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Re: Rule Petition 17-06

Dear Honorable Justices of the Wisconsin Supreme Court:

Please accept this as a letter in support of Rule Petition 17-06 from the perspective of a long-time Wisconsin prosecutor. Other commentators have suggested, without exaggeration I believe, that the state's criminal justice system is in a state of crisis. There are other pressure points, including the growing rate of "burn-out" among prosecutors and circuit court judges as resources stagnate and calendars clog; but it is the shortfall of assigned counsel for indigent defendants that is leading to the system's breaking point.

The problem is perhaps most severe in medium and smaller sized counties where the well-documented heroine epidemic has resulted in a disproportionately greater increase in crime and the pool from which to draw assigned counsel for the indigent is comparatively small. In Manitowoc county, for instance, Preliminary Examinations and other hearings are frequently adjourned for lack of appointed counsel. Indigent defendants continue to be held in custody while the local SPD office tries to find lawyers to represent them. Their inability to do so is not for lack of effort. SPD clerical staff in our county are routinely unable to find counsel for defendants awaiting Preliminary Examinations despite contacting, in some instances, up to forty attorneys on their list, some with practices a two-hour drive away,

The result is not only an unjust delay affecting the rights of indigent defendants and victims of crime, but an inefficient use of scarce judicial resources. Defendants incarcerated in other counties or prison must be returned and then transported back for the adjourned hearing at county expense. Cities and counties pay overtime for police officers who are subpoenaed to appear in court only to have the hearing adjourned for another day. SPD pays an ever growing amount of travel expenses to appointed counsel from surrounding or more distant counties. Court and DA calendars become further clogged, leading to pressure for additional prosecutors and judges.

When the Court last addressed this issue in July of 2011, it observed that "our criminal justice system is reaching a breaking point." It is abundantly clear nearly seven years later that the point has been reached. Sometimes the right course of action is obvious. The correlation between the shortfall of attorneys willing to take on SPD cases and the lowest rate of pay in the nation provided for their services is plain. I and many others from the "trenches" of the criminal justice system sincerely hope that the Court in its administrative capacity will do what it can to alleviate this problem.

Respectfully submitted,

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