

COPY

May 1, 2018

Clerk of the Supreme Court  
Attn: Deputy-Clerk Rules  
PO Box 1668  
Madison, WI 53701-1668

RECEIVED

MAY 01 2018

CLERK OF SUPREME COURT  
OF WISCONSIN

Re: Rule Petition 17-06. In re Petition to Amend SCR 81.02

Dear Justices of the Wisconsin Supreme Court,

I am writing in favor of the petition to amend SCR 81.02 to increase the court and State Public Defender ("SPD") appointed private counsel rates in criminal cases. When I began practice as a defense attorney in the state of Tennessee in 2000 the private counsel rate for defense attorneys was \$70 an hour in a state with a much lower cost of living, lower tax rate and no income taxes. At that time many competent defense attorneys viewed the rates as too low to accept.

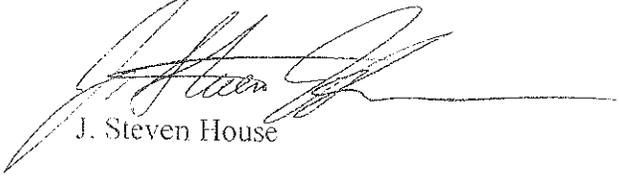
The current SPD private counsel appointed rate of \$40 an hour is absurdly low and not sufficient for an attorney to maintain a convention law office with office staff and the resources necessary to keep abreast of the law, technology and professional fees required for the practice of law without working well beyond full time on a consistent basis.

These low fees have resulted in many counties having difficulty finding attorneys to take cases, particularly serious felony charges. I accept a few appointed cases locally, though the number of appointed cases I'm willing to accept has increasingly diminished over the years as it becomes more and more difficult to justify the extremely low wage for legal work despite my belief that representation of the indigent and the right to counsel enshrined in our constitution are vital to a just system of law. I have completely stopped accepting any appointments for cases out of my home county yet routinely receive e-mail requests from SPD offices around the state struggling to find an attorney to handle more serious felony charges.

This is not just a matter of supporting the constitutional obligation to provide competent counsel to the indigent accused of crimes, the failure to provide a reasonable wage for private bar appointments undoubtedly leads to many instances of the innocent and wrongly charged stagnating in jail and perhaps in some cases being wrongfully convicted. I have handled more several appointed cases where individuals were incorrectly charged with felony offenses or

charged with serious felony offenses without allegations sufficient to establish probable cause for arrest over the past decade of practice in Wisconsin. Increasingly the pool of attorneys willing to accept these cases at the current rate will become dominated by new and inexperienced defense attorneys working without the assistance of support staff and handling such a volume of cases that it will be difficult to provide adequately competent representation. It's time for the Court to step and fix a broken system that the legislature has thus far been unable address.

Sincerely,



J. Steven House