

2001 SENATE BILL 278

October 12, 2001 – Introduced by Senators MOORE, PLACHE, GEORGE, BURKE, DECKER, WIRCH, SHIBILSKI, DARLING, ROESSLER, RISSER, ERPENBACH, GROBSCHMIDT, HARSDORF, BRESKE, M. MEYER, KANAVAS, MOEN, ROBSON, SCHULTZ, HUELSMAN and BAUMGART, cosponsored by Representatives ALBERS, LASSA, TURNER, SCHOOFF, J. LEHMAN, YOUNG, SERATTI, JESKEWITZ, MCCORMICK, MUSSER, POCAN, SHILLING, LA FAVE, WASSERMAN, BOCK, MEYERHOFER, PLOUFF, STASKUNAS, STARZYK, STEINBRINK, MILLER, WALKER, SHERMAN, KREUSER, COGGS, GUNDRUM, HUBER, HUNDERTMARK, SUDER, JOHNSRUD, CULLEN, OTT, BOYLE, HEBL, CARPENTER, KRAWCZYK, BERCEAU, KRUG, GUNDERSON, SYKORA, HUBLER, UNDERHEIM, RICHARDS, BALOW, PLALE, RYBA, SCHNEIDER, SINICKI, REYNOLDS, WILLIAMS, PETTIS, MORRIS-TATUM, KREIBICH and RILEY. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

- 1 **AN ACT relating to:** positions for the office of the state public defender, requiring
2 quarterly reports, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the office of the state public defender (SPD) is responsible for providing legal representation to various indigent persons. If a person qualifies for legal representation by the SPD, the SPD either assigns an attorney employed by the office to represent the person or contracts with a private attorney to represent the person. If two potential SPD clients have conflicting or potentially conflicting interests, the SPD cannot represent both clients and, instead, must contract with private attorneys to represent at least one of the potential clients.

In budget determinations under 2001 Wisconsin Act 16 (the biennial budget bill), the joint committee on finance (JCF) authorized and funded 43.3 new positions for the SPD for trial representation (30.0 attorneys, 7.5 legal secretaries, 4.3 investigators, and 1.5 client services specialists). JCF also authorized and funded 16.0 new positions for the creation of a conflicts office within the SPD to represent persons whose interests are in conflict or potentially in conflict with those of persons represented by the SPD's general trial representation unit. The 16.0 positions approved by JCF for a conflicts office consisted of: 1.0 supervising attorney, 10.0 attorneys, 3.0 legal secretaries, 1.5 investigators, and 0.5 client services specialists. The biennial budget bill also included a provision directing the public defender board to submit quarterly reports on budget savings to JCF, and to seek additional funding from JCF, if the appropriations for the public defender board are not sufficient. The governor vetoed the funding for the 59.3 positions and the requirement that the public defender board submit quarterly savings reports.

