CHAPTER 977

STATE PUBLIC DEFENDER

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Cross-reference: See definitions in s. 967.02.

977.01 Definitions. In this chapter, unless the context requires otherwise, “board” means the public defender board.

History: 1977 c. 29.

977.02 Board; duties. The board shall:

(1) Appoint the state public defender and establish the state public defender’s salary under s. 20.923.

(2) Submit the budget of the state public defender to the governor after such budget is submitted to the board by the state public defender and approved by the board.

(2m) Promulgate rules regarding eligibility for legal services under this chapter, including legal services for children who are entitled to be represented by counsel without a determination of indigency, as provided in s. 48.23 (4).

(3) Promulgate rules regarding the determination of indigency of persons entitled to be represented by counsel, other than children who are entitled to be represented by counsel under s. 48.23 or 938.23, including the time period in which the determination must be made and the criteria to be used to determine indigency and partial indigency.

(4) Promulgate rules regarding the determination of payments required of persons found to be indigent in part.

(4m) Promulgate rules for payments to the state public defender under s. 977.075.

(4r) Promulgate rules that establish procedures to provide the department of administration with any information concerning the collection of payment ordered under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e) or 977.076 (1).

(5) Promulgate rules establishing procedures to assure that representation of indigent clients by the private bar at the initial stages of cases assigned under this chapter is at the same level as the representation provided by the state public defender.

(6) Promulgate rules to accommodate the handling of certain potential conflict of interest cases by the office of the state public defender. The rules shall not provide for the automatic referral of all potential conflict of interest cases to private counsel.

(7) Review decisions of the state public defender regarding bill payments, as provided under s. 977.08 (4). The board may affirm, modify or reject the decision of the state public defender.

(7m) Establish agreements with the state bar association, local bar associations, law firms and private counsel designed to encourage a certain amount of legal representation under this chapter without compensation as a service to the state.

(7r) (a) Promulgate rules to allow the reduction of payment rates for cases assigned by the state public defender under s. 977.08 (4m) for any of the following:

1. A reduction of not more than $2 per hour for time spent in court.

2. A reduction of not more than $2 per hour for time spent out of court, excluding travel.

(b) Any reduction under par. (a) applies to cases assigned on or after the effective date of the applicable rule promulgated under par. (a).

977.03 Board; powers. (1) The board may remove the state public defender pursuant to the procedure under s. 977.05 (2). The board may enter into contracts with federal governmental agencies and local public defender organizations for the provision of legal services under this chapter.

(2) The board may promulgate rules to establish exceptions to the limiting amount that may be reimbursed for investigative or expert services under s. 977.05 (4r).

(2m) The board may promulgate rules that establish procedures to collect payment ordered under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e) or 977.076 (1) from a prisoner’s prison financial account.

(3) The state public defender may establish procedures by rule under which the state public defender may appoint attorneys without regard to s. 977.08 (3) (e) and (d) based on the state public defender’s evaluation of the attorneys’ performance.


977.04 Board; restrictions. The board shall not make any decision regarding the handling of any case nor interfere with the state public defender or any member of his or her staff in carrying out professional duties.

History: 1977 c. 29.

977.05 State public defender. (1) APPOINTMENT. The board shall appoint a state public defender, who shall be a member of the state bar of Wisconsin. The state public defender shall serve for a period of 5 years and shall continue until a successor is appointed, except that at the conclusion of the 5-year term of the state public defender in office as of July 1, 1980, the state public defender shall be appointed to serve at the pleasure of the board. He or she shall devote full time to the performance of duties as state public defender.

(2) REMOVAL. During a 5-year term commencing prior to July 1, 1980, the state public defender may be discharged only for cause by the board after a public hearing. If the state public defender is serving at the pleasure of the board, he or she is subject to removal under s. 17.07.

(3) SALARY. The salary of the state public defender shall not be decreased while he or she serves in that position.

