



MIRS Capitol Capsule, Monday, December 14, 2009

Indigent Defense Bill On Tap For Feb.

With Michigan possibly facing a U.S. Justice Department lawsuit over its public defender system, a House committee today opened hearings on ways to revamp a "broken" situation where county judges are in the position to appoint overworked attorneys to represent clients who can't afford to pay.

House Judiciary Committee Chair Mark **MEADOWS** (D-East Lansing) held a hearing in Detroit on [HB 5676](#), sponsored by Rep. Bob **CONSTAN** (D-Dearborn Heights), which would create the Michigan public defense act. It would create a public defense commission, which would give criminal defendants and juvenile defendants access to an attorney as opposed to waiting for a judge to appoint counsel (See "[Constan Takes On Indigent Defense Bills](#)," 12/10/09). Currently, counties have their own systems, which vary widely in terms of cost and quality.

Meadows said he wasn't kicking out [HB 5676](#) today. He said the timeline for the legislation is to get it passed on the floor in February.

"We need to do this ASAP because the federal Justice Department is looking at a lawsuit," he told *MIRS*.

The biggest concern is cost, Meadows said, and the goal is to make it expense-neutral for the state. Currently, counties foot the bill. An idea for a statewide system would be for counties to funnel funding to the state.

U.S. House Judiciary Committee Chair John **CONYERS** (D-Detroit) first held a briefing this morning on Solutions to the Indigent Defense Crisis at Wayne State University. Former Detroit Mayor Dennis **ARCHER**, Michigan Supreme Court Chief Justice Marilyn **KELLY**, Barry **SCHECK** of the Innocence Project and Appellate Judge Cynthia **STEPHENS** were among those slated to be on the panel.

The legislation is supported by the Campaign for Justice.