

are not even trying to release you. They teach you more hate. There's a better way, believe me."

"I am taking a program called Turning Point, that I asked to take. Programs that's needed to re-enter society I would think would be job skill related and based on individual needs."

"'Turning Point'. This is not really a program as I've known. It's no more than the issuance of questionnaires and soliciting how we think -- guinea pig tests -- not advice or a structured problem solving regimen. The program I allegedly needed was denied at WCI and they told me that's why I was sent here -- for the same program I was denied -- yet SMCI does not have it."

"Yes, Turning Point. It's supposed to be a program to evaluate you to see what other programs you need."

"Yes, Turning Point -- must take the program in order to advance in the level system and possible transfer to a regular maximum institution. There are no programs here for me that would help me re-enter into outside society. I have already completed HSED, UW-Green Bay Associate of Arts, a violent offenders program and anger management."

"Yes, I am involved in a program called 'Turning Point'. It is nothing but a glorified anger management. No, I don't need it for re-integration into the public."

"Turning Point. I guess it is supposed to be a form of anger management. It's useless and it won't play a part in any of our lives. It's all they can offer us. There's no higher education and no one watches the TV except to watch the nightly news and sports on CNN. There's no rehabilitation or any such thing. We're supposed to be submissive for 18 months without a ticket."

"Yes, a program, 'Turning Point', it's okay but I've A&E assessment program needs, like vocational school needs, cognitive. These programs are not allowed or offered here to us inmates. The only school program is HSED or GED and deny all inmates correspondence courses."

"Yes, HSED and Turning Point program."

"Yes. I already have my GED, but I take GED classes to keep busy. I do not need turning point because I took Cage Your Rage and graduated this program. Plus I took employment skills program and graduated that, but they say if I don't go along with turning point which I don't need I can't advance through the level system and I can't leave."

"Yes, I am involved in the Turning Point program. However, I have no need of this program, I have already completed all my necessary programs to integrate back into society."

"They just entered me into Turning Point -- a program to get us ready for institution life but as they took the televisions out of level 2 I cannot take it as I cannot see the necessary videos."

"Yes, I'm in one program but it does not mean anything; it's just to get me back to another institution."

"I am involved in an institution program called 'Turning Point' as is any other inmate who wishes to advance and get out of this institution. They have just recently passed out a memo informing us that our participation in this program is mandatory if we ever hope to get out of here. This is another example of a type of forced brainwashing used here. Watch this program and complete these worksheets or you're never getting out of here! What choice do we have?"

"I am in school, school is a program of mine. But I am also in this program called Turning Point and it is not a program of mine. This is what I have to do to get out of here."

"Yes, the only one available for anger problem."

"I am involved in the Turning Point program, and no it is not a program I need for re-entry into society."

"Yes, Turning Point, a 20-minute program on institution TV. If you're allowed one does make you reflect on your situation but you can't vent your emotions in any way, which keeps you on the brink of insanity."

"This program is supposed to reflect upon the cognitive and behavioral patterns that had you sent here. We've been participating in this program for two months or more and have not seen anyone related to this program. We have no idea as to the identity of this person and feel very reluctant to confide; we are given work sheets to do after viewing a video sometimes and that's the end of the program. I am nine months from my release date back into society and I am not being afforded proper programming treatment that will assist me in becoming a productive member of society. When myself and other inmates that are about to be released address this issue to this administration we are told that when we reach anywhere from 60 to 90 days from getting released we would be transferred back to a maximum security prison segregation unit until our release because they won't release anyone from here."

"I signed up for Turning Point. But SMCI has no Anger Management or other programs as Vocational that I need."
"I take part in all institution programs. These programs cannot aid me in no way, form, or fashion. They are not the programs that PRC recommended for me nor are they equal or compatible with the programs that were available to me when I was in the federal system at USP Leavenworth."

"I am involved in the Turning Point program here and it's mandatory to complete before we will return to a regular prison."

"Yes we need to do the program or else drop back and we stay longer."

"We are forced to take part in a Turning Point program or we will not advance through the SMCI Level system. This program is NOT an A&E need of mine, it is one of many of SMCI's own rules."

"I am involved in school. they only have one other program called Turning Point, and you can only take it if you are on Level 3. No, none of these programs will help me re-enter society. I have been locked up six years and I have not yet been in a program that will help reintegrate me into society."

"Yes, the Turning Point program. I only joined because they threaten to push everyone back to level 2 in August if we didn't take the program! This is not a program for my re-entry into outside society!"

"I am involved in the turning point program. I do not need it to get released to society. SMCI insists that I take it to get out of here."

"HSED (Adult Basic Education)."

"School GED."

Ad Hoc Committee on Corrections Overview

- 1/15/1996 Ad Hoc Committee on Corrections created by County Board
16 member, Law, Legal and Judicial, Health and Human Services,
Property, Finance, Salary and Personnel
- 11/97 Group of Supervisors, Chief Deputy and Jail Supervisor sent to
PONI (Planning of New Institutions) program at the National
Institute of Corrections (at no cost to County)
- 4/98 Barron County Jail evaluated by NIC (at no cost to County)
- 5/98 Peichel and Lentz attended NIC program on direct supervision jails
in Virginia (at no cost to County)
- Fall/98 Committee seeks Justice Consultant to do a jail needs assessment
- 6 firms submit proposals
 - 3 firms interviewed
 - Voorhis Associates chosen
- 12/98 Voorhis Associates begins work on Needs Assessment
- members of firm serve as trainers and consultants to National
Institute of Corrections; provide consulting services throughout
the US
 - Gail Elias – worked for Boulder County, CO Sheriff's Dept. as
Jail Director of Research and Development and then as Capt.
of Administrative Services
 - John Milosovich (a civil engineer) worked as Assistant Director
of Corrections for Jackson County, MO
- Fall/99 Committee seeks jail architect
- 13 architectural firms submit proposals (extensive reviews of
proposals made by committee)
 - 3 firms interviewed (proper clients and references contacted)
 - KKE of Minneapolis chosen
- 1/00 County Board approves concept of a "greenfield site" for a "Justice
Center"
- 3/00 Schematic Design submitted to County Board and approved.
- 5/00 County Board approves KKE to complete final design plans
- 6/00 Committee submits proposed site to Board for approval
- 10/00 Finance Committee seeks financial consultant
- 6 firms are interviewed
 - Ehlers and Associates are chosen
 - First meeting 10/17/00

BARRON COUNTY RESOLUTION NO. 2000 - 72

Initial Resolution Authorizing General
Obligation Bonds in an Amount not to Exceed
\$26,500,000 for Justice Center Project

TO THE BARRON COUNTY BOARD OF SUPERVISORS:

1
2 WHEREAS, the Board of Supervisors of Barron County, Wisconsin (the
3 "County") finds and determines that it is necessary, desirable and in the best interest of
4 the County to raise funds for the public purpose of paying the cost of acquiring land for
5 and constructing and equipping the Barron County Justice Center and related demolition
6 and renovation of existing facilities (the "Project"), and there are insufficient funds on
7 hand to pay said costs;

8
9 WHEREAS, the Board of Supervisors hereby finds and determines that the
10 Project is within the County's power to undertake and serves a "public purpose" as that
11 term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

12
13 WHEREAS, counties are authorized by the provisions of Section 67.05 of the
14 Wisconsin Statutes to borrow money and issue general obligation bonds for said public
15 purposes;

16
17 WHEREAS, counties may issue general obligation bonds for such public
18 purposes pursuant to Section 67.045(1)(b) of the Wisconsin Statutes if the Board of
19 Supervisors adopts a resolution that sets forth its reasonable expectations that issuance of
20 the bonds will not cause the County to increase the debt levy rate, as defined in Section
21 66.77(1)(b) of the Wisconsin Statutes;

22
23 WHEREAS, the County's 1992 debt levy rate, which is the base for the County's
24 debt levy rate limit, was .000958409 as set forth on the attached Exhibit A;

25
26 WHEREAS, the five year historical average percentage of dollar growth in
27 equalized values of taxable property exclusive of tax incremental district value is 10.92%
28 as set forth in the attached Exhibit B;

29
30 WHEREAS, the growth in the allowable annual debt levy rate as determined by
31 multiplying the growth in the allowable annual debt levy rate as determined by
32 multiplying the growth in equalized value by the prior year levy rate is set forth in the
33 attached Exhibit C;

34
35 WHEREAS, the proposed debt service for the general obligation bonds necessary
36 to pay the cost of the Project (the "Bonds") is set forth on the attached Exhibit D and
37 shows no debt levy rate in excess of the County's 1992 debt levy rate over the life of the
38 Bonds;

39
40 WHEREAS, the County's independent certified public accountants have agreed
41 that the Project constitutes expenditures which can be associated with the issuance of
42 long term debt in accordance with Generally Accepted Accounting Principles as set forth
43 in the attached Exhibit E; and

44
45 WHEREAS, there are no balloon payments or variable rate debt contemplated by
46 the County and the County is not using any estimate of state aid in reaching its
47 conclusion on reasonable expectations.

48
49 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the
50 County that:

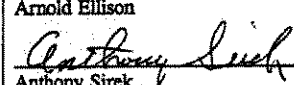
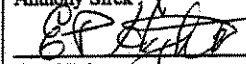
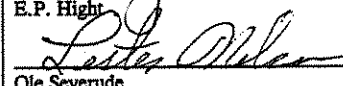
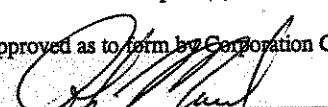
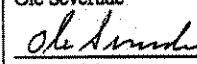

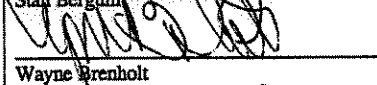


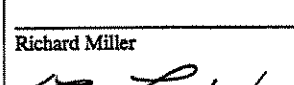
51 Section 1. Reasonable Expectations. In accordance with Section 67.045(1)(b) of
52 the Wisconsin Statutes and Wis. Admin. Code § Tax 21.06 and on the basis of the
53 information set forth on Exhibits A through E attached hereto, the Board of Supervisors
54 reasonably expects that \$26,500,000 general obligation bonds issued to pay the cost of
55 the Project will not cause the County to increase the debt levy rate as defined in Section
56 66.77(1)(b) of the Wisconsin Statutes.
57

58 Section 2. Authorization of the Bonds. For the purpose of paying the cost of the
59 Project, there shall be borrowed pursuant to Section 67.05 of the Wisconsin Statutes a
60 principal sum not to exceed TWENTY-SIX MILLION FIVE HUNDRED THOUSAND
61 DOLLARS (\$26,500,000) from a purchaser to be determined by subsequent resolution of
62 the Board of Supervisors and that there be issued general obligation bonds in an amount
63 not to exceed \$26,500,000 therefor.

64
65 Section 3. Notice. Pursuant to Wis. Admin. Code § Tax 21.06, the County Clerk
66 is directed to send to the Department of Revenue a copy of this resolution and all
67 supporting documentation appended thereto together with the voting results thereon and a
68 completed county tax levy rate limit reporting form within ten business days of the
69 adoption hereof together with any other information requested by the Department of
70 Revenue.

71
72 **BE IT FURTHER RESOLVED,** that publication of this resolution may occur
73 through posting in accordance with Section 985.02 of the Wisconsin Statutes.

OFFERED THIS 18th day of December, 2000.

Number of readings required: One () Two (X)	Advisory Committee on Corrections:
Vote required for passage: Majority (X) 2/3 Entire Board (20) ()	Arnold Ellison
Source of funding: Budgeted (X) General Fund () Grant () Other ()	 Anthony Sirek
Fiscal impact: as set forth in exhibits - Current year: - Future years:	 E.P. Hight
Board Action: Adopted () Failed () Tabled ()	 Ole Severude
Approved as to form by Corporation Counsel:  John Muehch, Corporation Counsel	 Lester Nelson
	 Stan Bergum
	Wayne Brenholt
	 Chris Carlson
	 Frank Peichel
	Richard Miller
	 Al Lentz
	Hon. James C. Eaton
	Hon. Edward R. Brunner
	 James Babier
	John Hinde

12-18-2000 - Was presented for the first reading.

