

h

**Southwest Wisconsin Area Health Education Center, Inc.**  
**Program Areas, Partners and Outcomes**  
**October 1, 1999 – September 30, 2000**

**DEVELOP NEW INTERDISCIPLINARY TRAINING EXPERIENCES AT COMMUNITY-BASED SITES AND INCREASE STUDENT PLACEMENTS AT UNDERSERVED SITES**

<b>Program Name and Funds Expended</b>	<b>Communities Impacted</b>	<b>Partners</b>	<b>Outcomes</b>
Wisconsin Express - HoChunk site \$900	Black River Falls, Nekoosa, Baraboo	HoChunk Nation Department of Health	Students from several disciplines visited several sites within the Ho Chunk Nation, listened to health care providers and consumers, and observed health care delivery.
Wisconsin Express - Memorial Hospital of Lafayette site \$1,550	Darlington	Memorial Hospital of Lafayette County	Students from several disciplines visited several sites in Lafayette County, interviewed health care consumers and providers, and shadowed providers.
Wisconsin Express - Beloit Community Health Center site \$900	Beloit	Beloit Community Health Center	Students from several disciplines visited several sites in Beloit, interviewed health care consumers and providers, and shadowed providers.
Expansion and Enhancement of the Juneau County Community Education Center, University of Wisconsin-La Crosse, Viterbo, and Western Wisconsin Technical College Interdisciplinary Rural Course \$8,500	Juneau County - Mauston, Elroy, Wonewoc, Necedah, New Lisbon	University of Wisconsin-La Crosse, Viterbo, and Western Wisconsin Technical College, Mile Bluff clinic, Juneau County Department of Public Health.	The Interdisciplinary Rural Health Care Course was offered for the second year. Curriculum for a new course for health professions students was developed and is ready to be piloted.
Development of Leadership Projects for University of Wisconsin Medical School LOCUS Program Students \$5,000	Dane county	<ul style="list-style-type: none"> <li>• UW Madison Medical School Department of Family Medicine</li> <li>• Briarpatch</li> <li>• Centro Hispano</li> <li>• Centro Guadalupe</li> </ul>	Many service learning projects were developed and implemented. A home visitation and mentoring program was developed for teen parents. Curriculum is being developed for students participating in a program for pregnant Latino women. 50 - 60 uninsured adolescents in the Madison area have received free sports physicals.

*IMPROVING ACCESS TO HEALTH CARE THROUGH THE EXCHANGE OF RESOURCES BETWEEN COMMUNITIES, HEALTH CARE PROVIDERS AND EDUCATIONAL INSTITUTIONS*

**Southwest Wisconsin Area Health Education Center, Inc.**  
**Program Areas, Partners and Outcomes**  
**October 1, 1999 – September 30, 2000**

**SUPPORT FACULTY DEVELOPMENT AND CONTINUING EDUCATION FOR  
PRACTICING PROFESSIONALS IN UNDERSERVED AREAS**

<b>Program Name and Funds Expended</b>	<b>Communitie s Impacted</b>	<b>Partners</b>	<b>Outcomes</b>
Development of Agricultural Health and Safety Education Project for Health Professionals in Sauk, Adams and Juneau Counties \$9,100	Adams, Juneau, Sauk counties.	<ul style="list-style-type: none"> <li>• Wisconsin Office of Rural Health</li> <li>• Adams County Department of Public Health</li> <li>• Sauk County Department of Public Health</li> <li>• Junea County Department of Public Health</li> <li>• Adams County Memorial Hospital</li> <li>• Mile Bluff Medical Center</li> <li>• Reedsburg Area Medical Center</li> <li>• Sauk Prairie Memorial Hospital.</li> <li>• St. Clare Hospital</li> <li>• Rural Wisconsin Health Cooperative</li> </ul>	A training program was held with the purpose of addressing the agriculture-related educational needs of health care providers in the tri-county area. One outcome was that 25 nurses who participated received Continuing education credits from the Wisconsin Nurses Association.
Development of Nurse-Run Clinics for Training of University of Wisconsin School of Nursing Nurse Practitioner Students \$6,900	Dane county	UW Madison School of Nursing. Madison Community Health Center. UW Madison Small Business Center. Family Enhancement - Madison. WIC Nurse Midwifery Service.	Goals for the year 2001-2002 for proceeding with development of Nurse-run clinics have been articulated. An on-going relationship between the partnering organizations has begun which will pursue this new model of academic nursing practice.

**SUPPORT HEALTH CAREERS PROMOTION**

<b>Program Name and Funds Expended</b>	<b>Communities Impacted</b>	<b>Partners</b>	<b>Outcomes</b>
Health Careers Recruitment at Madison Community Health Center \$23,000	Madison	Madison Community Health Center	A new program was developed to enhance the learning of the Center's volunteers. Volunteers' evaluations showed a strengthened commitment to health care professions and service to the underserved as a result of the increased training.

*IMPROVING ACCESS TO HEALTH CARE THROUGH THE EXCHANGE OF RESOURCES BETWEEN  
COMMUNITIES, HEALTH CARE PROVIDERS AND EDUCATIONAL INSTITUTIONS*

*SOUTHWEST WISCONSIN AREA HEALTH EDUCATION CENTER, INC.*

**SOUTHWEST WISCONSIN AREA HEALTH EDUCATION CENTER (SWAHEC), INC.**  
**STATEMENTS OF FINANCIAL POSITION**  
 June 30, 2000 and September 30, 1999

	June 30, 2000	September 30, 1999
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash	\$ 125,619	\$ 43,512
Accounts receivable	61,158	231,198
Custodian account reimbursements	7,398	-
Prepaid expenses	-	225
<b>Total current assets</b>	<b>194,175</b>	<b>274,935</b>
<b>EQUIPMENT</b>		
Equipment	92,681	92,681
Less accumulated depreciation	92,681	90,810
<b>Equipment - net</b>	<b>-</b>	<b>1,871</b>
<b>Total assets</b>	<b>\$ 194,175</b>	<b>\$ 276,806</b>
<b>LIABILITIES AND NET ASSETS</b>		
<b>CURRENT LIABILITIES</b>		
Accounts payable	\$ 3,157	\$ 9,931
Accrued payroll and related expenses	7,477	12,934
Accrued subcontract expenses	75,997	176,858
Deferred revenue	15,177	-
Custodian account obligations	14,305	-
<b>Total current liabilities</b>	<b>116,113</b>	<b>199,723</b>
<b>LONG-TERM LIABILITIES</b>		
Program advance	60,000	60,000
<b>Total liabilities</b>	<b>176,113</b>	<b>259,723</b>
<b>NET ASSETS</b>		
Unrestricted	18,062	17,083
<b>Total liabilities and net assets</b>	<b>\$ 194,175</b>	<b>\$ 276,806</b>

*IMPROVING ACCESS TO HEALTH CARE THROUGH THE EXCHANGE OF RESOURCES BETWEEN  
 COMMUNITIES, HEALTH CARE PROVIDERS AND EDUCATIONAL INSTITUTIONS*

*SOUTHWEST WISCONSIN AREA HEALTH EDUCATION CENTER, INC.*

**SOUTHWEST WISCONSIN AREA HEALTH EDUCATION CENTER (SWAHEC), INC.**  
**STATEMENTS OF ACTIVITIES**  
 Nine months ended June 30, 2000 and Year ended September 30, 1999

	Nine months ended June 30, 2000	Year ended September 30, 1999
<b>UNRESTRICTED NET ASSETS</b>		
<b>SUPPORT AND REVENUE</b>		
Contract revenue	\$ 232,322	\$ 388,396
Other program revenue	555	53,330
Contributions	8,000	-
Interest income	1,148	911
Total support and revenue	242,025	442,637
<b>EXPENSES</b>		
Personnel	105,272	146,977
Consultants	5,342	29,288
Equipment	706	696
Supplies	3,782	5,851
Travel	3,166	5,487
Programs	106,076	239,525
Depreciation	1,871	19,484
Other	14,831	12,486
Total expenses	241,046	459,794
<b>Increase (decrease) in net assets</b>	979	(17,157)
Net assets - beginning of period	17,083	34,240
<b>Net assets - end of period</b>	<b>\$ 18,062</b>	<b>\$ 17,083</b>

*IMPROVING ACCESS TO HEALTH CARE THROUGH THE EXCHANGE OF RESOURCES BETWEEN  
 COMMUNITIES, HEALTH CARE PROVIDERS AND EDUCATIONAL INSTITUTIONS*

# *SOUTHWEST WISCONSIN AREA HEALTH EDUCATION CENTER, INC.*

**SOUTHWEST WISCONSIN AREA HEALTH EDUCATION CENTER (SWAHEC), INC.**  
**STATEMENTS OF CASH FLOWS**  
 Nine months ended June 30, 2000 and Year ended September 30, 1999

	Nine months ended June 30, 2000	Year ended September 30, 1999
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Increase (decrease) in net assets	\$ 979	\$ (17,157)
Adjustments to reconcile increase (decrease) in net assets to net cash provided by operating activities		
Depreciation	1,871	19,484
(Increase) decrease in assets		
Accounts receivable	170,040	(21,852)
Custodian account reimbursements	(7,398)	-
Prepaid expenses	225	1,112
Increase (decrease) in liabilities		
Accounts payable	(6,774)	3,348
Accrued payroll and related expenses	(5,457)	(1,110)
Accrued subcontract expenses	(100,861)	26,219
Deferred revenue	15,177	-
Custodian account obligations	14,305	-
<b>Net cash provided by operating activities</b>	<b>82,107</b>	<b>10,044</b>
Cash - beginning of period	43,512	33,468
<b>Cash - end of period</b>	<b>\$ 125,619</b>	<b>\$ 43,512</b>

*IMPROVING ACCESS TO HEALTH CARE THROUGH THE EXCHANGE OF RESOURCES BETWEEN  
 COMMUNITIES, HEALTH CARE PROVIDERS AND EDUCATIONAL INSTITUTIONS*

State of Wisconsin  
Legislature Joint Finance Hearing  
April 3, 2001

**Budget Concerns:**

- ◆ Wisconsin Court Budget
- ◆ UW-L Health Science Operational Budget
- ◆ Wisconsin Public Defender Budget

**Speaker:**

Thai Vue  
Executive Associate Director  
La Crosse Area Hmong Mutual Assistance Association, Inc.  
and  
Administrative Agent for Wisconsin United Coalition of Mutual  
Assistance Associations, Inc.

