

**Resolution No. 04 - 04/19**

**Urging the State of Wisconsin to Increase Compensation for Defense Counsel Assigned by the State Public Defender**

1 Moved/Sponsored by: Executive Committee

2

3 **WHEREAS**, both the United States Constitution and the Constitution of the State of Wisconsin  
4 provide that persons accused of crime have the right to counsel; and,

5

6 **WHEREAS**, in Wisconsin, the Office of the State Public Defender (“SPD”) provides counsel to  
7 those persons meeting income eligibility guidelines for services; and,

8

9 **WHEREAS**, where the SPD is unable to provide representation, due to conflict or other reason,  
10 the SPD appoints private attorneys to provide representation; and,

11

12 **WHEREAS**, almost 40% of all SPD cases are appointed to private attorneys; and,

13

14 **WHEREAS**, the compensation rate for private bar appointed attorneys in Wisconsin has not  
15 been increased since 1995, which currently stands at \$40.00 per hour, and it is the lowest in the  
16 nation, failing to even cover an appointed attorney’s overhead costs; and,

17

18 **WHEREAS**, as a result, private attorneys are increasingly declining to accept SPD  
19 appointments, which is creating an increased burden on the courts and Wisconsin counties; and,

20

21 **WHEREAS**, in the 2019-2021 Executive Budget, Governor Evers included an increase in the  
22 private bar rate at the SPD Board to \$70.00 per hour effective January 1, 2020 and created a  
23 provision that would allow the private bar rate to increase at the rate of inflation; and,

24

25 **WHEREAS**, costs to counties are increasing as circuit court judges are being forced to appoint  
26 counsel at county expense and accused persons are being held in jail longer pending appointment  
27 of counsel; and,

28

29 **WHEREAS**, these delays also lead to inefficiency for courts and law enforcement agencies, and  
30 additional delay for obtaining justice for victims.

31

32 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors  
33 does hereby urge the State of Wisconsin to provide sufficient resources to the Office of the State  
34 Public Defender to ensure that the criminal justice system operates effectively and efficiently,  
35 including increasing the rate of reimbursement for private attorneys appointed by the State  
36 Public Defender to a market rate that will ensure the prompt appointment of counsel and that  
37 cases are handled in a timely and efficient manner.

38

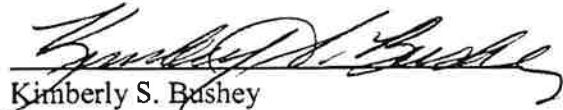
39 **BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to send a copy of this  
40 resolution to Governor Tony Evers, State Legislators representing Walworth County, and the  
41 Wisconsin Counties Association.

42

1  
2  
3  
4  
5  
6  
7  
8  
9



Nancy Russell  
County Board Chair




Kimberly S. Bushey  
County Clerk

County Board Meeting Date: April 16, 2019

Action Required:    Majority Vote   X      Two-thirds Vote           Other       

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 3/20/19  
Date

David A. Bretl  
County Administrator/Corporation Counsel

 3/20/19  
Date

Nicole Andersen  
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.

Resolution Ordinance was:  
passed Roll Call/U.C. voice  
Rejected/Referred/Laid Over  
Ayes:    Noes:    Absent:  
Date April 16, 2019