BARRON COUNTY RESOLUTION NO. 2001 - 3

Resolution Requesting a Special Sales Tax for County Jails

TO THE BARRON COUNTY BOARD OF SUPERVISORS:

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WHEREAS, county jails throughout Wisconsin are housing inmates at an unprecedented rate due to criminal statutes enacted by the state legislature requiring longer periods of incarceration in county jails; and

WHEREAS, with each new criminal statute, the state legislature has failed to provide funding for the increase in housing and operational cost resulting from the longer periods of incarceration; and

WHEREAS, this continual increase in jail populations is forcing counties to build and staff new facilities with a great increase in property taxes for county taxpayers; and

WHEREAS, the State of Wisconsin has allowed special sales taxes for multiple purposes other than public safety purposes including, but not limited to, the Milwaukee County Baseball Stadium, the Milwaukee Convention Center, the Brown County Football Stadium, and Premier Resort Areas.

NOW, THEREFORE, BE IT RESOLVED, that the Barron County Board of Supervisors goes on record requesting the Governor and the Wisconsin Legislature to allow counties, by ordinance, to impose a special sales tax for the construction and operation of county jails.

BE IT FURTHER RESOLVED, that the special sales tax shall cover both the capital costs associated with the increase use of county jails and the staffing costs incurred by a county jail in order to safely support increased jail population.

BE IT FURTHER RESOLVED, that the County Clerk is to send a copy of this resolution to all other Wisconsin counties, the Wisconsin Counties Association, the Governor, the Secretary of the Department of Administration, the Secretary of the Department of Corrections, and area legislators.

BE IT FURTHER RESOLVED, that publication of this resolution may occur through posting in accordance with Section 985.02 of the Wisconsin Statutes.

OFFERED THIS 15th day of January, 2001.

Number of readings required: One (X) Two ()	Finance Committee:
Vote required for passage: Majority (X) 2/3 Entire Board (20) ()	<u>Arnold Ellison</u> Arnold Ellison, Chairman
Source of funding: Budgeted () General Fund () Grant () Other (X) n/a	<u>Robert Ebner</u> Robert Ebner
Fiscal impact: n/a - Current year: - Future years:	<u>Pam Fall</u> Pam Fall
Board Action: Adopted (X) Failed () Tabled ()	<u>James Miller</u> James Miller
Approved as to form by Corporation Counsel: <u>Angela L. Holmstrom</u> Angela L. Holmstrom, Deputy Corporation Counsel	<u>Anthony Sirek</u> Anthony Sirek

Carlson moved for the adoption, seconded by Ebner. Question called. Roll call vote resulted in 27 yes, 2 no. Voting no were Rindsig and Jerry. All the rest voted yes. Resolution #2001-3 is adopted 1-15-2001.

SALES TAX

YEAR	AMOUNT
1986	517,493.31
1987	1,097,744.35
1988	1,189,046.19
1989	1,289,029.53
1990	1,355,141.12
1991	1,443,014.84
1992	1,554,761.94
1993	1,799,398.30
1994	1,941,534.67
1995	2,090,630.83
1996	2,141,570.86
1997	2,219,163.73
1998	2,627,848.80
1999	2,640,995.22
2000	2,094,467.17 THRU 9/00
	26,001,840.86

A report of the sales tax (1/2 %) revenue received by Barron County on a year by year report, plus the grand total of \$26,001,840.86 as of September 2000.

**STATEMENT BY:
SCOTT MORRIS
STATE JAIL INSPECTOR
OCTOBER 2000**

Serious situation in jail for staff, public and inmates.

Security and liability potential is imminent and just waiting to happen.

Because of lack of space:

770 outstanding warrants

1,002 pending cases

Felonies, Misdemeanors, plus a lack of space, Barron County is housing inmates in other facilities to the tune of \$400,000. - \$500,000. for the year 2000.

ANTICIPATED KEY OPPOSITION TO AND UNINTENDED CONSEQUENCES OF
THE GOVERNOR'S BUDGET

March 7, 2001

- ❖ **Every Wisconsin Citizen**
citizens will pay more in taxes directly for indigent defense services if the SPD receives a 5% cut
- ❖ **Legislators**
every legislator will be concerned with the rising costs for indigent defense services in his/her region
83 representatives from counties with projected staff layoffs
- ❖ **Wisconsin Interfaith Groups**
RIC, KUSH, MICCAH, HOSEA, GIDEON, WISDOM,
Milwaukee Interfaith Conference, Wisconsin Conference of Churches, Jewish Council
- ❖ **County execs and county boards**
pay for the cost of delays in proceedings in circuit courts
pay for increased jail populations
increased cost shift to the county
- ❖ **Sheriffs**
overloaded jails
full jails pose unsafe conditions for sheriff and inmates
- ❖ **Judges**
approximately 100 judges will have work slow downs based on projected SPD layoffs in his/her county
will not be able to complete cases due to appointment of counsel problems
- ❖ **Minority interest groups**
NAACP, La Casa, Women Lawyer groups
layoffs will disproportionately affect minority staff:
approximately 14% minorities; approximately 59% women
numbers of inmates are disproportionately minority - increasing prisons but cutting SPD sends an anti-minority message and indicates a lack of care for Wisconsin's poor citizens
per last election, these minority groups exercise the vote in large numbers
members of our staff are active in these organizations
- ❖ **Prosecutors**
One third of the state, including Milwaukee, will have projected SPD layoffs
24 elected District Attorneys will have potential layoffs in his/her county
prosecution of large numbers of cases will be delayed

(over)

- ❖ **Private bar**
 approximately 1000 private bar attorneys statewide, operating small businesses in every county of the state
 potential private bar rate reduction
 loss of even more private bar attorneys willing to take SPD cases
 potential significant delays in payment (e.g., a case appointed in May would not be paid until July of the following year).
- ❖ **State Bar Board of Governors**
 Resolution urging decreased caseloads for the SPD
 Resolution urging increased private bar rates
- ❖ **State Supreme Court**
 supervises all other state courts and the cut adversely affects the operation of all state courts
 concerned about the low SPD eligibility standards and low private bar rates
 completed the Public Trust and Confidence Report which recommends increased eligibility, increased funding, and increased private bar rates for the SPD
- ❖ **Public Trust and Confidence Report**
 citizens/taxpayers focus groups formed statewide from La Crosse, Appleton, Milwaukee
 recommends increased eligibility, increased funding, and increased private bar rates for the SPD
- ❖ **Clients**
 Innocent people who want to be free and get cases decided
 Guilty people who want to plead guilty and get cases decided
- ❖ **SPD Offices in SE Wisconsin counties**
 largest number of potential lay-offs
- ❖ **All SPD attorneys**
 represented by the WSPDA (WFT Union)
- ❖ **All non-attorney SPD staff**
 represented by WSEU and WPEC

ALL SPD Staff lose heart after winning Wisconsin Forward Award
 See attached letter from James Haney

Right to Counsel

March 7, 2001

Poor people who are charged with crimes or who face other types of deprivations of liberty have a constitutional right to appointed counsel under both the state and federal constitutions. Art. I, Sec. 7 of the Wisconsin Constitution; Sixth and Fourteenth Amendments to the U.S. Constitution, as interpreted by the respective supreme courts (Wis & US).

If a poor person is not offered appointed counsel, s/he may not be successfully prosecuted for a crime. Therefore, the courts must advise poor defendants, charged with a crime that carries the potential of any incarceration, of their right to appointed counsel at public expense. (Wis SC, *State ex rel. Winnie v. Harris*, 75 Wis. 2d 547 (1977))

Because of the absolute constitutional right to counsel, the SPD cannot control the volume of cases (unlike DAs, who exercise discretion to issue or not issue charges and who nonetheless issue more misdemeanor cases than more serious cases). If 2 conditions are met—defendant 1) faces loss of liberty & 2) qualifies financially, SPD must appoint.

If Not SPD, Then Counties

When state does not provide counsel, the county must appoint. Creation of the State Public Defender in late '70s was intended to provide representation to poor defendants through a comprehensive statewide system, rather than county-by-county. However, because state has never funded SPD to represent all poor defendants, counties still absorb the costs of some appointments. There is always tension, increasing in recent years, between the state's underfunding of the SPD and the counties saying that the state is gradually shifting court costs back to them.

Court-appointed counsel for persons who do not qualify for SPD services is an operating cost to the court and should be paid by the county. *State ex rel. Chiarkas v. Skow*, 160 Wis. 2d 123 (1991)

If SPD financial criteria were further restricted, we could save state \$\$ by shifting more cases to the counties. However, this action would bring on harsher criticism from counties and court officials, who already are pushing legislators to broaden SPD eligibility (which has not kept pace with cost of living, Federal Poverty Guidelines).

SPD is Cost-Effective

The SPD is committed, in our mission and in our current operations, to providing cost-effective services. We saved the taxpayers over \$2 million when we converted our computer system to IBM computers. We propose and support innovative programs to reduce crime and thus reduce the costs of justice agencies (diversion proposals, drug treatment, community service in lieu of incarceration, Wisconsin Cares About Kids, Rubin Society).

Our efficient delivery of services includes client representation by both staff attorneys and certified private attorneys. Staff attorneys handle approximately 60% of all SPD cases. Private attorneys who are trained, certified, reviewed and paid by the SPD handle approximately 40% of all SPD cases. Generally, these private attorneys are small businessmen (and women) who represent indigent defendants in the counties where they have their offices.

This public-private partnership gives the SPD flexibility in efficiently meeting its staffing needs throughout the state, regardless of fluctuations in the volume of cases. It allows us to provide services without constantly having to hire and lay off staff in response to changes in either the local charging practices or economy. It also allows the SPD to appoint private attorneys in situations in which a conflict of interest prohibits the SPD staff from providing representation.

Moen Sheehan Meyer, Ltd.

Established 1853

Attorneys and Counselors

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G. Jeffrey George*†
David F. Stickler
James L. Kroner, Jr.
Joseph J. Skemp, Jr.*
Kara M. Burgos
Michelle M. Guillien*
Margaret E. Ebner

William E. Meyer, Of Counsel

Daniel L. Mitley - Paralegal/
Investigator
Patricia Mundsack - Paralegal
Wendie Witzke - Paralegal

*also licensed in Minnesota
†also licensed in Iowa

To: Elliott

March 13, 2001

Mr. Michael Huebsch
P. O. Box 7923
Madison, WI 53708-8952

Re: Proposed 5% Cutback in budget of State Public Defender

Dear Mike:

I am writing to share my views concerning the 5% budget cut for the Office of the State Public Defender in the 2001-2003 Biennial Budget proposed by Governor McCallum.

As you know, the State Public Defender is the primary means by which Wisconsin complies with it's constitutional obligation to provide legal representation to indigent people charged with criminal offenses. Because indigent citizens have a constitutional right to an attorney, the Public Defender can't just compensate for a budget cut by decreasing the number of people to whom it will provide services.

While I am in fervent agreement with most of the numerous steps taken to hold the line on expenses in past state and federal budgets, the brutal fact is many of those budget cuts have had an indirect but real impact to increase the demand for public defender representation. For examples consider decreased money spent on services for the mentally ill or chemical dependency treatment.

One area where state and federal spending has significantly grown over the past decade is law enforcement and corrections. You can't expect to have more police on the street, more prosecutors in the courtroom, more felonies, and longer sentences without a concomitant increase in the cost of defending indigents.

Controlling spending for Public Defender services while engaging in a war on drugs and other crime is like trying to squeeze one end of a balloon. That is, the balloon just gets bigger somewhere else.

03/13/2001 10:01 MOEN SHEEHAN MEYER, LTD. 1000000
110.000 1002
Mr. Michael Huebsch
March 13, 2001
Page 2

If the Public Defender budget is cut the Office will have to lay off attorneys. The remaining attorneys will not be able to increase their workload, because they are already handling significantly more cases than the maximum caseload deemed appropriate by American Bar Association and National Legal Aid & Defender Association standards. That will mean more cases will need to be referred to private bar attorneys working on Public Defender appointments.

Unfortunately, the cost of processing the typical case by private bar appointment significantly exceeds the cost of processing the same case with a staff attorney. Therefore cutting staff counsel will not save money, it will add expense.

There are only two ways to effectively save state money on Public Defender services.

One option would be to lower the income standards to make less people qualify for services. The problem with this option is those people still have a constitutional right to an attorney and will still not be able to afford one. When that happens Circuit Court judges have the obligation to appoint attorneys for indigent defendants at County expense. Counties will scream bloody murder if you try to pass this cost off to them.

Another option is to decrease the people needing representation by reducing prosecutions. That could be accomplished by reducing police on the street, eliminating prosecutors, decriminalizing various offenses, or putting some arbitrary cap on the number of criminals who can be prosecuted. I think that option has even less political appeal.

The hard reality is we need to accept being tough on crime and holding the line on social service spending that might keep people out of the system will result in spending more - instead of less - on Public Defender costs. While it may not be popular, it can't be helped. If you try to cut money from the Public Defender you will end up paying even more somewhere else.

