

## Chapter PD 6

### REIMBURSEMENT OF LEGAL FEES

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**PD 6.01 Repayment of attorney costs.** Except as provided in ss. PD 6.02 to 6.055, a person who is responsible for payment for legal representation provided by the state public defender shall reimburse the state public defender for the cost of the legal representation according to the following schedule:

Type of Case	Amount	Type of Case	Amount
First Degree Intentional Homicide	\$7500	Misdemeanor	\$240
Other Class A or B Felony	\$1200	Parole/Probation Revocation	\$240
Sexual Predator (s. 980.02)	\$1200	Juvenile Felonies/TPRs	\$480
Other Felony	\$480	Other Juveniles	\$240
Commitment (including ss. 980.08, 980.09)	\$120	Special Proceeding	\$120
Chapter 55	\$480	Paternity	\$240
Appellate/Trial	\$1200	Appellate/Plea	\$480

**History:** Cr. Register, July, 1995, No. 475, eff. 8-1-95; emerg. r. and recr. eff. 8-31-95; r. and recr. Register, February, 1996, No. 482, eff. 3-1-96; CR 04-038: am. Register August 2005 No. 596, eff. 9-1-05; **CR 09-068: am. Register May 2010 No. 653, eff. 6-1-10.**

**PD 6.015 Written notice of repayment obligation.**

(1) The state public defender shall provide the following information in writing to all persons subject to repayment of attorney costs under s. 977.075, Stats.:

- (a) The optional prepayment amount.
- (b) The maximum amount the person may be required to pay under the applicable fee schedule.
- (c) The schedule for periodic payments if the person does not pay the optional prepayment amount.
- (d) The procedure to request a determination of ability to pay.

(2) Written notice is sufficient under this section if mailed to the person's last known address.

**History:** Emerg. cr. eff. 11-20-95; cr. Register, March, 1996, No. 483, eff. 4-1-96.

**PD 6.02 Prepayment option.** (1) A client may elect to prepay, within 60 days of appointment of counsel by the state public defender, the optional prepayment amount for the cost of representation specified in the following prepayment fee schedule:

Type of Case	Amount	Type of Case	Amount
First Degree Intentional Homicide	\$600	Misdemeanor	\$60
Other Class A or B Felony	\$120	Parole/Probation Revocation	\$60
Sexual Predator (s. 980.02)	\$120	TPR	\$60
Other Felony	\$60	Special Proceeding	\$30

Chapter 980 Post-commitment Proceeding	\$30	Paternity	\$60
		Appellate/Plea	\$60
		Appellate/Trial	\$120

(2) If a client pays the optional prepayment amount under sub. (1), the client is not liable for any additional payment for public defender legal counsel for that case.

**History:** Emerg. cr. eff. 8-31-95; cr. Register, February, 1996, No. 482, eff. 3-1-96; CR 02-031: am. (1), Register July 2002 No. 559, eff. 8-1-02; CR 04-038: am. (1) Register August 2005 No. 596, eff. 9-1-05; **CR 09-068: am. (1) Register May 2010 No. 653, eff. 6-1-10.**

**PD 6.025 Determination of ability to pay.** (1) The state public defender shall determine whether persons subject to repayment of attorney costs have the ability to pay all, or part of, the costs of representation. A person with any income or assets in excess of the payment amount specified in s. 49.19 (11) (a) 1., Stats., has the ability to pay some amount toward these costs. The state public defender may defer the determination of ability to pay until after the time period for payment of the optional prepayment amount specified in s. PD 6.02 has expired.

(2) The state public defender may determine that a person has the ability to pay under any of the following circumstances:

- (a) The person is determined to have family income and assets in excess of the payment amount specified in s. 49.19 (11) (a) 1., Stats.
- (b) The person does not notify the state public defender by the date specified in the notice sent to them under s. PD 6.015 that they are unable to pay the specified periodic payments.
- (c) The person does not comply with a request of the state public defender for information necessary to verify their financial circumstances.

(3) The state public defender may periodically review a person's ability to pay and may rely upon information obtained from employment and tax records to determine ability to pay. When a person originally unable to repay attorney costs is later determined to have the ability to pay, the state public defender shall send notice of a periodic payment schedule to the person's last known address.

(4) This section does not apply to persons subject to reimbursement under s. PD 6.05 or 6.055.

**History:** Emerg. cr. eff. 11-20-95; cr. Register, March, 1996, No. 483, eff. 4-1-96; CR 04-038: r. (2) (a), renum. (2) (b) to (d) to be (2) (a) to (c) Register August 2005 No. 596, eff. 9-1-05; **CR 09-068: cr. (4) Register May 2010 No. 653, eff. 6-1-10.**

**PD 6.03 Multiple related charges.** (1) If multiple related charges for one client are issued on separate complaints, the state public defender or designee may waive the reimbursement fee for cases opened under any of the following circumstances:

- (a) The multiple complaints allege the issuance of forged or worthless checks on the same account and within a period of three months or less.

(b) The multiple complaints allege offenses arising out of a single incident.

(2) The reimbursement fee for a case opened based on a rescission of a criminal complaint previously dismissed is waived.

