



Belzer, Schroeder & Lough, s.c.

ATTORNEYS AT LAW

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April 30, 2018

RE: Petition to Amend SCR 81.02

Keith A. Belzer*
Todd E. Schroeder
Jennifer S. Lough
*COURT COMMISSIONER

PARALEGAL

Mary L. Johnsrud

Dear Supreme Court Justices:

I am writing in support of the Petition to raise the appointed counsel rate to \$100 per hour. When admitted to the bar in 2004, I hung out a shingle and accepted public defender cases at \$40 per hour. The rate was far too low to have the usual trimmings of a law office, such as support staff, a conference room and health insurance. But I managed by answering my own phone and receiving health insurance through my wife's employment.

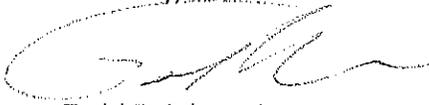
A few years later, I joined a three-person criminal defense firm, where I have remained throughout my 14-year career. We keep a modest yet professional law office. Nonetheless, any public defender case we accept is at a financial loss. I used to take public defender cases even at a financial loss because I thought it was the right thing to do in support of defending the indigent. A few years ago, however, it occurred to me that taking public defender cases at a loss perpetuates the insufficient funding of indigent defense. It saddens me that many experienced attorneys who take public defender cases do so out of devotion, and their willingness is then used to justify the artificially low hourly rate.

Adjusting for inflation, the rate gets lower and lower, and the problems more and more apparent. Over the years I have witnessed judges explaining to more and more defendants that they must sit in jail and forfeit timely preliminary hearings because the state has been unable to find them an attorney. There is now a special La Crosse County calendar just to reschedule preliminary hearings of presumably innocent people who cannot afford a lawyer, often resulting in prolonged pretrial confinement. I have also seen more and more attorneys travelling great distances to represent appointed clients. Over the past year or so, I began receiving unsolicited mass emails and phone calls from public defender offices asking me to travel to places hours away to represent some of the most serious criminal defense cases for \$40 per hour.

I would gladly accept appointed cases at a rate well under my normal hourly rate. But I do not accept them at \$40 per hour because I think the rate exploits the attorneys willing to take such cases and potentially results in inadequate representation.

Thank you for your consideration of this letter and for inviting public comment on this important Petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd E. Schroeder', written over a dotted line.

Todd E. Schroeder