

The Addendum is provided by Lloyd Powell, Washtenaw County Public Defender, to more accurately reflect his views, but are not a reflection of the actual discussion/what was said at the February 12, 2010 CJCC Steering Committee Meeting.

Our 38 year old Washtenaw County Office of Public Defender, an integral department of county government, continues to be an exemplary exception to the abysmal condition of public defense as reportedly practiced in state courts (but not federal courts) in Michigan. For example, we are the only trial level organization of our kind that has ever existed in Michigan to provide full service (emphasis added) indigent defense representation within our state courts, to include all felonies, civil law juvenile neglect/abuse guardianships and Friend of the Court enforcement cases, juvenile delinquencies, criminal law state misdemeanors and local ordinance cases plus lineups, extraditions, a daily hotline of free advice to the general public, while also partnering with the community and other major components of our Criminal Justice System (CJS) to enhance public safety and security by preventing crime through rehabilitations that reduce recidivism.

And the top quality legal representation that we have provided for the past 30 years has consistently met also the national standards adopted by the ABA and SBM of what a public defense system should be. Moreover, we have done so with the utmost cost effectiveness as a living testimonial that you can have effective, efficient, economical and ethical public defense that is accountable to the community served, as are the other major components of our CJS with whom we share equal stature (i.e. county officials elected or appointed to the positions of Sheriff, Police Chiefs, Prosecutor, Public Defender, Judges and Correction Officials) without the need ever to take away control from the local community that is closest to people being served in our home rule state.

Thus while most people readily agree that we need to have uniformly throughout all counties and judicial districts in our state, a Criminal Justice System (CJS) that provides quality public defense that minimally meets the principles adopted by the American Bar Association and the State Bar of Michigan, the real issue to be debated thoroughly is what is the most operationally sound and cost effective public defense method, or combinations thereof, that are best for implementation state-wide at this time.

For example, this Office advocates for a law that permits a State Public Defense Commission (appropriately comprised of diverse stakeholders representing local governments and minorities) to make this determination, as part of its Strategic Implementation Plan, after it has become operational, rather than to have forced upon it beforehand, as HB 5676 currently does, one particular option only (i.e. expensive and unneeded "Regions & Regional Branch Offices").

Superimposing such a bureaucracy of "SADO type, before, during and after the fact" quality control supervisors over our already existing state-wide structure of 57 Judicial Districts (regions) is simply not needed, would be prohibitively expensive, would only siphon off needed resources from those who actually are doing the trial work and would probably benefit only those who have opportunistically conceived this questionable and power hungry plan in the first place, on the invalid premise that local officials can never be trusted to do what is right in public defense matters.

The link that immediately follows [HB 5676 Testimony](#) ) (Please note that Recommendation # 11 of HB 5676 testimony has a typo and should read: Sec. 10(2)(a) of HB 5676), is our written

testimony of 18 recommendations made to the House Judiciary Committee on Tuesday, March 16, 2010 to improve HB 5676.

The next link that immediately follows [Indigent public defense bill 5676 debate concluded](#) is our critique with recommendations regarding HB 5676.

And finally, the next link that immediately follows

<http://www.abanet.org/legalservices/downloads/sclaid/indigentdefense/mi-modelplan.pdf> is the excellent "Model Plan for Public Defense Services in Michigan "of October 2002, developed by The Task Force on Improving Public Defense Services in Michigan, a project of the Michigan Council on Crime and Delinquency (MCCD)and funded by The Standing Committee on Legal Aid and Indigent Defense of the ABA, the Open Society Institute; and local United Ways, which this Office and SADO, participated in putting together, along with a very knowledgeable, objective and diverse group of professionals to include the Michigan Association of Counties and the Prosecuting Attorneys Association of Michigan (PAAM).

This reader friendly Model Plan meets all of the ABA and SBM Principles of what a Public Defense system should be and is the course of action that this Office recommends that we return to in lieu of HB 5676 as currently under review. [Please note the composition of the "Grass Roots' Task Force on numbered page 2, the composition of the diverse stake holders who comprise the membership of the recommended Public Defense Commission on numbered page 9 and the great emphasis on the importance of local control on numbered page 14.](#)

The attached Chart #1 above depicts what HB 5676 currently proposes while the attached above Chart # 2 is what this Office recommends that HB 5676 return to as set forth in the above referenced "Model Plan for Public Defense Services in Michigan "of October 2002.

