

State has to shoulder public defense

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The Michigan Supreme Court turned away a challenge last month to the state's county-based system of public defense attorneys.

A matter of days later, Claude McCollum agreed to a \$2 million settlement in his lawsuit over his wrongful conviction and imprisonment for murder and rape.

The McCollum case was a travesty for Ingham County. The disturbing thing is, at least one legal expert told the LSJ in 2008 that Ingham County's system of public defense attorneys is "not bad" by state standards.

Michigan leaves criminal-defense funding to the counties because it eases the pain on legislators, not because it's the best system. That has to change. Members of the region's Capital Caucus need to be more vocal in pushing a reform that requires the state to fund - properly - public defenders.

The plentiful errors that put an innocent man in prison began long before McCollum entered the courtroom. But a 2008 LSJ analysis of the McCollum case found, among other things that:

"Court-appointed attorneys often don't receive a per-hour wage comparable to what private lawyers receive. Experts say court-appointed attorneys can end up earning about \$15 per hour. Some lawyers speculate that an underfunded system might contribute to inadequate defense of the poor."

The Campaign for Justice, a coalition of groups spanning Michigan's philosophical and social service spectrum, says there's much worse to be found outside Ingham County. Last month, COJ's Laura Sager said, "Let's be very frank. Michigan is recognized nationally as having one of the worst public defense systems in the country. This is a very real problem that not only affects the lives of people unable to afford counsel, it also affects public safety and wastes tax dollars that could be better spent."

Last December, a bipartisan bill was filed, House Bill 5676, to create a state public defense office and fund. An analysis of the bill noted, "States are constitutionally charged with providing effective legal counsel to defendants who lack the means to retain counsel. A recent study by the National Legal Aid and Defender Association, in partnership with the Michigan State Bar Association, found Michigan to be providing less than adequate indigent defense services by forcing counties to fully fund the public defender system and failing to implement a statewide oversight and supervisory system."

It's hard, especially in these times, to find money to enhance public services. But some things have to be done, no matter what difficulties they present.

Ensuring poor defendants have a proper legal defense is one of those things.

An LSJ editorial