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April 3, 2018

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
PO Box 1688
Madison, WI 53701-1688

RECEIVED

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CLERK OF SUPREME COURT
OF WISCONSIN

RE: Rule Petition 17-06, In re petition to amend SCR 81:02

Dear Clerk:

I write in support of the petition to amend SCR 81:02. It is long overdue. Most dog groomers and bicycle mechanics here in Madison charge more than \$40.00 per hour. It is shocking that the person who gives a poodle a haircut is compensated more than a lawyer representing an indigent defendant on a first degree intentional homicide charge. Sadly, such is the case in Wisconsin.

I have been in private practice since 1993. I do a substantial amount of criminal defense work. Within my criminal practice, each year I accept a number of appointments from the SPD at both the trial and appellate level. I have appeared before the Wisconsin Supreme Court as the attorney of record in five SPD cases. Because so few lawyers, especially experienced ones, will agree to work at the SPD or supreme court rates, I routinely get calls to take cases from all over the state.

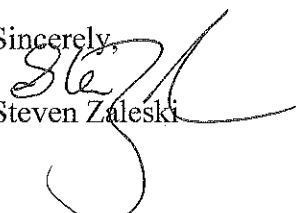
Each year I tell myself that "this will be the last year" I continue to do so. As a lawyer with a significant amount of experience and a large client base, it makes little economic sense for me to continue to work on these cases when I have other matters to work on which are more profitable and frankly, easier to handle. I work on SPD and court-appointed criminal cases because I generally enjoy the work. I am willing to bet that this is the same reason most other experienced attorneys give for continuing to take on the work. But at some point, it must be recognized that the lawyer's interest in doing the work and perhaps a sense of obligation to do it, are in actuality being exploited by "the system" here in Wisconsin. A lawyer's genuine interest in the work and sense of obligation to do it should not be taken advantage of by other stakeholders. At a minimum, lawyers who do this type of work should be treated fairly. Ideally, there should be some genuine financial incentive to take the case and do a decent job. Under the current status,

lawyers are not treated fairly and there is no financial incentive to take the case and do a decent job. Indeed the low rates promote doing as little as possible on a case.

As a member of the federal criminal justice act panel for 20 some years, I have experienced regular increases in compensation for the work that I do. It is shocking and unconscionable that the SPD and supreme court rates have essentially remained stagnant during this time period. The court should take a look at the CJA compensation levels and how frequently they have been updated.

If the SPD and supreme court rates do not change, I expect that sooner rather than later, "this will be the last year" for me. I will have to join the other lawyers who now decline to represent clients at the SPD or supreme court rates. When one looks at the economics of the situation, it just does not make sense to take the cases.

Sincerely,


Steven Zaleski