



Scott L. Horne, Circuit Judge
CIRCUIT COURT • BRANCH 4
La Crosse County Courthouse & Law Enforcement Center
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La Crosse, Wisconsin 54601-3296

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April 30, 2018

via email to: carrie.janto@wicourts.gov

Chief Justice Roggensack
16 Capitol View Terrace
Madison, WI 53702

Justices of the Supreme Court
16 Capitol View Terrace
Madison, WI 53702

**Re: Petition 17-06
In RE the Petition to Amend SCR 81.02**

Dear Chief Justice Roggensack and Justices of the Supreme Court:

I am writing in support of the petition to increase the compensation for court-appointed lawyers. Specifically, I write in support of the request to raise the compensation for attorneys taking public defender appointments to the Supreme Court rate and to set the rate at a level which will attract competent counsel.

Criminal defendants are guaranteed the right to counsel under the Sixth Amendment. Our ability to honor this right is jeopardized by the extremely low compensation rate. The current rate has been in place for decades despite substantial increases in the cost of living. In La Crosse County, most attorneys charge a rate of \$180-\$250/hour. A reimbursement rate which does not even cover overhead acts as a deterrent to acceptance of public defender appointments, even among attorneys who feel a professional obligation to accept lower reimbursement to serve indigent clients.

The public defender must appoint outside counsel in cases of conflict. In La Crosse County, there will be 30-50 defendants at any given time whose cases are on hold because of the inability of the Public Defender's Office to identify attorneys willing to accept an appointment. Many of these individuals are held in custody as a result of an inability to post a cash bond, some for 2-3 months or longer. Obviously, the impact is felt in the denial of the Sixth Amendment right to counsel, the cost of excess incarceration borne by the County, denial of victim's right to a reasonably prompt disposition, and risk to the community posed by high risk individuals who may be released in large part due to a jail population consistently in excess of capacity.

For these reasons, I would ask the Supreme Court to amend SCR 81.02 to assure compensation to attorneys taking public defender appointments at the Supreme Court rate and to assure the rate is set at a level that will attract competent counsel to represent indigent clients.

Very truly yours,

Scott L Horne
Circuit Court Judge, Branch 4