

BY GERALD W. MOWRIS

For decades, politicians have said they want to be “tough on crime” but they continue to vote “no” to funding the criminal justice system.



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Justice in 2023

The more things change, the more they remain the same.

Fifty years ago, my first job as a lawyer was as an assistant district attorney in Dane County. This was a great job, and I loved the work. After working in the office for approximately one year, a group of us recognized a problem, joined together, and formed a union.

We were so successful at bargaining that by the time I left the office, we had a pay progression plan in place and were the highest paid ADAs in the state.

We had regular pay step increases and money dedicated to training, and our starting pay was competitive with other attorney positions. In 1990, well after I left the DA's office, ADAs became state employees. They still had a union (until Act 10), but all ADAs had a decent starting wage, a career plan, and the opportunity to do their job under reasonable working conditions.

Public defenders in Wisconsin went through a similar process. The state of Wisconsin began a statewide Public Defender's Office in 1985. For many years, lawyers in that office received essentially the same pay as ADAs and had similar pay progression plans.

Unfortunately for our justice system, the starting pay, the staffing levels, the pay progression scales, and the respect for the lawyers in these offices have not followed the goals of those who designed this change to the system. For decades, politicians have said they want to be “tough on crime” but they continue to vote “no” to funding the criminal justice system. Now we are facing what our State Bar of Wisconsin leadership calls a “constitutional crisis.”

All over the state, case backlogs are increasing due to the lack of lawyers willing to be paid less than the Kohler Corporation pays for bath and shower installers for fewer hours of work. And those installers are not saddled with law school debt.

Police arrest perpetrators and they are released without charges because there is no one to review the police reports and make charging decisions.

Criminal defendants are waiting in jail for days and sometimes weeks before even meeting an assigned attorney. Every elected district attorney in the state, Republican, Democrat, or independent, signed a letter to the Wisconsin Legislature asking legislators to increase ADA salaries to reflect what a market-based pay analysis proposed for salaries.

The State Public Defender's Office is down 20% from its usual number of staff attorneys and cannot find private bar attorneys willing to take cases for the extremely low hourly rate paid to those lawyers to handle those cases.

Perhaps it is time for state prosecutors, public defenders, judges, and all Wisconsin lawyers to come together and form a union or do something equally dramatic so that we can bargain with and convince the legislature and the governor's office that this system is broken and must be fixed! **WL**