

STATE OF WISCONSIN

OFFICE OF THE STATE PUBLIC DEFENDER

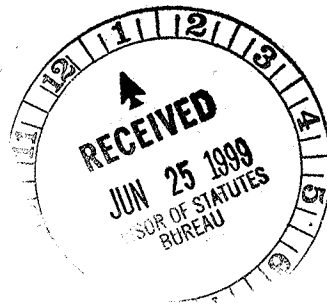
I, Daniel M. Berkos, Chair of the State Public Defender Board and custodian of the official records, certify that the annexed rule related to public defender certification criteria was duly approved and adopted by this board on March 8, 1999.

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 24th day of June, 1999.

*Daniel M. Berkos*

DANIEL M. BERKOS, Chair  
State Public Defender Board



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

The Wisconsin state public defender board proposes an order to create PD 1.04 (10), relating to certification criteria.

**Analysis By Agency:**

The Office of the State Public Defender (SPD) is authorized by s. 977.05 (5)(e), Stats., to sponsor conferences and training. The use of the word "sponsor" indicates a commitment of agency resources. In addition, s. 977.05 (5)(e), Stats., contemplates that the agency might obtain revenue from such conferences and training by authorizing the SPD to charge tuition for attendance at such programs. Any revenue received must be deposited in s. 20.550 (1)(i), Stats.

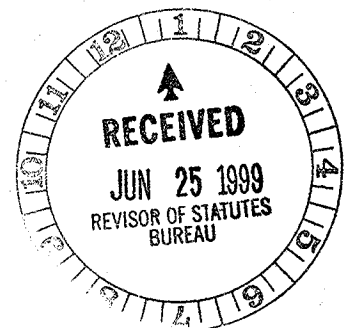
Chapter PD 1, Wis. Admin. Code, expands upon the SPD's training function as it relates to private attorneys who seek public defender certification. For instance, pursuant PD 1.04 (2m), an attorney must complete a certain number of credits of "state public defender provided legal education" in order to be certified for specific types of cases, such as chapter 51 or 55 cases and termination of parental rights cases. Further, pursuant to PD 1.04 (9), an attorney must complete 6 hours of SPD approved continuing legal education each calendar year in order to remain certified to accept public defender cases. Finally, in order to be certified to accept appellate cases under PD 1.04 (5), an attorney must complete a certain number of credits of state public defender approved education prior to applying for appellate certification.

The proposed rule will ensure that the legal education and training required for public defender certification is offered to private attorneys by the agency. The proposed rule also defines "sponsor" and "tuition" as those terms are used in s. 977.05 (5)(e), Stats.

Promoting conferences and training programs for staff and private attorneys as well as recouping some of the costs associated with conferences and training sponsorship is consistent with the agency's mission and statutory authorization.

Statutory authority: s. 977.02 (5), Stats.

Statute interpreted: s. 977.05 (5)(e), Stats.



**SECTION 1.** PD 1.04 (10) is created to read:

**PD 1.04 (10)** The state public defender shall offer training for private attorneys seeking certification under this chapter. As used in s. 977.05 (5)(e), Stats., "sponsor" means to use state public defender resources to produce and promote state public defender conferences and training programs. As used in s. 977.05 (5)(e), Stats., "tuition" means all revenue realized from state public defender conferences and training programs and materials.

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:

Wisconsin State Public Defender Board

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



**WISCONSIN  
PUBLIC  
DEFENDER**

**Nicholas L. Chiarkas**  
State Public Defender

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**Arlene F. Banoul**  
Administrative Director

**Marla J. Stephens**  
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June 24, 1999

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

Re: PD 1.04 (10)

Dear Mr. Poulson:

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,

Tracey J. Lencioni  
Paralegal

Enclosures

