

PUBLIC DEFENDER BOARD

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY23 Adjusted Base	FY24 Recommended	% Change Over FY23	FY25 Recommended	% Change Over FY24
GPR	113,150,900	133,466,100	18.0	135,476,100	1.5
PR-F	0	1,600	0.0	1,600	0.0
PR-S	225,000	242,400	7.7	242,100	-0.1
PR-O	1,280,200	1,236,800	-3.4	1,236,700	0.0
TOTAL	114,656,100	134,946,900	17.7	136,956,500	1.5

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY23 Adjusted Base	FY24 Recommended	FTE Change Over FY23	FY25 Recommended	FTE Change Over FY24
GPR	614.85	664.85	50.00	664.85	0.00
PR-F	63.00	63.00	0.00	0.00	-63.00
PR-S	2.00	2.00	0.00	2.00	0.00
PR-O	3.00	3.00	0.00	3.00	0.00
TOTAL	682.85	732.85	50.00	669.85	-63.00

AGENCY DESCRIPTION

The board oversees the Office of the State Public Defender, which provides legal representation for indigent persons who are accused of crimes or are defendants in certain civil matters. Pursuant to Wisconsin Statutes and administrative rules, the office determines financial eligibility based on an analysis of each applicant's income, assets, family size and essential expenses, unless the applicant is a juvenile or is seeking representation for cases involving mental health or protective placement proceedings.

The board consists of nine members appointed to three-year terms by the Governor with the advice and consent of the Senate. At least five of the nine must be members of the State Bar of Wisconsin. The board appoints a state public defender to oversee the agency.

The office was created by statute in 1965, became an independent agency in 1977, and gradually began to represent indigent clients at the trial level with both in-house and private bar attorneys. The office consists of the Trial, Appellate, Administrative and Assigned Counsel divisions and the Office of Training and Development.

Public Defender Board

MISSION

The mission of the agency is to zealously represent clients, protect constitutional rights and advocate for an effective and fair criminal justice system. Our commitment is to treat our clients with dignity and compassion.

PROGRAMS, GOALS, OBJECTIVES ACTIVITIES

Program 1: Legal Assistance

Goal: Continuously improve services to clients.

Objective/Activity: Fair treatment and representation of clients.

Goal: Strengthen public value to clients, the community, other government agencies, other states and nations, and partners.

Objective/Activity: Reduce crime by reaching and educating young people before they offend.

Goal: Continuously improve administrative management.

Objective/Activity: Maximize resources to serve eligible clients.

Performance Measures

2021 AND 2022 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2021	Actual 2021	Goal 2022	Actual 2022
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2.3%	2%	2.0%
1.	Number of educational contacts with children and youth.	2,100	1,750	2,000	1,825
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	800	529	800	521
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,450	1,086	1,450	1,048

Note: Based on fiscal year.

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2023, 2024 AND 2025 GOALS

Prog. No.	Performance Measure	Goal 2023¹	Goal 2024	Goal 2025
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2%	2%
1.	Number of educational contacts with children and youth.	2,000	2,000	2,000
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	700	700	700
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,400	1,400	1,400

Note: Based on fiscal year.

¹Goals have been revised for 2023.

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GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Staff Compensation and Workload
2. Private Bar Rate Increase
3. Charging and Sentencing Alternatives
4. Transcripts, Interpreters and Discovery Cost-to-Continue
5. Expert Witness Services Cost-to-Continue
6. Child in Need of Protection Services Pilot Program Extension
7. Trial Caseload Exemption
8. Standard Budget Adjustments

ITEMS NOT APPROVED

9. Tuition Reimbursement

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**Table 1
Department Budget Summary by Funding Source (in thousands of dollars)**

