

STATE OF MINNESOTA

BOARD OF PUBLIC DEFENSE

REPORT ON

PUBLIC DEFENDER REIMBURSEMENTS

FY 2009

CITATION

Minnesota Statutes 611.20 requires the State of Minnesota Board of Public Defense to report annually on the collection and disbursement of public defender reimbursements. After consultation with the staff at the Minnesota Supreme Court it was determined that some of the variables outlined for reporting in M.S. 611.20 are not available. Minnesota Statutes 3.197 requires the reporting of the cost of report preparation. Staff time was minimal in preparing this report and as a result there were no production costs.

BACKGROUND

Minnesota Statutes 611.20 Subd. 2 authorizes the trial court to direct those public defender clients who are able to pay at least part of their defense costs to do so.

Prior to July 1, 1999 the first \$180,000 of public defender reimbursements were deposited in the general fund of the State of Minnesota, as a non-dedicated receipt. The Board of Public Defense, in direct proportion to the total receipts from each Judicial District, retained receipts in excess of \$180,000. Due to the uncertain nature of this funding, expenditures were limited to one-time expenses. The vast majority of this funding has been used to provide training for public defenders (Continuing Legal Education Credits)

In the 1998 Legislative Session M.S. 611.20 was amended to direct all reimbursements to the Board of Public Defense. Funds retained under this provision are to be used to offset the overhead costs of part time assistant public defenders. Each Judicial District Public Defender Office receives all of the reimbursements ordered and collected by the Court in their respective Judicial District. Reimbursement payments are made to part time assistant public defenders on a quarterly basis. The amount that each attorney receives depends on the amount collected, and the number of part time defenders in the Judicial District.

FY 2009 PUBLIC DEFENDER CASE TOTALS

During FY 2009 employees of the Board of Public Defense opened approximately cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	14,523
SECOND DISTRICT-	18,933
THIRD DISTRICT-	10,690
FOURTH DISTRICT-	55,980
FIFTH DISTRICT-	8,358
SIXTH DISTRICT-	7,987
SEVENTH DISTRICT-	13,468
EIGHTH DISTRICT-	5,273
NINTH DISTRICT-	15,011
TENTH DISTRICT-	21,861
TOTAL	172,087

The following is the break down of reimbursements received by county for the fiscal year 2009.

FY 2009 REIMBURSEMENTS

<u>COUNTY</u>	<u>DISTRICT</u>	<u>REIMBURSEMENTS</u>
AITKIN	9	28.00
ANOKA	10	513.63
BECKER	7	4,717.97
BELTRAMI	9	267.11
BENTON	7	2,929.14
BIG STONE	8	4,628.39
BLUE EARTH	5	23,297.13
BROWN	5	7,497.05
CARLTON	6	3,505.29
CARVER	1	31,610.16
CASS	9	4,338.63
CHIPPEWA	8	4,005.10
CHISAGO	10	5,854.16
CLAY	7	13,125.03
CLEARWATER	9	1,016.68
COOK	6	267.75
COTTONWOOD	5	3,177.05
CROW WING	9	1,586.18
DAKOTA	1	41,852.52
DODGE	3	28.00
DOUGLAS	7	25,790.89
FARIBAULT	5	25.00
FILLMORE	3	5,461.35
FREEBORN	3	631.96
GOODHUE	1	4,551.25
GRANT	8	575.50
HENNEPIN	4	433.52
HOUSTON	3	3,503.70
HUBBARD	9	846.94

