

THE MINING Journal

Case grows clearer: justice system fails the indigent

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A lack of state standards and little oversight over criminal defense services for the indigent, along with shamefully low pay for court-appointed attorneys, have made Michigan a McJustice state that fails to meet constitutional standards.

The system cannot be fixed by the current hodgepodge of poorly funded county programs. They now dispense discount justice with low-bid contracts or inadequate fixed fees for exams, pleas, motions and other legal tasks, regardless of how long court-appointed attorneys work. Attorneys too often settle for wages comparable to fast-food workers' or take more cases than they can competently handle.

Michigan must establish uniform standards and oversight of its public defense system - and assure adequate funding. It is now one of only a handful of states that rely almost entirely on counties to pay for and run their public defender systems.

Shifting public defense spending from local governments to the state; creating, measuring and enforcing statewide standards for indigent defense; and adequately funding such a system were among the most important recommendations unveiled last week in a sweeping report on how to overhaul Michigan's court system.

"Delivering Justice in the Face of Diminishing Resources" summarizes the conclusions of the Judicial Crossroads Task Force of the State Bar of Michigan, a group of 125 lawyers, judges and criminal justice experts that has been studying how to create a more efficient and accessible court.

Michigan now ranks near the nation's bottom in per capita spending on indigent defense. The report notes that fixing the system won't be cheap but notes that "the cost of not fixing it is even greater."

The Bar task force's recommendations on indigent defense - the results of 18 months' work - are in line with those made by the Michigan Campaign for Justice.

Unfortunately, a long line of governors and legislators in Michigan have looked the other way. When innocent people are convicted and others are convicted of unjustifiably serious offenses, it should concern everyone - especially taxpayers who foot the bill for unnecessary incarceration. Getting it right at trial time is especially important today, when appellate courts practically rubber-stamp criminal convictions.

It's the state's responsibility to ensure that constitutional standards for indigent defense are met. Now that those who know the criminal justice system's shortcomings most intimately have shown them how, it's time for Michigan legislators and governor to act.