

Attorneys should NEVER pay these Expenses

Some case expenses are paid directly to service providers by the SPD Fiscal Unit. **Attorneys should not pay for the following expenses:**

Transcription: [SPD Transcript Request Policy and forms](#). Transcription service providers should bill the SPD Fiscal Unit directly.

Medical Records: [SPD medical record](#) reimbursement rates are statutorily mandated under section [146.83](#). Attorneys must provide the Order of Appointing Counsel when requesting medical records. Attorneys must also submit a case expense request to the SPD. If the expense was approved, the service provider should bill the SPD Fiscal Unit directly.

Discovery: Discovery payment rates are listed in [PD 8](#). The provider of the discovery should bill the cost directly to the SPD Fiscal Unit.

Interpreters: Please see [Interpreter Policy](#). If additional interpreter services are required, you will need to use the [Interpreter Request Form](#). When service is complete, the interpreter should bill the SPD Fiscal Unit directly.

DOC Records: The Department of Corrections has a [memorandum of understanding](#) with the SPD. Copies should be provided at no charge.

Service providers should bill the SPD Fiscal Unit at:

State Public Defender
Attention: Fiscal Unit
P.O. Box 7923
Madison, WI 53707

If you have questions or would like more information, please contact the [Assigned Counsel Division](#): 608-261-0632.

Special Points of Interest:

- ◆ Updates to Attorney Online Billing Site
- ◆ Direct Billing Expenses
- ◆ New SPD TPR Liaison: Alexis Liggins
- ◆ SPD "How To" e-Filing Guide
- ◆ DNA: When to Challenge It
- ◆ 2016 Annual SPD Conference
- ◆ New Policy: Text/Instant Message Billing
- ◆ ACD Budget Request Summary

New ACD Billing Policy for Text & Instant Messaging

ACD is seeing an increase in the amount of time attorneys are claiming for text messaging. Text messaging provides an efficient means of communicating short bursts of information quickly and can be a useful tool in a law practice. Text message communication may provide professional legal services. If attorneys are conducting professional legal services by text, attorneys should be saving those text messages for the client file.

As a taxpayer funded agency, the SPD is subject to audit. The text messaging audit policy is as follows:

ACD will reimburse attorneys .01 hour (36 seconds) per text message. If an attorney is claiming more than .01 hour per text message, the attorney should identify the professional legal services being conducted via text messaging. ACD may also request copies of the text messages for auditing purposes.

As a reminder, it is against SPD policy to **double bill** the agency. For example, if an attorney is waiting for their case to be called, the attorney can bill for wait time, or the attorney can bill for work done while waiting for the case to be called. Attorneys cannot bill for both. Thus, if an attorney is texting while waiting for a case to be called, that attorney can bill the SPD for waiting, or for texting, but not for both tasks at the same time.

From the SPD Forensic Science Practice Group

Filing Specific Discovery Demands in DNA Cases

Over the last decade, the use of deoxyribonucleic acid (DNA) evidence has increased in the prosecution of criminals.

DNA is generally used in one of two ways.

Suspect is identified: A sample of that person's DNA can be compared to evidence from the crime scene.

Suspect is not yet identified: Biological evidence from the crime scene can be analyzed and compared to profiles in DNA databases. Crime scene evidence can also be linked to other crime scenes through these databases.

Certain cases involving DNA may be ripe for challenge. Here are some examples:

Mixed samples, particularly complex mixtures (3 or more profiles)

Mixed samples with results in the stochastic range
Low copy samples with enhanced detection methods

Probabilistic genotyping

You may get some idea from the crime lab report, but the crime lab report certainly will not tell you everything. After all, a crime lab report is merely a summary by the DNA analyst regarding their interpretation of the DNA evidence.

When you get the report, you should file a specific discovery demand asking for the data and procedure that was used in the analysis of the evidence. A sample demand can be found on WISPD.org. You can tailor the demand to fit the facts and theory of your case (you may or may not want/need everything right away).

Once you get the DNA packet, keep an eye out for the following:

Quantification - amount of DNA

Whether the lab increased standard injection times (i.e., from 5 sec to 10 sec)

Whether there were multiple runs or replicate testing

With regard to the Electropherograms, look to see if there are low peak heights, imbalanced paired peaks, missing peaks, or peaks that just don't match

If you have a case where DNA is an issue, feel free to contact [Anthony Rios](mailto:Anthony.Rios@spd.wi.gov) (608)267-7700 and/or [Vince Rust](mailto:Vince.Rust@spd.wi.gov) (608)789-4639. They would be happy to review the case with you and help you find an expert if needed.

