MEMORANDUM

TO: Honorable Members of the Joint Committee on Finance

FROM: Marcie Rainbolt, Government Affairs Associate

DATE: May 24, 2019

SUBJECT: 2019-2021 State Biennial Budget – Items before the Joint Committee on Finance on May 28, 2019

In regard to items scheduled for consideration by the Joint Committee on Finance on May 16, 2019, please consider the following recommendations of the Wisconsin Counties Association:

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<td>Support a stand-alone motion to provide $7.5 million to counties for the increased cost of court appointed attorneys.</td>
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<td>Support Alternative 2.</td>
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<td>Support Alternative A.2.</td>
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Attached please find rationale for the items listed above. Additional information can be obtained by contacting the WCA office at 608-663-7188.
**CIRCUIT COURTS**

**RECOMMENDATION:** Support a stand-alone motion to provide $7.5 million to counties for the increased cost of court appointed attorneys.

**Rationale:**

- The Wisconsin Supreme Court has approved an increase in the court appointed attorney compensation rate increasing the cost from $70 per hour to $100 per hour for all 72 counties beginning January 2020.
- The increase to $100 per hour for counties while holding the SPD’s Office harmless will only increase the financial burden to counties as more SPD attorneys may refuse a case until it becomes the county’s responsibility at a higher compensation rate.
- Counties will also have to pay the new inflated rate of $100 per hour for DEAN appointments and Guardian ad Litem appointments.
- WCA supports additional funding to offset the fiscal burden of providing $100 per hour for court appointed attorneys.

**UW-EXTENSION COOPERATIVE COUNTY AGRICULTURE AGENTS (UW)**

**RECOMMENDATION:** Support alternative 2.

**Rationale:**

- Cooperative Extension provides education staff to counties for multiple services including agriculture, elderly assistance, economic development, 4-H, and more.
- Funding for Extension educators is a shared partnership between local counties and Cooperative Extension.
- Since 2014, funding reductions have totaled $3.4 million to Cooperative Extension, resulting in a decline of 30 county-based educators.
- The funding reduction has resulted in staff vacancies throughout the state and is manifesting itself in visible county and citizen discontent.
WCA supports the proposed funding to provide county-based Cooperative Extension positions.

LFB PAPER #545
PRIVATE BAR RATE AND COST TO CONTINUE (PUBLIC DEFENDER)

RECOMMENDATION: Support alternative A.2.

Rationale:

- The SPD’s rate was adjusted down in 1995 to $40 per hour making it the lowest private attorney rate in the nation.
- The rate for court appointed attorneys was raised for counties to $100 per hour beginning in January 2020 however, the court does not have the authority to statutorily change the rate for the SPD office which remains at $40 per hour.
- This $60 discrepancy will further burden counties with providing representation where the state cannot acquire an attorney to represent a client who qualifies for the SPD.
- When an SPD attorney cannot be obtained to represent an indigent individual, judges will order the county to assume responsibility and provide counsel at the current rate of $70 per hour.
- According to the Sixth Amendment Center: Justice Shortchanged Part II, Wisconsin is the only state in the country with a state-funded, state-administered public defense system that requires counties to pay a higher rate for attorneys when the state cannot obtain counsel.
- WCA supports leveling the playing field by raising the private bar rate for the State Public Defender’s Office to $70 per hour.