Very truly yours,

MOEN SHEEHAN MEYER, LTD.

James L. Kroner, Jr.
JLK/ms

State Public Defender 5% GPR Cutback
2001-03 Biennial Budget
March 7, 2001

SPD Funding

- ◆ 98% of SPD funds are GPR. Of these funds, 90% are dedicated to private bar payments and staff salaries and fringe benefits –direct client services. The remaining 10% support items including rent, travel, transcripts, discovery and phones. If the 5% GPR cut was taken only from supplies and services, the annual cut to the base would be \$328,900.

Agency Comparison

- ◆ Among all executive branch agencies, the SPD (one of the smallest agencies) has the largest percentage cut. As such, a base GPR cut more adversely affects the SPD.

Cost Shift to Private Bar

- ◆ As the SPD has no control over the number of cases on which representation must be provided (it is a constitutional obligation of government), private attorneys must be appointed to cases that cannot be handled by staff.
- ◆ The GPR cut is equivalent to the cost of 50.2 staff attorney caseloads -- \$3,278,800.
- ◆ The cost of shifting those 50.2 staff attorney caseloads to the private bar is \$5,851,900.
- ◆ The state would be spending \$5,851,900 to save \$3,278,800 – a net loss (i.e., added tax burden) of \$2,573,100 per year.

Unbudgeted Unnecessary Additional Cost

- ◆ For each week that an attorney vacancy is held open, an additional \$1,620 in costs incur to the agency's private bar appropriation. Due to the potential for layoffs, the agency is waiting to fill 19 attorney positions –a total weekly cost to the private bar of \$30,780.

Staff Caseload Comparison

- ◆ SPD staff are already budgeted to exceed the maximum caseload standards supported by the American Bar Association and the National Legal Aid and Defender Association. SPD attorney caseloads would have to increase 23% to generate a 5% GPR savings. This would require an attorney to complete about one felony case per day – an impossible caseload. As a result, cases would have to be shifted to the private bar.

effectively leave offices and counties without supervision. Comparable state agencies supervising professionals have ratios of between 10 /1 and 20/1.

Right to Counsel

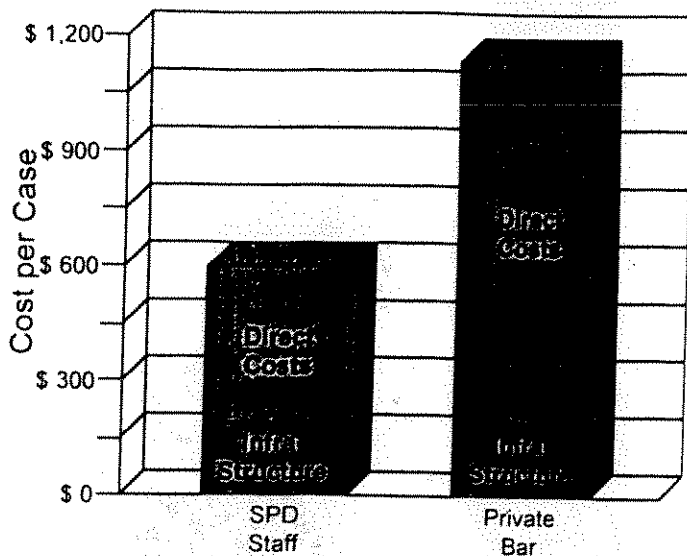
- ◆ Poor people who are charged with crimes or who face other types of deprivations of liberty have a constitutional right to appointed counsel under both the state and federal constitutions

Anticipated Key Opposition to the Unintended Consequences of the Governor's Budget

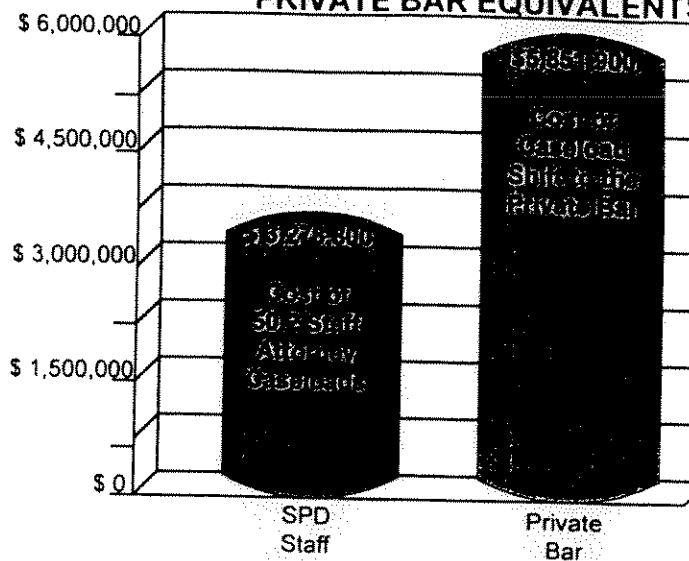
- ◆ Every Wisconsin Citizen
- ◆ Legislators - 83 representatives
- ◆ Wisconsin Interfaith Groups – RIC, KUSH, MICCAH, HOSEA, GIDEON, WISDOM,
- ◆ Milwaukee Interfaith Conference, Wisconsin Conference of Churches, Jewish Council
- ◆ County executives and county boards
- ◆ Sheriffs
- ◆ Judges
- ◆ Minority interest groups
- ◆ Prosecutors
- ◆ Private bar
- ◆ State Bar Board of Governors
- ◆ State Supreme Court
- ◆ Public Trust and Confidence Report
- ◆ Clients
- ◆ SPD Offices in SE Wisconsin counties
- ◆ All SPD attorneys
- ◆ All non-attorney SPD staff

- ◆ ALL SPD Staff lose heart after winning Wisconsin Forward Award

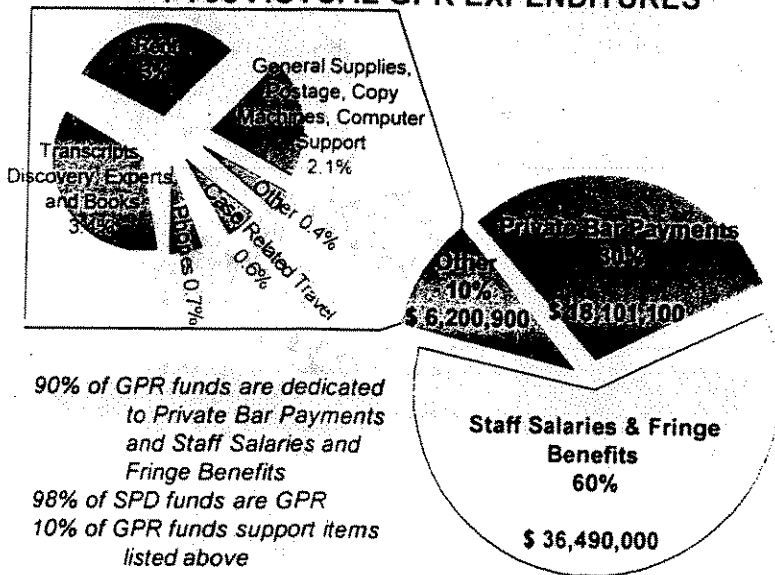
**COST OF A CASE
SPD STAFF vs. PRIVATE BAR**



**COST OF 50.2 STAFF CASELOADS
50.2 STAFF CASELOADS vs.
PRIVATE BAR EQUIVALENTS**

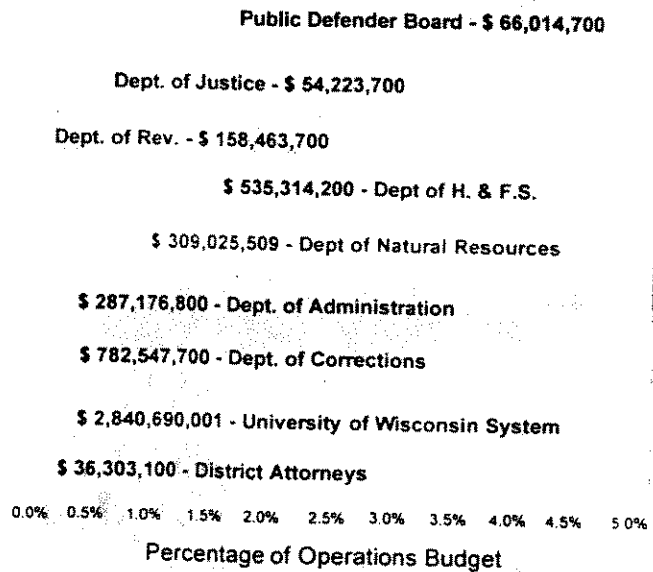


**STATE PUBLIC DEFENDER
FY00 ACTUAL GPR EXPENDITURES**

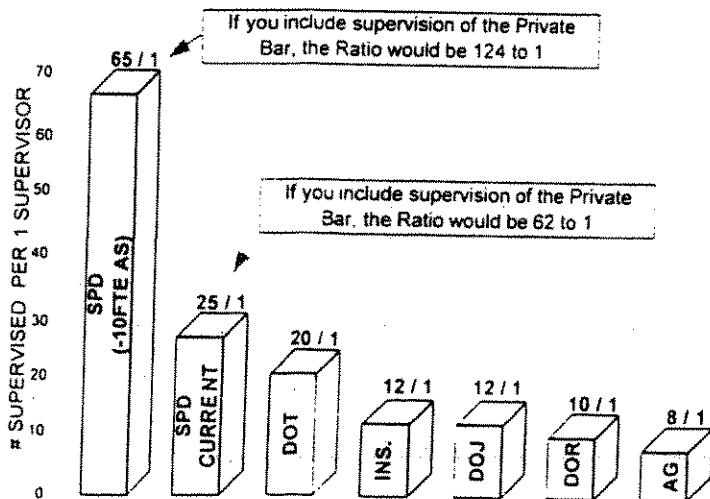


90% of GPR funds are dedicated to Private Bar Payments and Staff Salaries and Fringe Benefits
98% of SPD funds are GPR
10% of GPR funds support items listed above

**"EFFICIENCY" CUTS
AGENCY COMPARISON**

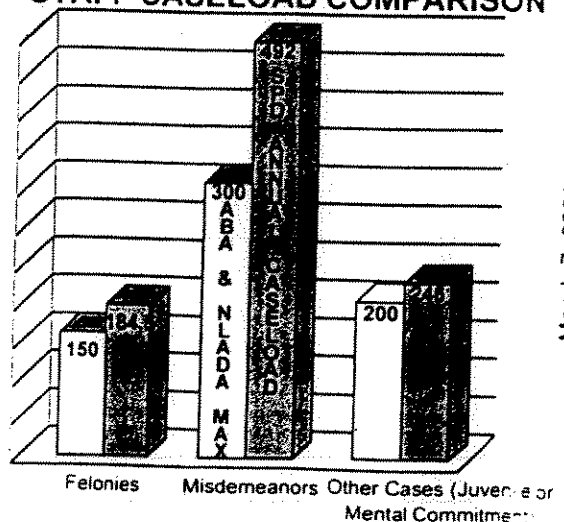


**SUPERVISORY RATIOS
AGENCY COMPARISONS**

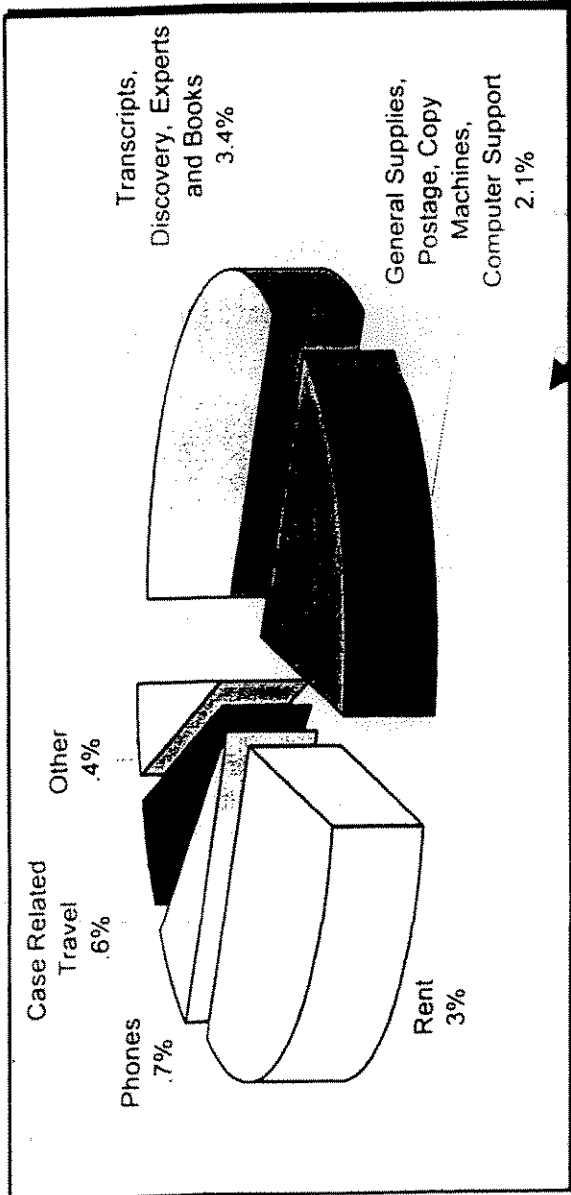


If you include supervision of the Private Bar, the Ratio would be 124 to 1
If you include supervision of the Private Bar, the Ratio would be 62 to 1

