

- RESOLUTION URGING THE STATE OF WISCONSIN TO INCREASE COMPENSATION FOR DEFENSE COUNSEL ASSIGNED BY THE STATE PUBLIC DEFENDER -

WHEREAS, both the United States Constitution and the Wisconsin State Constitution provide that persons accused of a crime have the right to counsel. In Wisconsin the Office of the State Public Defender, SPD, provides counsel to those persons meeting income eligibility guidelines for services. Where SPD is unable to provide representation, due to conflict or other reasons, the SPD appoints private attorneys to provide representation. 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 and currently stands at \$40.00 per hour. It is the lowest in the nation, failing to even cover an appointed attorney's overhead costs. As a result, private attorneys are increasingly declining to accept SPD appointments, which is creating an increasing burden on the courts and Wisconsin Counties. 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. These delays also lead to inefficiency for courts and law enforcement agencies, and additional delay for obtaining justice for victims; and,

WHEREAS, in May of 2018 the Wisconsin Supreme Court authorized an increase in the hourly rate from \$70.00/hr. to \$100.00/hr. for attorney's appointed by the county, this increase to go into effect on January 1, 2020; and,

WHEREAS, the increase authorized to private attorneys, at county expense, may cost Eau Claire County approximately \$116,000 annually depending on case load, and complexity; and,

WHEREAS, the disparity created between the two rates, SPD \$40.00/hr, County \$100.00/hr., will cause private attorneys to refuse SPD cases, and

WHEREAS, other counties in Wisconsin are passing resolutions similar to this one, including, Dunn, Barron, Burnett and La Crosse; and

NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors does hereby urge the State of Wisconsin to provide sufficient resources to the Office of the Public Defender to ensure the criminal justice system operates effectively and efficiently, including increasing the rate of reimbursement for private attorneys appointed by the Public Defender to a market rate that will ensure prompt appointment of counsel and that cases are handled in a timely and efficient manner, by at minimum, increasing the hourly rate paid to SPD appointed private attorneys to the same amount as those recently authorized by the Wisconsin Supreme Court.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the county clerk to forward this resolution to the governor, assembly members and senators representing Eau Claire County, the Wisconsin Bar Association, the Office of the Wisconsin Attorney General, the Office of the State Public Defender, the Wisconsin Supreme Court and the Wisconsin Counties Association.

ADOPTED: December 18, 2018

Janet K. Loomis
County Clerk