

## Fulfilling Gideon's Promise

By Kristin Vanden Berg • U.S. District Court, Western District of Michigan

**M**ore than forty years ago, the Supreme Court decided *Gideon v. Wainwright*, establishing the principle that states must provide legal representation free of charge to criminal defendants unable to afford their own. The right was extended to minors in 1967, in *In re Gault*. In Michigan, however, the *Gideon* decision changed little. Before *Gideon*, Michigan was a national leader in indigent defense, funding such defense through its counties. After *Gideon*, Michigan has fallen behind, as counties continue to bear the burden of indigent defense, with no state funding. As a result, in 2007, the public defense system in Michigan varies widely, with dramatic differences across county lines.

In the November/December issue of this publication, GRBA President Richard Hillary discussed the pending class action, *Duncan v. Michigan*, filed by the Michigan Coalition for Justice in the Ingham County Circuit Court against the State of Michigan and Governor Granholm. The lawsuit calls upon the State to repair the existing, broken public defense system in Muskegon, Berrien, and Genesee Counties. The action charges that Michigan has failed to meet its obligation under *Gideon* to provide effective assistance of counsel to those charged with criminal offenses who are not able to afford their own attorneys.

The *Duncan* lawsuit represents only one avenue by which attorneys and everyday citizens are pursuing change to Michigan's public defense system. In June 2001, the Michigan Public Defense Task Force, convened by the Michigan Council on Crime and Delinquency at the

request of the ABA Standing Committee on Legal Aid and Indigent Defendants, began looking at the state of public defense in Michigan. The Task Force adopted the Eleven Principles of a Public Defense Delivery System, which were endorsed by the State Bar's Board of Commissioners in 2005. In 2006, at the urging of the Task Force and the State Bar, the Michigan legislature approved a joint resolution, ordering an in-depth assessment of Michigan's defense services to be conducted jointly by the National Legal Aid and Defender Association (NLADA) and the State Bar of Michigan. The results of this in-depth study are expected to be released very shortly in a report authored by David Carroll, a national expert in public defense.

Last fall, a new non-profit organization, the Campaign for Justice, launched a multi-year push to fix Michigan's broken public defense system. The Campaign, of which the Task Force is a founding member, is building a broadly based coalition seeking reform that will address the NLADA Report and will meet the goals of efficiency, accountability, public safety and fairness. Ensuring adequate public defense to all members of the Michigan community – regardless on what side of the county line an arrest occurs – is fundamental to our system of justice and to our profession. If you would like to know more or want to explore ways in which you can help in the Campaign's efforts, contact Laura Sager, Campaign Director, at 517-372-3050 or [lsager@michigancampaignforjustice.org](mailto:lsager@michigancampaignforjustice.org), or Michelle Weemhoff, Public Defense Task Force Coordinator, at 517-372-3050 or [mweemhoff@michigancampaignforjustice.org](mailto:mweemhoff@michigancampaignforjustice.org). ■

### Advise for New Associates... *continued from page 7*

5. You answer your cell phone or check messages. (Doesn't even matter if it is on vibrate and the President is calling. Get rid of it.)

You might be a business golfer if...

1. You have an objective for each round. Maybe it is a "Get to know you" round. Maybe you have advanced beyond that and you are prepared to discuss a proposal. You should have this well thought out and planned for ahead of time.

2. You send your guest a confirmation note. Trust me, your competitors are not doing this and it will make a significant impact.

3. You play from the appropriate tees for you and your guests and you leave your ego in the bag.

4. You "pick up" when appropriate. When each member of the foursome behind you has their hands on their hips, it is a good sign to pick up.

5. You have a carefully planned follow-up procedure for every round.

There you have it. A brief synopsis on whether you are a business gopher or a business golfer. As a bonus for reading this article a free report is waiting for you at [www.myfreegolfreport.com](http://www.myfreegolfreport.com)

*About the author: Scott Seifferlein is an outspoken local golf guru who teaches golfers how to have outrageously successful golf experiences. To book him for speaking engagements, business golf, and golf instruction call 616-802-4969 or visit [www.grandrapidsgolfflesson.com](http://www.grandrapidsgolfflesson.com) ■*