

**INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF THE STATE BAR OF
WISCONSIN
RESOLUTION IN SUPPORT OF CONTINUING FULL FUNDING OF THE STATE OF
WISCONSIN STATE PUBLIC DEFENDER**

WHEREAS, the Individual Rights and Responsibilities Section of the State Bar of Milwaukee (IRR) is a Section of the State Bar of Wisconsin, comprised of attorneys throughout Wisconsin whose practice is devoted to protecting individual rights and liberties of all citizens of the State of Wisconsin including those accused of a crime; and

WHEREAS, Wisconsin's commitment to equal justice under law is reflected in its long-standing right to counsel provision in the Wisconsin Constitution; and

WHEREAS, the State Public Defender's office (SPD) has demonstrated for years that it is efficient at providing state-funded criminal legal services for the poor, and at maximizing use of the public fisc, evidenced in being the recipient of the 2000 Wisconsin Forward Award for its well-managed and cost-effective office; and

WHEREAS, the requirement of state agencies to cut their budgets in the 2001-2003 State of Wisconsin Biennium Budget unreasonably compromises the State of Wisconsin's Constitutional obligation to provide counsel to indigent defendants; and

WHEREAS, the proposed 5% base cut can only fall on the personnel costs associated with direct client services -- services intended to supplant county costs when the SPD agency was created; and

WHEREAS, the members of the Individual Rights and Responsibilities Section of the State Bar of Wisconsin know that the professional standard of competent representation would be undermined by loss of staff attorney positions such that caseload and supervision ratios would far exceed national standards and limits; and

WHEREAS, the proposed cut interferes with established purposes and principles behind the Office of the SPD; and

WHEREAS, the right to counsel will be impaired by decreased funding which may cause the elimination of 50 staff attorney positions and the costs associated with providing counsel to the Constitutionally indigent will be shifted from the cost-efficient SPD to more extensive and costly ad hoc appointment of private bar attorneys; and

WHEREAS, the private bar cannot alone provide the breadth and depth of representation provided by an adequately funded and staffed SPD office, but rather works best in partnership with the SPD in providing the Constitutionally mandated right to counsel; and

WHEREAS, it is imperative that the right to counsel for poor people charged with crimes, or otherwise facing deprivation of liberty, be uncompromised by budget cuts which threaten the administration of justice and which the justice system cannot otherwise accommodate;

NOW, THEREFORE, BE IT RESOLVED that the Board of the Individual Rights and Responsibilities Section of the State Bar of Wisconsin commends the SPD for its important contributions to the administration of justice in Wisconsin, and urges the legislature to support base funding of the SPD in the State of Wisconsin's 2001-03 biennial budget at least at the level of funding provided in the State of Wisconsin's 1999-2001 budget, so that it can minimally meet its representation obligations.

Dated this _____ day of May, 2001

Chair, Individual Rights and Responsibilities Section