



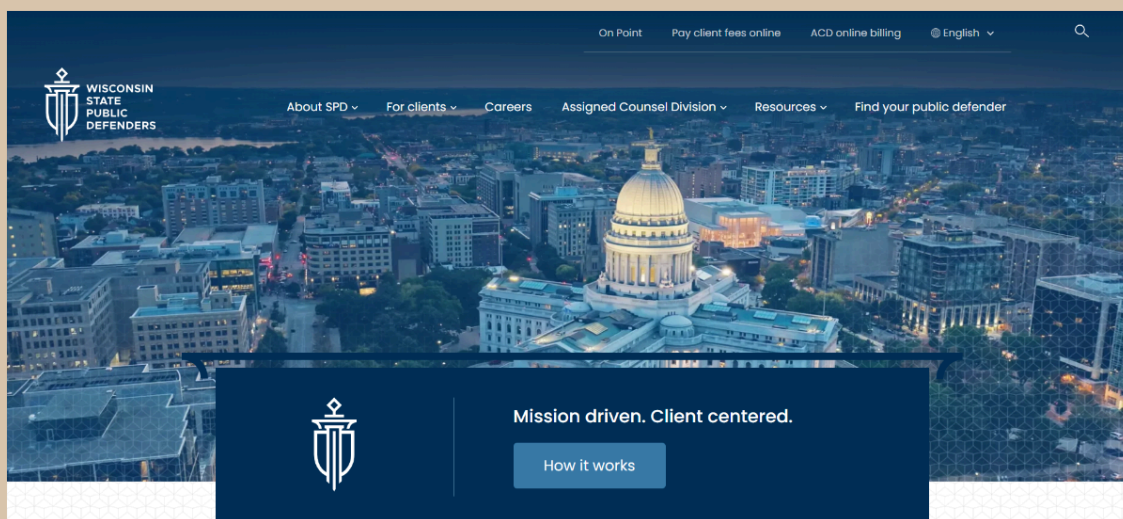
Assigned Counsel Division Newsletter

August 2025

SPD Website Redesign

Please explore the new Wisconsin State Public Defenders website, linked below, and the new SPD online [training](#) platform.

[SPD Website](#)



2025 Danny Berkos Award Nominations

[Nominate](#) outstanding private bar attorneys for the annual Danny Berkos Award by **August 27**. The recipient will be announced at the SPD Conference in November.

Upcoming SPD Trainings

Working as a Team - September 15-18, Lake Geneva

Youth Defense Training - November 12, Milwaukee (registration available soon)

SPD Annual Defender Conference - November 13 & 14, Milwaukee (registration available soon)

For up-to-date information on SPD Training events, visit the Training Division [website](#)!

New ACD Policy: Machner Hearings are Billable!

ACD will reimburse trial attorneys for Machner and other Post-Conviction related work conducted on or after July 1, 2025. If your case is closed and you are contacted by post-conviction counsel, please contact ACD to re-open the billing!



Congratulations to Attorney John Birdsall and Attorney Nicole Muller and staff on the acquittal for client Tony Haase on a 30-year cold case! More on this story [here](#).

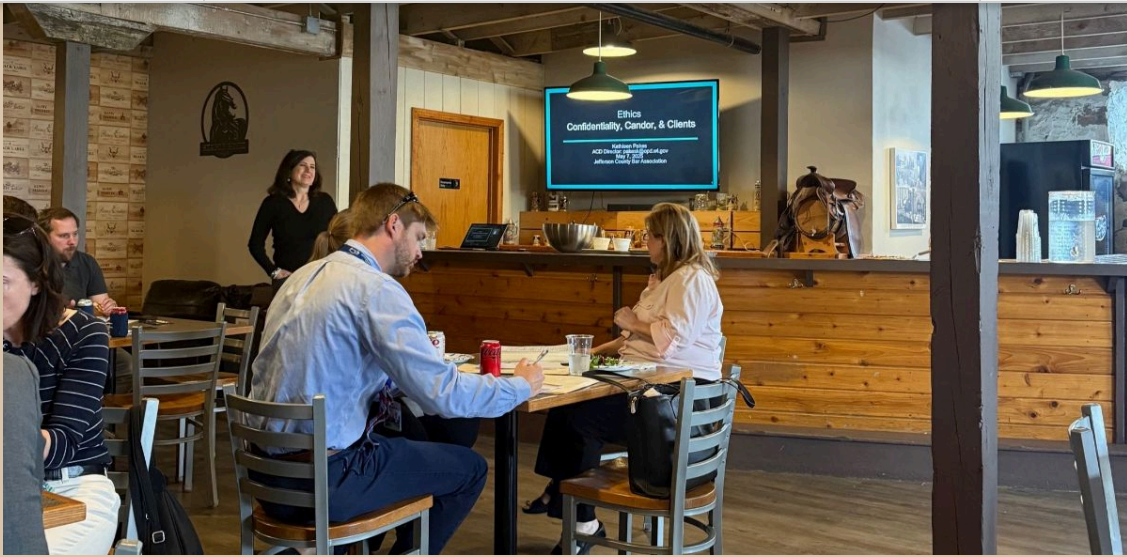
Representing clients on subsequently charged cases