Senator Brian Burke, Chairman, and members of the Joint Committee on Finance... My name is Thai Vue. I am the Executive Associate Director of the La Crosse Area Hmong Mutual Assistance Association, Inc. (HMAA), an agency that serves the 3,500 refugees and former refugees in the coulee region.

I am also the Administrative Agent for the Wisconsin United Coalition of Mutual Assistance Associations, Inc. (WUCMAA), a coalition of 15 mutual assistance associations in Wisconsin who serve the approximately 60,000 Southeast Asian and non-Southeast Asian refugees and former refugees in this state.

I am working for the refugees and former refugees in this state for the past 14 years.

I want to welcome you and thank all of you for coming to La Crosse and hearing our concerns. I am speaking before you here on three major issues concerning the people we serve in Western Wisconsin as well as in the state. I am here to support and ask for your support for these three items:

- 1) **Wisconsin Court Budget**
- 2) **UW-L Health Science Operational Budget**
- 3) **Wisconsin Public Defender Budget**

**Wisconsin Court Budget**, this budget includes funding for court interpreter services as well as interpreter training. Many of the approximately 60,000 refugees and former refugees we serve lack the English language proficiency to allow them to proceed through the court system. Our staff also needs help for court training to become familiar with the

court language and court process. Our people are tax payers. They have used the welfare system very effectively; AFDC or W-2 dependency rates dropped from about 80% in 1980 to about 3% today on a state-wide basis. Your consideration of the full court requested budget will allow the court to served our people fully and efficiently should any one ever get to the court system. It is my understanding that the interpreter training budget is deleted from the court budget. I am asking your help to put it back and support it.

**University of Wisconsin - La Crosse operational budget for the Health Science Center**, this center not only provides academic research and study for students, but also provides programs necessary to the poor - it provides dental service to our people who do not have access to dental care due to the lack of insurance. The state and this community have worked together to make this educational center become a reality, I want your support to make sure it can serve our needs.

**Wisconsin Public Defender budget**, Public Defender provides legal assistance to many of the population we serve. We urge you to support the public defender's budget. The lack of funding to them will result in a lack service to our people. We have many working poor people in this state and need to help these people resolve their legal problems so they may become productive members of society in the event such needs arise.

Once again, thank you for listening to my concerns. It is my hope that you will do whatever you can to support the needs of the people we serve. They are your constituents, a service to them is a service to the people in this state. I will answer any questions you may have. Thank you.

**Remarks to the Joint Finance Committee**  
**By Steve Steadman**  
**Court Administrator, Seventh Judicial District**  
**April 3, 2001**

Good afternoon Chairman Burke, Chairman Gard and members of the Joint Committee on Finance. I appreciate the opportunity to appear before you today to speak about the effect the Governor's five-percent reduction will have on the court system here in the Seventh Judicial District. The cut affects our district in two ways: 1) it severely limits the courts' ability to operate on a day-to-day basis and 2) it reduces my ability to administer the 18 courts in my district.

**Severely Limits Court Operations**

Virtually every one of our constituents will come in contact with the court system at some point in their lives. If this 5% reduction is approved, I, as District Court Administrator, would not have access to reserve judges or free lance court reporters. Additionally, I wouldn't be able to move judges and court reporters to neighboring counties to assist in the processing of cases. If I had been required to operate under these conditions, last year hundreds of hearings and trials would have been postponed and court branches in this district would have been closed for a total of 315 days. None of us want to reduce the ability of citizens to have their case heard in a timely manner.

**Reduces Ability to Administer**

The Seventh Judicial District is comprised of 12 counties. I have been the administrator of this district for 22 years. I am responsible for ensuring that the courts in this district are effectively fulfilling their role of providing fair and equal treatment for all users of the court system. This includes jurors, litigants, victims, prosecutors, defendants and attorneys. I accomplish these tasks with a relatively small budget of \$179,500, which includes resources for rent, salary, travel, telecommunications and postage.

By the time you subtract nondiscretionary items such as rent, I have a limited amount to absorb the 5% cut. As a result, after 6 months, my office would effectively be out of business, unable to travel to the counties I am responsible for administering, unable to use the phone, unable to send correspondence, and unable to purchase office supplies.



I am proud to serve in my capacity as court administrator and serve the citizens of this district. I am requesting that you take into consideration the severe impact the five-percent cut will have on the court system's ability to serve our mutual constituents in the Seventh Judicial District as you continue your budget deliberations.

Thank you for your time and attention.



RESOLUTION # 261/3-01

ITEM #:

BOARD ACTION

Adopted:   
For: UNANIMOUS  
Against: \_\_\_\_\_  
Abs/Excd: 6-1 VACANCY  
Vote Req: \_\_\_\_\_  
Other Action: \_\_\_\_\_

TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS

RE: REQUEST COMPLETE FUNDING OF PROBATION AND PAROLE VIOLATION INMATES

WHEREAS, regulations adopted by the State Legislature requires the County to incarcerate inmates for a longer period of time; and,  
WHEREAS, inmates released on probation and parole are being monitored for a longer time, causing their return to jail for violations of said probation or parole; and,  
WHEREAS, the above inmates cause an overcrowding of our jails and the rate of daily cost of housing said inmates is not covered in total by the State, causing an additional fundamental burden on the County Jail budget; and,  
WHEREAS, this should fall under the full cost of housing inmates for State probation and parole violations and not an unfunded mandate required to be paid by County taxpayers.  
NOW THEREFORE BE IT RESOLVED by the La Crosse County Board of Supervisors that it hereby requests the Governor and the Wisconsin Legislature to provide sufficient funding to support the implementation of State policies which result in additional cost to County taxpayers by housing probation and parole violation inmates in County jails;  
BE IT FURTHER RESOLVED by the La Crosse County Board of Supervisors that it hereby requests that the State funding shall cover both capital cost associated with the increased use of County jails and the staffing costs incurred by a jail facility in order to safely support increased jail population;  
BE IT FURTHER RESOLVED by the La Crosse County Board of Supervisors that the County Clerk be directed to send a copy of this resolution to all Wisconsin Counties, Governor Scott McCallum, the Secretary of the Department of Administration, the Secretary of the Department of Corrections, and Legislators representing constituents of La Crosse County.

Dated this 6<sup>th</sup> day of March, 2001

LAW ENFORCEMENT & JUDICIARY COMMITTEE

Bernie Mares  
Josh Bind  
Bernard Christ  
Mike Kern  
Vicki Becker

Bruce Olson  
Don Meyer

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_  
A/C: PT 3/1  
F/D: 3/1

Requested By: Mike Weissenberger  
Date Requested: February 28, 2001  
Drafted By: Gary Ingvalson

Adopted by the La Crosse County Board this 15 day of March, 2001

STATE OF WISCONSIN  
COUNTY OF LA CROSSE

I, Marion I. Naegle, County Clerk of La Crosse County do hereby certify that the attached document is a true and correct copy of the original resolution required by law to be in my custody and which was adopted by the County Board of Supervisors of La Crosse County at a meeting held on the 15<sup>th</sup> day of March, 2001.

Marion I. Naegle  
Marion I. Naegle, La Crosse County Clerk

**Remarks to the Joint Finance Committee  
By The Honorable Ramona A. Gonzalez  
La Crosse County Circuit Court Judge  
April 3, 2001**

Good afternoon Chairman Burke, Chairman Gard and members of the Joint Committee on Finance. I appreciate the opportunity to appear before you today to speak on behalf of the Seventh Judicial District Judges. I respectfully present to you today two resolutions unanimously supported by the Judges in the Seventh Judicial District. Copies of these resolutions are included in the packet I have provided.

The first resolution advocates:

- Removing the 5% reduction and restoring the base budget appropriation for the circuit courts; and
- Removing the 5% reduction and restoring the base budget appropriation for the Director of State Courts Office.

The second resolution supports:

- Removing the 5% efficiency reduction from the State Public Defenders budget;
- Increasing the State Public Defender compensation rate to private attorneys; and
- Expanding the eligibility criteria for State Public Defender representation to reflect W2 (Wisconsin Works) standards plus the cost of counsel.

**The Need For A Court Interpreting Program:**

As a judge, it is my duty to give litigants a fair opportunity to present their case and a fair opportunity to challenge evidence submitted by an opposing party. Plaintiffs and defendants, in all types of cases, rely on these opportunities in order to be treated fairly in court and to be guaranteed their Constitutional right to access to the courts. Without highly qualified, well-trained legal interpreters, individuals who do not understand their rights are subject to potential miscarriages of justice, simply because he or she does not speak English. The courts are in need of well-trained interpreters. The Asian and Hispanic populations of the state have doubled in the last ten years, and an estimated 1% of the population is deaf.

Currently, there is no training or degree that is necessary to become a legal interpreter. Without interpreters who can effectively communicate in court, there is the inevitability of confusion in the court, potential miscarriages of justice, and appeals, as omissions and inaccuracies may not be detected by judges and lawyers. This is unacceptable in the courts, because the courts are ultimately accountable for accuracy and completeness in the court record. Good legal interpreters possess the following qualities: strong memory skills, speed, experience, knowledge of legal terminology, accurate, and a sense of courtroom procedure, simply being bilingual is not enough.

## **Court Recommendations**

The Wisconsin Supreme Court should train and certify interpreters to be used in courtrooms throughout the state. Moreover, the Court should adopt a code of ethics for interpreters, as they are hired to be neutral professionals who work for the courts, and not the parties. In addition, the legislature should provide the counties with sufficient resources to ensure that all people have access to the courts. The statutes must be amended to reflect the fact that highly-trained interpreters are essential to the judicial process for all persons who would otherwise be denied access to the courts. Piecemeal changes are not helpful and do not alleviate the immediate need for a coherent, effective program. Significant funding is needed in this biennium to cover one staff project position and the expenses to train and certify court interpreters, and to maintain a statewide roster of interpreter qualifications. Furthermore, significant funding is needed this biennium to reimburse counties for new cases covered and the realistic cost of providing court interpreters.

