



Editorial: Why Michigan's public defender system needs reform

Published: Wednesday, May 25, 2011, 7:00 AM



By **The Grand Rapids Press Editorial Board**

For poor people in Michigan, justice is uncertain and at times unattainable. A recent report from the Campaign for Justice, a coalition seeking to change the state's dismal system for indigent defense, **highlights the need for reform.**

The **report** details 13 cases of men who were wrongly convicted or, at least, convicted on suspect grounds. In each case, the men received an inadequate defense because of court-provided attorneys who did not have the time, resources or ability to adequately do the job.

Michigan is one of only seven states that leaves trial-level indigent defense entirely to counties. Counties set their own pay rates for attorneys and maintain wildly varied standards for representation. In Wayne County, for instance, part-time public defenders handle as many as 2,800 cases each year, an unworkable caseload that far exceeds national standards for public defenders.

No surprise then that Michigan has one of the worst public defender systems in the nation, according to a 2008 report from the National Legal Aid and Defender Association.

The dismal state of indigent defense violates a basic constitutional right to "effective assistance and competent counsel" as defined by the U.S. Supreme Court. The justice system doesn't work at all if it doesn't work for everyone.

In nine of the 13 cases highlighted in the **Campaign for Justice** report, the convictions of defendants were overturned. The others are challenging their convictions and awaiting court decisions.

Berrien County resident Charles Walker was sentenced to as many as 20 years in prison for a crime he didn't



Press file photo

The Kent County courthouse in downtown Grand Rapids

commit. His court-appointed attorney did no preparation for the trial, did not call a single witness, and ultimately left Mr. Walker, who is illiterate, to represent himself. The Court of Appeals overturned the conviction, noting the lack of evidence against Mr. Walker and unreliable witnesses used to convict him.

In most of the cases, defense attorneys were either too inexperienced or rushed to provide adequate counsel. In some cases, the court refused to provide expert witnesses who could have helped exonerate defendants.

The costs for these shortcomings are many. Defendants endure a basic injustice because their constitutional right to effective representation is compromised. Taxpayers pay to incarcerate wrongly convicted people and fund the appeals that inevitably follow. The state is spending an estimated \$50 million annually to house wrongly convicted people, estimates the Michigan Innocence Clinic at the University of Michigan Law School.

In addition, wrongful convictions leave the real perpetrators out on the street. In some instances, those individuals have gone on to commit other crimes and victimize other people.

Michigan should have a state-wide defender system that brings consistency and quality to representation of poor defendants. Legislators and Gov. Rick Snyder should fix this problem and create an office within state government that will perform this important function. This report is further compelling evidence that the system is broken.

E-mail a letter to the editor for publication in print: pulse@grpress.com Please keep letters to less than 200 words and include your full name, home address and phone number.

© 2011 MLive.com. All rights reserved.