

## RESOLUTION NO. 2018-27

### Supporting Increased Public Defender Pay

#### Executive Summary

According to *Wisconsin Lawyer*, approximately 1,100 State Bar members are currently on the State Public Defender's list of attorneys accepting public defender assignments. Public defenders play a fundamental role in maintaining an honest, fair, and effective criminal justice system. During the 2006-2007 fiscal year, the office of the State Public Defender (SPD) assigned more than 142,000 cases to Wisconsin attorneys; nearly half of those cases were assigned to private practice lawyers. Hourly rates for private practice attorneys who accept public defender assignments make it difficult to attract attorneys to accept these assignments. This results in increased costs by requiring counties to pay significantly higher hourly rates for court appointed private attorneys to represent criminal defendants and causes postponement of cases in the legal system. Increasing the funding for the State Public Defender's Office and raising the private bar rate for assigned Public Defender attorneys will enable more attorneys to accept these assignments. The Executive Committee considered this resolution at its meeting on June 27, 2018, and recommended forwarding to the County Board for approval.

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WHEREAS, the executive summary is incorporated into this resolution, and

WHEREAS, criminal cases continue to rise due to a variety of factors, and

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

WHEREAS, the Wisconsin Office of the Public Defender provides legal counsel to criminal defendants and other persons meeting income eligibility guidelines for services, and

WHEREAS, public defender offices do not have enough staff attorneys available or public defender assigned private attorneys willing to assist the Public Defender's office because of inadequate pay, and

WHEREAS, this results in increased costs to counties by requiring counties to pay significantly higher hourly rates for private attorneys to represent criminal defendants, holding inmates in jail for longer periods of time pending court appointment of private attorneys, reducing efficiency of Courts and law enforcement, and delaying justice for victims, and

WHEREAS, the rate of compensation for public defender assigned private attorneys has not increased since 1995 and currently is the lowest hourly rate in the nation at \$40.00 per hour, and



Ayes\_\_ VOICE VOTE\_\_ Noes\_\_\_\_ Abstain\_\_ Wineke\_\_ Absent\_\_\_\_ Vacant\_\_\_\_

Requested by  
Executive Committee

07-10-18

J. Blair Ward: 06-19-18; 06-26-18

REVIEWED: Administrator: bw; Corp. Counsel: jbw; Finance Director: md