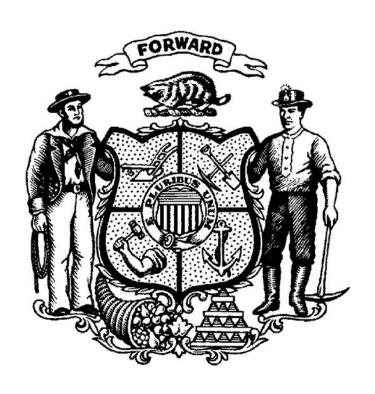
State of Wisconsin

Public Defender Board



Agency Budget Request 2025 – 2027 Biennium September 16, 2024

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Protecting justice for all since 1977

Wisconsin State Public Defender

17 S. Fairchild Street, 5th Floor Madison, WI 53703 Phone: 608.266.0087/Fax: 608.267.0584

www.wispd.org

Jennifer Bias State Public Defender

Katie R. York
Deputy State Public
Defender

July 11, 2024

Mr. Brian Pahnke Budget Director Wisconsin Department of Administration 101 E. Wilson St., 10th fl. Madison, WI 53703

Dear Mr. Pahnke,

Attached, please find the 2025-2027 biennial budget request for the Office of the State Public Defender (SPD).

This budget request is necessary to ensure that the State of Wisconsin is meeting its constitutional requirement under the 6th Amendment of the United States Constitution to ensure that counsel is provided to those who cannot afford it.

After a significant budget in 2023 focused on compensation for recruitment and retention, the general focus of this request is to address workload issues which also play a central role in recruitment and retention and are a critical component in ensuring timely access to qualified attorneys. A new national workload report was released in fall 2023 which shows that the current caseload requirements of public defenders are too high and threaten the quality of representation. This issue can be addressed by either providing additional resources to handle the current caseload, reduce the number of cases that require representation, or a combination of those approaches. This budget request provides alternatives for both options.

Ensuring that the rights of those accused of having committed a crime are preserved is a core constitutional responsibility of the government. Delays in the criminal legal system risk constitutional violations for the accused, delayed justice for victims, and undue financial burden for counties.

We look forward to the opportunity to discuss this proposal with the State Budget Office and the administration.

Sincerely

State Public Defender

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, sexually violent person commitment, 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.

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

2023 AND 2024 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2023	Actual 2023	Goal 2024	Actual 2024
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2.6%	2%	1.6%
1.	Number of educational contacts with children and youth.	2,000	*	2,000	*
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	700	752	700	801
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,400	1,086	1,400	1,124

Note: Based on fiscal year.

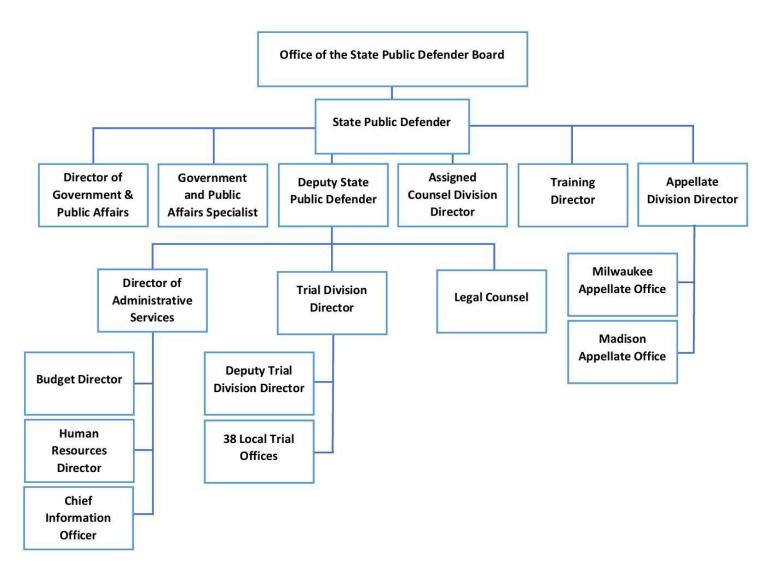
2025, 2026 AND 2027 GOALS

Prog. No.	Performance Measure	Goal 2025	Goal 2026	Goal 2027
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2%	2%
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	700	750	775
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,400	1,400	1,400

Note: Based on fiscal year.

^{*}As a result of the pandemic, the ability to conduct and track educational outreach was permanently disrupted. As a result, we do not have actuals to report for FY 23 and 24 and will not include this as a goal for 2025, 26, and 27.

Office of the State Public Defender



Agency Total by Fund Source

Public Defender Board 2527 Biennial Budget

				ANNUAL SUMN	BIENNIAL SUMMARY						
Source of Funds		Prior Year Total	Adjusted Base	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE	Base Year Doubled (BYD)	Biennial Request	Change From (BYD)	Change From BYD %
GPR	S	\$120,912,231	\$132,777,800	\$138,836,600	\$150,114,100	690.45	690.45	\$265,555,600	\$288,950,700	\$23,395,100	8.80%
Total		\$120,912,231	\$132,777,800	\$138,836,600	\$150,114,100	690.45	690.45	\$265,555,600	\$288,950,700	\$23,395,100	8.80%
PR	S	\$638,725	\$1,498,700	\$1,510,400	\$1,511,100	5.00	5.00	\$2,997,400	\$3,021,500	\$24,100	0.80%
Total		\$638,725	\$1,498,700	\$1,510,400	\$1,511,100	5.00	5.00	\$2,997,400	\$3,021,500	\$24,100	0.80%
PR Federal	S	\$5,842,795	\$1,600	\$0	\$0	0.00	0.00	\$3,200	\$0	(\$3,200)	-100.00%
Total		\$5,842,795	\$1,600	\$0	\$0	0.00	0.00	\$3,200	\$0	(\$3,200)	-100.00%
Grand Total		\$127,393,751	\$134,278,100	\$140,347,000	\$151,625,200	695.45	695.45	\$268,556,200	\$291,972,200	\$23,416,000	8.70%

Agency Total by Program

Public Defender Board

				ANNUA	L SUMMARY				BIENNIAL SUN	MARY	
Source of Funds		Prior Year Total	Adjusted Base	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE	Base Year Doubled (BYD)	Biennial Request	Change From (BYD)	Change From BYD %
01 Legal assis	tan	се									
Non Federal											
GPR		\$120,912,231	\$132,777,800	\$138,836,600	\$150,114,100	690.45	690.45	\$265,555,600	\$288,950,700	\$23,395,100	8.81%
	S	\$120,912,231	\$132,777,800	\$138,836,600	\$150,114,100	690.45	690.45	\$265,555,600	\$288,950,700	\$23,395,100	8.81%
PR	_	\$638,725	\$1,498,700	\$1,510,400	\$1,511,100	5.00	5.00	\$2,997,400	\$3,021,500	\$24,100	0.80%
	s	\$638,725	\$1,498,700	\$1,510,400	\$1,511,100	5.00	5.00	\$2,997,400	\$3,021,500	\$24,100	0.80%
Total - Non Federal		\$121,550,956	\$134,276,500	\$140,347,000	\$151,625,200	695.45	695.45	\$268,553,000	\$291,972,200	\$23,419,200	8.72%
	S	\$121,550,956	\$134,276,500	\$140,347,000	\$151,625,200	695.45	695.45	\$268,553,000	\$291,972,200	\$23,419,200	8.72%
Federal											
PR		\$5,842,795	\$1,600	\$0	\$0	0.00	0.00	\$3,200	\$0	(\$3,200)	100.00%
	s	\$5,842,795	\$1,600	\$0	\$0	0.00	0.00	\$3,200	\$0	(\$3,200)	100.00%
Total - Federal	-	\$5,842,795	\$1,600	\$0	\$0	0.00	0.00	\$3,200	\$0	(\$3,200)	- 100.00%
	S	\$5,842,795	\$1,600	\$0	\$0	0.00	0.00	\$3,200	\$0	(\$3,200)	100.00%
PGM 01 Total	-	\$127,393,751	\$134,278,100	\$140,347,000	\$151,625,200	695.45	695.45	\$268,556,200	\$291,972,200	\$23,416,000	8.72%

Agency Total by Program

Public Defender Board

				ANNUAL SUMMARY				BIENNIAL SUMMARY			
Source of Funds		Prior Year Total	Adjusted Base	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE	Base Year Doubled (BYD)	Biennial Request	Change From (BYD)	Change From BYD %
01 Legal assis	tan	се									
GPR		\$120,912,231	\$132,777,800	\$138,836,600	\$150,114,100	690.45	690.45	\$265,555,600	\$288,950,700	\$23,395,100	8.81%
	S	\$120,912,231	\$132,777,800	\$138,836,600	\$150,114,100	690.45	690.45	\$265,555,600	\$288,950,700	\$23,395,100	8.81%
PR		\$6,481,520	\$1,500,300	\$1,510,400	\$1,511,100	5.00	5.00	\$3,000,600	\$3,021,500	\$20,900	0.70%
	S	\$6,481,520	\$1,500,300	\$1,510,400	\$1,511,100	5.00	5.00	\$3,000,600	\$3,021,500	\$20,900	0.70%
TOTAL 01		\$127,393,751	\$134,278,100	\$140,347,000	\$151,625,200	695.45	695.45	\$268,556,200	\$291,972,200	\$23,416,000	8.72%
	S	\$127,393,751	\$134,278,100	\$140,347,000	\$151,625,200	695.45	695.45	\$268,556,200	\$291,972,200	\$23,416,000	8.72%
AGENCY TOTAL		\$127,393,751	\$134,278,100	\$140,347,000	\$151,625,200	695.45	695.45	\$268,556,200	\$291,972,200	\$23,416,000	8.72%

Agency Total by Decision Item

Public Defender Board

Decision Item	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
2000 Adjusted Base Funding Level	\$134,278,100	\$134,278,100	619.85	619.85
3001 Turnover Reduction	(\$1,603,500)	(\$1,603,500)	0.00	0.00
3003 Full Funding of Continuing Position Salaries and Fringe Benefits	\$3,734,400	\$3,734,400	0.00	0.00
3007 Overtime	\$223,200	\$223,200	0.00	0.00
3010 Full Funding of Lease and Directed Moves Costs	(\$36,800)	(\$2,900)	0.00	0.00
4001 Private Bar Cost to Continue	(\$6,773,900)	\$4,420,200	0.00	0.00
4002 Expert Witness Services Cost-to-Continue	\$1,044,000	\$1,044,000	0.00	0.00
4003 Transcripts, Interpreters and Discovery Cost to Continue	\$347,600	\$347,600	0.00	0.00
4005 Assistant State Public Defender Merit Compensation	\$1,814,800	\$3,653,100	0.00	0.00
4010 Restore Turnover	\$1,603,500	\$1,603,500	0.00	0.00
4502 Charging and Sentencing Alternatives	(\$3,317,600)	(\$8,187,200)	0.00	0.00
5001 Private Bar Rate Increase	\$1,101,400	\$2,728,900	0.00	0.00
5002 Workload Staffing	\$3,777,900	\$3,929,700	52.50	52.50
5006 Eligibility Criteria	\$2,271,100	\$3,573,300	23.10	23.10
5007 Geographic Pay Add-on	\$1,382,800	\$1,382,800	0.00	0.00
5018 Tuition Reimbursement/Loan Assistance	\$500,000	\$500,000	0.00	0.00
TOTAL	\$140,347,000	\$151,625,200	695.45	695.45

GPR Earned

2527 Biennial Budget

DEPARTMENT

PROGRAM

CODES TITLES				
550	550 Public Defender Board			
01	Legal assistance			

DATE 09/11/2024

Revenue	Prior Year Actuals	Base Year Estimate	1st Year Estimate	2nd Year Estimate
Opening Balance	\$13,965	\$8,000	\$8,000	\$8,000
TOTAL	\$13,965	\$8,000	\$8,000	\$8,000

	CODES	TITLES
DEPARTMENT	550	Public Defender Board
PROGRAM	01	Legal assistance
SUBPROGRAM		
NUMERIC APPROPRIATION	31	Gifts, grants and proceeds

Revenue and Expenditures	Prior Year Actuals	Base Year Estimate	1st Year Estimate	2nd Year Estimate
Opening Balance	\$79,300	\$83,300	\$82,300	\$81,300
Misc Rev	\$628	\$500	\$500	\$500
Wellness	\$6,581	\$5,000	\$4,000	\$4,000
Total Revenue	\$86,509	\$88,800	\$86,800	\$85,800
Expenditures	\$3,308	\$6,500	\$0	\$0
Wellness	\$0	\$0	\$5,000	\$5,000
Misc Exp	\$0	\$0	\$500	\$500
Total Expenditures	\$3,308	\$6,500	\$5,500	\$5,500
Closing Balance	\$83,201	\$82,300	\$81,300	\$80,300

Program Revenue

	CODES	TITLES
DEPARTMENT	550	Public Defender Board
PROGRAM	01	Legal assistance
SUBPROGRAM		
NUMERIC APPROPRIATION	33	Tuition payments