The court system is currently running on blind faith. There is absolutely no certainty that interpreters are accurately interpreting the facts or the legal process and procedures for citizens who cannot hear and understand for themselves. Every citizen of Wisconsin is guaranteed due process of law. . . not blind faith.

## **RESOLUTION**

### **Seventh Judicial District**

**WHEREAS**, the Seventh Judicial District consists of the Circuit Courts of Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau, and Vernon Counties; and

**WHEREAS**, the circuit court appropriation funds the salaries, fringe benefits, and expenses of circuit court judges, official court reporters, reserve judges, and free-lance court reporters; and the Director of State Courts appropriation funds the salaries, fringe benefits, and expenses of the district court administrators and district administrative assistants; and

**WHEREAS**, if these appropriations are reduced by 5% the circuit court will not be able to pay for reserve judges or free-lance court reporters. Circuit court judges will not be able to travel to neighboring counties to cover for sickness, recusals and heavy workloads. The district court administrators will be unable to travel within the district, pay postage, use the telephone or purchase office supplies; and

**WHEREAS**, the circuit judges of the Seventh Judicial District ask that the Committee on Joint Finance consider the severe impact that these base reductions will have on our mutual constituents; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Judges of the Seventh Judicial District unanimously support:

- Removing the 5% reduction and restoring the base budget appropriation for the circuit courts;

- Removing the 5% reduction and restoring the base budget appropriation for the Director of State Courts Office.

Dated this 29<sup>th</sup> day of March, 2001

Hon. Robert W. Radcliffe, Chief Judge, 7<sup>th</sup> Judicial District, Jackson Co Circuit Court  
Hon. Dane F. Morey, Buffalo and Pepin Circuit Courts  
Hon. Michael T. Kirchman, Crawford County Circuit Court  
Hon. Robert VandeHey, Grant County Branch 1 Circuit Court  
Hon. George S. Curry, Grant County Branch 2 Circuit Court  
Hon. William Dyke, Iowa County Circuit Court  
Hon. Ramona A. Gonzalez, La Crosse County Branch 1 Circuit Court  
Hon. Michael J. Mulroy, La Crosse County Branch 2 Circuit Court  
Hon. Dennis G. Montabon, La Crosse County Branch 3 Circuit Court  
Hon. John J. Perlich, La Crosse County Branch 4 Circuit Court  
Hon. Dale T. Pasell, La Crosse County Branch 5 Circuit Court  
Hon. Robert W. Wing, Pierce County Circuit Court  
Hon. Steven Luse Abbott, Monroe County Branch 1 Circuit Court  
Hon. Michael McAlpine, Monroe County Branch 2 Circuit Court  
Hon. Edward Leineweber, Richland County Circuit Court  
Hon. John Damon, Trempealeau County Circuit Court  
Hon. Michael Rosborough, Vernon County Circuit Court

## **RESOLUTION**

### **Seventh Judicial District**

**WHEREAS**, the Seventh Judicial District consists of the Circuit Courts of Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau and Vernon 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**, the eligibility guidelines used by the State Public Defender's Office are significantly below the established indigency standards set by W2, requiring courts to appoint counsel at county expense; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Judges of the Seventh Judicial District unanimously support:

- Removing the 5% efficiency reduction from the State Public Defender's budget;
- Increasing the State Public Defender compensation rate to private attorneys; and
- Expanding the eligibility criteria for State Public Defender representation to reflect W2 (Wisconsin Works) standards plus the cost of counsel).

Dated this 29<sup>th</sup> day of March 2001

Hon. Robert W. Radcliffe, Chief Judge 7<sup>th</sup> Judicial District, Jackson County Circuit Court  
Hon. Dane F. Morey, Buffalo and Pepin County Circuit Courts  
Hon. Michael T. Kirchman, Crawford County Circuit Court  
Hon. Robert VandeHey, Grant County Branch 1 Circuit Court  
Hon. George S. Curry, Grant County Branch 2 Circuit Court  
Hon. William Dyke, Iowa County Circuit Court  
Hon. Ramona A. Gonzalez, La Crosse County Branch 1 Circuit Court  
Hon. Michael J. Mulroy, La Crosse County Branch 2 Circuit Court  
Hon. Dennis G. Montabon, La Crosse County Branch 3 Circuit Court  
Hon. John J. Perlich, La Crosse County Branch 4 Circuit Court  
Hon. Dale T. Pasell, La Crosse County Branch 5 Circuit Court  
Hon. Robert W. Wing, Pierce County Circuit Court  
Hon. Steven Luse Abbott, Monroe County Branch 1 Circuit Court  
Hon. Michael T. McAlpine, Monroe County Branch 2 Circuit Court  
Hon. Edward Leineweber, Richland County Circuit Court  
Hon. John Damon, Trempealeau County Circuit Court  
Hon. Michael Rosborough, Vernon County Circuit Court



I wanted to tell you all about this great book I read so I thought I would do a book review for the MEP Newsletter. The problem is I kind of forgot how to do a book review. I'm sure there's some specific criteria that I'm supposed to follow, so for those of you who know what that is don't think of it as a "real" book review, just think of the following as me telling you about this great book I read! I confess I also added some editorial comments of my own.

The Perpetual Prisoner Machine - How America Profits from Crime

by Joel Dyer

Westview Press, 2000

Joel Dyer gives an explanation of the prison-industrial complex and it's many grasping fingers that holds its prey for profit. When one thinks of profits in the criminal justice system, the first that usually comes to mind is private for-profit prison chains owned by such corrections entrepreneurs as The Corrections Corporation of America and Wackenhut Corrections, two of the largest private prison corporations with millions of investors. (Those stockholders may have included you especially if you are involved in the Wis. State Employees Retirement Trust.)

So, who else profits from crime and how have prisoners become such a valuable commodity? Why has America abandoned workable humane and less costly alternative programs in favor of mass imprisonment? Dyer traces the many contributing culprits with the careful tenacity of a Sherlock Holms. Maybe that's why this book is so hard to put down. It unfolds almost like a mystery novel and frankly, I found this book a much easier read than Christian Parenti's tedious yet exhaustively well-documented, Lockdown America. Parenti does, however, go some places that Dyer doesn't, so they are both worth reading.

Most of us are now somewhat familiar with the emergence of the prison-industrial-complex, that collection of interests whose financial well-being rises and falls with the size of the prison population. Dyer recognizes the prison-industrial complex as just one of the contributors to the perpetual prisoner machine.

I found chapter 3 on Violence for Profit and chapter 4, Manufacturing Fear especially interesting because I have felt personally offended by the huge rise in media violence. I remember the days when I could just close my eyes during occasional scenes of violence in a good flick. My high-school movie dates probably thought I was a bit of a whimp but other than that, avoiding picturesque big screen violence was not too difficult for me. Today it's almost impossible to avoid and the result is, that I, and no doubt the rest of the country, have become desensitized to scenes of violence in varying degrees. I'm probably less desensitized than those who have taken in a steady diet of media violence since birth but I have become desensitized none-the-less and do you know what? I resent the hell out of it! As a devotee of the First Amendment I had mixed emotions when many respected people claimed that all the violence in song lyrics, on the tube and on the big screen was just an artistic expression of the "real world". Now, thanks to Dyer, I

can finally say, "Yes but....." with out compromising any liberal principals. Dyer explains why the media corporations have greatly escalated their use of violent content during the last two decades and how our being inundated with images of violence, much of them pertaining to crime, is working to reshape American criminal justice and thus helps to feed the perpetual prisoner machine.

The real "why" of so much violence was just one of the "Oh-now-I-get-it" type revelations that Dyer introduced to my perplexed mind. In chapter 5, The Politics of Public Opinion, he talks about voter apathy being "the highest among millions of Americans who live at the bottom of the economic food chain" and he goes on to say, "This lack of political action by those with the most to lose is hard to understand unless you realize that apathy among the poor has long been cultivated by the powers that be." He says that when it comes to the poor, it's not about "get out the vote", it's about "keep out the vote"!

Chapter 1, A New Commodity, is about the interjecting of market forces into our justice system and how recidivism becomes a business plan.

Chapter 2, The Crime Gap, explores 4 criminal justice myths that are used as propaganda to spark public support for our current hard-on-crime policies. The myths are: 1. violent crime is on the rise 2. prisons save us money 3. prisons decrease crime 4. prisons rehabilitate.

Chapter 6, The Weapons of War, talks about the regressive war on crime legislation such as: The 1984 Sentencing Reform Act; Three Strikes Laws; Mandatory Sentencing; Truth in Sentencing; and the increased use of the death penalty. It's worth noting here that much of Wisconsin's versions of these laws were championed by our own Attorney General Doyle, whose father, (rest-his-soul), would be greatly disappointed. The good Judge was a prison abolitionist.

Chapter 7, Collateral Damage, makes a point that I feel strongly about and that is: if we never actually have to see the human beings in our prisons or subject ourselves to the cries of the men, women and children whose families have been ripped apart by the business of imprisonment, we will find it difficult to truly relate to criminal justice issues. It's essential to put human faces on prisoners and their families. Volunteering in prisons can be very helpful. Prisoners really get a lift just in knowing that there are people from the "outside" who really care because they are used to being entirely defined by their crime, not as the multifaceted people they are. So you can offer a service while at the same time you can learn a lot about the criminal justice system. Volunteering in prisons is not easy because prisons are not just built to keep people in, they are also built to keep people out, but your tax money built them and you are sacrificing lots of other community services to keep them humming so keep that firmly in mind! If you want to come thru the chapel, contact the Chaplain. Otherwise think about what "gifts" you may

have to offer and develop a plan. Contact the Warden. If <sup>he</sup> gives you the cold shoulder or politely tries to put you off, contact the Secretary of the Dept., then your legislator and then the Governor. Keep pounding on that prison door because there is so much to learn. Being a friend to a prisoner, an ex-offender on supervision and/or family members is not only a kind thing to do, it will also give you the kind of education that really makes a difference. NOTE: Corrections personnel will try to convince you that prisoners are a special breed of people that only they know how to deal with. Don't buy it. Prisoners are human beings and when dealing with human beings it's better to believe the best and be wrong than to believe the worst and be wrong. All you need is common sense. Of course you can't tell that to corrections people because they would brand you a fool and not let you in - it's the way they're trained.

