



# Wisconsin State Public Defender

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August 18, 2011

Clerk of Supreme Court  
Attn: Carrie Janto  
PO Box 1688  
Madison, WI 53701-1688

Re: Rules Petition 10-08 relating to SCR 11.02 Appearance by Attorney

Dear Ms. Janto:

Petition 10-08 proposes changes to SCR 11.02, relating to Appearance by Attorney. The petition seeks an amendment to the rule requiring circuit court judges to appoint attorneys at public expense for indigent persons in certain civil cases. The Wisconsin State Public Defender believes that it is good public policy to provide counsel for low-income persons in certain civil cases when basic human needs are at stake.

The Wisconsin State Public Defender is the primary appointing authority for low-income persons who are unable to afford to hire counsel in criminal, delinquency, civil commitment and termination of parental rights cases. We have long experience representing the poor in the courts of this state. Although our representation is limited to these case types, we are well aware that a majority of clients have other unmet legal needs. Those unmet legal needs often relate to or have an impact on their public defender case and the client's potential recidivism.

Our experience with drug treatment courts and veterans' courts has demonstrated the effectiveness of treatment. Civil legal services programs that connect Wisconsin citizens with medical benefits to which they are entitled allow those citizens to access treatment they need. These benefits and services not only brings additional federal dollars into our economy, but reduce recidivism. Likewise, civil legal services programs that resolve child custody disputes, address homelessness, and help couples involved in a pattern of domestic violence disengage and divorce, can remove triggers for new offenses. Harm prevention is always better and more cost effective than attempting to remediate harm after the fact.

For every criminal charge prevented, the taxpayers save the cost of law enforcement, prosecution, courts, and defenders.. For every conviction avoided, the taxpayers save about \$2000 a month in county jail costs, \$2800 dollars a year in community corrections costs, or \$32,100 a year in prison costs. Paying for legal services in civil cases is a wise investment of tax dollars.

Although it would be preferable to address this issue through the legislative process, the Court must consider the systemic impact related to not addressing the unmet legal needs of the people of this state. The judiciary faces unprecedented fiscal challenges to its ability to dispense justice. Efficient criminal court processes would be supported by better access to justice in civil matters through appointed representation for indigent persons.

Sincerely,

Kelli S. Thompson  
Wisconsin State Public Defender