

Public Defender

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LFB Summary Items for Which an Issue Paper Has Been Prepared

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~	Programmatic Funding Realignment (Paper #625)
4	Support and Administrative Staff (Paper #626)
2	Private Bar Attorney Compensation (Paper #627)

LFB Summary Items Removed From Budget Consideration

<u>Item #</u>	<u>Title</u>
5	Charging and Sentencing Alternatives
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LFB Summary Item Addressed in Standard Budget Adjustments (Paper #105)

<u>Item #</u>	<u>Title</u>
1	Standard Budget Adjustments

LFB Summary Item Addressed in a Separate Paper

<u>Item #</u>	<u>Title</u>
3	Staff Compensation (Paper #316)



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May 16, 2023

Joint Committee on Finance

Paper #625

Programmatic Funding Realignment (Public Defender)

CURRENT LAW

Under 2017 Act 59, the SPD's GPR appropriations for the trial representation, appellate representation, private bar, salary adjustments, and discovery were combined into a single biennial appropriation. Base funding for each of these components is: (a) program operation \$3,112,600 GPR annually; (b) appellate representation \$5,241,600 GPR annually; (c) trial representation \$60,906,300 GPR annually; (d) private bar investigation reimbursements \$41,648,400 GPR annually; (e) private bar investigation pay administration \$735,100 GPR annually; and (f) transcripts, discovery and interpreter costs \$1,506,900 GPR annually.

MODIFICATION

Transfer funding annually within SPD's GPR program operation appropriation between private bar and investigator reimbursement (-\$622,800 GPR) and transcripts, discovery, and interpreter costs (\$622,800 GPR) in order to align budgeted funding with programmatic expenditures.

Explanation: The transfer reflects the actual expenditures of the SPD in 2021-22 and is expected to be ongoing. In the 2023-25 biennium, total, funding for transcripts, discovery and interpreter costs would be \$2,129,609 GPR annually, while private bar and investigator reimbursement would be \$41,025,691 GPR annually. These amounts would serve as base funding for the allocations in the 2025-27 biennium.

Prepared by: Sarah Wynn



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May 16, 2023

Joint Committee on Finance

Paper #626

Support and Administrative Staff (Public Defender)

[LFB 2023-25 Budget Summary: Page 479, #4]

CURRENT LAW

Both the United States Constitution and the Wisconsin Constitution provide the right to counsel for individuals accused of a crime. The Sixth Amendment to the United States Constitution provides, in part, that, "In all criminal prosecution, the accused shall enjoy the right...to have the Assistance of Counsel for his defense." Article I, Section 7 of the Wisconsin Constitution provides that, "In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel..." In *Gideon v. Wainwright* (1963), the United State Supreme Court held that the constitutional right to counsel guaranteed by the United States Sixth Amendment requires the government to provide counsel to indigent criminal defendants. However, under subsequent United States and Wisconsin Supreme Court decisions, there is no absolute right to the appointment of counsel in non-criminal cases carrying no threat of loss of physical freedom.

The cost of providing required counsel to the indigent in Wisconsin is generally the responsibility of the state through the Office of the State Public Defender (SPD). The SPD employs trial and appellate attorneys who represent clients who qualify for SPD representation. Generally, the State Public Defender provides legal representation for indigent persons: (a) facing a possible sentence that includes incarceration; (b) involved in certain proceedings under the Children's and Juvenile Justice Codes (Chapter 48 and 938 of the Wisconsin statutes); (c) subject to petitions for protective placement (Chapter 55 of the Wisconsin statutes); (d) facing involuntary commitment; (e) involved in certain post-conviction or post-judgment appeals; and (f) undergoing proceedings for modification of a bifurcated sentence, if representation has been requested by the indigent person or the case have been referred by a court, and the Public Defender determines that the case should be pursued. Further, unless the individual knowingly and voluntarily waives counsel or appoints his or her own counsel, the SPD must provide counsel to the following individuals without a determination of indigency: (a) those involved in certain proceedings under the

Children's and Juvenile Justice Codes; (b) those subject to petitions for protective placement; and (c) those facing involuntary commitment.

DISCUSSION POINTS

1. The cost of providing counsel to the indigent in Wisconsin is generally the responsibility of the state through the SPD. The Office is primarily funded through general purpose revenue, which is utilized to support trial and appellate staff attorneys as well as reimbursements to private bar attorneys who are assigned indigent legal defense cases. Base resources for the SPD are \$113,150,900 GPR and \$1,505,200 PR and is currently authorized 614.85 GPR and 5.0 PR positions. Of the 614.85 positions employed by the SPD, 377.7 positions are assistant state public defenders (ASPDs).

