

Chapter PD 6

REIMBURSEMENT OF LEGAL FEES PAYMENT FOR STATE PUBLIC DEFENDER REPRESENTATION

PD 6.01 ~~Repayment of attorney costs for legal representation.~~ Except as provided in ~~secs.~~ PD 6.02 to 6.055, a person who is responsible for payment for legal representation provided by the state public defender shall ~~reimburse the state public defender for~~ contribute to the cost of the legal representation according to the following schedule:

Type of Case	Amount	Type of Case	Amount
First Degree Intentional Homicide	\$ 7500	Misdemeanor	\$ 2400
Other Class A or B Felony	\$ 1200	Parole/Probation Revocation	\$ 2400
Sexual Predator(s. 980.02) Chapter 980 Proceedings	\$ 1200	Juvenile Felonies/TPRs <u>Termination of Parental Rights</u>	\$ 480
Other Felony	\$ 4800	Other Juveniles	\$ 2400

Com mitme nt (inclu ding ss. 980.0 & 980.0 9) (Chap ter 51)	\$ 1 2 0	Speci al Proce eding	\$ 1 2 0
Chapt er 55	\$ 4 8 0	Pater nity	\$ 2 4 0
Appel late/tr ialCat egory I	\$ 1 2 0 0	Appel late/pl eaCat egory II	\$ 4 8 0 0

PD 6.015 ~~Written notice of repayment~~ Written notice of repayment obligation for legal representation.

(1) The state public defender shall provide the following information in writing to all persons subject to ~~repayment~~ repayment for legal representation ~~of attorney costs~~ under sec.

977.075(1g), Stats.:

(a) The optional ~~prepayment~~ prepayment discount amount in sec. PD 6.02.

(b) The maximum amount the person may be required to pay under the applicable fee schedule in sec. PD 6.01.

(c) The schedule for periodic payments if the person does not pay the optional ~~prepayment~~ prepayment discount amount.

(d) The procedure to request a determination of ability to pay.

(2) Written notice is sufficient under this section if mailed to the person's last known address.

PD 6.02 ~~Prepayment~~ Prepayment Discount option. (1) A client may elect to ~~prepay~~, within 60 days of appointment of counsel by the state public defender, the optional ~~prepayment~~ prepayment discount amount for ~~the cost of~~ representation specified in the following ~~prepayment~~ prepayment fee schedule:

Type of Case u	A m o u	Type of Case o	A m o u
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First Degree Intentional Homicide	\$ 600	Misdemeanor	\$ 600
Other Class A or B Felony	\$ 1200	Parole/Probation Revocation	\$ 600
Sexual Predator (s. 980.02) Chapter 980 Proceedings	\$ 1200	TPR <u>Termination of Parental Rights</u>	\$ 600
Other Felony	\$ 600	Special Proceeding	\$ 300

Chapter 980 Post-commitment Proceeding \$30	Paternity	\$600
	Appellate II	\$600
	Appellate I	\$1200

- (2) If a client pays the optional ~~prepayment~~ discount amount under sec. (1), the client is not liable for any additional payment for public defender legal counsel for that case.
- (3) The 60 day time period in sec. (1) may be extended for good cause.

PD 6.025 Determination of ability to pay. (1) The state public defender shall determine whether persons subject to ~~repayment of attorney costs~~ for legal representation have the ability to pay all, or part of, the costs of representation. A person with ~~any income or assets in excess of the payment amount specified in s. 49.19 (11) (a) 1.,~~ income in excess of the amount specified in sec. 49.001(5), Stats., or assets available to pay the costs of legal representation under sec. PD 3.03(2) has the ability to pay some amount toward these costs. The state public defender may defer the determination of ability to pay until after the time period for payment of the optional ~~prepayment~~ discount amount specified in sec. PD 6.02 has expired.

(2) The state public defender may determine that a person has the ability to pay under any of the following circumstances:

(a) The person is determined to have ~~family income and assets in excess of the payment amount specified in s. 49.19 (11) (a) 1., Stats.,~~ income in excess of the amount specified in sec. 49.001(5), Stats., or assets available to pay the costs of legal representation under sec. PD 3.03(2).

(b) The person does not notify the state public defender by the date specified in the notice sent to them under sec. PD 6.015 that they are unable to pay the specified periodic payments.

(c) The person does not comply with a request of the state public defender for information necessary to verify their financial circumstances.

(3) The state public defender may periodically review a person's ability to pay and may rely upon information obtained from employment and tax records to determine ability to pay. When a person originally unable to ~~repay attorney costs~~ for legal representation is later determined to have the ability to pay, the state public defender shall send notice of a periodic payment schedule to the person's last known address.

(4) This section does not apply to persons subject to reimbursement under sec. PD 6.05 or 6.055.

PD 6.03 Multiple related charges. (1) If multiple related charges for one client are issued on separate complaints, the state public defender ~~or designee~~ may waive the reimbursement fee for cases opened under any of the following circumstances:

(a) The multiple complaints allege the issuance of forged or worthless checks on the same account and within a period of three months or less.

(b) The multiple complaints allege offenses arising out of a single incident.

(2) The reimbursement fee for a case opened based on a reissuance of a criminal complaint previously dismissed is waived.