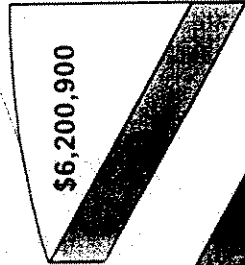
**STATE PUBLIC DEFENDER
STAFF CASELOAD COMPARISON**



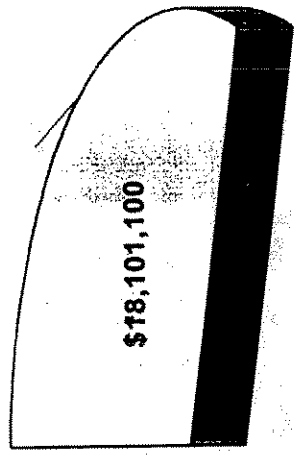
State Public Defender FY00 Actual GPR Expenditures



Other
10%



Private Bar Payments
30%

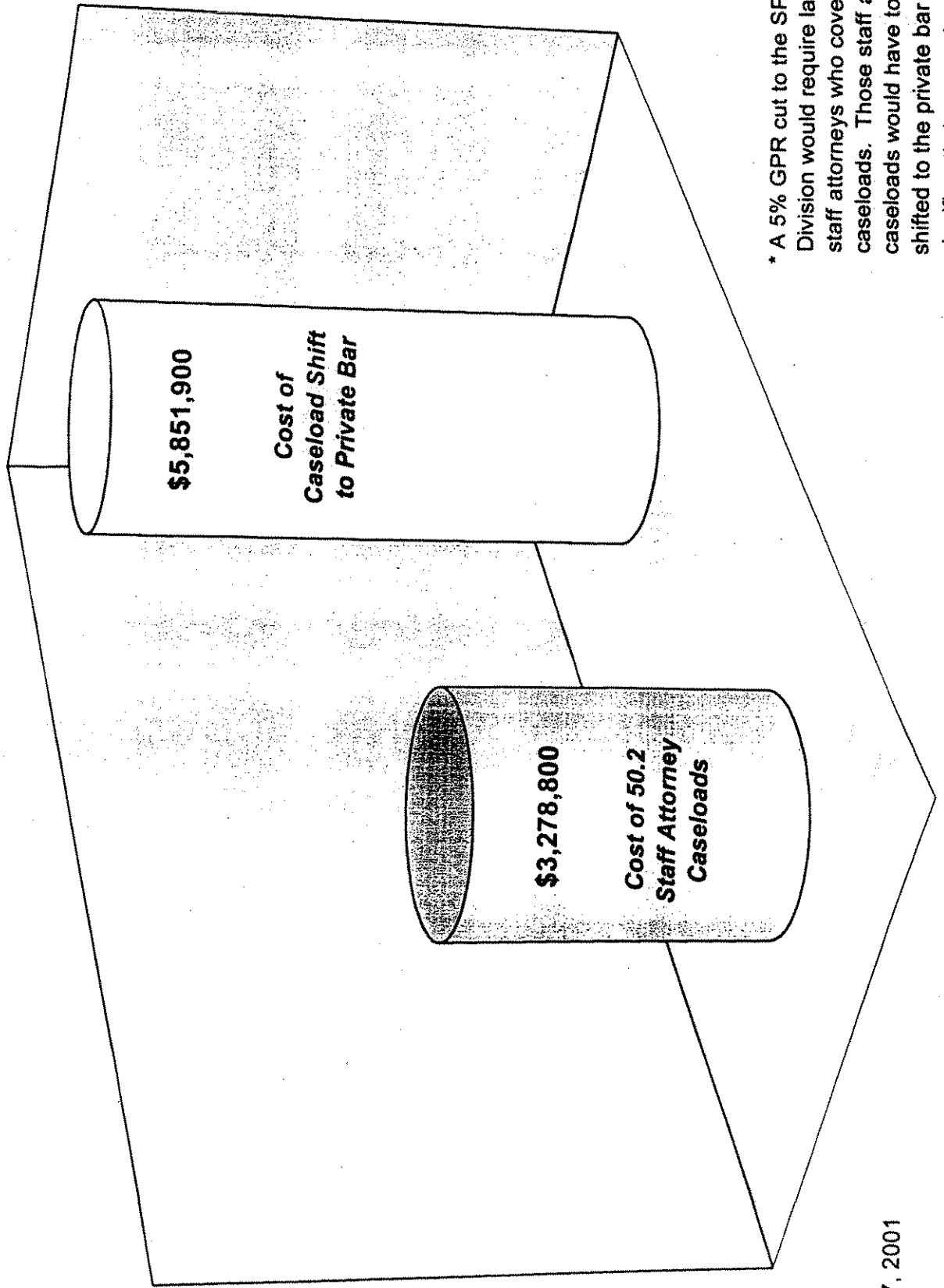


- 98% of SPD Funds are GPR
- 90% of GPR funds are dedicated to private bar payments and staff salaries and fringe benefits
- 10% of GPR funds support items listed above



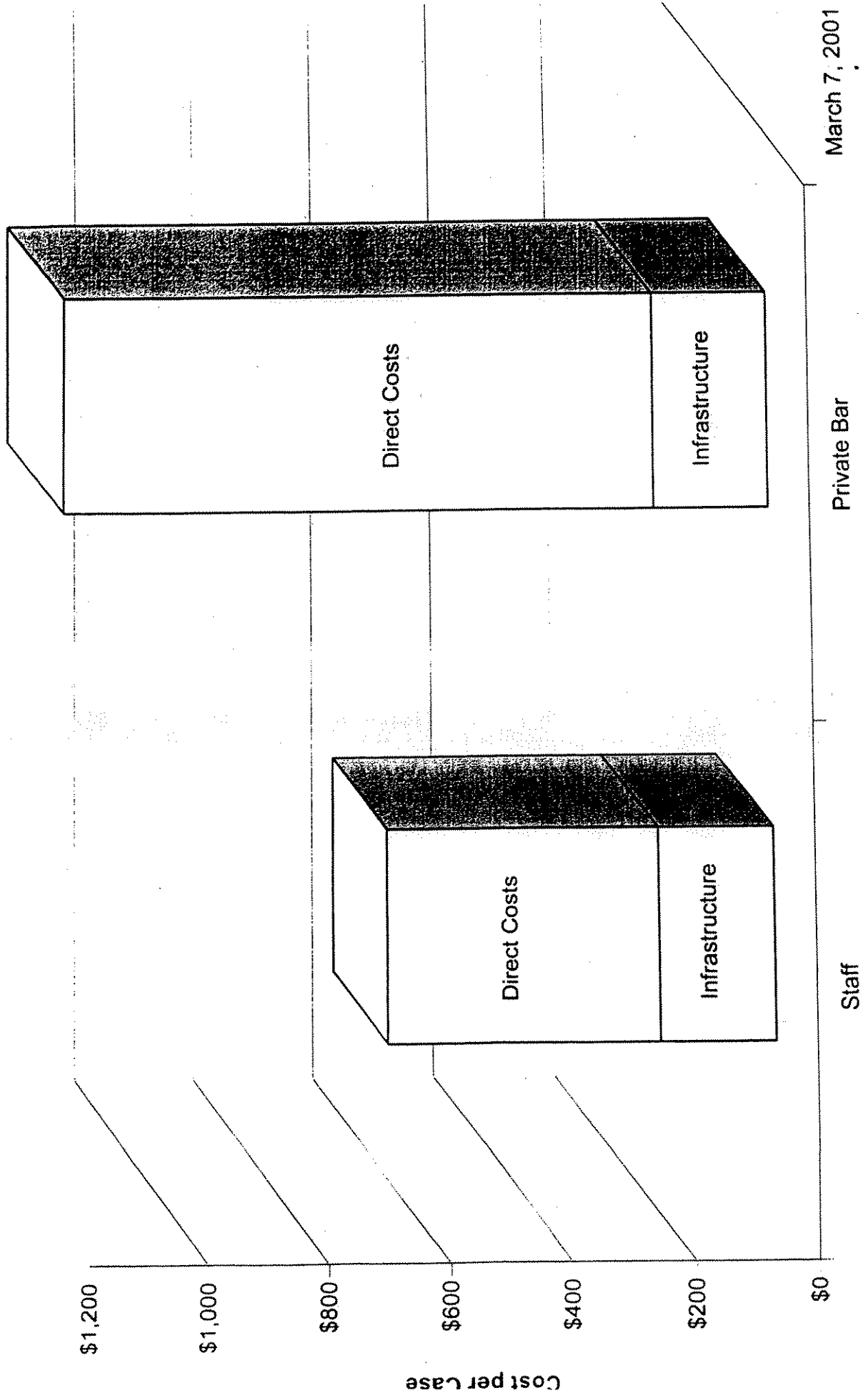
Staff Salaries & Fringe Benefits
60%

Cost Comparison of 50.2 Staff Attorney Caseloads vs. Private Bar Equivalents



* A 5% GPR cut to the SPD Trial Division would require laying off staff attorneys who cover 50.2 caseloads. Those staff attorney caseloads would have to be shifted to the private bar at significantly increased cost.

