



Panel: Fix Michigan's public defense system with permanent commission

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By **David Eggert | deggert1@mlive.com**

ANN ARBOR, MI - An independent, permanent state commission should be created and funded to make sure Michigan improves legal aid for poor criminal defendants, a group appointed by Gov. Rick Snyder recommended on Friday.

The current system, the 14-member panel found in a **report**, results in too many errors at the trial level and "at its worst" leads to wrongful convictions.



AP File Photo

While the task force recommended that Snyder and lawmakers stick with Michigan's system of **having counties provide indigent defense services**, they would be required to comply with statewide standards.

One rule, for example, could require both a public defender's office and court-appointed private attorneys in counties with high caseloads. Counties would be cut some slack, however, if they comply with nine other principles - such as ensuring defense lawyers are assigned to a case quickly, their workload is controlled so they can provide quality representation and they are paid adequately.

"It is our hope that the legislature will see the importance of adopting these recommendations, and we know that our great state can provide better and more effective representation for those charged with crimes in the future," James Fisher, chairman of the Michigan Advisory Commission on Indigent Defense, wrote to Snyder and legislative leaders.

Another recommendation would require local governments to continue funding indigent defense at the average level expended in the three fiscal years before the creation of the permanent commission, adjusted for inflation.

The group recommended that the commission be able to hire staff, establish standards and collect data from across the state.

No dollar amounts were specified for how much such a commission would cost and how much more counties might have to spend to comply with state oversight.

In 2009, advocates pushing for changes in Michigan's public defense system estimated that 83 counties spent about

\$75-\$80 million a year on criminal defense for the poor - ranking 44th-lowest nationally. At the time, they said another \$40 million was needed to get Michigan up to par.

Snyder, a Republican, created the panel of four lawmakers and 10 other appointees last October. They met a July 15 deadline to report back.

"I appreciate the commission for developing its recommendations to help overcome the decades-long challenges that have impeded Michigan's public defense system," he said in a statement on Friday. "I will review the recommendations and look forward to working with the Legislature to ensure that all criminal defendants, regardless of ability to pay, receive effective legal representation in our state."

Peter Cunningham is the executive director of the Michigan Campaign for Justice, a coalition of groups that have pushed for changes since 2009. Members include the ACLU of Michigan, Michigan Catholic Conference, bar associations and others.

"Years of hard work and strenuous advocacy have made reform possible," Cunningham said in a statement. "Now, lawmakers have a plan to review that finally takes a step in meeting Michigan's constitutional responsibilities, making our streets safer and ensuring more effective and transparent use of tax dollars."

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Email David Eggert at [**deggert1@mlive.com**](mailto:deggert1@mlive.com) and follow him on Twitter [**@DavidEggert00**](https://twitter.com/DavidEggert00)

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