2. In order to provide representation for indigent clients, the SPD has both a trial division and an appellate division. The trial division is comprised of 37 local trial offices located throughout Wisconsin, while the appellate division is comprised of two appellate offices, located in Madison and Milwaukee. Base resources for the SPD's trial division are \$60,906,300 GPR and 552.7 GPR positions, and base resources for the appellate division are \$5,241,600 GPR and 44.0 GPR positions.

3. In order to ensure that SPD offices are adequately staffed with support personnel, the SPD tries to maintain the following ratios between support personnel and staff attorneys: (a) one legal secretary for every five ASPDs; (b) one investigator for every 10 ASPDs; and (c) one client service specialist for every 20 ASPDs. The SPD is in the process of determining the correct ratio of paralegals to staff, as the SPD started hiring paralegals for the first time approximately four years ago.

4. Currently, in the trial and appellate divisions, the ratio of attorneys to all support staff positions (legal secretaries, investigators, client services specialists, and paralegals) combined is approximately two attorneys to one support staff. In some of the SPD's smaller offices, there may only be one support staff person on site for three to five attorneys. For comparison, the Department of Justice has a ratio of five attorneys to three support staff. Some District Attorneys have staffing ratios as high as three support staff to one attorney not including support from local law enforcement agencies.

5. To assist SPD attorneys, public defender investigators interview witnesses, visit crime scenes to gather evidence, prepare diagrams, take photographs, and obtain other information to identify defense issues. Client service specialists provide support to SPD attorneys and SPD clients by: (a) gathering pertinent information regarding an individual client's problems and needs; (b) investigating placement, treatment, and educational programs that could assist the client; and (c) preparing written recommendations to be considered at sentencing and revocation hearings.

6. In addition to their work with ASPDs, support staff at local offices are responsible for making calls to appoint cases to the private bar. If, in some instances, staff need to make hundreds of calls to appoint a case, the staff are not available to provide support to the ASPDs in the office. This increases the amount of time ASPDs spend on administrative matters, which is not the most cost-effective use of an ASPDs time.

7. In the 2021-23 budget, SPD received five positions related to all workload issues, including the impact of video evidence. However, the workload impact of video evidence continues to grow. For example, in one of the SPD trial offices, over a four-month period, the office downloaded and reviewed 7,000 hours of video evidence. In four months, the office had the equivalent of four positions annual hours' worth of video to review.

8. On March 15, 2022, the Governor announced that \$11.5 million in American Rescue Plan Act (ARPA) funding would be used to support 16 additional ASPDs and 11 support positions in Milwaukee County to address court backlogs due to the pandemic. Funding must be used by April, 2024. In addition, federal funding supports 14 ASPD and 22 staff positions in offices around the state until October, 2023. The locations of current ARPA staff include: Baraboo, Eau Claire, Elkhorn, Green Bay, Hudson, Janesville, Kenosha, Madison, Milwaukee, Sheboygan, Sparta, Spooner, Stevens Point, Waukesha, and Wausau. Even though these positions expire in October, 2023, only one position has been vacant for six months or more as of April, 2023.

9. In total, all federal Covid relief funding provided 63 staff to over 20 counties including 30 ASPDs, 23 paralegals, four investigators, three client services specialists, and three legal secretaries. All of these positions were removed from the SPD's 2023-25 budget as a standard budget adjustment.

10. In order to continue to provide additional litigation and administrative support to partially address workload in the trial and appellate divisions, the bill provides the SPD \$2,784,200 GPR in 2023-24 and \$3,579,000 GPR in 2024-25, and 50.0 GPR positions annually. These positions include: 20.0 paralegal, 10.0 investigator, 7.0 client services specialist, and 11.0 legal secretary positions to partially address this issue.

11. Further, due to increased turnover and additional staff, the bill provides the SPD with 1.0 GPR additional human resources specialist and 1.0 GPR staff development program specialist in the administrative office to recruit, onboard, and train staff. Even with an additional Human Resources Specialist, SPD's ratio would still be one of the highest among state agencies at one HR position per 117 positions (next highest being DOJ at 1:93). Note that under s. 16.004 (20), which directs DOA to provide human resource service to most executive branch agencies, SPD and DOJ are exempt. In addition, due to increased turnover and the onboarding of new staff, the bill provides a dedicated training position to provide consistent, intensive, and specific SPD onboarding and training for new employees and reduce the onboarding requirements of staff with full workloads in local offices. This position would also provide logistical support for the current training activities of the SPD that focus on the direct representation of clients.