ISANTI	10	1,198.31
ITASCA	9	2,778.86
JACKSON	5	4,366.67
KANABEC	10	1,529.27
KANDIHOYI	8	13,026.76
KITTSOON	9	-
KOOCHICHING	9	913.76
LAC QUI PARLE	8	649.18
LAKE	6	151.10
LAKE OF WOODS	9	1,142.24
LE SUEUR	1	11,550.11
LINCOLN	5	2,166.96
LYON	5	10,836.10
MAHNOMEN	9	788.93
MARSHALL	9	869.56
MARTIN	5	11,085.25
MCLEOD	1	10,699.56
MEEKER	8	6,023.33
MILLE LACS	7	11,928.90
MORRISON	7	7,390.66
MOWER	3	3,056.06
MURRAY	5	2,724.11
NICOLLET	5	9,098.34
NOBLES	5	13,546.36
NORMAN	9	46.85
OLMSTED	3	5,653.96
OTTER TAIL	7	15,293.29
PENNINGTON	9	1,397.66
PINE	10	608.48
PIPESTONE	5	2,592.65
POLK	9	1,304.17
POPE	8	2,471.94
RAMSEY	2	150.00
RED LAKE	9	600.00
REDWOOD	5	8,198.72

RENVILLE	8	9,112.76
RICE	3	4,023.56
ROCK	5	3,264.94
ROSEAU	9	-
SCOTT	1	13,110.73
SHERBURNE	10	230.00
SIBLEY	1	8,941.70
ST LOUIS	6	4,412.22
STEARNS	7	31,225.69
STEELE	3	575.80
STEVENS	8	1,252.47
SWIFT	8	2,951.49
TODD	7	3,371.76
TRAVERSE	8	639.29
WABASHA	3	250.00
WADENA	7	4,304.39
WASECA	3	296.78
WASHINGTON	10	11,240.98
WATONWAN	5	4,795.06
WILKIN	8	1,271.51
WINONA	3	9,376.01
WRIGHT	10	500.00
YELLOW MEDICINE	8	3,172.66
TOTAL		\$480,223

REIMBURSEMENTS PER CASE UNIT

While the Court does not keep data on the number of cases where reimbursement is ordered, some inter-district comparisons can be made. As a unit of measure the Board uses a "case unit". The "case unit" is defined by the relative difficulty of the different types of cases as determined by the Board of Public Defense Weighted Caseload Study. A "case unit" equals the defense service that goes into the average misdemeanor case. Applying the "case unit" to the overall caseloads and reimbursements in each Judicial District Public Defender Office, yields the following reimbursement per case unit;

<u>DISTRICT</u>	<u>FY 2009 CASE UNITS</u>	<u>FY 2009 REIMBURSEMENTS</u>	<u>REIMBURSEMENTS PER CASE UNIT</u>
FIRST	25,130	\$122,316	\$4.87
SECOND	30,547	\$150	\$0.00
THIRD	19,229	\$32,857	\$1.71
FOURTH	92,440	\$434	\$0.00
FIFTH	13,474	\$106,671	\$7.92
SIXTH	13,332	\$8,336	\$0.63
SEVENTH	22,049	\$120,078	\$5.45
EIGHTH	9,017	\$49,780	\$5.52
NINTH	25,141	\$17,926	\$0.71
TENTH	36,942	\$21,675	\$0.59
TOTAL	287,305	\$480,223	\$1.67

PUBLIC DEFENDER REIMBURSEMENT AMOUNTS

Based on the number of full time equivalent part time defenders that each district has, the reimbursements collected, and the percentage of time the part time defender is employed, the following reimbursement amounts were paid out during fiscal year 2009:

<u>DISTRICT</u>	<u>75% TIME DEFENDER</u>	<u>50% TIME DEFENDER</u>	<u>25% TIME DEFENDER</u>
FIRST	\$4,445	\$2,965	\$0
SECOND	\$24	\$16	\$0
THIRD	\$2,096	\$1,397	\$0
FOURTH	\$0	\$0	\$0
FIFTH	\$9,235	\$6,160	\$0
SIXTH	\$391	\$261	\$0
SEVENTH	\$3,128	\$0	\$0
EIGHTH	\$3,179	\$2,121	\$0
NINTH	\$882	\$588	\$0
TENTH	\$612	\$408	\$204

* In the Second Judicial District Criminal Defense Services, Inc., appears on behalf of working defendants who have limited funds to hire an attorney.

** The Fourth Judicial District Public Defender Office does not currently have any part time attorneys employed by the State of Minnesota.

BOARD OF PUBLIC DEFENSE PUBLIC DEFENDER
REIMBURSEMENTS FY 2005-FY 2009

