



March 19, 2009

Statewide public defense system needed in Michigan

This week marks the 46th anniversary of *Gideon v. Wainwright*, a landmark Supreme Court ruling that ensures every American citizen is granted his or her constitutional right to legal representation, regardless of economic status. Unfortunately, Michigan's approach to public defense is among the least effective in the nation and is in desperate need of reform.

Our state is currently one of only seven that has shifted its constitutional obligation of providing public defense to the county level, meaning there are 83 different public defense systems with 83 different levels of funding. Many hard-working public defenders are overwhelmed with case-loads and face an uncertain future as counties are looking for ways to cut back on spending. There is little to no funding for experts or investigators and too many situations arise where the accused meet with their attorney just minutes before trial begins.

According to a 2007 American Psychiatric Foundation study, eight percent of Michigan's 51,000 incarcerated individuals are receiving mental health services. Yet little, if any training is available to public defense attorneys about the impact of mental health, substance abuse or other issues affecting those in the criminal justice system.

Increased workloads, diminishing funds, and an unbalanced system create a nightmare scenario where millions in tax dollars are poorly allocated, public safety is jeopardized and the innocent are wrongly convicted. Too often those who lack the financial ability to hire effective legal representation are those who are unjustly incarcerated. This is a societal moral failure that must be addressed.

Our task as a society should be to restore a sense of civility and responsibility to everyday life, and promote crime prevention and genuine rehabilitation. The Michigan legal system must hold offenders accountable and challenge them to change their lives, reach out to victims, restore a sense of community, and resist the violence that has engulfed so much of our culture. Michigan is in desperate need of a statewide system of public defense that not only effectively and efficiently uses taxpayer dollars, but also one that fulfills its constitutional and moral responsibilities.

Positive steps have taken place in the Michigan Legislature as the House Judiciary Committee recently established a subcommittee on indigent defense. This new body is expected to discuss adequate representation for the poor and, ideally, to draft legislation that creates a bipartisan solution to a public defense system that has been deemed by the committee chair as "at best deficient, at worst unconstitutional."

The county-based system of public defense in our state is broken. The Michigan Campaign for Justice, referencing a June 2008 National Legal Aid and Defender Association report, has given Michigan a "D" for quality, a "D" for competency, and an "F" for availability. This is unacceptable for taxpayers, unacceptable for the integrity of the state constitution and, most critically, unacceptable for those who are unable to hire their own defense.

In the spirit of the *Gideon* decision, efforts to change Michigan's public defense system deserve statewide support.

Additional Facts

Paul Stankewitz

works on public policy for the Michigan Catholic Conference, "the official public policy voice of the Catholic Church" in Michigan. MCC is a member of the Michigan Campaign for Justice.