(3) Waiver of reimbursement fees under this section applies both to the reimbursement fee under s. PD 6.01 and the optional prepayment amount under s. PD 6.02.

**History:** Emerg. cr. eff. 8-31-95; cr. Register, February, 1996, No. 482, eff. 3-1-96.

**PD 6.04 Multiple appointments on the same case.**

When the same case results in multiple state public defender appointments of counsel for a client for any of the following reasons, the client shall be charged one reimbursement fee for the case:

(1) The case was reassigned for administrative reasons or because of a conflict of interest.

(2) The attorney withdrew because of the client's change of financial circumstances, and the client became indigent and eligible for state public defender representation again.

(3) The client requested substitution of counsel under s. PD 2.04.

(4) The client retained a private attorney who withdrew before completion of the case.

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

**History:** Emerg. cr. eff. 8-31-95; cr. Register, February, 1996, No. 482, eff. 3-1-96; cr. (5), Register, June, 1999, No. 522, eff. 7-1-99.

**PD 6.05 Reimbursement from parents of juveniles.**

(1) Pursuant to ss. 48.275 (2) (b) and 938.275 (2) (b), Stats., when the court orders reimbursement by the parent of a juvenile, the amount of the reimbursement fee shall be the amount specified in the fee schedule in s. PD 6.01, subject to the following:

(a) The parent may request, within 30 days of the reimbursement order, that the state public defender determine whether the parent is indigent. If the parent does not make this request or if the parent is determined not to be indigent, the reimbursement fee shall be the amount specified in the fee schedule in s. PD 6.01.

(b) If the parent is determined to be partially indigent pursuant to s. PD 3.038 (1) (b), the reimbursement fee shall be equivalent to 20% of the applicable cost of retaining counsel in the case, as set forth in s. PD 3.02 (1). If the parent is determined to be indigent, no reimbursement fee shall be assessed.

(2) The state public defender shall report to the court that ordered reimbursement the result of the indigency determination and the amount of the reimbursement fee to be assessed.

(3) If reimbursement by both parents is ordered, the parents are jointly and severally liable for the obligation. The maximum amount for which both parents are obligated is the amount of the reimbursement fee under s. PD 6.01.

**History:** Emerg. cr. eff. 8-31-95; cr. Register, February, 1996, No. 482, eff. 3-1-96; correction in (1) (intro.) made under s. 13.93 (2m) (b), 7., Stats., Register,

October, 1996, No. 490, eff. 11-1-96; am. (1) (b), Register, April, 1997, No. 496, eff. 5-1-97.

**PD 6.055 Reimbursement from persons represented in civil commitment or chapter 55 proceedings.**

(1) Except as provided in sub. (2), when the court orders reimbursement under s. 51.605 or 55.107, Stats., from a person for whom the state public defender has appointed an attorney in a proceeding under ch. 51 or 55, Stats., the amount of the reimbursement fee shall be the amount specified in the fee schedule in s. PD 6.01 for a commitment, if the case was filed under ch. 51, Stats., or for a ch. 55, Stats., case, whichever is applicable.

(2) Upon the court's request at or after the conclusion of the proceedings, the state public defender shall conduct a determination of indigency and report the results of the determination to the court.

(a) If the state public defender is unable to obtain the necessary financial information or if the person is determined not to be indigent, the reimbursement fee may not exceed the amount specified in the applicable fee schedule in s. PD 6.01.

(b) If the person is determined to be partially indigent as provided in s. PD 3.038 (1) (b), the reimbursement fee may not exceed 25% of the amount specified in the applicable fee schedule in s. PD 6.01.

(c) If the person is determined to be indigent, no reimbursement fee may be assessed under s. 51.605 or 55.107, Stats.

**History:** CR 09-068: cr. Register May 2010 No. 653, eff. 6-1-10.

**PD 6.06 Referral to department of administration.**

The state public defender shall refer to the department of administration a collection account of a person who has been determined able to pay and has not paid the optional prepayment amount if the person has been given a monthly payment schedule and has missed a monthly payment by more than 10 days.

**History:** Emerg. cr. eff. 11-20-95; cr. Register, March, 1996, No. 483, eff. 4-1-96.

**PD 6.07 Representation regarding repayment of attorney fees.** The state public defender shall not provide representation to a person on the issue of the repayment amount owed to the state public defender.

**History:** Emerg. cr. eff. 11-20-95; cr. Register, March, 1996, No. 483, eff. 4-1-96.

**PD 6.08 Reports on status of collections.** The state public defender shall submit quarterly reports to the joint committee on finance and to the department of administration regarding the collection of payments ordered under ss. 48.275 (2), 51.605, 55.107, 757.66, 938.275, 977.06, 977.07 (2), 977.075, and 977.076, Stats. These reports shall include the amount collected and the amount of accounts receivable referred to the department of administration during each reporting period.

**History:** Emerg. cr. eff. 11-20-95; cr. Register, March, 1996, No. 483, eff. 4-1-96; CR 09-068: am. Register May 2010 No. 653, eff. 6-1-10.