



Guest commentary: Justice demands a fix to public defense system

BY DENNIS ARCHER AND RICHARD MCLELLAN

DETROIT FREE PRESS GUEST WRITERS

1:50 AM, May. 18, 2011

On June 30, 1990, David Tucker, a 21-year-old living on Detroit's northwest side, walked into the rest room of the McDonald's restaurant where he worked and found his manager beaten and bleeding on the rest room floor. Tucker was charged and convicted of the crime during a bench trial that took 45 minutes.

Tucker spent four years in prison before the federal courts overturned his conviction. The federal courts determined that Tucker's attorney provided constitutionally inadequate legal representation -- costing Tucker years in prison and Michigan taxpayers \$120,000.

David Tucker is just one of many Michigan residents who rely on our state's public defense system and receive inadequate counsel. The U.S. Constitution mandates that Michigan must provide a lawyer for people who cannot afford one. Meeting this requirement means making sure lawyers have the experience and resources needed to represent their clients. It is clear that we are failing both our state's citizens and the Constitution.

A new report, "Faces of Failing Public Defense Systems," authored by the American Civil Liberties Union and Campaign for Justice, tells the stories of 13 Michigan residents who are victims of our state's broken public defense system. These cases reveal the damage that results when a public defense system doesn't do its job. In these cases alone, nearly 13 million taxpayer dollars were wasted, decades of the victims' lives lost, and the real perpetrators remained free.

It has become evident to us that the 13 profiles represent hundreds -- if not thousands -- of cases where justice was not served in our state. Meeting Michigan's constitutional requirement means making sure lawyers have the experience and resources needed to represent their clients. This is not happening in Michigan.

With no standards on the number of cases a public defense attorney can take on, many public defenders juggle so many cases that they have little to no time to spend preparing for trial. In some public

Advertisement

Make it Yours™
Browse thousands of designs for over 3,000 devices.
Get 15% off with code: SAVE15

15% OFF

Browse Designs

skinit

Print Powered By FormatDynamics™



defender offices, the average time spent on a misdemeanor case is just 32 minutes.

Tucker's case and the profiles in the report shine a light on the urgent need for reform. Defendants suffer when their court-appointed attorneys carry overwhelming caseloads and lack even basic resources like access to private investigators and expert witnesses.

We have a serious, systemic problem within the criminal justice system. It is a call to action for leaders in Lansing looking to make government more effective, efficient and accountable. The rights and responsibilities within the U.S. Constitution cannot be set aside, even when times are tough and budgets tight.

When state legislators from both parties came together last year to address the reform of Michigan's public defense reform, we started down the right path to building a strong public defense system. It is time for leaders from both sides of the aisle to work on what we can all agree on -- meeting our constitutional obligation and saving taxpayer dollars by fixing Michigan's public defense system.

We urge our legislators in Michigan to take a leadership role in addressing the problems with our public defense system. This is exactly the time leaders should look to the Constitution and ensure that Michigan upholds the fundamental rights of all our citizens.

Dennis Archer, former mayor of Detroit, served as a justice on the Michigan

Supreme Court and is currently chairman and CEO of Dennis W. Archer PLLC and chair emeritus of Dickinson Wright PLLC. Richard McLellan is chairman of the Michigan Law Revision Commission, and previously served as chair of the Michigan Corrections Commission, as an adviser to Gov. John Engler and an aide to Gov. William Milliken.

The report will be highlighted today at 10 a.m. at the ACLU of Michigan office, 2966 Woodward, Detroit.



Zoom

Richard McLellan

Advertisement

Make it Yours™

Browse thousands of designs for over 3,000 devices.

Get 15% off with code: SAVE15

15% OFF

Browse Designs

skinit

Print Powered By FormatDynamics™



Advertisement

Make it Yours™
Browse thousands of designs for over 3,000 devices.
Get 15% off with code: SAVE15

[Browse Designs](#) **skinit**

Print Powered By FormatDynamics™