

Report From Agency

OFFICE OF THE STATE PUBLIC DEFENDER REPORT TO LEGISLATURE

CLEARINGHOUSE RULE 13-049

Ch. PD 3.02(1), 6.01, & 6.02(1), relating to the cost of retained counsel, payment for legal representation, and discount option.

Basis and Purpose of the Proposed Rule

The public defender board is required to consider the anticipated costs of effective representation for the type of case in which a person seeks representation, and to establish by rule a fee schedule that sets the amount that a client pays for the cost of the legal representation. This proposed rule will revise three schedules in the PD administrative code to include a “felony diversion” case category. This proposed rule more accurately reflects the anticipated costs of effective representation in a felony diversion case and sets a corresponding amount that the client will pay for such representation.

Summary of Public Hearing and Comments

A public hearing was held on July 29, 2013. No one appeared at the hearing. No public comments to the proposed rule were received.

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate.

Response to Legislative Council Recommendations

All recommendations made in the Legislative Clearinghouse Report have been incorporated in the final version of the rule.

Final Regulatory Flexibility Analysis

The proposed rule does not affect small business.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

As this rule would impact only individual clients of the SPD, there will be no effect on small business and no anticipated economic impact of implementing the rule.

Effect on Small Business

None

