

## **Report From Agency**

### **OFFICE OF THE STATE PUBLIC DEFENDER REPORT TO LEGISLATURE**

#### **CLEARINGHOUSE RULE 13-049**

Ch. PD 3.02(1), 6.01, & 6.02(1), relating to the cost of retained counsel, payment for legal representation, and discount option.

#### **Basis and Purpose of the Proposed Rule**

The public defender board is required to consider the anticipated costs of effective representation for the type of case in which a person seeks representation, and to establish by rule a fee schedule that sets the amount that a client pays for the cost of the legal representation. This proposed rule will revise three schedules in the PD administrative code to include a “felony diversion” case category. This proposed rule more accurately reflects the anticipated costs of effective representation in a felony diversion case and sets a corresponding amount that the client will pay for such representation.

#### **Summary of Public Hearing and Comments**

A public hearing was held on July 29, 2013. No one appeared at the hearing. No public comments to the proposed rule were received.

#### **Changes to Rule Analysis and Fiscal Estimate**

No changes were made to the rule analysis or fiscal estimate.

#### **Response to Legislative Council Recommendations**

All recommendations made in the Legislative Clearinghouse Report have been incorporated in the final version of the rule.

#### **Final Regulatory Flexibility Analysis**

The proposed rule does not affect small business.

#### **Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis**

As this rule would impact only individual clients of the SPD, there will be no effect on small business and no anticipated economic impact of implementing the rule.

#### **Effect on Small Business**

None

