



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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MADISON, WISCONSIN 53703

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Telephone (608) 266-7442

March 7, 2018

To: Interested Persons – See Attached List

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

Greetings:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 17-06 filed May 25, 2017 by John A. Birdsall and Henry R. Schultz, on behalf of the Wisconsin Association of Criminal Defense Lawyers, the Wisconsin Association of Justice, and a number of individuals. The petition proposes amending Supreme Court Rule (SCR) 81.02, by increasing the hourly rate of compensation for court appointed lawyers from \$70 to \$100, indexing future compensation rates to annual cost of living increases, and specifying that the payment of an hourly rate less than the rate set forth in SCR 81.02 for legal services rendered pursuant to appointment by the State Public Defender under Wis. Stat. § 977.08 is unreasonable. A copy of the petition can be found on the court's website at <https://wicourts.gov/scrules/pending.htm>.

At the open rules conference on June 21, 2017, the court conducted a preliminary discussion of this matter and voted to obtain written comments and schedule a public hearing. On January 19, 2018, the court sent a letter to the petitioners posing a number of questions. The petitioners' response to those questions is due March 16, 2018.

The petitioners requested this court schedule the public hearing in May 2018. Accordingly, the public hearing will be conducted on May 16, 2018. Please note, the court may take any action on a rule petition it deems appropriate, including any of the following:

- (a) Adopt the rule proposed, or a modified version, without further comment.
- (b) Reject the rule proposed without further comment.
- (c) Refer the rule petition to another entity for its review and recommendation.
- (d) Request further information or analysis from the petitioner or interested persons or entities.

Any comment to the rule petition should be filed by April 4, 2018, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If possible, email a Microsoft Word version of your response to clerk@wicourts.gov. See comment

guidelines at the court's website at <https://wicourts.gov/scrules/petitioncomment.htm>. The petitioner shall file any response to the comments by April 18, 2018.

If you are interested in appearing in person at the public hearing, please notify the Deputy Clerk for Rules by May 2, 2018, at clerk@wicourts.gov or 608-261-4302.

You might wish to consult the court's website at <https://www.wicourts.gov/scrules/supreme.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office will be posted on the website.

If you have specific questions or other comments regarding this matter, please contact me by mail at P.O. Box 1688, Madison, WI 53701-1688, by telephone at 608-261-6642, or by email at julie.rich@wicourts.gov.

Very truly yours,

/s/

Julie Anne Rich
Supreme Court Commissioner

cc: Chief Justice Patience Drake Roggensack
Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman
Justice Rebecca Grassl Bradley
Justice Daniel Kelly
John A. Birdsall, Esq.
Henry R. Schultz, Esq.

List of Interested Persons for Supreme Court Rules Matters

Badger State Sheriffs Association, Attention: Executive Director
Board of Bar Examiners
Chief Circuit Court Judges
Christian Gossett, Winnebago County District Attorney
Circuit Court Judges
Court of Appeals, Attention: Chief Staff Attorney
Court of Appeals Judges
Deputy Director for Court Operations, Diane M. Fremgen
Court Operations, Marcia Vandercook
Court Operations, Peggy Hurley
Dean Dietrich, Attorney
Clerk of Supreme Court and Court of Appeals, Sheila T. Reiff
Director of State Courts, Honorable Randy K. Koschnick
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director
Legal Action of Wisconsin
Legal Aid Society of Milwaukee, Attention: Mike Gonring, Executive Director
Marquette University Law School, Attention: Joseph D. Kearney
Office of Lawyer Regulation, Attention: Keith Sellen, Director
Office of State Public Defender, Attention: Kelli S. Thompson
Office of State Public Defender, Attention: Jeremy C. Perri
Office of the Attorney General, Attention: Brad D. Schimel
State Bar of Wisconsin, Attention: Larry Martin, Executive Director
State Bar of Wisconsin, Attention: Lisa Roys, Public Affairs Director
State Bar of Wisconsin, Attention: Paul G. Swanson, President
Steven Levine, Attorney
University of Wisconsin Law School, Attention: Margaret Raymond
Western District Bar Association of Wisconsin, Attention: Ann Peacock
Wisconsin Asian Bar Association, Attention: Robin Dalton
Wisconsin Association for Justice, Attention: Bryan Roessler, Executive Director
Wisconsin Association of African American Lawyers, Attn: Steven DeVougas
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Susan Schaubel
Wisconsin Bankers Association, Attention: Attorney John Knight
Wisconsin Bankers Association, Attention: Rose Oswalk Poels, CEO
Wisconsin Clerks of Circuit Court Association, Attention: Theresa Russell
Wisconsin Counties Association, Attention: Marcie Rainbolt
Wisconsin Defense Counsel, Attention: Jane Svinicki, Executive Director
Wisconsin District Attorneys Association, Attention: Greta Mattison, Executive Director
Wisconsin Family Court Commissioners Association, Attention: David Pruhs, Exec. Secretary
Wisconsin Hispanic Lawyers Association, Attention: Cain W. Oulahan
Wisconsin Judicare, Inc., Attention: Kimberly Haas, Executive Director
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke
Wisconsin Judicial Council, Attention: Thomas W. Bertz
Wisconsin Juvenile Court Clerks Association, Attention: Jody J. Bartels
Wisconsin Municipal Judges Association, Attention: Honorable Jason Hanson
Wisconsin Newspaper Association, Attention: Beth Bennett, Executive Director
Wisconsin Registers in Probate Association, Attention: Julie Kayartz
Wisconsin Sheriff & Deputy Sheriff Association, Attention: David Graves, Exec. Director
Wisconsin State Attorneys Association, Attention: John Gelhard
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuench
Wisconsin Tribal Judges Association, Attention: Eugene White-Fish, President

Additional Interested Persons

Senate President, Roger Roth
Senate President Pro Tempore, Howard L. Marklein
Senate Majority Leader, Scott L. Fitzgerald
Senate Minority Leader, Jennifer Shilling
Assembly Speaker, Robin Vos
Assembly Speaker Pro Tempore, Tyler August
Assembly Majority Leader, Jim Steineke
Assembly Minority Leader, Peter Gordon Hintz
Senate Committee on Judiciary & Public Safety, Attention: Van H. Wanggaard, Chair
Senate Committee on Judiciary & Public Safety, Attention: Patrick Testin, Vice-Chair
Assembly Committee on Judiciary, Attention: Jim Ott, Chair
Assembly Committee on Judiciary, Attention: Cody Horlacher, Vice-Chair
Senator Lena C. Taylor
Senator Robert Wirth
Senator Fred Risser
Senator Kathleen Vinehout
Representative Frederick Kessler
Representative Chris Taylor
Representative Terese Berceau
Representative Jonathan Brostoff
Office of State Public Defender, Attention: Adam Plotkin