

Carrie Janto - Petition to Amend SCR 81.02

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To: "Clerk@wicourts.gov" <Clerk@wicourts.gov>, "carrie.janto@wicourts.gov" <...>
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Subject: Petition to Amend SCR 81.02

To the Justices of the Wisconsin Supreme Court

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Re: Petition to Amend SCR 81.02

MAY 01 2018

CLERK OF SUPREME COURT
OF WISCONSIN

Dear Justices:

I have been practicing criminal defense for the past 23 years in the state and federal courts at both the trial and appellate levels.

I used to accept SPD appointments. In calendar year 2016, I took my last: one trial level appointment and three postconviction appointments. I live simply, have no dependents, am in perfect health, don't have a mortgage, and yet I had to stop taking SPD appointments because I cannot afford the financial burden of representing SPD clients.

I miss the work and would again take a few appointments each year if the rate were raised to a manageable rate of no less than \$100 an hour.

The abysmal SPD rate guarantees only three types of lawyers now take appointments on anything like a regular bases: inexperienced new grads; high-volume attorneys juggling unmanageable caseloads in an effort to make ends meet; and competent, experienced saints (who are few and who are unfairly financially stressed).

SPD felony cases are often complex cases and often involve defendants who struggle with emotional and mental health problems. An inexperienced or over-booked attorney should not be foisted on an indigent defendant with such a case or with such issues when, by simply raising the SPD rate to \$100 per hour, more experienced attorneys would be readily available for the more complex cases and defendants.

At least in Milwaukee County, complex felony cases are routinely relayed through a series of appointments. Two, three, four, and five attorneys are often appointed to one case, through a series of the new-grad or volume-juggler attorneys until the case finally lands in the hands of one of the few competent, experienced attorneys who can spot and litigate issues, hearings, trials, and who can responsibly and ethically deal with the special challenges of representing limited or challenged (and often challenging) clients.

What a waste. Defendants are held in custody longer; more court hearings are required with more pay to attending judges, clerks, court reporters, deputies, prosecutors, jailers, and defense

attorneys. It's absurd.

Rather than pay the modest rate of \$100 per hour to one experienced attorney, the system pays \$40 per hour to a series of attorneys to do cumulative work and also pays all those others -- the judges, clerks, etc. -- as the case winds its way through the system. Where's the savings? What's the point?

Raise the SPD rate to \$100 and many experienced attorneys could afford to take a few appointments each year. The whole system will benefit. A system with a healthy pool of experienced attorneys to handle the more complex cases and the more challenging clients is a more cost-effective system.

Thank you.

Sincerely,

Kathleen M. Quinn

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