

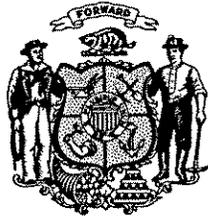
98 PD 3.02 - COST OF RETAINED COUNSEL
98-089

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-089

AN ORDER to amend PD 3.02 (1), relating to the cost of retained counsel.

Submitted by **STATE PUBLIC DEFENDER**

06-15-98 RECEIVED BY LEGISLATIVE COUNCIL.

07-09-98 REPORT SENT TO AGENCY.

RS:DLS:jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

**PROPOSED ORDER OF THE STATE PUBLIC DEFENDER BOARD
AMENDING A RULE**

The Wisconsin state public defender board proposes an order to amend PD 3.02 (1), relating to the cost of retained counsel.

Analysis By Agency:

The proposed amendment to PD 3.02 (1) establishes a separate cost of counsel amount for chapter 55 (protective placement) cases. Under the current schedule, the category "civil commitment" includes the cost of counsel for both chapter 55 and chapter 51 cases. A time study conducted by the State Public Defender's Office revealed that chapter 55 cases are more complicated and time-consuming than chapter 51 cases and, in fact, that chapter 55 cases equate with felony cases. In addition, the SPD's present collections amounts and trial division case weights for chapter 55 cases are the same as those for felony cases. The proposed amendment to PD 3.02 (1) would thus make the cost of counsel amount for chapter 55 cases consistent with felony cases.

Statutory authority: s. 977.02 (3), Stats.
Statute interpreted: s. 977.07, Stats.

SECTION 1. PD 3.02 (1) is amended to read:

PD 3.02 Cost of retained counsel. (1) The "anticipated cost of retaining counsel," shall be determined by this schedule, except as provided by sub. (2):

	Milwaukee County	Other Counties
1st degree intentional homicide	\$7500	\$7500
Other Class A & Class B felony	3400	2800
Other felony	1900	1450
Traffic misdemeanor	400	300
Other misdemeanor	500	400
Juvenile	500	400
Civil commitment <u>Chapter 51</u>	565	450
<u>Chapter 55</u>	<u>1900</u>	<u>1450</u>
Paternity	800	700
Appeals	2000	1500
Involuntary termination of parental rights	3400	2800

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: 6/15/98

Wisconsin State Public Defender Board

By: Daniel M. Berkos
DANIEL M. BERKOS, Chair