

ASSIGNED COUNSEL DIVISION NEWSLETTER

STATE PUBLIC DEFENDERS HONOR DANIEL BERKOS



Mauston attorney and State Public Defender (SPD) Board Chair Daniel Berkos passed away

on August 26, 2019. "Danny" was first appointed to the SPD Board by Governor Thompson and served as the Chair for over 30 years.

"Danny was an unwavering friend, colleague and supporter of the SPD and its mission. His unique and inviting personality along with his endless generosity allowed Danny to form close and lasting relationships with many members of this agency," shared WI State Public Defender Kelli Thompson. "Dan Berkos was a strong advocate for equal and fair

treatment of everyone in the justice system, and provided a skilled, guiding hand to this agency. He was a constant and resolute leader on our Board for over three decades, and his passing will be a loss to the entire criminal justice community in Wisconsin," added Thompson.

At a recent Board meeting, the members voted to rename the Annual Private Bar Award to the "Danny Berkos Award" in honor of his service to the State of Wisconsin and the Public Defender Board.

BERKOS AWARD WINNER

The Wisconsin State Public Defender works with private bar partners to represent indigent clients trying to navigate their way through the Wisconsin Judicial System.

The SPD greatly appreciates this partnership and the strong pool of attorneys providing such valuable service.

The Board presents the Danny Berkos Award to one of our private bar partners who has demonstrated dedication, zealous representation, and a commitment to improving services for indigent clients.

The nominations were impressive. After much discussion the SPD Board selected Michael Covey as the first recipient of the Danny Berkos Award.



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SPD'S ON POINT

[On Point](#) was launched in 2010 by SPD Appellate attorneys Bill Tyroler and Colleen Ball.

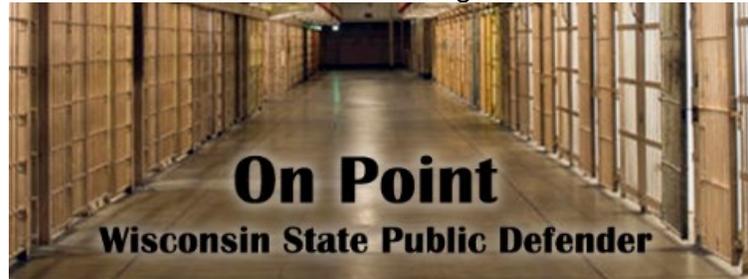
The mission is to serve as a collaborative hub of information — delivering important appellate court decisions and alerting attorneys of new appellate opinions, law review articles, and studies related to indigent defense.

The “Case Summaries” tab features citable opinions issued by Wisconsin appellate courts highlighting key takeaways from important cases—including how decisions have changed the law or conflict with other decisions. As the site has evolved, content has been added including “Pending in SCOTUS” and

“Pending in SCOW” that focus on cases raising indigent defense issues currently being litigated in the higher courts.

On Point also features an expanding list of “Defense Wins” in specific areas of case law—an invaluable resource not found on WestLaw or LexisNexis—but crucial when writing concise, persuasive briefs.

Attorneys are encouraged to visit the On Point site and browse the at-a-glance upcoming arguments in SCOW with links to case dockets and briefs, and an archive of important published decisions. SPD's On Point is continuing to expand its content and visibility — and deliver valuable, relevant information for attorneys that represent the indigent in the State of Wisconsin.



RURAL TUITION LOAN BILL HAS PUBLIC HEARING

Assembly Bill 512 (<https://docs.legis.wisconsin.gov/2019/proposals/reg/asm/bill/ab512>) had a recent hearing in the Assembly Judiciary committee. On Dec. 5 the committee voted unanimously in favor of moving the bill forward to the Joint Commit-

tee on Finance. AB 512 is a pilot program to provide loan reimbursement for private bar attorneys accepting public defender appointments in rural counties. Roughly, the guidelines provide that an attorney who maintains a law practice that either is head-

quartered or performs a demonstrated majority of legal work in a county of fewer than 25,000 residents, and who takes at least 50 appointments in a year, qualifies for up to \$20,000. The total program cap is \$250,000. More details can be found at the link above.

