

CR 89-158

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STATE OF WISCONSIN

OFFICE OF THE STATE PUBLIC DEFENDER

I, Daniel M. Berkos, Chair of the State Public Defender board and custodian of the official records, certify that the annexed rules relating to private bar emergency rate reduction were duly approved and adopted by this board on July 28, 1989.

I certify that this copy has been compared by me with the original on file in this Office and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name in the City of Madison, State of Wisconsin, this 13th day of March, 1990.



DANIEL M. BERKOS
Chair, State Public Defender Board

89-158

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ORDER OF THE STATE PUBLIC DEFENDER BOARD
CREATING A RULE

An order to create s. SPD 4.05, relating to private bar emergency rate reduction.

Analysis

The proposed rule authorizes the State Public Defender Board to reduce payment rates to private bar attorneys by an amount up to \$2 per hour if financial circumstances of the board's appropriation warrant a reduction.

Statutory authority: s. 977.02(7r), Stats., as affected by 1989 Wisconsin Act 31.

Statutes interpreted: s. 977.02(7r), Stats., as affected by 1989 Wisconsin Act 31.

SECTION 1

SPD 4.05 is created to read:

SPD 4.05 PRIVATE BAR EMERGENCY RATE REDUCTION.

(1) The state public defender board may reduce the payment rates under s. 977.08 (4m), Stats., by not more than \$2 per hour, for either or both of the following:

- (a) For time spent in-court.
- (b) For time spent out-of-court, excluding travel.

(2) The board may not reduce payment rates unless, after reasonable notice and an opportunity for hearing, the board determines that:

- (a) A quarterly report prepared pursuant to s. 977.085, Stats., projects that money appropriated to s. 20.550 (1) (d), Stats., will be depleted prior to the end of the current fiscal year or biennium;

(b) A reduction in payment rates would substantially reduce the projected deficit during the current fiscal year or biennium; and

(c) A reduction in payment rates would not significantly decrease the availability of private attorneys to represent indigent clients under s. 977.08, Stats.

(3) The board may consider other factors, in addition to the prerequisites set forth in sub. (2), in determining whether a rate reduction is appropriate.

(4) The reduction in rates under par. (1) shall apply only to cases assigned after notice of the board's action is provided to private attorneys who are listed under s. 977.08(3), Stats.

(5) If the board orders a reduction in rates, it shall review the need for a continuing reduction at least once every two months after the date of the reduction.

(6) Upon review, the board may, in its discretion, terminate the reduction in rates.

(7) Upon review, the board must terminate the reduction in rates if it is determined that funds under s. 20.550(1)(d), Stats., will not be depleted before the end of the fiscal year or biennium.

This rule shall take effect on the first day of the month commencing after the date of publication, pursuant to s. 227.22(2), Stats.

Dated:

Wisconsin State Public Defender Board

By: 
DANIEL M. BERKOS, Chair
State Public Defender Board



State Public Defender
Nicholas L. Chiarkas

Deputy State Public Defender
Eileen Hirsch

THE STATE OF WISCONSIN
STATE PUBLIC DEFENDER

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Chief, Trial Division
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Gary Poulson
Office of the Revisor of Statutes
30 W. Mifflin Street - Room 702
Madison, Wisconsin 53703

RE: Clearinghouse rule 89-158

Dear Mr. Poulson:

Attached please find a certified copy of Clearinghouse rule 89-158 for promulgation. I have also attached an extra copy for printing of the rule. It is my understanding that this rule will be published on April 1, 1990 and will become effective on May 1, 1990. Please notify me immediately at 266-6782 if this is not the case.

Thank you.

Sincerely,

Evelyn Mazack
Assistant State Public Defender