12. Support staff assist ASPDs by with various aspects of direct representation requirements such as working with attorneys and clients to investigate and prepare their case for trial, assistance with administrative matters such as drafting and eFiling court documents, and reviewing video evidence. Given that additional staff support would help address the workload impact of ASPD's by allowing attorneys to focus more time on legal representation rather than also performing administrative, research and/or investigative activities, the Committee could provide \$2,784,200 GPR in 2023-24 and \$3,579,000 GPR in 2024-25 and 50.0 GPR support staff annually to replace and enhance staff currently supported with federal funds. [Alternative 1] These positions would start in

October, 2023.

13. As indicated previously, ARPA funds currently support 33.0 staff support positions throughout the state. If the Committee wishes to provide support, but at the same level as federal positions, the Committee could provide \$1,748,000 GPR in 2023-24 and \$2,243,000 GPR in 2024-25, and 33.0 positions annually. [Alternative 2] Note that as FED positions, there is only one position are that has been vacant for six months. This alternative would provide the SPD with 23.0 paralegal, 4.0 investigator, 3.0 client services specialist, and 3.0 legal secretary positions starting in October, 2023.

14. If the Committee wishes to provide support, but at lower level than the current federal positions, the Committee could provide \$1,388,800 GPR in 2023-24 and \$1,785,000 in 2024-25 and a total of 25.0 GPR positions. [Alternative 3] This alternative would allow the SPD to determine which specific positions to create based on the agency's needs.

15. As indicated earlier, the currently funded FED positions were removed as a standard budget adjustment. If no action is taken, the federal positions would expire in April, 2024, without replacement. [Alternative 4]

ALTERNATIVES

1. Provide \$2,784,200 GPR in 2023-24 and \$3,579,000 GPR in 2024-25 and 50.0 GPR positions annually starting in October, 2023, to address workload issues for staff assisting State Public Defender attorneys.

ALT 1	Change to Base	
	Funding	Positions
GPR	\$6,363,200	50.00

2. Provide \$1,748,000 GPR in 2023-24 and \$2,243,000 GPR in 2024-25 and 33.0 GPR positions annually starting in October, 2023, to address workload issues for staff assisting State Public Defender attorneys.

ALT 3	Change to Base	
	Funding	Positions
GPR	\$3,991,000	33.00

3. Provide \$1,388,800 GPR in 2023-24 and \$1,785,000 GPR in 2024-25 and 25.0 GPR staff positions annually starting in October, 2023.

ALT 3	Change to Base	
	Funding	Positions
GPR	\$3,173,800	25.00

4. Take no action.

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May 16, 2023

Joint Committee on Finance

Paper #627

Private Bar Attorney Compensation (Public Defender)

[LFB 2023-25 Budget Summary: Page 478, #2]

CURRENT LAW

The cost of providing required counsel to the indigent in Wisconsin is generally the responsibility of the state through the Office of the State Public Defender (SPD). The SPD employs trial and appellate attorneys who represent clients who qualify for SPD representation. Generally, the State Public Defender provides legal representation for indigent persons: (a) facing a possible sentence that includes incarceration; (b) involved in certain proceedings under the Children's and Juvenile Justice Codes (Chapter 48 and 938 of the Wisconsin statutes); (c) subject to petitions for protective placement (Chapter 55 of the Wisconsin statutes); (d) facing involuntary commitment; (e) involved in certain post-conviction or post-judgment appeals; and (f) undergoing proceedings for modification of a bifurcated sentence, if representation has been requested by the indigent person or the case has been referred by a court, and the Public Defender determines that the case should be pursued. Further, unless the individual knowingly and voluntarily waives counsel or appoints his or her own counsel, the SPD must provide counsel to the following individuals without a determination of indigency: (a) those involved in certain proceedings under the Children's and Juvenile Justice Codes; (b) those subject to petitions for protective placement; and (c) those facing involuntary commitment.