COMPARATIVE COST OF CASES BY SPD STAFF AND PRIVATE BAR



March 7, 2001

Private Bar

Staff

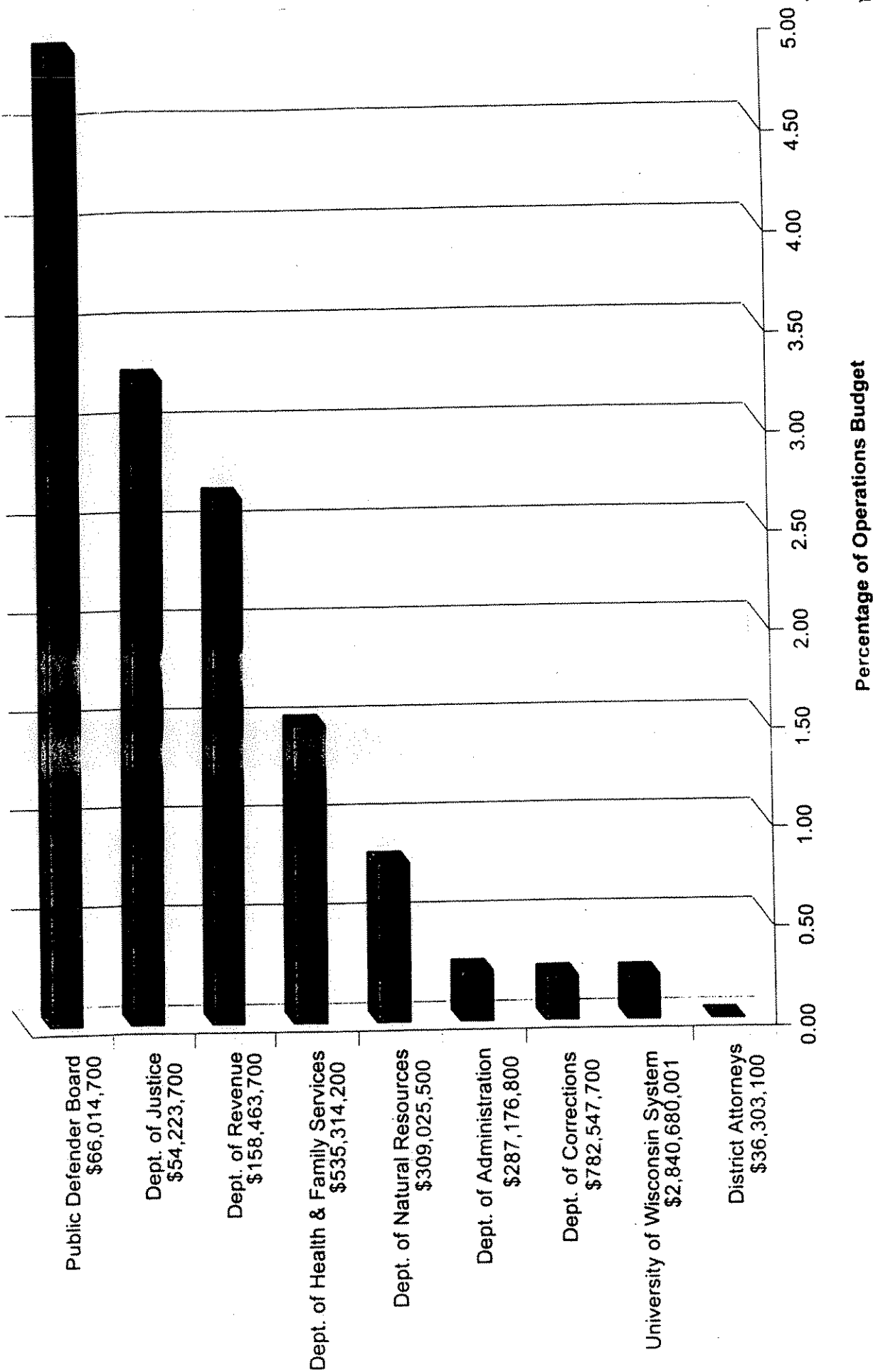
EFFECTS OF PROPOSED EFFICIENCY REDUCTIONS ON EXECUTIVE BRANCH AGENCIES

Agency	FY01 GPR Ops Base	"Efficiency" Cut	Cut as % of GPR Base	FY01 Ops Base All Funds	Cut as % of Ops Base
Administration	\$ 14,479,600	\$ 719,000	4.97%	\$ 287,176,800	0.25%
Ag, Trade & Consumer Prot	\$ 20,548,200	\$ 1,013,200	4.93%	\$ 51,911,700	1.95%
Commerce	\$ 8,234,800	\$ 411,700	5.00%	\$ 43,959,500	0.94%
Corrections	\$ 654,099,400	\$ 1,756,300	0.27%	\$ 782,547,700	0.22%
District Attys	\$ 35,078,500	\$ -	0.00%	\$ 36,303,100	0.00%
ECB	\$ 6,946,200	\$ 283,800	4.09%	\$ 14,700,800	1.93%
Elections Board	\$ 913,800	\$ 45,700	5.00%	\$ 956,000	4.78%
Employment Relations	\$ 6,097,000	\$ 304,900	5.00%	\$ 6,860,400	4.44%
Ethics Board	\$ 236,500	\$ 11,800	4.99%	\$ 548,700	2.15%
Health & Family Svcs	\$ 173,187,700	\$ 8,035,500	4.64%	\$ 535,314,200	1.50%
Justice	\$ 35,400,400	\$ 1,770,000	5.00%	\$ 54,223,700	3.26%
Military Affairs	\$ 12,193,900	\$ 384,100	3.15%	\$ 36,010,800	1.07%
Natural Resources	\$ 73,075,900	\$ 2,474,100	3.39%	\$ 309,025,500	0.80%
Public Defender *	\$ 64,738,600	\$ 3,236,900	5.00%	\$ 66,014,700	4.90%
Public Instruction	\$ 29,561,200	\$ 1,122,600	3.80%	\$ 69,755,400	1.61%
Revenue	\$ 84,326,000	\$ 4,216,300	5.00%	\$ 158,463,700	2.66%
Tourism	\$ 11,957,100	\$ 597,900	5.00%	\$ 12,342,400	4.84%
Tech. College System	\$ 3,456,700	\$ 172,800	5.00%	\$ 8,249,100	2.09%
UW System	\$ 1,004,569,900	\$ 6,345,000	0.63%	\$ 2,840,680,001	0.22%
Veterans Affairs	\$ 2,544,700	\$ -	0.00%	\$ 133,427,300	0.00%
Workforce Development	\$ 45,397,500	\$ 502,600	1.11%	\$ 347,621,600	0.14%

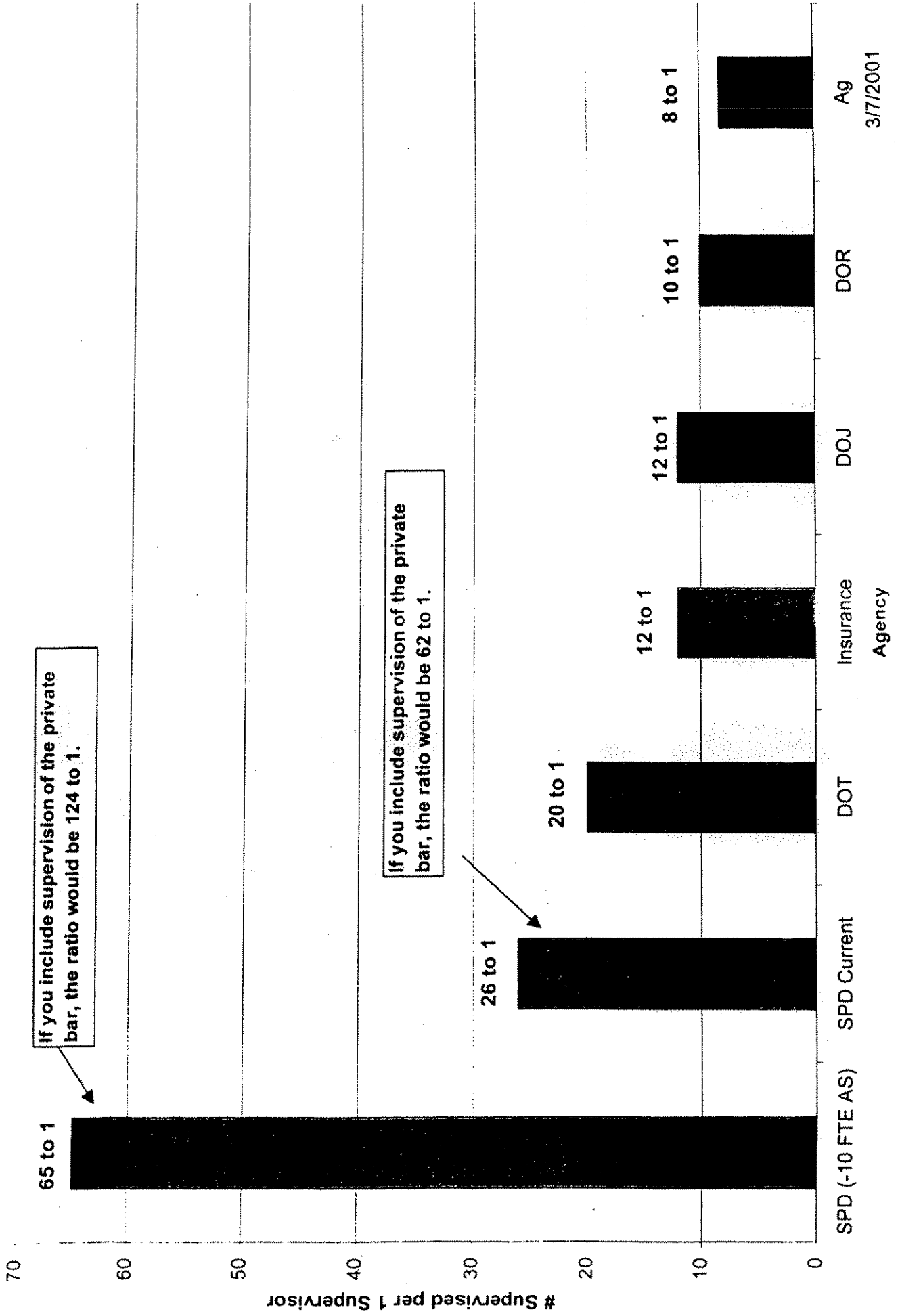
* Note that the Office of the State Public Defender is the only executive branch agency with a 5% reduction to the "state operations" base.

Executive Agency Comparison - Efficiency Cuts

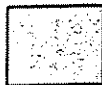
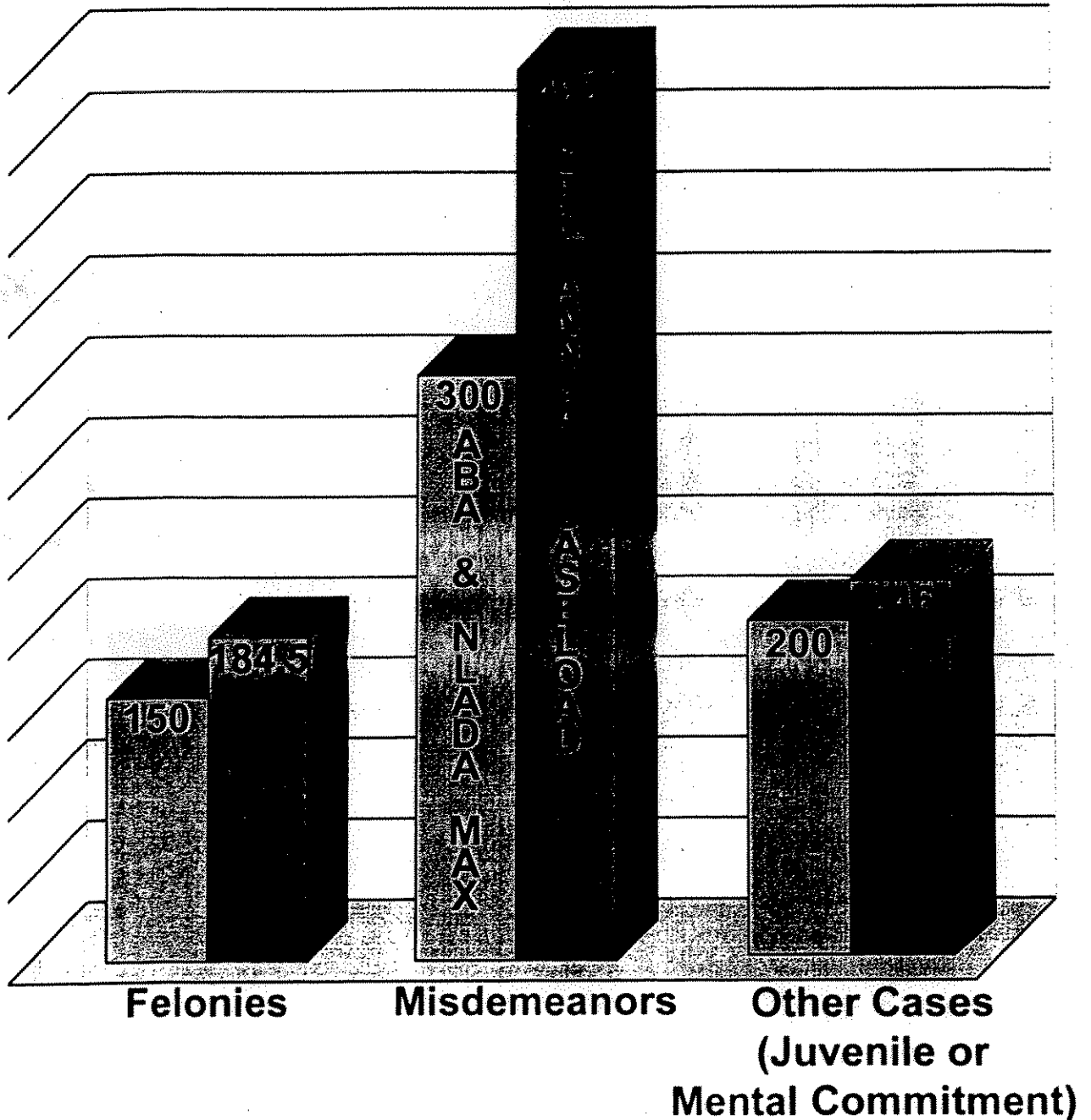
■ Cut as % of State Operations Base
3/7/2001



Supervisor Ratios



STATE PUBLIC DEFENDER STAFF CASELOAD COMPARISON



ABA & NLADA MAXIMUM ANNUAL CASELOAD STANDARDS



**STATE PUBLIC DEFENDER - ANNUAL CASELOAD
(WISC. STAT. SEC. 977.08(5))**

Note! Staff Caseloads would have to increase 23% to generate 5% GPR savings. This would require an attorney to complete about one felony case per day - an impossible caseload. As a result, cases would have to be shifted to the private bar.