Chapter 8, Same Old Logic, Same Old Problems, tells us about the importance of maintaining the family structure while an inmate is incarcerated and that inmates who receive frequent visits and support from parents, spouses and children are much more likely to make it on the outside once released. Shipping inmates far from home, especially out-of-state, makes family and community ties even harder to maintain. Then there are also the problems of oversight and accountability when it comes to conditions of confinement.

Chapter 9, The Hidden Costs of Prisons, tells us that when we privatize a function of government, bureaucracy and its associated costs increase, not decrease. Is the prison-industrial-complex already holding the mortgage on our children's future?

Chapter 10, Sidestepping the Restraints of DemocrACY, EXPLAINS HOW THE ongoing diversion of funds out of social programs and into corrections can be authorized by politicians who never have to seek the approval of the voters to spend their money. This is a great chapter for the economists among you.

Chapter 11, Pulling the Plug, tells us that somehow we have established a misguided reward system, i.e. media corporations disseminate mayhem because we reward them for doing so, not because they are particularly fascinated with violent subject matter. We reward politicians who spout hard-on-crime rhetoric and pass counterproductive socially irresponsible crime legislation by re-electing them. The whole prison-industrial-complex is rewarded when we lock up more people for longer amounts of time and when we treat them in such a way that we insure repeat "customers". Joel Dyer tells us how we got to this morbid place in criminal justice history. The responsibility for turning off the perpetual prisoner machine is collectively ours.

#

meetings, building improvement, visitor and new member follow-up, publicity, small groups of all kinds, RE, clarity about who we are and what we intend to accomplish, etc.). This amount of growth will take an all-church effort and several years of dedication. Is that what you want? If so, what will you do to make it happen?

## **PRISON AWARENESS WEEK**

**OCTOBER 22-28**

**by Penny Adrian**

It feels a bit presumptuous of me to write an article for THE HERALD when I am so new to the Eau Claire fellowship, but I am a woman on a mission, so here goes!

I am a member of a volunteer organization called The Task Force on Money, Education, and Prisons (MEP). MEP hopes to focus public attention on the criminal justice system and mobilize public action:

- 1) To reduce the numbers of incarcerated persons;
- 2) To enact an appropriate balance between incarceration and community-based programs that are humane, cost-effective, and better preserve public safety; and 3) To remove the disproportionate impact of our criminal justice system on people of color, people in poverty, people of limited education, and people with mental illness.

MEP is calling for a Prison Awareness Week to be held October 22-28, 2000, during which interested individuals and organizations should dialogue about Wisconsin's exploding prison population and how the expanding prison budget means less resources for other state agencies and institutions, such as the university system.

In the last five years, the number of people being held in the Wisconsin State Prison system has doubled from 10, 551 to 20, 555. Last year the increase was the highest of any state in the country. So does

that mean that Wisconsin has more law-breakers than any other state?! I think not.

So what does it mean? Well, it's time we start asking some of the hard questions surrounding the issue of imprisonment and just what it is we get for our huge investment in what has come to be known as the prison industrial complex.

A good place to start is to find out just who goes to prison and why. During my two years as a social worker in a state prison, I have found that most prisoners are just the same clients I have been working with all my life—the underclass, the abused and neglected, the excluded, the expendables, the throw aways. They are mostly people without resources or political power, and, therefore, they have been "selected" for the lock-'em-up-and-throw-away-the-key treatment so the politicians can fulfill what they perceive to be a get-tough-on-crime mandate from the public. We all want safe streets in our communities, but is this the best way to get them, or have we just fallen for smoke and mirrors and diminished ourselves in the process? Is massive incarceration really the answer to crime?

This issue is my passion, so I could go on forever, but I don't want to wear out my welcome as a new kid on the block. I hope you will participate in prison awareness week by giving this issue some serious thought, by talking to others about it, and by increasing your own awareness.

Let me close with a little food-for-thought quiz question: Who was Willie Horton and how did he change history?

### **UNITARIAN UNIVERSALISM GOES TO PRISON**

On October 22, Virginia will be preaching at the Jackson Correctional Institution in Black River Falls in the evening. It would be great if some of you could go along, especially strong singers. Virginia says that her experience suggests that you will find visiting the prison a consciousness-raising experience. Let her know if you can go (a note in her mailbox or a phone message will do), and we'll arrange to car pool.

April 3, 2001

Honorable Members, Joint Committee on Finance  
Senator Brain Burke, Co-Chair  
Representative John Gard, Co-Chair

Dear Members Joint, Committee of Finance

I'm writing to support the Supreme Court's full budget request for court interpreters. I feel that this program will benefit everyone and improve our justice system. As you can see the Asian and Hispanic populations of the state have doubled in the last ten years and we don't have enough of qualified court interpreters in the rural areas.

How can a person receive a fair trial when he/she doesn't read, speak or understand English and that is the courts primary language of communication? It has always been said that justice is blind, is she deaf too? Are we giving these people a fair trial, or just perform our minimum task. How can someone defend them self in a court of law when he/she can't express or clarified his/her side of the story? Can justice take someone life into her hands and pass judgments on them without hearing and understand their side of the story? Have we, a country who believes that a person is innocent until proved guilty stray from our path? Are we violating a person constitution rights?

Today we do have a small number of interpreters, but are these people qualified to interpret in the court of law. If we use these interpreters, are the information being accurately and completely interpret? If it is, how does the judge, lawyers or the person who needs the interpreting know that it is being accurately interpreted? We are a society who believes in education and certifications. Are these current interpreters certified, or are we just looking for the easy way out by using friend, relatives, social workers, or anyone handy who can speak the language. For example, the court will not accept medical testimony from a person whom claims to be a doctor unless he/she has a doctoral degree. How are we measuring our current interpreter? Do we accept an interpreter just because he/she is bilingual? Is this professional, and will it stand up in a court of law, because if I was a lawyers I would bring in my own interpreter to verified what the so called court interpreter was interpreting correctly. This could result in a mistrial because of the misinterpretation of the interpreter. That is why we need a training system to help certified and measure interpreters. Without a trained and qualified interpreter to convey the legal concepts and issues, and to pass on the accurate and complete interpretations of any responses, there is substantive ground for misunderstanding, which again could lead to mistrials.

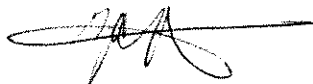
Accurately interpreting is a specialized skill that needs memory skills, speed, and practice. Being bilingual is only a start, interpreting requires the interpreter to listen,

understand, memorize, interpret, and speak at the same time. Not only this, qualified court interpreters needs to understand legal terminology and procedure, knowledge of the speaker's cultural context, and ability to preserve the language level and intent of the speaker, and understand the ethical obligation not to shade or summarize the testimony. This is a profession and takes a lot of skills, and it cannot be done properly without training.

With appropriate training for court interpreters, it can enhance the court trials. Having trainings for interpreters will increase their knowledge in legal terminology and court procedure, ethics and interpreting skills. It will also teach interpreters to be accurately and completely interpret the information. It will allow the interpreter to stay focused when interpreting for a court case. By training and testing interpreters, it will help them maintain their certification and keep them updated. These are just some of the reasons why we need to have training

Thank you for your support of this important request.

Sincerely

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

Za Moua  
3501 Birch Street  
La Crosse, WI 54601

# GUTH LAW OFFICES, LLC.

---

ATTORNEY TIMOTHY J. GUTH  
505 KING STREET, SUITE 110  
LA CROSSE, WI 54601

Ph. (608) 785-1358  
Fax (608) 785-1356

*Licensed in Wisconsin & Minnesota*

March 30, 2001

Senator Mark Meyer  
P.O. Box 7882  
Madison, WI 53707-7882

Representative Jennifer Shilling  
P.O. Box 8952  
Madison, WI 53707-8953

**RE: Governor McCallum's Budget Slashing Public Defender Staff/Budget**

Dear Senator Meyer and Representative Shilling:

I am writing to you both to express my dismay over Gov. McCallum's proposed budget which slashes the Wisconsin State Public Defender Budget by 5% in each of the next two years and if implemented, will result in either staff layoffs and or a reduction/delay in the private bar compensation rate for taking Public Defender Appointments.

The Wisconsin Supreme Court by rule (81.01), set the private bar appointment rate at \$70.00/hour. La Crosse Judges by resolution were ultimately forced to set county appointment rates for all cases also at \$70/hour as of January 1, 2001, because qualified experienced attorneys refused to accept cases at the Public Defender rate appointment rate of \$40/hour, because our overhead averages \$60/hour.

I own a \$100,000 home in La Crosse and have seen my property taxes increase 18% in the last 10 years. If Gov. McCallum's proposed budget is implemented, La Crosse County Judges will be forced to appoint private bar attorneys to handle all of the cases full-time Public Defender staff handled previously albeit at the higher rate of \$70/hour.

This will result in the La Crosse County Board of Commissioner's to deal with an 80% increase in court costs, (\$40 to \$70/hour) which will in turn lead directly to higher property taxes. Gov. McCallum's budget does not save any money, in fact it will result in each of Wisconsin's counties having to deal with huge court expenditures when each of the counties is already stretched razor thin.

Our property tax rates have been skyrocketing and will explode if this budget proposal is implemented. The Wisconsin State Public Defender's Office presently saves \$60 million each year that would be incurred by Wisconsin Counties if each county alone has to pay for legal appointments.

There is one given fact and that is each time the state legislature passes more laws tough on crime and funds more police and district attorneys and builds more prisons, there must also be funds available for adequate legal defense representation under both the Wisconsin and United States Constitutions. The courts will not and cannot allow criminal defendants to go unrepresented, and therefore, the costs of criminal defense will be borne by Wisconsin counties.