While the SPD employs trial and appellate attorneys who represent clients who qualify for SPD representation, staff attorneys do not represent all clients who qualify for SPD representation. Indigent legal defense cases are assigned by the SPD to private bar attorneys due to either an overflow of cases in excess of what can be assigned to available SPD staff attorneys, or for cases in which staff attorneys may have a conflict of interest. Private bar attorneys assigned to SPD cases may be paid in one of two following ways: (a) at a statutorily defined rate of \$70 per hour for time spent in and out of court related to a case, and \$25 per hour for travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip

requires travelling a distance of more than 30 miles, one way, from the attorney's principal location; or (b) a flat, per case contracted fee that may not result in the private attorney receiving more than the attorney would have if the attorney was reimbursed pursuant to the statutory rate.

DISCUSSION POINTS

1. The Office is primarily funded through general purpose revenue, which is utilized to support trial and appellate staff attorneys as well as reimbursements to private bar attorneys who are assigned indigent legal defense cases. In order to provide representation for indigent clients, the SPD has both a trial division and an appellate division. The trial division is comprised of 37 local trial offices located throughout Wisconsin, while the appellate division is comprised of two appellate offices, located in Madison and Milwaukee. Base resources for the SPD's trial division are \$60,906,300 GPR and 546.85 GPR positions, and base resources for the appellate division are \$5,241,600 GPR and 44.35 GPR positions.

2. Wisconsin statute establishes that each trial division assistant state public defender must meet one of the following annual caseload requirements: (a) 184.5 felony cases; (b) 15 first-degree homicides; (c) 15 sexual predator cases; (d) 492 misdemeanor cases; (e) 246 other cases; or (f) some combination of these categories. [Note that "other" cases generally litigated by the SPD include civil commitment proceedings, felony delinquency proceedings, protective placement proceedings under Chapter 55 of the statutes, juvenile cases, felony diversion cases, revocation hearings, termination of parental rights cases, juvenile waiver proceedings, as well as other miscellaneous cases.] Wisconsin statutes allow the SPD, however, to exempt up to 10 full-time supervisory ASPDs from the caseload requirement due to those attorneys' additional responsibilities. The statutorily-defined caseload requirement is considered a minimum workload for ASPDs, and does not address workload demands such as administrative tasks, training and continuing education requirements, and other justice system activities such as participating in criminal justice coordinating councils and treatment courts.

Private Bar Background

3. The SPD employs trial and appellate staff attorneys to represent clients who qualify for SPD representation. However, SPD staff attorneys do not represent all clients who qualify for SPD representation. Due to an overflow of cases in excess of what can be assigned to SPD staff, as well as conflict of interests that may exist between SPD staff and potential clients, the SPD must assign certain cases to private bar attorneys.

4. The workload or number of cases the SPD must assign either to a staff or private bar attorney is dependent on a number of factors, such as the number of people who are statutorily defined as "indigent." In addition, changes in statute regarding the number of misdemeanors and felonies, as well as statutorily changing a misdemeanor to a felony will impact the number of cases going to the SPD. Finally, discretion inherent within the criminal justice system impacts in the number of cases going to the SPD, wherein in one region a case may be handled as an ordinance violation where there is no right to an attorney, in another it may be handled as a misdemeanor, which means that if the defendant is indigent they will be assigned either a staff attorney or a private bar attorney by the state.

5. In 1978, when the Legislature established the SPD's role in circuit courts, the hourly rate of compensation for appointed lawyers was \$35 (\$25 for travel time). In 1992, private bar compensation was increased to \$50 for in-court time and \$40 for out-of-court time; travel time remained unchanged at \$25. However, in 1995, the rate was reduced for in-court time to a uniform \$40 hourly rate. In 2021, the rate was increased to \$70 per hour. The \$25 hourly rate for travel remained unchanged. Currently, private bar attorneys are compensated pursuant to either: (a) a statutorily defined rate totaling \$70 per hour for time spent related to a case in and out of court, and \$25 per hour for travel of more than 30 miles; or (b) a flat, per case contracted fee that may not result in the attorney receiving more than he or she would under the statutory rate. Except for a number of misdemeanor cases, private bar attorneys are generally compensated pursuant to the statutory rate.

6. Private bar attorneys compensated at the statutory rate are assigned cases on a rotational basis. Private attorneys who desire indigent legal defense cases must submit their name, legal education, and legal experience that qualifies them to provide representation in the types of cases they have expressed an interest in litigating. For each county, the SPD must annually prepare, certify, and update a list of these private attorneys seeking to litigate indigent legal defense cases.

7. Private bar attorneys assigned SPD cases do not have to meet an annual caseload requirement. Base GPR funding for the biennial private bar and investigator reimbursements is \$41,648,400 GPR annually. In addition to GPR, the SPD utilizes a portion of the program revenue generated from clients who are able to provide modest payments for legal representation to support private bar reimbursements.

