



# Wisconsin Clerks of Circuit Court Association

— Serving Wisconsin Courts —

September 28, 2010

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CLERK OF SUPREME COURT  
OF WISCONSIN

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Clerk of the Supreme Court  
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**RE: Supreme Court Rule Petition 10- 03**

Dear Justices:

Thank you for the opportunity to provide comment on Supreme Court Rule Petition 10-03, which will have a public hearing on October 19, 2010.

Wisconsin's clerks of circuit court have reviewed and considered the petition in light of the operational budget challenges we have experienced in our counties over the past several years. Nothing suggests to us that these budget pressures will subside anytime soon. Given that, we are concerned about any legislation or Supreme Court Rule change that would have the effect of stressing our operating budgets even further.

As the existing SCR 81.02 provided for periodic reviews of the court-appointed attorney compensation rate, we support the timing of the petition and suggest that it be considered largely as a long overdue petition for review. We hold no specific position for or against the \$80 hourly rate proposed. Rather, we hope that the hourly rate determined as a result of this review would simply reflect the current circumstances of litigants, courts, and attorneys. Thus, the outcome of any periodic review may be that the hourly compensation amount is raised, lowered, or unchanged through the prudent exercise of this Court's discretion.

The Wisconsin Clerks of Circuit Court Association does specifically object, however, to the notion that future increases in the appointed attorney compensation rate should be automatically linked to the Consumer Price Index. We do not believe that the circuit courts' interests are best served by this Supreme Court relinquishing the discretion currently provided for in the Rule. Rather, the Court should commit to performing the biennial qualitative review of compensation rates that the existing Rule contemplates.

I expect that a representative of the WCCCA will attend the public hearing to address any questions or concerns that any of the Justices may have about the positions taken by this organization on the pending rules petition.

Respectfully yours,

Karen J. Hepfler  
President, WCCCA

Cc: Atty. Dean A. Strang  
Atty. John S. Skilton