



Defense system needs to change, Michigan lawyers say

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KALAMAZOO — Criminal defense attorney Michael D. Hills freely admits that the creation of a public defender's office to provide legal representation for indigent defendants could negatively affect his bottom line.

The current system used by most counties, including Kalamazoo, however, needs to change, he said Tuesday night during a presentation of the Michigan Campaign for Justice.

It's simply not equitable between those who can afford their own attorneys and those who have court-appointed lawyers, he said.

"We have excellent criminal defense attorneys in Kalamazoo," Hills said. "That's not the complaint. It's the system."

Michigan Campaign for Justice, which is backed by the Kalamazoo County Bar Association along with 50-plus other organizations around the state, is working to change the way defense attorneys are

assigned.

Currently, each county may create its own system for assigning defense attorneys to defendants who cannot afford to hire their own legal counsel. The proposed legislation would create a statewide public defense system.

The bill is currently before the Michigan House of Representatives' Judiciary Committee, said Kat Birrell, program coordinator for the group. She said she is hopeful the bill, which was introduced with bipartisan support, is passed by the end of the year.

"This is a statewide system to make sure everyone gets proper representation," she said.

Retired Kalamazoo County Circuit Judge William G. Schma said that when he was on the bench, he worried about the "imbalance of power" between a well-funded prosecutor's office with police investigators at its disposal and "struggling lawyers on the defense side" who don't have the same resources available to them.

A study commissioned by the state legislature on the public defense system gave Michigan failing grades in 2008 for the way defense attorneys provide counsel to indigent defendants. The study looked at the systems used in 10 of the state's 83 counties. Kalamazoo County was not included in the survey.

Kalamazoo County provides indigent defendants with attorneys based on those who contract with the county to provide those services. Attorney fees are based on the type of case and time involved. Those

defense attorneys must seek court approval for additional case costs, such those for expert witnesses.

Several of the 20-plus people who attended Tuesday's meeting said they were interested in getting together again to pursue a new system, but noted there are many hard questions that need to be answered such as how a state system would be funded, how a new system would benefit the defendants and how to get the public to back a systemic change.

"Crooks aren't popular," said Ward McDonough, who is one of Kalamazoo County's contracted criminal defense attorney.