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Editorial: Commission can help end an injustice for poor defendants in Michigan

Gov. Rick Snyder took a welcome first step to improve Michigan's abysmal track record of providing decent legal representation to low-income criminal defendants.

He's the first in a sorry line of Michigan governors to step up to that responsibility.

Snyder's Indigent Defense Advisory Commission, which will include four legislators and 10 appointees, will make its recommendations for reforms by July 15. Legislators must then act on bills to fix Michigan's public defense system, eliminating the hodgepodge of poorly funded county programs.

Low pay for court-appointed attorneys and a lack of state standards and oversight have made Michigan a McJustice state.

Court-appointed attorneys are generally competent, but they routinely lack the time, investigators, training, experts and resources to mount an effective defense. Many criminal defendants never even speak to a lawyer.

"What kind of defense you get often depends on which side of a county line you're in," said Peter Cunningham, executive director of the Michigan Campaign for Justice, which has pushed for indigent defense reforms for more than four years. "You can't have a fair system without some sort of parity."

Michigan must establish state standards and oversight of its public defense system. It ought to ensure uniform and adequate funding, shifting public defense spending from local governments to the state. Any estimates of reform costs should also include estimated savings to Michigan's \$2-billion-a-year prison budget.

To be sure, Michigan is not alone in dispensing discount justice with low-bid contracts or fixed compensation for exams, pleas, motions and other legal tasks -- no matter how many hours court-appointed lawyers spend on them.

Ineffective legal assistance for poor defendants is a national problem. Still, even in this sorry picture, Michigan ranks near the bottom in per-capita spending on public defense among the 50 states -- lower than Alabama, for example.

Inadequate defense for poor defendants means more wrongful convictions -- and wrongful conviction lawsuits. It also means unjustifiably long prison sentences for many defendants, at a cost to taxpayers of \$35,000 a year per prisoner.

But the moral and constitutional issues are even more important. Sending an innocent person to prison -- while allowing a guilty one to remain free -- is one of the worst injustices the state can commit. High-profile exonerations of people such as Eddie Joe Lloyd, wrongly imprisoned for 17 years for rape and murder, have exposed systemic flaws in Michigan's indigent defense system. Still, hundreds of more cases of wrongful convictions will never get reversed, or even acknowledged, without DNA evidence.

Getting it right at trial is especially important today, when appellate courts and the Michigan Supreme Court practically rubber stamp criminal convictions.

If a struggling state like Louisiana can fix its indigent defense system -- quadrupling the funding -- Michigan can, too. Snyder deserves credit for finally moving Michigan in the right direction on providing adequate, constitutional and, in the long run, cost-effective public defense for the poor.
