

For Immediate Release

Contact: Jeff Billington, 202-452-0620 x230
j.billington@nlada.org

Michigan Ranks 44th in the Nation for Public Defense Spending; So-called "McJustice" System Puts Communities at Risk

*National Legal Aid and Defender Association Calls on
State Lawmakers to Hold Hearings*

Lansing, Michigan – Michigan ranks 44th in the nation for public defense spending, behind Alabama and Georgia, spending only \$7.35 per capita, according to a report released today by the National Legal Aid and Defender Association.

"A Race to the Bottom: Speed and Savings Over Due Process: A Constitutional Crisis" also found that residents are routinely tried in district courts without access to any legal counsel whatsoever, calling into question the reliability of Michigan's criminal justice system. NLADA is asking state lawmakers to take ownership of this problem and immediately address funding and administrative deficiencies. The Senate and the House are scheduled to hold briefings on the report today and tomorrow.

"With each passing day, Michigan's public defense system is crumbling under the strain of tight budgets and under-resourced systems, and Michigan residents are bearing this burden," said David Carroll, research director for the National Legal Aid and Defender Association. "By forcing counties to pay for and administer the public defender system, the state has wasted taxpayer money and increased the likelihood of wrongful convictions and lawsuits. The time is now for Michigan lawmakers to right this wrong."

Despite the U.S. Supreme Court's decision in *Gideon v. Wainright* establishing that states are constitutionally required to provide for public defense, Michigan's current system requires counties to use their own budgets. With many counties at their breaking points, Michigan courts increasingly value speed over quality, leading many advocates in the Ottawa County criminal justice community to describe the system as providing "McJustice." The report found that counties across the state failed to meet the vast majority of the American Bar Association's Ten Principles, which are considered the national standard for indigent defense. In particular, many residents facing district court trials never have the opportunity to meet with a public defender, and when they do, these meetings are often last-minute and non-confidential.

In addition to fiscal mismanagement, the lack of quality public defenders puts public safety at risk. When the innocent are imprisoned, the real criminals remain on the street. In recent years, Michigan has had a series of wrongful convictions overturned, including the well-known case of Eddie Joe Lloyd who was exonerated of rape and murder by DNA evidence after 17 years imprisonment. The true perpetrator of the crime remains at large.

"A fully funded public defender system protects Michigan families and communities," added Carroll. "State policymakers must take immediate, decisive steps to begin funding and administering this vital program on behalf of all Michigan residents."

The findings are based on a year-long study of 10 counties chosen by a Michigan-based advisory group consisting of representatives from a number of state and county legal

offices and groups, including the State Court Administrator's Office, the Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan, as well as the state Supreme Court and trial-level judges. NLADA, in partnership with the Michigan State Bar Association, conducted the study at the request of state lawmakers.

To read the Executive Summary, fact sheet or full report, please visit http://www.nlada.org/Defender/defender_evaluation/michigan_evaluation.

###

The National Legal Aid & Defender Association (NLADA), founded in 1911, is the oldest and largest national, nonprofit membership organization devoting all of its resources to advocating equal justice for all Americans. NLADA champions effective legal assistance for people who cannot afford counsel, serves as a collective voice for both civil legal services and public defense services throughout the nation and provides a wide range of services and benefits to its individual and organizational members.