For efficiency and client-centeredness, the [ACD policy](#) is for attorneys to represent clients on all their cases – including cases that clients pick up after the initial appointment. If an attorney is not certified for the case type, or feels unqualified to represent the client on a subsequently charged case – please reach out to ACD to discuss!

ACD Fun Facts!

ACD staff was very busy this past fiscal year (July 2024 - June 2025):

- 43,238 attorney invoices paid
- 605 approved requests for interim billing
- 107 new attorneys certified



(ACD Director Kathleen Pakes presents to the Jefferson County Bar Association in May.)

Bring ACD to your neighborhood

ACD staff will attend local bar events to promote the assigned counsel program, and can provide a 1-credit ethics presentation and maybe even lunch! Please reach out to [Melissa Lamb](#) if you would like to bring ACD to your area.



Recruiting new private bar attorneys at the UW Law School swearing-in ceremony.

(Katie York, Deputy State Public Defender; Melissa Lamb, ACD Program Supervisor; Faun Moses, Appellate Division Director)

Appellate Spotlight

Below are some helpful appellate tips for trial attorneys

How to preserve a client's Right to Appeal

SPD's appellate division has created a cheat sheet which can be found on the website [here](#).

Perfecting the appeal is a two step process: First, at sentencing, attorneys should file form [CR-233](#), the Notice of Right to Seek Postconviction Relief. Please ensure that you obtain a "yes" or "no" from your clients regarding their decision to appeal on the Notice of Rights form. Indicating "undecided" is not a definitive decision regarding an appeal. See *Whitmore v. State*, 56 Wis. 2d 706, 718–20, 203 N.W.2d 56, 63 (1973), where the court ruled that "the duties of trial counsel should not cease until the decision is made by the defendant and his counsel whether to appeal". Once advised of the right to seek postconviction relief, if the client wishes to appeal, the trial attorney must **ALSO** file a Notice of Intent to Pursue Postconviction Relief (NOI) [form](#) within 20 days after the date of sentencing or final adjudication. See Wis. Stat. Rule 809.30 (2) (a).

The NOI must comply with Rule 809.30 (2) (b) and state

- the date on which the order or judgment from which the appeal is being taken was entered,
- whether the defendant requests SPD representation for appeal,
- whether trial counsel was appointed by the SPD and
- whether the person's financial circumstances have changed.

Trial counsel should email a copy of the NOI and an SPD Appellate Questionnaire, to [Madison Appellate](#) intake staff after the NOI is filed.

Missed the NOI filing deadline? **No problem.**

Often, a client may contact a lawyer outside the 20 days and request an appeal. Attorneys should file a motion to extend the 20 day deadline for filing the notice of intent to pursue post conviction relief. Information and form motions can be found on the SPD appellate website [here](#).

Filing a Writ of Certiorari? **Do NOT pay the filing fee.**

SPD clients are eligible for waiver of the filing fee. Thus, the SPD does not reimburse this expense. To waive the fee, attorneys should file [this form](#) with the court.

Interested in appellate practice but don't know where to begin? Please reach out to [Kathy](#) or [Melissa](#)! ACD will pair an experienced appellate practitioner with someone interested in or new to appellate certification.



Assigned Counsel Division

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