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Joint Committee on Finance

Paper #545

Private Bar Rate and Cost to Continue (Public Defender)

[LFB 2019-21 Budget Summary: Page 311, #3 and Page 312, #4]

CURRENT LAW

The cost of providing required counsel to the indigent in Wisconsin is generally the responsibility of the state through the Office of the State Public Defender (SPD). The SPD employs trial and appellate attorneys who represent clients who qualify for SPD representation. Generally, the State Public Defender provides legal representation for indigent persons: (a) facing a possible sentence that includes incarceration; (b) involved in certain proceedings under the Children's and Juvenile Justice Codes (Chapter 48 and 938 of the Wisconsin statutes); (c) subject to petitions for protective placement (Chapter 55 of the Wisconsin statutes); (d) facing involuntary commitment; (e) involved in certain post-conviction or post-judgment appeals; and (f) undergoing proceedings for modification of a bifurcated sentence, if representation has been requested by the indigent person or the case have been referred by a court, and the Public Defender determines that the case should be pursued. Further, unless the individual knowingly and voluntarily waives counsel or appoints his or her own counsel, the SPD must provide counsel to the following individuals without a determination of indigency: (a) those involved in certain proceedings under the Children's and Juvenile Justice Codes; (b) those subject to petitions for protective placement; and (c) those facing involuntary commitment.

While the SPD employs trial and appellate attorneys who represent clients who qualify for SPD representation, staff attorneys do not represent all clients who qualify for SPD representation. Indigent legal defense cases are assigned by the SPD to private bar attorneys due to either an overflow of cases in excess of what can be assigned to available SPD staff attorneys, or for cases in which staff attorneys may have a conflict of interest. Private bar attorneys assigned to SPD cases may be paid in one of two following ways: (a) at a statutorily defined rate of \$40 per hour for time spent in and out of court related to a case, and \$25 per hour for travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip

requires travelling a distance of more than 30 miles, one way, from the attorney's principal location; or (b) a flat, per case contracted fee that may not result in the private attorney receiving more than the attorney would have if the attorney was reimbursed pursuant to the statutory rate.

GOVERNOR

Private Bar Rate

Provide \$8,668,900 GPR in 2019-20 and \$16,612,700 GPR in 2020-21 and modify the rate at which private bar attorneys are compensated from \$40 per hour to \$70 per hour. In addition, grant the SPD authority to modify rules to reflect the changes in the rate. The increase in hourly compensation would apply to cases assigned on or after January 1, 2020.

Provide that the private bar rate be adjusted biennially by a percentage equal to the average of the consumer price index over the preceding 12-month period, all items, U.S. city average, as determined by the Bureau of Labor Statistics of the Federal Department of Labor.

Cost to Continue

Provide \$362,600 GPR in 2019-20 as an estimate of funding to pay private bar attorney costs at \$40 per hour before the proposed rate increase to \$70 on January 1, 2020. Base funding for private bar and investigator reimbursements is \$25,354,100 GPR.

DISCUSSION POINTS

1. The Office is primarily funded through general purpose revenue, which is utilized to support trial and appellate staff attorneys as well as reimbursements to private bar attorneys who are assigned indigent legal defense cases. In order to provide representation for indigent clients, the SPD has both a trial division and an appellate division. The trial division is comprised of 36 local trial offices located throughout Wisconsin, while the appellate division is comprised of two appellate offices, located in Madison and Milwaukee. Base resources for the SPD's trial division are \$52,691,400 GPR and 542.85 GPR positions, and base resources for the appellate division are \$4,212,500 GPR and 43.35 GPR positions.

