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It's state's job to pay for legal defenses

A Lansing State Journal editorial

It is not often you see the Michigan Judges Association, the American Civil Liberties Union and the Michigan Catholic Conference allied to talk about state policy.

But Michigan's county-based system of public defense for poor defendants is so bad, it will forge broad coalitions.

And well it should, since it is way past time the Michigan Legislature actually took responsibility for properly funding the search for justice.

The three groups mentioned above, and many more, are members of the Campaign for Justice. This group's cause in Michigan is to improve the quality and consistency of legal defense for those accused of crimes. Last month, the group issued a "report card" based on previous research into Michigan's legal defense network. The card is littered with "F's." Among the reasons why:

"Michigan is one of only seven states that provides no state funding for trial-level public defense services. Michigan's 83 counties and municipalities are ill-equipped to fund and manage statewide public defense services."

This isn't news in the legal community or at the state Capitol.

However, legislators have enjoyed the luxury of pushing the problem on to the counties. Lawmakers prefer to let others worry over this as they rush to issue press releases about tax cuts that deepen Michigan's budget deficit.

OK, so the problem's identified. What should residents want done about it?

Campaign for Justice recommends that the state, not the counties, take charge of criminal defense. It further argues that in counties with larger caseloads, a public defender's office should be created to parallel the local prosecutor's office.

That would change the way Ingham County, for example, would operate.

Ingham's criminal defense system was described as "not bad" by a legal expert consulted by the LSJ last year. But it relies not on a public defender's office, staffed with public employees, but rather on a network of attorneys assigned, case by case, to defend indigent clients.

Such a system can work, or not. As Campaign for Justice noted in its report card: "There are no statewide performance standards or oversight mechanisms, leading to wide variations in the quality of justice."

The sad and inconvenient fact here is that the magnitude of the reform will simply overwhelm the

Legislature. Change will have to come in phases.

And the first, most obvious step is to have the state assume direct responsibility for funding criminal defense. Once that change is made, the state and counties can review the advantages of creating public defender offices, where needed.
