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May 1, 2018

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

RECEIVED
MAY 01 2018
CLERK OF SUPREME COURT
OF WISCONSIN

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

Dear Honorable Justices:

I am writing to indicate my support of the pending petition to raise the \$40/hour private bar rate for Public Defender appointments. Many comments before me from attorneys, judges, and political officials have made excellent points that I echo whole-heartedly, but I wanted to also express thoughts that I did not notice fleshed out in other letters to this Court.

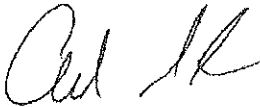
I have been a practicing lawyer in Wisconsin for what will be 9 years at the time this hearing will be held, and while I have taken some private clients in the past my entire career has essentially been spent taking Public Defender cases and court appointments in the Criminal and Juvenile courts in Southeastern Wisconsin. My "north star," so to speak, in my career has been the late Dean Howard Eisenberg of Marquette Law School, whom I did not get the privilege of meeting personally but whose core beliefs of helping the indigent and spirit of "doing well by doing good" has been the credo by which I live my life and run my practice. To that end, I have adopted a policy in the face of this debate that has at times frustrated my colleagues: I refuse to say "no" when appointments are offered to me, because I want the people I represent and their worried families to know that the speed and fervor of justice should not be contingent on the money in your pocket. Frankly, the joy I get in seeing these clients realize that someone who the Court will listen to is in their corner, sometimes for the first time in their lives, has made up for the untenable pay to some degree for me. However, the reality is that a side effect of the sheer volume of attorneys who have had to cease taking SPD cases for financial reasons is that the "rotations" for appointments come a great deal faster than they did at the beginning of my career, to the point where I may be getting 3 new felonies every 10 days if I accept each call for appointment. I don't like the idea of any client slipping through the cracks, but the sheer volume of cases taken means that inevitably I work 13 or 14 hour days most days, regularly review cases and return calls on weekends, and generally have a work-life balance that is basically non-existent. Some may look at that and call it the price of being a lawyer, but in a profession where 2 out of every 5 participants struggle with addiction, where mental and physical health

regularly deteriorates because of the stress and pressure, where I have lost more friends and colleagues in the last 3 years to suicide than some people lose in a lifetime, I cannot believe that anyone involved in the profession can sincerely call it justified. And, yet, what choice do I have when I get calls from all over the State begging for lawyers to take appointments? How do I tell someone who is incarcerated "I'm sorry, but I'm too busy to defend you?" What does that say about the reality of the 6th Amendment's right to counsel, or justice as a whole?

However, there is another consideration that I feel is equally valuable: the fact that "indigency" does not just mean "SPD-eligible." My firm is one of only a handful of legal non-profits in Milwaukee County, and one of the only ones in my area that will accept low-income cases outside of Milwaukee County. There is a growing issue across the state with criminal defendants making too much for court appointment or SPD clients but still too little to be able to afford private counsel; we see this in Milwaukee County most frequently with diversions and Deferred Prosecution Agreements. My firm has filled that void for the almost decade it has existed; ensuring competent and affordable counsel for defendants not only helps them but also the State and the courts, as fewer delays mean less costs accrued by the various counties. By raising the private bar rate to an amount that allows more attorneys to be able to afford to take these cases, it reduces the strain on non-profits such as Lagmann to take SPD appointments, freeing us up to take those other cases other private firms may still be unable to afford to take. Further, by raising the rate it would allow me to recycle more of the funds I make from this representation into my firm to help support reduced rates for clients coming to us in areas of law where the right to counsel does not yet exist under the "Civil *Gideon*" theory, such as family law, landlord-tenant law, small claims, probate, and so forth. So by granting this petition, this Court would create a ripple effect that would extend well beyond the criminal courts in the state.

For all of these reasons, I implore this Court to grant this petition. Thank you for your consideration.

Sincerely,



Andrew J. Golden
Managing Partner
Lagmann Inc.