(4) DUTIES. The state public defender shall:

(a) Supervise the operation, activities, policies and procedures of the office of the state public defender.

(3r) (am) Establish a case management system for use by the trial and appellate staff attorneys of the office of the state public defender. The system shall require the attorneys to record time
spent on each case and to classify or describe the type of work
done.
(b) Be the chief legal officer of the office of the state public
defender and make all final decisions regarding the disposition of
any case handled by the office.
(c) Prepare and submit to the board for its approval the biennial
budget of the office of the state public defender.
(cm) Appoint one deputy, the number of division administra-
tors specified in s. 230.08 (2) (e) 8m. and all staff attorneys in the
unclassified service and appoint all other employees in the classi-
fied service.
(d) Prepare and submit to the board for its approval such per-
sonnel and employment policies as the board shall require.
(e) Prepare and submit to the board and such other persons as
may be appropriate an annual report of the activities of the office
in such form as the board shall direct.
(f) Determine when and where it is necessary to establish
offices for the state public defender and arrange for the rental of
such space consistent with the policy and procedure of the depart-
ment of administration.
(g) In accordance with the standards under pars. (b) and (j),
accept referrals from judges, courts or appropriate state agencies
for the determination of indigency of persons who claim or appear
to be indigent. If a referral is accepted and if the person is deter-
mined to be indigent in full or in part, the state public defender
shall appoint counsel in accordance with contracts and policies of
the board, and inform the referring judge, court or agency of the
name and address of the specific attorney who has been assigned to
the case.
(gm) In accordance with the standards under pars. (b) and (i),
accept referrals from judges and courts for the provision of legal
services without a determination of indigency of children who are
entitled to be represented by counsel under s. 48.23 or 938.23,
appoint counsel in accordance with contracts and policies of the
board and inform the referring judge or court of the name and
address of the specific attorney who has been assigned to the case.
(h) Accept requests for legal services from children who are
entitled to be represented by counsel under s. 48.23 or 938.23 and
from indigent persons who are entitled to be represented by coun-
sel under s. 967.06 or who are otherwise so entitled under the con-
stitutions or laws of the United States or this state and provide such
persons with legal services when, in the discretion of the state pub-
lc defender, such provision of legal services is appropriate.
(i) Provide legal services in:
1. Cases involving persons charged with a crime against life
   under ss. 940.01 to 940.12.
2. Cases involving persons charged with a felony not speci-
fied under subd. 1.
3. Cases involving persons charged with a misdemeanor that
   is punishable by imprisonment but is not specified under subd. 1.
4. Cases involving persons subject to emergency detention or
   involuntary civil commitment under ch. 51.
5. Cases involving children who are entitled to counsel or are
   provided counsel at the discretion of the court under s. 48.23 or
   938.23.
7. Cases involving paternity determinations, as specified under
   s. 767.52, in which the state is the petitioner under s. 767.45
   (1) (g) or in which the action is commenced on behalf of the child
   by an attorney appointed under s. 767.045 (1) (c).
(j) Subject to sub. (6) (e) and (f), at the request of any person
determined by the state public defender to be indigent or upon
referral of any court, prosecute a writ of error, appeal, action or
proceeding for habeas corpus or other postconviction or post-
commitment remedy on behalf of the person before any court, if
the state public defender determines the case should be pursued.
The state public defender must pursue the case of any indigent
person entitled to counsel under s. 971.17 (7) (b) 1. or 980.03 (2) (a).
(k) Represent members of the staff of the office of the state
public defender who are named as defendants in lawsuits arising
from their duties within the office. The attorney general may also,
if appropriate, represent such staff members in such litigation. In
cases where a member could be represented by either the public
defender or the attorney general, the public defender shall deter-
mine who shall represent the member.
(L) Commence actions in the name of the state public defender
or any client or group of clients to seek declaratory judgment on
any matter of concern to persons being represented by the office.
(m) Perform all other duties necessary or incidental to the per-
formance of any duty enumerated in this chapter.
(4r) SERVICES REIMBURSEMENT. (a) The state public defender
may not provide reimbursement for investigative or expert ser-
ices provided in a case assigned to a staff attorney or to private
counsel under s. 977.08 unless the staff attorney or private counsel
has received authorization from the state public defender to retain
an investigator or expert.
(b) An authorization under par. (a) shall state a maximum
amount that may be reimbursed, and the state public defender may
not pay more than that amount except as allowed under the rules
promulgated under s. 977.03 (2).
(5) POWERS. The state public defender may:
(a) Delegates the legal representation of any person to any
member of the staff of Wisconsin certified under s. 977.08.
(b) Designate persons as representatives of the state public
defender for the purpose of making indigency determinations and
appointing counsel, if applicable.
(c) Negotiate contracts with the United States or any executive,
legislative or judicial branch thereof to provide legal services to
persons appearing before the federal district courts located in this
state or who are incarcerated in federal custody in this state and to
take whatever legal action such representation requires, including
appeal or the commencement of any appropriate original actions.
(d) Negotiate contracts with local public defender organiza-
tions as directed by the board.
(e) Sponsor conferences and training for attorneys and may
charge tuition for attendance at the conferences and training. All
moneys received shall be deposited in s. 20.550 (1) (i).
(6) RESTRICTIONS. (a) The state public defender may not pro-
vide legal services or assign counsel for cases involving a person
subject to contempt of court proceedings involving the alleged
failure of the person to pay a forfeiture to a county or municipality.
(b) The state public defender may not provide legal services or
assign counsel for a person subject to contempt of court pro-
ceedings under s. 767.30 or 767.305 for failure to pay child or
family support, if any of the following applies:
1. The action is not brought by the state, its delegate under s.
   59.458 (1) [59.53 (6) (a)] or an attorney appointed under s.
   767.045 (1) (c).
NOTE: The bracketed language indicates the correct cross-reference. Section
59.458 was renumbered by 1995 Wis. Act 201. Corrective legislation is
pending.
2. The judge or family court commissioner before whom the
   proceedings shall be held certifies to the state public defender
   that the person will not be incarcerated if he or she is found in contempt
   of court.
(c) The state public defender may not provide legal services or
assign counsel for an adult in a criminal case if all of the following
apply:
1. The adult is not in custody.
2. The adult has not yet been charged with a crime.
(cm) The state public defender may not provide legal services
or assign counsel for a child in a juvenile case if all of the follow-