2. Wisconsin statute establishes that each trial division assistant state public defender must meet one of the following annual caseload requirements: (a) 184.5 felony cases; (b) 15 first-degree homicides; (c) 15 sexual predator cases; (d) 492 misdemeanor cases; (e) 246 other cases; or (f) some combination of these categories. [Note that "other" cases generally litigated by the SPD include civil commitment proceedings, felony delinquency proceedings, protective placement proceedings under Chapter 55 of the statutes, juvenile cases, felony diversion cases, revocation hearings, termination of parental rights cases, juvenile waiver proceedings, as well as other miscellaneous cases.] Wisconsin statutes allow the SPD, however, to exempt up to 10 full-time supervisory ASPDs from the caseload requirement due to those attorneys' additional responsibilities. The statutorily defined caseload requirement is considered a minimum workload for ASPDs, and does not address workload demands such as administrative tasks, training and continuing education requirements, and other justice system

activities such as participating in criminal justice coordinating councils and treatment courts.

Private Bar Background

3. The SPD employs trial and appellate staff attorneys to represent clients who qualify for SPD representation. However, SPD staff attorneys do not represent all clients who qualify for SPD representation. Due to an overflow of cases in excess of what can be assigned to SPD staff, as well as conflict of interests that may exist between SPD staff and potential clients, the SPD must assign certain cases to private bar attorneys.

4. The workload or number of cases the SPD must assign either to a staff or private bar attorney is dependent on a number of factors, such as the number of people who are statutorily defined as "indigent." In addition, changes in statute regarding the number of misdemeanors and felonies, as well as statutorily changing a misdemeanor to a felony will impact the number of cases going to the SPD. Finally, discretion inherent within the criminal justice system impacts in the number of cases going to the SPD, wherein in one region a case may be handled as an ordinance violation where there is no right to an attorney, in another it may be handled as a misdemeanor, which means that if the defendant is indigent they will be assigned either a staff attorney or a private bar attorney by the state.

5. In 1978, when the Legislature established the SPD's role in circuit courts, the hourly rate of compensation for appointed lawyers was \$35 (\$25 for travel time). In 1992, private bar compensation was increased to \$50 for in-court time and \$40 for out-of-court time; travel time remained unchanged at \$25. However, in 1995, the rate was reduced for in-court time to a uniform \$40 hourly rate. The \$25 hourly rate for travel remained unchanged. Currently, private bar attorneys are compensated pursuant to either: (a) a statutorily defined rate totaling \$40 per hour for time spent related to a case in and out of court, and \$25 per hour for travel of more than 30 miles; or (b) a flat, per case contracted fee that may not result in the attorney receiving more than he or she would under the statutory rate. Except for a number of misdemeanor cases, private bar attorneys are generally compensated pursuant to the statutory rate.

6. Private bar attorneys compensated at the statutory rate are assigned cases on a rotational basis. Private attorneys who desire indigent legal defense cases must submit their name, legal education, and legal experience that qualifies them to provide representation in the types of cases they have expressed an interest in litigating. For each county, the SPD must annually prepare, certify, and update a list of these private attorneys seeking to litigate indigent legal defense cases.

7. Private bar attorneys assigned SPD cases do not have to meet an annual caseload requirement. Base GPR funding for the biennial private bar and investigator reimbursements is \$25,354,100 GPR annually. In addition to GPR, the SPD utilizes a portion of the program revenue generated from clients who are able to provide modest payments for legal representation to support private bar reimbursements.

8. During the 2015-17 biennium, the SPD expended \$52,669,400 on private bar payments (\$50,742,400 GPR and \$1,927,000 PR). Due to the auditing of private bar reimbursements, approximately \$5 million in unpaid private bar bills carried over into the 2017-19 biennium. Based on appropriated GPR amounts and projected client payment receipts, the SPD is estimated to have a

total of \$50,978,600 (\$49,968,600 GPR and \$1,010,000 PR) to pay private bar reimbursements in 2017-19. The SPD anticipates receiving a total of \$51.7 million in private bar bills during 2017-19. [It should be noted that, due to variability in the length of cases as well as the fact that private bar attorneys may bill for an appointment as far back as six fiscal years, bills submitted in this biennium may be from appointments made in previous biennia.]

