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Justice for all  
Since 1977*

# Wisconsin State Public Defender

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FOR IMMEDIATE RELEASE  
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## RESOLUTION OF THE STATE PUBLIC DEFENDER BOARD

Since the 1980's the budget of the Office of the State Public Defender has been chronically under-funded in the appropriation for payments to private bar attorneys taking case appointments. For many years the OSPD would run out of money to pay private bar bills three months before the end of the biennium. After 2001, an increase in cases caused this biennial drought to worsen. At the time the 2007 – 2009 budget was proposed, the OSPD was looking at a shortfall of six months of payments. The legislature intended, by passing 2007 ACT 20, to eradicate this shortfall in the 2007 -2009 budget and beyond.

Act 20 empowered the Department of Administration (DOA) to lapse \$200 million dollars from state agencies in this biennium and the next. DOA exempted the courts and prosecutors. Despite the intent of the legislature to fix the private bar shortfall when it passed the budget, DOA lapsed \$1.9 million from the OSPD private bar appropriation for FY08. There is every expectation that the Dept will lapse another \$2.4 million from the OSDP private bar appropriation in FY09. The effect of these lapses is to re-create the shortfall.

Both the Assembly and Senate versions of the budget repair bill pending before the legislature would empower the Department of Administration to make additional cuts to state agencies to make up a larger than expected deficit in the budget. If the OSPD is subject to additional cuts under any version of the budget repair bill the private bar shortfall will be increased even further.

**THEREFORE**, the State Public Defender Board hereby goes on record urging the legislature, the Governor, and the Department of Administration not to undermine the quality of justice by making additional reductions to the Office of the State Public Defender. Singling out private bar attorneys as the only providers of services to the state expected to wait for months for payment is unfair and detrimental to the justice system. Many of the most dedicated and valuable private bar attorneys providing constitutionally-mandated services for the OSPD are small business people whose livelihood, and those of their employees, depends on timely payment for services rendered. The Board asks that the OSPD be exempt from further lapses or cuts in this biennium, whether under Act 20 or any budget repair bill.

Adopted March 28, 2008 by the State Public Defender Board  
Dan Berkos, Chairperson

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