Resolution No. 2018-64

IN SUPPORT OF INCREASING THE COMPENSATION FOR DEFENSE COUNSEL APPOINTED BY THE WISCONSIN PUBLIC DEFENDER’S OFFICE

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

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

WHEREAS, The Wisconsin State Public Defender’s Office (“SPD”) provides legal representation to the indigent, utilizing staff attorneys as well as (about 40% of the time) private attorneys certified to take SPD appointments to handle conflict and overflow cases; and

WHEREAS, In May, 2018, The Wisconsin Supreme Court increased, effective January, 2020, the hourly rate of pay for county-funded, court-appointed, attorneys from $70 to $100 per hour; and

WHEREAS, The rate of pay for state-funded SPD appointments is $40 per hour, has not been increased since 1995, and is the lowest in the nation; and

WHEREAS, The pay for state-funded SPD appointments is so low that it has been and is hard to find private attorneys willing to accept such appointments in many counties, resulting in some persons charged with crimes sitting in jail for weeks while they waited for legal representation.

WHEREAS, The disparity in pay (i.e., the decision to increase pay for county-funded attorneys, but not state-funded SPD appointments) will lead private attorneys to refuse state-funded SPD assignments and instead hold out for county-funded, court-appointed, assignments; and

WHEREAS, A greater share of the cost of indigent defense is going to fall on the counties, resulting in (what may reasonably be viewed as) an unfunded mandate.

NOW, THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby urge the State of Wisconsin to provide sufficient resources to the Wisconsin State Public Defender’s Office to ensure the criminal justice system operates effectively and efficiently, including increasing the rate of pay for state-funded SPD appointments to $100 per hour and tie future increases to the rate of inflation.

BE IT FURTHER RESOLVED, That the County Clerk is directed to send a copy of this resolution to Governor Scott Walker, the Wisconsin Counties Association, the Wisconsin Towns Association, the League of Wisconsin Municipalities, all members of the State Legislature representing Door County, and to each Wisconsin County.

SUBMITTED BY: ADMINISTRATIVE COMMITTEE

David Lienau, Chair

Ken Fisher

Dan Austad

Joel Gunnlaugsson

Susan Kohout

John Neinas

Nancy Robillard

Certification:

Jill M. Lau

County Clerk, Door County