

ROBERT E. EATON  
JUDGE  
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**CIRCUIT COURT**

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April 18, 2018

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

Re: Petition 17-06  
In Re the Petition to amend SCR 81.02

Greetings:

I am the Circuit Judge in Ashland County, a one Judge County in Northern Wisconsin. I plead with the Supreme Court to grant the petition to increase the rate of pay for private attorneys accepting Public Defender cases.

I have granted adjournments, to numerous to count, while indigent defendants wait for representation. These litigants qualify for representation through the State Public Defenders Office. However, it often times takes weeks and months to locate an attorney who will take their case. Many of these litigants are incarcerated.

Some attorneys from out of the area have graciously agreed to take cases here. I have had attorneys come from LaCrosse, Eau Claire, Stevens Point, and River Falls to take up cases for indigent criminal defendants. However, there are simply not enough attorneys locally who will accept cases at the rate of \$40.00 per hour.

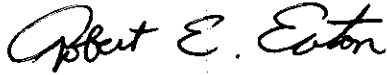
While pro bono work is encouraged, no attorney is going to consistently take a job at compensation less than his or her operating cost. At a recent criminal intake session, I discussed this issue with a group of criminal litigants, some of whom were waiting for the appointment of an attorney. A comment was made that a plumber or auto mechanic will expect to receive at least \$75.00 an hour for his or her work. The group seemed stunned by the fact that an attorney would only make \$40.00 per hour. As a group, they decided that they would expect an attorney appointed by the Public Defender's office to make \$75.00 to \$100.00 an hour.

I have appointed attorneys to represent indigent defendants when those defendants qualify for Public Defender representation. I felt it was unconscionable to have people in jail for weeks at a time without the services of an attorney. However, making these appointments is unfair to the County taxpayers who pay the bill that should be the responsibility of the State Public Defender and unfair to the defendants because the Court does inquire of them about reimbursing the County for the cost of appointed counsel. I agree with the citizens I have interviewed.

Compensation for private attorneys working for the Public Defender is too low and is creating a burden on the legal system and those who are required to use it.

I ask that you require greater compensation for this work. Thank you for considering my request.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Eaton". The signature is written in a cursive style with a large, stylized initial 'R'.

Robert E. Eaton  
Circuit Judge

REE/ka