

**RESOLUTION  
ROCK COUNTY BOARD OF SUPERVISORS**

Criminal Justice Coordinating  
Council  
INITIATED BY



Elizabeth Pohlman McQuillen  
DRAFTED BY

Public Safety & Justice  
Committee  
SUBMITTED BY

October 16, 2018  
DATE DRAFTED

**SUPPORT FOR INCREASED PUBLIC DEFENDER ACCESS AND COMPENSATION**

1 **WHEREAS**, the Sixth Amendment to the United States Constitution guarantees those charged with  
2 crimes the right to a speedy, public trial by jury, the right to confront accusers, and the right to the  
3 assistance of counsel; and,  
4  
5 **WHEREAS**, the United States Supreme Court in 1963 established that the government must provide  
6 counsel if a defendant cannot afford it and other cases have established that the assistance must be  
7 effective, not merely a lawyer appearing, unprepared, for a defendant; and  
8  
9 **WHEREAS**, the State Public Defender often provides representation to indigent defendants using  
10 certified private attorneys who are reimbursed at the nation's lowest hourly rate of \$40, which was set by  
11 the Legislature more than 20 years ago in 1995 when the rate was reduced from \$50; and,  
12  
13 **WHEREAS**, lack of representation for indigent clients causes a backlog in the criminal justice system,  
14 leads to longer pre-trial periods of detention in county jails, inefficiency for courts, and slower justice for  
15 victims, creating a burden on the courts and Wisconsin Counties.  
16  
17 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled  
18 this 15<sup>th</sup> day of November, 2018, does hereby implore the Wisconsin legislature to provide  
19 adequate resources to the State Public Defender's Office for representation of indigent clients by  
20 increasing the rate of reimbursement for assigned attorneys consistent with the reasoning of the  
21 Wisconsin Supreme Court in its Decision in *In re the Petition to Amend SCR 81.02*, decided and filed by  
22 the Court on June 27, 2018, to \$100/hour, which will ensure the prompt appointment of counsel.  
23  
24 **BE IT FURTHER RESOLVED** that the County Clerk be authorized and directed to send a copy of this  
25 resolution to Governor Walker, the Rock County Legislative Delegation and the Wisconsin Counties  
26 Association.

Respectfully submitted,

PUBLIC SAFETY & JUSTICE COMMITTEE

Mary Beaver  
Mary Beaver, Chair

Kara Hawes  
Kara Hawes

Philip Owens  
Philip Owens, Vice Chair

Brian Knudson  
Brian Knudson


Terry Fell  
Terry Fell

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COUNTY BOARD STAFF COMMITTEE


  
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Bob Yeomans

ADMINISTRATIVE NOTE:

Recommended.

  
Josh Smith  
County Administrator


FISCAL NOTE:

This resolution is advisory only and has no direct fiscal impact on Rock County operations in and by itself.

  
Sherry Oja  
Finance Director

LEGAL NOTE:

Advisory only.

  
Richard Greenlee  
Corporation Counsel

### EXECUTIVE SUMMARY

The State Public Defender's Office represents indigent individuals in criminal, juvenile and mental health courts. For cases involving, (primarily), conflicts of interest SPD appoints private bar attorneys to represent individuals who otherwise qualify under its guidelines. The rate at which these private attorneys are paid by the State of Wisconsin is \$40/hour, which is the lowest rate in the country. Jurisdictions across the state are having difficulty finding private attorneys willing to take these cases for \$40/hour, as this rate does not even cover the overhead costs to run a small law firm. This causes a backlog in the criminal justice system and, in other jurisdictions, has led to judges being forced to appoint counsel at county expense. Further, this leads to increased costs to jails, (these individuals are waiting for the appointment of counsel), inefficiency for courts and law enforcement, and a delay in obtaining justice for victims. This Resolution does not increase County costs for appointing counsel; it strongly urges the Wisconsin State Legislature to provide adequate funding to SPD, to pay private bar attorneys who take SPD eligible cases, closer to a market rate for their services.