



National Legal Aid & Defender Association

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October 13, 2011

For Immediate Release

Press Statement of
David Carroll, Research Director
National Legal Aid & Defender Association

David Carroll, Research Director for The National Legal Aid & Defender Association (NLADA) applauds the actions of Michigan Governor Rick Snyder in creating a bi-partisan commission to recommend improvements to Michigan's indigent defense systems. Carroll is the principle author of *A Race to the Bottom: Speed & Savings over Due Process – A Constitutional Crisis (2008)*, a report on right to counsel services in Michigan, written in partnership with the State Bar of Michigan and on behalf of the Michigan Legislature under a concurrent resolution (SCR39 of 2006), which concludes that "the state of Michigan fails to provide competent representation" to poor people facing potential incarceration in criminal courts.

Despite the overall dedication and professionalism of the thousands of citizens employed in the police and prosecution functions in Michigan, it is simply impossible to always arrest and prosecute the right defendant for the right crime in every single instance. Competent defense lawyers are necessary to scrutinize and challenge the police investigation, the lawfulness of any searches and seizures, the arresting officers' tactics, the credibility of the evidence, and the district attorney's theory of the case. In this way, an effective defense serves *to improve the overall quality and effectiveness of law enforcement itself*. "This is a public safety issue," Carroll stated. "When an innocent person is sent to prison as a result of public defenders not having the time, tools and training to effectively advocate for their clients, the true perpetrator of the crime remains free to victimize others and put public safety in jeopardy."

"Governor Snyder's leadership is greatly appreciated. His action in creating the Indigent Defense Advisory Commission is a critical first step in resolving Michigan's longstanding, chronic structural right to counsel deficiencies," said Carroll. Michigan currently delegates its trial-level constitutional duties under the Sixth Amendment to its counties. "Although a state may delegate obligations imposed by the Constitution," said Carroll, "it must do so in a manner that does not abdicate the constitutional duty it owes to the people." In other words, "the state has an obligation to ensure that its counties are capable of meeting the obligations and that counties actually do so," Carroll emphasized. The state of Michigan currently neglects to provide any type of meaningful supervision or accountability for the work of public defense lawyers, and it refuses to make available on-going training to keep attorneys abreast of ever-

evolving criminal justice sciences. And, public attorneys are often beholden to the trial judge for their paycheck, creating a direct conflict between the lawyer's own personal financial well-being and his ethical duty to advocate solely on behalf of his client. Carroll concluded, "Though the Commission is charged with a Herculean task, I am confident that the members selected by the Governor and Legislature are up to the job and will recommend a cost-effective system capable of producing criminal verdicts that are fair, correct, swift and final."

A Race to the Bottom, NLADA's report on Michigan's trial-level right to counsel services, is available at: <http://bit.ly/p5t67M>

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The National Legal Aid & Defender Association (NLADA) is a national, non-profit membership association dedicated to quality legal representation for people of insufficient means. Created in 1911, NLADA has been a leader in supporting equal justice for one hundred years.