

ROLL CALL					
DIST	SUPERVISOR	Y	N	OTHER	
1	POMUSH				
2	BONG				
3	SLAY				
4	FENNESSEY				
5	BAKER				
6	LEINO				
7	GLAZMAN				
8	VACANT				
9	JAQUES				
10	PETERSON				
11	STAUPE				
12	LEAR				
13	VACANT				
14	RYAN				
15	HENDRICKSON				
16	LUOSTARI				
17	LIEBAERT				
18	MOEN				
19	LONG				
20	BORGESON				
21	BERGMAN				
TOTALS		YES	NO	ABSENT	ABSTAIN
ACTION					
ADOPTED	LOST	REFERRED	AMENDED	OTHER	
X					
LAST REVISED 4-21-23					

**RESOLUTION #26-23
STATE OF WISCONSIN REVIEW AND REVISE
COMPENSATION RATE FOR STATE PUBLIC
DEFENDERS**

PRESENTED BY THE PUBLIC SAFETY COMMITTEE

WHEREAS, criminal cases continue to rise due to a variety of factors with a backlog of 35,000 pending criminal cases across the state due to a shortage of public defenders, and

WHEREAS, both the United States Constitution and the Wisconsin Constitution provide that persons accused of crimes have the right to counsel, and

WHEREAS, the Wisconsin Office of the Public Defender provides legal counsel to criminal defendants and other persons meeting income eligibility guidelines for services, and

WHEREAS, public defender offices do not have enough staff attorneys available or public defender assigned private attorneys willing to assist the Public Defender's office because of inadequate pay, 17 to 20

percent of staff attorney jobs are currently unfilled as well as a shortage of private attorneys willing to take public defender cases, and

WHEREAS, this results in increased costs to counties by requiring counties to pay significantly higher hourly rates for private attorneys to represent criminal defendants, holding inmates in jail for longer periods of time pending court appointment of private attorneys, reducing efficiency of courts and law enforcement, and delaying justice for victims, and

WHEREAS, the State Public Defender's (SPD) rate was adjusted down in 1995 to \$40 per hour making it the lowest private attorney rate in the nation; in January 2020 that rate increased to \$70 per hour, and

WHEREAS, Wisconsin is the only state in the country with a state-funded, state-administered public defense system that requires counties to pay a higher rate for attorneys when the state cannot obtain counsel, and

WHEREAS, Wisconsin's Circuit Court system is a partnership funded by a mix of state general purpose revenue (GPR), court fees and surcharges, and county taxes, and

WHEREAS, in recent years, however, that partnership has frayed as counties have borne a growing share of the costs including the salaries and benefits of the clerks of circuit court and

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**RESOLUTION #26-23
STATE OF WISCONSIN REVIEW AND REVISE
COMPENSATION RATE FOR STATE PUBLIC
DEFENDERS
CONTINUED (PAGE 2 OF 2)**

their employees, salaries and benefits for court commissioners, courtroom security personnel and equipment, office supplies, law libraries, and jury costs.

NOW, THEREFORE, BE IT RESOLVED by the Douglas County Board of Supervisors that this Board supports providing sufficient resources to the Office of the Public Defender to ensure that the criminal justice system operates effectively and efficiently.

BE IT FURTHER RESOLVED that the Douglas County Board of Supervisors does hereby support an increase in the rate of reimbursement for assigned public defender private attorneys to a market rate that will help ensure prompt legal representation for criminal defendants and allow cases to be handled in a timely and efficient manner.

BE IT FURTHER RESOLVED that the Douglas County Board of Supervisors does hereby support that if the Office of the Public Defender cannot find a qualified attorney to take a case as an appointed State Public Defender and the county is required to appoint counsel at a higher rate, that the Office of the Public Defender reimburse the county the hourly rate that has been appropriated by the state to provide required counsel coverage.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Tony Evers, members of the Wisconsin State Assembly and State Senate, every county in the State of Wisconsin, and the Wisconsin Counties Association.

Dated this 18th day of May, 2023.

*Committee Action: Unanimous
Fiscal Note: None*

ACTION: Motion by Pomush, second Lear, to adopt. Motion carried.