

**OFFICE OF THE STATE PUBLIC DEFENDER
STATE OF WISCONSIN**

2019-21 BIENNIAL REPORT

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STATE PUBLIC DEFENDER**

The website address for the Office of the State Public Defender is: <http://www.wisped.org/>. Our website is available in English and includes our Mission Statement, historical information, descriptions of each agency division, links to information for private bar attorneys and other agency information.

**AGENCY PERFORMANCE AND OPERATIONS
DURING THE 2019-21 BIENNIUM**

Caseloads:

During the 2019-21 biennium, the Wisconsin Office of the State Public Defender (SPD) opened 243,640 cases. Of those, 151,911 were appointed to SPD staff, 86,246 were appointed to private bar attorneys on a rotational basis, and an additional 5,483 cases were appointed to private bar attorneys under the terms of fixed fee contracts.

Contracts with the Private Bar:

The SPD assigns cases to the private bar both under fixed fee contracts and by rotational appointments, as required by Wis. Stat. s.977.08. Fixed fee contracts are paid on a per case basis while rotational appointments are paid on a per hour basis. The SPD entered into 29 fixed-fee contracts for 3,200 misdemeanor cases in FY20 and 28 fixed-fee contracts for 3,100 misdemeanor cases in FY21. Chapter 51 cases are contracted in Milwaukee County on a fixed fee basis. There were 3 fixed-fee contracts in FY20 and 3 contracts in FY21 awarded to private bar attorneys for representation in 400 Chapter 51 cases. The SPD assigned 44,061 cases in FY20 and 42,185 cases in FY21 to the private bar on a rotational basis.

Collections & Verifications:

State Public Defender collections from clients are received in the following categories: SPD initiated, DOA contract collections, county juvenile recoupment, court ordered payments, and Ch. 51/55 recoupment. The following amounts were received in each category during the biennium:

	2019-2020	2020-2021
SPD Initiated	\$357,195	\$345,720
Court Ordered Attorney Fees	8,649	10,436
Juvenile Recoupment	296,929	265,784
DOA Contractors	186,461	169,308
Ch. 51/55 Payments from Clients	<u>17,401</u>	<u>17,104</u>
Total	\$866,635	\$808,352

Specialty Courts and Diversion Programs:

The SPD has been an active participant in specialty courts and diversion programs since the creation of the first Wisconsin Drug Court in Dane County in 1996. These specialty courts and diversion programs provide evidence-based, cost-effective alternatives to conviction and incarceration for participants.

SPD staff attorneys are active in over 80 specialty courts statewide. They include drug treatment courts, Operating While Intoxicated (OWI) courts, family treatment courts, mental health courts, veterans' courts, and co-occurring disorders courts. SPD staff attorneys are also involved in the planning stages for additional specialty courts. SPD involvement is critical to the success of these courts because research shows the importance of having full participation of collaborative evidence-based and treatment-oriented teams of justice professionals when determining effective interventions for offenders. Staff attorneys are also active in diversion programs that allow clients to resolve charges by meeting specified conditions such as participation in programming and payment of restitution.

SPD staff attorneys serve on the board of the Wisconsin Association of Treatment Court Professionals (WATCP), which is the professional organization supporting those who work with specialty courts including judges, prosecutors, probation agents, case managers, and treatment providers.

State Criminal Justice Coordinating Council:

In August of 2019, Executive Order #41 recreated a state-level Criminal Justice Coordinating Council (CJCC). Chaired by the Attorney General and the Secretary of the Department of Corrections, the CJCC has permanent membership including the State Public Defender. The mission of the CJCC is to "facilitate the implementation of effective, data driven criminal justice policies and practices that maximize justice and the safety of the public."

The SPD plays a leading role in the implementation of the Treatment Alternatives and Diversion (TAD) grants to specialty courts statewide.

Local office SPD staff attorneys serve on county-level criminal justice coordinating councils statewide.

Awards Received:

Twelve SPD attorneys and support staff were recognized with individual awards from the Wisconsin Law Journal, including *Leader in the Law and Unsung Hero awards*. In addition, SPD staff were recognized nationally including as the recipient of the National Legal Aid and Defender Association Exemplar Award.

**OFFICE OF THE STATE PUBLIC DEFENDER
2019-2021 PROGRAM GOALS AND OBJECTIVES**

Legal Assistance:

Goal: To continuously improve services to clients.

Objective: Fair treatment and representation of clients.

Goal: To strengthen public value to clients, the community, other governments, and justice system partners.

Objective: Reduce crime by reaching and educating young people before they offend.

Goal: To continuously improve administrative management.

Objective: Maximize resources to serve eligible clients.

FY 2019- 2021 Goals and Actuals

Prog. No.	Performance Measure	Goal 2019	Actual 2019	Goal 2020	Actual 2020	Goal 2021	Actual 2021
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2.3%	2%	2.0%	2%	2.3%
1.	Number of educational contacts with children and youth.	2,750	1,899	2,100	1,935	2,100	650*
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	598	800	563	800	531
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,400	1,477	1,450	1,458	1,450	1,658

*Due to the pandemic, outreach events in FY 21 were necessarily limited. SPD, however, was able to conduct remote outreach activity to more than 650 individuals.

Racial & Implicit Bias:

Expanding of the SPD's efforts since 2012 to conduct Racial Bias Discussion Circles, the SPD is now conducting training with staff and others in the criminal justice system to understand implicit bias. Implicit bias refers to judgments and behaviors that result in unconscious manifestation of stereotypes.

This training is combined with a focus on cultural humility, which encourages lifelong learning and self-reflection, client-focused interviewing and care, community-based care and advocacy, and institutional consistency.

The SPD has also conducted several trainings on racial biases with all criminal justice system partners in Milwaukee County.

Specialty Practice Group Coordinators:

The SPD expanded the scope and availability of specialty practice groups for Termination of Parental Rights Cases, Immigration Issues, Juvenile Cases, Chapter 980 Cases, Forensic Sciences, Racial Disparity Challenges, Homicide Cases and Abusive Head Trauma. These practice groups allow us to share specialized knowledge and expertise more efficiently, by lessening the need for staff and private bar attorneys to "reinvent the wheel" in these complex practice areas.

Each practice group is led by a staff attorney coordinator (or coordinators) who stay abreast of the latest developments in the practice area and share this expertise as an advisor, mentor, and educator. Coordinators assist others in quickly changing areas of legal practice. Each coordinator compiles practice materials, such as motions, briefs, transcripts, case outlines, and research/articles/studies to share with other attorneys. Coordinators also track the legal developments and other details in their practice areas. Attorneys contact them as needed when they are preparing a client's case or have a question in a new or undeveloped area of the law.

The practice group coordinators also assist with the SPD's training efforts, including presenting at the annual conference. Some coordinators conduct or assist with expert examinations at motion hearings and trials.

**OFFICE OF THE STATE PUBLIC DEFENDER
PART-TIME POSITIONS AND ALTERNATIVE WORK PATTERNS**

The Office of the State Public Defender offers permanent part-time employment to its staff. As of June 30 2021, 5 staff attorneys, 30 clerical and support staff are part-time, approximately 5.9% of the agency employees. The SPD accommodates flexible work schedules as requested by employees whenever possible.