

Wisconsin Justice Initiative



Re: Petition 17-06 to Amend Supreme Court Rule 81.02

First, thank you for extending the comment deadline. It is very much appreciated.

The Wisconsin Justice Initiative supports the petition's proposal to increase the \$40-per-hour rate paid to private attorneys who accept appointments from the State Public Defender's office. In 2018, \$40 per hour is an absurdly small amount to pay those who defend the liberty of people charged with criminal offenses. The stakes for the defendants are too high and the constitutional right to effective assistance of counsel is too important for this situation to continue.

Maintaining the status quo will send a message that the state and its courts are not really that interested in administering even-handed, fair-play justice, and that underfunded, stacked-deck justice is just fine for poor people. The courts, already under attack by some, will lose respect, credibility, and support among the public.

WJI is encouraged by the willingness of lawyers and others to take the time to write and submit their thoughts about this very important matter. WJI echoes the concerns expressed about pretrial inmates held too long in jail for want of lawyers willing to take their cases at the \$40 rate, about the inexperienced or sometimes overextended lawyers defendants may be forced to accept, and about the dismal prospects for legislative action to improve the situation.

We hope the enclosed maps contribute to the discussion. The first shows the courthouse locations of 2016 misdemeanor and felony SPD appointments accepted by a single lawyer from the Eau Claire area, and how many cases that lawyer accepted in each county.

As you can see, the lawyer traveled throughout much of the state. Undoubtedly, judges and defendants in some of these counties would have preferred to find attorneys with offices much closer to them.

WJI also examined felony cases filed in Ashland County in 2017 and found 104 cases where it could be determined with confidence SPD appointments were made.

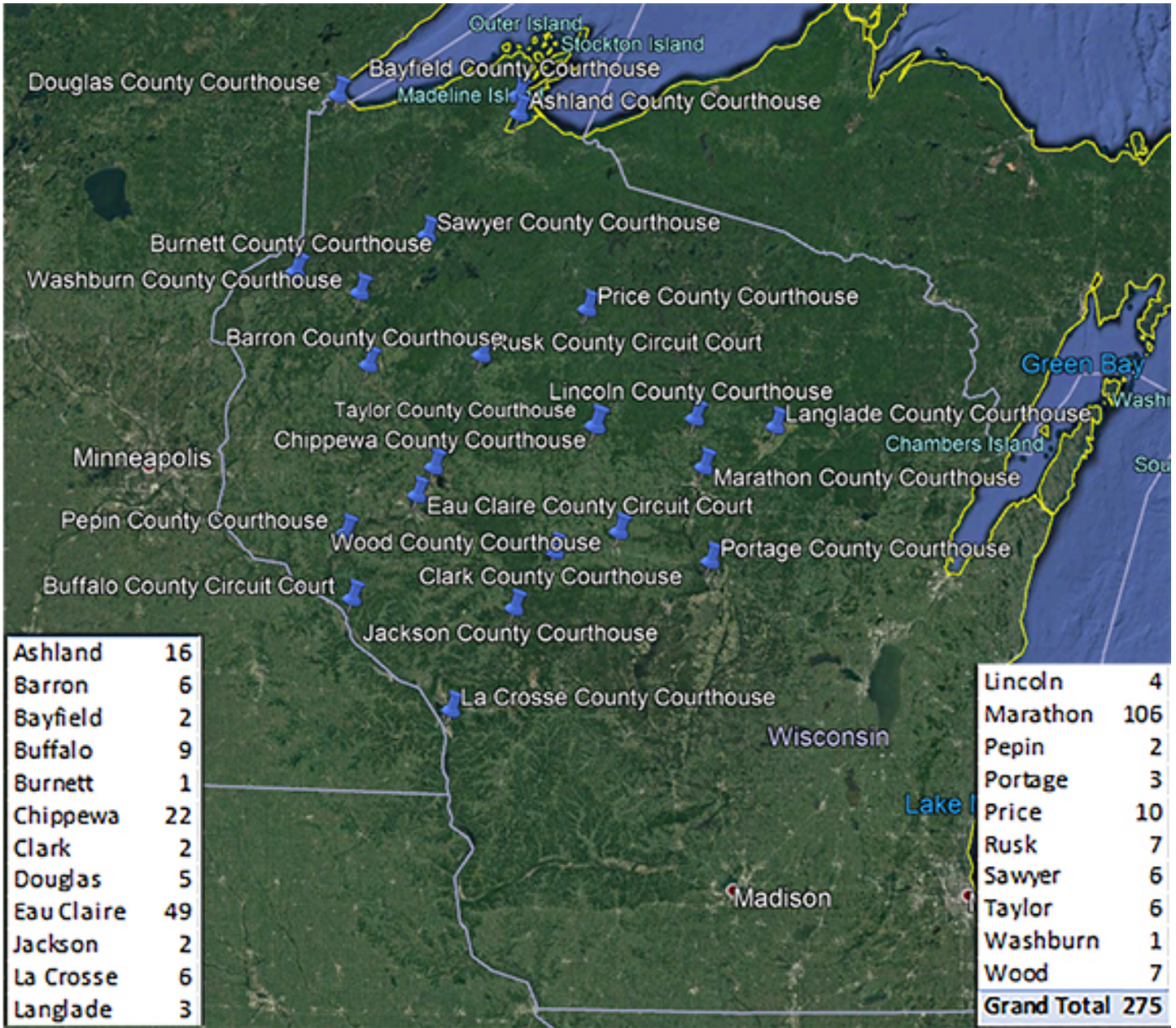
The second map shows where lawyers hired for those cases have their offices. It also shows how many cases were handled by lawyers headquartered in each community. For example, lawyers based in Ashland handled 29 Ashland County felonies; lawyers from Stevens Point, about 190 miles away, handled 10; and lawyers from La Crosse, about 250 miles away, handled five.

These maps raise obvious questions about attorney time committed to driving back and forth instead of actual casework and the resulting deleterious effects on quality of representation. Moreover, precious state funds are spent on travel rather than legal representation.

Thank you for your consideration.

Gretchen Schuldt
Executive Director,
Wisconsin Justice Initiative

2016 felony and misdemeanor SPD appointments handled by one attorney



Office locations of SPD-appointed lawyers who handled 2017 Ashland County felony cases

