



RECEIVED JUN 21 2018 RESOLUTION# 18-6-4

ITEM# 5-2

DATE June 19, 2018

Effective Date June 19, 2018

RESOLUTION# 18-6-4

Introduced by Judicial & Legislative Committee

LAD

Motion: Adopted:  X

1st Hamilton Lost:

2nd Leichtnam Tabled:

No: 7 Yes: 12 Absent: 0

Number of votes required:  
 Majority  Two-thirds

Reviewed by: PAK, Corp Counsel

Reviewed by: \_\_\_\_\_, Finance Dir.

INTENT & SYNOPSIS: To encourage the state legislature to increase the rate of pay of private attorneys who accept appointments to handle Public Defender cases.

FISCAL NOTE: Anticipated cost savings to the county. The economic impact to the county's taxpayers would likely be slightly increased as there would be higher costs via the state attenuated somewhat by lower costs from the county.

		NO	YES	A
1	LaFontaine, D		X	
2	Rozar, D	X		
3	Feirer, M		X	
4	Zaleski, J		X	
5	Fischer, A	X		
6	Breu, A	X		
7	Ashbeck, R	X		
8	Hahn, J		X	
9	Winch, W	X		
10	Holbrook, M		X	
11	Curry, K		X	
12	Machon, D		X	
13	Hokamp, M		X	
14	Polach, D		X	
15	Clendenning, B		X	
16	Pliml, L	X		
17	Zurfluh, J	X		
18	Hamilton, B		X	
19	Leichtnam, B		X	

WHEREAS, the state and federal constitutions both give criminal defendants the right to counsel paid for at public expense if the defendants are unable to afford it on their own, and

WHEREAS, the state operates and finances the Office of Public Defender (PD) which provides representation to defendants via both in-house counsel as well as private attorneys willing to accept the appointments at the legislatively set rate of \$40/hr. for time spent providing legal services and \$25/hr. for travel time, and

WHEREAS, these hourly rates for private attorneys accepting PD work have not increased for over 20 years, are the lowest in the nation, and prevent the vast majority of attorneys from accepting such cases as the rates do not cover overhead (staff, office, liability and health insurance, retirement) much less allow for any actual compensation for the attorney and are often only taken by attorneys as a form of free public service, and

WHEREAS, when the PD's office is unable to locate private counsel willing to accept appointment to a case, the circuit court judge is constitutionally obligated to appoint counsel and does so at county expense,

which in Wood County the rate is \$70/hr. The county is not reimbursed anything by the PD's office for making these appointments and the frequency of such appointments is increasing, and

WHEREAS, the local PD's office is doing its best to locate private attorneys to accept appointments for PD cases but it is becoming commonplace for attorneys from the Madison area to drive to Wood County to take cases and these same attorneys are taking cases throughout northern Wisconsin, which is obviously an inefficient allocation of resources, the fix of which is readily apparent, to increase the PD private attorney pay rate, and

WHEREAS, there are secondary and tertiary effects to the drastic underpayment of private attorneys taking PD appointments including the lack of attorneys in the northern half of the state and rural areas generally and law school graduates, many of whom have their cost of education partially subsidized by the state, being financially encouraged to leave the state upon graduation.

NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES to go on record in support of a significant increase in the compensation rate of private attorneys taking Public Defender cases to the modest rate of \$70 per hour for court time.

BE IT FRUTHRER RESOLVED that a copy of this resolution be provided to the state legislators representing any part of Wood County and that a copy also be provided to the Wisconsin Counties Association in support of a legislative initiative sponsored by it.

\_\_\_\_\_  
 Bill Clendenning  
 \_\_\_\_\_  
 Bill Leichtnam  
 \_\_\_\_\_  
 Ken Curry  
 \_\_\_\_\_  
 Brad Hamilton  
 \_\_\_\_\_  
 Jake Hahn  
 \_\_\_\_\_  
 Adopted by the County Board of Wood County, this 19th day of June 2018  
 \_\_\_\_\_  
 Deputy County Clerk

\_\_\_\_\_  
 BILL CLEDDENNING (Chairman)  
 \_\_\_\_\_  
 BILL LEICHTNAM  
 \_\_\_\_\_  
 KEN CURRY  
 \_\_\_\_\_  
 BRAD HAMILTON  
 \_\_\_\_\_  
 JAKE HAHN  
 \_\_\_\_\_  
 \_\_\_\_\_  
 County Board Chairman