

# Wisconsin State Public Defenders: On the eve of Public Defense Day, Senate inaction leaves Wisconsin's constitutional promise underfunded and under-resourced

Posted on Tuesday, Mar 17, 2026

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

**MADISON, Wis.** – Wisconsin will mark the anniversary of the landmark *Gideon v. Wainwright* decision this Wednesday with a failure to approve new resources for public defenders.

Lawmakers cut short a lifeline for Wisconsin's overburdened public defense system when the bipartisan Justice for All Act ([AB 514/SB 546](#)) was excluded from the calendar for the Senate's final floor period of the legislative session. This bill represented the most significant opportunity for investment in indigent defense in nearly two decades.

"Our attorneys are drowning, and it's Wisconsinites who pay the price when constitutional rights are treated as an optional expense," State Public Defender Jennifer Bias said. "Without additional resources, our courtrooms will continue to struggle and our legal system will continue to decay."

Sixty-three years ago this week, the U.S. Supreme Court ruled in *Gideon v. Wainwright* that a person's bank account should never determine their access to a fair trial. In Wisconsin, that promise has become an unfunded mandate. Public defenders are stretched thin across the state, with unmanageable workloads and a chronic lack of the support staff that are essential to defense work.

Despite broad consensus that the system is at its breaking point, public defenders – and the thousands of Wisconsinites who rely on them – will have to wait almost a year and half for the next budget cycle to offer another chance at relief.

“Only funding half the courtroom is unsustainable. We’re being asked to uphold the Constitution and protect liberty while being starved of the basic resources we need to do our job,” SPD Bias said. “We cannot continue to bridge the gap between the state’s constitutional obligations and its lack of investment indefinitely.”

In the last biennial budget, the SPD received less than a quarter of the 52.5 new positions it requested. Meanwhile, the Legislature authorized 42 new prosecutor positions statewide and provided state support to continue 12 expiring federally funded prosecutor positions.

### **A missed opportunity to correct course**

The Justice for All Act (AB 514/SB 546) was crafted through months of collaboration between lawmakers and legal system professionals. It would have provided the State Public Defenders with an additional 18 attorneys and 35 support staff in the next budget biennium – the agency’s largest increase in staffing since 2009. It would have also funded new judicial and prosecutor positions.

This infusion of resources would have allowed the SPD to confront growing case delays brought on by increased charging from prosecutors and an explosion of digital evidence in criminal cases. The continued neglect of the state’s public defense system shifts financial burdens to county jails and the courts.

### **About the Wisconsin State Public Defenders**

The SPD provides legal representation to indigent clients in all 72 counties, handling roughly 80% of the state’s felony cases each year. We strive to provide the highest quality defense to every client and fight to disrupt the causes of systemic injustice.

Unlike prosecutors’ offices, which are staffed with support positions approved and funded by their counties, all SPD positions, including support staff, must be authorized by the state. While counties have provided substantial support for their local district attorney offices, state support for public defenders has lagged significantly behind for decades.