Revenue and Expenditures	Prior Year Actuals	Base Year Estimate	1st Year Estimate	2nd Year Estimate
Opening Balance	\$548,945	\$636,100	\$586,100	\$536,100
Training Course Fees	\$216,100	\$200,000	\$200,000	\$200,000
Total Revenue	\$765,045	\$836,100	\$786,100	\$736,100
Expenditures	\$128,972	\$250,000	\$0	\$0
Training Expenditures	\$0	\$0	\$250,000	\$250,000
Total Expenditures	\$128,972	\$250,000	\$250,000	\$250,000
Closing Balance	\$636,073	\$586,100	\$536,100	\$486,100

	CODES	TITLES	
DEPARTMENT	550	Public Defender Board	
PROGRAM	01	Legal assistance	
SUBPROGRAM			
NUMERIC APPROPRIATION	35	Payments from clients; administrative costs	

Revenue and Expenditures	Prior Year Actuals	Base Year Estimate	1st Year Estimate	2nd Year Estimate
Opening Balance	\$300,615	\$0	\$0	\$0
Client Payments	\$0	\$325,000	\$359,800	\$368,500
Total Revenue	\$300,615	\$325,000	\$359,800	\$368,500
Expenditures	\$300,615	\$325,000	\$0	\$0
Health Insurance Reserves	\$0	\$0	\$5,900	\$10,500
Compensation Reserve	\$0	\$0	\$4,200	\$8,300
2000 Adjusted Base Funding Level	\$0	\$0	\$334,900	\$334,900
3003 Full Funding of Continuing Position Salaries and Fringe Benefits	\$0	\$0	\$11,900	\$11,900
3007 Overtime	\$0	\$0	\$2,900	\$2,900
Total Expenditures	\$300,615	\$325,000	\$359,800	\$368,500
Closing Balance	\$0	\$0	\$0	\$0

	CODES	TITLES	
DEPARTMENT	550	Public Defender Board	
PROGRAM	01	Legal assistance	
SUBPROGRAM			
NUMERIC APPROPRIATION	36	Private bar and inv. reimbursement; payments for legal representation	

Revenue and Expenditures	Prior Year Actuals	Base Year Estimate	1st Year Estimate	2nd Year Estimate
Opening Balance	\$4,669,365	\$5,396,100	\$5,013,100	\$4,630,100
Client Payments	\$302,842	\$303,000	\$303,000	\$303,000
DOA Contracted Collections	\$233,528	\$233,000	\$233,000	\$233,000
Court Ordered and Collected Atty Fees for Juveniles	\$277,659	\$278,000	\$278,000	\$278,000
Court Ordered and Collected Atty Fees for Commitment Cases	\$14,901	\$15,000	\$15,000	\$15,000
Court Ordered and Collected Atty Fees for Adult Cases	\$3,943	\$4,000	\$4,000	\$4,000
Total Revenue	\$5,502,238	\$6,229,100	\$5,846,100	\$5,463,100
Expenditures	\$106,144	\$1,216,000	\$0	\$0
2000 Adjusted Base Funding Level	\$0	\$0	\$913,000	\$913,000
Transfer to 20.550(1)(I)	\$0	\$0	\$303,000	\$303,000
Total Expenditures	\$106,144	\$1,216,000	\$1,216,000	\$1,216,000
Closing Balance	\$5,396,094	\$5,013,100	\$4,630,100	\$4,247,100

	CODES	TITLES	
DEPARTMENT	550	Public Defender Board	
PROGRAM	01	Legal assistance	
SUBPROGRAM			
NUMERIC APPROPRIATION	37	Conferences and training	

Revenue and Expenditures	Prior Year Actuals	Base Year Estimate	1st Year Estimate	2nd Year Estimate
Opening Balance	\$0	\$10,500	\$0	\$0
Penalty Surcharge from DOJ	\$242,400	\$255,000	\$271,700	\$279,300
Total Revenue	\$242,400	\$265,500	\$271,700	\$279,300
Expenditures	\$231,966	\$265,500	\$0	\$0
2000 Adjusted Base Funding Level	\$0	\$0	\$250,800	\$250,800
3003 Full Funding of Continuing Position Salaries and Fringe Benefits	\$0	\$0	\$12,000	\$12,000
Health Insurance Reserves	\$0	\$0	\$5,700	\$10,000
Compensation Reserve	\$0	\$0	\$3,200	\$6,500
Total Expenditures	\$231,966	\$265,500	\$271,700	\$279,300
Closing Balance	\$10,434	\$0	\$0	\$0

Program Revenue

	CODES	TITLES	
DEPARTMENT	550	Public Defender Board	
PROGRAM	01	Legal assistance	
SUBPROGRAM			
NUMERIC APPROPRIATION	41	Federal aid	

Revenue and Expenditures	Prior Year Actuals	Base Year Estimate	1st Year Estimate	2nd Year Estimate
Opening Balance	(\$144,622)	\$0	\$0	\$0
ARPA	\$5,987,417	\$5,842,800	\$300,000	\$0
Total Revenue	\$5,842,795	\$5,842,800	\$300,000	\$0
Expenditures	\$5,842,795	\$5,842,800	\$0	\$0
ARPA	\$0	\$0	\$300,000	\$0
Total Expenditures	\$5,842,795	\$5,842,800	\$300,000	\$0
Closing Balance	\$0	\$0	\$0	\$0

Decision Item (DIN) - 2000 Decision Item (DIN) Title - Adjusted Base Funding Level

NARRATIVE

Adjusted Base Funding Level

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

DECISION ITEM

CODES	TITLES	
550	Public Defender Board	

CODES TITLES

2000 Adjusted Base Funding Level

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$53,745,800	\$53,745,800
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$122,800	\$122,800
05	Fringe Benefits	\$19,291,500	\$19,291,500
06	Supplies and Services	\$61,118,000	\$61,118,000
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$134,278,100	\$134,278,100
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	239.15	239.15
20	Unclassified Positions Authorized	380.70	380.70

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE		
	2000 Adjusted Base Funding Level						
01	Legal assistance						
	01 Program operation	\$3,211,700	\$3,211,700	18.40	18.40		
	02 Appellate representation	\$6,396,500	\$6,396,500	45.35	45.35		
	03 Trial representation	\$70,447,900	\$70,447,900	545.85	545.85		
	04 Private bar invstgtr reimburse	\$49,822,800	\$49,822,800	0.00	0.00		
	05 Private bar invstgtr pay admin	\$769,200	\$769,200	5.25	5.25		
	06 Transcripts discovery intrprtr	\$2,129,700	\$2,129,700	0.00	0.00		
	35 Payments from clients; administrative costs	\$334,900	\$334,900	3.00	3.00		
	36 Private bar and inv. reimbursement; payments for legal representation	\$913,000	\$913,000	0.00	0.00		
	37 Conferences and training	\$250,800	\$250,800	2.00	2.00		
	41 Federal aid	\$1,600	\$1,600	0.00	0.00		
	Legal assistance Sub Total	\$134,278,100	\$134,278,100	619.85	619.85		
	Adjusted Base Funding Level Sub Total	\$134,278,100	\$134,278,100	619.85	619.85		
	Agency Total	\$134,278,100	\$134,278,100	619.85	619.85		

Decision Item by Fund Source

Decision Item/Source of F	unds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
2000 Adjusted Base Funding Le	vel				
PR	S	\$1,498,700	\$1,498,700	5.00	5.00
GPR	S	\$132,777,800	\$132,777,800	614.85	614.85
PR Federal	S	\$1,600	\$1,600	0.00	0.00
Adjusted Base Funding Level To	otal	\$134,278,100	\$134,278,100	619.85	619.85
Agency Total		\$134,278,100	\$134,278,100	619.85	619.85

Decision Item (DIN) - 3001 Decision Item (DIN) Title - Turnover Reduction

NARRATIVE

Standard Budget Adjustment - Turnover Reduction

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES
550	Public Defender Board

DECISION ITEM

CODES	TITLES
3001	Turnover Reduction

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	(\$1,603,500)	(\$1,603,500)
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$0	\$0
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	(\$1,603,500)	(\$1,603,500)
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	3001 Turnover Reduction				
01	Legal assistance				
	03 Trial representation	(\$1,603,500)	(\$1,603,500)	0.00	0.00
	Legal assistance Sub Total	(\$1,603,500)	(\$1,603,500)	0.00	0.00
	Turnover Reduction Sub Total	(\$1,603,500)	(\$1,603,500)	0.00	0.00
	Agency Total	(\$1,603,500)	(\$1,603,500)	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of F	unds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
3001 Turnover Reduction					
GPR	S	(\$1,603,500)	(\$1,603,500)	0.00	0.00
Turnover Reduction Total		(\$1,603,500)	(\$1,603,500)	0.00	0.00
Agency Total		(\$1,603,500)	(\$1,603,500)	0.00	0.00

Decision Item (DIN) - 3003

Decision Item (DIN) Title - Full Funding of Continuing Position Salaries and Fringe Benefits

NARRATIVE

Standard Budget Adjustment - Full Funding of Continuing Position Salaries and Fringe Benefits

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES
550	Public Defender Board

DECISION ITEM

CODES	TITLES
3003	Full Funding of Continuing Position Salaries and Fringe Benefits

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$1,745,200	\$1,745,200
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$1,989,200	\$1,989,200
06	Supplies and Services	\$0	\$0
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$3,734,400	\$3,734,400
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE	
	3003 Full Funding of Continuing Position Salaries and Fringe Benefits					
01	Legal assistance			_		
	01 Program operation	\$212,000	\$212,000	0.00	0.00	
	02 Appellate representation	\$33,600	\$33,600	0.00	0.00	
	03 Trial representation	\$3,297,900	\$3,297,900	0.00	0.00	
	05 Private bar invstgtr pay admin	\$167,000	\$167,000	0.00	0.00	
	35 Payments from clients; administrative costs	\$11,900	\$11,900	0.00	0.00	
	37 Conferences and training	\$12,000	\$12,000	0.00	0.00	
	Legal assistance Sub Total	\$3,734,400	\$3,734,400	0.00	0.00	
	Full Funding of Continuing Position Salaries and Fringe Benefits Sub Total	\$3,734,400	\$3,734,400	0.00	0.00	
	Agency Total	\$3,734,400	\$3,734,400	0.00	0.00	

Decision Item by Fund Source

Decision Item/Source of F	unds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
3003 Full Funding of Continuing	Position Sala	aries and Fringe Be	enefits		
GPR	S	\$3,710,500	\$3,710,500	0.00	0.00
PR	S	\$23,900	\$23,900	0.00	0.00
Full Funding of Continuing Posi Salaries and Fringe Benefits Tot		\$3,734,400	\$3,734,400	0.00	0.00
Agency Total		\$3,734,400	\$3,734,400	0.00	0.00

Decision Item (DIN) - 3007 Decision Item (DIN) Title - Overtime

NARRATIVE

Standard Budget Adjustment - Overtime

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES
550	Public Defender Board

DECISION ITEM

CODES	TITLES		
3007	Overtime		

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$192,700	\$192,700
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$30,500	\$30,500
06	Supplies and Services	\$0	\$0
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$223,200	\$223,200
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE		
	3007 Overtime						
01	01 Legal assistance						
	01 Program operation	\$10,000	\$10,000	0.00	0.00		
	02 Appellate representation	\$26,400	\$26,400	0.00	0.00		
	03 Trial representation	\$173,000	\$173,000	0.00	0.00		
	05 Private bar invstgtr pay admin	\$10,900	\$10,900	0.00	0.00		
	35 Payments from clients; administrative costs	\$2,900	\$2,900	0.00	0.00		
	Legal assistance Sub Total	\$223,200	\$223,200	0.00	0.00		
	Overtime Sub Total	\$223,200	\$223,200	0.00	0.00		
	Agency Total	\$223,200	\$223,200	0.00	0.00		

Decision Item by Fund Source

Decision Item/Source	of Funds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE			
3007 Overtime								
GPR	S	\$220,300	\$220,300	0.00	0.00			
PR	S	\$2,900	\$2,900	0.00	0.00			
Overtime Total		\$223,200	\$223,200	0.00	0.00			
Agency Total		\$223,200	\$223,200	0.00	0.00			

Decision Item (DIN) - 3010

Decision Item (DIN) Title - Full Funding of Lease and Directed Moves Costs

NARRATIVE

Standard Budget Adjustment - Full Funding of Lease and Directed Moves Costs

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES		
550	Public Defender Board		

DECISION ITEM

CODES	TITLES			
3010	Full Funding of Lease and Directed Moves Costs			

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	(\$36,800)	(\$2,900)
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	(\$36,800)	(\$2,900)
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	3010 Full Funding of Lease and Directed Moves	Costs			
01	Legal assistance				
	01 Program operation	(\$1,300)	\$800	0.00	0.00
	02 Appellate representation	(\$1,800)	\$1,200	0.00	0.00
	03 Trial representation	(\$16,900)	\$11,000	0.00	0.00
	05 Private bar invstgtr pay admin	(\$100)	\$100	0.00	0.00
	35 Payments from clients; administrative costs	(\$15,300)	(\$15,100)	0.00	0.00
	37 Conferences and training	\$200	\$700	0.00	0.00
	41 Federal aid	(\$1,600)	(\$1,600)	0.00	0.00
	Legal assistance Sub Total	(\$36,800)	(\$2,900)	0.00	0.00
	Full Funding of Lease and Directed Moves Costs Sub Total	(\$36,800)	(\$2,900)	0.00	0.00
	Agency Total	(\$36,800)	(\$2,900)	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of F	unds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
3010 Full Funding of Lease and	Directed Move	es Costs			
GPR	S	(\$20,100)	\$13,100	0.00	0.00
PR	S	(\$15,100)	(\$14,400)	0.00	0.00
PR Federal	S	(\$1,600)	(\$1,600)	0.00	0.00
Full Funding of Lease and Direct Costs Total	ted Moves	(\$36,800)	(\$2,900)	0.00	0.00
Agency Total		(\$36,800)	(\$2,900)	0.00	0.00

Decision Item (DIN) - 4001 Decision Item (DIN) Title - Private Bar Cost to Continue

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), a cost-to-continue funding adjustment of -\$6,773,900 GPR in FY26, and \$4,420,200 GPR in FY27, for private bar and investigator reimbursement payments, a net decrease of \$2,353,700 for the biennium.