Wisconsin Statutes Archive.
under s. 973.19 (1) (a), or for a person who appeals, under s. 973.19 (4), the denial of a motion to modify sentence filed under s. 973.19 (1) (a), unless the person does one of the following:

1. Files the notice of intent to pursue postconviction relief within the time limit specified in s. 809.30 (2) (b) or, if the time limit specified in s. 809.30 (2) (b) is enlarged under s. 809.82 (2), within the time limit specified in the order enjoining time.

2. Files the motion to modify sentence under s. 973.19 (1) (a) within 20 days after the sentence or order is entered.

(f) The state public defender may not provide legal services or assign counsel in a proceeding under s. 973.09 (3) to modify the conditions of a probationer's probation unless all of the following apply:

1. The probationer is contesting the modification of the conditions of probation.

2. The state or the court seeks to modify the conditions of probation to include a period of confinement under s. 973.09 (4).

(h) The state public defender may not provide legal services or assign counsel in parole revocation proceedings unless all of the following apply:

1. The parolee is contesting the revocation of parole.

2. The department of corrections seeks to have the parolee imprisoned upon the revocation of parole.

(i) The state public defender may not provide legal services or assign counsel in probation revocation proceedings unless all of the following apply:

1. The probationer is contesting the revocation of probation.

2. The department of corrections seeks to have the probationer imprisoned upon the revocation of probation or a stayed sentence of imprisonment will be imposed on the probationer upon the revocation of probation.


