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**To:** <clerk@wicourts.gov>  
**CC:** <carrie.janto@wicourts.gov>  
**Date:** 4/25/2018 7:24 PM  
**Subject:** Comment on Petition 17.06

To the Justices of the Wisconsin Supreme Court,

I am writing in support of the petition. I am an attorney practicing in Wisconsin since 1979. It is now nearing the time when I will be retiring from the practice of law after 40 years. I began my practice as an assistant district attorney and for my entire practice, criminal law has been the focus of my work.

When I first entered private practice in the early 1980's, a substantial part of my practice was accepting appointments from the State Public Defender to represent indigent defendants. As my practice matured, I found it was not long before the hourly costs of supporting my practice (things like office rent, wages for support staff, insurance, legal research materials, and continuing legal education) exceeded what the Public Defender offered in compensation for appointed cases. In essence, spending time on Public Defender appointed cases meant I was not only not making money, I was paying for the privilege of representing those clients. I can no longer afford to accept those appointments.

Attorneys in private practice are not the only ones who suffer from the current rate. In fact, others suffer far more. Those who are accused frequently spend weeks, less frequently but not rarely months, incarcerated waiting for an attorney to be appointed before their case to even begin to progress. These individuals - who may be innocent of the crimes of which they are accused - often lose their employment, get evicted from their homes, and experience separation just waiting for the attorney promised them by our constitution.

Counties also suffer. I practice in La Crosse County. La Crosse has such a constant stream of defendants waiting for the public defender to find an attorney willing to represent them that the County has set up a separate time each day for the intake Judge to review the cases of those defendants stacked up waiting for an attorney to represent them.

I recently attended a session of that court. One defendant who appeared has been incarcerated waiting for the Public Defender to try to find an attorney willing to accept an appointment FOR SIX MONTHS. Since the daily cost of incarcerating a defendant in the jail is roughly \$100 per day, the inability to get this defendant an attorney has already cost the County more than \$18,000.

This makes no sense morally, legally or economically. The rate must be raised.

Jim Kroner  
Moen Ehrsam & Kroner, S. C.  
La Crosse, WI

Sent from my iPad