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES	
550	Public Defender Board	

DECISION ITEM 4001 Priv

CODES TITLES

4001 Private Bar Cost to Continue

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	(\$6,773,900)	\$4,420,200
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	(\$6,773,900)	\$4,420,200
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

2527 Biennial Budget

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	4001 Private Bar Cost to Continue				
01	Legal assistance				
	04 Private bar invstgtr reimburse	(\$6,773,900)	\$4,420,200	0.00	0.00
	Legal assistance Sub Total	(\$6,773,900)	\$4,420,200	0.00	0.00
	Private Bar Cost to Continue Sub Total	(\$6,773,900)	\$4,420,200	0.00	0.00
	Agency Total	(\$6,773,900)	\$4,420,200	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4001 Private Bar Cost to Continu	ue				
GPR	S	(\$6,773,900)	\$4,420,200	0.00	0.00
Private Bar Cost to Continue To	tal	(\$6,773,900)	\$4,420,200	0.00	0.00
Agency Total		(\$6,773,900)	\$4,420,200	0.00	0.00

Decision Item (DIN) - 4002

Decision Item (DIN) Title - Expert Witness Services Cost-to-Continue

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), a cost-to-continue funding adjustment of \$1,044,000 GPR in FY 26 and \$1,044,000 GPR in FY 27 for the agency to contract with expert witnesses, to reflect current needs.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 4002 – Expert Witness Services Cost-to-Continue

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), a cost-to-continue funding adjustment of \$1,044,000 GPR in FY 26 and \$1,044,000 GPR in FY 27 for the agency to contract with expert witnesses, to reflect current needs.

Problem Description

The complexity of cases has increased significantly, causing an increased cost for expert witnesses, psychological evaluations and risk assessments that cannot be absorbed within the existing appropriation. Expert witnesses are necessary to provide an adequate defense. The increased complexity in areas such as physical and digital evidence has had a significant impact on expert witness costs.

Background

The SPD received funding in 2013 Wisconsin Act 20 (2013-2015 biennial budget act) for expert witnesses in the amount of \$337,600 annually to provide the additional resources to retain expert witnesses for sexually violent person commitment cases under Chapter 980 for which the SPD provides representation.

Analysis

The SPD provides representation to indigent persons in criminal and certain civil commitment cases. In the course of representation, they often require experts in various professions to assist with the defense and to advocate for alternatives to confinement. These include psychologists, psychiatrists, Shaken Baby Syndrome/Abusive Head Trauma experts (SBS/AHT), DNA experts, or computer analysts, who provide written reports and/or testify in court. In criminal and commitment proceedings, the State of Wisconsin is the SPD's institutional adversary, thus although some employees in other state agencies might have the skills or knowledge to perform many of these functions, it could be an inherent conflict of interest to utilize them as expert witnesses for the defense.

Expert costs are paid for by the supply and service budgets of the Trial and Appellate divisions. In the 2013-15 biennium, the agency received an additional \$337,600 annually to provide the additional resources to retain expert witnesses for sexually violent person commitment cases under Chapter 980 for which the SPD provides representation.

The cost of expert witnesses has increased by 419.8% since FY10.

Fiscal Year	Appellate	Trial	TOTAL
FY10	\$6,575	\$322,505	\$329,080
FY11	\$14,840	\$333,399	\$348,239
FY12	\$13,069	\$400,020	\$413,089
FY13	\$14,822	\$458,770	\$473,592
FY14	\$24,068	\$573,468	\$597,536
FY15	\$13,787	\$706,437	\$720,224
FY16	\$13,306	\$854,299	\$867,605
FY17	\$23,941	\$1,072,491	\$1,096,431
FY18	\$25,738	\$1,039,795	\$1,065,533
FY19	\$22,361	\$1,079,161	\$1,101,522
FY20	\$21,763	\$1,022,116	\$1,043,878
FY21	\$21,913	\$1,002,614	\$1,024,527
FY22	\$42,180	\$948,403	\$990,583
FY23	\$72,719	\$1,2222,312	\$1,295,031
FY24	\$40,416	\$1,341,144	\$1,381,560

The increased cost of expert witnesses can no longer be absorbed by the agency. The shortfall in funding for expert witnesses in fiscal year 2024 was \$1,043,960.

The Public Defender Board requests that additional funding be provided for expert witnesses as follows:

Funding received in 2013 Wisconsin Act 20	\$ 337,600
FY24 actual expenditures	\$ 1,381,560
Annual increase needed	\$ 1,044,000

Summary

	FY26		FY27	
	Funding	FTE	Funding	FTE
GPR	\$1,044,000	0.00	\$1,044,000	0.00
PR	\$0	0.00	\$0	0.00
TOTAL	\$1,044,000	0.00	\$1,044,000	0.00

Prepared by:

Andrea Eilers Budget Director 608-267-0311

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES	
550	Public Defender Board	

DECISION ITEM

CODES	TITLES
4002	Expert Witness Services Cost-to-Continue

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$1,044,000	\$1,044,000
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$1,044,000	\$1,044,000
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

2527 Biennial Budget

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	4002 Expert Witness Services Cost-to-Continue)			
01	Legal assistance				
	03 Trial representation	\$1,044,000	\$1,044,000	0.00	0.00
	Legal assistance Sub Total	\$1,044,000	\$1,044,000	0.00	0.00
	Expert Witness Services Cost-to-Continue Sub Total	\$1,044,000	\$1,044,000	0.00	0.00
	Agency Total	\$1,044,000	\$1,044,000	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of F	unds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4002 Expert Witness Services Cost-to-Contin		ue			
GPR	S	\$1,044,000	\$1,044,000	0.00	0.00
Expert Witness Services Cost-to-Continue Total		\$1,044,000	\$1,044,000	0.00	0.00
Agency Total		\$1,044,000	\$1,044,000	0.00	0.00

Decision Item (DIN) - 4003

Decision Item (DIN) Title - Transcripts, Interpreters and Discovery Cost to Continue

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), increased funding of \$347,600 GPR in FY 26 and \$347,600 GPR in FY 27, per year for the payments for transcripts, discovery, and interpreters, to reflect current needs.

Office of the State Public Defender 2025-2027 Biennial Budget Issue Paper

Topic: DIN 4003 - Transcripts, Interpreters and Discovery Cost to Continue

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), increased funding of \$347,600 GPR in FY 26 and \$347,600 GPR in FY 27, per year for the payments for transcripts, discovery, and interpreters, to reflect current needs.

Problem Description

The State Public Defender (SPD) is responsible for the cost of transcripts of court proceedings that SPD staff and private bar attorneys request from the courts, for copying or electronic storage and delivery costs incurred by counties and other parties to provide SPD attorneys with discovery materials, and for the cost of interpreters needed for attorney-client communication and other case preparation (the courts are responsible for the costs of in-court interpreters). Total funding and expenditure/commitment levels each year since FY05 are shown below:

Fiscal year	Appropriated	Actual Expenditures	Shortfall
FY05	\$1,339,100	\$1,966,968	(\$627,868)
FY06	\$1,339,100	\$1,761,832	(\$422,732)
FY07	\$1,339,100	\$1,644,047	(\$304,947)
FY08	\$1,339,100	\$1,775,960	(\$436,860)
FY09	\$1,339,100	\$1,844,328	(\$505,228)
FY10	\$1,325,700	\$1,963,371	(\$637,671)
FY11	\$1,325,700	\$2,084,068	(\$758,368)
FY12	\$1,325,700	\$2,098,427	(\$772,727)
FY13	\$1,325,700	\$2,130,700	(\$805,000)
FY14	\$1,325,700	\$2,279,247	(\$953,547)
FY15	\$1,325,700	\$2,429,151	(\$1,103,451)
FY16	\$1,325,700	\$2,406,052	(\$1,080,352)
FY17	\$1,325,700	\$2,120,700	(\$795,000)
FY18	\$1,407,500	\$2,240,545	(\$833,045)
FY19	\$1,407,500	\$2,050,248	(\$642,748)
FY20	\$1,485,100	\$1,900,048	(\$414,948)
FY21	\$1,506,900	\$1,815,895	(\$308,995)
FY22	\$1,506,900	\$1,908,523	(\$401,623)
FY23	\$2,129,700	\$2,026,473	\$103,227
FY24	\$2,129,700	\$2,477,334	(\$347,634)

As discussed below, these expenses are largely driven by the volume and complexity of SPD appointments.

While the SPD received a funding increase of \$155,200 in the 2019-21 budget, and \$43,600 in the 2021-23 budget and had its appropriations realigned to move \$622,800 from one part of the SPD budget to the TID appropriation in the 2023-25 budget, those increases have not kept pace with the increase in expenses.

Background

Since Fiscal Year 2002, SPD has not been fully funded for expenses related to transcripts, interpreters, and discovery. Incremental funding increases in the last 20 years have not kept pace with the increased costs associated with these required costs of providing representation.

Transcript Payments

The total expenses for transcripts in FY24 was \$1,190,125. The demand for transcripts is a function of the number of cases appointed, their case type and complexity, the number and duration of court appearances and trials, and the number of cases in which defendants seek post-conviction (appellate) representation from SPD. The SPD has attempted to mitigate the effect of the increased expenditures for transcripts by urging staff attorneys to carefully determine when transcripts are needed and when they are not. Transcript expenditures are reviewed on a monthly basis, and higher than average expenditure levels are further reviewed to determine which individual attorneys are incurring high transcript costs and why.

Transcript requests have become more numerous and complex as more items have become electronic such as video surveillance, audio and video recordings and interrogations. Audio and video files take significant time to transcribe since people sometimes are talking at the same time or the quality of the audio and video increases the difficulty of an accurate transcription. Also, courts increasingly require attorneys to produce transcripts of recordings before the recordings are played in open court.

The SPD has also implemented a system to allow court reporters to electronically submit bills for transcripts to increase efficiency and decrease some of the costs associated with processing paper invoices.

Discovery Payments

Defendants have a constitutional right to discovery; that is, the disclosure of evidence in the prosecutor's possession. Prosecutors comply with this discovery obligation by making available copies of reports, recordings, and other pertinent investigative materials in either electronic or physical formats.

Discovery payments from this appropriation are driven by the number of cases appointed. In FY24, the SPD incurred costs totaling \$1,181,708 for discovery. This is the first time that the costs for discovery have exceeded \$1,000,000 in a fiscal year.

Interpreter Payments

In FY24, the SPD incurred costs totaling \$105,502 for interpreters. The agency has attempted to mitigate costs for interpreters through language line services; however, that option is not always available when meetings or interviews occur in jails, courthouses, and other non-office settings.

In addition to the need to communicate directly with the client, SPD staff often need to interview potential witnesses who require an interpreter. SPD has attempted to hire multilingual staff as well, though with limited success particularly in some parts of the state.

Like discovery payments, interpreter payments from this appropriation are driven by the number of cases appointed. SPD is experiencing increases in interpreter costs similar to in-court interpreter costs in the Court system.

Analysis

The Public Defender Board requests that additional funding be provided for transcript, discovery and interpreter payments as follows:

Full funding of transcript payments	\$ 1,190,125 annually
Full funding of discovery payments	\$ 1,181,708 annually
Full funding of interpreter payments	\$ 105,502 annually
Total Projected Annual Need in 2026-27	\$ 2,477,334 annually

Appn. 106 Adjusted 2024 Base Funding \$2,129,700

Annual increase needed \$ 347,634

Summary

	FY26		FY27	
	Funding	FTE	Funding	FTE
GPR	\$347,600	0.00	\$347,600	0.00
PR	\$0	0.00	\$0	0.00
TOTAL	\$347,600	0.00	\$347,600	0.00

Prepared by:

Andrea Eilers Budget Director 608-267-0311

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES	
550	Public Defender Board	

DECISION ITEM

CODES	TITLES	
4003	Transcripts, Interpreters and Discovery Cost to Continue	

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$347,600	\$347,600
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$347,600	\$347,600
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	4003 Transcripts, Interpreters and Discovery Co	ost to Continue			
01	Legal assistance				
	06 Transcripts discovery intrprtr	\$347,600	\$347,600	0.00	0.00
	Legal assistance Sub Total	\$347,600	\$347,600	0.00	0.00
	Transcripts, Interpreters and Discovery Cost to Continue Sub Total	\$347,600	\$347,600	0.00	0.00
	Agency Total	\$347,600	\$347,600	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4003 Transcripts, Interpreters and Discovery Cost to Continue					
GPR	S	\$347,600	\$347,600	0.00	0.00
Transcripts, Interpreters and Discovery Cost to Continue Total		\$347,600	\$347,600	0.00	0.00
Agency Total		\$347,600	\$347,600	0.00	0.00

Decision Item (DIN) - 4005

Decision Item (DIN) Title - Assistant State Public Defender Merit Compensation

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$1,814,800 GPR in FY26 and \$3,653,100 GPR in FY27 to fund the statutory pay progression plan for assistant state public defender attorneys.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 4005 – Assistant State Public Defender Merit Compensation

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$1,814,800 GPR in FY26 and \$3,653,100 GPR in FY27 to fund the statutory pay progression plan for assistant state public defender attorneys.

