Moved/Sponsored by: Executive Committee

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

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

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

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
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<tbody>
<tr>
<td>David A. Bretl</td>
<td>3/20/19</td>
</tr>
<tr>
<td>Nicole Andersen</td>
<td>3/20/19</td>
</tr>
</tbody>
</table>

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

Resolution/Ordinance was:
- [X] Adopted
- [ ] Roll Call/U.C. Notice
- [ ] Adjourned/Referred/Laid Over

Ayes: Noes: Absent:

Date April 16, 2019
Policy and Fiscal Note
Resolution No. 04 - 04/19

I. Title: Urging the State of Wisconsin to Increase Compensation for Defense Counsel Assigned by the State Public Defender

II. Purpose and Policy Impact Statement: The purpose of this resolution is to urge the State of Wisconsin to increase compensation for defense counsel assigned by the State Public Defender.

III. Budget and Fiscal Impact: Passage of this advisory resolution will have no impact on the 2019 County budget. Were the Legislature to increase the SPD private pay rate, the County might save money due to the need to appoint fewer attorneys at County expense.

IV. Referred to the following standing committees for consideration and date of referral:

   Committee: Executive Committee  Meeting Date: March 18, 2019
   Vote: 4-0

   County Board Meeting Date: April 16, 2019

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  Date  Nicole Andersen  Date
County Administrator/Corporation Counsel  Deputy County Administrator - Finance

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