8. In 2021-22, the SPD expended \$25,912,100 on private bar payments. It should be noted that in 2021-22, about 15% of payments to the private bar were assigned before the January 1, 2020, rate change and were paid at the \$40 per hour rate. As of April 30, 2023, the SPD has expended \$29,262,800 on private bar payments. If spending for the last two months of the biennium continue at the average over 10 months, the SPD will spend an estimated \$35.2 million on private bar payments resulting in an estimated total expenditure of \$61.1 million over the biennium.

9. In 2021-22, 117,621 new trial cases were assigned to SPD staff attorneys and private bar attorneys. Of the newly-assigned cases, 70,808 trial (60.2%) cases were assigned to SPD staff, while private attorneys were assigned the remaining 46,813 trial cases (39.8%). Of these cases assigned to private bar attorneys, 18,346 cases were related to case overflow, 8,974 cases were instances where a client with a private bar attorney has multiple cases, and 19,493 were conflict of interest cases.

Supreme Court Rule and County Appointed Attorneys in Criminal Cases

10. If an individual does not meet the statutory indigency standard of the SPD, but is nonetheless determined by a circuit court to be unable to hire counsel and have a constitutional right to counsel, the court may appoint an attorney at either county, rather than state, expense or require the county to provide a loan to the defendant for counsel (counties subsequently recoup these costs). These type of appointments are called "Dean" appointments, named for a 1991 Wisconsin Court of Appeals case related to indigent defendants who do not qualify for SPD representation. The decision to appoint counsel is at the discretion of the circuit court judge. Each judge has their own criteria for court appointed counsel. Some counties with multiple judges establish criteria for court appointed

counsel and county loans, typically requiring the defendant to be below 200% of the federal poverty level (\$29,160 family size one; \$39,440 for family size two).

11. Minimum reimbursement for court appointed counsel is set through Wisconsin Supreme Court Rules (SCR). Initially, the rate in SCR 81.02 was \$50 per hour, with lesser rates for office and travel time. In 1989, it was raised to \$60 per hour. In 1993, the court increased the rate from \$60 to \$70 per hour and adopted SCR 81.02(1m), permitting county flat rate contracts. Dane County has used county flat rate contracts since 2008. Other counties may have adopted similar cost-saving measures in the years since 2011 when the indigency standard was last updated. On June 27, 2018, the Supreme Court ordered an increase to \$100 per hour, starting January 1, 2020.

Raising the Private Bar Rate to \$100 Per Hour

12. Had the \$35 dollar per hour rate (\$25 for travel) set in 1978 been indexed with the consumer price index, the rate would be the equivalent of paying approximately \$168 per hour (\$120 for travel) today. In 1992, private bar compensation was increased to \$50 for in-court time and \$40 for out-of-court time, which would be the equivalent of about \$109 per hour for in-court time today. However, in 1995, the rate was reduced for in-court time to a uniform \$40 hourly rate, which would be the equivalent of \$80 today.

13. In comparison, attorneys retained by federal, state and local governments are paid substantially more than \$70 per hour. The Federal Defender pays defense attorneys \$158 per hour for non-capital federal cases. In some counties in Wisconsin, judges are making court appointments at \$20 to \$25 per hour higher than the \$100 reimbursement rate. Milwaukee has paid up to \$125 an hour for serious cases, Oconto is paying \$125 an hour for all case types, and Marinette is paying \$125 an hour for Dean, Guardian ad Litem, and adult child in need of protective services appointments and \$150 an hour for termination of parental rights. Therefore, some attorneys will take certain cases, but not the SPD cases.

14. The number of attorneys who have actively taken Public Defender appointments has declined during the pandemic, from 940 attorneys certified in January 2019 to 772 attorneys in August 2022, a 17.9% decrease. In 2021-22, of these 770 certified attorneys: (a) 13% took no case appointments; (b) 39% took fewer than 26 appointments; (c) 16% took 26-50 appointments; and (d) 33% took more than 50 appointments.

15. The SPD indicates that it takes an average of 123 contacts statewide to appoint a private bar attorney. In some counties, it can take more than 200 contacts, with outliers taking more than 1,000 contacts to appoint a single case. The SPD indicates that private bar attorneys cite the \$70 per hour rate as one of the main factors in their decision to decline SPD case appointments.