I urge each of you to vote against Gov. McCallum's proposed budget in this area because it will cost Wisconsin taxpayers more money and will result in our property taxes increasing by double digit rates as a result of the counties having to raise more money to pay for the court costs.

In fact, unrepresented or inadequately represented criminal defendants clog the justice system because many routine procedural items cannot be waived as they could be if the person had an attorney. Furthermore, these delays directly impact on crime victims and police officers, because they must take more time off from work or other activities to attend more court hearings.

Furthermore, unrepresented or inadequately represented criminal defendants will cause the need for more jury trials (a constitutional right for each person accused of a crime), due to the defendant's lack of legal training regarding what factors constitute a good legal defense and which factors do not. This results directly in higher costs to each of the counties for jury expenses.

La Crosse County spent approximately \$100,000 on 100 jury trials last year (2000). This figure will drastically increase explode if criminal defendants go unrepresented.

I also urge you to tie the Public Defender private bar hourly appointment rate now \$40/hour to Wisconsin Supreme Court rule (81.02) which is presently \$70/hour. For the past 22 years the Wisconsin Public Defender private attorney appointment rate has remained at \$40/hour even though the State of Wisconsin has hired private attorneys for other legal matters well over that amount.

The private bar attorneys average hourly overhead in Wisconsin is \$60/hour. No other business which contracts with a state agency is required to lose money

I thank you for your attention to this matter.

Sincerely,



**Timothy J. Guth**  
GUTH LAW OFFICES, LLC.



**FLOTTMEYER & BURGOS**  
**ATTORNEYS AT LAW**

*William P. Flottmeyer*  
*Fabio A. Burgos*

April 3, 2001

Jennifer Shilling  
State Representative  
Rm. 223 N.  
State Capitol  
P.O. Box 8953  
Madison, WI 53707-8953

**RE: State Public Defender Private Bar Compensation Rates**

Dear Representative Shilling:

We are writing to you today as a constituents who are concerned about current budget proposals concerning the State Public Defender. We urge you to actively support tying State Public Defender private attorney compensation rates to Supreme Court Rule 81.02(1) in the State Public Defender budget and to work to exempt the State Public Defender from any base budget cut.

We are small businessmen who within the last six months started the aforementioned law firm. Mr. Flottmeyer grew up in La Crosse, attended Aquinas High School and chose to return here after law school to practice. Mr. Burgos has resided in La Crosse since 1995 and is married with one son. We have a total of fourteen years combined experience, a majority of which involves criminal defense of which a large portion have been State Public Defender appointments.

However, it appears unlikely that we will continue to accept Public Defender appointments in the number we once did due to the woefully inadequate \$40.00 per hour rate of compensation. In this we are far from alone among our colleagues in the criminal defense field in La Crosse County. Attorneys who once accepted a high number of appointments, as we once did, are either not taking appointments or are taking them in vastly reduced numbers. Private cases and even county appointments (which are at the rate of \$70.00 per hour) simply make more financial sense when push comes to shove. The end

123 N 4<sup>TH</sup> STREET, SUITE 211 • LA CROSSE WI 54601  
PHONE: 608-784-3567 • FAX: 608-782-8285

April 3, 2001

result is that proceedings are delayed due to problems in finding counsel, resulting in increased costs that are borne in large part by the counties.

We find it difficult to understand why, in a day and age where the resources available to prosecutors and law enforcement have been expanded, the governor of this State would propose to cut the resources of those who have the responsibility for representing those accused of crimes.

We wish to thank you in advance for your anticipated support on this issue. Please contact either of us if you have any questions about this issues raised in this letter

Sincerely,

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

William P. Flottmeyer

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

Fabio A. Burgos  
FLOTTMEYER & BURGOS

Katherine F. Schnell  
111 13th Street North  
La Crosse, WI 54601  
(608) 782-5890

Senator Mark Meyer  
P.O. Box 7882  
Madison, WI 53707-7882

Representative Jennifer Shilling  
P.O. Box 8952  
Madison, WI 53707-8953

Senator Brian Burke  
State Capital 316 South  
Madison, WI 53702

Representative John Gard  
State Capital 315 North  
Madison, WI 53702

Re: State Public Defender Budget

Dear Senators Meyer and Burke and Representatives Shilling and Gard:

Please actively support the State Public Defender Budget. Specifically, I urge you to refrain from the 5% base budget cut, to tie the State Public Defender private attorney compensation rate to the Supreme Court Rule 81.02(1), and to increase the eligibility standards so those under the poverty standards will qualify for an attorney.

I am resident of La Crosse and I am active with youth groups such as the Learning for Life program (on a local and national basis), and UW-L women's club sports team. I have coached mock trial teams and volunteered as a judge. I speak to many youth groups about being a State Public Defender and my role in the judicial system.

First, the 5% base budget cut doesn't make fiscal sense. The obligation to represent indigent defendants is constitutional and, therefore, will exist whether the State provides an attorney or not.

- The \$3.2 million budget cut would result in a \$5.8 million cost. If we lay off staff attorneys, the State will have to provide private counsel at a higher cost.
- If the State doesn't pay for the representation, the counties will have to pay. Many low population counties do not have the financial resources to provide for attorneys. The State will simply shift the burden to the counties and not provide any real tax relief to its citizens since the counties will have to find the money to pay for attorneys.
- The State can provide attorneys more cost effectively than the counties.

Katherine Schnell  
SPD Budget  
3 April, 2001

That is why the legislature created the State Public Defender in the first place.

Second, the private attorney compensation rate should be tied to the Supreme Court Rule 81.02(1) as an issue of fairness.

- Currently, the private bar compensation rate is \$40 per hour. This is below the cost of the average private attorneys overhead. Private attorneys have to pay taxes, insurance (including health and malpractice), utilities, rent, staff (if they have them), and try to make a living.
- The average attorney charges about \$146 per hour and other government contract attorneys are paid far higher rates, about \$300 per hour.
- After the rate cut, the State Public Defender lost many attorneys off its private bar list and we waste valuable staff time "going through the list."
- Private Bar attorneys work hard and take difficult cases. We should compensate them to allow a minimal profit margin.

Third, the standards for Public Defender eligibility are extremely low. Some people who are under the poverty line do not qualify for our services. The living allowance is far below actual expenses. For example, in La Crosse County a single person accused of a misdemeanor is allowed living expenses of \$992 for 4 months. That is \$248 per month to pay for rent, food, clothing, and transportation.

The Wisconsin State Public Defender Agency received the Wisconsin Forward Award. This is a reflection of hard work in the last several years by the Board, the State Public Defender Nick Chiarkas, and the agency as a whole to increase efficiency. We have been successful and we continue to work toward greater efficiency.

The State Public Defenders and the private bar attorneys provide an essential service to the justice system. We give it fairness. Most defendants plead guilty, but we provide them with the information about their options. We make the system more efficient. For example, many defendants don't understand what the purpose of trial is (fact-finding) as opposed to sentencing (mitigating factors). So instead of a day or two of trial and jury selection, we have half an hour of sentencing. It takes

Katherine Schnell  
SPD Budget  
3 April, 2001

more time for judges to accept pleas where they also have to establish waiver of counsel as well as other rights.

Thank you for your attention to this issue. I know you have already been contacted by many others regarding this issue. The above reasons are only a few. I could have gone on for pages. Although I conscientiously vote, I am not involved in politics and I cannot understand the proposal to cut this budget. Please consider this budget carefully.

Sincerely,



Katherine Schnell  
111 13th Street North  
La Crosse, WI 54601

cc: Governor Scott McCallum, State Capitol 125 South, Madison, WI 53701  
State Public Defender Board, P.O. Box 7923 Madison 53707-7923

**Theodore J. Skemp**  
**Attorney at Law**

The Rivoli Building  
123 North Fourth Street, Suite 302  
La Crosse, WI 54601

Telephone: (608) 784-8142  
Facsimile: (608) 784-8014  
Email: tjskemp@centurytel.net

April 3<sup>rd</sup>, 2001

Senator Mark Meyer  
P.O. Box 7882  
Madison, Wisconsin 53707-7882

Representative Jennifer Shilling  
P.O. Box 8952  
Madison, Wisconsin 53707-8953

Re: State Public Defender Budget

Dear Mark and Jennifer,

I am writing to voice my opinion on two very timely issues. I am vehemently opposed to the proposed cut in the base budget of the State Public Defender and I support the proposal to tie the State Public Defender Private attorney compensation rate to the Supreme Court rate set forth in Rule 81.02(1). As a private attorney whose practice is at least one third State Public Defender appointments, I have some personal reasons for these positions. However, there are many better reasons beyond my own livelihood that I ask you to adopt these positions and vote accordingly.

As a small business owner I am forced to make fiscal decisions daily. I often must cut corners and work within my budget. Never have I decided to cut my budget knowing that the cut would immediately result in additional expenses beyond the original cut. This is exactly what the proposed cut in the State Public Defender budget will do. A \$3.2 million cut will result in a \$5.8 million cost to the state government and thus to the taxpayer. The "savings" of cutting the State Public Defender budget will force the State or counties to pay private attorneys to pick up the slack at an even greater expense

Proponents of the cut argue that the cut can be to the already ridiculously inadequate compensation rate to private attorneys or to delay payments to the private bar for up to one year. It is just this kind of short-sighted politics that makes no sense to any businessman. Why should any private attorney take a Public Defender appointed case at a rate that does not even begin to cover our overhead and be told we may have to wait up to a year to get paid? This is further

complicated by the fact that the small counties, who already are having trouble finding private attorneys to take these cases, will feel the hit hardest. It simply makes no sense.

The cut will also affect the justice system in less tangible ways. Driving the more experienced attorneys away from taking appointments or leaving citizens to represent themselves will result in a massive clogging of an already over stressed system. Again the State pays for the additional inefficient hours required of judges and prosecutors dealing with a defendant directly or with an inexperienced defense attorney. The State will have to pay for the high costs of appeals based on inadequate counsel. The integrity of the justice system is compromised when competent counsel cannot be found due to inadequate pay.