9. In 2017-18, 138,858 new trial cases were assigned to SPD staff attorneys and private bar attorneys. Of the newly assigned cases, 83,299 trial (60.7%) cases were assigned to SPD staff, while private attorneys were assigned the remaining 54,551 trial cases (39.3%). Of these cases assigned to private bar attorneys, 26,630 cases were related to case overflow, 8,353 cases were instances where a client with a private bar attorney has multiple cases, and 19,568 were conflict of interest cases. [Note that the total number of new cases assigned includes withdrawals, but does not include open cases that were carried over from 2016-17. A withdrawal occurs when a private bar attorney withdraws from a case and the case must be reassigned to a new private bar attorney. Further, it should be noted that the SPD continually updates its records relating to the number of cases opened in recent years, and, as a result, the number of cases opened in 2017-18 is subject to variability.]

Supreme Court Rule and County Appointed Attorneys in Criminal Cases

10. If an individual does not meet the statutory indigency standard of the SPD, but is nonetheless determined by a circuit court to be unable to hire counsel and have a constitutional right to counsel, the court may appoint an attorney at either county, rather than state, expense or require the county to provide a loan to the defendant for counsel (counties subsequently recoup these costs). The decision to appoint counsel is at the discretion of the circuit court judge. Each judge has their own criteria for court appointed counsel. Some counties with multiple judges establish criteria for court appointed counsel and county loans, typically requiring the defendant to be below 200% of the federal poverty level (\$24,980 family size one; \$33,820 for family size two).

11. Minimum reimbursement for court appointed counsel is set through Wisconsin Supreme Court Rules (SCR). Initially, the rate in SCR 81.02 was \$50 per hour, with lesser rates for office and travel time. In 1989, it was raised to \$60 per hour. In 1993, the court increased the rate from \$60 to \$70 per hour and adopted SCR 81.02(1m), permitting county flat rate contracts. Dane County has used county flat rate contracts since 2008. Other counties may have adopted similar cost-saving measures in the years since 2011 when the indigency standard was last updated. On June 27, 2018, the Supreme Court ordered an increase to \$100 per hour, starting January 1, 2020.

12. In addition to raising the rate, the Wisconsin Supreme Court stated that, "Wisconsin's compensation rate for SPD appointed attorneys is abysmally low is not in dispute." Further, the Supreme Court acknowledged a relationship between the private bar rate and when judges are required to appoint counsel at county expense by stating, "our decision to raise the rate in SCR 81.02 is warranted and appropriate. However, we know it will have a profound impact on existing county budgets. If lawyers are unavailable or unwilling to represent indigent clients at the SPD rate of \$40/hour, as is increasingly the case, then judges must appoint a lawyer under SCR 81.02, at county expense."

13. According to the SPD, under certain circumstances no qualified private bar attorney

without a conflict is willing to take an SPD case due to the \$40 an hour rate. This situation may be particularly acute in more rural and sparsely populated counties. The SPD further notes that since the search for a private bar attorney may take weeks, a judge may use their authority to appoint an attorney at \$70 per hour (the current rate under SCR 81.02) at county expense instead of at \$40 per hour rate at state expense. A judge may not order a defendant in this situation to repay the county for legal defense as the defendant has been determined to be indigent and, thus, eligible for representation at state expense. The SPD anticipates that this scenario will become more prevalent after the Supreme Court ordered increase to \$100 per hour for court appointed attorneys on January 1, 2020, takes effect.

14. The Supreme Court noted that:

In Bayfield County, cases are now assigned to out-of-county private attorneys 99 percent of the time. At a recent legislative hearing, the SPD testified that its Appleton office had to make an average of 17 contacts per case just to find an assigned counsel attorney. In three difficult cases, it took 302, 261, and 260 contacts to find an attorney. The Ashland office (Ashland, Bayfield, and Iron counties) needed nearly 39 contacts per case and an average of 24 days to find an attorney. In Marathon County, it takes an average of 80 contacts and 17 days to appoint a private attorney to a case. In Price County, it takes an average 33 days to appoint a private attorney to a case.

