



DOOR COUNTY

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:

| ROLL CALL Board Members | Aye | Nay | Exc. |
|-------------------------|-----|-----|------|
| AUSTAD | | | |
| BACON | | | |
| BULTMAN | | | |
| CHOMEAU | | | |
| D. ENGLEBERT | | | |
| R. ENGLEBERT | | | |
| ENIGL | | | |
| FISHER | | | |
| GUNNLAUGSSON | | | |
| HALSTEAD | | | |
| KOCH | | | |
| KOHOUT | | | |
| LIENAU | | | |
| LUNDAHL | | | |
| NEINAS | | | |
| NORTON | | | |
| ROBILLARD | | | |
| SCHULTZ | | | |
| VIRLEE | | | |
| VLIES WOTACHEK | | | |
| WAIT | | | |

Vote Voted

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted

1st Robillard Defeated

2nd Vlies Wotachek

Yes: _____ No: _____ Exc: _____

Reviewed by: _____, Corp. Counsel

Reviewed by: _____, Administrator

FISCAL IMPACT: There is no fiscal impact associated with the adoption of this resolution. MEJ

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 27th day of September, 2018 by the Door County Board of Supervisors.

Jill M. Lau
Jill M. Lau
County Clerk, Door County

1 **WHEREAS,** Both the United States Constitution and the Wisconsin State
2 Constitution provide that persons accused of a crime have the right to counsel; and
3
4 **WHEREAS,** The Wisconsin State Public Defender's Office ("SPD") provides
5 legal representation to the indigent, utilizing staff attorneys as well as (about 40%
6 of the time) private attorneys certified to take SPD appointments to handle conflict
7 and overflow cases; and
8
9 **WHEREAS,** In May, 2018, The Wisconsin Supreme Court increased, effective
10 January, 2020, the hourly rate of pay for county-funded, court-appointed, attorneys
11 from \$70 to \$100 per hour; and
12
13 **WHEREAS,** The rate of pay for state-funded SPD appointments is \$40 per
14 hour, has not been increased since 1995, and is the lowest in the nation; and
15
16 **WHEREAS,** The pay for state-funded SPD appointments is so low that it has
17 been and is hard to find private attorneys willing to accept such appointments in
18 many counties, resulting in some persons charged with crimes sitting in jail for
19 weeks while they waited for legal representation.
20
21 **WHEREAS,** The disparity in pay (i.e., the decision to increase pay for county-
22 funded attorneys, but not state-funded SPD appointments) will lead private
23 attorneys to refuse state-funded SPD assignments and instead hold out for county-
24 funded, court-appointed, assignments; and
25
26 **WHEREAS,** A greater share of the cost of indigent defense is going to fall on
27 the counties, resulting in (what may reasonably be viewed as) an unfunded
28 mandate.
29
30 **NOW, THEREFORE, BE IT RESOLVED,** That the Door County Board of
31 Supervisors does hereby urge the State of Wisconsin to provide sufficient resources
32 to the Wisconsin State Public Defender's Office to ensure the criminal justice
33 system operates effectively and efficiently, including increasing the rate of pay for
34 state-funded SPD appointments to \$100 per hour and tie future increases to the
35 rate of inflation.
36
37 **BE IT FURTHER RESOLVED,** That the County Clerk is directed to send a copy
38 of this resolution to Governor Scott Walker, the Wisconsin Counties Association,
39 the Wisconsin Towns Association, the League of Wisconsin Municipalities, all
40 members of the State Legislature representing Door County, and to each Wisconsin
41 County.
42

SUBMITTED BY: ADMINISTRATIVE COMMITTEE

David Lienau
David Lienau, Chair

Susan Kohout
Susan Kohout

Ken Fisher
Ken Fisher

John Neinas
John Neinas

Dan Austad
Dan Austad

Nancy Robillard
Nancy Robillard

Joel Gunnlaugsson
Joel Gunnlaugsson