

**Carrie Janto - Wisconsin Association of Criminal Defense Lawyers Petition #1706**

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I am In my fortieth year as a lawyer; five years as a prosecutor and the rest in criminal defense, both public and private, and civil litigation. I've tried north of 130 cases to juries. I've taken tens of dozens of appointed counsel cases for Wisconsin's niggardly rate of forty dollars per hour for the past seventeen years. I, and others like me, have taken these public defender overflow cases as a quasi pro bono contribution to the cause of justice and out of a belief in the Sixth Amendment to the U.S. Constitution. I have billed the state of Wisconsin a few hundred dollars for cases that a private defense firm would not touch for less than a five figure non-refundable retainer. My largess is at an end. I have seen corporation counsels or private attorneys bill the state three times the public defender hourly rate for TPR cases; same case, same preparation for trial, same effort, for one-third the compensation. I'm sure that the state of Wisconsin pays its electricians, plumbers, automotive mechanics and other skilled labor more than what it pays us lawyers. I'm also sure that those skilled laborers do not have to wait 80 to 90 days to get paid for their services as do we who have to rely on an understaffed State Public Defender's office.

I see the need for criminal defendant representation daily in emails from SPD offices a hundred miles away begging for someone to answer their call. I also understand the political unpopularity a politician has to consider if he or she votes for taxpayer money to pay for the defense of accused criminals. I'm sure that his or her explanation of the Sixth Amendment imperative as explained in Gideon v. Wainwright will not measure up to the simplistic prevalent public response of, "Why should I pay for a lawyer for some criminal?" Nor am I sanguine about the moral courage level of our legislative body to explain to its constituents why it is right and just and necessary to carry out this Constitutional imperative. But it must be done.

The prevalent county rate of pay (\$70 per hour) is the minimal starting point for a pay raise. It should be more and commensurate with more enlightened states. I would also propose another alternative: A sliding pay scale depending on the seriousness of the case itself. A lower hourly rate for misdemeanors; higher rates for felonies. Where should the money for such a raise come from? A tough question for a legislature that is loathe to raise taxes for any reason. Perhaps a million fewer dollars worth of tax breaks for FOXCOMM would do the trick. In any case, adequate public funding of the state's criminal justice system not only necessary, but the right thing to do.