Problem Description

2013 Wisconsin Act 20 provided statutory authorization and funding to provide pay progression for assistant state public defender attorneys. The Office of the State Public Defender (SPD) requests funding in the 2025-2027 biennial budget to retain attorneys who can provide the most effective and efficient representation.

Background

The SPD requests funding to retain the staff with the knowledge and expertise to not only take a large volume of complex case types, but also to mentor new attorneys and participate in criminal justice system initiatives such as the Treatment Alternatives and Diversion (TAD) programs.

Analysis

An adequate compensation structure helps to address staff retention issues. Retaining experienced attorneys, both as prosecutors and public defenders, benefits the entire criminal justice system. Attorneys with 7-17 years of experience, the group for which the retention issue is most acute, are able to ethically and competently handle a significant number of complex cases, such as homicides, other high-level felonies, and Ch. 980 sexually violent person commitments. They are also qualified to serve on work groups, such as treatment court teams and justice coordinating councils, which advance cost-effective and evidence-based practices in the justice system.

Maintaining pay parity between assistant state public defenders and assistant district attorneys will also prevent the public defender's office from becoming a training ground for attorneys who gain trial skills and then leave for higher pay scales offered by county corporation counsel, city attorney offices, or the private sector.

In addition to the traditional merit-based system, SPD requests non-statutory language in FY 26 to be able to target pay equity issues that have resulted from a limited hiring pool that, primarily prior to the 2023-25 biennium, resulted in a need to hire above the minimum in order to attract individuals with experience to accept staff attorney positions.

Cost Estimate

SPD estimates it will have 373.7 FTE positions not at class maximum and eligible for pay progression in the first year. For year one, to increase their base salary by one step, would require \$1,814,800 in FY26. In year two, to provide an across the board increase of one step for each eligible attorney would require \$3,629,500 in FY27 funding which also includes covering the year one salary amount.

SPD also requests non-statutory language in FY 26 to allow distribution outside the statutory merit scheme and, to allow flexibility to address pay equity issues, the ability to exceed the 10% per attorney cap on awards.

Summary

	FY26	6	FY27	7
	Funding	FTE	Funding	FTE
GPR	\$1,814,800	0.00	\$3,653,100	0.00
PR	\$0	0.00	\$0	0.00
TOTAL	\$1,814,800	0.00	\$3,653,100	0.00

Prepared by:

Adam Plotkin Director of Government & Public Affairs 608-264-8572

Appendix A – Statutory Changes

Proposed non statutory language including a "notwithstanding" provision:

Notwithstanding s. 230.12(11)(a), the pay progression plan in fiscal year 2026 may be based on equity criteria.

Notwithstanding s. 230.12(11)(c), a salary adjustment for an assistant state public defender under this subsection may exceed 10 percent of his or her base pay during fiscal year 2026.

STATUTORY LANGUAGE

Appendix A – Statutory Changes

Proposed non statutory language including a "notwithstanding" provision:

Notwithstanding s. 230.12(11)(a), the pay progression plan in fiscal year 2026 may be based on equity criteria.

Notwithstanding s. 230.12(11)(c), a salary adjustment for an assistant state public defender under this subsection may exceed 10 percent of his or her base pay during fiscal year 2026.

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES
550	Public Defender Board

DECISION ITEM

CODES	TITLES
4005	Assistant State Public Defender Merit Compensation

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$1,814,800	\$3,653,100
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$0	\$0
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$1,814,800	\$3,653,100
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

2527 Biennial Budget

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	4005 Assistant State Public Defender Merit Cor	npensation			
01	Legal assistance				
	07 Salary adjustments	\$1,814,800	\$3,653,100	0.00	0.00
	Legal assistance Sub Total	\$1,814,800	\$3,653,100	0.00	0.00
	Assistant State Public Defender Merit Compensation Sub Total	\$1,814,800	\$3,653,100	0.00	0.00
	Agency Total	\$1,814,800	\$3,653,100	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of F	unds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4005 Assistant State Public Defe	ender Merit Co	ompensation			
GPR	S	\$1,814,800	\$3,653,100	0.00	0.00
Assistant State Public Defender Merit Compensation Total		\$1,814,800	\$3,653,100	0.00	0.00
Agency Total		\$1,814,800	\$3,653,100	0.00	0.00

Decision Item (DIN) - 4010 Decision Item (DIN) Title - Restore Turnover

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$1,603,500 GPR in both years to restore the turnover reduction in DIN 3001. Historically, SPD has been exempted from taking the turnover due to constitutional requirements. The Constitution and U.S. Supreme Court case law requires that SPD provides representation for all financially eligible individuals accused of a crime. In Wisconsin's system, representation is provided by both staff attorneys by private bar attorneys. As staff attorneys are able to handle a higher volume of cases than private bar attorneys, not filling staff attorney positions will result in higher costs to provide representation. From an overall fiscal standpoint, it is more cost effective to fill all currently authorized staff attorney positions.

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES
550	Public Defender Board

DECISION ITEM

CODES	TITLES
4010	Restore Turnover

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$1,603,500	\$1,603,500
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$0	\$0
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$1,603,500	\$1,603,500
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

2527 Biennial Budget

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	4010 Restore Turnover				
01	Legal assistance				
	03 Trial representation	\$1,603,500	\$1,603,500	0.00	0.00
	Legal assistance Sub Total	\$1,603,500	\$1,603,500	0.00	0.00
	Restore Turnover Sub Total	\$1,603,500	\$1,603,500	0.00	0.00
	Agency Total	\$1,603,500	\$1,603,500	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of F	unds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4010 Restore Turnover					
GPR	S	\$1,603,500	\$1,603,500	0.00	0.00
Restore Turnover Total		\$1,603,500	\$1,603,500	0.00	0.00
Agency Total		\$1,603,500	\$1,603,500	0.00	0.00

Decision Item (DIN) - 4502

Decision Item (DIN) Title - Charging and Sentencing Alternatives

NARRATIVE

The Public Defender Board, for the Office of the State Public Defender (SPD), proposes statutory changes to the charging process for certain offenses to reduce the number of cases in which the SPD must appoint an attorney. This request would save \$3,317,600 GPR in FY26 and \$8,187,200 GPR in FY27 in agency-wide savings. There would also be collateral savings for other criminal justice system entities.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 4502 – Charging and Sentencing Alternatives

Agency Request

The Public Defender Board, for the Office of the State Public Defender (SPD), proposes statutory changes to the charging process for certain offenses to reduce the number of cases in which the SPD must appoint an attorney. This request would save \$3,317,600 GPR in FY26 and \$8,187,200 GPR in FY27 in agency-wide savings. There would also be collateral savings for other criminal justice system entities.

Problem Description

Many criminal charges are settled before trial, reduced to a conforming municipal ordinance, or addressed with an alternative to incarceration; however, when a criminal statute is originally charged, these alleged offenders can qualify for representation by the SPD. This disparity between the criminal statute and case resolution significantly and unnecessarily increases costs overall to the criminal justice system.

Background

The SPD has the statutory responsibility to appoint counsel for financially eligible defendants in criminal and juvenile delinquency cases, sec. 977.05(4)(i), Stats. The SPD does not provide representation to persons whose charges are classified as non-criminal forfeitures (such as city and county ordinance cases). Thus, when cases are diverted from the formal criminal court processes without the issuance of formal charges, the SPD will have fewer cases in which it is required to appoint counsel.

Analysis

The right to counsel in a criminal proceeding is contained in both chapter 977 of the Wisconsin statutes and in the United States and Wisconsin Constitutions. Therefore, the SPD cannot unilaterally reduce the number of cases in which the agency appoints counsel. The SPD's caseload and associated costs are largely determined by the number and nature of criminal proceedings filed in state court.

In an effort to holistically adjust workload in conjunction with DIN 5002 (Staffing), this proposal advances a potential strategy for reducing the number of SPD cases by amending specified criminal statutes.

The SPD requests a change to s. 947.01, Disorderly Conduct to remove the words "indecent, profane, boisterous, unreasonably loud" as the basis for criminal disorderly

conduct. Municipalities would retain the ability to treat this as a non-criminal offense punishable in municipal court by a non-criminal sanction.

Defendants in these cases are currently eligible for representation by the State Public Defender's office because a conviction for a misdemeanor can result in incarceration. In practice, however, many of these cases do not result in jail time; they are ultimately dismissed (on the prosecutor's motion or following an acquittal at trial), reduced to a conforming ordinance, or addressed with one or more alternatives to incarceration.

This proposal would also provide benefits to other justice agencies, such as district attorneys and courts, because more resources could be focused on prosecution and adjudication of more serious disorderly conduct allegations.

We estimate that approximately 40% of the SPD's 7,472 disorderly conduct cases would be eliminated if this proposed revision had been in effect during FY24. Based on cost per case averages, this option could reduce SPD costs in the 2025-27 biennium by \$3,153,400.

Many counties and municipalities issue non-criminal citations for possession of marijuana. When criminal charges are filed, they are often resolved with dispositions that do not include incarceration. Thus, the proposed reclassification of these offenses to non-criminal forfeitures is a reasonable component of reducing the cost to provide SPD representation. The SPD recommends eliminating the state criminal charge for simple possession of marijuana.

In FY24, the SPD represented clients in 4,717 cases related to simple possession of marijuana. If those cases would not have qualified for representation due to this change, then the SPD would save \$6,690,800 in the 2025-27 biennium.

In addition to criminal cases, SPD provides representation in administrative hearings for revocation of community supervision initiated by the Department of Corrections. Research shows that a vast majority, over 80%, of revocation proceedings take place within two years of re-entry¹. If community supervision were capped at no more than two years, SPD could expect a reduction of approximately 19% of the 5,591 revocation appointments it made in FY24. Based on the average cost per case for a revocation appointment, this save \$1,660,600 in the 2025-27 biennium .

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¹ https://www.badgerinstitute.org/wp-content/uploads/2022/08/RevocationPDF.pdf

Summary

As it would take 6 months to complete cases charged under the current system, SPD estimates savings of half the costs in Fiscal Year 2026 and the full annual savings in Fiscal Year 2027. These cases are represented by staff attorneys as well as private bar attorneys.

	FY26		FY27	
	Funding	FTE	Funding	FTE
GPR	\$(3,317,600)	0.00	\$(8,187,200)	0.00
PR	\$0	0.00	\$0 0.00	
TOTAL	\$(3,317,600)	0.00	\$(8,187,200)	0.00

Prepared by:

Adam Plotkin Director of Government & Public Affairs 608-264-8572

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

DECISION ITEM

CODES	TITLES	
550	Public Defender Board	

CODES	TITLES	
4502	Charging and Sentencing Alternatives	

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	(\$3,317,600)	(\$8,187,200)
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	(\$3,317,600)	(\$8,187,200)
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	4502 Charging and Sentencing Alternatives				
01	Legal assistance				
	04 Private bar invstgtr reimburse	(\$3,317,600)	(\$8,187,200)	0.00	0.00
	Legal assistance Sub Total	(\$3,317,600)	(\$8,187,200)	0.00	0.00
	Charging and Sentencing Alternatives Sub Total	(\$3,317,600)	(\$8,187,200)	0.00	0.00
	Agency Total	(\$3,317,600)	(\$8,187,200)	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4502 Charging and Sentencing	Alternatives				
GPR	S	(\$3,317,600)	(\$8,187,200)	0.00	0.00
Charging and Sentencing Altern Total	atives	(\$3,317,600)	(\$8,187,200)	0.00	0.00
Agency Total		(\$3,317,600)	(\$8,187,200)	0.00	0.00

Decision Item (DIN) - 5001 Decision Item (DIN) Title - Private Bar Rate Increase

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$1,101,400 GPR in FY26 and \$2,728,900 GPR in FY27 to: increase the rate paid for serious cases to \$125 per hour effective July 1, 2025; increase the mileage reimbursement rate to match the Internal Revenue Service Rate; and to allow reimbursement for the time spent compiling and submitting invoices to the SPD.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 5001 – Private Bar Rate Increase

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$1,101,400 GPR in FY26 and \$2,728,900 GPR in FY27 to: increase the rate paid for serious cases to \$125 per hour effective July 1, 2025; increase the mileage reimbursement rate to match the Internal Revenue Service Rate; and to allow reimbursement for the time spent compiling and submitting invoices to the SPD.

Problem Description

Following the increase in the hourly reimbursement and travel rates in the 2023-25 biennial budget, there has been an increase in the number of attorneys certified to accept SPD appointments and the number of cases accepted by private attorneys. There remain challenges finding attorneys for specific case types or for market driven reasons. The ability to consistently and reliably recruit and retain private bar attorneys who accept appointments is vital to providing constitutionally required representation. It also has a direct impact on county expenses through increased jail costs, costs for appointment of counsel at county expense, and costs related to delays in the court process.