Judicial Council Note, 1981: Reference in sub. (4) (j) to a "writ" of habeas corpus has been removed because the remedy is now available in an ordinary action. See s. 781.01, STATS., and the note thereto. [Bill 613-4]


Public defender's refusal to act under (4) (j) was explained in sufficient detail to demonstrate proper exercise of discretion. State ex rel. Payton v. Kolb, 135 W2d 202, 405 NW2d 285 (Ct. App. 1986).


State public defender, not county, was obligated to pay costs of necessary expert witnesses hired by appointed private attorney without prior approval, as required by rule. Payment of Witness Fees in State v. Huisman, 167 W2d 168, 482 NW2d 169 (Ct. App. 1992).

Sub. (4r) overrules holding in Huisman that the public defender is liable for expert fees incurred by a private attorney without prior approval but does not overrule Huisman's holding that the public defender and not the county is liable for expert services for indigent defendants. Polk County v. State Public Defender, 179 W2d 312, 507 NW2d 576 (Ct. App. 1993). See also Polk County v. State Public Defender, 188 W2d 524, 524 NW2d 389 (1994).

Read together, s. 809.32 (4) and 977.05 (4) (j) create a statutory, but not constitutional, right to counsel in petitions for review and cases before any court, provided counsel does not determine the appeal to be without merit. Where counsel fails to timely file a petition for review, the defendant may petition for a writ of habeas corpus and the supreme court has the power to allow late filing. Schmelzer v. Murphy, 201 W2d 246, 548 NW2d 45 (1996).

Public defender has discretion under sub. (4) (j) to refuse appointment for indigents in conditions of confinement cases and in cases seeking post-conviction and post-commutation relief where there is no absolute right to counsel. 71 Atty. Gen. 211.

testifies at this hearing, his or her testimony as to his or her financial eligibility under this section may not be used directly or indirectly in any criminal action, except in a criminal action regarding a subsequent charge of perjury or false swearing.

(b) The state public defender shall promptly release a copy of any statement, affidavit or other information provided by a person regarding financial eligibility under s. 977.07 only if the state public defender or a circuit court finds all of the following:

1. The person is not eligible to have counsel assigned under s. 977.08.
2. The person disposed of an asset for less than its fair market value for the purpose of obtaining assignment of counsel.
3. Paragraph (b) does not limit the authority of the state public defender to release a copy of the statement, affidavit or other information under other circumstances.

History: 1995 a. 27 ss. 7209 to 7272, 7274m to 7281; 1995 a. 77, 417.

977.07 Determination of indigency. (1) (a) Determination of indigency for persons entitled to counsel shall be made as soon as possible and shall be in accordance with the rules promulgated by the board under s. 977.02 (3) and the system established under s. 977.06. No determination of indigency is required for a child who is entitled to be represented by counsel under s. 48.23 or 938.23.

(b) For referrals not made under ss. 809.30 and 974.06, a representative of the state public defender is responsible for making indigency determinations unless the county became responsible under s. 977.07 (1) (b) 2. or 3., 1983 stats., for these determinations. Subject to the provisions of par. (bn), those counties may continue to be responsible for making indigency determinations. Any such county may change the agencies or persons who are designated to make indigency determinations only upon the approval of the state public defender.

(bn) Notwithstanding par. (b), if the state public defender board determines that standards under s. 977.02 (3) are not being met or that there is a pattern of improper denial of indigency findings in a county, the state public defender board shall transfer indigency determination authority in the county to the state public defender. In addition, if less than 100% of the cases at the trial level are assigned to private bar attorneys in a county, the public defender board may transfer indigency determination authority in the county to the state public defender.

