

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

2021-23 BIENNIAL REPORT

**KATIE R. YORK
ACTING 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 2021-23 BIENNIUM**

Caseloads:

During the 2021-23 biennium, the Wisconsin Office of the State Public Defender (SPD) made 230,926 appointments. Of those, 143,373 were appointed to SPD staff, 80,335 were appointed to private bar attorneys on a rotational basis, and an additional 7,218 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 28 fixed-fee contracts for 3,200 misdemeanor cases in FY22 and 32 fixed-fee contracts for 3,365 misdemeanor cases in FY23. Chapter 51 cases are contracted in Milwaukee County on a fixed fee basis. For chapter 51 cases, private bar attorneys were awarded 3 fixed-fee contracts for representation in 400 cases in FY22 and 2 contracts in FY23 for representation in 200 cases. The SPD assigned 44,180 cases in FY22 and 36,154 cases in FY23 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:

	2021-2022	2022-2023
SPD Initiated	\$233,848	\$342,815
Court Ordered Attorney Fees	5,360	3,621
Juvenile Recoupment	306,093	241,054
DOA Contractors	255,985	218,486
Ch. 51/55 Payments from Clients	<u>18,097</u>	<u>33,751</u>
Total	\$819,393	\$839,727

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:

2019 Executive Order #41 and 2023 Executive Order #182 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 “promote and facilitate the implementation of effective 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.

SPD staff attorneys in local offices serve on county-level criminal justice coordinating councils statewide.

Awards Received:

Multiple SPD attorneys and support staff were recognized with individual awards from the Wisconsin Law Journal, including *Leader in the Law and Unsung Hero awards*.

**OFFICE OF THE STATE PUBLIC DEFENDER
2021-2023 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 2021- 2023 Goals and Actuals

Prog . No.	Performance Measure	Goal 2021	Actual 2021	Goal 2022	Actual 2022	Goal 2023	Actual 2023
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2.3%	2%	2%	2%	2%
1.	Number of educational contacts with children and youth.	2,100	1,750	2,000	1,825	2,000	650
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	529	800	521	700	716
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,450	1,086	1,450	1,048	1,400	1,278

Specialty Practice Group Coordinators:

The SPD expanded the scope and availability of specialty practice groups for Family Defense, Immigration, Youth Defense, Chapter 980, Forensic Sciences, Race and Ethnic Diversity, Pretrial Motions, and Mental Health cases. 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 a variety of scheduling options that support flexibility for staff. In 2021, SPD implemented official telecommuting and alternative work patterns policies. Additionally, SPD offers permanent part-time employment to its staff. As of June 30th 2023, 5 staff attorneys, 25 clerical and support staff are part-time, approximately 4.7% of the agency employees. The SPD accommodates telecommuting, flexible work, and part-time schedules as requested by employees whenever possible.