Background

When the Legislature created the SPD in 1977, it established the hourly rate paid to private bar attorneys at \$45 per hour for time spent in-court and \$35 for time spent out-of-court. Travel time was, and continues to be, reimbursed at \$25 per hour. In 1992, the Legislature raised private bar rates to \$50 per hour for in-court and \$40 per hour for out-of-court work. However, in 1995, the private bar rate was reduced to \$40 per hour for in-court work. In the 2019-21 biennial budget, the rate for both in-court and out-of-court work was increased to \$70 per hour effective January 1, 2020. Finally, in the 2023-25 biennial budget, the rate for both in-court and out-of-court work was increased to \$100 per hour effective July 1, 2023.

Despite the rate increase to \$100 in 2023, the SPD rate of reimbursement remains far below the market rate for privately retained criminal defense counsel. Whereas this problem was more widespread prior to the most recent rate increase, it is now a more focused issue in terms of meeting specific business needs of private sector attorneys and in the most serious case appointments.

Analysis

The SPD proposes increasing the hourly rate of reimbursement from \$100 to \$125 per hour for in-court and out-of-court work in serious cases, increasing the mileage reimbursement rate, and allowing reimbursement for the time spent submitting invoices.

Private Bar In and Out of Court Reimbursement Rate

The SPD appoints cases to the private bar attorneys when SPD staff is unavailable due to conflicts of interest, vacancies, or workloads. Appointments to the private bar necessitated by conflicts of interest include cases such as when multiple SPD clients are co-defendants in the same case or in which a current SPD client is a key witness against another client in a separate case.

The current \$100 per hour rate has increased the number of attorneys accepting SPD appointments broadly, though challenges remain in recruiting attorneys to accept the most serious case types. With more serious cases, typically attorneys must have some prior experience handling criminal defense cases. Attorneys with that level of experience often bill at or above the median rate for a criminal law private practitioner. According to the State Bar of Wisconsin's study, 2017 Economics of Law Practice in Wisconsin, the median hourly billing rate for a criminal law private practitioner is \$183. More recently, Clio released the Legal Trends Report in 2021 which reinforces the findings from the 2017 State Bar of Wisconsin study in noting that nationwide the average hourly rate for criminal defense lawyers is \$181.

In order to attract more experienced attorneys to accept SPD appointments in more serious case types, SPD proposes to raise the rate for cases in which a crime listed in s. 165.84(7)(ab) is charged to \$125 per hour.

Because serious cases often take between 9-12 months to resolve, SPD proposes making this rate effective on July 1, 2025 but delaying the funding increase associated with it to July 1, 2026. This would result in a cost increase in Fiscal Year 2027 of an estimated \$1,432,600.

Mileage Reimbursement

Another barrier to private attorneys, particularly those who work in a larger firm and may only accept a few case appointments per year, is the difference between the SPD mileage reimbursement rate of \$0.51 per mile and the Internal Revenue Service mileage rate of \$0.67 per mile. While this is a small difference, it has been cited by law firms as a reason they will not allow newer associates to accept SPD appointments.

SPD proposes to increase the mileage reimbursement rate to match the IRS established rate. The estimated annual cost is \$322,000.

Reimbursement for time to prepare SPD invoices

Solo and small practitioners have cited the time it takes to prepare and upload invoices to SPD for payment as a reason they will not accept SPD appointments.

SPD is required to accept and review bills related to private bar attorney representation. The ability to effectively audit the bills for compliance with statutory and administrative code requirements means that SPD must require that specific information be submitted along with the bill. For solo practitioners, this can be a time consuming task that is not an allowable expense.

SPD proposes to allow reimbursement for the time spent submitting a bill by allowing a 2% reimbursement based on the total invoice to be applied to the final payment to the private bar attorney. The estimated annual cost is \$876,800.

Cost Estimate

The biennial cost estimate for the increased rate for serious case appointments is \$1,432,600.

The biennial cost estimate to increase the mileage reimbursement rate is \$644,000.

The biennial cost estimate to allow reimbursement for time spent submitting invoices is \$1,753,700.

The total biennial cost estimate for all three proposals is \$3,830,300.

Summary

	FY 26		FY 27	
ŧ.	Funding	FTE	Funding	FTE
GPR	\$1,101,400	0.00	\$2,728,900	0.00
PR	\$0	0.00	\$0	0.00
TOTAL	\$1,101,400	0.00	\$2,728,900	0.00

Prepared by:

Adam Plotkin Director of Government & Public Affairs 608-264-8572

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES
550	Public Defender Board

DECISION ITEM

CODES	TITLES
5001	Private Bar Rate Increase

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$1,101,400	\$2,728,900
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$1,101,400	\$2,728,900
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

2527 Biennial Budget

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	5001 Private Bar Rate Increase				
01	Legal assistance				
	04 Private bar invstgtr reimburse	\$1,101,400	\$2,728,900	0.00	0.00
	Legal assistance Sub Total	\$1,101,400	\$2,728,900	0.00	0.00
	Private Bar Rate Increase Sub Total	\$1,101,400	\$2,728,900	0.00	0.00
	Agency Total	\$1,101,400	\$2,728,900	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
5001 Private Bar Rate Increase					
GPR	S	\$1,101,400	\$2,728,900	0.00	0.00
Private Bar Rate Increase Total		\$1,101,400	\$2,728,900	0.00	0.00
Agency Total		\$1,101,400	\$2,728,900	0.00	0.00

Decision Item (DIN) - 5002 Decision Item (DIN) Title - Workload Staffing

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$3,777,900 GPR and 52.5 FTE in FY26 and \$3,929,700 GPR and 52.5 FTE in FY27 to address workload issues that contribute to delays in the provision of constitutionally required representation.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 5002 – Workload Staffing

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$3,777,900 GPR and 52.5 FTE in FY26 and \$3,929,700 GPR and 52.5 FTE in FY27 to address workload issues that contribute to delays in the provision of constitutionally required representation.

Problem Description

Based on staffing ratio research and a recently released National Workload study for public defenders, the currently authorized number of positions at SPD are insufficient to fulfill the constitutional obligation to provide representation. The significant workloads faced by SPD staff are a cause of recruitment and retention issues, but also jeopardizes the ability to provide a zealous defense afforded by the Sixth Amendment to the United States Constitution.

Background

SPD has approximately 615 authorized FTE positions, including approximately 380 attorneys in both the trial and appellate divisions, who provide representation in a majority of the approximately 115,000 appointments made in FY 24.

Staff attorneys have required minimum caseloads but take significantly more appointments than the minimum. United States Supreme Court caselaw requires ethical and zealous representation for all clients. The more open cases that a staff attorney has at one time, the more quality of representation is affected.

Based on staffing ratio research and a recently released National Workload study for public defenders, the currently authorized number of positions at SPD are insufficient to fulfill the constitutional obligation. The key issues are recruitment and retention of staff attorneys as well as support staff and the significant increase in workload.

Analysis

In October 2023, the American Bar Association released the first national workload study since 1974. A benchmark point of comparison is the number of felony appointments that constitute full time work for a staff public defender attorney. In 1974, that number was set at 184.5 cases, which is the current minimum appointment requirement in Wisconsin. The 2023 report updated that number to between 21 and 59 depending on severity of the felony charge. SPD is currently working with the University of Wisconsin-Milwaukee to adapt the national report to the particulars of Wisconsin's

indigent defense system specifically and the criminal legal system generally. A request for additional trial attorneys at this time is likely to face practical hiring limitations based on the current attorney shortage in Wisconsin.

In addition, a 2020 policy statement¹, the National Association for Public Defense (NAPD) discussed the role and importance of adequate support staff. The paper concludes that:

"...to determine the number of staff necessary to support the lawyer, public defense systems, at a minimum, should provide one investigator for every three lawyers, one mental health professional, often a social worker, 3 for every three lawyers, and one supervisor for every 10 lawyers. Additionally, there should be one paralegal and one administrative assistant for every 4 lawyers."

Based on currently authorized FTE attorney positions, the NAPD staffing ratios identify a shortage of 5.8 legal secretaries, 79.2 paralegals, 45.2 investigators, and 103.6 client service specialists (the Wisconsin equivalent of social workers). This short staffing of support staff does not account for the shortage of attorneys identified by the new national workload standards.

The SPD requests additional support staff to provide litigation and administrative support to address the extraordinary workload of staff attorneys. In the trial and appellate divisions, the ratio of attorneys to all support staff positions (legal secretaries, investigators, client services specialists, etc.) combined is approximately 2 attorneys to 1 support staff person. In comparison, the Department of Justice has a ratio of 5 attorneys to 3 support staff. Some local prosecutors have staffing ratios as high as 3 support staff to 1 attorney which does not include support available in the form of local law enforcement agencies. Particularly in some of the SPD's smaller offices, there may only be one support staff person on site for three to five attorneys. If that person spends all day making calls to appoint cases to the private bar, they are not available to provide support for the SPD attorneys in the office. This increases the amount of time the attorneys spend on administrative matters.

Additional staff support is necessary to address the workload impact of direct representation requirements such as motion practice, working with attorneys and clients to investigate and prepare their case for trial, assistance with administrative matters such as drafting and eFiling court documents, and reviewing video evidence. The workload impact of video evidence continues to grow exponentially. For instance, in one of forty SPD trial offices, over just a four month period, the office downloaded and reviewed approximately 7000 hours of video evidence. This is the equivalent of nearly 4 FTE for a year just to review video in one office. In the 2021-23 budget, SPD received 5 FTE related to all workload issues, including the impact of video evidence.

In addition to support staff needs within the trial and appellate divisions, there is an identified need for additional attorneys within the appellate division. A combination of a

¹ https://publicdefenders.us/app/uploads/2015/03/NAPD_Policy-Statement-on-Public-Defense-Staffing.pdf

significant number of pending appointments, lack of private bar attorneys certified and willing to take appellate appointments, and proven ability to recruit staff attorneys in appellate shows a need for 6.5 appellate attorney positions.

SPD requests the addition of 50.5 FTE overall appellate attorney and trial and appellate support staff positions: 6.5 appellate attorneys; 24.0 paralegals; 9.0 investigators, 4.0 client services specialists, and 7.0 FTE legal secretaries.

In addition to legal staff ratios identified, the NAPD paper notes ratios for human resources and information technology positions. SPD requests 1 additional human resources specialist and 1 information technology specialist position.

Human Resources

The significant increase in overall staff turnover and the potential addition of support staff also necessitate increased staffing resources for SPD Human Resources for recruitment and onboarding.

The NAPD ratio for human resources needs is benchmarked to the Society for Human Resource Management benchmarks of 1.22 HR staff per 100 employees in a medium sized organization. Based on that ratio, SPD is short staffed by 2.7 FTE HR employees.

In addition, the SPD human resources staffing ratio is also disproportionate to other state agencies:

Agency	Total HR Staff	#FTEs	Ratio
SPD	5	697	1:139
DOJ	8	742	1:93
DPI	9	683	1:76
ETF	5	282	1:56
DHS	82	6653	1:81

Even with the addition of an additional HR Specialist, SPD's ratio would still be one of the highest among state agencies at 1 HR position per 116 FTE. The cost for this position in the administrative office is \$85,172 in Fiscal Year 2026 and \$85,172 in Fiscal Year 2027.

Information Technology

The SPD requests 1.0 FTE IT staff to support the IT needs of SPD and enterprise wide IT requirements. This position will help to continue adherence with Enterprise changes started in the 2021-23 biennium, in some cases, as a result of the Legislative Audit Bureau's IT and Procurement Performance Audit:

- Adherence and implementation of the DOA/DET Security Policy, Standards, and Procedures (PSP) requirement;
- Adherence to the DOA/DET Cloud Brokerage requirements;
- Management of the new mandatory Vulnerability Management and Next Gen Antivirus platforms;
- Implementation and maintenance of the MyWisconsinID and Enterprise VOIP strategies.

In addition, an IT FTE is critical to address the growing security risks associated with today's increasing cybersecurity threats, especially on government infrastructure. The position would also be vital to implement modernization initiatives to enhance the efficiency and effectiveness of SPD IT systems.

The NAPD ratio for human resources needs is based on the Gartner Key IT Metrics Survey benchmarks of 1 IT staff per 27 employees. Based on that ratio, SPD is short staffed by 17.0 FTE IT employees.

The SPD IT staffing ratio is the lowest in the state and is disproportionate to other agencies:

Agency	Total IT Staff	#FTEs	Ratio
SPD	6	697	1:116
DOC	92	7867	1:86
DMA	27	488	1:18
DFI	7	127	1:18
DATCP	24	568	1:23

SPD requests 1.0 FTE Information Systems Comprehensive Services Specialist to align with the Enterprise strategy and requirements. The cost for this position in the administrative office is \$106,110 in Fiscal Year 2026 and \$106,110 in Fiscal Year 2027.

