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May 1, 2018

The Honorable Justices of the Supreme Court

Re: In Support of Petition 17-16  
Petition to Amend SCR 81.02

**RECEIVED**

**MAY 02 2018**

**CLERK OF SUPREME COURT  
OF WISCONSIN**

Dear Justices,

Our office is writing in support of Petition 17-16 and in support of the other comments previously submitted in favor of it. Our criminal justice system is in crisis mode as a direct result of the current rates for appointed counsel. Continuing to ignore the problem means we continue to ignore every citizen's constitutional rights.

I took a larger amount of appointed cases when I first started practicing criminal defense in 2009. I needed the experience and the system was begging for attorneys to take files. Over the years, I had to wean off accepting appointed cases because the rates never covered the overhead of our office. We are a small office with only two attorneys and one legal assistant but the appointed counsel rate barely covers our monthly legal research costs. (Not to mention rent, utilities, taxes, office supplies, etc.) I thoroughly enjoyed being able to offer legal services to those most desperately in need with nowhere to turn, but it wasn't sustainable if I wanted to keep the lights in our office on.

Today, I can really only take one or two cases at any given time. I feel compelled to take at least a couple because of the desperate cries the defense bar hears and sees almost daily. Counties that are a hundred miles away have reached out needing attorneys on cases that simply no one will take because of the rate. I have talked to clients who are sitting, incarcerated because they can't afford to post bail, who have not had the chance to talk to an attorney because no one has been assigned to their case. I've talked to clients who have gone months without hearing anything about their case; clients who have not had an opportunity to meet with an attorney until they are back in court on a future court date. And these months do not go by without having **severe adverse effects on people's lives – people lose their jobs, are torn away from their families and communities, have lost housing – all while they are supposed to have the presumption of innocence.**

This is an urgent crisis and something has to be done – experienced attorneys should be in the courtroom assisting with appointed cases. They cannot do so now and expect to

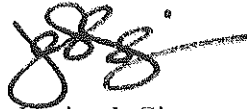
cover overhead no matter how small or bare bones of an office they run. The system needs defense attorneys, the courts need them and most importantly accused persons need competent counsel. If the rate was adjusted to a more reasonable \$100/hour, my office could take on dozens of more cases.

This Court has the duty to set a sustainable and reasonable rate. This Court must ensure that a crisis of this magnitude is never seen again by allowing for adjustment of that hourly rate by indexing it to inflation. The Constitutional rights afforded to every person in Wisconsin are quickly being eroded by the current state of the criminal justice system.

Very Truly Yours,

GIESEN LAW OFFICES, S.C.

By

A handwritten signature in black ink, appearing to read 'J. Giesen', with a long horizontal flourish extending to the right.

Jessica J. Giesen