I will be submitting this to the Joint Finance Committee meeting in La Crosse. If you questions please feel free to contact me. I will be following up with you as to the status of the budget. Thank you for your time and attention.

Very truly yours,



Theodore J. Skemp

cc: Senator Brian Burke, Senate Chair  
Senator Russell Decker  
Senator Gwendolynne Moore  
Senator Kevin Shibilski  
Senator Kimberly Plache  
Senator Robert Wirch  
Senator Alberta Darling  
Senator Robert Welch

Representative John Gard, Assembly Chair  
Representative Dean Kaufert  
Representative Sheryl Albers  
Representative Marc Duff  
Representative David Ward  
Representative Michael Huebsch  
Representative Gregory Huber  
Representative Antonio Riley

# Moen Sheehan Meyer, Ltd.

Established 1853

Attorneys and Counselors

U.S. Bank Place, Suite 700  
Post Office Box 786  
La Crosse, WI  
54602-0786

Telephone (608) 784-8310  
Facsimile (608) 782-6611

Leon E. Sheehan  
Paul W. Henke, Jr.  
Michael S. Moen  
Michael E. Ehrsam  
James Naugler  
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  
Wendie Witzke - Paralegal

\*also licensed in Minnesota  
†also licensed in Iowa

April 3, 2001

**JAMES L. KRONER, JR.**

## **SUMMARY OF TESTIMONY JOINT FINANCE COMMITTEE**

### **1. Background - General**

49 years old  
attorney for 22 years - prosecutor for 2 years - in private practice since  
one of the owners of a small business lawfirm for 16 years  
the firm I partially own employs 24 people in La Crosse  
member of the National and Wisconsin Association of Criminal Defense Lawyers  
founding member and past president of La Crosse area Association of Criminal  
Defense Lawyers

### **2. Background - Specific**

Began accepting appointments from Public Defender in 1982  
@ that time my usual hourly rate charge was \$55  
I had a limited library  
A secretary being paid slightly more than minimum  
no computer  
no fax machine  
a limited library  
health insurance cost our family less than \$400 per month

Then the Public Defender paid \$35 per hour in court , and \$25 for out of court work

By 1994, I had raised my hourly rate to \$110 per hour. The Public Defender had raised its rates to \$50 in court & \$40 for out of court.



That increase didn't last long. The current \$40 per hour rate takes us back to what rates were approximately 22 years ago.

Back then, however, the \$40 per hour rate was approximately 2/3 of the rate an attorney would charge in private practice. Now, that rate represents only about 1/3 of the usual charge of a private attorney.

### 3. Comparisons

20 years ago my hourly rate was \$55 per hour. It is now \$140 per hour.

20 years ago health insurance for my family was less than \$400 per month. Now it is over \$700 per month.

Next month, health insurance for the family of one of the secretaries I support with the income I obtain through the hourly rate I charge will increase to more than \$1,000 per month. If I were to take Public Defender appointments, it would take me 25 hours of work, well over 1/2 a work week, just to pay health insurance for that one employee.

20 years ago, law firms worked without computers. Now, my firm has invested more than \$120,000 in computer hardware, software, training and maintenance in the past 4 years alone.

A law firm can't survive on the amount the Public Defender currently pays to handle cases.

In 1993 - 8 years ago - a statewide survey was conducted of fees charged by private attorneys by the State Public Defender.

The survey (attached) found the average hourly rate for criminal defense work was just under \$120 per hour.

The survey found that 8 years ago, office overhead consumed 49% of those fees.

That meant at that time, overhead was costing attorneys approx. \$60 per hour.

Office overhead has increased significantly since then. Secretary salaries have skyrocketed. Health insurance went up between 8% and 10% in each of the last two years alone.

But even though overhead is much more than \$60 per hour, the State Public

Defender expects private attorneys to work for \$40 per hour.

When any other agency of State government needs to hire an outside attorney the State contracts with the attorney. In the past several years, attorneys hired by agencies other than the State Public Defender have been hired by the State at attorney fees ranging from \$125 per hour to as high as \$300 per hour.

Why should the attorneys hired by the Public Defender be paid \$40 per hour while attorneys hired by other agencies get three times that much or more?

Do you think the State or its agencies would be happy if the attorneys hired to represent the State or it's agencies were those willing to work for \$40 per hour?

#### 4. A Crisis is Coming

Here in La Crosse, the local Judges just raised the hourly rate for court appointment work from \$40 per hour to \$70 per hour. (See attached Order)

When doing so, they made a specific finding that it was not possible to find sufficient qualified attorneys at the \$40 per hour rate.

If the local judges can't find qualified attorneys at \$40 per hour how can you have confidence the Public Defender can?

Even those attorneys who have been accepting Public Defender appointments in La Crosse are now likely to stop doing that work to the extent that it interferes with their ability to take County appointments at \$70 per hour.

#### 5. Criminal Defense Attorneys are the Dairy Farmers of the Legal System

Most people in the State and certainly legislators recognize our Wisconsin dairy farms are in crisis because milk prices are so depressed when farmers cost of production is substantially increasing. We are losing farms rapidly and when we do - where will the dairy products come from and at what price?

Much the same can be said of the criminal defense attorneys. The state froze what it would pay those attorneys to fulfill the constitutional obligation to provide defense counsel more than 20 years ago. Yet our expenses continue to rise.

Just as farmers are being driven out of the business - qualified and experienced defense attorneys can't work for the state. The economics of the situation means that for every case I would take I would be "taxing" myself because what the state pays is far less than what it takes to provide the service.

# PRIVATE BAR FEE SURVEY

*As of November/December 1993*

<b>Case Type</b>	<b>Milwaukee Average</b>	<b>Non-Milw. Average</b>	<b>Statewide</b>
1st/2nd Homicide	<b>\$25,000</b>	<b>22,125</b>	<b>22,909</b>
Armed Felony	<b>4,625</b>	<b>5,935</b>	<b>5,561</b>
Drug Related Felony	<b>6,500</b>	<b>4,635</b>	<b>5,168</b>
Other Felony	<b>4,625</b>	<b>4,413</b>	<b>4,473</b>
Traffic Misdem.	<b>1,500</b>	<b>930</b>	<b>1,093</b>
Other Misdem.	<b>1,938</b>	<b>960</b>	<b>1,239</b>
Parole/prob rev.	<b>2,500</b>	<b>1,350</b>	<b>1,664</b>
Juvenile	<b>3,750</b>	<b>1,217</b>	<b>1,850</b>
Civil Committment	<b>1,500</b>	<b>980</b>	<b>1,153</b>
Paternity	<b>2,500</b>	<b>1,110</b>	<b>1,342</b>
Appeals	<b>4,000</b>	<b>3,163</b>	<b>3,442</b>
Felony Hourly	<b>158</b>	<b>115</b>	<b>125</b>
Misc./Other Hrly	<b>142</b>	<b>112</b>	<b>118</b>

---

**ORDER REGARDING PAY RATE FOR PRIVATE LOCAL  
ATTORNEYS ASSIGNED BY THE COURT TO REPRESENT CRIMINAL  
DEFENDANTS, TO PERFORM SERVICES AS GUARDIANS AD LITEM, AND TO  
ACT AS ADVERSARY COUNSEL IN CHILD ABUSE AND NEGLECT CASES**

---

In 1976, La Crosse County paid \$30/hour to lawyers performing services for the court, such as Guardian Ad Litem and Criminal Defense when a defendant did not qualify for the Public Defender's office, but constitutional law mandated the appointment of counsel. The rate for such lawyer's is now \$40/hour, and that rate has not been raised in over two decades. Generally, lawyers in the La Crosse area in private practice charge at least \$100/hour.

As a result, judges in La Crosse County have found it exceedingly difficult, if not impossible, to find counsel willing to take such cases. The pool of lawyers willing to accept such cases has shrunk, despite the need for competent, qualified and experienced attorneys to perform these functions. The Court finds that there are not sufficient attorneys to take these cases at the \$40/hour rate. Accordingly, to ensure that there are sufficient, competent counsel to perform services as guardians ad litem, adversary counsel in child abuse and neglect cases, etc., the Court finding that there is sufficient funds in the budget to support an increase, the Court finds that \$70/hour, the rate established by the Supreme Court, is necessary to attract sufficient, competent counsel to perform such services.

The Court issues this Order with the intent that an increased pay rate will attract competent and experienced attorneys who will provide not only adequate, but zealous, representation of their clients. Moreover, competent and experienced attorneys will be able to

insure the due process rights of their clients. Judicial economy will be promoted, as these attorneys will be able to expeditiously handle cases pending before this Court.

**ORDER**

NOW, THEREFORE IT IS ORDERED:

1. That effective January 1, 2001, criminal defendant's not found by the State Public Defender to be indigent, but are none the less found indigent by the Court, counsel appointed to perform services as guardians ad litem, and adversary counsel in child abuse and neglect cases, shall be paid \$70 per hour for time spent related to a case. The following is a break-down of guardian ad litem and other court appointed attorney pay rates:

**PROTECTIVE PLACEMENTS or GN cases**

\$100 flat rate for WATTS REVIEW  
\$50 flat rate for successor guardianship  
\$70 per hour for other activities

**UNIFIED FAMILY PAY RATE**

\$70 per hour for mediator  
\$70 per hour for GAL (including Custody Assessment Team)

**ALL OTHER GAL WORK**

\$70 per hour

**COURT APPOINTED ATTORNEYS/ADVERSARY COUNSEL**

\$70 per hour

NOTE: A judge may make findings that the circumstances of a particular case warrant payment at a rate above the statutorily authorized rate.

April 3, 2001

Rep. Michael Huebsch  
Room 20 North, State Capitol  
Madison, WI 53708-8952

Re: Proposed Budget Cut to Wisconsin State Public Defender Office

Dear Representative Huebsch:

I am an attorney in the La Crosse branch of the Wisconsin State Public Defender Office ("Public Defender Office"), and am planning to move to your district this summer. To be candid, I am one of the 50 attorneys whose position would be eliminated if the \$3.2 million budget cut were passed. I am asking you to vote against the proposed budget -- not because anyone owes me a job -- but because it makes sense both fiscally and legally to do so.

