

## Fixing indigent defense will take a fight

Michigan's system for providing legal defense to indigent people is one of the nation's worst.

Gov. Rick Snyder is tackling the issue, appointing a commission to recommend improvement by next summer. But Snyder will need to do much more than take recommendations. He must compel the Legislature to act, and he will have to find the money to fund a fair system.

Legislation to reform the indigent legal defense system has failed before. And the National Association of Criminal Defense Lawyers says lawsuits have been unsuccessful "as the Michigan Supreme Court has found that the responsibility for enacting reform rests with the Legislature."

Let's face it, helping people accused of crimes doesn't fit into the average lawmakers' "tough on crime" stump speech.

Yet a foundation of the U.S. legal system is that people are innocent until proven guilty and that they are entitled to the assistance of a lawyer.

In Michigan, though, there is no uniform standard for the quality of public defense lawyers. The National Association of Criminal Defense Lawyers notes Michigan

has "no state training for public defense attorneys, no performance standards to govern their practice, and no review of their performance."

Furthermore, their compensation is often insufficient for mounting a defense.

A National Public Radio report in 2009 detailed how money limits impact public defenders. One example: Lawyers get paid for a single jailhouse visit with a client. That means a suspect who can't make bail will have little contact with his or her attorney. Defense attorneys also don't get enough money to hire investigators or expert witnesses. NPR noted that in Wayne County, prosecutors have twice the funding as defense attorneys.

A study of Michigan's indigent defense system by the National Legal Aid & Defender Association also found that public defenders are not sufficiently protected from judicial pressure and thus are less likely to file defense motions that might disrupt a judge's docket.

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Errors in legal defense lead to appeals and additional costs. The State Appellate Defender Office told the Associated Press last year that it could save \$132 million in annual prison costs if it eliminated the excessive penalties imposed because of improper application of sentencing guidelines.

This is an unfair system that hurts defendants and taxpayers. It must be fixed.

Snyder must fight hard to force reforms through the Legislature, or his commission's effort will be wasted.

*An LSJ editorial*

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