

## News & Insights

### Dykema Lawyers Play Key Roles in Landmark U.S. Supreme Court Decision

March 23, 2012

On March 21, the U.S. Supreme Court ruled, in two 5-to-4 decisions, that criminal defendants have a constitutional right to effective lawyers during plea negotiations. Many commentators deem this to be the most significant development in criminal defense since 1963's *Gideon v. Wainwright*.

Two Dykema lawyers—Jill Wheaton and Mark Magyar—contributed importantly to the preparation of the two cases on which the Supreme Court ruled. Wheaton and Magyar, on a pro bono basis, assisted the Michigan State Appellate Defenders Office, in researching the Respondent's winning brief in *Lafler v. Cooper*. The Dykema team was then chosen to write the *amicus* brief for the American Bar Association in both *Lafler* and its companion case, *Missouri v. Frye*, on which the Supreme Court issued its ruling.

The two cases on which the Court ruled have at their center the question of whether ineffective assistance of criminal defense counsel at the plea bargain stage constitutes a violation of defendants' Sixth Amendment rights. Since virtually all criminal convictions (97 percent in federal courts, 94 percent in state courts) result from pleas rather than verdicts, the significance of the Court's ruling is clear.

Dan Stephenson, who directs Dykema's Litigation Department, observes: "The Court's decision is an extraordinary event in criminal jurisprudence, helping ensure the rights of all to effective legal representation during the plea bargaining process. We're honored that the talents and energies of two of our colleagues contributed to this outcome."

#### Attorneys

Mark J. Magyar

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#### Practice Areas

Litigation