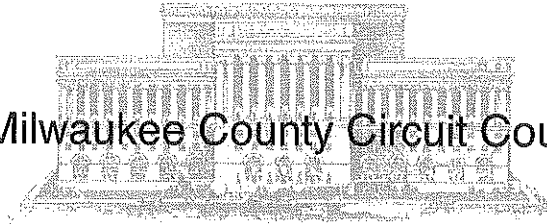


Milwaukee County Circuit Court



DAVID FEISS
CIRCUIT COURT JUDGE
BRANCH 46

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Clerk of Supreme Court

Attn: Deputy Clerk – Rules

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FILED
APR 30 2018
CLERK OF SUPREME COURT
OF WISCONSIN

re: Rule Petition 17-06, In re petition to amend SCR 81.02

The undersigned judicial officers write in support of the petition to amend SCR 81.02. As Circuit Court Judges and Judicial Court Commissioners assigned to Children’s Court in Milwaukee we preside over delinquency, Children In Need of Protection or Services (CHIPS) and Termination of Parental Rights cases. This assignment provides us unique opportunity to witness the troubling due process issues caused by the current rate of reimbursement for private bar attorneys who accept public defender appointments.

In delinquency cases in Milwaukee County many of the juveniles are represented by staff attorneys from the State Public Defenders office who work exclusively on these cases. The quality of representation they provide is high. When the SPD is unable to represent a juvenile due to staffing or conflict issues, the cases are sent out private bar attorneys.




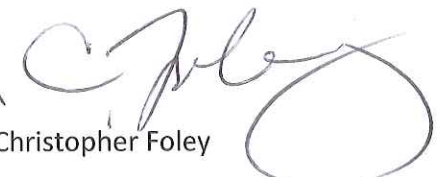
The number of lawyers willing to accept these appointments is small. Lawyers, like any other small business owners, have certain fixed expenses. These expenses have continued to climb while the hourly rate of payment has remained unchanged since 1995. This gap between costs and the payment rates makes it difficult to find lawyers to accept these cases. This in turn can lead to delays which negatively impact both juveniles and the victims of their offenses. The quality of representation afforded to the juveniles can also vary greatly. These issues with both the quantity and quality of representation are a direct result of the low reimbursement rates.

These concerns are even greater in termination of parental rights cases. In our county almost all of the parents who are served with involuntary termination actions meet public defender eligibility criteria. The majority of the cases are assigned to the few private bar attorneys who are willing to accept the current hourly rate. This group is even smaller than those willing to accept delinquency appointments. These cases are complex and time consuming.


The lack of attorneys able to accept the current hourly rate leads to lengthy delays as trials are stacked and then adjourned. This means that vulnerable children remain without permanent homes for increasing lengths of time.

The seriousness of these issues has only increased over time. Unchecked by this Court, they threaten to undermine our ability to provide due process to the litigants who appear before us. We urge you to grant this petition amending SCR 81.02 to prevent this from occurring.

Thank you for considering our comments.

 Lindsey Grady Branch 23	 Jane Carroll Branch 39	 M. Joseph Donald Branch 2	 Christopher Foley Branch 14
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 Julia Vosper Judicial Court Commissioner	 Gwendolyn Connolly Branch 44	 David Feiss Branch 46
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KATHARINE F. KUCHARSKI
JUDICIAL COURT COMMISSIONER