

*CIRCUIT COURT, BRANCH 3  
EAU CLAIRE COUNTY*

*721 Oxford Avenue, Eau Claire, Wisconsin 54703-5481  
TEL (715) 839-7732*

*WILLIAM M. GABLER, Sr., Judge*

**RECEIVED**

APR 25 2018

April 23, 2018

CLERK OF SUPREME COURT  
OF WISCONSIN

Chief Justice Patience Drake Roggensack  
Justice Shirley S. Abrahamson  
Justice Ann Walsh Bradley  
Justice Annette Kingsland Ziegler  
Justice Michael J. Gableman  
Justice Rebecca Grassl Bradley  
Justice Daniel Kelly  
Justice-Elect Rebecca Dallet  
P. O. Box 1688  
Madison, WI 53701-1688

RE: Petition to Amend SCR 81.02

Dear Justices of the Supreme Court:

I write in support of the Petition to amend the Supreme Court Rule raising court-appointed lawyers rates from \$70.00 to \$100.00 per hour. I also support a rule change which would require the State Public Defender's office to pay outside counsel the same hourly rate; \$100.00 per hour. Paying criminal defense lawyers anything less than \$100.00 per hour is inconsistent with the United States Supreme Court's holding in Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed. 2<sup>nd</sup> 799 (1963).

We face a constitutional crisis in the State of Wisconsin as we are in 50<sup>th</sup> place in these United States with respect to paying for defense counsel. The State Public Defender's office is facing personnel shortages, not only within the ranks of full-time attorneys, but also in recruiting private bar practitioners to take public defender appointments. Our Public Defender's office here in Northwestern Wisconsin has significant difficulty finding lawyers that are willing to take criminal cases. The right to counsel is a hollow constitutional right if lawyers are paid an hourly rate that doesn't even meet their overhead expenses. When I graduated from Marquette University Law School in 1974, I remember Dean Robert F. Boden tried to arrange our investiture into the State Bar of Wisconsin at the earliest opportunity so we could start working and billing at the rate of \$35.00 per hour. It is unconscionable that private lawyers, representing public defender clients, are essentially paid the same hourly rate a new law graduate billed in 1974.

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If the legislative and executive branches of government will not uphold the constitutional right recognized in *Gideon*, the judicial branch of government, a co-equal branch of government, will have to assume the responsibility.

Sincerely,

A handwritten signature in blue ink that reads "William M. Gabler, Sr." The signature is written in a cursive style with a large, prominent "W" and "G".

William M. Gabler, Sr.  
Circuit Court Judge, Branch 3

WMG/kmo