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Honorable Michael H. Bloom

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May 1, 2018

Clerk of Supreme Court
Attn: Deputy Clerk – Rules
P.O. Box 1688
Madison, WI 53701-1688

RE: In re the Petition to Amend SCR 81.02
Rule Petition No. 17-06

Dear Clerk:

I respectfully submit for the Court's consideration the following comments in support of Rule Petition No. 17-06.

I began my legal career as a staff attorney in the State Public Defender's Rhineland Office here in Oneida County. After serving in that capacity for eight and a half years, I worked for five years as an associate in a local private law firm. In 2007 I was appointed Oneida County District Attorney.

As an SPD staff attorney, I learned that representing public defender clients is a difficult, thankless job. As a private attorney, my employers did not permit me to accept SPD appointments, on the grounds that the compensation did not justify the time spent. As District Attorney, I learned that prosecuting serious or high-profile cases was actually easier when there was a good defense attorney on the other side. Even hotly-contested cases usually progressed more smoothly with a skilled defense attorney.

In 2012 I was elected to my current position on the Oneida County Circuit Court. As a judge, I have learned that the relative unavailability of even minimally "adequate" private attorneys who are willing to take SPD appointments results in substantial inefficiencies in the criminal justice system. The appointment of private attorneys for SPD cases is often delayed because the local SPD office has been forced to seek attorneys from an ever-widening geographic area. I have also learned that a downstate attorney's willingness to take appointments in the Northwoods is not necessarily commensurate with the attorney's skill level. Late last year I was compelled to grant a postconviction motion for withdrawal of a plea in a high-profile felony prosecution due, in large part, to inadequacies in the SPD-appointed attorney's handling of the matter.

In my judgment, the upshot of all of this is that, at the current rate of compensation paid to private attorneys appointed by the SPD, the number of properly qualified private attorneys willing to accept SPD appointments in my county is woefully deficient.

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I know that some of the other counties here in the Ninth Judicial District are experiencing similar issues with SPD appointments and I assume that many counties around the state are experiencing the same problems. There are qualified private attorneys in Oneida County and in the adjacent and nearby counties that, I believe, would be willing to take more SPD appointments in my court if the increased compensation sought in Rule Petition 17-06 were approved. This would enhance the efficiency of the court system not only in my county, but in many other counties in the state. Beyond mere "efficiency," it would also enhance the quality of justice administered in Wisconsin's courts.

The provision of counsel to indigent criminal defendants is a constitutionally-mandated obligation of the state. The amendment of SCR 81.02 requested in Rule Petition No. 17-06 would allow the State of Wisconsin to better meet that obligation. I respectfully urge the Court to grant the petition.

Sincerely,

Hon. Michael H. Bloom
Oneida County Circuit Court, Branch II