As you know, the proposed budget cut targets the trial division of the Public Defender Office and would necessitate the termination of a number of staff attorneys. In turn, a reduced staff would require more cases to be assigned out to private counsel. The costs associated with a private counsel handling a felony case is almost double (\$1100 v. \$600) that of a staff attorney. In short, the implementation of the proposed cut would create an annual loss of \$5.8 million rather than save \$3.2 million. Further, this budget cut appears to ignore the fact that indigent persons who are charged with a crime have a constitutional right to counsel. Even if numerous staff attorneys are laid off, indigent defendants must still be afforded a defense. It will be up to either the State or the respective county to fund this representation.

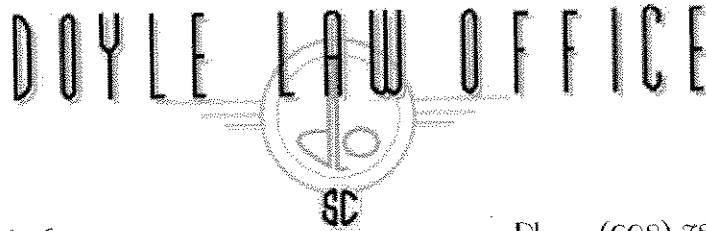
For the sake of your taxpayers and our clients, I am asking you to let the Public Defender Office to continue with business as usual. Business as usual, for us, is the daily provision of first-rate legal services at a cost effective rate. It is also long hours, collaborative efforts, and frequent participation in specialized training on criminal law issues. As I stated previously, I have no sense of entitlement to my attorney position at the Public Defender Office. I have spent the bulk of my professional life in private practice, and can return to it if I must. However, like my colleagues at the Public Defender Office, I share the belief that there is nothing more important than an individual's right to liberty. Our clients are not throwaway people -- they are your neighbor's kid, the lady from church, the guy who fixes your car, and veterans of Vietnam, the Persian Gulf, and the Iran hostage situation. Our clients are also your constituents.

As public defenders, we are committed to the continuation of a fair and rational criminal justice system. We can only hope that your colleagues and you will choose this same commitment by voting to restore full funding to the Public Defender Office. Thank you for your careful consideration on this important subject.

Sincerely,



Elizabeth A. Wright



Steven P. Doyle

Gloria L. Doyle

205 5<sup>th</sup> Avenue South, Suite 400  
La Crosse, WI 54601

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

[www.doylelawoffice.com](http://www.doylelawoffice.com)

April 2, 2001

Representative David Ward; Representative John Gard; Representative Dean Kaufert;  
Representative Sheryl Albers; Representative Marc Duff; Representative Gregory Huber;  
Representative Antonio Riley; Senator Brian Burke; Senator Russell Decker; Senator  
Gwendolynne Moore; Senator Kevin Shibilski; Senator Kimberly Plache; Senator Robert Wirsch;  
Senator Alberta Darling; Senator Robert Welch; Representative Jennifer Schilling; Senator Mark  
Meyer

Dear Finance Committee Members :

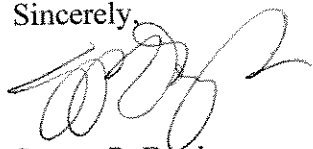
I'm writing in regard to a budgetary matter that has the potential for significant cost to La Crosse County and other county governments.

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,

A handwritten signature in black ink, appearing to read 'S. Doyle', written over the word 'Sincerely,'.

Steven P. Doyle  
County Board Supervisor

SPD/jrp



Elliott M. Levine, 403 S. 13<sup>th</sup> St., La Crosse, WI 54601  
Testimony before Joint Finance; April 3, 2001, La Crosse, Wisconsin

Hello, My name is Elliott Levine. My family and I have lived and worked in La Crosse for 10 years. I am also the First Assistant State Public Defender of the La Crosse Region. The La Crosse Region consists of ten counties, four offices and has 24 staff members (13 staff attorneys).

I have taken vacation time to explain why I think as a taxpayer the proposed budget cut to the State Public Defender's Office is fiscally irresponsible.

Already we are paying the price of this illogical budget cut. In late February one of our attorneys left our Lancaster office. Lancaster is a two-attorney office that covers a four county area. We had interviewed and found a fine candidate to replace him. The day that we were going to hire this experienced attorney we were told that there was a hiring freeze due to the proposed budget cut to the Public Defender.

Because of the hiring freeze, the Lancaster office functions with one lawyer. The office serves the same number of clients. It is difficult for our staff to keep up with private bar appointments.

In this Lancaster Office, in one month with only one staff attorney, Wisconsin taxpayers had to spend \$17,600 to represent accused people by private attorneys at \$40 per hour. If we had been able to hire a staff attorney the taxpayer would have spent \$9600 in March. We could have saved \$8000 in March alone by hiring one staff attorney.

The 3.2 million-dollar cut could possibly require laying off 50 staff attorneys in the state. In the La Crosse Region we could lose as many as four staff attorney positions. Each month could cost close to an additional \$32,000 to the taxpayer.

This is illogical and fiscally irresponsible.

We need to increase the private bar compensation rate from \$40 to \$70 an hour so we can have enough qualified private attorney's to take case when they are assigned out even now.

We need to have eligibility standards equal to the W-2 standards to take the pressure of the counties and the property tax.

We need to restore full funding to the State Public Defender's Office to ensure that the rights of all people of Wisconsin are protected.

If you have any questions please feel free to ask. Thank you for your time.

## *Probation & Parole Reimbursement*

I have distributed a resolution that has been passed by The La Crosse County Board in March of this year. This resolution I believe should be directed towards Assembly Bill 197.

I would like to discuss today the reimbursement to THE COUNTIES for holding Probation and Parole Violators. Currently The Counties receive up to \$40 per day for inmate's being held.

This money comes out of fund used by all the counties, pursuant to Wis. Statutes 302.33(2)(a) If the amount each county applies for exceeds the fund, then we are pro-rated for the days we house inmates. In 2000 we received a pro rate of \$37.29 per day, instead of the \$40 per day.

Year	Billable Days	Amount	Total
96-97	1,441 *	\$40	\$57,640
97-98	2,032	\$38.97	\$79,187.04
98-99	2,903 *	\$40	\$116,120
99-00	2,892	\$37.29	\$107,842.68

By statute we lost over \$10,000 in these four years alone.

While these inmates are housed in our Jail we are also responsible for any medical expenses they incur, and the great majority of these inmates do not have health insurance.

Every few months I get a request from The Dept of Corrections to sign a contract with them to house State inmates, They will pay our County \$60 per day to house inmate's in our County Jail to cut down on over crowding in the State prisons. They will also pay for any medical costs that the inmate's may need.

If this legislation I'm requesting was in effect during the past 4 years, La Crosse County would have receive an additional \$195,291 in revenue to cover the cost's of these inmates being housed in our Jail. The additional cost for medical care I can not predict for you, but you all know how the cost of medical care has increased, and I don't think La Crosse County Residents should have to carry the load for that expence.

I can control whether I take State inmates, but I cannot control Probation and Parole detainees. I am requesting that this Committee support the increase in funds reimbursed to The Counties for housing these inmate, and also reimburse us for the Medical cost.

Thanks You for take these few moments to listen to My request.

*Support - Request by Public Defenders  
and Technical College Request*

N2118 CTH F #2D  
La Crosse, WI 54601

April 2, 2001

Joint Finance Committee  
State Capitol  
Madison, WI 53702

Reference: Proposed State Public Defender budget cuts

Dear Finance Committee Members,

I am writing this letter as a concerned citizen to urge you and your colleagues to reject the Governor's proposed 5% cut from the State Public Defender trial division. The "cuts" that are proposed are not in fact cuts at all. The proposed 5% cut would trim approximately \$3,278,800.00 from the trial division budget by cutting about 50 staff attorney positions. However, the clients those attorneys would serve are still Constitutionally entitled to an attorney under the United States and Wisconsin Constitutions. (An aside - there are individuals who are "poor" enough to qualify for the W-2 program but are not eligible for State Public Defender representation, which is a sad commentary on the effort we make as a State to safeguard an individual's Constitutional rights). Private attorneys would need to be appointed to represent those individuals who qualify for Public Defender representation, which will cost the State \$5,851,900.00. Therefore this 5% "cut" will actually cost the taxpayers of this State an additional \$2,573,100.00. That the Governor is proposing this as a "cut" certainly seems like "fuzzy math".

There are also less obvious and intangible costs that will flow from the proposed cuts from the State Public Defender trial division. As an assistant district attorney in Wisconsin, I can certainly attest to the invaluable service the Public Defender staff attorneys provide to their clients and to the justice system as a whole. Public Defenders are more familiar with court procedures and make more efficient use of both the prosecutor's and the judge's time than either unrepresented defendants or attorneys who do not specialize in criminal defense or appear in court on an almost daily basis. The lack of familiarity can cost everyone involved in the criminal justice system time and money.

I am offering this letter in place of my testimony, as I am unable to testify due to my work schedule. Please reject the Governor's proposed cuts in the State Public Defender trial division budget. It is not sound fiscal policy. I further believe it is a step in the wrong direction in the effort to provide indigent people with quality representation in what can be an unfamiliar and scary court system. Thank you very much for your consideration.

Respectfully,



Jessica L. Nelson  
jln

cc: Senator Mark Meyer  
Representative John Gard  
Representative Michael Huebsch  
Representative Jennifer Schilling  
The State Public Defender Board

Remarks to the Joint Finance Committee  
By Michael Weissenberger  
Sheriff, La Crosse County  
April 3, 2001

Good afternoon, Chairman Burke, Chairman Gard and members of the Joint Committee on Finance. I appreciate the opportunity to appear before you today to speak in support of the Wisconsin Supreme Court's full budget request for their court interpreter program. In addition to providing much needed assistance to the courts, I believe this program will also assist law enforcement when interpreters are needed in the following situations. 1) Receiving and responding to requests for help; 2) enforcement stops short of arrest and field investigations; 3) custodial interrogations; 4) intake and detention and 5) community outreach.

