

Attorney shortage worst in Wisconsin's northern counties

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The State Bar Association of Wisconsin estimates that there are about 16,800 **lawyers in Wisconsin**. Supreme Court Chief Justice Annette Ziegler says that's too few and **the number is shrinking in disturbing ways**. Ziegler this month announced the **creation of an attorney retention and recruitment committee to reverse the shortage of lawyers** — a shortage a Barron County judge called a "crisis" in her county.

The attorney retention and recruitment committee will include deans of the state's two law schools, State Bar officials, and attorneys and judges from around the state. Chief judges in each of the state's nine Circuit Court districts will work with the committee, Ziegler said.

When she announced the new panel Ziegler cited these trends: In the last four years, the number of **active attorneys** in Wisconsin **has decreased by over 4%**. The number of **students** in the state's law schools **has fallen** over the last five years. The number of **attorneys in rural Wisconsin** has **dropped by 7%**.

"Each day in court, trial judges face the challenges of finding attorneys for unrepresented individuals in criminal cases," Kenosha County Circuit Court Judge Jason Rossell, chair of the Committee of Chief Judges, said in a statement.

"The delays caused by the shortage cause problems throughout the system, including **delays in trials, lengthy pretrial incarceration, losing treatment options, and delayed closure for victims and witnesses**," Rossell added.

Adam Plotkin, a spokesman for the Wisconsin State Public Defender's Office, said in eight counties there are "no certified private bar attorneys who are physically located in that county, though attorneys located in other counties may be certified to take cases there."

Those eight counties are Adams, Bayfield, Buffalo, Green, Marquette, Menominee, Rusk, and Waushara. "In Barron County, there are no local lawyers who regularly accept public defender appointments, **and we must rely on remote technology to ensure representation** for those facing criminal charges," Barron County Circuit Court Judge Maureen Boyle, chief judge of that region, said when Ziegler announced formation of the committee. Even with online appearances, Boyle said few lawyers are available. Kelli Thompson, state public defender for 12 years and now a private practice attorney in Madison, said the statewide shortage of lawyers results from "a number of factors that have combined over a long time."

"From the number of people admitted to law school, to the number who choose to stay or locate in Wisconsin, the number of licensed attorneys in Wisconsin has remained relatively static while the demand for **legal services in all areas of practice has increased**," Thompson said, adding: "Specific to criminal defense work, especially in the public sector, **years of stagnant wages and workload challenges** have created a stigma for future lawyers about going to work as a **public defender or prosecutor**."

It wasn't until **2023 that "historic pay increases"** were approved for public defenders and prosecutors, Thompson noted. While those raises "appear to have had **a significant impact**, now we need to work on addressing the workload demands." **A shortage of public defenders is a national problem**, Thompson said. "There are almost no jurisdictions that have adequate staffing. Thompson called Ziegler's creation of the Attorney Recruitment and Retention Committee "a vital step" in addressing the shortage.

Thompson's suggestions for changes?

"Looking at incentives such as **loan forgiveness** and **geographic pay enhancements** to get new practitioners into rural counties. **Better recruiting of people to pursue a rural law practice**, starting as early as high school. **Removing practical barriers [in] scheduling, communication with clients in custody**. Addressing the overwhelming caseload of attorneys in the public sector."

2. Commentary

What is surprising is that a retention and recruitment committee has been set up to address the issue of attorney shortage but the solutions that are suggested to solve this pb are provided by a state public defender. This may call into question the effectiveness of such committees. One may wonder what solutions such a committee can come up with to attract more people into the legal profession.

This text provides solutions to « legal deserts » and more broadly to shortage of lawyers.

a) Additional solutions :

- in rural areas = coercive measures, forcing young lawyers to practice in rural areas. Mandatory time in rural areas. How can this be possible ? What incentives could lead lawyers to settle in rural places ?
- Lowering the Bar requirements and standards → possible issue : quality of legal services might be affected
- Relying on immigration. Issue = the lawyers need to be used to the common law system and to pass a state bar
- Outsourcing legal services. Issue = ethical issues

b) The journalist mentions “Addressing the overwhelming caseload of attorneys in the public sector” but fails to provide solutions.

Suggested solutions:

- Ending the billing system that puts lawyers under enormous pressure
- Setting a number of cases per lawyer
- External audit on work ethics and practices + sanctions
- Naming and shaming law firms which fail to implement these measures

c) How to make the profession more attractive

- limiting working hours
- counselling programmes (in the law firm)
- Remote working + more flexibility
- Creating alternative ways of becoming a lawyer (UK style programs)
- Mentorship