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Fired public defender highlights ongoing indigent defense crisis

By John Minnis

Legal News

Julie Beck took a gamble when she moved back to Michigan from Las Vegas ... and lost.

Beck, chief public defender for Chippewa County in the Upper Peninsula, was fired from her job Feb. 8 because she had the audacity to ask for more help. The deputy public defender, Rob Stratton, was made acting chief public defender until the Chippewa Board of Commissioners decides whether it is going to scrap the office altogether.

As the only remaining attorney in the public defender's office in Sault Ste. Marie, Stratton has 1,000 cases to handle, more than half of them felonies, including two murders.

Chippewa is one of three counties with public defender's offices, Beck said. The other two are Washtenaw and Bay Counties.

The office was created with two attorneys and one administrative assistant. The caseload at the time was 250 cases, including 50 felonies. Today, with four times the number of cases, the office still had two attorneys.

Beck said that in past years she sought two additional part-time attorneys and a part-time investigator. This year, after having her pleas fall on deaf ears, she went for broke and asked for two full-time attorneys and a full-time investigator.

Beck said the board of commissioners made it clear that either she or the public defender's office, or more likely both, was on the chopping block.

Scott Shackleton, chairman of the Chippewa County Board of Commissioners, said Beck wanted to double the budget of the public defender's office, and at a time when funding is falling.

Beck said that as a public defender, she was ethically and legally bound to provide adequate representation, something she could not do with her limited staff. She sought help from Laura Sager, executive director of the Campaign for Justice, a broad-based group of organizations and individuals from across the political spectrum fighting for a fair and effective public defense system in Michigan.

Sager said Beck stood up for the constitutional rights of her clients to effective defense representation and was fired for telling the truth.

Michigan is one of just seven states that have shifted the entire burden of funding public defense services onto the shoulders of the counties, Sager said. In turn, the counties have shifted the burden to those dedicated defense attorneys -- both public and private -- who struggle to provide the best representation they can, often with decades-old fee structures, huge caseloads and few if any resources like investigators, expert witnesses or paralegal support.

As recently as January, the State Bar of Michigan's Judicial Crossroads Task Force, in recommendations for transforming the state's courts to meet 21st century realities, took Michigan's public defender system to task.

The Judicial Crossroads Task Force recommended advocating "for the state's full assumption of funding for the constitutionally mandated right to counsel for juveniles and indigent defendants."

A 2008 report, "A Race to the Bottom: Speed and Savings Over Due Process: A Constitutional Crisis," by the National Legal Aid and Defender Association, found Michigan ranked 44th, behind Alabama and Georgia, in per capita public defense funding.

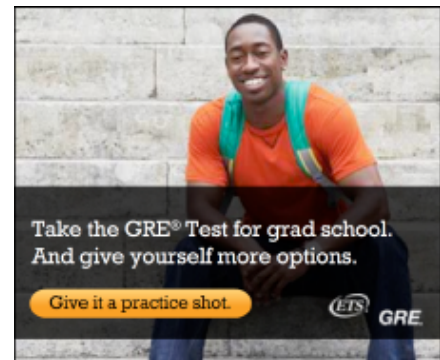
In Beck's case, not only was the funding not up to national standards, neither was the staffing. State and federal guidelines call for public defenders to handle no more than 150 felonies or 400 misdemeanors in a year. Beck and her deputy public defender found themselves handling some 250 felonies a year each, not counting some 500 misdemeanors.

On Monday, Feb. 14, the Chippewa county board approved a Request for Proposals for contracting



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out the public defense work as the county once did. Shackleton said it may turn out, depending on the RFPs received, that an in-house public defender is still the least expensive way to go.

"That still may be true," he said. "I guess we want to know. We're investigating that. We may very well maintain a public defender."

Beck indicated she was dismayed that the proposed Michigan Public Defense Act would not go so far as to create public defender offices in each county, but she did support the state funding provision for public defense.

"It's a step in the right direction," she said, "but it is not going to solve the problem."

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