



RESOLUTION NO. *31-12-2018*

**A RESOLUTION IN SUPPORT OF INCREASED  
COMPENSATION FOR PRIVATE ATTORNEYS APPOINTED BY THE  
PUBLIC DEFENDER**

**TO THE HONORABLE KEWAUNEE COUNTY BOARD OF SUPERVISORS:**

1 **WHEREAS**, the Sixth and Fourteenth Amendments to the Constitution of the United States obligate  
2 states to provide effective representation to the indigent accused at all critical states of criminal cases;  
3 and  
4

5 **WHEREAS**, The State of Wisconsin provides counsel to eligible indigent criminal defendants through  
6 staff attorneys employed by the Office of the State Public Defender (SPD). When SPD staff attorneys  
7 have a conflict of interest or the SPD is otherwise unable to represent an eligible indigent defendant, the  
8 SPD appoints private attorneys and compensates the appointed attorneys at the rate of \$40 per hour.  
9 Approximately 40% of all SPD cases are appointed to the private bar; and  
10

11 **WHEREAS**, the State of Wisconsin has the lowest assigned counsel rate in the entire nation, the rate  
12 has not increased since 1995, and the current rate of \$40 per hour is insufficient to cover a typical  
13 attorney's overhead; and  
14

15 **WHEREAS**, the low assigned counsel rate has led to a shortage of private attorneys willing to take SPD  
16 cases particularly in the northern and rural areas of the State; and  
17

18 **WHEREAS**, when the SPD is unable to locate a private attorney for an individual, the Circuit Court must  
19 appoint an attorney at the higher Supreme Court Rate of \$70 per hour (set to increase to \$100 eff.  
20 1/1/2020) at County expense; and  
21

22 **WHEREAS**, the inability of the SPD to locate private attorneys is resulting in increased costs to Counties  
23 to appoint private counsel, increased costs to jail persons who are held pre-trial pending appointment of  
24 counsel, inefficiency and delays for the courts, district attorney and law enforcement, and delays in  
25 obtaining justice for crime victims and the accused; and  
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27 **WHEREAS**, the Personnel, Advisory and Legislative Committee considered this important matter and  
28 hereby recommends Kewaunee County support increased compensation for SPD appointed counsel.  
29

30 **NOW, THEREFORE, BE IT RESOLVED**, by the Kewaunee County Board of Supervisors duly  
31 assembled this 18<sup>th</sup> day of December 2018, that the Board urges the State of Wisconsin to provide  
32 sufficient resources to the Office of the State Public Defender to ensure that the criminal justice system  
33 operates efficiently and without undue delays; and  
34

35 **BE IT FURTHER RESOLVED**, that the State of Wisconsin increase the compensation rate for private  
36 attorneys appointed by the SPD to a market rate that will ensure the prompt appointment of competent  
37 counsel; and  
38

- 1 **BE IT FURTHER RESOLVED**, the Clerk shall forward a copy of this resolution to State Public Defender
- 2 Kelli S. Thompson, Rep. Joel Kitchens, Senator-Elect Andre Jacque, Governor-Elect Tony Evers and the
- 3 Wisconsin Counties Association.

Respectfully Submitted,

**PERSONNEL, ADVISORY AND LEGISLATIVE COMMITTEE**

Robert Weidner      Mary Ellen Dobbins  
 Robert A. Weidner, Chair      Mary Ellen Dobbins

Virginia Haske      \_\_\_\_\_  
 Virginia Haske      Scott Jahnke

John Mastalir      Gerald Paape  
 John Mastalir      Gerald Paape

Thomas J. Romdenne      Kaye Shillin  
 Thomas J. Romdenne      Kaye Shillin

Charles Wagner  
 Charles Wagner

**APPROVED AS TO FORM**  
 Jeffrey R. Wisnicky  
 Corporation Counsel

FISCAL IMPACT STATEMENT:

	Y E S	N O	A B S E N T	A B S T A I N
Augustian, A.	✓			
Cochart, C.	✓			
Cretney, T.	✓			
Dobbins, M.	✓			
Doell, D.	✓			
Haske, V.	✓			
Jahnke, S.	✓			
Kroll, K.	✓			
Luft, L.	✓			
Lukes, J.	✓			
Mastalir, J.	✓			
Olson, D.	✓			
Paape, G.	✓			
Romdenne, T.	✓			
Schmitt, C.	✓			
Shillin, K.	✓			
Teske, L.	✓			
Tremi, K.	✓			
Wagner, C.	✓			
Weidner, R.	✓			
<b>TOTALS</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>