

Michael A. Cherry

Associate Chief Justice of the Nevada Supreme Court



DAVID: At an awards ceremony this past November, you were presented with the 2011 Champion of Indigent Defense Award by the Washington D.C. based National Association of Criminal Defense Lawyers.

CHERRY: I started my career as a public defender back in 1970 here in Nevada. In fact I ended my law career, before becoming a judge, as a special public defender doing nothing but murder cases. What I saw stunned me... when a person is charged with a crime, whether a minor offense or the most serious being capital murder, the only person who sees the criminal defendant is his or her attorney. Prosecutors however have the help of police, investigators and a lot of money to prosecute a case. Court appointed defense attorneys face a shortage of money to properly defend a case, yet this is the only person the defendant can count on for justice to be served. Both as a lawyer involved in these trials, and as a judge involved in sentencing, I witnessed some horrible defenses which is incongruous with our judicial system that guarantees everyone the right to a fair trial. I knew we had to improve this not only for the people charged with crimes, but for the public and the victims as well.

DAVID: Can you give me an example of one such horrible defense?

CHERRY: Absolutely...the Roberto Moranda case...a Cuban immigrant who came to Nevada... charged with capital murder, convicted, given the death sentence and sat on death row for 14 years. He was represented by what we call a 'baby public defender'. She was young, inexperienced and didn't know how to handle the case. Further investigation years later proved him innocent. He then sued Clark County and won \$5 million dollars of tax payer money. This is bad all the way around. There are many examples I could point to but the bottom line is that indigent defense is so important to oversee and it's what I have been passionately committed to.

DAVID: What are some of the changes you've made?

CHERRY: After I was elected to the Supreme Court in 2006, I became chairman of the Indigent Defense Commission (IDC) because

I knew the system and saw the holes. We've since implemented new performance and case load standards that must be met by criminal defense attorneys who represent those who cannot afford to retain counsel. We're working now to enable an independent IDC, removed from the Supreme Court, and fully funded, run and overseen by the state legislature.

DAVID: How has being a Jew affected your sense of fairness and justice for the underdog?

CHERRY: Being raised as a Jew, I've always understood the obligations and responsibilities we all have toward one another. I've participated in Jewish charitable and civic endeavors throughout my career making me aware of the less fortunate. And my background as former chair of the ADL has also shown me the need to fight for justice for all.

DAVID: What do you think needs to be done to improve life for Nevadans hard hit by the economy, foreclosures, and poor education?

CHERRY: We have to get out of the habit of being first at everything that's bad and last at everything that's good! The primary objective has to be to offer the best possible education. Everything else will fall into place from there.

DAVID: What are you most proud of in your life?

CHERRY: Without a doubt I'm most proud of my two children, David Cherry and Meryl Thornton, my son and my daughter. I'm proud that I still have my mother living who is 87 years old. And I'm proud that I've had a good legal and judiciary career.

DAVID: What would you like people to know about you that perhaps they're not aware of?

CHERRY: That I really care about other people. I worry that people won't get a fair deal...whether from government or industry or education. My mother and father were divorced when I was 10 and my father wasn't in my life until many years later, but then got killed in a car accident. To me, family, education and doing what you enjoy is important. I guess I have a good heart...a Jewish heart...that's right, I have a Jewish heart!