Summary

	FY 26		FY 27	
	Funding	FTE	Funding	FTE
GPR	\$3,777,900	52.5	\$3,929,700	52.5
PR	\$0	0.00	\$0	0.00
TOTAL	\$3,777,900	52.5	\$3,929,748	52.5

Prepared by:

Adam Plotkin Director of Government & Public Affairs 608-264-8572

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

DECISION ITEM

Classified Positions Authorized

Unclassified Positions Authorized

19

20

CODES	TITLES
550	Public Defender Board

CODES TITLES

5002 Workload Staffing

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$2,417,700	\$2,541,800
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$920,700	\$967,900
06	Supplies and Services	\$439,500	\$420,000
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$3,777,900	\$3,929,700
18	Project Positions Authorized	0.00	0.00

46.00

6.50

46.00

6.50

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	5002 Workload Staffing				
01	Legal assistance				
	01 Program operation	\$191,300	\$191,200	2.00	2.00
	02 Appellate representation	\$585,600	\$737,500	6.50	6.50
	03 Trial representation	\$3,001,000	\$3,001,000	44.00	44.00
	Legal assistance Sub Total	\$3,777,900	\$3,929,700	52.50	52.50
	Workload Staffing Sub Total	\$3,777,900	\$3,929,700	52.50	52.50
	Agency Total	\$3,777,900	\$3,929,700	52.50	52.50

Decision Item by Fund Source

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
5002 Workload Staffing					
GPR	S	\$3,777,900	\$3,929,700	52.50	52.50
Workload Staffing Total		\$3,777,900	\$3,929,700	52.50	52.50
Agency Total		\$3,777,900	\$3,929,700	52.50	52.50

Decision Item (DIN) - 5006 Decision Item (DIN) Title - Eligibility Criteria

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), 23.1 FTE and \$2,271,000 in FY 26 and \$3,573,300 in FY 27 to support an increase to the financial eligibility criteria to qualify for public defender representation effective January 1, 2026.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 5006 – Eligibility Criteria

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), 23.1 FTE and \$2,271,000 in FY 26 and \$3,573,300 in FY 27 to support an increase to the financial eligibility criteria to qualify for public defender representation effective January 1, 2026.

Problem Description

The current financial eligibility criteria to qualify for public defender representation are based on 115% of the 2011 federal poverty guideline. As a result, individuals who are considered in poverty according to federal guidelines nevertheless do not qualify as indigent for purposes of representation.

Background

Last updated in 2010 (2009 Wisconsin Act 164) with staffing provided as part of the 2011-13 budget, the eligibility criteria to qualify for a public defender have been set at 115% of the 2011 federal poverty guidelines. Though the federal guidelines are updated annually, the SPD criteria are frozen to the 2011 levels. This results in individuals who are defined as in poverty not being eligible for public defender representation and many of those cases being appointed at county expense.

Analysis

To receive public defender representation, an individual must first meet statutory eligibility criteria. In addition to certain asset calculations, the person's income may not be higher than 115% of the 2011 federal poverty guideline based on the size of the family. For a single individual, the annual income limit is \$12,524. At full employment of 40 hours per week, that equates to an hourly wage of \$6.02. At the current minimum wage of \$7.25, an individual could work no more than 33 hours per week.

The federal government recalculates the federal poverty level annually and as of 2024, 115% of the federal poverty level for a single individual is \$17,319, a difference of \$4,796 from the SPD criteria.

Family Size	2024 Rate	2024 @ 115%	2011 Rate	2011 @ 115%	ANNUAL INCOME ELIGIBILITY GAP
1	\$15,060	\$17,319	\$10,890	\$12,524	\$4,796
2	\$20,440	\$23,506	\$14,710	\$16,917	\$6,590
3	\$25,820	\$29,693	\$18,530	\$21,310	\$8,384
4	\$31,200	\$35,880	\$22,350	\$25,703	\$10,178
5	\$36,580	\$42,067	\$26,170	\$30,096	\$11,972
6	\$41,960	\$48,254	\$29,990	\$34,489	\$13,766
7	\$47,340	\$54,441	\$33,810	\$38,882	\$15,560
8	\$52,720	\$60,628	\$37,630	\$43,275	\$17,354

Wisconsin case law in State v. Dean, 163 Wis. 2d 503, 511, 471 N.W.2d 310 (Ct. App. 1991) states that if a person does not qualify for a public defender but does not have the ability to hire private counsel, it is the obligation of the court to appoint an attorney at county expense. For those individuals who fall between the 2011 and 2024 federal poverty level, the state obligation to appoint counsel is shifted to the county.

Increasing the financial eligibility criteria would avoid that cost shift to the county and ensure that effective representation is consistently provided statewide by the state public defender.

Cost Estimate

SPD reviewed the eligibility forms of those who failed to financially qualify in FY24. By increasing the eligibility criteria to 115% of the 2024 federal poverty guideline, SPD estimates that an additional 4,563 appointments would be made. Assuming current caseload requirements and appointment ratios between staff and private bar attorneys, SPD estimates that the addition of 4,563 per year would require 9.5 FTE trial attorneys, 1.5 appellate attorneys, 2.8 legal secretaries, 2.8 paralegals, 2.8 investigators, 3.7 client services specialists at a total cost of \$1,667,900 in FY 26 and \$2,069,800 in FY 27.

In addition, increased private bar appointment costs will be \$603,100 in FY 26 and \$1,503,400 in FY 27.

Cost estimates are calculated based on a January 1, 2026 effective date for the new eligibility criteria, a three month delay to hire the staff positions, and a six month delay after the effective date for the submission and payment of private bar invoices.

Statutory Changes (Appendix A)

Amend §977.02(3)(c) to delete 2011 in the reference to the federal poverty guidelines.

Summary

	FY 26		FY 27	
	Funding	FTE	Funding	FTE
GPR	\$2,271,000	23.1	\$3,573,300	23.1
PR	\$0	0.00	\$0	0.00
TOTAL	\$2,271,000	23.1	\$3,573,300	23.1

Prepared by:

Adam Plotkin Director of Government & Public Affairs 608-264-8572

Appendix A – Statutory Changes

Amend §977.02(3)(c) to:

(c) Subject to par. (d), treat income as available to the person to pay the costs of legal representation only if the gross income exceeds 115 percent of the federal poverty guideline, as defined in 42 USC 9902 (2) (2011). In calculating gross income under this paragraph, the representative of the state public defender shall include all earned and unearned income of the person, except any amount received under section 32 of the Internal Revenue Code, as defined in s. 71.01 (6), any amount received under s. 71.07 (9e), any payment made by an employer under section 3507 of the Internal Revenue Code, as defined in s. 71.01 (6), any student financial aid received under any federal or state program, any scholarship used for tuition and books, and any assistance received under s. 49.148. In determining the earned and unearned income of the individual, the representative of the state public defender may not include income earned by a dependent child of the person.

STATUTORY LANGUAGE

Amend §977.02(3)(c) to:

(c) Subject to par. (d), treat income as available to the person to pay the costs of legal representation only if the gross income exceeds 115 percent of the federal poverty guideline, as defined in 42 USC 9902 (2) (2011). In calculating gross income under this paragraph, the representative of the state public defender shall include all earned and unearned income of the person, except any amount received under section 32 of the Internal Revenue Code, as defined in s. 71.01 (6), any amount received under s. 71.07 (9e), any payment made by an employer under section 3507 of the Internal Revenue Code, as defined in s. 71.01 (6), any student financial aid received under any federal or state program, any scholarship used for tuition and books, and any assistance received under s. 49.148. In determining the earned and unearned income of the individual, the representative of the state public defender may not include income earned by a dependent child of the person.

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES	
550	Public Defender Board	

DECISION ITEM

CODES	TITLES
5006	Eligibility Criteria

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$1,023,900	\$1,365,200
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$390,000	\$519,900
06	Supplies and Services	\$857,200	\$1,688,200
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$2,271,100	\$3,573,300
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	12.10	12.10
20	Unclassified Positions Authorized	11.00	11.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	5006 Eligibility Criteria				
01	Legal assistance				
	02 Appellate representation	\$135,200	\$170,200	1.50	1.50
	03 Trial representation	\$1,532,800	\$1,899,700	21.60	21.60
	04 Private bar invstgtr reimburse	\$603,100	\$1,503,400	0.00	0.00
	Legal assistance Sub Total	\$2,271,100	\$3,573,300	23.10	23.10
	Eligibility Criteria Sub Total	\$2,271,100	\$3,573,300	23.10	23.10
	Agency Total	\$2,271,100	\$3,573,300	23.10	23.10

Decision Item by Fund Source

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
5006 Eligibility Criteria					
GPR	S	\$2,271,100	\$3,573,300	23.10	23.10
Eligibility Criteria Total		\$2,271,100	\$3,573,300	23.10	23.10
Agency Total		\$2,271,100	\$3,573,300	23.10	23.10

Decision Item (DIN) - 5007 Decision Item (DIN) Title - Geographic Pay Add-on

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$1,382,800 in FY 26 and \$1,382,800 in FY 27 to provide a geographical pay add-on to encourage recruitment of staff attorneys in rural and difficult to recruit offices.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 5007 – Geographic Pay Add-on

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$1,382,800 in FY 26 and \$1,382,800 in FY 27 to provide a geographical pay add-on to encourage recruitment of staff attorneys in rural and difficult to recruit offices.

Problem Description

In the two years prior to the 2023-25 budget, the turnover rate among SPD staff attorneys was over 20%. As a result of the significant increase in attorney salaries in the 2023-25 budget, turnover in FY 24 fell to less than 13%, more closely aligned with turnover rates prior to the pandemic. Despite the success of the 2023 budget, turnover in some SPD offices remains high.

Background

Even prior to the pandemic, recruitment in rural offices was an identified problem. Compensation increases, enhanced recruitment efforts, and collaboration with justice system partners to increase interest in working in a rural office have had limited impacts, but retention often becomes a problem as SPD efforts to recruit to rural areas results in those attorneys being hired to other agencies or private firms.

Analysis

SPD seeks targeted compensation strategies to recruit and retain staff attorneys in rural and hard to recruit offices. As the number of licensed attorneys has become stagnant, additional measures are needed to enhance recruitment. The Wisconsin Supreme Court has identified this need statewide through the creation of the Attorney Recruitment and Retention Committee¹.

Following the 2023 budget investment in attorney compensation, turnover rates agency wide have decreased significantly. Nonetheless, several specific SPD offices have turnover rates higher than the agency rate. Offices located in Appleton, Peshtigo, Oshkosh, La Crosse, Portage, Milwaukee Youth and Mental Health, Merrill, Wausau, Spooner, and West Bend had turnover rates higher than the agency.

SPD proposes a geographic pay add-on for current and future staff attorneys in offices that meet criteria related to turnover, ratio of attorneys with experience in the office, and with geographic limitations to target rural offices.

https://www.wicourts.gov/news/archives/view.jsp?id=1649&year=2024

Additional criteria should be included that provide that the add-on is available as long as the attorney remains in, or transfers to an office that meets the criteria.

Cost Estimate

For cost estimation purposes, SPD assumed that if staff attorneys in all offices in Judicial Districts 2, 3, 4, 7, 8, 9, or 10² received a \$3 per hour pay add on, that the total cost per fiscal year would be \$1,382,800. This cost would be further limited with the addition of turnover based criteria as determined by the Division of Personnel Management.

Summary

	FY 26		FY 27	
	Funding	FTE	Funding	FTE
GPR	\$1,382,800	0.00	\$1,382,800	0.00
PR	\$0	0.00	\$0	0.00
TOTAL	\$1,382,800	0.00	\$1,382,800	0.00

Prepared by:

Adam Plotkin Director of Government & Public Affairs 608-264-8572

² https://www.wicourts.gov/courts/offices/map.htm

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES	
550	Public Defender Board	

CODES TITLES

5007 Geographic Pay Add-on

DECISION ITEM	DEC	ISION	ITEM
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	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$1,382,800	\$1,382,800
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$0	\$0
07	Permanent Property	\$0	\$0
80	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$1,382,800	\$1,382,800
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	5007 Geographic Pay Add-on				
01	Legal assistance				
	03 Trial representation	\$1,382,800	\$1,382,800	0.00	0.00
	Legal assistance Sub Total	\$1,382,800	\$1,382,800	0.00	0.00
	Geographic Pay Add-on Sub Total	\$1,382,800	\$1,382,800	0.00	0.00
	Agency Total	\$1,382,800	\$1,382,800	0.00	0.00

Decision Item by Fund Source

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
5007 Geographic Pay Add-on					
GPR	S	\$1,382,800	\$1,382,800	0.00	0.00
Geographic Pay Add-on Total		\$1,382,800	\$1,382,800	0.00	0.00
Agency Total		\$1,382,800	\$1,382,800	0.00	0.00

Decision Item (DIN) - 5018

Decision Item (DIN) Title - Tuition Reimbursement/Loan Assistance

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$500,000 GPR in FY26 and \$500,000 GPR in FY27 to conduct a pilot tuition reimbursement program for staff attorneys and private bar attorneys who accept public defender appointments and who meet certain additional criteria.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 5018 - Tuition Reimbursement/Loan Assistance

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$500,000 GPR in FY26 and \$500,000 GPR in FY27 to conduct a pilot tuition reimbursement program for staff attorneys and private bar attorneys who accept public defender appointments and who meet certain additional criteria.

Problem Description

As a result of many factors, the availability of staff attorneys and certified private bar attorneys to accept private bar appointments statewide, but most acutely in rural parts of the state, is a systemic issue affecting the efficiency of the court system and impacting procedural justice for clients.

