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Michigan Supreme Court changes mind on challenge to court-appointed attorneys

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The Michigan Supreme Court executed a remarkable U-turn this morning, overturning its own 2-month-old order and throwing out a class-action challenge to the state's system of providing attorneys to indigent defendants.

The 4-3 ruling ends for now a challenge filed by the ACLU to indigent defense in Berrien, Genesee and Muskegon counties that could have resulted in significant new costs to the state's court system to provide additional and more experienced attorneys to defendants who could not afford their own lawyers.

Only two months ago, the court had unanimously upheld an appellate ruling to allow the case to proceed to trial.

But Justice Stephen Markman, in a concurring opinion released today, said the decision was erroneous. Siding with an opinion issued by a dissenting judge on the Court of Appeals, Markman said there is no constitutional guarantee that an indigent defendant be provided a particular attorney, one of a particular skill level or that the defendant and his counsel have a right to "a meaningful relationship."

Joining Markman were justices Maura Corrigan and Robert Young Jr. Justice Elizabeth Weaver supported the result, but did not sign Markman's concurrence.

Chief Justice Marilyn Kelly and justices Michael Cavanagh and Diane Hathaway dissented.

In her dissent, Kelly said none of the arguments or circumstances that existed before the court issued its earlier ruling had changed.

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