

Chapter SPD 4

PRIVATE ATTORNEY PAYMENT

SPD 4.01	Billing form	SPD 4.04	Attorney compensation from client prohibited
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SPD 4.01 Billing form. At the time a private attorney is assigned a case by the state public defender pursuant to SPD 2.03, the state public defender shall furnish the attorney with a billing form to be submitted when the case is concluded. The form shall include an itemized listing of the service provided and the expenses incurred.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78.

SPD 4.02 Submission of bill. Within 6 months of the conclusion of the case, the private attorney shall submit the billing form to the local office of the state public defender. The state public defender shall promptly review the bill and promptly authorize payment at the rate established under s. 977.08 (4m), Stats.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. Register, November, 1984, No. 347, eff. 12-1-84.

SPD 4.03 Appeal. (1) Any attorney may appeal the state public defender's reduction of any submitted bill by mailing a letter of appeal to the state public defender within 30 days of receipt of the reduced payment. During the pendency of the appeal the attorney may negotiate the check for the reduced payment without waiver of the right to appeal.

(2) Upon receipt of an appeal letter, the state public defender shall place the matter on the agenda of the next state public defender board meeting unless that meeting is less than 10 days from the receipt of the appeal letter, in which case the matter may be scheduled for the following meeting. The state public defender shall, at least 10 days prior to hearing, inform the attorney of the time and place of the board meeting at which the appeal will be considered.

(3) The attorney may request that the state public defender reproduce and submit to the board material relevant to the appeal. The hearing before the board shall be considered a "class 3" proceeding and is governed by ss. 227.07 to 227.09, Stats.

(4) The state public defender board may deliberate the matter in executive session pursuant to the provisions of s. 19.85 (1) (a), Stats. The board shall issue a written decision either affirming or modifying the decision of the state public defender. The written decision shall be mailed to the attorney within 20 days of the board meeting and shall be signed by an officer of the board.

(5) The board's written decision shall constitute findings of fact and conclusions of law within the meaning of s. 227.10.

Register, November, 1984, No. 347

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(6) In the event the board increases the amount to be paid to the attorney, the state public defender shall immediately authorize payment and request that the state treasurer issue the payment as soon as possible.

History: Cr. Register, August, 1978, No. 272, eff. 9-1-78; am. (2), (3), (4) and (6), Register, November, 1984, No. 347, eff. 12-1-84.

SPD 4.04 Attorney compensation from client prohibited. An attorney representing clients for the state public defender program may not solicit, attempt to solicit, or receive compensation from the attorney's client in addition to any compensation which the attorney has received or expects to receive from the state public defender pursuant to this chapter.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.