



Wisconsin Clerks of Circuit Court Association

Serving Wisconsin Courts

April 2, 2018

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Clerk of the Supreme Court
Attention: Deputy Clerk-Rules
PO Box 1688
Madison WI 53701-1688

Re: Comment on Rules Petition 17-06, In re Petition to Amend SCR 81.02

The Wisconsin Clerks of Circuit Court Association now writes to express our concerns regarding the impact of this pending rules petition, if approved.

To be clear, we do not oppose, in principle, court-appointed attorneys receiving higher compensation for the cases they take on. However, the perennial question raised by such proposals is: How do we, at the county level, pay for this?

Included in the other submitted comments is a chart from the Wisconsin Association of Criminal Defense Lawyers that provides data collected from many of our members that shows the costs that are incurred right now at the county level for court-appointed counsel. Many of these counties report that compensation is now routinely set at the current SCR 81.02 level of \$70 per hour and further report that they are consistently over budget, annually, on these expenditures. This chronic funding shortfall will only be exacerbated by an increase in the SCR rate.

Most worrisome, however, is that the proposed rule removes the provision that has permitted some counties to devise contracts with their local attorneys to permit more flexibility with compensation. There are several counties that have contracts that offer per case and flat-rate compensation for court-appointed counsel in criminal cases, CHIPS cases, and for guardian ad litem appointments. We do, therefore, strongly oppose the lining out of the provision that currently permits contracting.

Thank you for your consideration.

Sincerely,
Theresa M. Russell
Washington County Clerk of Circuit Court
President, Wisconsin Clerks of Circuit Court Association