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State bar calls for reform of public defense system



By [Eartha Jane Melzer](#) | 02.08.11  
A new report from the Michigan Bar Association says Michigan should establish statewide standards for the delivery of legal representation for the poor and shift the funding responsibility from the counties to the state.

State HIV disclosure forms legally inaccurate



By [Todd A. Heywood](#) | 02.07.11  
LANSING — HIV advocates and legal experts say the state's local health departments and the Michigan Department of Community Health are using documents which exaggerate the risks of HIV transmission and misstate what Michigan law requires.

New study says public employees not overpaid



By [Todd A. Heywood](#) | 02.04.11  
LANSING — A new report from the Washington D.C. based Economic Policy Initiative (EPI) released Thursday casts doubt on the accuracy of claims by Republican lawmakers that the state's public employees are overpaid compared to the private sector. "State government employees are currently undercompensated," says Jeffrey Keefe, an associate professor in Labor and Employment Relations [...]

EITC defenders react strongly to possible cut



By [Todd A. Heywood](#) | 02.03.11  
LANSING — A proposal to eliminate the state's Earned Income Tax Credit floated last month by Michigan House Speaker James 'Jase' Bolger has defenders of the credit lining up political forces while opponents appear to be softening their position.



State bar calls for reform of public defense system

Report: Better representation for the poor would reduce prison costs

By [Eartha Jane Melzer](#) | 02.08.11 | 8:21 am

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Michigan should establish statewide standards for the delivery of legal representation for the poor and it should shift the funding responsibility from the counties to the state.

These are the recommendations of the state bar association's [Judicial Crossroads Task Force](#), a group formed to find ways to improve the state judicial system in the face of declining financial resources.

"By almost every measure, indigent criminal defense as a whole in Michigan falls far short of accepted standards, undermining the quality of justice, jeopardizing public safety, and creating large and avoidable costs," the group said.

Michigan is one of just seven states that leave it to each county to figure out how to fund and run legal services for people who cannot afford lawyers. This arrangement means that the quality of services varies from place to place and there is no oversight to ensure that money is well spent.

A 2008 National Legal Aid and Defender Association [evaluation](#) of the Michigan public defense system found that none of the counties were providing a constitutionally adequate level of defense for poor defendants.

Counties with the greatest need for defense for the poor are also the ones least able to afford it, that study found. Financial strain has caused many counties to set up contracts that don't allow attorneys to spend enough time on cases and high case loads lead to frequent sentencing mistakes.

In Detroit only five part-time public defenders handle between 2,400 and 2,800 cases a year, spending an average of 32 minutes on each case. The national standard for public defenders is 400 cases per year. Some courts, according to the report, do not provide public defenders at all for misdemeanor cases, and others are so overwhelmed with cases that they will "offer to let people get out of jail for time-served if they agree not to ask for an attorney."

The task force said that it will take a significant investment to bring the state's indigent public defense system up to constitutional standards but these costs will be offset by a reduction in costly appeals and lowered jail and prison costs for inmates unjustly convicted or sentenced.

"Depending on the design of the system," the task force said, "money could also be saved through reducing administrative costs, pre-trial detention, defending lawsuits for wrongful convictions, and other potential litigation based upon constitutional defects of our current system. Savings would accrue at both the county and state level."

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"We applaud the Judicial Crossroads Task Force for addressing this very critical problem and providing thoughtful recommendations for addressing it," said Laura Sager of the Michigan Campaign for Justice, a group that has been working for legislative reform of the state indigent defense system.

"When we are looking at reinventing and restructuring government we need to ensure the state is meeting its basic constitutional obligations."

Sager said that her group and its 70 member organizations plan to focus on educating lawmakers on the need for reform.

Senate Judiciary Committee Chair Rick Jones (R-Grand Ledge) said that he is aware of bar association concerns about the public defense system but he doesn't believe there is a problem in his district.

As a former law enforcement officer — 31 years with the Eaton County Sheriff's Dept. — he is very familiar with the public defense system, he said.

"I have never seen a case where the defendants did not get adequate representation. In Eaton, Ingham and Clinton Counties the system is well funded and there's no problem."

Jones said that if a member of the judiciary committee wants to explore the issue, the committee may create a commission to further investigate..

Community activist Rev. Edward Pinkney, a frequent observer and critic of the Berrien County court, said that the he sees the failures of the system every day.

Most of the defendants in Berrien County come from the poor town of Benton Harbor, he said, and are forced to rely on indigent defense.

"The court appointed attorneys do what ever they want to do and their only objective is to get people to plead guilty," he said.

Pinkney said that state oversight of public defense systems is essential.

"No matter how much money you pump into the system if you don't set up a committee to oversee these court appointed attorneys it is not going to work."

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