

From the Desk of
Joshua D. Uller

April 30, 2018

Clerk of the Supreme Court
Attn: Deputy Clerk for Rules
PO Box 1688
Madison, WI 53701-1688

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CLERK OF SUPREME COURT
OF WISCONSIN

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

Honorable Justices of the Wisconsin Supreme Court:

I write the Court in support of Rule Petition 17-06. I am a federal public defender in Milwaukee, so neither this petition nor an increase in the rate the State Public Defender pays private bar attorneys directly affects me. Nonetheless, I join the calls of many others urging the Court to grant this petition.

I practiced in Wisconsin courts for twelve years. Early in my career, I took many appointments, both at the county level and from the State Public Defender. While the experience was great for me, it wasn't always great for or fair to my clients. Their lives and liberty were at stake, and they had a lawyer training on the job. I recall a couple cases, where despite my best efforts, I overlooked some pretty obvious legal issues. One in particular resulted in a conviction and eight-year prison sentence. A better and more-experienced lawyer would have caught that mistake at the trial level. Thankfully, that client's post-conviction attorney did discover and correct that mistake. But my client spent a year in prison for this crime before the Court of Appeals vacated his conviction.

His case exemplifies the problems created by Wisconsin's current indigent defense system. One of our fellow Wisconsinites had to spend a year in prison for a crime he should never have been convicted of committing. He did so because he didn't have the effective assistance of counsel. That should be reason enough to prevent similar mistakes from happening in the future. But that year in prison also cost the state over \$30,000. So the cost of providing qualified and competent counsel won't just aid in preventing injustices like what happened to my client. It likely will save the state money in the long run.

As a federal practitioner, I closely watch the work done by lawyers appointed to indigent defendants in federal court under the Criminal Justice Act. And I can say with absolute certainty that indigent defendants in federal court get more bang for their Sixth Amendment buck than the indigent defendants in state court. That's not fair, right, or just. This Court has recognized its supervisory role in how justice is administered in the state. The current system is failing. For that reason, I urge the Court to take this long-awaited action.

Sincerely,

/s/ Joshua D. Uller
Joshua D. Uller