Chambers of the Circuit Judge

JACKSON COUNTY CIRCUIT COURT

Black River Falls, Wisconsin 54615
Telephone: 715-284-0213
Fax: 715-284-0277
P.O. Box 608

ROBERT W. RADCLIFFE
Circuit Judge

KATHY A. POWELL
Register in Probate/
Judicial Assistant
CINDY J. BRANDT
Court Reporter

March 12, 2001

COPY

Governor Scott McCallum
State Capitol
P.O. Box 7863
Madison, WI 53707-7863

RE: STATE PUBLIC DEFENDER BUDGET CUT

Dear Governor McCallum:

Your proposed 5% cut in funding of the State Public Defender budget lacks vision and understanding of the need for a strong and viable system for the delivery of legal services to the indigent in Wisconsin. The courts in Wisconsin are constitutionally required to provide counsel for indigent defendants in criminal cases. The State Public Defender is presently severely handicapped in their ability to provide these services because of the legislatively mandated eligibility requirements. Now, you propose to further restrict their ability to provide the required representation.

The end result is that you are forcing the counties to provide constitutionally required representation for indigent defendants and you are creating a dual system to provide these services, each at a greater expense to the taxpayers of Wisconsin.

I urge you to reconsider your ill-advised position on this matter.

Very truly yours,



Robert W. Radcliffe
Circuit Judge

cc. Senator Rodney Moen
Representative Terry Musser
Representative Barbara Gronemus
State Public Defender

DOYLE LAW OFFICE

Steven P. Doyle

Gloria L. Doyle

205 5th Avenue South, Suite 400
La Crosse, WI 54601

Phone: (608) 785-1886
Fax (608) 785-1901

www.doylelawoffice.com

March 9, 2001

State Representative Michael Huebsch
20 North Capitol
PO Box 8952
Madison, WI 53708-8952

Dear Mike:

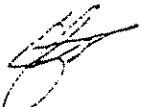
I'm writing in regard to a budgetary matter that has the potential for significant cost to La Crosse County and other county governments.

Governor McCallum has proposed a 5% reduction in the trial division budget of the Public Defender's office. Although his presumption apparently is that the existing staff attorneys will simply pick up the load, from personal observation I can state that this is simply not going to happen. Their caseloads are already maximized and they regularly have to deal with complaints that they are unable to give much personal attention to their clients. Because it is not possible to add to their caseload, what instead will initially happen is that cases will get assigned to private counsel and paid through the Public Defender's office. In fact, this is at least twice as expensive compared to having the staff attorneys handle these cases. Ultimately, then, what is likely to happen is that the guidelines will be tightened so fewer people will be eligible for Public Defender representation. That does not mean they won't get a taxpayer-provided attorney, however. Rather, the judges will make a determination that the person is entitled to an attorney and will appoint them one at county expense. Last year alone, La Crosse County spent \$28,070 on private attorneys for criminal cases. These were instances in which defendants didn't meet the existing guidelines for eligibility. Obviously, as those guidelines get tightened, the court's role as the "safety net" increases. These costs, by the way, are ones over which we have absolutely no control. If a judge determines that someone needs an attorney, we get the bill.

Recently, all of our departments were directed to prepare anticipated 5% reductions in each of their budgets. We are likely to eliminate or reduce important programs as a result of our already tight budget. At this point, we can ill-afford to absorb more costs that rightly should remain with the State.

Please work to restore the cut to the Public Defender budget. Thank you for your consideration.

Sincerely,



Steven P. Doyle
County Board Supervisor

SPD Budget & Cost Shifting to Counties

Intro/Background

- Counties presently absorb significant costs because of limited funding of SPD:
- Difference between constitutional right to counsel and statutory SPD financial standards: courts appoint at county expense for many who SPD must turn away
- SPD does not represent parents in juvenile court CHIPS cases since 1995, yet courts are required to appoint in some of those cases (per Wis SC)

Impact of 5% cuts

- Delays in SPD ability to appoint counsel increase jail costs (for example, defendants held longer before attorneys can meet with them & present a satisfactory plan for their release on bail)
- Increased law enforcement overtime costs, witness costs when hearing need to be rescheduled because defense attorney has not been appointed
- More court appointments (at county expense) to avoid delays
- Possibility that in some areas, counties might need to supplement the private bar rate in SPD cases to find an attorney willing to take the case

Biennial Budget Timeline

<u>When</u>	<u>Who</u>	<u>What</u>
Sept. 15, 2000	Agency	Agency budget requests submitted
Feb. 20, 2001	Governor	Governor McCallum introduced budget
March 15, 2001	Legislature	Nick testifies before Joint Committee on Finance
March 27 – April 20, 2001	Legislature	Joint Finance Committee holds 8 public hearings
Mid-late May 2001 (est.)	Legislature	Joint Finance Committee votes to <i>amend*</i> budget bill
June 2001 (est.)	Legislature	House and Senate <i>amend*</i> , pass versions of budget bill
July 2001 (est.)	Legislature	Joint conference committee reconciles differences between House and Senate Versions
August 2001 (est.)	Governor	Governor exercises broad veto authority; budget enacted.
September 2001 (est.)	Legislature	Legislature may attempt to override vetoes

- Indicates points remaining in process where proposed cut can be deleted or modified.

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Misdemeanor Offender Diversion Program
2. Consolidate Appropriations for Transcripts, Discovery and Interpreters
3. Early Representation, Jurisdiction
4. Budget Efficiency Measures
5. Standard Budget Adjustments

ITEMS NOT APPROVED

6. Private Bar Rates
7. Case Weights
8. Charging and Sentencing Alternatives
9. Indigency Evaluations, Clients Under Chapter 51 and Chapter 55
10. Sentence Modifications, Jurisdiction
11. Information Technology Hardware and Software Replacement Base
12. Sentencing Specialists
13. LTE Funding
14. Protective Occupational Status for SPD Investigators

RESOLUTION

Public Defender Board

WHEREAS, the Office of the State Public Defender (SPD) is providing effective defense services, operating efficiently, and improving the quality of Wisconsin's justice system, as recognized by the SPD's receipt of the Wisconsin Forward Award for its sound business practices and commitment to excellence; and

WHEREAS, the proposed cut to the SPD's base budget is disproportionately large compared to other comparable executive branch agencies; and

WHEREAS, the SPD's statutory duties and budget structure preclude the SPD from reducing expenditures in the Trial Division appropriation without incurring even greater costs in the Assigned Counsel Division;

NOW, THEREFORE, BE IT RESOLVED, the SPD Board instructs the SPD Agency Leadership Team to work with the Governor's office, the Legislature, and other interested parties to seek elimination of the proposed 5% cut of the SPD's General Program Revenue base funding in the 2001-03 biennial budget.

Dated this 9th day of March, 2001.



Daniel Berkos
Chair, Public Defender Board

RESOLUTION

Public Defender Board

WHEREAS, the State Public Defender (SPD) Board's proposed budget contains initiatives that are critical not only to the effectiveness and efficiency of the SPD, but also to public trust, public confidence, and fair treatment of poor people in Wisconsin's justice system;

NOW, THEREFORE, BE IT RESOLVED, the SPD Board remains committed to the initiatives submitted in the Board's proposed budget as priority items for the 2001-03 biennium. Therefore, the Board instructs the SPD Agency Leadership Team to work with the Governor's office, the Legislature, and other interested parties to seek adoption of the Board's budget initiatives.

Dated this 9th day of March, 2001.



Daniel Berkos
Chair, Public Defender Board

ROBERT W. RADCLIFFE
Chief Judge
Jackson County Courthouse
Black River Falls, WI 54605-0608
Telephone: (715) 284-0213

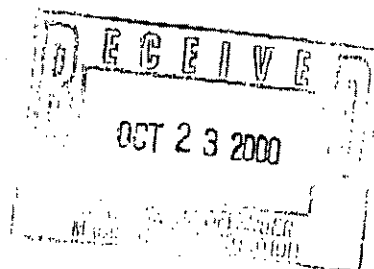
MICHAEL J. ROSBOROUGH
Deputy Chief Judge
Vernon County Courthouse
Viroqua, WI 54685-0448
Telephone: (608) 637-3872

STEVEN STEADMAN
District Court Administrator
Room 300 October 20, 2000
LaCrosse County Courthouse
Telephone: (608) 785-8548

STATE OF WISCONSIN

SEVENTH JUDICIAL DISTRICT

LACROSSE COUNTY COURTHOUSE
LACROSSE, WISCONSIN 54601



Mr. Nicholas Chiarkas
State Public Defender
P. O. Box 7923
Madison, WI 53707-7923

Dear Mr. Chiarkas:

The Committee of Chief Judges discussed the issue of State Public Defender criteria at their regular meeting on August 11, 2000.

The Chief Judges have long been concerned about the statutory eligibility criteria that was established in 1987 for the State Public Defender Office which effectively precludes your office from providing defense counsel to people who are clearly indigent. When this occurs, courts are obligated to secure counsel for these people at substantial county cost. There is no reason for this duplication of services between the SPD and the counties and the eligibility criteria should be established at a realistic and reasonable level that encompasses the clearly indigent.

The Committee of Chief Judges strongly supports and urges your office to seek an increase that would permit your office and staff to fully provide the services to which the indigent are entitled under the United States and Wisconsin Constitutions.

If we can be of any further assistance, please so inform the Director of State Courts.

Very Truly Yours,

Robert W. Radcliffe
Chief Judge

cc. State Public Defender Board
Chief Judges
Director of State Courts
Ellen Berz

RESOLUTION

Second Judicial District

WHEREAS, the Second Judicial District consists of the Circuit Courts of Kenosha, Racine and Walworth Counties; and

WHEREAS, a significant portion of the cases heard by the Circuit Courts in the State of Wisconsin are criminal matters where defendants have a Constitutional Right to be represented by an attorney; and

WHEREAS, a significant portion of defendants request and qualify for the appointment of counsel at public expense; and

WHEREAS, the financial standard used by the State Public Defender's Office is significantly below the established Federal Poverty Guideline which results in many defendants being unable to hire an attorney and who request that an attorney be appointed to represent an indigent defendant at county expense; and

WHEREAS, the Counties in the Second Judicial District are experiencing annual increases in sums necessary to fund court-appointed counsel for indigent defendants; and

WHEREAS, the State Public Defender's Office is required to assign a portion of cases to members of the Private Bar for representation; and

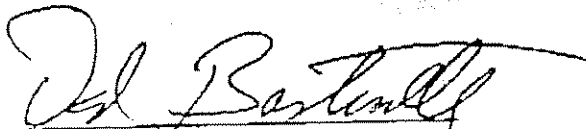
WHEREAS, the hourly rate of pay authorized is at such a low rate as to result in an inadequate number of private attorneys being willing to accept Public Defender referrals;

NOW, THEREFORE, BE IT RESOLVED, that the undersigned Judges of the

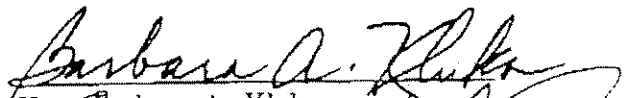
Second Judicial District support the increase of the financial standard for qualification for Public Defender representation to allow more indigent defendants to qualify for Public Defender representation and to reduce the financial burden of the counties; and

BE IT FURTHER RESOLVED, that the undersigned Judges of the Second Judicial District support an increase in the hourly rate of pay for attorneys in private practice who accept appointment to Public Defender cases.

Dated this 21st day of February, 2001.



