

## MEMORANDUM

**To:** Members, Wisconsin State Legislature  
**From:** Lisa Roys, Public Affairs Director  
State Bar of Wisconsin  
**Date:** January 20, 2010  
**Re:** State Bar of Wisconsin support for AB 395 and SB 263 (Indigence standards/State Public Defender)

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The State Bar of Wisconsin strongly supports Assembly Bill 395 and Senate Bill 263, which would increase the eligibility limits for a public defender from the antiquated 1987 AFDC limits to current W-2 limits, which generally are 115% percent of the federal poverty level. The State Bar's Board of Governors has a long-standing position in favor of using federal poverty guidelines as minimum financial criteria for determining indigence and eligibility for constitutionally mandated appointment of counsel.

As State Bar President Douglas Kammer wrote to the Assembly and Senate judiciary committees in October, the State Bar supports the increased eligibility levels in AB 395 and SB 263 because a free society cannot deny justice to the poor and remain free.

The SPD's financial eligibility standards, set by statute, have not been updated since 1987, leaving many of our poorest citizens without access to SPD representation. Legislation was introduced in the 2003 (AB 616), 2005 (AB 1219) and 2007 (AB 576/SB 321) legislative sessions that would have updated and simplified the SPD's financial eligibility criteria. Despite broad, bipartisan support, none of those bills passed before those sessions ended.

This year, the Joint Finance Committee inserted language into the state budget to expand SPD financial eligibility for Public Defender representation to 115% of the federal poverty level. Both houses of the Legislature adopted this language, which Governor Doyle subsequently vetoed.

It is time for the State of Wisconsin to meet its obligation to make justice accessible to the poor by updating SPD eligibility limits as proposed in AB 395 and SB 263. The State Bar of Wisconsin urges you to approve this legislation.

**State Bar of Wisconsin**