In addition to increases to direct compensation, compensation to address the significant amount of student loan debt that most attorneys carry is an impediment to being a staff attorney or accepting private bar appointments. Student loan debt, in addition to costs such as child care, housing, and travel related expenses, are cited as reasons that attorneys do not accept public defender cases. While this impact is seen statewide, the lack of attorneys in rural parts of the state can be particularly acute with some counties having no licensed criminal defense attorneys at all. This in turn increases costs to the SPD to pay for travel related expenses for out-of-county attorneys to accept cases in these areas. It also reduces the number of cases that attorneys can accept in their home county and impacts client representation by providing physical obstacles to client contact which is necessary in providing representation.

Background

Turnover of staff attorneys, decrease in applications, and a reduction in the number of private attorneys taking private bar appointments has a negative impact on clients and a fiscal impact on counties statewide. While this is a statewide problem, it can be felt most acutely in rural parts of the state. Whether it is the loss of one staff attorney in a three attorney SPD office, or a lack of private bar attorneys locally, the impact can be more significant in rural counties.

From a State Bar of Wisconsin review of the geographic dispersion of attorneys in Wisconsin:

- Fewer than 40 percent of Wisconsin's 12,752 active attorneys practice law outside of major urban areas
- Fifteen counties have 10 or fewer attorneys actively practicing law

- Nine of those counties are in northern Wisconsin, including Iron, Langlade and Forest counties
- In Vilas County, only six of the county's 40 attorneys are under the age of 50
- Around 64 percent of active attorneys in Wisconsin practice law in Waukesha, Milwaukee and Dane counties

The August 18, 2020 final report from the Governor's Task Force on Student Debt had as one of its recommendations the expansion of the current Wisconsin Teacher Education Loan program and Wisconsin's Health Professions Loan Assistance Program into other fields and areas to support loan forgiveness programs.

Providing an incentive in the form of a pilot tuition reimbursement program to locate in a rural area would benefit clients and the court system by providing better access to justice.

Analysis

Wisconsin currently offers two tuition reimbursement programs, both geared at the medical profession - the Wisconsin Health Professionals Loan Assistance Program (WHPLA) and the Primary Care and Physician Shortage Grant (PCPS.)

The WHPLA is administered by the University of Wisconsin School of Medicine and Public Health and the Office of Rural Health. It provides up to \$100,000 in grants to a physician who practices in a federally designated shortage area. The program is funded up to \$748,000 with \$300,000 coming from the federal government and \$448,000 in state funding coming from the Division of Gaming.

The PCPS is administered by the Higher Educational Aids Board. It provides a minimum annual award of \$20,800 for up to 12 physicians and 12 psychiatrists per fiscal year with a \$1.5 million appropriation. Each applicant is eligible for up to three years of funding. The person must practice in an underserved area as defined by either the federal government or the Governor. Physicians should have completed their medical residency in Wisconsin as well.

26 states also operate a State Loan Repayment Assistance Program (LRAP) for attorneys meeting certain eligibility criteria. The general program criteria cover who may apply (type of employment, amount of qualified debt, years out of school, etc.), the available amount per person, the length of the award, and the funding source.

SPD suggests the following criteria as possible options:

- Administration of program
 - SPD (verification of attorney employment or certification and acceptance of appointments)
 - The State Public Defender Board will need authority to promulgate administrative rules for the administration of the program

- HEAB (potential partner organization to verify loan balances, to administer funds, and disburse funds)
- Staff eligibility
 - Licensed to practice in Wisconsin
 - Employed in an SPD office that is located in Judicial Districts 2, 3, 4, 7, 8, 9, or 10¹.
- Private Bar eligibility
 - Licensed to practice in Wisconsin & certified for SPD appointments
 - Maintains a law practice with headquarters or demonstrated majority of legal work performed in a county that is located in Judicial Districts 2, 3, 4, 7, 8, 9, or 10².
- Grant terms
 - Must maintain SPD practice in county while receiving award
 - Up to \$10,000 per year
 - SPD staff must continue in employment for 12 months following award
 - Private bar attorney must accept at least 50 appointments over 12 months following award
 - Require a clawback provision of 10% of grant amount per month if leaving before satisfying terms
- Funding amount
 - \$500,000 per fiscal year, \$1,000,000 for biennium

Summary

	FY26		FY27		
	Funding	FTE	Funding	FTE	
GPR	\$500,000	0.00	\$500,000	0.00	
PR	\$0	0.00	\$0	0.00	
TOTAL	\$500,000	0.00	\$500,000	0.00	

Prepared by:

Adam Plotkin Director of Government & Public Affairs 608-264-8572

¹ https://www.wicourts.gov/courts/offices/map.htm

² Ibid.

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES		
550	Public Defender Board		

DECISION ITEM

CODES	TITLES			
5018	Tuition Reimbursement/Loan Assistance			

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$500,000	\$500,000
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$500,000	\$500,000
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

2527 Biennial Budget

Decision Item by Numeric

Public Defender Board

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	5018 Tuition Reimbursement/Loan Assistance				
01	Legal assistance				
	03 Trial representation	\$500,000	\$500,000	0.00	0.00
	Legal assistance Sub Total	\$500,000	\$500,000	0.00	0.00
	Tuition Reimbursement/Loan Assistance Sub Total	\$500,000	\$500,000	0.00	0.00
	Agency Total	\$500,000	\$500,000	0.00	0.00

Decision Item by Fund Source

Public Defender Board

Decision Item/Source of F	unds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
5018 Tuition Reimbursement/Lo	an Assistance)			
GPR	S	\$500,000	\$500,000	0.00	0.00
Tuition Reimbursement/Loan Assistance Total		\$500,000	\$500,000	0.00	0.00
Agency Total		\$500,000	\$500,000	0.00	0.00

Decision Item (DIN) - 5019 Decision Item (DIN) Title - Pilot CHIPS Extension

NARRATIVE

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$0 GPR in FY26 and \$0 GPR in FY27 to extend the sunset date on the pilot program to provide counsel for parents in a Child in Need of Protection or Services (CHIPS) proceeding in five counties and to authorize representation in a CHIPS proceeding for a client who has already been appointed counsel in the remaining counties.

OFFICE OF THE STATE PUBLIC DEFENDER 2025-2027 Biennial Budget Issue Paper

Topic: DIN 5019 – Pilot CHIPS Extension

Agency Request

The Public Defender Board requests, for the Office of the State Public Defender (SPD), \$0 GPR in FY26 and \$0 GPR in FY27 to extend the sunset date on the pilot program to provide counsel for parents in a Child in Need of Protection or Services (CHIPS) proceeding in five counties and to authorize representation in a CHIPS proceeding for a client who has already been appointed counsel.

Problem Description

2017 Wisconsin Act 253 created s. 48.233 and authorized the State Public Defender to provide representation for parents in CHIPS cases. The Act was originally conceived of as a pilot program to determine the impact of providing representation. As a result of the impact of the pandemic, the 2021-23 biennial budget included a provision extending the original sunset date contained in s. 48.233 (2) from June 30, 2021 to June 30, 2023. The 2023-25 budget extended the sunset date to June 30, 2025. Given the ongoing status of workload issues and attorney availability, it does not seem prudent to request an expansion of the pilot at this time. The pilot, however, has proven quantifiably and anecdotally successful. Funding to operate the pilot program is included in the SPD base budget so an extension of the sunset date would not require additional funding, but would require that the base not be decreased to correspond with the end of the Act 253 pilot.

Background

Until 1995, the SPD was authorized to represent parents in CHIPS proceedings. That statutory authorization was removed as a cost cutting measure in the 1995-97 budget. When Act 253 was passed, it was hoped that the timing of the sunset would correspond with the 2021-23 budget cycle to allow policymakers to make an informed decision regarding the future of the pilot program. The two-year extension in the 2021-23 biennial budget was hoped to provide data not impacted by the pandemic. The pilot has demonstrated success but an expansion does not seem prudent given the current workload demands and availability of attorneys statewide,

Analysis

Providing representation for parents in CHIPS proceedings has been documented in other jurisdictions to reduce the amount of time children spend in out-of-custody placements, decreases the time to final disposition, and reduces the number of termination of parental rights petitions that are contested. Advocate counsel for the

parent allows for earlier intervention in the process for parents to ensure that their chances for reunification, which is in the best interests of the child and the family, is increased.

Since the inception of the pilot on July 1, 2018 through June 30, 2024, the SPD has made approximately 1800 appointments for parents in the five pilot counties: Brown; Kenosha; Outagamie; Racine; and Winnebago.

Fiscal Year	Brown	Kenosha	Outagamie	Racine	Winnebago	Total
2019	183	267	146	209	105	910
2020	132	249	209	135	57	782
2021	235	215	200	99	43	792
2022	229	177	140	172	82	800
2023	162	218	120	140	20	660
2024	244	251	105	156	14	770
Since start	1,185	1,377	920	911	321	4,714

Early in the pilot, there were issues related to training and education of both attorneys and others working in the court and child protection system as to the role of advocate counsel in CHIPS cases. And while the coronavirus pandemic impacted the total number of cases, its bigger impact was on the ability to both provide representation within the court system as well as limitations on the ability for parents to meet the conditions such as limited visitation as a result of social distancing requirements.

As a result, the initial three-year pilot outcomes will have been significantly impacted making measurable outcomes uncertain due to factors beyond the control of the SPD. Extending the sunset date would allow for a more thorough study of the impact of the pilot as well as investigation into the use of possible federal funding to formally expand the pilot statewide in a future budget request.

The original statutory language in Act 253 required that SPD and the Department of Children and Families submit a report on costs and data related to the pilot. Key findings from the reports showed improvement in outcomes. Key findings include:

- SPD counties had a higher permanency rate than non-SPD counties.
- SPD counties had a similar re-entry rate than non-SPD counties.
- SPD counties had a lower median length of Out of Home Care episode than non-SPD counties.

Since that report was released, SPD staff reports that attorneys have noted that representation at the CHIPS stage leads to more stable outcomes for families and better assurances of due process for parents and the possibility of increased family interaction and eventual reunification.

Generally, SPD's involvement in CHIPS proceedings has resulted in greater access to information, discovery, and due process for parents. The simple action of assuring legal representation has, in a significant manner, empowered parents to be more informed participants of the CPS system, enabling them to take more intentional steps to achieve reunification with their children. It has also increased the standard of practice of all participants in these proceedings, further protecting due process rights.

As a result of the lessons learned in the pilot, SPD requests the ability to formally provide representation for parents in CHIPS proceedings statewide in cases in which the individual has already qualified for SPD representation.

Statutory Language to Extend Sunset

s. 48.233 (2) - This section does not apply to a proceeding commenced under s. 48.13 after June 30, 20257.

s. 48.233 (4) - By January 1, 2021, and by January 1, 2023 and January 1, 2025 and January 1, 2027, the department and the state public defender shall each submit a report to the joint committee on finance, and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), regarding costs and data from implementing the pilot program under sub. (1).

Statutory Language to Authorize Representation

In an effort to extend some of the benefits of the pilot program to other counties, SPD also requests statutory language to make clear that if a client has already qualified for SPD representation, that the attorney is allowed to also represent that parent if there is a pending CHIPS proceeding.

Create s. 977.05(4)(i)10. - Cases involving non-petitioning parents currently qualified for representation in a separate matter pursuant to s. 977.07(1) and who are subject to a petition under s. 48.13.

Summary

	FY 26		FY 27		
eo	Funding	FTE	Funding	FTE	
GPR	\$0	0.0	\$0	0.0	
PR	\$0	0.0	\$0	0.0	
TOTAL	\$0	0.0	\$0	0.0	

Prepared by: Adam Plotkin

Director of Government & Public Affairs

608-264-8572

STATUTORY LANGUAGE

Statutory Language to Extend Sunset

- s. 48.233 (2) This section does not apply to a proceeding commenced under s. 48.13 after June 30, 20257.
- s. 48.233 (4) By January 1, 2021, and by January 1, 2023 and January 1, 2025 <u>and January 1, 2027</u>, the department and the state public defender shall each submit a report to the joint committee on finance, and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), regarding costs and data from implementing the pilot program under sub. (1).

Statutory Language to Authorize Representation

Create s. 977.05(4)(i)10. - Cases involving non-petitioning parents currently qualified for representation in a separate matter pursuant to s. 977.07(1) and who are subject to a petition under s. 48.13.

Decision Item by Line

2527 Biennial Budget

DEPARTMENT

CODES	TITLES		
550	Public Defender Board		

DECISION ITEM

CODES	TITLES		
5019	Pilot CHIPS Extension		

	Expenditure Items	1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$0	\$0
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals & Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$0	\$0
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	Agency Total				

Decision Item by Fund Source

Decision Item/Source of Funds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
Agency Total				

Proposal under s. 16.42(4)(b): 0% change in each fiscal year

FY: **FY26**Agency: **OPD** - 550

Exclude: Federal

Debt Service

Columns A-G were prepopulated for agencies to reflect state operations adjusted base and reductions agreed to by DOA and LFB. See Appendix H for instructions on how to complete these templates.

Proposed \$ and Proposed FTE columns reflect total agency proposed spending and positions for indicated fiscal year. These amounts should include standard budget adjustments (SBAs), any proposed reallocations or reductions to meet the target, and any other requests that the agency would want considered under this proposal.

Appropriations with zero dollars and zero FTEs are not loaded into the template. If you have any questions, contact your SBO analyst.