16. In general, it is less expensive to assign a case to a staff attorney rather than to assign a case to the private bar. In order to mitigate costs associated with a private bar rate increase, the SPD is statutorily authorized to submit a passive review request for additional GPR position authority using existing budget authority. This mechanism for balancing private bar and staff attorney caseloads and costs was created in the 2017-19 biennial budget. No ability to increase funding is authorized under this provision.

17. Assembly Bill 43/Senate Bill 70 would modify current law to increase the rate at which private bar attorneys are compensated from \$70 per hour to \$100 per hour and from \$25 to \$50 per hour for travel. The intent of the increase is to assist the criminal justice system to work efficiently by attracting more attorneys to take private bar cases. In addition, AB 43/SB70, would grant the SPD authority to modify rules to reflect the changes in the rate. The increase in hourly compensation would apply to cases assigned on or after July 1, 2023.

18. When calculating the amounts needed to support at \$100 private bar rate, AB 43/SB 70 used 2021-22 expenditures (\$26 million) as the beginning point for projecting amounts needed for the 2023-25 biennium. This is understandable given that budget preparations begin in the fall of 2022. However, using estimated 2022-23 expenditures of \$35 million as the beginning point for 2023-25, the amounts in the bill are overstated by approximately \$4.0 million over the biennium. For this reason, the amounts recommended in AB 43/SB 70 are not listed in the alternatives section of this paper.

Rate Increase

19. There are several assumptions used in determining the number of cases assigned in the 2023-25 biennium. Assumptions include: (a) no new misdemeanors or felonies are added, and no new misdemeanors will be changed into felonies; (b) there will be no changes in eligibility standards for an SPD attorney; and (c) no unforeseen economic circumstances make more people eligible for Public Defender services. Finally, it is assumed that the number of available staff attorneys will remain the same, particularly, that the ASPD will have a turnover rate (the rate at which agency positions became vacant) of 18% (shifting 60 caseloads to the private bar) in each year of the next biennium. This turnover rate was the actual rate in 2021-22. To the extent that ASPD salaries are increased, however, the turnover factor may be partially mitigated.

20. Note that the assumption of caseload remaining similar is of particular importance as the number of cases assigned to the SPD have not yet returned to pre-pandemic levels. This may be due to a variety of reasons including but not limited to bottlenecks in other areas of the criminal justice system, a positive economic situation resulting in fewer defendants meeting the indigency standard and fewer attorneys willing to take cases at \$70 per hour.

21. In order to calculate the estimated funding needed to support the increase to \$100, the 2022-23 actual expenditures through April 30, 2023, plus two more months of the prior 10 month average could be used. Using these numbers, expenditures can be adjusted to reflect the \$100 rate. This calculation indicates that SPDs base for private bar reimbursements could be provided with \$8,797,200 GPR annually to support the increase to \$100 per hour for the private bar. [Alternative 1] Under this alternative, the private bar rate would increase to \$100 per hour on July 1, 2023.

22. Alternatively, the Committee may wish to adjust funding to reflect current private bar caseloads, but not increase the private bar rate or provide funding for that increase. This alternative would support estimated costs if the current \$70 per hour rate is maintained. Using current estimated 2022-23 expenditures indicates that SPDs base for private bar reimbursements can be reduced by \$5,910,300 GPR annually. [Alternative 2] This alternative may continue to require the SPD and counties spend time and resources to find representation for indigent defendants and could cause

delays in the criminal justice system.

23. If the Committee takes no action, funding for the private bar would remain at 2023-25 base funding level. [Alternative 3]

ALTERNATIVES

1. Provide \$8,797,200 GPR annually and modify current law to increase the rate at which private bar attorneys are compensated from \$70 per hour to \$100 per hour and from \$25 to \$50 per hour for travel. In addition, grant the SPD authority to modify rules to reflect the changes in the rate. The increase in hourly compensation would apply to cases assigned on or after July 1, 2023.

ALT 1	Change to Base
GPR	\$17,594,400

2. Reduce funding by \$5,910,300 GPR annually to reflect the continuation of the \$70 per hour rate.

ALT 2	Change to Base
GPR	-\$11,820,600

3. Take no action.

Prepared by: Sarah Wynn

PUBLIC DEFENDER

LFB Summary Item for Which No Issue Paper Has Been Prepared

<u>Item #</u>	<u>Title</u>
6	Pilot Chips Extension

LFB Summary Item Addressed in a Separate Paper

<u>Item #</u>	<u>Title</u>
3	Staff Compensation

