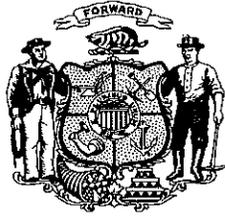


STATE OF WISCONSIN

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JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: February 20, 2017

Re: SPD Report to JFC

Attached is the second quarter report on the 2015-17 private bar appropriation from the Office of the State Public Defender, pursuant to s. 977.085, Stats.

This report is being provided for your information only. No action by the Committee is required. Please feel free to contact us if you have any questions.

Attachments

AD:JN:jm



Wisconsin State Public Defender

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Madison, WI 53703

Office Number: 608-266-0087 / Fax Number: 608-267-0584
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Kelli S. Thompson
State Public Defender

Michael Tobin
Deputy State
Public Defender

February 17, 2017

Scott Neitzel, Secretary
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, Wisconsin 53702

FEB 20 2017
St. Finance

Senator Alberta Darling, Co-Chair
Joint Committee on Finance
State Capitol, Room 317 East
Madison, Wisconsin 53702

Representative John Nygren, Co-Chair
Joint Committee on Finance
State Capitol, Room 309 East
Madison, Wisconsin 53702

Dear Secretary Neitzel, Senator Darling, and Representative Nygren:

Pursuant to § 977.085, Stats, the Office of the State Public Defender (SPD) is submitting its second quarter report on the 2015-2017 private bar appropriation [§ 20.550(1)(d)].

Between October 1, 2016 and December 31, 2016, the SPD appointed counsel in 32,652 cases. Of the total cases assigned, 13,030 were assigned to private bar attorneys either on a rotational or contract basis. The total expended this quarter from the private bar appropriation under s. 20.550(1)(d) was approximately \$5.99 million.

The chart below includes all expenditures related to private bar as well as staff.

Actual FY17 – Quarter 1	SPD Staff - Trial	SPD Staff - Appellate	Private Bar 20.550(1)(d)	Totals
Case Appointments	19,298	324	13,030	32,652
Expenditures	\$11,451,012.75	\$941,609.82	\$5,990,734.75	\$18,383,357.32

The chart below includes a more direct comparison between private bar and staff. The staff costs reflect expenditures for salary, experts, and travel only, which are similar to the hourly reimbursement, expert, and travel costs for the private bar.

Actual FY17 – Quarter 1	SPD Staff - Trial	SPD Staff - Appellate	Private Bar 20.550(1)(d)	Totals
Case Appointments	19,298	324	13,030	32,652
Comparable Expenses	\$5,383,005.17	\$441,898.62	\$5,990,734.75	\$11,815,638.54

Actual and projected case appointments and expenditures are identified below for FY16 and FY17.

Annual Case Appointments	SPD Staff - Trial	SPD Staff - Appellate	Private Bar 20.550(1)(d)	Totals
FY16-actual	79,987	1,313	57,555	138,855
FY17-projected	80,200	1,380	57,195	138,795
Annual Expenditures	SPD Staff - Trial	SPD Staff - Appellate	Private Bar 20.550(1)(d)	Totals
FY16-actual	\$53,510,850	\$4,572,539	\$27,020,146	\$85,103,535
FY17-projected	\$53,657,300	\$4,581,700	\$17,077,654	\$75,316,654

Biennial projections for this appropriation are affected by a number of factors beyond the control of the SPD, including the number of charges filed, client eligibility rates, staff attorney vacancies, required budget lapses, and legislative changes to criminal law. The SPD faced permanent lapse requirements in FY16. The SPD met its lapse requirements by reducing agency supplies and services budgets, which impacted our ability to cover a structural deficit in the transcripts, discovery and interpreter appropriation as well as fund any additional agency priorities such as Information Technology.

Although some private attorneys may be inconvenienced by time lags between invoice submission and payment, the payment dates are well within the 120 days statutorily authorized before interest is attached for late payment. SPD is currently paying (and expects to continue paying) over \$1.75 million per month through the end of the biennium.

To offset the costs of the private bar, the State Public Defender receives collections in five categories: SPD-initiated, DOA contract collections, juvenile recoupment by counties, commitment recoupment by counties, and court-ordered payments. Following is the quarterly collections received, by category, in FY2017.

Collections – July 1, 2016 through December 31, 2016:

	SPD Initiative	Court Ordered Attorney Fees	Juvenile Recoupment	DOA Contract Collections	Commitment Recoupment	Totals
Q1	\$ 200,355	\$ 449	\$ 46,359	\$ 22,901	\$ 4,788	\$ 274,851
Q2*	-\$ 83,449	\$ 1,922	\$ 46,082	\$ 73,445	\$ 4,138	\$ 42,137
Q3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Q4	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 116,906	\$ 2,371	\$ 92,441	\$ 96,345	\$ 8,926	\$ 316,988

* Includes a transfer to appropriation 135 for administrative costs of client collections.

If we can provide any additional information, please let us know.

Sincerely,

/S/

KELLI S. THOMPSON
State Public Defender