So, in conclusion, we enthusiastically support having the central government of Michigan fully or partially fund public defense in support of our counties, municipalities and townships, where the state trial level criminal justice system is always actually implemented, but to do so without taking any power whatsoever away from these local governments to select the method of public defense service delivery (i.e. the private bar in groups or as solo practitioners or by the nonprofit LADA of Detroit/Wayne County or the Washtenaw County Office of Public Defender) most suitable for them, as a contractual condition for continued funding support from the state, by strict adherence to uniform quality standards that minimally enforce the 11 principles of what a public defense system should be, by the most operationally and cost effective method possible, while permitting local governments to continue to be able to select and hold accountable to the community served, the Officials whom they choose to elect or appoint to serve them (i.e., their elected Sheriff, Prosecutor and Judges and appointed Police Chiefs, Correction Officials and County Public Defender).

Please feel free to contact me at any time for further discussion and information.

Lloyd

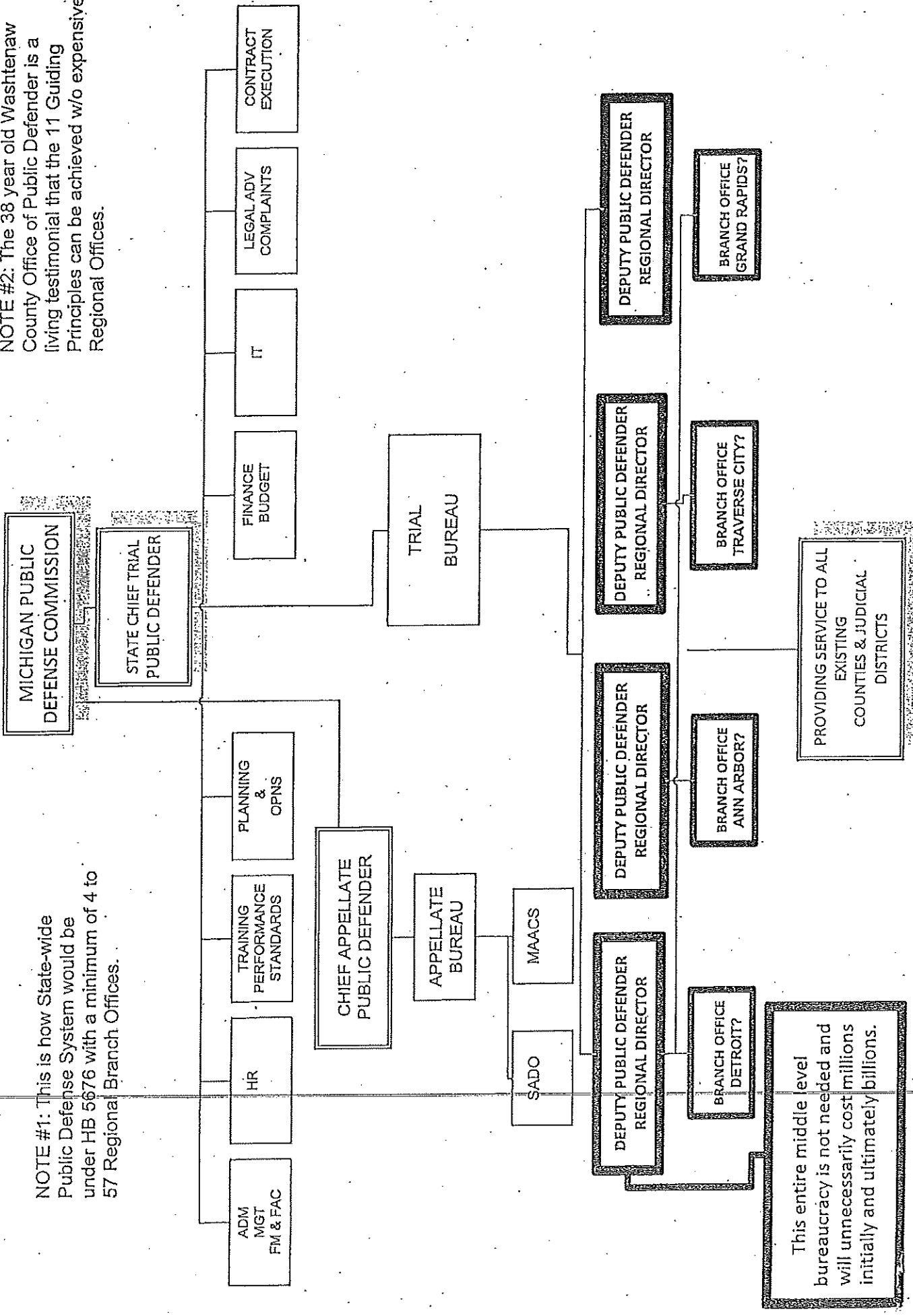
<http://publicdefender.ewashtenaw.org>

**Chart #1 – The Current Proposal**

**HB 5676, PUBLIC DEFENSE ACT ORGANIZATION CHART**

NOTE #2: The 38 year old Washtenaw County Office of Public Defender is a living testimonial that the 11 Guiding Principles can be achieved w/o expensive Regional Offices.

