

State of Wisconsin



GARY R. GEORGE
SENATOR

MEMORANDUM

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Committee Clerk
Senate Committee on Judiciary and Consumer Affairs

DATE: April 1, 1999

RE: Another Clearinghouse Rule That Has Been Recently Referred to the
Senate Committee on Judiciary and Consumer Affairs


Attached please find a copy of Clearinghouse Rule 99-033, relating to multiple appointments on the same case.

This rule was recently referred to the Senate Committee on Judiciary and Consumer Affairs.

Please feel free to contact our office if you have any questions.

Memorandum

To: Senate and Assembly Chief Clerks

From: Gina Pruski, Deputy Legal Counsel 


Date: March 26, 1999

Re: Notice of Rule in Final Draft Form

Pursuant to s. 227.19 (2), Stats., please provide notice to the presiding officers of the Senate and the Assembly that the attached proposed rule relating to multiple appointments on the same case is in final draft form and is hereby accompanied by a report, as specified in s. 227.19 (3), Stats.

Thank you.

Memorandum

To: Legislative Committees
From: Gina Pruski, Deputy Legal Counsel 
Date: March 26, 1999
Re: Report on Clearinghouse Rule 99-033

1. Statement of need

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.

2. Modifications made in response to public hearing


A public hearing was held on March 26, 1999. The agency did not receive any testimony or written comments on the proposed rule.

3. List of persons who appeared or registered for or against the proposed rule

There were no appearances or registrations for or against the proposed rule.

4. Response to Legislative Council staff's recommendations

The Legislative Council staff made no recommendations.



Thank you for your attention to this matter. If you have any questions about the proposed rule, please feel free to call me at 266-6782.

**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:

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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: March 26, 1999

Wisconsin State Public Defender Board

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