15. In its revision of SCR 81.02, the Supreme Court, encouraged the Legislature to review funding for the SPD when it stated in its order, "we hope that a confrontation in the form of a constitutional challenge will not occur and trust that the legislature will work with the courts, the SPD, the petitioners, the counties, and other justice partners to ensure adequate funding for the SPD that is urgently needed to forestall what is clearly, an emerging constitutional crisis."

Raising the Private Bar Rate to \$70 Per Hour

16. Had the \$35 dollar per hour rate (\$25 for travel) set in 1978 been indexed with the consumer price index, the rate would be the equivalent of paying approximately \$135 per hour (\$97 for travel) today. In 1992, private bar compensation was increased to \$50 for in-court time and \$40 for out-of-court time, which would be the equivalent of about \$90 per hour for in-court time today. However, in 1995, the rate was reduced for in-court time to a uniform \$40 hourly rate, which would be the equivalent of \$67 today.

17. According to the SPD, raising the private bar rate from \$40 per hour to \$70 may encourage attorneys to re-certify for SPD private bar appointments or, if already certified, increase the number of private bar cases accepted and, thus, alleviate some of the issues related to finding counsel for indigent defendants in rural counties. In addition, an increase to \$70 per hour would maintain the \$30 per hour difference between private bar and court appointed defense rates. With more local attorneys available to take private bar cases in rural counties, travel expenses for the private bar may also decrease.

18. The SPD indicated through their 2019-21 budget request, that an additional \$16.6 million annually would be needed in order to pay private attorneys at \$70 per hour starting July 1, 2019. To estimate the amount needed for an increase in the private bar rate, the SPD multiplied the amount paid out to the private bar in 2017-18 (\$26,079,200) and multiplied it by 1.75 (\$70 divided by \$40).

19. In the budget in brief, the administration stated that "at \$40 per hour, Wisconsin has the lowest reimbursement rate for private bar attorneys that represent indigent criminal defendants. Under our system of due process, everyone has a constitutional right to legal representation yet the low reimbursement rate has caused major concerns as to whether all Wisconsinites are being properly represented." The bill recommends providing \$8,668,900 in 2019-20 and \$16,612,700 in 2020-21 to fund a private bar rate increase from \$40 to \$70 per hour beginning January 1, 2020. January 1, 2020, is the same day the court appointed counsel rate (discussed above) as set by Supreme Court rule will increase from \$70 to \$100 per hour.

20. However, since the amount actually paid out to the private bar is confined by the amount appropriated to private bar payments, an additional amount for the cost to continue private bar payments would still need to be calculated and added to the amount for the private bar rate increase. Since the amount of funding for the private bar is dependent on both the private bar rate and the calculated cost to continue (discussed below), alternatives relating to both are discussed below.

Cost to Continue

21. The cost to continue calculation is based on the principle that the number of outstanding private bar bills should be based on the number and cost of bills outstanding, rather than funding to pay private bar attorneys. To that end, the cost to continue calculation is used to estimate the number of bills the SPD should be able to pay in the next biennium. To make this estimate, the number of felony equivalent cases the SPD was assigned in the last year is calculated using case equivalencies set out in SPD administrative rules. Then the number of felony point equivalent cases that must be handled by available SPD staff is subtracted. The felony equivalent cases left must be handled through the private bar. The private bar felony points are multiplied by the average cost of a felony case in the last fiscal year available.

22. There are several assumptions in the Governor's cost to continue calculation including the assumption that the number of cases assigned will remain at 2017-18 levels in the 2019-21 biennium. That assumption includes that: (a) no new misdemeanors or felonies are added, and no new misdemeanors will be changed into felonies; (b) there will be no changes in eligibility standards for an SPD attorney are made; and (c) no unforeseen economic circumstances make more people eligible for public defender services. Finally, the calculation assumes that the number of available staff attorneys will remain the same, particularly, that the ASPD will have a turnover rate (the rate at which agency positions became vacant) of 11.31% (shifting 38.8 caseloads to the private bar) in each year of the next biennium. This turnover rate was the actual rate in 2016-17.