(3) Waiver of reimbursement fees under this section applies both to the reimbursement fee under sec. PD 6.01 and the optional ~~prepayment~~ discount amount under sec. PD 6.02.

PD 6.04 Multiple appointments on the same case. When the same case results in multiple state public defender appointments of counsel for a client for any of the following reasons, the client shall not be charged ~~one reimbursement~~ an additional fee for the case:

- (1) The case was reassigned for administrative reasons or because of a conflict of interest.
- (2) ~~The attorney withdrew because of the client's change of financial circumstances, and the client became indigent and eligible for state public defender representation again.~~
- ~~(3) The client requested substitution of counsel under s. PD2.04~~
- (4) ~~(3)~~ The client retained a private attorney who withdrew before completion of the case.
- ~~(5) (4)~~ The client's case was ~~remanded for~~ granted a new trial after a reversal the judgment was vacated on ineffective assistance of counsel grounds.

PD 6.045 is created to read: Reimbursement from clients with changed circumstances.

(1) The state public defender may, subject to sec. 977.075(3m), Stats., assess a payment amount in excess of the applicable amount in sec. PD 6.01 if the client is responsible for payment under sec. 977.075, Stats., and after counsel is appointed by the SPD, does not meet the financial criteria specified in sec. PD 3.03.

(2) In assessing a payment amount under (1), the state public defender shall consider the costs of providing the client with representation and the point in the applicable proceeding at which the client no longer met the financial criteria specified in sec. PD 3.03.

PD 6.05 Reimbursement from parents of juveniles.

- (1) Pursuant to ~~ss~~secs. 48.275 (2) (b) and 938.275 (2) (b), Stats., when the court orders reimbursement by the parent of a juvenile, the amount of the reimbursement ~~fee~~ shall be the amount specified in the fee schedule in sec. PD 6.01, subject to the following:
 - (a) The parent may request, within 30 days of the reimbursement order, that the state public defender determine whether the parent is indigent. If the parent does not make this request or if the parent is determined not to be indigent, the reimbursement ~~fee~~ shall be the amount specified in the fee schedule in sec. PD 6.01.
 - (b) If the parent is determined to be partially indigent pursuant to sec. PD ~~3-038(1)~~ ~~(b)3.03(7)~~, the reimbursement ~~fee~~ shall ~~be equivalent to 20%~~ not exceed 25% of the ~~applicable cost of retaining counsel in the case, as set forth~~ amount specified in the applicable schedule in sec. PD ~~3-02(1)~~6.01. If the parent is determined to be indigent, no reimbursement ~~fee~~ shall be assessed.
- (2) The state public defender shall report to the court that ordered reimbursement the result of the indigency determination and the amount of the reimbursement ~~fee~~ to be assessed.
- (3) If reimbursement by both parents is ordered, the parents are jointly and severally liable for the obligation. The maximum amount for which both parents are obligated is the amount of the reimbursement ~~fee~~ under sec. PD 6.01.

PD 6.055 Reimbursement from persons represented in civil commitment or chapter 55 proceedings.

(1) Except as provided in sec. (2), when the court orders reimbursement under sec. 51.605(1) or 55.107(1), Stats., from a person for whom the state public defender has appointed an attorney in a proceeding under ch. 51 or 55, Stats., the amount of the reimbursement ~~fee~~ shall be the amount specified in the ~~fee~~ schedule in sec. PD

6.01 for a commitment, if the case was filed under ch. 51, Stats., or for a ch. 55, Stats., case, whichever is applicable.

(2) Upon the court's request at or after the conclusion of the proceedings, the state public defender shall conduct a determination of indigency and report the results of the determination to the court.

(a) If the state public defender is unable to obtain the necessary financial information or if the person is determined not to be indigent, the reimbursement ~~fee may~~ shall not exceed the amount specified in the applicable ~~fee~~ schedule in sec. PD 6.01.

(b) If the person is determined to be partially indigent as provided in ~~s. PD 3.038 (1)~~ ~~(b)~~sec. PD 3.03(8), the reimbursement ~~fee may~~ shall not exceed 25% of the amount specified in the applicable ~~fee~~ schedule in sec. PD 6.01.

(c) If the person is determined to be indigent, no reimbursement ~~fee~~ may be assessed under sec. 51.605 or 55.107, Stats.

PD 6.06 Referral to department of administration. The state public defender shall refer to the department of administration a collection account of a person who has been determined able to pay, ~~and~~ has not paid the optional ~~prepayment~~ discount amount, ~~if the person~~ has been given a monthly payment schedule and has missed a monthly payment by more than 10 days.

PD 6.07 Representation regarding ~~repayment~~ of attorney fees. The state public defender shall not provide representation to a person on the issue of the ~~repayment~~ amount owed to the state public defender.

PD 6.08 Reports on status of collections. The state public defender shall submit quarterly reports to the joint committee on finance and to the department of administration regarding the collection of payments ordered under ss.secs. 48.275 (2), 51.605, 55.107, 757.66, 938.275, 977.06, 977.07 (2), 977.075, and 977.076, Stats. These reports shall include the amount collected and the amount of accounts receivable referred to the department of administration during each reporting period.