

Clearinghouse Rule 99-033


STATE OF WISCONSIN

OFFICE OF THE STATE PUBLIC DEFENDER

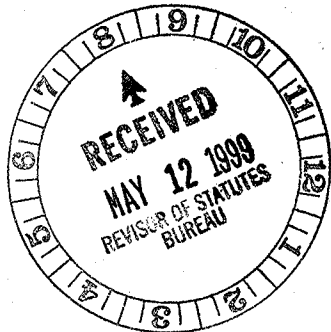
I, Daniel M. Berkos, Chair of the State Public Defender Board and custodian of the official records, certify that the annexed rule related to multiple appointments on the same case was duly approved and adopted by this board on January 29, 1999.

I further certify that this copy has been compared by me with the original on file in this Office and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name in the City of Madison, State of Wisconsin, this 11th day of May 1999.



DANIEL M. BERKOS, Chair
State Public Defender Board



99-033
7-1-99

**PROPOSED ORDER OF THE STATE PUBLIC DEFENDER BOARD
CREATING A RULE**

The Wisconsin state public defender board proposes an order to create PD 6.04 (5), relating to multiple appointments on the same case.

Analysis By Agency:

The Office of the State Public Defender (SPD) is statutorily required to collect fees from its adult clients as payment for legal representation. Generally, each public defender appointment results in a separate fee to be paid by the client. Under limited circumstances, however, a client may be required to pay only one fee even though the client's case results in more than one public defender appointment. For example, if a client's case is appointed to a second attorney because the client's first attorney had to withdraw based on a conflict of interest, the client is charged one fee rather than two separate fees.

The proposed rule would create an additional circumstance under which a public defender client is charged one fee for his or her case. Specifically, if a client's case is remanded for a new trial after an appellate court reverses the conviction based on ineffective assistance of counsel grounds, the client would be charged one fee rather than two fees for his or her case.

Statutory authority: s. 977.02 (4m), Stats.
Statute interpreted: s. 977.075, Stats.

SECTION 1. PD 6.04 (5) is created to read:

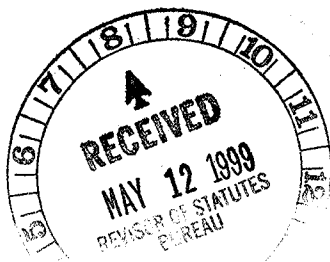
PD 6.04 (5) The client's case was remanded for a new trial after a reversal on ineffective assistance of counsel grounds.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated: 5/11/99

Wisconsin State Public Defender Board

By: Daniel M. Berkos
DANIEL M. BERKOS, Chair





**WISCONSIN
PUBLIC
DEFENDER**

Nicholas L. Chiarkas
State Public Defender

Frederick H. Miller
Deputy State Public Defender

Virginia A. Pomeroy
Legal Counsel

Arlene F. Banoul
Administrative Director

Marla J. Stephens
Appellate Director

Ellen K. Berz
Assigned Counsel Director

Jose Perez
Chief Information Officer

Deborah Smith
Training Director

Michael Tobin
Trial Director

May 11, 1999

Gary Poulson
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
Madison, WI 53703

Re: PD 6.04 (5)

Dear Gary:

Enclosed please find a certified copy of an administrative rule recently promulgated by the State Public Defender Board.

An extra copy of the rule is enclosed for printing purposes.

Thank you.

Sincerely,

Gina Pruski
Deputy Legal Counsel

Enclosures

