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APR 30 2018

From: Christopher Paulsen
To: Janto, Carrie; Bergum, Susan
Date: 4/30/2018 8:06 AM
Subject: Fwd: Petition 17-06 Compensation for Court Appointed Attorneys

CLERK OF SUPREME COURT
OF WISCONSIN

>>> <luke**law**@**nnex**.net> 4/28/2018 11:42 AM >>>

Dear Clerk and Honorable Justices of The Wisconsin Supreme Court:

I began my legal career as a solo practitioner in 1984 in Racine, Wisconsin. Starting with no clients, I took appointments defending people accused of crimes from the Wisconsin State Public Defender. Although many years have gone by since then, I recall the rates for Public Defender appointments back in 1984 were \$40.00/hr for in-court time, \$30.00/hr for out-of-court time, and \$25.00/hr for travel. In 1984, these rates were inadequate to cover the overhead expenses for the austere office that I practiced out of. Additionally, the Public Defender's Office would regularly exhaust their budget to pay the bills of private attorneys who took appointments, and we would only learn that their budget for the private bar was exhausted after we had submitted our bills. Sometimes we waited for many months to get paid, until the legislature would appropriate new funds for the PD's office to pay us. In the meantime, bills associated with the overhead to run my office still had to be paid on time.

Now, here we are in 2018, some 34 years later, and private attorneys who accept Public Defender Appointments are still being paid a top rate of \$40.00/hr. Since 1984, the cost for everything has gone up. If an efficiently run law office could not operate on compensation at \$40.00/hr when I began practicing law in 1984, how can it operate at that rate now? The simple truth is, it can't.

I left Racine and private practice in 1988 to become a prosecutor. I practiced as a prosecutor for the next 6 years, and returned to private practice in 1994 in Eagle River, Wisconsin. One of the things I vowed that I would not do when I returned to private practice was accept appointments from the PD's office. I was not going to be part of a system that treated the needs of the poorest criminal defendants in our justice system, and the lawyers who represented them, as though they didn't matter.

The issue before the court is one of equal access to justice, regardless of a person's ability to pay for that justice. The question is, will we afford the poorest people in our society who are charged with crimes a fighting chance to obtain the same justice as a wealthy person who can afford to hire a private attorney?

The needs of poor criminal defendants are not being met. I know that because I regularly see lawyers who take PD appointments in the local courts where I practice, who drive long distances for the people they represent. Why is that? The answer is that local attorneys like myself cannot afford to take PD appointments. Although I do my share of pro bono work, I do it on my terms, for the people I choose to do it for, not by accepting appointments from the local PD office, at horrible rates of compensation.

Wisconsin is dead last in the nation for the rates that we pay private attorneys who do indigent defense by accepting PD appointments. It is an embarrassment to me to be part of a system that has such little regard for the legal needs of poor people charged with crimes. If we leave this issue to the legislature to correct, given the public's perception of paying lawyers to defend people charged with crimes, I do not believe anything will change anytime soon. If the legislature hasn't done anything in 34 years, why would we expect anything different now?

Since history shows the legislature is unlikely to do anything about the rate paid to private bar attorneys who accept PD appointments, it really is incumbent on the Supreme Court to take a leadership role to demonstrate that Wisconsin is committed to providing equal access to justice for the poor in our society. I strongly urge the Court to follow the recommendations contained in Petition 17-06.

Thank you for your courtesy and consideration.

Sincerely,

Steven M. Lucareli