

Handling a Misdemeanor Case From A to Z
Signing up for PD Cases: ACD 101
August 6, 2015

Appointments

1. How do I get on the list for public defender appointments?

<http://www.wispd.org/index.php/for-the-legal-practitioner/spd-assigned-council-division/acd-certification>

- a. Fill out Certification Paperwork
- b. Certification Levels based on Experience

2. Assigning Cases

- a. In which counties am I eligible to take cases?

PD 2.06 Counties in which private counsel may be assigned trial division cases.

(1) Attorneys may be assigned trial division cases only in those counties in which they reside or maintain their principal office, except that in counties in which there are less than 10 attorneys on any certification list, those attorneys residing or maintaining their principal office in one or more adjacent counties may also be assigned trial division cases in that county.

(2) If necessary for effective client representation, the state public defender may assign an attorney to handle a trial division case even if the attorney does not meet the residency requirements.

- b. How are cases assigned?

Administrative Code: PD 2.03(8) Rotational Assignment Procedure:

If the case is assigned to local private counsel, a representative of the state public defender shall immediately contact the attorney whose name appears on the top of the appropriate certification list and assign that attorney to represent that person. If that attorney cannot accept the assignment, the next attorney on the list shall be contacted and the first attorney's name shall be placed on the bottom of the list as required by s. 977.08 (3) (c), Stats. If the attorney accepts the assignment, that attorney's name shall be placed on the bottom of the list.

c. Misdemeanor Contracts Wis. Stats. 977.08(f)

(f) The state public defender shall enter into as many annual contracts as possible, subject to par. (fg), with private local attorneys or law firms for the provision of legal representation. Under any such contract, the state public defender shall assign cases without regard to pars. (c) and (d), shall set a fixed-fee total amount for all cases handled and shall pay that amount, except that the state public defender may not pay an attorney more for a case than he or she would receive according to the rates under sub. (4m). The contract shall include a procedure authorizing the state public defender to make additional payments for a case or to reassign a case if the circumstances surrounding the case justify the additional payment or reassignment.

3. How many appointments will I get? Depends on many factors, including:
 - a. Geography
 - b. Local SPD Office Experience/Staffing
 - c. Experience/Certification Levels
 - d. Are you in a county where the SPD uses misdemeanor contracts

Assembling Your Defense Team

1. Investigator/Expert
 - a. When do I use an investigator/Expert?
 - i. Interviewing Witnesses (Investigators)
 - ii. Use judgment, Resources are Limited
 - b. How do I find an investigator/Expert?
 - i. Investigator Search: <https://pawli.com/becoming-a-pi>
 - ii. Ask lawyers in your area
 - iii. Post on Defendernet/WACDL
 - iv. Ask ACD
 - c. How do I request funding for an investigator/Expert?
 - i. Online billing system
 - ii. Be Specific In your Request

2. Legal Resources You Should Be Using

- a. Minimum Attorney Performance Standards:
<http://www.wisspd.org/index.php/for-the-legal-practitioner/spd-assigned-council-division/acd-certification>

- i. General
- ii. Appellate
- iii. Juvenile
- b. Criminal Defense Manual*—Purchase through the State Bar
- c. Judicial Bench Books—Purchase through the State Bar
- d. Jury Instructions—Lois Law Subscription
- e. OnPoint –SPD online source (free)
- f. SPD Specialty Practice Groups: Contact them!
- g. Post on Defendernet (free)/WACDL (dues organization)
- h. SPD Training Division Materials on Website
- i. Ask, ask, ask....

Billing The SPD: How do I get Paid?

<http://www.wisped.org/index.php/for-the-legal-practitioner/spd-assigned-council-division/policies-and-procedures>

1. Attorneys bill the SPD at the conclusion of the Case
2. Let Experts/Investigators know this! We can make exceptions:
 - a. Interim billing
 - b. Expedited Payments
3. Include Receipts, and Invoices from Experts
4. Be specific in your requests

Please contact ACD if you have any questions!

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