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SPD Accepting Nominations for Private Bar Award

The Wisconsin State Public Defender will soon be accepting nominations for the 2nd Annual SPD Private Bar Award. The award recognizes a member of the Assigned Counsel pool for his or her exceptional service to indigent defense.

The ideal candidate will have consistently displayed great dedication and excellence representing SPD clients and by working to help improve services for indigent defense.

The recipient will be chosen by members of the SPD Board and the

award will be presented at the SPD's Annual Criminal Defense Conference in Milwaukee.

The SPD is grateful for all that the private bar attorneys do to improve defense services and to provide high-quality legal services to our clients.



Nomination materials will be e-mailed next month and posted on the ACD webpage.

SAVE THE DATE:

The 2019 Annual SPD Criminal Defense Conference will be held in Milwaukee at the Hyatt Regency November 7 & 8. Watch for details in the coming months.

Private Bar Rate Increase

Earlier this month, Governor Evers signed the biennial budget into law as 2019 Wisconsin Act 9. The

Act increases the private bar hourly rate from \$40 to \$70 for cases assigned on or after January 1, 2020.



The budget has been signed and includes a rate increase for SPD Private Bar attorneys.

Q & A: Additional Charges; Protective Placement; and Machner Hearings

Q: If my SPD client picks up additional charges, am I expected to also represent the client on the new charges?

A: **Yes.** The expectation is that an appointed attorney will represent the client on new charges or cases that become active during the appointment. For many reasons, including client centered advocacy, it is preferable to have one attorney advising the client and negotiating with the State.

Q: If I am appointed to do an annual review on a protective placement, does that appointment include working on change of guardian petitions?

A: **Yes.** If the client wishes to petition for change of guardian, or the State initiates a change of guardian proceeding representing the client in those proceedings would be ancillary to the initial appointment.

Q: Is a Machner Hearing included in the scope of representation?

A: **No.** The SPD does not reimburse attorneys for time spent responding to IAC claims brought by successor counsel. If an attorney is subpoenaed to appear at a Machner hearing, the attorney should claim witness fees from the clerk of courts.

Immigration—Consequences of Criminal Convictions

The Wisconsin State Public Defender has Immigration Practice Coordinators who are happy to assist in analyzing the immigration consequences of criminal convictions. It is very important that attorneys be extra mindful of the charge and disposition for non-citizen clients and to flag when you get a case where the client is not a citizen of the United States; this includes Legal Permanent Residents (green card holders). The SPD tries to flag non-citizen clients but it also your duty to do so during your client interviews. When you have a non-citizen client fill out the Google form ([click here](https://docs.google.com/forms/d/1Ey8dwcD1PJidgU7IbD2I8WiX6es1nUH9MIkAsmfEzUU/edit) or enter the link — <https://docs.google.com/forms/d/1Ey8dwcD1PJidgU7IbD2I8WiX6es1nUH9MIkAsmfEzUU/edit> — into your internet browser) and the practice coordinators will respond within two weeks with a written memorandum of the consequences of the proposed agreement or charges.

CLE Credits

All private bar attorneys must complete and report six credits of continuing legal education in SPD case type areas each calendar year.

You have until July 31 to complete and submit credits for 2018.



The SPD Training Division webpage has a list of SPD online courses. ([Click here](#))

Once courses are completed you must submit credits through the SPD online billing system.

Time Slip Tips

- ◆ Save often
- ◆ Double check your invoice before you submit
- ◆ Inaccurate time slips will be deleted and the invoice returned
- ◆ If a client's cases have different drop down menus, they cannot be billed as companion cases
- ◆ You cannot bundle unlike tasks
- ◆ Client contact must be separate from all other contact
- ◆ If you make multiple phone calls or multiple trips to the same location on the same day, indicate the total number in the time slip

Billing Units:

The SPD requires an attorney to enter the actual time spent on legal work, and the SPD does not consider 6 minutes/.1 hour to be the minimum billing unit. For example, if a legal task takes only 3 minutes, .05 hour should be claimed.

Jury Trial:

Time spent in court prior to voir dire should not be coded as "Jury Trial." Only time in front of the jury should be coded as Jury Trial.

*I don't like to argue,
but when I do, I win.
It's the attorney in me.*