



Milwaukee County Circuit Court

Pedro A. Colón
Circuit Court Judge
Branch 18

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Christina Chmielewski
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April 26, 2018

Clerk of Supreme Court
Attention: Deputy Court-Rules
P.O. Box 1688
Madison, WI 53701-1688

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CLERK OF SUPREME COURT
OF WISCONSIN

RE: Rule Petition 17-06, In re petition to amend SCR 81.02

Dear Honorable Justices:

I am writing in support of Rule Petition 17-06 seeking to increase the hourly rate of compensation for court appointed lawyers from \$70 to \$100, and that payment for an attorney's hourly rate lower than that set forth in SCR 81.02 for legal services rendered pursuant to all appointments made by State Public Defender under Wis. Stat. Sec. 977.08 is unreasonably low.

Upon graduation from the University of Wisconsin Law School almost 25 years ago I accepted appointments from the State Public Defender. During that time, I had the opportunity to develop as an attorney in a solo practice with the support of many attorneys who practiced independently but in the same office suite. Those attorneys shared experience and advice which allowed those of us who accepted Public Defender appointments to grow in skill and provide quality representation to our clients. Today, all these attorneys, but one, will not accept State Public Defender appointments. The attorney who still accepts appointments only does so in cases where the accused speaks Spanish and is charged with a serious felony. The others have long ago stopped taking appointments because it is not economically feasible at the present rate of \$40.00 an hour. The rate has not increased in the 24 years that I have practiced law. In fact given the rising cost of overhead and inflation, the rate has decreased. Such a low rate has the effect of creating a system where the rights of accused are compromised. The collateral cost of this is unnecessary incarceration and post conviction motions which ultimately costs the legal system legitimacy and the taxpayers more.

Since becoming judge in Branch 18 of the Milwaukee County Trial Court, I presided three years in Juvenile Division, three years in the Civil/Probate court and currently preside over a general felony calendar in the Criminal Division. Each of these courts relies heavily on public appointed counsel from the State Public Defender and from Milwaukee County funds. The inadequate hourly rate has the effect of putting stresses on the legal system that ultimately costs the State

more money. When appointed counsel does not have adequate time to prepare for sentencing the result is unnecessary supervision or even more incarceration than required in particular situations. It also causes experienced attorneys to decline representation in complex felony cases and forces the State Public Defender to appoint whatever attorney will accept the appointment regardless of ability to manage the case. Less experienced attorneys are bound to overlook potential issues thereby increasing the likelihood of ineffective assistance of counsel claims.

I respectfully submit that while Petition 17-06 requires a difficult fiscal decision, it will not be made unless this Court requires it. Only this Court is directly responsible and best placed to ensure the quality of our State's legal system and of the attorneys who appear before us. The current hourly rate of \$40 an hour is gravely inadequate.

Respectfully submitted,



Pedro A. Colon