(c) For all referrals made under ss. 809.30 and 974.06 (3) (b), except a referral of a child who is entitled to be represented by counsel under s. 48.23 or 938.23, a representative of the state public defender shall determine indigency, and may, unless a request for redetermination has been filed under s. 809.30 (2) (d) or the defendant’s request for representation states that he or her financial circumstances have materially improved, rely upon a determination of indigency made for purposes of trial representation under this section.

(d) If the representative of the state public defender or the county designee determines that a person is indigent or if no determination of indigency is required as provided in par. (a), the case shall be referred to or within the office of the state public defender for assignment of counsel under s. 977.08.

The representative of the state public defender or the authority for indigency determinations specified under sub. (1) making a determination of indigency shall ascertain the assets of the person which exceed the amount needed for the payment of reasonable and necessary expenses incurred, or which must be incurred to support the person and the person’s immediate family. The assets shall include disposable income, cash in hand, stocks and bonds, bank accounts and other property which can be converted to cash within a reasonable period of time and is not needed to hold a job, or to shelter, clothe and care for the person and the person’s immediate family. The assets which cannot be converted to cash within a reasonable period of time, such as a person’s home, car, household furnishings, clothing and other property which has been declared exempt from attachment or execution by law, shall be calculated to be assets equivalent in dollars to the amount of the loan which could be, in fact, raised by using these assets as collateral. Assets also include any money expended by the person to post bond to obtain release regarding the current alleged offense. If the person’s assets, less reasonable and necessary living expenses, are not sufficient to cover the anticipated cost of effective representation when the length and complexity of the anticipated proceedings are taken fully into account, the person shall be determined to be indigent in full or in part. The determination of the ability of the person to contribute to the cost of legal services shall be based upon specific written standards relating to income, assets and the anticipated cost of representation. Under this subsection, reasonable and necessary living expenses equal the applicable payment amount under s. 49.19 (11) (a) 1. plus other specified, emergency or essential costs. The representative or authority making the determination of indigency shall consider any assets of the spouse of the person claiming to be indigent as if they were assets of the person, unless the spouse was the victim of a crime allegedly committed by the person.

2m If the person is found to be indigent in full or in part, the person shall be promptly informed of the state’s right to payment or recoupment under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (c) or 977.07 (1), and the possibility that the payment of attorney fees may be made a condition of probation, should the person be placed on probation. Furthermore, if found to be indigent in part, the person shall be promptly informed of the extent to which he or she will be expected to pay for counsel, and whether the payment shall be in the form of a lump sum payment or periodic payments.

The person shall be informed that the payment amount may be adjusted if his or her financial circumstances change by the time of sentencing. The payment and payment schedule shall be set forth in writing. This subsection does not apply to persons who have paid under s. 977.075 (1).


Judicial Council Note; 1984; Sub. (1) (c) is amended by dispelling with redeterminations of indigency unless the notice under s. 809.30 (2) (b) indicates that the defendant’s financial circumstances have materially improved or the district attorney timely requests a redetermination under s. 809.30 (2) (d). The intent is to limit the cost and delay associated with indigency redeterminations to cases in which there is reason to believe that the defendant no longer qualifies for public defender assistance. [Rule effective July 1, 1985]


Determinations of indigency by public defender is not end of court inquiry of right to counsel. State v. Dean, 163 W (2d) 503, 471 NW (2d) 310 (Ct. App. 1991).

See note to 967.06, citing 78 Atty. Gen. 133.

977.075 Payment for legal representation. (1) The board shall establish by rule fixed amounts as flat payments for the cost of representation that a person, other than a parent subject to s. 48.275 (2) (b) or 938.275 (2) (b), who is responsible for payment for legal representation, may elect to pay. The rule shall require all of the following:

(a) If a person elects to pay the applicable fixed amount, the person cannot be held liable for any additional payment for counsel.

(b) The person may pay the fixed amount only at the beginning of the representation.

