essential rights and an intolerable burden on taxpayers.

We can do better.

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