

Chapter SPD 1

CERTIFICATION

SPD 1.04 Certification criteria

SPD 1.04 Certification criteria. (1) **CATEGORIES.** An attorney shall be certified in the following categories if he or she meets the following criteria:

(a) *Misdemeanor, chapters 48, 51, and 55 representation, conditions of confinement, and probation and parole revocation cases.* 1. The attorney has requested certification;

2. The attorney has graduated from law school and is admitted to the state bar of Wisconsin; and

3. The attorney has completed the continuing legal education requirements as provided in sub. (4).

(b) *Felony cases.* 1. The attorney has requested certification;

2. The attorney has graduated from law school and is admitted to the state bar of Wisconsin;

3. The attorney has completed the continuing legal education requirements as provided in sub. (4); and

4. Either:

1. Has served one year as a prosecutor;

2. Has served one year as a public defender;

3. Has represented 5 defendants in misdemeanor cases; or

4. Has represented 2 defendants in felony cases.

(2) **EMPLOYEES.** Attorneys employed by the state public defender shall meet the same criteria as certified private attorneys.

(3) **EXCLUSIONS.** (a) No attorney may be excluded from certification based upon the comments of the district attorney, judge, or county bar president; however, an attorney may be excluded by the state public defender on the following grounds:

1. The attorney is disbarred, suspended, or has surrendered his license to practice law in this state;

2. The attorney fails to meet the continuing legal education requirements set forth in sub. (4);

3. The attorney fails to meet the experience criteria set forth herein.

(b) The state public defender may exclude from a certified list any attorney barred by statute from engaging in criminal representation.

(c) Any attorney who is excluded from the certification list by virtue of the exclusions set forth herein above shall be placed on the appropriate certification list within 30 days after a submission of a written notification to the state public defender that the attorney is no longer excluded, provided further that such attorney had previously submitted a timely and properly prepared certification application.

(4) CONTINUING LEGAL EDUCATION. Commencing January 1, 1979, any attorney certified under these rules shall complete 7 hours of continuing legal education each calendar year in courses approved by the executive board of the criminal law section of the state bar of Wisconsin.

History: Cr. Register, May, 1978, No. 269, eff. 6-1-78.