23. In general, it is less expensive to assign a case to a staff attorney rather than to assign a case to the private bar. In order to mitigate costs associated with a private bar rate increase (and, thus, an increase in the cost to continue), the SPD is statutorily authorized to submit a passive review request for additional GPR position authority using existing budget authority. This mechanism for balancing private bar and staff attorney caseloads and costs was created in the 2017-19 biennial budget. No ability to increase funding is authorized under this provision.

Rate Increase and Cost-to-Continue Alternatives

24. In addition to providing funding for the rate increase, the bill recommends providing \$362,600 GPR increase to the private bar cost to continue in 2019-20. This amount was calculated by taking the amount spent on private bar bills (\$26,079,200) and subtracting out the base for the private bar (\$25,354,100). However, this amount only reflects the additional amount that the SPD was able to direct to private bar payments based on fewer expenditures than anticipated in other areas of the SPD budget, and does not reflect actual funding requirement for the private bar cost to continue. [Alternative A1] This alternative would provide \$9,031,500 GPR in 2019-20 and \$16,612,700 GPR in 2020-21.

25. As previously discussed, in the SPD's agency request, the SPD calculated the cost to continue and the increase needed for the private bar rate separately and using slightly different methodologies. This method of estimating the amount needed for the private bar increase and cost to continue may not result in as precise an estimate as possible since both estimates take into account some of the cases that the SPD must assign to the private bar due to ASPD staffing limitations. Thus, adding the number from these two methodologies together may result in double counting some of these cases.

26. Instead of using two separate calculation methodologies, the increase to the private bar can be estimated through the cost to continue calculation. This method provides the accurate estimate to the increase in costs associated with the cost to continue and the increase in the private bar rate, since cases that the SPD assigns to the private bar due to staffing limitations are counted once.

27. While the rate increase would take effect January 1, 2020, a three-month delay for the first \$70 per hour cases can be anticipated. This three month delay is due to the lag between when the SPD assigns cases to the private bar and when the private bar attorney completes the case and can bill the case to the SPD. Thus, the funding for the increased rate may start April 1, 2020.

28. Given that conditions affecting the SPD private bar such as staffing availability are not anticipated to change in the upcoming biennium, funding may be determined using the private bar cost to continue calculation. This would consist of increased funding of \$2,277,200 GPR for July 1, 2019, through April 1, 2020, for the private bar at the \$40 per hour rate and \$5,263,100 GPR in for April 1, 2020, through June 30, 2020, to support the \$70 rate and the increase in the second half of 2019-20. The Committee would provide a total of \$21,052,600 GPR in 2020-21 to fund the cost to continue and private bar hourly rate increases. [Alternative A2] As a result, the Committee would provide \$7,540,300 GPR in 2019-20 and \$21,052,600 GPR in 2020-21 to fund the cost to continue and private bar increases.

29. The Committee may wish to fund the cost to continue, but not provide funding for a private bar rate increase. This alternative would support estimated costs if the current \$40 per hour rate is maintained. [Alternative A3] As a result, the Committee would provide \$3,036,200 GPR annually to fund the private bar cost to continue. This alternative may continue to require the SPD and counties spend significant time and resources to find representation for indigent defendants and cause delays in the criminal justice system.

30. However, the Committee, to lower current biennial costs, could require the private bar to continue carrying billed cases out to the next biennium, by providing a lower amount for the cost to continue. This would consist of increased funding of \$1,138,600 GPR in 2019-20 for the private bar cost to continue at the \$40 per hour rate and \$5,263,200 GPR in 2019-20 to support the cost to continue and the rate increase to \$70 per hour in the second half of 2019-20. [Alternative A4] As a result, the Committee would provide a total of \$6,401,700 GPR in 2019-20 and \$21,052,600 GPR in 2020-21 to fund the cost to continue and private bar increases.