	ACTUAL FY22	ADJUSTED BASE FY23	AGENCY REQUEST FY24	AGENCY REQUEST FY25	GOVERNOR'S RECOMMENDATION FY24	GOVERNOR'S RECOMMENDATION FY25
GENERAL PURPOSE REVENUE	\$93,446.2	\$113,150.9	\$133,273.1	\$134,963.4	\$133,466.1	\$135,476.1
State Operations	93,446.2	113,150.9	133,273.1	134,963.4	133,466.1	135,476.1
FEDERAL REVENUE (1)	\$0.0	\$0.0	\$0.0	\$0.0	\$1.6	\$1.6
State Operations	0.0	0.0	0.0	0.0	1.6	1.6
PROGRAM REVENUE (2)	\$688.6	\$1,505.2	\$1,473.4	\$1,473.4	\$1,479.2	\$1,478.8
State Operations	688.6	1,505.2	1,473.4	1,473.4	1,479.2	1,478.8
TOTALS - ANNUAL	\$94,134.8	\$114,656.1	\$134,746.5	\$136,436.8	\$134,946.9	\$136,956.5
State Operations	94,134.8	114,656.1	134,746.5	136,436.8	134,946.9	136,956.5

(1) Includes Program Revenue-Federal and Segregated Revenue-Federal

(2) Includes Program Revenue-Service and Program Revenue-Other

**Table 2
Department Position Summary by Funding Source (in FTE positions)**

	ADJUSTED BASE FY23	AGENCY REQUEST FY24	AGENCY REQUEST FY25	GOVERNOR'S RECOMMENDATION FY24	GOVERNOR'S RECOMMENDATION FY25
GENERAL PURPOSE REVENUE	614.85	681.85	681.85	664.85	664.85
State Operations	614.85	681.85	681.85	664.85	664.85
FEDERAL REVENUE (1)	63.00	63.00	0.00	63.00	0.00
State Operations	63.00	63.00	0.00	63.00	0.00
PROGRAM REVENUE (2)	5.00	5.00	5.00	5.00	5.00
State Operations	5.00	5.00	5.00	5.00	5.00
TOTALS - ANNUAL	682.85	749.85	686.85	732.85	669.85
State Operations	682.85	749.85	686.85	732.85	669.85

(1) Includes Program Revenue-Federal and Segregated Revenue-Federal

(2) Includes Program Revenue-Service and Program Revenue-Other

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Table 3
Department Budget Summary by Program (in thousands of dollars)

	ACTUAL FY22	ADJUSTED BASE FY23	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY24	FY25	FY24	FY25
1. Legal assistance	\$94,134.8	\$114,656.1	\$134,746.5	\$136,436.8	\$134,946.9	\$136,956.5
TOTALS	\$94,134.8	\$114,656.1	\$134,746.5	\$136,436.8	\$134,946.9	\$136,956.5

Table 4
Department Position Summary by Program (in FTE positions)

	ADJUSTED BASE FY23	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY24	FY25	FY24	FY25
1. Legal assistance	682.85	749.85	686.85	732.85	669.85
TOTALS	682.85	749.85	686.85	732.85	669.85

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1. Staff Compensation and Workload

Source of Funds	Agency Request				Governor's Recommendations			
	FY24 Dollars	Positions	FY25 Dollars	Positions	FY24 Dollars	Positions	FY25 Dollars	Positions
GPR	9,067,500	67.00	13,121,600	67.00	9,817,700	50.00	12,600,200	50.00
TOTAL	9,067,500	67.00	13,121,600	67.00	9,817,700	50.00	12,600,200	50.00

The Governor recommends providing funding and position authority for the following: (a) additional support staff (\$2,784,200 GPR in FY24 and \$3,579,000 GPR in FY25 and 50.0 FTE GPR positions in each year); (b) raising the minimum rate of pay for assistant state public defenders to \$35 per hour to increase retention of experienced counsel (\$7,033,500 GPR in each year); and (c) a one-step pay progression increase for assistant state public defenders (\$1,987,700 GPR in FY25 in one-time funding). The Governor also recommends providing an exemption to the maximum salary adjustment limitation to allow assistant state public defenders to receive pay progression that is greater than 10 percent of salary in each year of the biennium.

