

Bill would even out pay for public defenders working for accused criminals

By Jim Harger | The Grand Rapids Press

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Every person accused of a crime is entitled to a defense lawyer, even if taxpayers have to pay for it.

In Michigan, how much taxpayers spend on that lawyer and how that lawyer is chosen varies widely from county to county.

Some state legislators believe it should be done more uniformly and are promoting a bill to create a statewide agency to replace the county-by-county system.

"We have 83 counties in the state and each one is applying justice in a different way," said the bill's sponsor, state Rep. Justin Amash, R-Kentwood. "The important thing to do is to ensure that we have as uniform a system of justice as possible across the state."

Some local judges say Amash's bill has a laudable goal, but question whether a state agency could administer justice as well as they do in their home courts.

"Michigan is a big state," said Barry County Circuit Judge James Fisher. "What works best in Wayne County won't necessarily work best in Barry County or Keewaw County or Saginaw County."

They also question if the state is able to bear the multimillion-dollar burden of defending indigent suspects. The costs are borne by local counties now.

Recent numbers show Michigan counties spend nearly \$75 million a year to defend indigents, according to the House Fiscal Agency. That's about \$7.35 per state resident.

While some argue a statewide agency would increase costs overall, Amash said the agency could save the state money in the long run by reducing appeals and giving suspects a better defense, which could result in shorter sentences.

"This is different from any other state bureaucracy out there," Amash said. "This is where the state of Michigan has a constitutional duty to provide a defense.

"These are criminal laws that apply throughout the state, and we need to make sure justice is uniform throughout the state."

Local judges say they admire the reasoning, but question whether a state agency will improve systems they administer locally.

Fisher, the Barry County judge, said his county spent about \$285,000 last year to defend about 300 felony and about 100 misdemeanor cases.

In Barry County, lawyers are hired to handle groups of cases for a set amount, Fisher said. Lawyers are expected to manage the cases without billing the county by the hour, as lawyers do in private practice.

Other counties handle it differently, depending on the size of the community and the availability of criminal defense lawyers, Fisher said.

"We think it makes sense for people who are closest to the situation to devise a plan that makes sense."

Kent County's Chief Circuit Judge, Donald Johnston, said his court hires defense lawyers for the indigent through a three-pronged effort.

About half of the cases are handled by a private law firm that bids on an assigned number of cases. "They have to include in that number 10 murder cases," he said.

Most of the other cases are handled by lawyers who bid on contracts to handle 40 cases, Johnston said. The bids usually work out to about \$750 a case, he said.

Finally, the court assigns experienced lawyers to murder cases or other serious cases that are not taken by the defender's office, Johnston said.

While Johnston believes Kent County's system works well, he said it may not work as well in another court.

"I wince at the bureaucratic structure that would be put in place to handle this thing on a statewide level," Johnston said.

"This is going to cost untold millions of dollars for a state that is broke," Johnston said. "It seems to be a tab the state cannot afford to pay."

Kent County Circuit Court Administrator Jack Roedema said he worries a statewide agency would end up costing the county the same, while reducing the quality of representation in his courts.

"These are good goals, but how are you going to pay for it?" he said of the bill. "Will we be improved here or brought down to the middle?"

After the bill's first committee hearing last week, state legislators concluded they needed to spend more time working on the language with local judges before enactment.

Amash hopes to find a funding source for the agency that does not burden local governments before the bill moves forward in committee.

E-mail: jharger@grpress.com

TRACKING THE STORY

Michigan counties vary in how much they spend to defend poor people accused of crimes. A bill in the state House would assign the task to a new statewide agency. Here's how much each county spent per resident in 2008:

County / Amount Spent / Per Capita

Kent / \$5,832,090 / \$9.64

Ionia / \$455,460 / \$7.13

Montcalm / \$435,810 / \$6.92

Barry / \$347,538 / \$5.90

Ottawa / \$1,316,161 / \$5.05

Muskegon / \$731,189 / \$4.19

Allegan / \$378,766 / \$3.35

Source: House Fiscal Agency