31. The Committee may wish to fund a reduced cost to continue, but maintain the \$40 per hour private bar rate. If half of the recommended funding is provided, the Committee could provide \$1,518,100 GPR annually to fund the private bar cost to continue. While this alternative would reduce budgeted expenditure authority during the 2019-21 biennium, it is estimated that this alternative would increase the private bar shortfall by \$3,036,200 GPR by the end of 2019-21. [Alternative A5] This alternative may continue to require the SPD and counties to spend significant time to find representation for indigent defendants and require the SPD to hold more bills to be paid in the next biennium.

32. In order to provide a more moderate rate increase than that recommended increase, the Committee could decide to increase the private bar rate to \$55 per hour (halfway between \$40 per hour and \$70 per hour) on January 1, 2020. [Alternative A6] As a result, the Committee would provide a total of \$5,315,700 GPR in 2019-20 and \$12,154,300 GPR in 2020-21. This alternative would have the effect of increasing the difference between the court appointed attorney rate (\$100 per hour) and the private bar rate (\$55) from \$30 per hour to \$45 per hour.

33. In order to eliminate the difference between taking court appointed and SPD appointed cases, the Committee could decide to increase the private bar rate to \$100 per hour on January 1, 2020. [Alternative A7] As a result, the Committee would provide a total of \$11,989,300 GPR in 2019-20 and \$38,849,400 GPR in 2020-21.

34. The Committee could take no action on the private bar cost to continue and maintain the \$40 per hour private bar rate. While this alternative would reduce budgeted expenditure authority during the 2019-21 biennium, it is estimated that this alternative would increase the private bar shortfall by \$6,072,400 GPR by the end of 2019-21. The difference over the biennium between the amount provided and the agency request. [Alternative 8] This alternative may continue to require the SPD and counties to spend significant time to find representation for indigent defendants and would cause delays in the criminal justice system. In addition, the SPD would have to hold more bills to be paid in the next biennium. These factors may result in criminal courts operating in a manner that would be at odds with the Supreme Court's general intention related to appointed defense counsel.

Indexing the Private Bar Rate Alternatives

35. The bill recommends adjusting the private bar hourly rate biennially using the Consumer Price Index (CPI). From the bill, it is unclear whether the biennial CPI adjustment to the private bar rate would take into account the CPI increase from the prior year or from the prior two years. The administration indicates that the intent was to provide an adjustment on the prior two years.

36. The bill also does not specify an effective date on which the bill would first call for an adjustment. In addition, the bill does not provide a reference point from which adjustments should be made. Given that the private bar rate would be increased to \$70 per hour on January 1, 2020, the first adjustment could be made on January 1, 2022, based on the prior 12 month period from October to October.

37. The table below is illustrative of two possible calculation methods. For example, if the rate in January of year one were \$40 per hour and the rate were raised to \$70 per hour in January of year two, then the first adjustment would be in January of year four and the second in January of year six as shown below. The first adjustment for Alternative B1 uses the ratio between the observation value in October of year one and three, in order to find the correct ration between the old and new private bar rates, whereas the Alternative B2 uses the ratio between October of year two and three. The impact of these alternative calculation methods is shown. Note that since both methods rely on inflation factors, any actual increase would be dependent on the rates of inflation covered by the adjustment formula at the time of application.

