

# Clearinghouse Rule 97-032

## STATE OF WISCONSIN

### OFFICE OF THE STATE PUBLIC DEFENDER

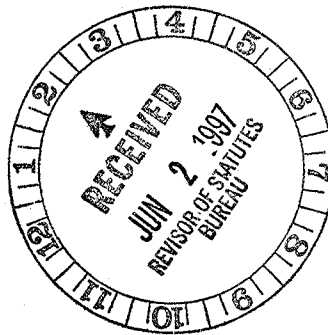
I, Daniel M. Berkos, Chair of the State Public Defender Board and custodian of the official records, certify that the annexed rules related to the assignment of trial division cases to the private bar were duly approved and adopted by this board on November 1, 1996 and February 21, 1997.

I 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 2nd day of June 1997.

*Daniel M. Berkos*

DANIEL M. BERKOS, Chair  
State Public Defender Board



97-032  
8-1-97

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

The Wisconsin state public defender board proposes an order to renumber and amend PD 2.06 (title); and to create PD 2.06 (2), relating to the assignment of trial division cases to the private bar.

**Analysis:**

Chapter PD 2, Wis. Adm. Code, relates the assignment of cases, not certification. The proposed amendments to PD 2.06 clarify that the rule relates to assignment rather than certification. Further, the proposed amendments specify that assignment by county applies only to trial division cases and that exceptions to the residency requirements exist when necessary for effective client representation.

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

Statute interpreted: s. 977.08, Stats.

**SECTION 1.**

PD 2.06 (title) is renumbered PD 2.06 (1) and amended to read:

**PD 2.06 (title) Counties in which private counsel may be assigned trial division cases.** (1) Attorneys may be ~~certified~~ assigned trial division cases only in those counties in which they reside or maintain their principal office, ~~provided, however, except that~~ in counties in which there are less than 10 attorneys on any certification list, those attorneys residing or maintaining their principal office in one or more adjacent counties may also be ~~certified for~~ assigned trial division cases in that county. ~~In cases of conflict, attorneys certified in adjoining counties may be appointed.~~

**SECTION 2.**

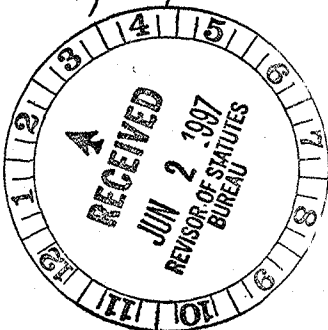
PD 2.06 (2) is created to read:

**PD 2.06 (2)** If necessary for effective client representation, the state public defender may assign an attorney to handle a trial division case even if the attorney does not meet the residency requirements.

This rule shall take effect on the first day of the month commencing after the date of publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated: 4/18/97

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

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APPELLATE DIRECTOR

**Marcus T. Johnson**  
ASSIGNED COUNSEL DIRECTOR

**Thomas E. Dixon**  
TRAINING DIRECTOR

**Michael Tobin**  
TRIAL DIRECTOR

June 2, 1997

Gary Poulson  
Revisor of Statutes Bureau  
131 West Wilson Street, Room 800  
Madison, WI 53703-3233

Re: PD 1.035, 1.05, 1.06, and 2.06

Dear Gary:

Enclosed please find certified copies of administrative rules recently promulgated by the State Public Defender Board.

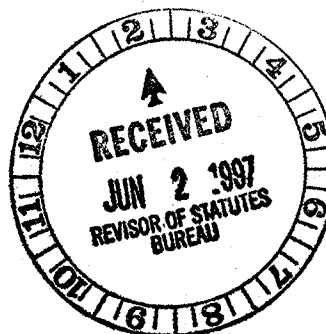
Extra copies of the rules are enclosed for printing purposes.

Thank you.

Sincerely,

Gina Pruski  
Deputy Legal Counsel

Enclosures



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