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EDITORIAL

Justice shortchanged in public defense system

Michigan's appalling public defense system has made a sham of the constitutional right to adequate legal counsel. No uniform standards and scandalously low pay, among other things, prevent many indigent defendants in Michigan from getting effective legal assistance and, ultimately, a fair trial.

Inadequate legal representation for the poor is a national scandal. But Michigan's system is among the very worst, ranking 44th among the 50 states in spending -- lower than Alabama, for example. Michigan is also one of only a handful of states that rely almost entirely on counties to pay for and run a public defense system.

These are tough economic times. But Michigan residents pay the tab when innocent people are sent to prison and the court system fails to uphold basic constitutional rights. An effective public defense system would reduce wrongful-conviction lawsuits, keep innocent people out of prison, and help ensure that defendants who can't afford counsel don't get unjustifiably long, and expensive, sentences.

A bill before the House Judiciary Committee -- the Michigan Public Defense Act -- would go a long way toward fixing the problem. It calls for adequate state funding by the Legislature and establishment of a state Office of Public Defense that would provide training and enforce uniform and reasonable standards, replacing a hodgepodge of poorly funded and inadequate county programs.

A legislative working group will recommend ways to pay for a new system. Altogether, Michigan counties now spend less than \$80 million a year on indigent defense -- nearly 40% below the national average.

Michigan now fails to meet even the minimum standards set by the American Bar Association. Many counties use low-bid, flat-fee defender offices that provide discount justice. Court-appointed attorneys either settle for hourly wages comparable to those of fast-food workers or take on more cases than they can competently handle.

The price taxpayers pay for those who are wrongfully convicted or unreasonably sentenced because of bad lawyering amounts to millions of dollars a year. The wrongful conviction of Eddie Joe Lloyd, for example, who served 17 years in prison for a murder and rape he didn't commit, cost Michigan nearly \$1 million for his prison time and appeals -- and that's not including the \$4-million civil judgment Lloyd later won for his wrongful conviction.

"You don't ignore the Constitution because times are tough," said Laura Sager, executive director of the Michigan Campaign for Justice. "A strong public defense system meeting constitutional obligations is also critical to reducing Michigan's corrections costs."

It's time to fix Michigan's unconstitutional, costly and morally indefensible system of injustice.