Hon. David Bastianelli



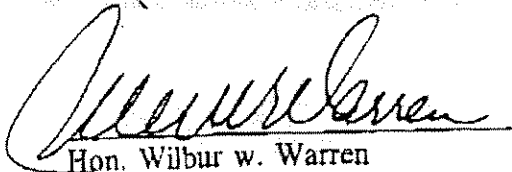
Hon. Barbara A. Kluka



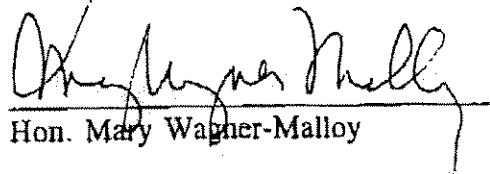
Hon. Bruce Schroeder



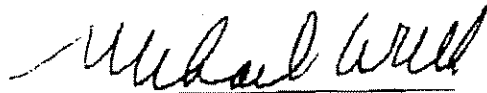
Hon. Michael S. Fisher



Hon. Wilbur w. Warren



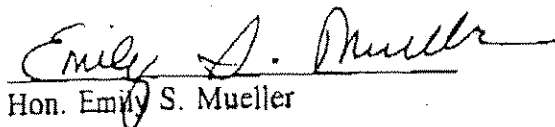
Hon. Mary Wagner-Malloy



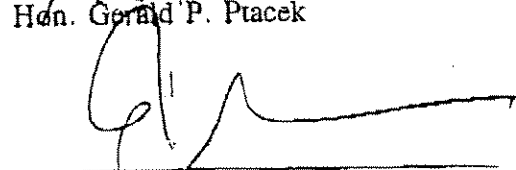
Hon. S. Michael Wilk



Hon. Gerald P. Ptacek



Hon. Emily S. Mueller



Hon. Emmanuel J. Vuvunas

Wayne J. Marik
Hon. Wayne J. Marik

Charles H. Constantine
Hon. Charles H. Constantine

Dennis J. Flynn
Hon. Dennis J. Flynn

Michael S. Gibbs
Hon. Michael S. Gibbs

Robert J. Kennedy
Hon. Robert J. Kennedy

James L. Carlson
Hon. James L. Carlson

John R. Race
Hon. John R. Race

O'Neill, Patrick

From: Chiarkas, Nicholas
Sent: Monday, March 05, 2001 3:11 PM
To: Jones, Richard
Cc: First Assistants; Flood, Pat; Arlene Banout; Bias, Jennifer; Deb Smith; Ellen Berz; Jose Perez; Kellie Krake; Krista Ginger; Marla Stephens; Megan Christiansen; Michael Tobin; Nick Chiarkas; Virginia Pomeroy
Subject: RE: Recent Budget Crisis

Thanks Ricky. And. CCs please see Ricky's letter below

-----Original Message-----

From: Jones, Richard
Sent: Friday, March 02, 2001 4:02 PM
To: Chiarkas, Nicholas
Subject: RE: Recent Budget Crisis

Yes.

-----Original Message-----

From: Chiarkas, Nicholas
Sent: Thursday, March 01, 2001 3:34 PM
To: Jones, Richard
Subject: RE: Recent Budget Crisis

Dear Ricky, again, thank you so much for your kind words and support. May I have your permission to share your letter with out First Assistants?

-----Original Message-----

From: Jones, Richard
Sent: Saturday, February 24, 2001 9:51 AM
To: Chiarkas, Nicholas
Subject: Recent Budget Crisis

I am in my office working on a rainy and dreary winter morning and I was thinking about the recent budget issues that have arisen and I wanted to take a minute to send you a note of encouragement.

For 10 years, I have served in various capacities in this Agency and for 10 years, from various perspectives, I have watched it grow and flourish under your leadership. You have always been a great leader and you have always lead us to the forefront. We are the best Public Defender Agency in the world and everyone knows it, but to be the best, you have to have the best leadership and we do.

There are many people in our Agency who are very concerned with the impact that the proposed cuts will have on the structure of our Agency and I believe that they have cause for concern. We are caught in the middle of a political power play that is not necessarily directed us, but it substantially affects us.

Through the years, you have guided us through many terrible storms and I wanted to remind you that we have ALWAYS weathered those storms and some how we have ALWAYS grown stronger and better. Through the years, we have been forced to endure a number of major hardships, but we have always come out on top.

In my heart, I still believe that justice always prevails and there are indigent people who still need us to defend them against the injustices inflicted upon them. I love what I do and I am committed to this Agency and the vision of this Agency and there are also a number of people in the Racine Region and throughout the state who have the same love and commitment. When you fight this new battle, remember that you fight it first for the indigent people that we vowed to protect, but that you also fight it for those warriors on the battlefield of the criminal justice system who call the SPD home.

I have always been proud to be a Public Defender and anyone who has ever met can tell you that. As a result of my commitment to this Agency, this Agency has invested a substantial amount of resources in me and I owe this Agency my loyalty and support. I love this Agency and I have always been committed to this Agency. It's not perfect and I don't agree with everything, but I have always trusted that upper level management has always attempted to do what was in the best interests of the Agency as a whole.

I believe in you and I believe that we will survive this crisis!!!

You've saved us more times than we can count and a few months from now, we'll look back and add this crisis to the long list of others that you have skillfully guided us through.

If you need me to do anything, don't hesitate to ask.

KEITH J. PETERSON
ATTORNEY AT LAW
P.O. BOX 1364
SUPERIOR, WI 54880

FAX: (715) 394-7320

TELEPHONE: (715) 394-9001

March 23, 2001

Senator Robert Jauch
Rm 313 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Assemblyman Frank Boyle
Rm 221 North
State Capitol
P.O. Box 8952
Madison, WI 53708-8952

RE: STATE PUBLIC DEFENDER BUDGET

Dear Bob and Frank:

I want to thank you and your offices for the help that you have given me in the past. I have appreciated having a friend in Madison that I could call upon for assistance when necessary.

I think that this is the first time I have contacted you concerning an item of pending legislation, but in this case I think it is vitally important that I express my opinion.

I urge you to actively support tying the State Public Defender private attorney compensation rate to Supreme Court Rule 81.02(1) (\$70 per hour) in the State Public Defender Budget and exempting the State Public Defender from any base budget cut.

As you probably know, I am in solo practice in Superior. I am a small business person who has resided here most of my life and a good percentage of my practice is devoted to criminal defense. I have rendered considerable service to low income persons in the community through the State Public Defender and Wisconsin Judicare.

The Public Defender system assures representation for indigent criminal defendants in this state, and a healthy percentage of these defendants must of necessity be farmed out to private bar attorneys due to conflicts of interest and caseload considerations. Private bar attorneys have long experienced significant problems as a result of the inadequate funding of this system. For years the compensation rate for private attorneys has been \$40 per hour. This is inadequate to cover an attorney's overhead. No other small business is required to lose money when doing work for a state agency. I am considering stopping or cutting back my involvement in the program because of the compensation rate. Counties suffer increased costs due to delayed proceedings when private attorneys cannot be found

COPY

Mr. Robert Jauch and Mr. Frank Boyle
March 23, 2001
Page Two

to work on Public Defender cases. Because of the fact that many cases involve co-defendants and conflicts of interest would arise if the local Public Defender's office represented those defendants, and because enormous caseloads often overwhelm local offices, private bar participation is an essential component of this system.

For example, I have recently represented two defendants in homicide cases, one in Washburn and the other in Douglas County. I am sure you are familiar with the latter case (the Alejandro Rivera murder case) . Both cases involved multiple defendants. In the Washburn County case the Public Defender quite simply ran out of area attorneys that were qualified to represent homicide defendants and had to appoint an attorney from La Crosse to represent one of my client's co-defendants. This, of course strained the office's budget due to travel time, etc. Mr. Rivera had two co-defendants, and in that case an attorney had to be appointed from Washburn County to represent one of the co-defendants. Had I not represented Mr. Rivera, I do not think there would have been any other local attorney available for him, and an attorney would have to have been appointed from another county, perhaps many miles away. If you followed that case in the news media, you can perhaps appreciate the difficulties that would have resulted from Mr. Rivera being represented by someone in, say, La Crosse or Eau Claire, as well as the additional expense that would have created.

Relatively few experienced attorneys are willing to represent a client in a homicide case because of the appallingly inadequate compensation. At the present time, there are very few attorneys in Douglas County or the surrounding area that are qualified to represent homicide defendants, and a limited number of attorneys that are qualified to represent serious felony cases. Lack of compensation is limiting participation in this program.

Moreover, these cases are often complex and difficult. Errors that arise from inexperience or lack of time to devote to a complex indigent representation can create serious problems. Costs are increased due to appeals and retrials of cases. Miscarriages of justice result. *It is absolutely imperative that competent attorneys be appointed to represent criminal defendants, especially in serious felony cases. There are baleful results from ineffective representation. This requires that the compensation level be high enough to persuade experienced and competent attorneys to participate in the program and continue to participate in the program.*

Criminal justice is perhaps the most important function of our legal system. Effective indigent representation is an indispensable part of the system. The private attorneys that

Mr. Robert Jauch and Mr. Frank Boyle
March 23
Page Three

participate in the Public Defender program are a crucial part of that program. \$70 per hour is hardly a princely hourly rate. It is about one-half the rate (or less) that privately attorneys typically charge in this state. However, it does permit attorneys participating in the system to make at least a minimal profit. It is consistent with the rule set down by our Supreme Court for compensation of attorneys performing other court appointed functions (Supreme Court Rule 81.20(1)).

I submit that legislative action to better the position of private attorneys who perform this very thankless and important function is long overdue. To make the situation of these attorneys *worse*, as is purposed in the base budget cut proposal, is simply unconscionable.

If you have any questions please contact me. I will be contacting you in the future to determine the status of this budget item. Thanks for your anticipated support and work on this issue.

Sincerely,

/s/ Keith J. Peterson

KEITH J. PETERSON
Attorney at Law

KJP:bhs

cc. Governor Scott McCallum
Senator Brian Burke, Joint Finance Committee Co-Chair
Representative John Gard, Join Finance Committe Co-Chair
State Public Defender Board

711 Highway 12 East
(715)833-2393, FAX 836-9871
P.O. Box 3211
Eau Claire, WI 54702-3211

Business Center East
(715)635-6900, FAX 635-6901
P.O. Box 237
Spooner, WI 54801

March 26, 2001

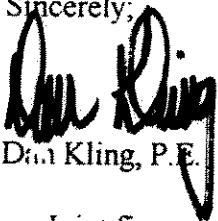
Governor Scott McCallum
State Capital
P. O. Box 7863
Madison, Wi. 53707-7863

Re: STATE PUBLIC DEFENDER BUDGET CUT

Dear Governor McCallum:

The 5% cut proposed for the State Public Defender budget is something I must comment to you about. Public Defenders financed by the State of Wisconsin are the only reasonable means of supplying constitutionally required counsel for indigent defendants in Criminal Court cases. The Public Defenders Office for the N. W. Counties is located adjacent to our offices in Spooner. The three Attorneys that are assigned to this office are not only extremely busy in court but are expected to cover a large geographical area. If you cut the budget and one position is eliminated it is my opinion that you will force County Courts to appoint Private Practice attorneys to represent these indigent criminal defendants. This will increase overall costs. If you allow a reduction in the state mandated eligibility requirements to remove costs from the State budget, you will force Counties to provide the mandated legal defense at the expense of County taxpayers. Please do not allow this trickle down of State mandated legal expense to fall to the county level. As a taxpayer, I request that you maintain the current staffing levels in the N. W. Counties and maintain the funding for indigent defense at the State level where this Constitutional Mandate can best be served.

