

Substitute for Senate Concurrent Resolution No. 39

A concurrent resolution to request the State Bar of Michigan and the National Legal Aid and Defender Association to issue a joint report to the Legislature on the number and types of cases and the costs resulting from court-appointed attorneys for indigent criminal cases in Michigan.

Whereas, The *Michigan Constitution of 1963*, in Article I, Section 20, provides that an accused person is ". . . to have the assistance of counsel for his or her defense" and ". . . to have such reasonable assistance as may be necessary to perfect and prosecute an appeal"; and

Whereas, The people of Michigan expect the government to administer a system of justice that is just, swift, accountable, and frugal; and

Whereas, Michigan has no accounting for the total number of misdemeanor, felony, juvenile, mental health, and appellate cases requiring the appointment of counsel; and

Whereas, Michigan has incomplete accounting for expenditures dedicated to public defense services; and

Whereas, The Michigan Supreme Court and the State Court Administrative Office have demonstrated a commendable commitment to the collection of complete data on court assignment of counsel; and

Whereas, The National Legal Aid and Defender Association is a national, nonprofit association that has a research division with a discrete national capacity for public defense data collection, research, standards-based evaluation, and technical assistance to help state and local government policymakers determine the most efficient and effective manner to deliver the constitutional right to counsel; and

Whereas, A mission of the State Bar of Michigan is to "aid in promoting improvements in the administration of justice"; and

Whereas, Both the State Bar of Michigan and the National Legal Aid and Defender Association have independent funding and the capacity to provide data collection services at no cost to the taxpayers of Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we respectfully request the State Bar of Michigan and the National Legal Aid and Defender Association to collect information in cooperation with the State Court Administrative Office and issue a joint report to the Michigan Legislature on the costs of indigent criminal cases, the number of criminal cases assigned to court-appointed attorneys, and the types of criminal cases that receive court appointed attorneys in Michigan. We urge that the report be provided to the chairpersons of the Judiciary Committees of the House and Senate and the chairpersons of the appropriate subcommittees of the House and Senate Appropriations Committees; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Supreme Court, the State Bar of Michigan and the National Legal Aid and Defender Association.