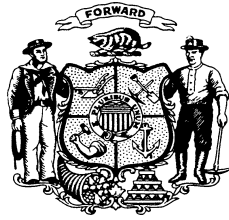


# STATE OF WISCONSIN

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## JOINT COMMITTEE ON FINANCE

### MEMORANDUM

To: Members  
Joint Committee on Finance

From: Senator Howard Marklein  
Representative Mark Born

Date: January 17, 2025

Re: SPD Report to JFC

Attached is a report on the private bar appropriation, from the Wisconsin 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

HM:MB:jm



# Wisconsin State Public Defender

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**Jennifer Bias**  
State Public Defender

**Katie R. York**  
Deputy State Public  
Defender

January 17, 2025

Joint Finance Committee  
Received Jan 17 2025

Kathy Blumenfeld, Secretary- designee  
Department of Administration  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, Wisconsin 53703

Senator Howard Marklein, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 316 East  
Madison, Wisconsin 53702

Representative Mark Born, Co-Chair  
Joint Committee on Finance  
State Capitol, Room 308 East  
Madison, Wisconsin 53702

Dear Secretary Blumenfeld, Senator Marklein, and Representative Born:

Pursuant to § 977.085, Stats, the Office of the State Public Defender (SPD) is submitting its second quarter report on the 2024-2025 private bar appropriation [§ 20.550(1)(a)].

Between October 1, 2024 and December 31, 2024, the SPD appointed counsel in 25,861 cases. Of the total cases assigned, 9,503 were assigned to private bar attorneys either on a rotational or contract basis. The total expended this quarter from the private bar appropriation was approximately \$11.8 million.

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

Actual FY25 – Quarter 2	SPD Staff -Trial	SPD Staff - Appellate	Private Bar 20.550(1)(a)	Totals
<b>Case Appointments</b>	16,054	304	9,503	<b>25,861</b>
<b>Expenditures</b>	\$ 19,009,696.04	\$ 1,814,228.31	\$ 11,756,053.56	<b>\$ 32,579,977.91</b>

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 FY25 – Quarter 2	SPD Staff -Trial	SPD Staff - Appellate	Private Bar 20.550(1)(a)	Totals
<b>Case Appointments</b>	16,054	304	9,503	<b>25,861</b>
Comparable Expenses	\$ 9,917,902.33	\$ 999,803.37	\$11,756,053.56	<b>\$ 22,673,759.26</b>

Projected case appointments and expenditures are identified below for FY24 and FY25.

<b>Annual Case Appointments</b>	<b>SPD Staff - Trial</b>	<b>SPD Staff - Appellate</b>	<b>Private Bar 20.550(1)(a)</b>	<b>Totals</b>
<b>FY24-actual</b>	69,451	1,524	44,144	<b>115,119</b>
<b>FY25-projected</b>	68,012	1,376	40,464	<b>109,852</b>
<b>Annual Expenditures</b>	<b>SPD Staff - Trial</b>	<b>SPD Staff - Appellate</b>	<b>Private Bar 20.550(1)(a)</b>	<b>Totals</b>
<b>FY24-actual</b>	\$71,338,323	\$6,453,639	\$37,396,771	<b>\$115,188,733</b>
<b>FY25-projected</b>	\$67,048,801	\$6,402,843	\$41,373,538	<b>\$114,825,182</b>

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, and legislative changes to criminal law.

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 FY2024.

Collections – July 1, 2024 through December 31, 2024:

	<b>SPD Initiative</b>	<b>Court Ordered Attorney Fees</b>	<b>Juvenile Recoupment</b>	<b>DOA Contract Collections</b>	<b>Commitment Recoupment</b>	<b>Totals</b>
<b>Q1</b>	\$133,936	\$786	\$32,669	\$11,897	\$2,735	<b>\$182,023</b>
<b>Q2</b>	\$129,940	\$591	\$37,645	\$8,754	\$3,656	<b>\$180,586</b>
<b>Q3</b>						
<b>Q4*</b>						
	<b>\$263,876</b>	<b>\$1,377</b>	<b>\$70,314</b>	<b>\$20,651</b>	<b>\$6,391</b>	<b>\$362,609</b>

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

*Sincerely,*



Jennifer Bias  
State Public Defender