

**OFFICE OF THE STATE PUBLIC DEFENDER  
STATE OF WISCONSIN**

**2007-09 BIENNIAL REPORT**

**NICHOLAS L. CHIARKAS  
STATE PUBLIC DEFENDER**

The website address for the Office of the State Public Defender is: <http://www.wisspd.org/>. Our website is available in English, Hmong and Spanish, and includes our Mission Statement, historical information, descriptions of each agency division, and other information.

**AGENCY PERFORMANCE AND OPERATIONS  
DURING THE 2007-09 BIENNIUM**

**Caseloads:**

During the 2007-09 Biennium, the SPD opened 279,703 cases; of those, 105,300 were appointed to private bar attorneys on a rotational basis, and an additional 14,552 cases were appointed to private bar contractors.

**Contracts with the Private Bar:**

The agency is required by statute to enter into fixed-fee contracts for not more than 33% of its private bar cases. The SPD entered into 55 fixed-fee contracts for up to 10,213 misdemeanor cases in FY08-09.

**Collections & Verifications:**

State Public Defender collections from clients are received in the following categories: SPD initiated, DOA contract collections, county juvenile recoupment, court ordered payments, and Ch. 51/55 recoupment. The following was received in each category during the biennium:

	<b>2007-2008</b>	<b>2008-2009</b>
SPD Initiated	\$986,688	\$934,761
Court Ordered Attorney Fees	64,517	55,386
Juvenile Recoupment	524,513	497,109
DOA Contractors	296,136	282,852
Ch. 51/55 Payments from Clients	<u>                    </u>	<u>22,528</u>
<b>Total</b>	<b>\$1,871,854</b>	<b>\$1,792,636</b>

In 2007-09, the SPD referred 82,601 delinquent client accounts, representing \$25,382,264 in accounts receivable, to the DOA-contracted collection agency.

In 2007-09, the Verification Unit received 50,718 records for verification, and were able to complete verification of 33,090 records after some were found to be automatically eligible and some discrepancies were found. Approximately nine percent of the records received were not able to be verified.

### **Specialty Courts:**

Since 2003-05, the SPD's strategic plan has included strategies to support drug or other diversion courts. To further these goals, the SPD has been a leader in the area of treatment-oriented courts, approximately 20 of which currently operate.

The SPD has been working for the past year on developing an initiative for our veterans entitled Wisconsin Veterans Intervention Program (WI-VIP). The Program includes veterans treatment courts that target veteran issues using the treatment court model, and a civil legal clinic to assist the veterans in matters such as family law.

Rock County organized the first court program in Wisconsin to assist veterans who enter the criminal justice system after returning from war, and suffer from alcohol or drug abuse, mental-health problems or post-traumatic stress disorder.

Veterans Treatment Court started on September 17, 2009, in Rock County Court. Rock County will test the court, and Milwaukee, Eau Claire and La Crosse counties are planning to start the program.

### **Awards Received:**

The Office of the State Public Defender was the recipient of the 2007 Diversity Award for its People In Crisis training, and the 2008 Diversity Award for its Respectful Workplace training. The People in Crisis program has gone on to be presented to university classes as well as non-profit organizations.

**OFFICE OF THE STATE PUBLIC DEFENDER  
2009-2011 PROGRAM GOALS AND OBJECTIVES**

**Legal Assistance:**

Goal and Objective: To continuously improve services to clients by fair treatment and representation of clients.

Goal and Objective: To strengthen public value to clients, the community, other government nations, and partners. To accomplish this, staff will continue to reach out and educate young people before they offend, thereby reducing crime.

Goal and Objective: To continuously improve administrative management. Administrative staff will work to maximize resources to serve eligible clients.

**2009, 2010 AND 2011 GOALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2009</b>	<b>Goal 2010</b>	<b>Goal 2011</b>
1.	Attorney withdrawals at client request as a percentage of total Trial Division cases.	1.5%	1.5%	1.5%
1.	Number of educational contacts with children and youth.	3,100	3,100	3,100
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	800	800
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,300	1,300	1,300

Note: Goals based on fiscal year.

Because of the Governor's efficiency recommendations, and his recommendation for across the board one percent reductions, the Agency's budget continues to be strained. However, the following items were recommended by the Governor in the 2009-11 Executive Budget and enacted in 2009 Wis Act 28:

**Charging and Sentencing Alternatives:** Decriminalizing the operation of a motor vehicle after suspension or revocation, unless the underlying reason for the revocation was related to alcohol or other drugs, to reduce the number of cases in which a public defender must be appointed, and to facilitate restoration of driving privileges when appropriate.

**Information Technology Hardware and Software Replacement:** Providing funding to begin to implement a rolling four-year replacement schedule for the agency's information technology infrastructure.

**OFFICE OF THE STATE PUBLIC DEFENDER  
PART-TIME POSITIONS AND ALTERNATIVE WORK PATTERNS**

The Office of the State Public Defender offers permanent part-time employment to its staff. Currently, 23 staff attorneys, 56 clerical staff and another 14 support staff are part-time, approximately 17% of the agency employees. Some of these positions also job-share.

The SPD also accommodates flexible time work schedules as requested by employees whenever possible.