

# Wisconsin Association of Criminal Defense Lawyers

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May 3, 2018

Julie Anne Rich  
Supreme Court Commissioner  
Supreme Court of Wisconsin  
110 E. Main Street, Suite 440  
Madison, WI 53703

**RECEIVED**

**MAY 03 2018**

**CLERK OF SUPREME COURT  
OF WISCONSIN**

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

Dear Commissioner Rich:

We are writing to reply to the Memorandum of April 30, 2018 from the Wisconsin Counties Association (WCA). There are three points we wish to make:

1. Though the funding concerns expressed by the counties are real, the reasonableness of any given hourly rate does not depend on who pays it. If the Court decides that anything less than \$100/hour is unreasonable and sets the Supreme Court rate accordingly, it can delay the rule change until July 1, 2019. The counties will have a year to join petitioners in approaching the Legislature about setting the same rate for SPD appointments as part of the coming budget cycle. Once the SPD rate is set at the same as the court rate, the counties will see a reduction of appointments in cases where lawyers turn down the SPD rate in hopes of being appointed at a higher rate by the local judge
2. The rate paid to GAL lawyers should not be any less than that paid to criminal defense lawyers. GAL work is difficult and important; their role is essential to the proper functioning of the civil and juvenile courts. For the reasons regarding financial conflicts of interest identified in the study attached to our petition, Justice Shortchanged, flat-rate contracts are a bad idea.
3. The WCA says the Wisconsin Legislature has the "sole authority" to "appropriate funds". While technically accurate this assertion does not mean that this Court is powerless to act. Please note, we are not asking the Court to directly appropriate funds. Our letter to you of March 22, 2018, at pp. 28-34, details the Court's authority to grant the type of relief we seek.

Very truly yours,

/s/ John A. Birdsall  
John A. Birdsall  
WI Bar No. 1017786

Very truly yours,

/s/ Henry R. Schultz  
Henry R. Schultz  
WI Bar No. 1003451