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State public defenders failing poor, panel warns

System leaves too many indigent defendants with inadequate legal counsel, task force finds
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A statewide task force has found that Michigan's public defense system is broken and a study is under way to determine how much of it needs to be repaired.

The findings of the Task Force on Improving Public Defense and how poor defendants are affected by inadequacies in Michigan's defense system were among numerous topics discussed Friday at the State Bar of Michigan's annual meeting at the Ypsilanti Marriott at Eagle Crest.

A keynote speaker at the meeting was Barry Scheck, co-founder of the Innocence Project, a New York-based nonprofit center that has used DNA evidence to clear 183 wrongfully convicted people.

Scheck told the audience that it's important for defense attorneys representing poor defendants to check the work of police and prosecutors in a criminal case to prevent wrongful convictions of innocent people while the guilty go free, Scheck said.

For this to happen on a consistent basis, a public defense system must be funded to provide attorneys to do this work.

"Adequately funding criminal defense is a win-win proposition," Scheck said.

Washtenaw County is one of only six Michigan counties with a public defender's office. The other counties either have contracts with attorneys or assign attorneys to defense cases.

The local public defender's office represents both adults and juveniles and uses volunteer student lawyers as interns to help with criminal cases. The office received about \$2.5 million from the Washtenaw County Board of Commissioners for 2005-06, according to county budget figures.

Elizabeth Arnovits, executive director of the Michigan Council on Crime and Delinquency, said the task force found that Washtenaw County's incarceration rates are lower than other counties due in part to the public defender's office finding sentencing alternatives for their clients.

Overall, the Task Force on Improving Public Defense found that Michigan's system has high caseloads, insufficient training of attorneys and lack of organization and oversight.

The report also said that there were no statewide standards to appoint defense attorneys, fees for defense attorneys are inadequate and county-based funding for defense is inadequate.

The State Bar of Michigan and the National Legal Aid and Defender Association are jointly analyzing the state's public defense system, with help from the State Court Administrator's Office, the administrative arm of the Michigan Supreme Court. The study is expected to be completed next year.

Not only do indigent defendants want competent attorneys, but prosecutors want them, too, according to Nancy J. Diehl, trial division chief of the Wayne County Prosecutor's Office,

At a news conference held by current and former state bar presidents Friday, Diehl said that prosecutors want an "extremely well-prepared lawyer on the other side of the table." More importantly, prosecutors and well-prepared defense attorneys help to ensure justice for those who can't afford attorneys. "Everyone deserves competent counsel," she said.

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