Resolution No. 36 - 09/18
Urging the State of Wisconsin to Increase Compensation for Defense Counsel Assigned by the State Public Defender

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 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 increasing burden on the courts and Wisconsin counties; 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 Scott Walker, State Legislators representing Walworth County, and the Wisconsin Counties Association.

Nancy Russell
County Board Chair

Kimberly S. Bushey
County Clerk

This Resolution/Ordinance was: Adopted Roll Call/U.C. Voice Rejected/Referred/Laid Over
Ayes: Noes: Absent:
Date September 4, 2018
County Board Meeting Date: September 4, 2018

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:

David A. Bretl
County Administrator/Corporation Counsel

Nicole Andersen
Deputy County Administrator - Finance

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