	<u>Jan. Year 1</u>	<u>Jan. Year 2</u>	<u>Jan. Year 3</u>	First Adjustment <u>Jan. Year 4</u>	<u>Jan. Year 5</u>	Second Adjustment <u>Jan. Year 6</u>
Alternative B1	\$40	\$70	\$70	\$73	\$73	\$76
Alternative B2	\$40	\$70	\$70	\$72	\$72	\$73

	<u>Oct. Year 1</u>	<u>Oct. Year 2</u>	First Adjustment <u>Oct. Year 3</u>	<u>Oct. Year 4</u>	Second Adjustment <u>Oct. Year 5</u>	<u>Oct. Year 6</u>
Observation Value	216.177	218.711	226.421	231.317	233.546	237.433
Adjustment Percentage						
Alternative B1			4.7%		3.1%	
Alternative B2			3.5%		1.0%	

*Inflation calculation is based on BLS numbers from 2009 to 2014

38. To provide a scheduled way for the private bar rate to adjust, the Committee may wish to index the private bar rate biennially to the consumer price index over the prior 24-month period with the first adjustment on January 1, 2022. [Alternative B1]

39. Given the language in the bill, the Committee may wish to provide a biennial adjustment based on the prior 12-month period. This alternative would clarify that the adjustment would be the prior 12-month period with the first adjustment on January 1, 2022. [Alternative B2]

40. On the other hand, given that the private bar rate has historically been adjusted through the legislative process, the Committee may decide continue this practice. [Alternative B3] The Committee would retain the ability to adjust the private bar rate as necessary in the future.

ALTERNATIVES

A. Increase to the Private Bar Rate and Cost to Continue

1. Provide \$9,031,500 GPR in 2019-20 and \$16,612,700 GPR in 2020-21 to fund a portion of the cost to continue for six months at the \$40 hour rate and to fund the private bar rate increase for the remaining months at \$70 per hour.

ALT A1	Change to	
	Base	Bill
GPR	\$25,644,200	\$0

2. Provide \$7,540,300 GPR in 2019-20 and \$21,052,600 GPR in 2020-21 to fund the cost to continue for nine months at the \$40 hour rate and remaining months at the \$70 rate and private bar rate increase to \$70 per hour.

ALT A2	Change to	
	Base	Bill
GPR	\$28,592,900	\$2,948,700

3. Provide increased funding of \$3,036,200 GPR annually to the private bar for the private bar cost to continue at the \$40 per hour rate.

ALT A3	Change to	
	Base	Bill
GPR	\$6,072,400 -	\$19,571,800

4. Provide \$6,401,700 GPR in 2019-20 and \$21,052,600 GPR in 2020-21 to fund the cost to continue for nine months at the \$40 and the remaining months at the \$70 per hour rate and private bar rate increase to \$70 per hour.

ALT A4	Change to	
	Base	Bill
GPR	\$27,454,300	\$1,810,100

5. Provide increased funding of \$1,518,100 GPR annually to the private bar to partially fund the private bar cost to continue at the \$40 per hour rate.

ALT A5	Change to	
	Base	Bill
GPR	\$3,036,200 -	\$22,608,000

6. Provide \$5,315,700 GPR in 2019-20 and \$12,154,300 GPR in 2020-21 to fund the cost to continue for nine months at the \$40 hour rate and to fund the cost to continue and private bar rate increase for the remaining months at \$55 per hour.

ALT A6	Change to	
	Base	Bill
GPR	\$17,470,000	- \$8,174,200

7. Provide \$11,989,300 GPR in 2019-20 and \$38,849,400 GPR in 2020-21 to fund the cost to continue for nine months at the \$40 hour rate and to fund the cost to continue and private bar rate increase for the remaining months at \$100 per hour.

ALT A7	Change to	
	Base	Bill
GPR	\$50,838,900	\$25,194,700

8. Take no action.

ALT A8	Change to	
	Base	Bill
GPR	\$0	- \$25,644,200

B. Indexing the Private Bar Rate

1. Provide that the private bar rate be adjusted biennially by a ratio equal to the consumer price index over the preceding 24-month period, all items, U.S. city average, as determined by the Bureau of Labor Statistics of the Federal Department of Labor. The first adjustment would be on January 1, 2022.

2. Provide that the private bar rate be adjusted biennially by a ratio equal to the consumer price index over the preceding 12-month period, all items, U.S. city average, as determined by the Bureau of Labor Statistics of the Federal Department of Labor. The first adjustment would be on January 1, 2022.

3. Take no action.

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