KB

KOSTNER, KOSLO & BROVOLD LLC
ATTORNEYS AT LAW

April 29, 2018

Clerk of Supreme Court
Attn: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Petition 17-06
      In re Petition to amend SCR81.02

Greetings:

I write in support of the petition to increase the rate of pay for private attorneys accepting Public Defender cases. My legal firm does not accept criminal defense cases, whether private or public pay. In other words, I have no financial interest in the outcome of Petition 17-06. I do, however, have a vested interest in our judicial system and the constitutional rights of all criminally charged persons to competent legal representation.

I have read each of the responses to petitions posted through April 26, 2018, and, with special interest, those from the Bar and judiciary in Western Wisconsin where I have practiced for almost 43 years. I recall that when the private bar rate of $40 per hour was established, it was adequate for the small firms in our area to cover overhead and a bit more. It is now grossly inadequate. The result is that private attorneys must either accept criminal appointments on what is really a pro bono basis or decline to represent those in need.

The impact on criminal justice is evident from the comments of others. Attorneys Jim Kroner (La Crosse County) and Dana Smetana (Eau Claire County), who are both experienced criminal defense attorneys, now decline public defender case appointments, a common occurrence according to Judge William Gabler (Eau Claire County). Judge John Anderson reports that criminal defendants regularly wait 4-6 weeks for attorney appointments and Judge Robert Eaton cites delays of weeks & months prior to appointments. Very often, these criminal defendants are incarcerated while waiting for legal representation. Where is the justice in that?

To paraphrase the comments from State Representative Frederick Kessler, adoption of this petition can ensure that criminal defendants in Wisconsin may actually achieve justice for all.

Very truly yours,

BRUCE J. BROVOLD
smb