

# Assigned Counsel Division Newsletter

Volume 20 March 2019

## Budget Update

Recently the Governor introduced his 2019-21 biennial budget to the Legislature. The budget includes a recommendation for an increase to the private bar rate to \$70 an hour, indexed for growth in future budgets, effective January 1, 2020.

Introduction of the budget is the first step in a process that may last until the end of June or beyond. The Legislature will spend the next 3-4 weeks analyzing the contents of the budget. This analysis period will be followed by briefings to

the Joint Committee on Finance by state agencies and then by public hearings around the state. The committee usually completes its work on the budget sometime around Memorial Day & forwards it to the full Legislature.

The expectation is that the budget will be presented to the Governor in mid- to late June for his signature.

Introduction of the budget bill is the beginning of a long process that will involve many changes.

### *Inside this issue:*

Combining Cases	2
Fixed Fee Contracting	2
Translation Services	2
15 Hour Rule	3
CLE Requirement	3
The FAX number...	3
Welcome Aboard	4
Investigator/Expert Payments	4

## Defendernet Etiquette

Defendernet is a resource for SPD staff and private criminal defense attorneys representing public defender clients. As the administrator, ACD has the responsibility to monitor posts, and remove and add members as necessary. We find that this forum is helpful to our collective network.

Please remember, however, that as with any list-serve, Defendernet posts are not "Private". We cannot control

the flow of information appearing on the feed. We had an unfortunate incident recently. A Defendernet list serve member (no longer a member) forwarded a post and all responses to the original poster's adversary counsel. While the case and client were not mentioned, the identity of the person posting was, and the adversary counsel was obvious.

Please be respectful of your

colleagues. We all need advice and assistance from time to time and the ability to tap into a statewide network of experience is invaluable. If confidentiality is a concern, any of us in ACD is happy to post a generic question for any list serve member.

## Combining Cases on One Invoice

Just a reminder...if you are submitting multiple cases at one time, we encourage you to use our companion billing option to submit those invoices. In most cases, this means less work for you and for us. It also reduces the chance for errors and the corresponding reductions to the invoice totals. We will be unable to process invoices that have been combined incorrectly effective with invoices submitted after March 31. We will delete the invoice from our records and return the case to your billable cases. Unfortunately, when we do this, you will be required to re-enter the time slip or re-upload the time-sheet once the cases have

been separated. The following cases can be combined:

### Adult Trial cases that can be billed on one invoice:

- 1) Class A/B/C Felony
- 2) Other Life Sentence
- 3) Felony
- 4) Homicide
- 5) Co-chair Hom/Juv
- 6) Misdemeanor
- 7) Misdemeanor Traffic
- 8) Ch. 980 (original petition)
- 9) Ch. 980 (co-chair)
- 10) Ch. 980 (post-commitment)

### Juvenile cases that can be billed on one invoice:

- 1) Delinquency - Felony
- 2) Co-chair Hom/Juv
- 3) Juvenile
- 4) Post-Dispositional Juvenile Proceeding
- 5) Felony Diversion
- 6) Juvenile Waiver

### Mental Commitment cases that can be billed on one invoice:

- 1) Commitment
- 2) Chapter 55

### Appellate cases that can be billed on one invoice:

- 1) Appellate Plea
- 2) Appellate Trial
- 3) Appellate Opened in Trial

### All TPR cases and revocation cases must be submitted on separate invoices.

If you have any questions about billing ACD, please contact us at:

**ACD@opd.wi.gov or  
608-261-0632**

## Fixed Fee Contracting

The SPD plans to continue fixed-fee contracting for misdemeanor and commitment cases in select counties. Available contracts will begin on or about July 1, 2019. The contract period is one year, but may be extended for up to two, one-year periods.

Application packets with detailed information regarding the application and contracting processes will be available in the coming weeks at: [www.wispd.org](http://www.wispd.org).



Contract applications will be available soon.

## Translation Services

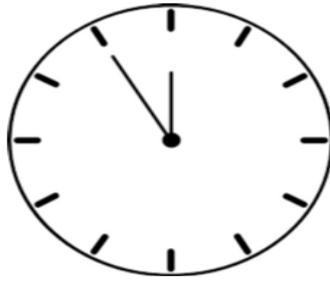
Telephonic interpreting can be a good option, especially for rare languages and last minute meetings. Companies such as TransPerfect, Language Line, and others provide remote interpreting

services. All you have to do is set up an account with the company, call in when interpretation is needed, and receive the service via conference call or speaker phone.

An attorney should still submit a case expense request to the SPD to receive prior approval, or call if time is a factor.

## 15 HOUR Rule

The SPD views billing in excess of 15 hours in a single day as unreasonable. For example: billing at least 15 hours in a day means that the attorney did billable work from 8am to 11pm without a break. SPD will not pay for more than 15 hours of work in a single day. Consideration



SPD will pay for nor more than 15 hours per day.

will be given on a case by case basis for exceptional circumstances which may justify payment of more than 15 hours in a single day. An attorney with a day of more than 15 hours will be contacted before any adjustment is made to an invoice.

## CLE Requirements

### ONGOING CLE REQUIREMENTS

All private bar attorneys must complete and report six credits of continuing legal education each calendar year in SPD case type areas. Credits are reported through your online billing site.

If you have questions about your current reported CLE credits or SPD credit requirements, please contact State Public Defender Assigned Counsel Division at:

608-261-0632 or  
ACD@opd.wi.gov

If you need 2018 CLE credits: please visit our Training Division's webpage for upcoming SPD CLE classes and current online training courses.



### NEW TO CRIMINAL DEFENSE?

The State Public Defender is offering a 3-day CLE program geared towards lawyers new to practicing criminal defense. The program is designed and instructed by SPD staff attorneys from around the state with a wide range of criminal defense experience. Join us at the Fairfield Inn & Suites, May 29-31 in Weston, WI. Cost is \$329; [register here](#) before April 19th. More info and full agenda will be posted to our website soon.

## The FAX Number You Have Reached...

No Fooling ...effective April 1, 2019, our office will no longer accept submissions by fax. We will be disconnecting the phone line and fax machine at the close of business on 03/31/19. We would like to thank those of you already

submitting your receipts and other documents by email. If you are not already doing so, please send all correspondence to [ACD@OPD.WI.GOV](mailto:ACD@OPD.WI.GOV). This email inbox is accessible by all ACD staff and makes getting the information that

you submit to the appropriate person in a timely manner. Thanks again for your efforts reduce costs and save trees.



FAX Disconnected

**Kathy Pakes, Assigned Counsel Division Director**  
Mark Rinehart, Program and Policy Supervisor

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Kim Salas, Financial Specialist Senior/Auditor  
Larry Judkins, Financial Specialist Senior/Auditor  
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## Welcome Aboard!!!

Please join us in welcoming Michelle McGillivary to the ACD team. Michelle joined SPD in June of 2014 as an Executive Staff Assistant for the Trial Division.

She has assisted the training unit for multiple training sessions over the years. You may have seen her at the Annual Conference, Trial Skills, New Attorney Training. She is passionate for the

agency and our mission to provide representation to indigent individuals as they navigate the judicial system of Wisconsin.

Welcome Michelle!

## Investigator and Expert Payments

Investigators and experts often complete their work well before a case is resolved and billed by the attorney.

If you are working with an investigator or expert who has completed their work and the case is not expected to close for at least 30 days,



ACD can create an interim invoice for payment of the expert or investigator expense.

Just send ACD a copy of the investigator or expert bill and request that an interim invoice be created for the expense. Investigator and experts bills can be sent to: [ACD@opd.wi.gov](mailto:ACD@opd.wi.gov)