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April 25, 2018

Clerk of Supreme Court
Attention: Deputy Clerk – Rules
110 East Main Street, 2nd Floor
Madison, Wisconsin 53703

Re: Rule Petition 17-06, In re Petition to Amend SCR 81.02

Dear Justices of the Supreme Court:

As president of the Dane County Criminal Defense Lawyers Association (DCCDLA) and on behalf of our Dane County Defense Bar, I write in strong support of the above petition. Our association consists of about 60 attorneys, mostly self-employed small business owners, working in firms of 1-2 attorneys, on average. We contribute to the local economy and job market on a microeconomic scale. Over the years, most if not all of our members have accepted at least some public defender appointments. However, many DCCDLA members have stopped taking those appointments altogether, and the low rate of pay ($40/hour) is the reason. The economics of law practice in Dane County make it impossible to justify accepting appointments at $40 per hour while trying to run a business. Only the least experienced attorneys stand to gain anything by taking such low-paying appointments; and their gain is in experience, not recompense.

As a result, our criminal justice system is skewing dangerously, producing a growing disparity of outcomes between clients with funds to retain private counsel, on the one hand, and, on the other, those who must accept court-appointed counsel. The current low rate of pay usually results in less experienced, less skilled attorneys representing the poor and the working poor.

We urge you to approve Petition 17-06 and, in doing so, help right the scales of justice. It would raise court-appointed counsel pay to $100 per hour. This modest measure, while no panacea, would nonetheless start to level the playing field of criminal justice in our great state. More skilled and seasoned attorneys would take more court-appointments and thus more people would have proper, efficient representation. Representation by inexperienced lawyers prolongs cases, delays justice and prompts excessive appeals. Victims and defendants all suffer under the current rate – which is less than that charged by local auto mechanics and cleaning services.

Respectfully submitted,
Dane County Criminal Defense Lawyers Association
By: /s/ (electronically signed)
Christopher T. Van Wagner, President

cc: Petitioners John A. Birdsall & Henry R. Schultz