

For Immediate Release

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Public defense system fails taxpayers, communities and the accused

Statewide coalition launches push to reform Michigan's public defense system

LANSING – A broad-based nonpartisan coalition of organizations and individuals from across the political spectrum was launched today and announced it will begin a campaign to win long-overdue reforms to Michigan's failing system of public defense services for adults and children. The Michigan Campaign for Justice also unveiled a Michigan Report Card on Public Defense, based on a 2008 study commissioned by the legislature. The report card echoes the study's finding that the Michigan system is failing its citizens in every significant measure.

Laura Sager, director of the Campaign for Justice, told reporters at a morning press conference that "the Campaign coalition's mission is to win legislation that both ensures adequate state funding for Michigan's public defense system and implements and enforces minimum national standards." She noted that these crucial reforms are needed to:

- Improve cost effectiveness and increase government efficiency;
- Protect the public safety; and,
- Secure Michigan residents' constitutional right to effective defense representation for both adults and children.

"Our current public defense system is inefficient and fails to provide the constitutional right of effective defense representation for our citizens - both adults and children," said Sager. "Duplication in administrative costs, the cost of retrying cases due to error, increased jail and prison costs and taxpayer-funded settlements of costly wrongful conviction lawsuits all reduce the effective use of scarce taxpayer dollars."

Currently, public defense attorneys responsible for delivering on the constitutional promise of effective defense representation are laboring in a system that does not allow the time or provide the essential resources required. That drives up the cost of the entire criminal justice system and carries an unacceptable fiscal and human cost.

"The crisis of a failing public defense system requires immediate action by the legislature to provide state funding and to put a system in place that meets at least minimum national standards for vital and constitutionally-mandated public defense service," said Sager.

Last June, the State Bar of Michigan and the National Legal Aid and Defender Association (NLADA) released the results of an intensive study of Michigan's public defense system that services adults and children facing criminal or delinquency proceedings who cannot afford their own attorney. The study was commissioned by the State legislature.

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Michigan is one of only a handful of states with no state funding and no statewide standards for monitoring of trial level public defense services. Neither are there standards for attorney performance, eligibility or workloads.

"Reform is long overdue," said John Shea, of the Criminal Defense Attorneys of Michigan. "The decades of towering caseloads, a dire lack of resources, inconsistent training and no statewide requirement for or enforcement of prompt appointment of competent counsel needs to come to an end. Defense attorneys can play an important role in preventing wrongful convictions, ensuring measured and appropriate sanctions for those whom are guilty and in reducing recidivism, but only if we have a state funded structure that implements state and national standards for effective public defense systems"

A new Michigan Report Card on Public Defense was released today. The report card, based on the NLADA's findings, paints a bleak picture of Michigan's performance in meeting its constitutional responsibilities as outlined in the Sixth Amendment.

Of the 11 Principles of a Public Defense Delivery System, established by the State Bar of Michigan, Michigan received a grade of "F" in five areas, a "D" in five other areas and a "C" in the one remaining area.

"I can testify first hand to the tragic impact our current failing system can have," Walter Swift said. "As a result of the system's failures, my family and I lost 26 years of my life in prison for a crime I did not commit. The man who actually committed the crime I was convicted of went free."

The push for reform has attracted a broad-based coalition of supporters.

"We have a moral responsibility to ensure that those in our society with limited or no resources receive the same standard of justice as those who are better off. Everyone is entitled to equal treatment under the law," said James Muffett, president of Citizens for Traditional Values.

Judge Fred Borchard of the 10th Circuit Court and President of the Michigan Judges Association, said: "The problems in our current system need to be fixed. The Michigan Judges Association believes there is a real need for state funding, as opposed to 83 counties each running their own system, and continued education or certification for counsel for indigent defendants."

Richard McLellan, a board member of the Mackinac Center, advisor to former Governor John Engler and consultant to the Campaign for Justice, concluded: "We currently spend \$2 billion a year on prisons. By taking common sense steps to ensure a system that will provide residents with an adequate legal defense, not only do we have an opportunity to do the right thing by keeping innocent men and women out of jail, we also have an opportunity to avoid wasting millions."

The Campaign for Justice and its coalition members are meeting with lawmakers of both parties to discuss options for reforming the state's public defense system.

To find out more about the Campaign, visit: www.michigancampaignforjustice.org.

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