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Push on for changes in criminal defense system

By JONATHAN GANCI
Capital News Service

LANSING— The state’s system for defending poor criminal suspects is under fire from attorneys and some advocacy groups.

They argue that the current public defender system fails to meet the constitutional guarantee of an adequate defense for those who cannot afford one.

Currently, counties cover most of the expense for representing indigent defendants. Michigan is one of just seven states with a localized system.

Laura Sager, executive director of the Michigan Campaign for Justice, said that a public defense system that is run differently by each county falls short of one operated by the state.

“It hasn’t done a good job ensuring that Michigan residents that need to rely on the public defense system have an effective defense as guaranteed under the constitution,” Sager said.

Sager said that the county-run system is underfunded and poorly administered, wasting taxpayer money and putting those accused of crimes at risk of unjust conviction.

Michelle Weemhoff, senior policy associate for the Michigan Council on Crime and Delinquency, said the system needs to reach national standards.

“If you don’t have standards to ensure that the quality of service you are receiving from an attorney is

effective, then you are going to differentially affect a person's case," Weemhoff said.

According to Weemhoff, public defenders aren't to blame for the inadequate representation of indigent clients, Rather, their lack of enough resources is responsible.

"It's not to say that public defense attorneys aren't good at their jobs because they are," Weemhoff said, "The problem is that if they aren't given proper support to do their job effectively, then they can't be expected to provide their best."

Michael Chielens, executive director of Legal Aid of Western Michigan in Grand Rapids, said that state system would provide better funding, training and research to attorneys.

Chielens said lack of funding for public defenders results in large caseloads, causing attorneys to rush through cases.

"Efficiency often gets in the way of providing meaningful legal counsel to poor people in criminal matters," Chielens said.

With the state's budget deficit, advocates of a state system acknowledge that they face an uphill battle but justify possible spending increases with future savings.

Chielens said that such a change would help reduce "hidden costs" of a poor public defense system.

Defendants who aren't properly represented "get more jail time than they necessarily would have and they get wrongful incarcerations. That costs taxpayers," Chielens said.

Legislation to create a state-run system has failed to pass in the past.

Even so, Sager said, "This is a great time to tackle this longstanding problem when you reinvent and restructure government."

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