(2) The board shall establish by rule a fee schedule that sets the amount that a person, other than a parent subject to s. 48.275 (2) (b) or 938.275 (2) (b), who is responsible for payment for legal representation shall pay for the cost of the legal representation. The fee schedule shall establish a fee for a given type of case, and the fee for a given type of case shall be based on the average cost, as determined by the board, for representation for that type of case.

(3) The board may establish by rule a procedure for collecting a nonrefundable partial payment within 60 days after the commencement of representation for legal services from persons who are responsible for payment for legal representation. This subsec-
tion does not apply to a parent who is subject to s. 48.275 (2) (b) or 938.275 (2) (b).

(5) The rules under subs. (3) and (4) do not apply to a person who has paid under sub. (1).

History: 1995 s. 27, 77.

977.076 Collections. (1) If the state public defender notifies the court in which the underlying action was filed that a person who is required to reimburse the state public defender for legal representation has failed to make the required payment or to timely make periodic payments, the court may issue a judgment on behalf of the state for the unpaid balance and direct the clerk of circuit court to file and docket a transcript of the judgment, without fee. If the court issues a judgment for the unpaid balance, the court shall send a notice to the person at his or her last-known address that a civil judgment has been issued for the unpaid balance. The judgment has the same force and effect as judgments issued under s. 806.10. Except as provided in ss. 48.275 (2) (b) and 938.275 (2) (b), the judgment shall be based on the person’s ability to pay and on the fee schedule established by the board under s. 977.075 (3).

(2) The department of administration may collect unpaid reimbursement payments to the state public defender ordered by a court under sub. (1) or s. 48.275 (2), 757.66, 938.275 (2) (a) or 973.06 (1) (e). The department may contract with a private collection agency to collect these payments. Section 16.705 does not apply to a contract under this subsection.

NOTE: Sub. (2) is shown as affected by two acts of the 1995 legislature and as merged by the revisor under s. 13.93 (2) (c).

History: 1995 s. 27, 77, 352, 417; s. 13.93 (2) (c).

977.077 Deposit of payments received. Payments for services provided by the state public defender or other counsel under this chapter that are received pursuant to s. 977.07, 977.075 or 977.076 shall be deposited in the state treasury and credited to the appropriation under s. 20.550 (1) (L).

History: 1995 s. 27.

977.08 Appointment of counsel. (1) If the representative or the authority for indigency determinations specified under s. 977.07 (1) refers a case to or within the office of the state public defender or if a case is referred under s. 48.23 (4), the state public defender shall assign counsel according to subs. (3) and (4). If a defendant makes a request for change of attorney assignment, the change of attorney must be approved by the circuit court.

(2) All attorneys in a county shall be notified in writing by the state public defender that a set of lists is being prepared of attorneys or law firms for the provision of legal representation. Under any such contract, the state public defender shall assign cases without regard to pars. (c) and (d) if the attorney is currently or has previously represented the defendant. Any appointment out of order shall serve in lieu of an appointment in the regular order.

(fg) The total number of cases that may be subject to the annual contracts under par. (f) for a given year may not exceed 33% of the total number of cases at the trial level that are assigned by the state public defender to private counsel under this section for that year.

(gg) An attorney may be appointed without regard to pars. (c) and (d) based on the state public defender’s evaluation of that attorney’s performance if the board promulgates rules under s. 977.03 (3).

(3) At the conclusion of each case, any private local attorney who has been appointed shall submit a copy of his or her bill to the state public defender. The state public defender shall review the bill and reject it or approve it in whole or in part. The state public defender shall then pay the bill according to the rates under sub. (4m). Any attorney dissatisfied with the decision of the state public defender regarding the bill may have the decision reviewed by the board. This subsection does not apply if the attorney is working under an agreement authorized under s. 977.02 (7m) or a contract authorized under sub. (3) (f).

