

Chapter PD 5

ADVERSARY REPRESENTATION

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Note: Chapter SPD 5 was renumbered chapter PD 5 under s. 13.93 (2m) (b) 1., Stats., [Register, July, 1995, No. 475](#).

PD 5.01 Definitions. In this chapter:

(1) “SPD attorney” means a SPD staff attorney who is assigned to a case or any private bar attorney who is appointed to a case by the SPD.

(2) “Stand-by counsel” means an attorney who has been appointed by a judge to assist him or her in a criminal action because the defendant in the action has elected to proceed pro se.

History: Cr. [Register, January, 1992, No. 433](#), eff 2-1-92.

PD 5.02 Adversary representation. (1) Except as provided in sub. (2), all SPD attorneys shall act as adversary counsel in their representation of indigent clients.

(2) Nothing in this section shall prohibit the state public defender or his or her designee from authorizing a SPD attorney to file an amicus brief.

History: Cr. [Register, January, 1992, No. 433](#), eff 2-1-92.

PD 5.03 Prohibition against acting as stand-by counsel. (1) No SPD attorney may act as stand-by counsel in any case.

(2) This prohibition applies whether or not the SPD attorney was originally providing adversary representation in the case.

History: Cr. [Register, January, 1992, No. 433](#), eff. 2-1-92.