

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

1 Moved/Sponsored by: Executive Committee

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3 **WHEREAS**, both the United States Constitution and the Constitution of the State of Wisconsin
4 provide that persons accused of crime have the right to counsel; and,

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6 **WHEREAS**, in Wisconsin, the Office of the State Public Defender (“SPD”) provides counsel to
7 those persons meeting income eligibility guidelines for services; and,

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9 **WHEREAS**, where the SPD is unable to provide representation, due to conflict or other reason,
10 the SPD appoints private attorneys to provide representation; and,

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12 **WHEREAS**, almost 40% of all SPD cases are appointed to private attorneys; and,

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14 **WHEREAS**, the compensation rate for private bar appointed attorneys in Wisconsin has not
15 been increased since 1995 and it is the lowest in the nation, failing to even cover an appointed
16 attorney’s overhead costs; and,

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18 **WHEREAS**, as a result, private attorneys are increasingly declining to accept SPD
19 appointments, which is creating an increasing burden on the courts and Wisconsin counties; and,

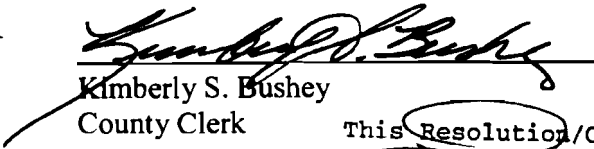
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21 **WHEREAS**, costs to counties are increasing as circuit court judges are being forced to appoint
22 counsel at county expense and accused persons are being held in jail longer pending appointment
23 of counsel; and,

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25 **WHEREAS**, these delays also lead to inefficiency for courts and law enforcement agencies, and
26 additional delay for obtaining justice for victims.

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28 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
29 does hereby urge the State of Wisconsin to provide sufficient resources to the Office of the State
30 Public Defender to ensure that the criminal justice system operates effectively and efficiently,
31 including increasing the rate of reimbursement for private attorneys appointed by the State
32 Public Defender to a market rate that will ensure the prompt appointment of counsel and that
33 cases are handled in a timely and efficient manner.

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35 **BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to send a copy of this
36 resolution to Governor Scott Walker, State Legislators representing Walworth County, and the
37 Wisconsin Counties Association.

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41 Nancy Russell
42 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

