It’s been almost half a century since James M. Brennan first got involved with the work of public defenders in Wisconsin. In 1973, he was a student at Marquette Law School and took part in the school’s now-longstanding public defender’s clinic. The program allows interested students, as part of their upper-level curriculum, to work alongside attorneys representing people involved in criminal proceedings who are unable to afford a lawyer.

Brennan never lost his interest in serving low-income people, both with their legal problems and with other needs, and he has an unusually long-term perspective on the development of public defender services in Wisconsin across the decades. Most recently, since 2003, he has been a member of the legislatively created board that oversees the Wisconsin State Public Defender’s Office, serving as chair of the board since early 2021.

How would he describe public defender services across Wisconsin now? “The state of the system is spotty,” he says.

Brennan names three problems: First, in rural areas, there is difficulty finding attorneys who will take cases. This can leave defendants waiting in jail for weeks while dozens of attorneys are contacted. Second, an important leg on which the system stands—involvement of the private bar in representing some clients statewide—has weakened. The pay for private attorneys was increased in 2020 from $40 an hour—then the lowest in the nation—to $70 an hour; this has helped to some degree but not solved the problem. And third, the impact of the COVID pandemic “has really thrown the whole system into a tizzy and has caused a backlog.”

“Of course, we could use more staff,” Brennan adds. The caseloads for public defenders statewide have grown in recent years—something that concerns Brennan. “Quality and caseload interact very closely,” he says.

But in the broad picture, public defender work has improved over the decades, and the system serves many people well, Brennan says. Furthermore, legislative support for public defenders has been more stable than it once was, although issues including salaries and the number of positions remain.

Brennan says that when he had his initial involvement with the system, the statewide public defender office dealt only with appellate cases, and attorneys serving at the local level were appointed on a county-by-county basis by judges. The quality of the appointment process was uneven. By 1977, Brennan recalls, the statewide office had been created. Since then, appointments have been handled through an administrative process and not by judges. The effectiveness, quality, and stability of the work improved in following years.

Brennan never practiced as a public defender, but his work always involved service to people in need. He was a lawyer for the Legal Aid Society of Milwaukee for 31 years, most of the time as chief staff attorney. That meant his practice involved civil litigation, not criminal matters. In 2007, he became Family and Children’s Ministries director of Catholic Charities of the Archdiocese of Milwaukee, followed by several years as the organization’s executive director. He is also a past president of the State Bar of Wisconsin.

In 2012, he retired from full-time work. He and his wife live in Ashland County in far northern Wisconsin. Among his current interests, he has qualified as a “master naturalist” at Copper Falls State Park.

Despite the current stresses on the system, Brennan remains enthusiastic about public defender work and the people doing it. “Most of our attorneys are extraordinarily committed and absolutely loyal to their clients,” he says. They are doing “the noble work of being a lawyer, the good work of being a lawyer, which is representing the marginalized and the indigent.”

James Brennan, chair of the Wisconsin Public Defender Board, says public defenders are committed to their work and loyal to their clients, but the stresses on the overall system mean quality in the broad picture is “spotty.”