

From: Christopher Paulsen
To: Janto, Carrie; Bergum, Susan
Date: 4/20/2018 11:11 AM
Subject: Fwd: Petition #17-06

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**CLERK OF SUPREME COURT
OF WISCONSIN**

>>> "Peter C Rotter" <petercrotter@gmail.com> 4/20/2018 11:05 AM >>>
Clerk of Supreme Court

Attention: Deputy Clerk-Rules

Greetings:

I am writing regarding the Wisconsin Association of Criminal Defense Lawyers' (WACDL) Petition #17-06 to the Court seeking an increase in the rate of compensation for appointed counsel.

This is a critically important issue for the Supreme Court to take up. It is one which the legislature has failed to address for decades. I have previously written my representatives in the legislature. I have written to members of the Joint-Finance Committee, I have written to members of the Judiciary Committee, and to the Governor. As long ago as 1997 I spoke on this issue at a public hearing by the Joint-Finance Committee. The abysmally low rate was a problem then and the rate hasn't changed since. The legislature has demonstrated an inability to address this problem.

I have accepted Public Defender Appointments over the years as a sense of duty and commitment. Often times I haven't even submitted bills but have done the work as pure pro bono. I take very few such cases now and sometimes still do not submit bills for the work (in some sense, the rate is so low that it is counterproductive to take the additional time necessary to send in a bill. It is more efficient to take fewer cases and simply move on). The State Public Defender Assigned Counsel Division (ACD) reimbursement rate is still \$40.00 per hour (less for travel time), just as it was in 1997 and has been for many years prior to that.

The rate I charge my private pay clients is \$200.00 per hour. Many of those clients are quite financially strapped as well. I find it more and more difficult to reconcile that my private pay client's subsidize my Public Defender representation of others when they are having such a difficult time themselves. At this point subsidize is the only appropriate term for it as the cost of doing business for me exceeds \$40.00 per hour.

As our society has become more and more litigious, we have found more and more funding for essentially every aspect of our criminal justice system, except for defense of the indigent. There is more money for prosecutors and there are more prosecutors, there is more money for Judges and more Judges, there is more money for Law Enforcement officers and more Law Enforcement officers, more money for jails and prisons and more jails and prisons. More for the Crime Lab and State lab of Hygiene, for analysts, for probation, and on and on. And all of those agencies will rightfully point out that they are still strapped, even with the increased funding. But how much more so the Assigned Counsel Attorneys who still operate at the same reimbursement rate set decades ago?

The Right to an attorney is considered one of the most important Rights in our society. It is incumbent upon us to properly fund indigent defense as it is to fund every other aspect of our criminal justice system. In our current system we fulfill our obligation to ensure the Right to an attorney by underfunded ACD attorneys representing indigent defendants at rates below the cost of their overhead. Essentially, the Attorneys taking these cases are providing a charity. That is all well and good for them but it is a Constitutionally Inadequate means of fulfilling the State's obligations.

Please take up this issue and demonstrate the strength and courage that I know you have to do what the legislature could not do, to do what is right, to do what is required by the Constitution for a fair and just society.

Thank you for your time and consideration of this important issue.

Sincerely,

Peter C. Rotter

Attorney at Law

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