Sincerely,



Dana Kling, P.E.

cc. Joint finance committee

The current membership of the Joint Finance Committee follows:

<p><u>Senator Brian Burke, Senate Chair (D)</u> Room 316 South, State Capitol Madison, WI 53702 (608) 266-8535 MILWAUKEE</p>	<p><u>Representative John Gard,</u> Assembly Chair (R) Room 315 North, State Capitol Madison, WI 53702 (608) 266-2343 PESHTIGO</p>
<p><u>Senator Russell Decker (D)</u> Room 323 South, State Capitol Madison, WI 53702 (608) 266-2502 WESTON</p>	<p><u>Representative Dean Kaufert (R)</u> Room 22 West, State Capitol Madison, WI 53702 (608) 266-5719 NEENAH</p>
<p><u>Senator Gwendolynne Moore (D)</u> Room 409 South, State Capitol Madison, WI 53702 (608) 266-5810 MILWAUKEE</p>	<p><u>Representative Sheryl Albers (R)</u> Room 127 West, State Capitol Madison, WI 53702 (608) 266-8531 LOGANVILLE-MAUSTON AREA</p>
<p><u>Senator Kevin Shibilski (D)</u> Room 10 South, State Capitol Madison, WI 53702 (608) 266-3123 STEVENS POINT</p>	<p><u>Representative Marc Duff (R)</u> Room 310 North, State Capitol Madison, WI 53702 (608) 266-1190 NEW BERLIN</p>
<p><u>Senator Kimberly Plache (D)</u> Room 415 South, State Capitol Madison, WI 53702 (608) 266-1832 RACINE</p>	<p><u>Representative David Ward (R)</u> Room 304 North, State Capitol Madison, WI 53702 (608) 266-3790 FT. ATKINSON</p>
<p><u>Senator Robert Wirch (D)</u> Room 310 South, State Capitol Madison, WI 53702 (608) 267-8979 KENOSHA</p>	<p><u>Representative Michael Huebsch (R)</u> Room 20 North, State Capitol Madison, WI 53702 (608) 266-0631 LA CROSSE</p>
<p><u>Senator Alberta Darling (R)</u> Room 22 South, State Capitol Madison, WI 53702 (608) 266-5830 RIVER HILLS (MILW. AREA)</p>	<p><u>Representative Gregory Huber (D)</u> Room 218 North, State Capitol Madison, WI 53702 (608) 266-0654 WAUSAU</p>
<p><u>Senator Robert Welch (R)</u> Room 404, 100 North Hamilton Madison, WI 53703 (608) 266-0751 RED GRANITE</p>	<p><u>Representative Antonio Riley (D)</u> Room 209 North, State Capitol Madison, WI 53702 (608) 266-0645 MILWAUKEE</p>

EAU CLAIRE COUNTY CIRCUIT COURTS
EAU CLAIRE COUNTY COURTHOUSE
721 Oxford Avenue
Eau Claire, WI 54703-5481

Lisa K. Stark, Branch 1
Eric J. Wahl, Branch 2
William M. Gabler, Branch 3

Benjamin D. Proctor, Branch 4
Paul J. Lenz, Branch 5
Timothy J. Adler, Court Commissioner

March 26, 2001

Senator Brian B. Burke
P.O. Box 7822
Madison, WI 53707-7882

Representative John Gard
P.O. Box 8952
Madison, WI 53707-8952

Re: Proposed State Public Defender Budget Cuts

Dear Senator Burke and Representative Gard:

We, the undersigned members of the Eau Claire County Judiciary, urge you and the entire legislature not to reduce the budget of the State Public Defender's Office. Cutting the budget of the State Public Defender's Office will actually increase the tax burden on Wisconsin citizens.

As you know, those who are charged with a crime have a constitutional right to court-appointed counsel if they are unable to afford it. In the absence of the State Public Defender's Office providing representation, the individual counties must provide legal representation at the county taxpayers' expense. Paying private attorneys through the county's budget is actually more expensive than providing legal representation to indigent defendants through the Public Defender's Office. Rather than decreasing the Public Defender's budget, the Public Defender's budget should be increased!

In addition to matters of cost, the State Public Defender system should be favored over the county-appointed system because the State Public Defenders work in a coordinated and efficient manner to provide the best legal representation possible to those individuals who cannot afford private counsel.

Senator Brian B. Burke
Representative John Gard
Page 2
March 26, 2001

We recognize there are many budget constraints facing the legislative and executive branches of government. However, eliminating Public Defender funding from the state budget only imposes on the citizens of the State of Wisconsin a "higher tax" at the county level. We appreciate your efforts to fully and adequately fund the State Public Defender system.

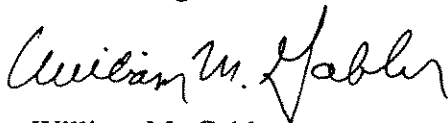
Sincerely,



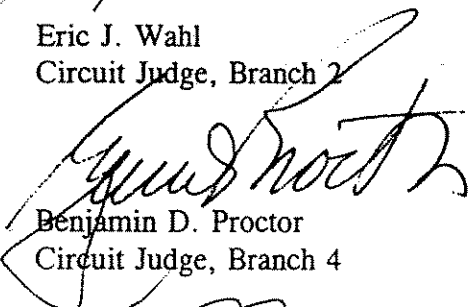
Lisa K. Stark
Circuit Judge, Branch 1



Eric J. Wahl
Circuit Judge, Branch 2



William M. Gabler
Circuit Judge, Branch 3



Benjamin D. Proctor
Circuit Judge, Branch 4



Paul J. Lenz
Circuit Judge, Branch 5



Timothy J. Adler
Court Commissioner

seg

cc: Senator Rodney Moen
Senator David Zien
Representative Rob Kreibich
Representative Larry Balow
Representative Terry M. Musser
Tom McCarty
Dana Smetana
State Public Defender's Office

JAMES L. CIRILLI, S.C.

Attorney at Law

1215 BELKNAP STREET
SUPERIOR, WI 54880-2857

TELEPHONE (715) 395-3190
FAX (715) 394-7786

March 27, 2001

Senator Brian Burke
Joint Finance Co-Chair
State Capitol, 316 South
Madison WI 53702

Representative John Gard
Joint Finance Co-Chair
State Capitol, 316 North
Madison WI 53702

Dear Senator Burke and Representative Gard:

I am an attorney in private practice in Superior, Wisconsin. I have been practicing law for 29 years, four of which were spent as Douglas County District Attorney.

I urge you to actively support a State Public Defender private attorney compensation rate that equals Supreme Court Rule 81.02(1) in the State Public Defender budget. I also request that you support an exemption for the State Public Defender under the Governor's proposed five percent across the board budget cut for all state agencies.

I am like any other small business. I employ two secretaries, a bookkeeper/receptionist, and a part-time private investigator. Salaries for my support staff alone exceed the hourly rate of \$40.00 per hour now currently in effect for State Public Defender attorneys. I have four children, two of whom are in college. It is impossible to run a law office, support my family, and at the same time take Public Defender cases. I continue to take Public Defender cases because I believe in the criminal justice system and the right of every person to legal representation.

I ask you to consider the following points:

- . The current \$40.00 per hour SPD rate is inadequate to cover even overhead expenses.
- . No other small business is required to lose money when doing work for a state agency.

- . Counties suffer the high cost of delayed proceedings when private attorneys cannot be found to work on SPD cases.
- . The integrity of our justice system is compromised when competent counsel cannot be found due to inadequate pay.

I strongly urge you to support and fully fund the State Public Defender program. It was my intention to appear personally before the Joint Finance Committee, but I am unable to spend the time waiting to be heard. I therefore ask that you accept this letter in lieu of my testimony.

Sincerely,



JAMES L. CIRILLI
Attorney at Law

JLC:kg

Diane Meysman-Martin
1615 North 56th Street
Superior, WI 54880

March 27, 2001

Senator Robert Jauch
PO Box 7882
Madison, WI 53707-7882

Representative Frank Boyle
PO Box 8952
Madison, WI 53707-8952

Dear Senator Jauch and Representative Boyle:

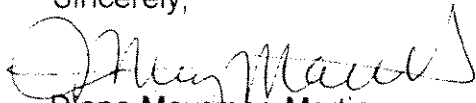
I write to you, as my legislators, about the State Public Defender budget. I urge you to exempt the SPD from a 5% budget cut.

I am a lifelong resident of the Superior area. I live here with my husband Mike and son, Garrett, who attends Bryant Elementary School. For the past 23 years I have administered programs for low-income housing. Of course, I am concerned about the government treating all persons, regardless of income, fairly. However, my interest in SPD budget exceeds my concern for justice; it is basic issue of responsible management of taxpayer money.

As I understand it, the proposal is to cut the SPD budget by over 3 million dollars. But, that cut could only come from getting private attorneys to handle cases rather than staff attorneys. That change would actually result in spending almost 6 million dollars. It is not difficult to see that the proposed cut makes no fiscal sense. My third grade son can do the simple math – to save 3 million you have to spend 6 million... a net loss of almost 3 million dollars. In addition, if there are not enough private attorneys who agree to take SPD cases, judges must get attorneys who are paid from my county property taxes. The cut of the SPD's budget may look good on paper, but it assumes that citizens of Wisconsin are too stupid to see this irresponsible budget trick. We are not! Citizens cannot continue to carry the tax burdens placed upon us by irresponsible leaders.

I expect better fiscal management from my state. I know you do too. Please reassure me that my tax dollars will not be irresponsibly spent on budget tricks like the SPD budget cut. Thank you.

Sincerely,


Diane Meysman-Martin

Cc: Governor Scott McCallum
State Public Defender

DOUGLAS COUNTY CLERK OF COURTS

1313 BELKNAP STREET
SUPERIOR, WISCONSIN 54880

CLERK OF COURTS

JOAN E. OSTY

DEPUTY CLERKS

CAROL WITTKÉ
AUDREY LARSON
JANE KOSKI
DAVID LECKEL

March 27, 2001

Members of the Joint Finance Committee:

Dear Members:

I am writing to support the Supreme Court's full budget request for the Court Interpreter Program.

In the Court System we have used interpreters quite a few times. We mainly need interpreters for Spanish speaking people who have been arrested on criminal charges. We have also needed sign language interpreters which was for a person who was getting divorced and for another person who was arrested on a criminal charge.

I believe that the time will come when we will need interpreters for restraining orders, witnesses and all parties in court proceedings.

I also believe that the reimbursement to the Counties should be raised, when I need an interpreter for a Spanish speaking person, the County gets charged a minimum of 2 hours at \$40.00 an hour.

Thank you for your support of this important budget request.

Sincerely,



Joan E. Osty
Clerk of Courts
1313 Belknap
Superior, WI 54880

PETER J. THOMPSON

Attorney at Law

110 W. Grand Ave.
Eau Claire, Wisconsin
54702-1389

P.O. Box 1389

Phone 715-834-9251
Fax 715-834-0301

March 28, 2001

Senator Rod Moen
Representative Rob Kreibich
Members, Joint Finance Committee

Gentlemen and Ladies:

I am an attorney practicing in the City of Eau Claire, Wisconsin. I live in Eau Claire, am married and have two daughters who attend South Middle School and Memorial High.

I have accepted indigent appointments through the State Public Defender since the inception of the agency 22 years ago. I remember that the hourly rate was then \$35.00 per hour, which was about two thirds of the average hourly rate of \$50.00 per hour in my area. The reduction in payment through inflation over the past twenty two years is obvious.

I am sure that you have been told and understand that no criminal defendant can be tried and convicted to a certainty without the appointment of effective counsel. I want only to describe to you my experiences in the past few years regarding availability of attorneys for these appointments. I frequently receive calls from the Black River Falls office of the SPD with requests that I represent an individual in Clark, Jackson or Trempealeau counties. The office personnel express to me their frustration and concern about their inability to find attorneys who are either available or willing to take the appointments and this problem is getting worse as time goes on. Sometimes the office goes through its entire list without finding an attorney available or willing to accept the appointment, and then has to go to the local court to seek a delay until someone from the limited list becomes available.

I also have been receiving more and more calls from the La Crosse office. La Crosse is, in a professional sense, several hundred attorneys over and I find it startling that the agency personnel have to call all over western Wisconsin to find an attorney for some of these defendants, although I certainly understand why they are having such problems. Personally, I am limiting the number of appointments I accept from the neighboring counties and will no longer accept any appointments from the more distant counties such as La Crosse. This is a simple matter of economic survival for me.

It is possible to view the agency in many ways; some would view it as a high quality example of

Senator Rod Moen
Rep. Rob Kreibich
Members of the Joint Finance Committee
March 28, 2001
Page 2

an operation upholding the precious ideals embodied in our constitutions and laws; others might view it and its functions somewhat unhappily while still recognizing its necessity. Regardless of viewpoint, however, I can state to you that on a purely functional level this system appears to me to be on the ragged edge of collapse because of the inadequate funding for the private bar appointed caseload and these problems have been increasing and will continue to increase in severity unless some concession is made on the private bar hourly rate.

As a private bar attorney I witness the problems caused by the inadequate funding at the present level in case handling and trial preparation. It is sometimes necessary to retain services of an expert or investigator in cases and the funding is so very short that defense counsel is in a quandary- how can one represent a defendant, for example, when adequate funding is not available to adequately investigate and prepare for trial? Every case that results in conviction is potentially subject to appellate review and the defense attorney can be called to postconviction motions as a witness to explain and justify his representation. The standard of adequate and competent representation is an objective one and the excuse that the witness was not found, or the psychiatrist's services not retained, because of funding is not an excuse in the face of such a review- the attorney is responsible for an adequate representation, period. These problems will weigh increasingly on the minds of potential defense appointees and if the already meager budget is cut will no doubt motivate more attorneys to refuse these appointments.

Very Truly Yours,



Peter J. Thompson

PJT/wvt

Private Attorney Hourly Compensation Comparison

Average Wisconsin Private Attorney Hourly Fee
for all Case Types = **\$146** (range - 113 - 179)

Average Wisconsin Private Attorney Hourly Fee
on Criminal Cases = **\$107**

Supreme Court Rate (SCR 81.02) = **\$70**

Average Overhead of
Wisconsin Private Attorney = **\$60**

SPD Rate for Appointed
Private Attorney = **\$40**