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April 3, 2018

Supreme Court of Wisconsin
Attention: Deputy Clerk-Rules
PO Box 1688
Madison, WI. 53701-1688

RE: Comment on Petition 17.06, Increase in private bar rates for Public Defender Cases

Dear Honorable Supreme Court Justices:

I wanted to take this time to write and express my strong support of the increase in the private bar hourly rate for Public Defender cases. I was the Regional Attorney Manager for the State Public Defender Office for 32 years. My region covered ten counties in Wisconsin including Eau Claire, Rusk, Barron, Pierce, Polk, Pepin, Buffalo, Chippewa, St. Croix, and Dunn counties. Many of these counties were rural and low income. It was a daily struggle to find attorneys to travel to these counties to take our cases. There was always one secretary in our office each day that would spend the entire day trying to farm out cases. Sometimes the secretary would make dozens of calls on one case trying to find someone to take the case. It became virtually impossible to find anyone to take last minute cases such as detention hearings and probable cause hearings. This lack of attorneys would require staff attorneys to drop what they were doing to try and cover these cases adding additional burden and stress to their already overwhelming caseloads. Private attorneys would consistently say it was not worth it to handle these difficult cases for \$40.00 per hour. They could barely make overhead and certainly not afford a secretary at this rate. Travel to cover a thirty-minute hearing was just not feasible when you were trying to make a living, especially when it could take months to get paid.

Two years ago, I retired from the Public Defender Office and last year I started to take some private work from the local office. I enjoy the work but realized quite quickly that I would not be able to handle felonies effectively for the \$40.00 rate. I immediately began getting calls from throughout the state to take cases. I receive calls from Spooner, Wausau, Ashland, Green Bay and many other locations. I am not willing to drive across the state for \$25.00 an hour. I feel bad that these secretaries are so desperate for lawyers who will take these cases, but I just cannot afford to make these trips or handle difficult cases without support. I did not receive any payment for the first three months of business because they were so far behind in payment. I had to wonder what I would do if I were a new attorney just starting out with no income coming in.

I also would like to express my concern for the fact that we are not reimbursed for time spent running back and forth to psychiatric hospitals in our county. This takes time out of our day when we could be doing other things. Some days I am running to two different hospitals to cover emergency detention hearings. All that time traveling to and from hospitals and parking is on my own dime. These cases

come up suddenly and we should not be required to go to these places without reimbursement. It's not like these people can come to us and we are required to appear in court from the video equipment on these wards.

I am in a unique position that I don't have to do this work. I do it because I believe in the mission and cause of indigent defense. When you pay a substandard rate you push people to take too many cases.

It is time that we raise this rate so that we can keep qualified attorneys on our list and they can make a living wage.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Dana Smetana', with a stylized flourish at the end.

Dana Smetana
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