E-Filing for Criminal Cases is Coming to a Court House Near You in 2017!!

Uncomfortable with the transition to e-Filing? We can help! SPD Field Services Coordinator Kat Dellenbach has developed e-filing "How To" procedures which are posted on the SPD Legal Resources webpage:

<http://wispd.org/index.php/legal-resources>

Please visit the Courts website for e-Filing updates and schedules:

<https://www.wicourts.gov/ecourts/efilecircuit/index.jsp>

TPR Liaison for New Milwaukee Children's Court Pilot Program

The SPD is looking for lawyers interested in regular TPR appointments in Milwaukee Children's Court. Are you interested, but unfamiliar with those case types? We can help!! The SPD has a new pilot program to train lawyers and provide mentoring to help work through TPR cases in Children's Court.

Long time SPD staff lawyer [Alexis Liggins](mailto:Alexis.Liggins@spd.wi.gov) is available to answer any Milwaukee Children's Court TPR practice questions and to mentor private bar lawyers working through TPR cases in Children's Court. Alexis has practiced in Children's Court, the SPD Milwaukee Trial office, and currently works in the Milwaukee Revocation Unit. She may be reached at ligginsa@opd.wi.gov.

The SPD also has many [TPR practice related materials](#) available on the website. Please feel free to contact the TPR practice coordinators with questions related to depositions, discovery, interrogatories, or TPR motion practice.

[Diane Rondini-Harness](mailto:Diane.Rondini-Harness@spd.wi.gov): 608-261-5417, Private Bar TPR Practice Liaison

[Amanda Skorr](mailto:Amanda.Skorr@spd.wi.gov): 920-832-2776, SPD TPR Practice Coordinator

The SPD Training Division will be offering TPR training October 19-21, 2016. Click [here](#) for more information and registration details.

ACD Attorney Online Billing System Upgrade

The SPD recently upgraded the online billing site. The upgrade has caused issues for some attorneys who use Safari and other browsers. Follow the instructions below to address these issues.

For Safari users:

- A) Remove the old SSL certificate from your computer.
1. Go to Finder > Applications > Utilities > Keychain Access
 2. Search for the name of the certificate in the upper right corner
 3. Delete the certificates that come up in the search.
 4. Completely quit keychain access and safari, and re-open.
- B) Clear the cache or browsing history of the computer.

Here is a link with instructions for the current version of Safari:

<https://kb.wisc.edu/page.php?id=45060>

For web browsers other than Safari:

- A) Clear the cache or browsing history of the computer.

Here is a link with instructions for other web browsers and versions of Internet Explorer:

<https://kb.wisc.edu/helpdesk/page.php?id=12384>

If you are still having problems, verify you are using the correct web address. The correct web address is **pb.opd.gov**. An old link (pb.opd.state.wi.gov) may be saved on your computer. If so, be sure you are deleting everything to the right of "gov" in the web address before you add "pd.opd".

Also verify that you are using the correct login information. Some attorneys may have saved their login information. You cannot use the old "saved" information (even if it is the same). You will need to re-enter it and then save it for future use.

If you are still unable to access the online billing site, feel free to contact [ACD](#) at 608-261-0632.

Save the date!!

2016 SPD Conference

Please join us for the 2016 SPD Annual Conference- "**Their Voices Matter Too**". It will be held November 17 & 18 at the [Hyatt Regency Milwaukee](#).

Online registration is available now. Follow the link below to register today.

https://docs.google.com/a/opd.wi.gov/forms/d/e/1FAIpQLSf5nSqlv_zvOnS1-TFIdUqkqkBvS-eRrGARRtH8hplaoPTIA/viewform

Link to the agenda:

<http://wispd.org/images/2016SPDConferenceAgenda.pdf>

ACD Budget Request Summary

The SPD submitted its 2017-19 biennial budget request on September 15. As has been the case for the last 20 years, the SPD has requested an increase to the private bar rate. The request includes a tiered rate structure with \$45 an hour for misdemeanor cases, \$50 an hour for felony cases, and \$60 an hour for Class A/B/C felonies.

Also, SPD has submitted a new request to create a tuition reimbursement/loan assistance pilot program. As proposed, private bar attorneys who practice in a county with 25,000 or fewer residents and who take 50 or more SPD appointments in a year would be eligible for up to \$20,000 in tuition reimbursement.

The Governor's administration will review the request and put together the budget to be introduced to the Legislature next February.