

SPD Travel Time Rules

Please see sec. 977.08(4m)(c) Wis. Stats.

The Wisconsin State Public Defender pays attorneys \$25/hour for travel time under certain circumstances. We pay for time spent traveling related to a case if:

- 1) any portion of the trip is outside the county in which the attorney's principal office is located;
- 2) or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

This rule was written in 1977 and is difficult to apply under current public defender appointment realities of multi-county practice. Our interpretation of this rule is premised on being conservative with our resources. Attorneys should arrange their travel to maximize value and minimize cost. This means consolidating appointments and court dates when possible. It means avoiding multiple trips, if possible, and taking the most direct routes.

In order to qualify for travel time, attorneys must include their starting point and destination for each trip on the time sheets. If there are multiple stops in a trip the attorney should list them all so that the auditors will be able to verify time and distance. **On travel time entries the attorney must also record the miles for the trip.** If an attorney makes a claim for travel time without providing the required information, they will be contacted by the auditor and asked to submit the information. If the information is not forthcoming, the travel time will be disallowed.

For example:

Not acceptable: Visit client in prison 4 hrs travel

Acceptable: Madison office to Waupun for client visit; 200 miles 4 hrs travel

Not Acceptable: Travel to Appleton for pretrial 1.6 hrs travel

Acceptable: Fond du Lac office to Appleton for pretrial; 80 miles 1.6 hrs travel

Attorneys should indicate the city of their office on the time sheets. There are 1000 or more private bar and the auditors do not have all of the office cities memorized. Including the city of your office will allow the auditors to complete work on the invoice more quickly.

Out of county travel which does not begin at the principal office.

If the attorney begins the trip at his/her residence or some point other than their principal office, the attorney must provide the reason for leaving from the alternate point so as to justify the expense. Sometimes the court date is in the early morning in another county and it would make no sense to go to the office only to turnaround and go to the other county for court. Sometimes it is closer for the attorney to go to the out of county location from his/her home. Travel time from home to the out of county location and return to the principal office is time which will be approved if justified.

For example an attorney with their principal office in Madison:

Not Acceptable: Stoughton to Racine Correctional for revo hrg 4 hrs travel

Acceptable: Left from home in Stoughton rather than Madison office for 9:00 hrg at Racine Correctional; 150 miles 4 hrs travel

This example demonstrates both a time consideration that made it logical to leave from home rather than drive to Madison first. It also allows the auditor to determine the distance from Stoughton to RCI is shorter than from the principal office to RCI.

Travel of more than 30 miles one way which does not began at the principal office.

If the attorney begins the trip at his/her residence or some point other than the principal office, the attorney must provide the reason for leaving from the alternate point so as to justify the expense. In no circumstances will the SPD pay for what is essentially driving to the principal office. When attorneys are traveling to in-county destinations and not leaving from their offices, they should consider what part of the trip is case related and what part may simply be transportation to work. The time entry for this travel time must clearly demonstrate that it is case related and not merely transportation to the worksite.

For example an attorney with their principal office in downtown Milwaukee:

Not Acceptable: Brown Deer to House of Corrections; 62 miles 1.2 hours

This entry does not explain why the attorney had to leave from his/her home in Brown Deer to see the client in the House of Corrections. Further, the principal office is located between the home address and the House of Corrections which seems to make part of the trip transportation to work.

For example an attorney with their principal office in Beloit:

Acceptable: Evansville to Rock Co Jail to see client before morning court; Jail to Courthouse; Courthouse to office; 76 miles 1.8 hrs travel

This entry allows the auditor to determine that it was closer and more efficient to go from the home address to the jail. The rest of the travel was necessary based on this starting point.

There are a million “what ifs” I’m sure we could all come up with. Those will not be answered here. We will do our best to apply the rule in a consistent and fair manner.