2. Private Bar Rate Increase

Source of Funds	Agency Request				Governor's Recommendations			
	FY24 Dollars	Positions	FY25 Dollars	Positions	FY24 Dollars	Positions	FY25 Dollars	Positions
GPR	12,235,100	0.00	12,235,100	0.00	10,803,300	0.00	10,803,300	0.00
TOTAL	12,235,100	0.00	12,235,100	0.00	10,803,300	0.00	10,803,300	0.00

The Governor recommends providing funding to increase the private bar reimbursement rate to \$100 per hour for casework and \$50 per hour for travel.

3. Charging and Sentencing Alternatives

Source of Funds	Agency Request				Governor's Recommendations			
	FY24 Dollars	Positions	FY25 Dollars	Positions	FY24 Dollars	Positions	FY25 Dollars	Positions
GPR	-2,363,900	0.00	-4,727,700	0.00	-753,300	0.00	-1,506,700	0.00
TOTAL	-2,363,900	0.00	-4,727,700	0.00	-753,300	0.00	-1,506,700	0.00

The Governor recommends requiring a diversion and restitution alternative for certain misdemeanor offenses. The Governor also recommends legalizing marijuana. The Governor further recommends reducing the board's budget to reflect the decreased need for legal representation caused by this policy change. See Department of Agriculture, Trade and Consumer Protection, Item #28; Department of Revenue, Item #8; and Circuit Courts, Item #7.

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4. Transcripts, Interpreters and Discovery Cost-to-Continue

Source of Funds	Agency Request				Governor's Recommendations			
	FY24 Dollars	Positions	FY25 Dollars	Positions	FY24 Dollars	Positions	FY25 Dollars	Positions
GPR	401,600	0.00	401,600	0.00	0	0.00	0	0.00
TOTAL	401,600	0.00	401,600	0.00	0	0.00	0	0.00

The Governor recommends reallocating funding to cover the board's actual costs related to transcripts, interpreters and discovery.

5. Expert Witness Services Cost-to-Continue

Source of Funds	Agency Request				Governor's Recommendations			
	FY24 Dollars	Positions	FY25 Dollars	Positions	FY24 Dollars	Positions	FY25 Dollars	Positions
GPR	686,900	0.00	686,900	0.00	0	0.00	0	0.00
TOTAL	686,900	0.00	686,900	0.00	0	0.00	0	0.00

The Governor recommends reallocating funding to cover the board's actual costs related to expert witness services.

6. Child in Need of Protection Services Pilot Program Extension

The Governor recommends extending the pilot Child in Need of Protection Services Program through June 30, 2025.

7. Trial Caseload Exemption

The Governor recommends amending the statutes to increase the number of trial division attorneys that may be exempted from caseload standards from 10 to 25.

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8. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendations			
	FY24		FY25		FY24		FY25	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-405,000	0.00	-405,000	0.00	447,500	0.00	428,400	0.00
PR-F	0	0.00	0	-63.00	1,600	0.00	1,600	-63.00
PR-S	7,800	0.00	7,800	0.00	17,400	0.00	17,100	0.00
PR-O	-39,600	0.00	-39,600	0.00	-43,400	0.00	-43,500	0.00
TOTAL	-436,800	0.00	-436,800	-63.00	423,100	0.00	403,600	-63.00

The Governor recommends adjusting the board's base budget for: (a) removal of noncontinuing elements from the base (-63.0 FTE positions in FY25); (b) full funding of continuing position salaries and fringe benefits (-\$659,000 in each year); (c) overtime (\$222,200 in each year); (d) full funding of lease and directed moves costs (\$859,900 in FY24 and \$840,400 in FY25); and (e) minor transfers within the same alpha appropriation.

ITEMS NOT APPROVED

The following requests are not included in the Governor's budget recommendations for the Public Defender Board.

Decision Item	Source of Funds	FY24		FY25	
		Dollars	Positions	Dollars	Positions
9. Tuition Reimbursement	GPR	500,000	0.00	500,000	0.00
TOTAL OF ITEMS NOT APPROVED	GPR	500,000	0.00	500,000	0.00