

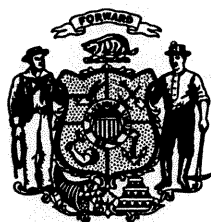
WISCONSIN LEGISLATIVE COUNCIL STAFF



MAR 26 1999

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 99-033

AN ORDER to create PD 6.04 (5), relating to multiple appointments on the same case.

Submitted by **STATE PUBLIC DEFENDER**

02-16-99 RECEIVED BY LEGISLATIVE COUNCIL.

03-16-99 REPORT SENT TO AGENCY.

RS:DLS:jal

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
CREATING A RULE**

The Wisconsin state public defender board proposes an order to create PD 6.04 (5), relating to multiple appointments on the same case.

Analysis By Agency:

The Office of the State Public Defender (SPD) is statutorily required to collect fees from its adult clients as payment for legal representation. Generally, each public defender appointment results in a separate fee to be paid by the client. Under limited circumstances, however, a client may be required to pay only one fee even though the client's case results in more than one public defender appointment. For example, if a client's case is appointed to a second attorney because the client's first attorney had to withdraw based on a conflict of interest, the client is charged one fee rather than two separate fees.

The proposed rule would create an additional circumstance under which a public defender client is charged one fee for his or her case. Specifically, if a client's case is remanded for a new trial after an appellate court reverses the conviction based on ineffective assistance of counsel grounds, the client would be charged one fee rather than two fees for his or her case.

Statutory authority: s. 977.02 (4m), Stats.

Statute interpreted: s. 977.075, Stats.

SECTION 1. PD 6.04 (5) is created to read:

PD 6.04 (5) The client's case was remanded for a new trial after a reversal on ineffective assistance of counsel grounds.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated: 2/12/99

Wisconsin State Public Defender Board

By: 
DANIEL M. BERKOS, Chair