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CLERK OF SUPREME COURT  
OF WISCONSIN

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**Regarding: Rule Petition 10-03, to amend Supreme Court Rule 81.02, Compensation of Attorneys Appointed by the Court.**

The following comments are in regard to the proposal to double the pay rate for fill-in public defenders, as reported in the Wisconsin State Journal on Sunday, May 2, 2010. I disagree with the proposal to offer an \$80 hourly rate for fill-in public defenders. The criminal justice system needs to look for ways to reduce costs, not raise them.

A pay rate of \$40 per hour is really a very substantial amount; attorneys who cannot provide competent services for this wage are probably not qualified at any price. People who don't think this is a premium pay rate should review pay rates for productive jobs in the real world. Compare \$40 per hour with the nominal fees that jurors receive for sitting all day at the courthouse waiting to get called for a case. The goal should be to provide professional and competent counsel, not to enrich an elite class of lawyers or provide them with perks and office comforts.

A pay increase will not reduce crime;  
will not reduce the number of trivial court proceedings and jury trials;  
will not provide productive jobs or reduce poverty;  
will not reduce the criminal justice burden on the taxpayer.  
All of these issues should be addressed before additional pay for lawyers, judges, and court staffers.

Alternate solutions should include:

- 1) Reschedule cases for when an attorney is available. For minor offenses, people can be bailed out of jail until their case can be scheduled. I think everyone understands, or should understand, that if they are provided a free service, they may not get the most ideal scheduling.
- 2) Review cases for relevance. If the schedule is full, charge the minor offenses as misdemeanors and keep them out of court.
- 3) Work longer hours. Advice and preparations do not have to be done during court hours.
- 4) Recruit new attorneys. Every year there is another crop of law school graduates. Pick up the phone, or put an ad in the paper.
- 5) Offer a couple law scholarships each year with the agreement that graduates will serve as public defenders for an agreed number of hours per year after graduation.

I think most taxpayers would agree that government services are already grossly overpriced and lacking in efficiency. People who believe that money motivates all performance should stick to robbing banks, and leave the establishment of attorney pay rates to someone more focused on the goals of the process, and the resources available to operate it. There are hundreds of thousands, if not millions of people in this state that would love to make \$40 per hour; surely a handful of them must be qualified to do the work that needs to be done.



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