



Wisconsin State Public Defender

315 N. Henry St. - 2nd Floor
PO Box 7923 Madison, WI 53707-7923
Office Number: 608-266-0087 / Fax Number: 608-267-0584
www.wisspd.org

Kelli S. Thompson
State Public Defender

Michael Tobin
Deputy State
Public Defender

October 26, 2011

Clerk of Supreme Court
Attn: Carrie Janto
PO Box 1688
Madison, WI 53701-1688

Re: Supreme Court Rule Petition 11-03, In the matter of repeal and recreation of SCR 70.38 – 70.39, relating to court security and facilities

Dear Ms. Janto:

Petition 11-03 proposes changes to repeal SCR 70.38 – 70.39 and recreate them in a separate chapter of the Supreme Court Rules. The petition further proposes to make certain changes to the rules to promote communication concerning court facilities issues and “to assist counties and courts in making sound decisions about the court facilities that serve the citizens of their Wisconsin communities”.

The Wisconsin State Public Defender is the primary appointing authority for low-income persons who are unable to afford to hire counsel in criminal, children in need of protection and services, delinquency, civil commitment, non-support and termination of parental rights cases. The Wisconsin State Public Defender staff represents clients in court proceedings in over 70,000 cases annually. We are responsible for the appointment of counsel in another 60,000 cases annually. In addition, we assist the courts by appearing at virtually all in-custody intake/initial appearance sessions in every county courthouse of the state. Our staff spends more time at local courthouses than they do in their own offices. Local courthouses are part of our workplace. We are a significant institutional partner in the justice system. We are an important and necessary stakeholder in the courthouse facilities and security discussion.

The petition proposes to create SCR 68.05 Security and Facilities Committee. This proposed rule requires that the presiding judge in each county create a courthouse security and facilities committee. The committee would be responsible for specified decisions regarding courthouse security and facilities that affect the ability of WSPD staff to perform required administrative tasks and to provide effective assistance of counsel. The committee’s decision would also have an impact on workplace safety for our staff.

The petition includes a provision that the committee include certain designated persons. The comment to this proposed rule states that, “the creation of a committee which includes all of the designated persons is essential to achieve the overall goals of these standards.”

We respectfully submit that as a significant institutional partner with a substantial interest in workplace safety for our staff, the rule should include a designated representative of the Wisconsin State Public Defender. We believe our participation is essential to a county committee's ability to successfully achieve the goals set forth in the rules.

The Wisconsin State Public Defender requests that the proposed language of SCR 68.05 (1) be amended to read as follows:

SCR 68.05 Security and Facilities Committee

(1) The presiding judge for each county shall appoint a security and facilities committee composed of all of the following:

- (a) One circuit judge to serve as chairperson.
- (b) The chairperson of the county board.
- (c) The county executive, county administrator, or administrative coordinator. [revised]
- (d) The clerk of the circuit court.
- (e) The county sheriff.
- (f) The district attorney.
- (g) A circuit court commissioner.
- (h) ~~One representative of the criminal defense bar.~~ The Wisconsin State Public Defender.
- (i) One lawyer designated by the president of the local bar association. If there is no association, the presiding judge shall appoint a lawyer residing in the county.
- (j) One representative of a victim-witness support organization.
- (k) One representative of the facilities/maintenance department. [new]
- (L) Such other persons as the committee considers appropriate.

A person specified in sub. (b) – (f), and (h) may designate a person for appointment to the committee in his or her place.

We do not expect this request to be controversial. We already participate as a required member on county criminal justice coordinating councils and treatment court committees. We will discuss our request with the petitioners to seek a joint resolution regarding our participation on these new committees. Thanks you for this opportunity to comment on the proposed rule changes.

Sincerely,

Deborah M. Smith for
Kelli S. Thompson
Wisconsin State Public Defender

cc: Director of State Courts