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WASHINGTON COUNTY, WISCONSIN

Date of enactment: 2/8/2023
Date of publication: 2/15/2023

2022 RESOLUTION 63

Requesting the State of Wisconsin Review and Revise the Compensation Rate for State Public Defenders

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

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

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

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

WHEREAS, this results in increased costs to counties by requiring counties to pay significantly higher hourly rates for private attorneys to represent criminal defendants, holding inmates in jail for longer periods of time pending court appointment of private attorneys, reducing efficiency of Courts and law enforcement, and delaying justice for victims; and

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

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

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

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

1 **NOW, THEREFORE, BE IT RESOLVED** by the Washington County Board of
2 Supervisors that this Board supports providing sufficient resources to the Office of the Public
3 Defender to ensure that the criminal justice system operates effectively and efficiently.
4

5 **BE IT FURTHER RESOLVED** that the Washington County Board of Supervisors does
6 hereby support an increase in the rate of reimbursement for assigned public defender private
7 attorneys to a market rate that will help ensure prompt legal representation for criminal defendants
8 and allow cases to be handled in a timely and efficient manner.
9


10 **BE IT FURTHER RESOLVED** that the Washington County Board of Supervisors does
11 hereby support that if the Office of the Public Defender cannot find a qualified attorney to take a
12 case as an appointed State Public Defender and the County is required to appoint counsel at a
13 higher rate, that the Office of the Public Defender reimburse the County the hourly rate that has
14 been appropriated by the state to provide required counsel coverage.
15

16 **BE IT FURTHER RESOLVED** that a copy of this resolution is sent to Governor Tony
17 Evers, members of the Wisconsin State Assembly and State Senate, every county in the State of
18 Wisconsin, and the Wisconsin Counties Association.
19
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21

22 VOTE REQUIREMENT FOR PASSAGE: Majority

23 RESOLUTION SUMMARY:

24 Approved as to form:

25
26 
27 _____
28 Bradley S. Stern, County Attorney

29 Dated 2/9/2023

Introduced by members of the PUBLIC SAFETY
COMMITTEE as filed with the County Clerk.

30 

Christopher Bossert, Chairperson

31 Approved:

32 

33 Josh Schoemann, County Executive

34 Dated 13 Feb 23

35 Considered 2/8/2023

36 Adopted 2/8/2023

37 Ayes 21 Noes 6 Absent 0

38 Veto

Voice Vote _____

Partial Veto

(No fiscal impact.)