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Our constitution is meant to safeguard against government abuses of power. But all too often, the rights of those involved in the criminal justice system are compromised or ignored. The ACLU works to reform the criminal justice system and make the promise of fair treatment a reality for all people. >> [More about the ACLU's Criminal Justice work.](#)

Landmark Lawsuit Seeks Repairs to Michigan Justice System

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FOR IMMEDIATE RELEASE
CONTACT: media@aclu.org

Michigan Coalition for Justice to Press for Reform of Long Neglected Public Defense Systems

LANSING, MI - The Michigan Coalition for Justice filed a landmark lawsuit today against the state of Michigan and Governor Jennifer Granholm for failing to fulfill their constitutional obligation to provide adequate defense services to those who cannot afford private counsel. The coalition charges that Michigan has long abdicated its duty to ensure that poor people accused of crimes receive timely, qualified and appropriately resourced lawyers for their defense.

DUNCAN ET AL v. STATE OF MICHIGAN

> Complaint

> Executive Summary

> Statement: Pamela Anderson

"Everyday, people who cannot afford private counsel are being denied justice in Michigan," said Michael Steinberg, Legal Director of the ACLU of Michigan. "Michigan must step up and take charge of public defense in the state to ensure that all people in Michigan receive equal justice."

For more than 30 years, state and local experts have reported on the deficiencies of Michigan's public defense system, yet the state has done nothing to improve the situation. Recently, an American Bar Association (ABA) report on the state of public defense across the country repeatedly cited Michigan for failing to meet the ABA Ten Principles, which are considered the fundamental criteria a system must meet to provide effective public defense. "Government officials have long been on notice of these problems," added Steinberg. "Despite the deepening crisis, the state has refused to take action."

The result is unfair, not just for defendants, but for all Michigan residents, said the coalition. "The broken public defense system puts all of Michigan's citizens at risk," said Malia Brink, Indigent Defense Counsel for the National Association of Criminal Defense Lawyers. "When the defense cannot function, fair trials are impossible; innocent people go to jail and guilty people remain free to commit other crimes."

The broken system is also costly. Michigan spends almost \$2 billion a year on prisons. Experts estimate that this amount is 40 percent higher than other states due to unwarranted, inappropriately long sentences.

"Michigan's broken system is wasting enormous amounts of taxpayer money," said Marty Tieber, a private attorney in Michigan and member of the Michigan Public Defense Task Force, which has been working toward reform for many years. "It costs us in unnecessary jail time; it costs us in the time spent on appeals, as defendants try time and again to undo the errors created at the trial level; and it costs us in payouts to people erroneously convicted in the broken system."

Michigan provides no administrative oversight or funding for public defense at the trial level. "The state's neglect of the system is egregious," said Vanita Gupta, a staff attorney at the Racial Justice Project of the National ACLU. "There are no performance standards, and attorneys receive no training, no oversight, and no reviews."

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The lawsuit focuses on three counties - Muskegon County, Berrien County, and Genesee County, where the problems associated with public defense are striking. The counties have been dramatically underfunding public defense for years, without any state intervention. In Berrien County, the prosecution receives almost four times more funding than the public defense system.

Because of these and other inequities, public defenders are crippled by overwhelming caseloads that impede them from meeting with their clients, investigating cases, filing appropriate pre-trial motions, and preparing properly for court appearances, said the coalition.

"Quite simply, the public defense available in these counties does not meet the minimal constitutional requirements, no less national standards," said Julie North, an attorney with Cravath, Swaine & Moore. "The system is so broken that attorneys operating within it cannot adequately defend their clients."

The lawsuit was filed in Ingham County Circuit Court and calls on the court to compel the state to provide representation consistent with national standards and constitutional norms. The lawsuit does not seek monetary damages.

The plaintiffs in the case are individuals facing felony charges in Berrien, Muskegon and Genesee Counties who cannot afford private counsel. They represent all defendants in the counties who are charged or will be charged with felony crimes and who cannot afford private counsel.

The Michigan Coalition for Justice is a diverse group of organizations and individuals committed to reform of Michigan's public defense system. Coalition members include the ACLU, the [ACLU of Michigan](#), the [Brennan Center for Justice](#), the law firm of [Cravath, Swaine & Moore](#), and the [National Association of Criminal Defense Lawyers](#).

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