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE "FY26" TO "FY26 AND 27".

						(See Note 1)						(See Note	2)	Change from A	dj Base
	Appropriation		Fund			0% Change Proposed Budget 2025-26			Item	Change from Adj Base		Remove SBAs		after Removal of SBAs	
Agency	Alpha	Numeric	Source	\$	FTE	Target	Proposed \$	Proposed FTE	Ref	\$	FTE	\$	FTE	\$	FTE
550	1a	101	GPR	\$3,211,700.00	18.40	\$0	\$3,623,700	20.40		\$412,000	2.00	(\$220,700)	0.00	\$191,300	2.00
550	1a	102	GPR	\$6,396,500.00	45.35	\$0	\$7,175,500	53.35		\$779,000	8.00	(\$58,200)	0.00	\$720,800	8.00
550	1a	103	GPR	\$70,447,900.00	545.85	\$0	\$81,362,500	611.45		\$10,914,600	65.60	(\$1,850,500)	0.00	\$9,064,100	65.60
550	1a	104	GPR	\$49,822,800.00	0.00	\$0	\$39,761,637	0.00	1	(\$10,061,163)	0.00	\$0	0.00	(\$10,061,163)	0.00
550	1a	105	GPR	\$769,200.00	5.25	\$0	\$947,100	5.25		\$177,900	0.00	(\$177,800)	0.00	\$100	0.00
550	1a	106	GPR	\$2,129,700.00	0.00	\$0	\$2,477,300	0.00		\$347,600	0.00	\$0	0.00	\$347,600	0.00
550	1fb	135	PR	\$334,900.00	3.00	\$0	\$334,400	3.00		(\$500)	0.00	\$500	0.00	\$0	0.00
550	1kj	137	PR	\$250,800.00	2.00	\$0	\$263	2.00		(\$250,537)	0.00	(\$12,200)	0.00	(\$262,737)	0.00
550	1L	136	PR	\$913,000.00	0.00	\$0	\$913,000	0.00		\$0	0.00	\$0	0.00	\$0	0.00
Totals				\$134,276,500.00	619.85	\$0	\$136,595,400	695.45		\$2,318,900	75.60	(\$2,318,900)	0.00	\$0	75.60

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.

Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Target Reduction = \$0

Difference = \$0

Should equal \$0

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

1 DIN 4502- Include additional statuory changes for Resisting or Obstructing and Operating while Revoked to reduce funding by \$1,674,163

Proposal under s. 16.42(4)(b): 5% change in each fiscal year

FY: **FY26**Agency: OPD - 550

Exclude: Federal Debt Service

Columns A-G were prepopulated for agencies to reflect state operations adjusted base and reductions agreed to by DOA and LFB. See Appendix H for instructions on how to complete these templates.

Proposed \$ and Proposed FTE columns reflect total agency proposed spending and positions for indicated fiscal year. These amounts should include standard budget adjustments (SBAs), any proposed reallocations or reductions to meet the target, and any other requests that the agency would want considered under this proposal.

Appropriations with zero dollars and zero FTEs are not loaded into the template. If you have any questions, contact your SBO analyst.

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE "FY26" TO "FY26 AND 27".

						(See Note 1)						(See Note	2)	Change from A	dj Base
	Appropriation		Fund			5% Change	Proposed Budget 2025-26		Item	Change from Adj Base		Remove SBAs		after Removal of SBAs	
Agency	Alpha	Numeric	Source	\$	FTE	Target	Proposed \$	Proposed FTE	Ref	\$	FTE	\$	FTE	\$	FTE
550	1a	101	GPR	\$3,211,700.00	18.40	(\$160,600)	\$3,623,700	20.40		\$412,000	2.00	(\$220,700)	0.00	\$191,300	2.00
550	1a	102	GPR	\$6,396,500.00	45.35	(\$319,800)	\$7,175,500	53.35		\$779,000	8.00	(\$58,200)	0.00	\$720,800	8.00
550	1a	103	GPR	\$70,447,900.00	545.85	(\$3,522,400)	\$77,037,737	611.45	1, 3, 6,7	\$6,589,837	65.60	(\$1,850,500)	0.00	\$4,739,337	65.60
550	1a	104	GPR	\$49,822,800.00	0.00	(\$2,491,100)	\$37,720,200	0.00	4, 5, 8	(\$12,102,600)	0.00	\$0	0.00	(\$12,102,600)	0.00
550	1a	105	GPR	\$769,200.00	5.25	(\$38,500)	\$947,100	5.25		\$177,900	0.00	(\$177,800)	0.00	\$100	0.00
550	1a	106	GPR	\$2,129,700.00	0.00	(\$106,500)	\$2,129,700	0.00	2	\$0	0.00	\$0	0.00	\$0	0.00
550	1fb	135	PR	\$334,900.00	3.00	(\$16,700)	\$334,400	3.00		(\$500)	0.00	\$500	0.00	\$0	0.00
550	1kj	137	PR	\$250,800.00	2.00	(\$12,500)	\$263	2.00		(\$250,537)	0.00	(\$12,200)	0.00	(\$262,737)	0.00
550	1L	136	PR	\$913,000.00	0.00	(\$45,700)	\$913,000	0.00		\$0	0.00	\$0	0.00	\$0	0.00
Totals				\$134,276,500.00	619.85	(\$6,713,800)	\$129,881,600	695.45		(\$4,394,900)	75.60	(\$2,318,900)	0.00	(\$6,713,800)	75.60

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.

Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- Decrease DIN 4002 Expert Cost-to-Continue by \$838,463
- 2 Remove DIN 4003 Transcripts, Discovery and Interpretors
- 3 Remove DIN 4010 Restore Turnover
- 4 DIN 4502- Include additional statuory changes for Resisting or Obstructing and Operating while Revoked
- 5 Delay DIN 5001 to start in FY27
- 6 Remove DIN 5007 Geographic Pay Add-on
- 7 Remove DIN 5018 Tuition Reimbursement/loan assistance
- 8 Remove DIN 5019 Discontinue CHIPS

Target Reduction =

(\$6,713,800)

Difference =

Should equal \$0

Proposal under s. 16.42(4)(b): 0% change in each fiscal year

FY: **FY27**Agency: **OPD** - 550

Exclude: Federal Debt Service

Columns A-G were prepopulated for agencies to reflect state operations adjusted base and reductions agreed to by DOA and LFB. See Appendix H for instructions on how to complete these templates.

Proposed \$ and Proposed FTE columns reflect total agency proposed spending and positions for indicated fiscal year. These amounts should include standard budget adjustments (SBAs), any proposed reallocations or reductions to meet the target, and any other requests that the agency would want considered under this proposal.

Appropriations with zero dollars and zero FTEs are not loaded into the template. If you have any questions, contact your SBO analyst.

IF YOUR AGENCY PLANS TO TAKE THE SAME CUTS OVER BOTH YEARS, YOU SHOULD ONLY FILL OUT ONE GRID FOR 0% GROWTH AND ONE GRID FOR 5% REDUCTION, THEN CHANGE "FY26" TO "FY26 AND 27".

						(See Note 1)						(See Note	2)	Change from A	dj Base
	Appropriation		Fund			0% Change Proposed Budget 2026-27		Item	Change from Adj Base		Remove SBAs		after Removal of SBAs		
Agency	Alpha	Numeric	Source	\$	FTE	Target	Proposed \$	Proposed FTE	Ref	\$	FTE	\$	FTE	\$	FTE
550	1a	101	GPR	\$3,211,700.00	18.40	\$0	\$3,623,700	20.40		\$412,000	2.00	(\$228,000)	0.00	\$184,000	2.00
550	1a	102	GPR	\$6,396,500.00	45.35	\$0	\$7,365,400	53.35		\$968,900	8.00	(\$61,200)	0.00	\$907,700	8.00
550	1a	103	GPR	\$70,447,900.00	545.85	\$0	\$77,677,000	611.45	2, 4, 6, 7	\$7,229,100	65.60	(\$1,878,400)	0.00	\$5,350,700	65.60
550	1a	104	GPR	\$49,822,800.00	0.00	\$0	\$43,355,000	0.00	1, 5, 8	(\$6,467,800)	0.00	\$0	0.00	(\$6,467,800)	0.00
550	1a	105	GPR	\$769,200.00	5.25	\$0	\$947,200	5.25		\$178,000	0.00	(\$178,000)	0.00	\$0	0.00
550	1a	106	GPR	\$2,129,700.00	0.00	\$0	\$2,129,700	0.00	3	\$0	0.00	\$0	0.00	\$0	0.00
550	1fb	135	PR	\$334,900.00	3.00	\$0	\$334,600	3.00		(\$300)	0.00	\$300	0.00	\$0	0.00
550	1kj	137	PR	\$250,800.00	2.00	\$0	\$263,500	2.00		\$12,700	0.00	\$12,700	0.00	\$25,400	0.00
550	1L	136	PR	\$913,000.00	0.00	\$0	\$913,000	0.00	I	\$0	0.00	\$0	0.00	\$0	0.00
Totals				\$134,276,500.00	619.85	\$0	\$136,609,100	695.45		\$2,332,600	75.60	(\$2,332,600)	0.00	\$0	75.60

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.

Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- 1 Decrease DIN 4001 Private Bar Cost-to-Continue by \$1,526,000
- 2 Remove DIN 4002 Expert Cost-to-Continue
- 3 Remove DIN 4003 Transcripts, Discovery and Interpretors
- 4 Remove DIN 4010 Restore Turnover
- 5 DIN 4502- Include additional statuory changes for Resisting or Obstructing and Operating while Revoked
- 6 Remove DIN 5007 Geographic Pay Add-on
- 7 Remove DIN 5018 Tuition Reimbursement/loan assistance
- 8 Remove DIN 5019 Discontinue CHIPS

Target Reduction =

Difference =

Should equal \$0

nce =

\$0

Proposal under s. 16.42(4)(b): 5% change in each fiscal year

FY: **FY27**Agency: **OPD** - 550

Exclude: Federal Debt Service

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						(See Note 1)						(See Note	2)	Change from A	dj Base
	Appropriation		Fund			5% Change	Proposed Budget 2026-27		Item	Change from Adj Base		Remove SBAs		after Removal of SBAs	
Agency	Alpha	Numeric	Source	\$	FTE	Target	Proposed \$	Proposed FTE	Ref	\$	FTE	\$	FTE	\$	FTE
550	1a	101	GPR	\$3,211,700.00	18.40	(\$160,600)	\$3,623,700	20.40		\$412,000	2.00	(\$228,000)	0.00	\$184,000	2.00
550	1a	102	GPR	\$6,396,500.00	45.35	(\$319,800)	\$7,365,400	53.35		\$968,900	8.00	(\$61,200)	0.00	\$907,700	8.00
550	1a	103	GPR	\$70,447,900.00	545.85	(\$3,522,400)	\$75,777,300	611.45	2, 4,8, 9	\$5,329,400	65.60	(\$1,878,400)	0.00	\$3,451,000	65.60
550	1a	104	GPR	\$49,822,800.00	0.00	(\$2,491,100)	\$38,666,400	0.00	1, 5, 6,	(\$11,156,400)	0.00	\$0	0.00	(\$11,156,400)	0.00
550	1a	105	GPR	\$769,200.00	5.25	(\$38,500)	\$947,200	5.25		\$178,000	0.00	(\$178,000)	0.00	\$0	0.00
550	1a	106	GPR	\$2,129,700.00	0.00	(\$106,500)	\$2,129,700	0.00	3	\$0	0.00	\$0	0.00	\$0	0.00
550	1fb	135	PR	\$334,900.00	3.00	(\$16,700)	\$334,600	3.00		(\$300)	0.00	(\$99,800)	0.00	(\$100,100)	0.00
550	1kj	137	PR	\$250,800.00	2.00	(\$12,500)	\$263,500	2.00		\$12,700	0.00	(\$12,700)	0.00	\$0	0.00
550	1L	136	PR	\$913,000.00	0.00	(\$45,700)	\$913,000	0.00		\$0	0.00	\$0	0.00	\$0	0.00
Totals				\$134,276,500.00	619.85	(\$6,713,800)	\$130,020,800	695.45		(\$4,255,700)	75.60	(\$2,458,100)	0.00	(\$6,713,800)	75.60

Note 1: Reduction target must be met within state operations appropriations, but may be allocated across those appropriations and fund sources.

Note 2: Amounts should be SBAs (DINs 3001 - 3011) from agency request multiplied by -1.

Target Reduction = (\$6,713,800)

Difference = Should equal \$0

Items - Describe proposed changes (excl. SBAs) to reach target or other priorities of agency

- Decrease DIN 4001 Private Bar Cost-to-Continue by \$4,420,200
- 2 Remove DIN 4002 Expert Cost-to-Continue
- 3 Remove DIN 4003 Transcripts, Discovery and Interpretors
- 4 Remove DIN 4010 Restore Turnover
- 5 DIN 4502- Include additional statuory changes for Resisting or Obstructing and Operating while Revoked
- 6 Remove mileage rate increase for PB on DIN 5001
- 7 Decrease DIN 5006 Eligibility Criteria
- 8 Remove DIN 5007 Geographic Pay Add-on
- 9 Remove DIN 5018 Tuition Reimbursement/loan assistance
- 10 Remove DIN 5019 Discontinue CHIPS