**Why a court interpreting program is needed**

In La Crosse County, there are not enough interpreters. We don't know the qualifications of the interpreters that we do use, and like the courts, fair treatment depends on the ability to understand and be understood. Like many law enforcement departments in Wisconsin, our department benefits from a number of federal grant programs. The federal government requires that grant recipients such as ourselves meet the highest standards for interpreter use or we may risk losing our federal funding. So, the courts program will help law enforcement, district attorney's and many other agencies.

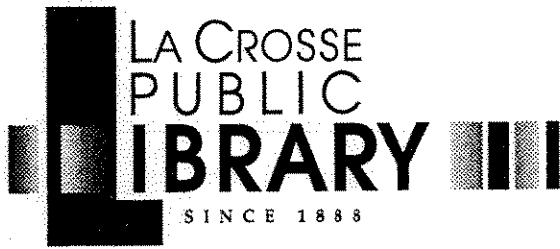
**How the Court Interpreter Program Will Benefit Law Enforcement in La Crosse County**

La Crosse County's need for court interpreters occurs in three main language groups, Hmong, Spanish and American Sign Language. Like the courts, law enforcement requires neutral interpreters to communicate. The court's interpreter program will provide for training, testing, interpreters for all types of cases regardless of ability to pay and *more* importantly, provide funding to offset the rising cost of providing interpreters that is currently being paid by La Crosse County.

*Lawsuit - ADA - Hmong*

Times have really changed in La Crosse County. We are a much more diverse county and we are the economic hub for a large part of Western Wisconsin. All kinds of people live here, work here, and shop here. I have worked in law enforcement for nearly 30 years and have witnessed these changes firsthand. I am the Sheriff for all the people of this county and I believe that all the people of this county would benefit from this court interpreter program.

*I have seen many examples of problems we have w/out interpreters*



800 Main Street La Crosse WI 54601  
(608) 789-7100 FAX 789-7106 TTY 789-7101 WEB SITE: lacrosselibrary.org

THOMAS R. STRANGE, DIRECTOR

April 3, 2001

Wisconsin State Legislature  
Joint Committee on Finance  
State Capitol  
Madison, WI 53708

Dear Legislators:

I have heard the proposed State budget for the next biennium includes a cut in the budget for the Wisconsin State Law Library. This library is a valuable statewide resource and needs to keep its budget intact. With so many county law libraries closing, public librarians are now helping lawyers and the general public with legal questions without necessary training and materials. The State Law Library is our only resource for this training and these materials.

Their collection contains a large number of legal resources that few smaller, less specialized libraries in the State can afford, but do need to have available to answer questions. Legal materials are extremely expensive. A budget cut will make it difficult for the State Law Library to keep these materials current and provide the training and assistance we need.

I hope you will reconsider the decision.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas R. Strange".

Thomas R. Strange, Director  
La Crosse Public Library

March 28, 2001

Representative Michael Huebsch  
State Capitol, Rm 20 North  
P.O. Box 8952  
Madison, WI 53708-8952

**MICHAEL ABLAN**  
LAW FIRM, S.C.

**Re: INCREASE IN SPD RATE FOR PRIVATE BAR ATTORNEYS**

Dear Representative Huebsch:

I am writing to request that you support an increase in the hourly rate for private bar attorney's to the Supreme Court rate of \$70.00 per hour found in Supreme Court Rule 81.02(1).

I am private practitioner in practice now for 3 ½ years. I take public defender appointments for felonies, misdemeanors and appeals when I am able. I take these appointments seriously and consider myself one who zealously defends my clients within the rules of ethics. In my opinion the system works best when both prosecutors and defense attorneys do their jobs and do them well.

The rate of \$40.00 is far too inadequate for competent private bar attorneys to take appointments. This rate is simply far too low for me or any other private practitioner to cover office overhead and other expenses associated with performing the job adequately. This is not to mention all the special certifications the Public Defender requires that I pay for. Thus, I have greatly limited the amount of Public Defender cases I will take because of the low compensation rate. I am considering dropping these cases altogether even though I do not want to.

I know that there is not any political mileage in supporting a raise in the private bar rate, but it is simply the right thing to do. Every indigent criminal defendant is entitled to competent counsel. That right will be jeopardized if this atrociously low rate is allowed to continue. I do not take these cases to get rich. I take them to help the indigent who desperately need counsel. But I also have my feed my family.


There are other costs that need to be considered. La Crosse County is already suffering the high cost of delayed proceedings because attorneys cannot be found to work SPD cases. The State suffers the expense of appeals because of ineffective assistance of counsel claims. Its easier to plea these cases out and take your small fee rather than pursue these cases to trial at the expense of other higher paying work.

The time to raise the private bar rate is now. I know that a failure to raise the rate will have disastrous affect throughout this County and probably the whole State.

Very truly yours,

**MICHAEL ABLAN LAW FIRM, S.C.**

BY:

  
Sean W. O'Neill  
Attorney

cc: Joint Finance Committee

**ATTORNEYS**

MICHAEL C. ABLAN  
LICENSED IN WISCONSIN  
AND MINNESOTA  
mike@ablan.com

BRYAN E. TILLMAN  
LICENSED IN WISCONSIN  
bryan@ablan.com

SEAN W. O'NEILL  
LICENSED IN WISCONSIN  
AND IOWA  
sean@ablan.com

**PARAPROFESSIONALS**

LOIS A. HILLBO  
lois@ablan.com

MARK CRADY  
CONTROLLER  
mark@ablan.com

401 KING ST.  
LA CROSSE, WISCONSIN 54601

OFFICE (608) 785-1977  
FAX (608) 785-1976  
1-800-662-2526

E-MAIL info@ablan.com  
INTERNET www.ablan.com



April 3, 2001

Representative Michael Huebsch  
Room 20 North  
State Capitol  
P.O. Box 8952  
Madison, WI 53708-8952

**MICHAEL ABLAN**  
LAW FIRM, S. C.

RE: State Public Defender Budget

Dear Representative Huebsch:

I implore you to actively support tying the State Public Defender private attorney compensation rate to Supreme Court Rule 81.02(1) in the State Public Defender budget. I am also requesting that you support an exemption for the State Public Defender from the proposed 5% across-the-board-budget cut.

I am a self-employed attorney recently admitted to the Wisconsin Bar. I am currently working in La Crosse out of the offices of the Michael Ablan Law Firm, S.C., am a member of the La Crosse County Bar Association, and the Young Lawyers Division of the State Bar. My family and I are new homeowners in Onalaska and desire to raise our family in the area.

As a newly practicing attorney, I have been accepting appointments from the State Public Defender as a means of introducing myself to the community. However, I am contemplating limiting the number of SPD cases I can accept due to the low compensation rate. The current \$40 per hour rate is inadequate to cover my overhead expenses. No other small business is required to lose money when doing work for a state agency. The integrity of our justice system demands that competent defense counsel be provided because no criminal can be convicted without it. When private attorneys cannot be found to work on SPD cases, counties suffer the high cost of delayed proceedings and the state suffers the high cost of increased appeals based on inadequate representation. Supreme Court Rule 81.02(1) sets the appointment rate at \$70 per hour, not only allowing for a minimal profit margin (approximately \$10 per hour) but also showing the community that we are tough-on-crime and pro-prosecution.

I would be delighted to answer any questions that you may have, and will be contacting you in the future to find out the status of this budget item. Thank you for your anticipated support and work on this issue.

Sincerely,

  
Bryan E. Tillman

cc: Sen. Burke Sen. Plache Rep. Gard Rep. Ward Rep. Duff  
Sen. Decker Sen. Wirsch Rep. Kaufert Rep. Huber Sen. Shibilski  
Sen. Moore Sen. Darling Rep. Albers Rep. Riley Sen. Welch

**ATTORNEYS**

MICHAEL C. ABLAN  
LICENSED IN WISCONSIN  
AND MINNESOTA  
mike@ablan.com

BRYAN E. TILLMAN  
LICENSED IN WISCONSIN  
bryan@ablan.com

SEAN W. O'NEILL  
LICENSED IN WISCONSIN  
AND IOWA  
sean@ablan.com

**PARAPROFESSIONALS**

LOIS A. HILLBO  
lois@ablan.com

MARK CRADY  
CONTROLLER  
mark@ablan.com

401 KING ST.  
LA CROSSE, WISCONSIN 54601

OFFICE (608) 785-1977  
FAX (608) 785-1976  
1-800-662-2526

E-MAIL info@ablan.com  
INTERNET www.ablan.com

**DANIEL P. RYAN**  
**ATTORNEY AT LAW**

April 3, 2001

Senator Mark Meyer  
P.O. Box 7882  
Madison, WI 53707-7882

Representative Jennifer Shilling  
P.O. Box 8953  
Madison, WI 53707-8953

Re: State Public Defender Budget

Dear Senator Meyer and Representative Shilling:

I am writing to you as a citizen and small businessman who opposes the proposed cuts to the budget of the State Public Defender's Office.

I am an attorney living in La Crosse, as I have for the past 10 years. During that time, I have been involved in local and State Bar activities as well as coaching High School Mock Trial teams. I have proudly represented poor people accused of committing crimes - people who otherwise would not have had an attorney.

The governor's budget proposes a 5% reduction in the State Public Defender's Office budget. This would result either in staff layoffs or a reduction in the rate paid to private bar attorney's accepting public defender cases. Both of these options are irrational and would actually lead to an increase in the overall budget. Laying off SPD staff would lead to more cases being assigned to private bar attorneys - long acknowledged to be more expensive than handling the cases within the SPD. A reduction in the private bar rate (already inadequate at \$40 per hour) would make it impossible for me to continue to take cases. I am also concerned because I rely to a certain extent on public defender cases to pay my bills (including my and my secretary's salary). A reduction in the SPD budget would also lead to increased costs elsewhere. For example, if the SPD budget is cut, courts would end up appointing more attorneys at County expense. These costs can be devastating to county budgets.

I appreciate your time in reading this letter. If you wish to contact me, I would be more than happy to answer any questions you might have. I will continue to follow this issue. I am counting on you to do the right thing for our justice system and to actively and openly oppose all cuts in the SPD budget.