

# Justice System Funding



## Justice System Funding

Wisconsin's courts have constitutional functions and obligations that require sufficient funding to meet those responsibilities. The judiciary is dependent on the other branches of government, especially the legislature, to provide adequate funding to perform its constitutional duties.

Adequate funding of the judicial branch of government is of critical importance to a system of justice fairly administered and impartial to all people, regardless of financial circumstance.

### Prosecutor and State Public Defender Funding

**The State Bar of Wisconsin supports adequate funding, compensation, and benefit packages that can attract and retain experienced and talented prosecutors and public defenders.**

The integrity of the justice system requires that litigants have effective representation regardless of economic resources.

### Prosecutor and State Public Defender Caseload Standards

**The State Bar supports caseload standards for attorneys based upon the objective standards recognized by the American Bar Association.**

Overworked prosecutors and public defenders facing too-high caseloads cannot fulfill their ethical requirements of effective and thorough representation of the public or their clients.

### Judicial Compensation

**The State Bar of Wisconsin supports adequate funding, compensation, and benefit packages that can attract and retain judges capable of administering justice fairly and efficiently.**

The Judicial Branch is a co-equal branch of government and should have the ability



through an independent Judicial Compensation Commission to set judicial salaries at an equitable level that properly compensates the work of the judiciary.

### Compensation for State Attorneys

**The State Bar supports compensation adequate to attract and retain experienced and qualified attorneys employed by the State of Wisconsin.**

### Court Operations

**The State Bar of Wisconsin supports funding through sum-sufficient general-purpose revenue for all areas of court operations and court personnel.**

This includes law libraries, deputy and assistant clerks of court, secretaries, law clerks, court interpreters, and court commissioners.

**The State Bar believes filing fee increases should be minimal, but revenue from said fees must go to support the justice system.**

Increasing fees make access to justice difficult, so courts should not rely on this manner of funding. However, any necessary increases should go directly to supporting and furthering access to the justice system.

continued...

# Justice System Funding



## New Circuit Court Branches

**The State Bar of Wisconsin supports increases in Circuit Court branches.**

An analysis of current caseloads and recommended caseload standards demonstrates that the Circuit Court needs a new branch.

## Department of Justice Funding

**The State Bar of Wisconsin supports adequate funding for the Wisconsin Department of Justice.**

Without sufficient funds, it cannot maintain its responsibilities to support the legal community and the justice system in order to ensure the protection of Wisconsin's citizens.

## Judicial Council Funding

**The State Bar of Wisconsin supports the funding of the Judicial Council.**

The 21-member statutory body studies and makes recommendations relating to:

- (1) court pleading, practice and procedure and
- (2) organization, jurisdiction and methods of administration and operation of Wisconsin courts.

In order to carry out these statutory responsibilities the Judicial Council needs state support to assist these important functions to advance our judicial system.

## Contact Info



**Lisa Roys**  
Director, Advocacy and  
Access to Justice  
(608) 250-6128  
lroys@wisbar.org



**Cale Battles**  
Government Relations  
Coordinator  
(608) 695-5686 (cell)  
cbattles@wisbar.org



**Lynne Davis**  
Government Relations  
Coordinator  
(608) 852-3603 (cell)  
ldavis@wisbar.org



**Devin Martin**  
Grassroots Outreach  
Coordinator  
(608) 250-6145  
(608) 712-5509 (cell)  
dmartin@wisbar.org

# Justice System Funding



## Private Bar Compensation

The Sixth Amendment of the U.S. Constitution and Article I, Section 7 of the Wisconsin Constitution guarantee that all criminal defendants have a right to effective assistance of counsel. States must provide a lawyer to indigent defendants who can't afford one.

All states have some form of public defender system to handle these appointments. The State Public Defender Office (SPD) is a state agency with full-time staff attorneys in 40 offices throughout Wisconsin.

Private bar appointments are necessary when SPD attorneys are overloaded or conflicts exist. But for too long, the SPD has been underfunded, leading to a severe shortage of private bar attorneys willing to take public defense cases.

The lack of private bar attorneys in certain areas of the state has caused case delays and postponements, inconveniencing victims and police officers and increasing county jail stays and local expenses. Coupled with the rate of inflation, the low reimbursement rate continues to push more private bar attorneys away from taking cases, forcing the SPD to make hundreds of calls per case to try to find attorneys.<sup>1</sup>

Beginning January 2020, for the first time since 1995, the private bar rate was increased from \$40 to \$70 per hour, plus \$25 per hour for travel time. This was a substantial investment that raised the rate from the lowest in the nation, but more investment is still needed. For many attorneys in solo or small firms, a \$70/hour and \$25/hour travel rate is still not enough to cover the operating costs of their practice.

To stave off another constitutional crisis and give defendants the representation they both need and deserve:



- **State Bar of Wisconsin strongly supports increasing compensation for private practice lawyers taking defense appointments.** The rate should fairly compensate lawyers for their time, travel, and any other costs associated with providing quality representation to their clients.
- **Rates of compensation should be at least as much as those set by the Wisconsin Supreme Court for court-appointed attorneys.**
- **Reimbursements should be timely** to ensure a more efficient and effective criminal justice system.

The State Bar believes that if the state invests in private bar rates to an acceptable and adequate level, the pool of qualified attorneys willing to take private bar cases would increase and the efficiency in appointing cases would also improve. Delays in our court system would decrease, costly appeals might be avoided and fewer victims would be re-victimized by drawn out legal proceedings.

### Contact Info



**Devin Martin**, Grassroots Outreach Coordinator  
(608) 250-6145 | (608) 712-5509 (cell)  
dmartin@wisbar.org

<sup>1</sup> Copy of Testimony by State Public Defender Kelli S. Thompson, Wisconsin Supreme Court, Petition 17-06