



STATE REPRESENTATIVE  
**FREDERICK P. KESSLER**

WISCONSIN STATE ASSEMBLY

12TH DISTRICT

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

**RE: Rule Petition 17-06, In RE petition to amend SCR 81.02**

I write in support of this rules petition which proposes to amend Supreme Court Rule (SCR) 81.02, by increasing the hourly rate of compensation for court appointed attorneys from \$70 to \$100, and indexing future compensation rates to inflation.

Over fifty-five years ago, in *Gideon v. Wainwright*, the Supreme Court held that states have an obligation to provide criminal defendants with "the guiding hand of counsel" to ensure a fair trial for the accused, regardless of his or her ability to pay. However, this may be an empty promise for some defendants who have been accused of a crime and must rely on the State Public Defender's Office to appoint them an attorney.

Private attorneys accepting public defender appointments are an integral part of Wisconsin's criminal justice system. However, at the current compensation rate, most private bar attorneys taking public defender appointments lose money on these cases. Such a low hourly rate for public defender attorney's fees presents a number of problems, including depriving a criminal defendant of competent representation.

As a former Circuit Court Judge, I can say from experience that depriving a criminal defendant of competent representation harms not only the defendant, but the district attorney, the judge, the victims, and the criminal justice system as a whole. I am mindful that the present budget situation requires difficult choices. However, failing to meet our constitutional responsibilities under *Gideon* should not be a cost-saving option.

By adopting this petition, Wisconsin can ensure that "justice for all" is not an empty promise for those who have been accused of a crime and must rely on the State Public Defender's Office for the appointment of an attorney.

I respectfully ask the Court to adopt this petition.

Sincerely,

**FREDERICK P. KESSLER**  
State Representative  
12<sup>th</sup> Assembly District

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