SPECIALTY PRACTICE COORDINATORS AVAILABLE TO CONSULT WITH PRIVATE BAR

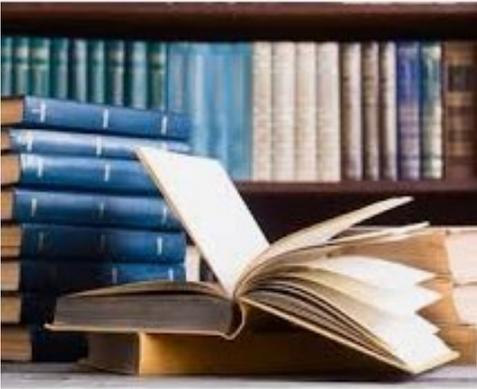
The SPD has specialty practice groups in the areas of TPR, Immigration, Juvenile Practice, Chapter 980, Child Abuse, and General Forensic Science. Specialty practice coordinators familiar with these practice areas are available to consult with the private bar.

For more information, check out the SPD website:

<https://www.wispd.org/index.php/legal-resources/specialty-practices>



2019 SPD CLE REQUIREMENT



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:

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

If you need 2019 CLE credits: please visit our [Training Division's webpage](#) for upcoming SPD CLE classes and current online training courses.

IT'S A GOOD TIME TO REVIEW BILLING TERMS AND CONDITIONS

With the start of a New Year right around the corner, it's a good time for new and experienced ACD attorneys to review the billing terms and conditions (formerly listed on our website as policies and procedures). You can find this information on our website by [clicking here](#).

Please note that while it is common in private pay cases for firms to bill paralegal or administrative assistant work, the SPD is not funded to reimburse administrative time. You can find more information by [clicking here](#).

There are several expenses that public defender clients are exempted from paying. These expenses include DOC records fees, subpoena service fees, witness fees, e-filing fees and Wisconsin Supreme Court filing fees. Attorneys should NEVER pay these fees out of pocket. You can find a list of exempted expenses and related instructions by [clicking here](#).

Certain expenses should be billed directly to the SPD by the service provider. Attorneys should NEVER pay these fees out of pocket. These expenses include transcription services, interpreter fees, discovery payments, and medical records. You can find detailed information and instructions about these expenses be [clicking here](#).

Other expenses should billed when representation ends. Information can be found by [clicking here](#).

You can find the travel reporting policy and reporting examples by [clicking here](#).

If you have any additional questions, please feel free to reach out to our auditors at 608-261-0632 or ACD@opd.wi.gov.

POST CONVICTION RELIEF

After filing a Notice of Intent to Pursue Post-Conviction Relief, the trial attorney should email a copy to the SPD Appellate Division. You can do this by email to: madisonappintake@opd.wi.gov If you have any questions, please contact the Appellate Division at 608-266-9580.

OPD

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Protecting Justice for all since 1977

YEAR END 1099 TAX FORMS

The year end is approaching and 1099s will be mailed out in mid-January. If you have changed your address or want your 1099 mailed to an address different than your payments, we ask that you submit the DOA address update form to us by 12/20/19. Contact us by phone or email if your address has changed and we will send you the correct form needed by DOA to update your address in their system. We will provide you with the most up-to-date forms and instructions to make sure that your payments and 1099 are sent to the correct address.

Contact SPD-ACD:
608-261-0632
or
ACD@OPD.WI.GOV

*Thank you for all of your hard work
defending the indigent in Wisconsin.*

*Thank you for the countless days, nights
and weekends spent preparing for court.*

*Thank you for driving in
rain, sleet, snow and hail
to make that next court appearance
miles and miles and miles away.*

*Thank you for making sure our clients
are well represented.*

*We look forward to
our continued partnership in 2020.*

Happy Hanukkah!

Merry Christmas!

Happy Kwanzaa!

Happy New Year!

TIME SLIP AND OTHER TIPS

We want to bring your attention to a few of the more frequent issues that the auditors see:

- Time slip entries must be accurate. Auditors confirm time slip data through various sources. If the time slip entry is not accurate, that entry will be deleted
- When submitting receipts to ACD, it is imperative that you note the SPD ID number on the receipt or include a copy of the "time slip view."
- When contacting our office regarding SPD cases (by phone or by email), please use the SPD ID number and the client name. This number can be found on the OAC and in our online billing system.