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Gov. Rick Snyder signs bills to help indigent defendants, counties

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People involved in recommending or with a stake in the defense reforms watch as Gov. Rick Snyder signs the bills. / Kathleen Gray/DFP

By **Kathleen Gray**
Detroit Free Press
Lansing Bureau

LANSING — Even though Michigan counties spend an estimated \$74 million a year for criminal defense for poor people, that's nowhere near enough.

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According to the National Legal Aid and Defender Association, the indigent defense spending puts Michigan 44th among the states for criminal defense work for poor people.

That disparity may come to an end, though, since Gov. Rick Snyder signed a package of bills Monday that will create a commission to set minimum standards for attorneys who provide legal work for indigent defendants.

The bills also call for the state to kick in the money needed to help counties pick up the legal tabs for poor people. Michigan is one of only seven states that doesn't provide money for indigent defense.



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A commission appointed by Snyder in 2011 to look at Michigan's patchwork system of indigent defense in the state's 53 circuit courts found that up to \$50 million more may be needed to bring Michigan up to, or above national averages.

"We're solving a problem in Michigan that we've had for far too long," Snyder said. "It will cost the state, but it's one of those things that's an appropriate investment to make. All people are entitled to a good defense."

The bills brought together an unlikely alliance of the political spectrum, including conservative Republicans state Rep. Tom McMillin of Rochester Hills and state Sen. Bruce Caswell of Hillsdale, along with the ACLU.

"This just shows what you can do when you put politics aside and work on a problem that really needs solving," said Shelli Weisberg, legislative liaison for the ACLU, which has been fighting for indigent defense reform for at least 10 years. "Unfortunately when you don't have adequate indigent defense, innocent people go to jail and guilty people go free."

The bills come too late to help men like Eddie Joe Lloyd, a Detroit resident convicted of rape and murder in 1985 and exonerated with DNA evidence in 2002 after serving 17 years in prison.

His trial attorney quit eight days before trial and his replacement attorney never met with the initial lawyer, according to the Innocence Project, which took on Lloyd's case in 1995. The replacement attorney called no witnesses, didn't cross examine the police officer who obtained what was later described as a "coerced confession" and gave a five-minute closing argument. The appeals attorney never met with Lloyd and didn't bring up a case for ineffective counsel.

Lloyd's sister Ruth Lloyd Harlin of Highland Park attended the bill signing and said it was a bittersweet day.

"It's monumental that no one has to travel the road that he traveled because it breaks my heart whenever I think of him and what he went through," she said. "But this is a good day."

Lloyd died in 2004.

Indigent defense is a huge expense for counties already strapped for cash. In Wayne County, \$16 million has been budgeted for this fiscal year, although costs have gone as high as \$19.5 million in 2007. In Oakland County, \$4.5 million is spent each year for indigent defense. And Macomb County has budgeted \$4 million for 2013.

Cognizant of the fiscal pressures added cost might bring to counties, the state bills call on counties to budget for an average of the previous three years, and if the bill is higher for that in subsequent budget years, the state will kick in the difference.

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“This is an issue of liberty. We have a system in Michigan that in some places carelessly permits the innocent to be locked up and actual criminals are still out on the streets,” McMillin said. “I’m confident that justice will be administered evenly and fairly in our courts.”

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