NOTE #1: This is how State-wide Public Defense System would be under HB 5676 with a minimum of 4 to 57 Regional Branch Offices.



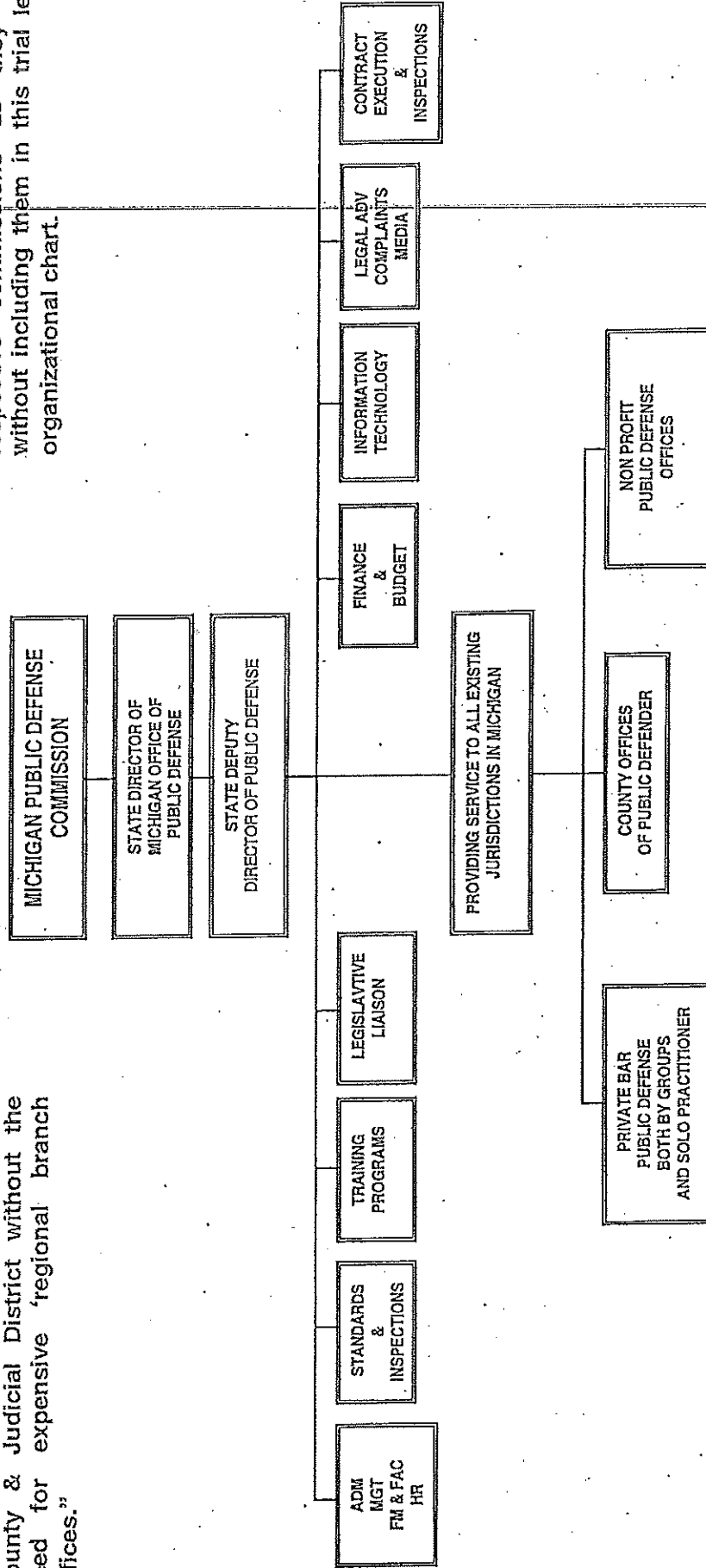
This entire middle level bureaucracy is not needed and will unnecessarily cost millions initially and ultimately billions.

**Chart #2 – Our Recommendation**

**SUGGESTED ORGANIZATION CHART  
MICHIGAN OFFICE OF PUBLIC DEFENDER  
FOR HB 5676**

NOTE #1: This Organization Chart returns to the original model of 2002 to better achieve the 11 Guiding Principles in every County & Judicial District without the need for expensive 'regional branch offices.'

NOTE #2: This suggested Organization Chart leaves SADO & MAACS and their respective commissions as they are without including them in this trial level organizational chart.



NOTE #3: It is predicted that this change to HB 5676 could save millions initially and billions over time.