

3 **RESOLUTION: Requesting the State of Wisconsin to Review and Revise the Compensation Rate**
4 **for State Public Defenders and Require the State of Wisconsin to Reimburse**
5 **Winnebago County the Hourly Rate That Has Been Appropriated by Wisconsin to**
6 **Provide Required Counsel Coverage in Criminal Cases**
7

8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

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

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

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

15 **WHEREAS**, public defender offices do not have enough staff attorneys available or public defender assigned
16 private attorneys willing to assist the Public Defender's office because of inadequate pay: 17 to 20 percent of staff
17 attorney jobs are currently unfilled coupled with a shortage of private attorneys willing to take public defender cases; and

18 **WHEREAS**, this scenario results in increased costs to counties by requiring counties to pay significantly
19 higher hourly rates for private attorneys to represent criminal defendants coupled with holding inmates in jail for
20 longer periods of time pending court appointment of private attorneys, resulting in reduced efficiency of Courts and
21 law enforcement, and delayed justice for victims; and

22 **WHEREAS**, the State Public Defenders (SPD) rate was adjusted downward in 1995 to \$40 per hour, making it
23 the lowest private attorney rate in the nation. In January 2020, the SPD rate increased to \$70 per hour; and

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

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

28 **WHEREAS**, in recent years, the partnership has frayed as counties have borne a growing share of the costs
29 including the salaries and benefits of the clerks of circuit court and their employees, salaries and benefits for court
30 commissioners, courtroom security personnel and equipment, office supplies, law libraries, and jury costs.

31
32 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it supports
33 providing sufficient resources to the Wisconsin Office of the Public Defender to ensure that the Wisconsin criminal
34 justice system operates effectively and efficiently.

35 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it supports an increase in
36 the rate of reimbursement for assigned public defender appointments by private attorneys to a market rate that will
37 help ensure prompt legal representation for criminal defendants and allow cases to be handled in a timely and
38 efficient manner.

39 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it supports requiring the
40 State of Wisconsin to reimburse Winnebago County the hourly rate that has been appropriated by Wisconsin to
41 provide required counsel coverage in criminal cases.
42

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the County Clerk forward a copy of this Resolution 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.

Fiscal Note: Legislation as supported by this resolution could potentially have the effect of decreasing County expense for legal fees and increasing County revenue as reimbursement for legal fees, but the amounts cannot be reasonably estimated at this time.

Respectfully submitted by:

LEGISLATIVE COMMITTEE

Committee Vote: **9-0**

Vote Required for Passage: **Three-Fourths of Members Present**

Approved by the Winnebago County Executive this _____ day of _____, 2023.

Jonathan D. Doemel
Winnebago County Executive