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CLERK OF SUPREME COURT  
OF WISCONSIN

30 April 2018

VIA EMAIL [clerk@wicourts.gov](mailto:clerk@wicourts.gov); [carrie.janto@wicourts.gov](mailto:carrie.janto@wicourts.gov) and [jbirdsall@birdsall-law.com](mailto:jbirdsall@birdsall-law.com)

Clerk of Supreme Court  
Attn: Deputy Clerk – Rules  
PO Box 1688  
Madison, WI 53701

**RE: Rule Petition 17-06, In re Petition to Amend SCR 81.02**

Deputy Clerk:

I am writing in support of Rule Petition 17-06.

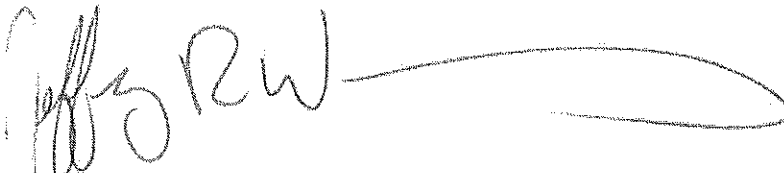
I practice as the Corporation Counsel and Assistant District Attorney in Kewaunee County. I can attest to the difficulties the public defender's office has retaining assigned counsel in criminal matters. I will direct my comments to the important practice areas of mental health, guardianship, CHIPS, JIPS and TPR matters.

These specialty practice areas of law affect significant civil liberties and it is becoming increasingly difficult to find attorneys who can provide competent legal representation. It is common to hear from the public defender's office that they contacted 10 or more attorneys before locating an attorney to represent an individual in these specialty cases.

Historically, these special cases were County appointment cases at the rate of \$70 per hour and that was a palatable rate for an attorney. With changes to the law over time, these cases are now largely public defender appointment cases at \$40 per hour. At \$40 per hour, there is no financial incentive for an attorney to learn these important practice areas and very few are bothering to do so. The result I have noticed is the pool of attorneys knowledgeable in these practice areas is shrinking every time an attorney retires.

I have every confidence Petition 17-06 has the Court's full attention as denying the petition and declaring the problem the Legislature's to fix will not remedy the serious problem at hand. I respectfully request the Court establish a sustainable rate for appointed counsel.

Thank you,

A handwritten signature in black ink, appearing to read "Jeffrey R. Wisnicky", with a long horizontal flourish extending to the right.

Jeffrey R. Wisnicky  
District 4 Governor, State Bar of Wisconsin  
State Bar No. 1047088