(4m) (a) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or for cases assigned before December 1, 1992, private local attorneys shall be paid $45 per hour for time spent in court, $35 per hour for time spent out of court, excluding travel, related to a case; and $25 per hour for time spent in 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 traveling a distance of more than 30 miles, one way, from the attorney’s principal office.

(b) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after December 1, 1992, and before July 29, 1995, private local attorneys shall be paid $50 per hour for time spent in court, $40 per hour for time spent out of court, excluding travel, related to a case; and $25 per hour for time spent in 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 trav-
eling a distance of more than 30 miles, one way, from the attorney’s principal office.

(c) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after July 29, 1995, private local attorneys shall be paid $40 per hour for time spent related to a case, excluding travel, and $25 per hour for time spent in 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 traveling a distance of more than 30 miles, one way, from the attorney’s principal office.

(5) (a) The purpose of this subsection is to provide standards for use in budgetary determinations.

(b) Any of the following constitutes an annual caseload standard for an assistant state public defender in the subunit responsible for trials:

1. Felony cases not specified in subd. 1m.: 184.5.
2. First-degree intentional homicide cases: 15.
3. Misdemeanor cases: 492.
4. Cases not covered under subd. 1., 1m, or 2.: 246.

(c) At the trial level, 67% of the felony and juvenile cases shall be handled within the office.


The courts’ power to appropriate compensation for court-appointed counsel is necessary for the effective operation of the judicial system. In ordering compensation for court ordered attorneys, a court should abide by the s. 977.08 (4m) rate when it can retain qualified and effective counsel at that rate, but should order compensation at the rate under SCR 81.01 or 81.02 or a higher rate when necessary to secure effective counsel. Friedrich v. Dane County Circuit Ct. 192 W. (2d) 1, 531 NW (2d) 32 (1995).

977.085 Quarterly report procedure. (1) The board shall provide quarterly reports to the department of administration and the joint committee on finance regarding all of the following:

(a) Private bar and staff case loads at the trial and appellate levels and expenditures of moneys under s. 20.550 (1) (b) to (d) for the current fiscal year.

(b) Projections for the private bar and staff case loads at the trial and appellate levels and for expenditures of moneys under s. 20.550 (1) (b) to (d) for the remainder of the current fiscal year and for the next fiscal year.

(c) In all of the quarterly reports for fiscal years 1995–96 and 1996–97, information regarding the status of contracting under s. 977.08 (3) (f) and in the first 2 quarterly reports for fiscal year 1997–98, including information showing the cost savings achieved through the contracting.

(1m) The projections under sub. (1) (b) shall include the number of cases projected to be assigned to the private bar and the number of cases for which reimbursement will be made under s. 20.550 (1) (d).

(2) If the projections under sub. (1) (b) indicate that moneys are being expended under s. 20.550 (1) (d) at a rate which will deplete the appropriation prior to the end of the current fiscal year, the board shall include in the report a plan to address the problem. The plan shall include proposals for one or more of the following:

(a) Agency actions, including whether the reduced payment rates established by rules promulgated under s. 977.02 (7r) (a) will be put into effect.

(b) Requests for appropriation changes under s. 13.101.

(c) Legislation.

(3) The board shall provide quarterly reports to the joint committee on finance on the status of reimbursement for or recoupment of payments under ss. 48.275, 757.66, 938.275, 977.06, 977.07 (2), 977.075 and 977.076, including the amount of revenue generated by reimbursement and recoupment. The quarterly reports shall include any alternative means suggested by the board to improve reimbursement and recoupment procedures and to increase the amount of revenue generated. The department of justice, district attorneys, circuit courts and applicable county agencies shall cooperate by providing any necessary information to the state public defender.

History: 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 27 ss. 7289, 7290p; 1995 a. 77.

977.09 Confidentiality of files. The files maintained by the office of the state public defender which relate to the handling of any case shall be considered confidential and shall not be open to inspection by any person unless authorized by law, court order, the board or the state public defender.

History: 1977 c. 29.