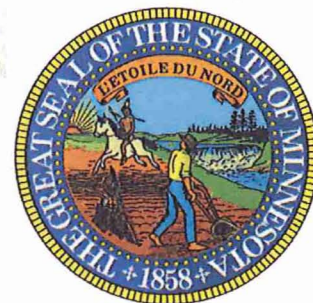




State of Minnesota  
Board of Public Defense  
Public Defender Reimbursements  
Fiscal Year 2011



A report to the Legislature prepared  
by the Board of Public Defense per  
Minnesota Statutes 611.20  
January 2012

## **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, 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 was 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 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.

## **CASELOADS**

During FY 2011 employees of the Board of Public Defense reported opening approximately 149,000 cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	13,890
SECOND DISTRICT-	16,235
THIRD DISTRICT-	10,183
FOURTH DISTRICT-	45,763
FIFTH DISTRICT-	6,474
SIXTH DISTRICT-	7,255
SEVENTH DISTRICT-	11,993
EIGHTH DISTRICT-	4,300
NINTH DISTRICT-	13,140
TENTH DISTRICT-	19,750
<b>TOTAL</b>	<b>148,983</b>

## **REIMBURSEMENTS**

During fiscal year 2011 the State of Minnesota reported receiving \$430,308 in reimbursements from public defender clients. The breakdown of reimbursement amounts by county was reported as follows:

### **Fiscal Year 2011 Public Defender Reimbursements by County**

<b><u>County</u></b>	<b><u>JD</u></b>	<b><u>Amount</u></b>	<b><u>County</u></b>	<b><u>JD</u></b>	<b><u>Amount</u></b>
Aitkin	9	\$150	Hennepin	4	\$896
Anoka	10	\$103	Houston	3	\$3,430
Becker	7	\$6,096	Hubbard	9	\$565
Beltrami	9	\$755	Isanti	10	\$842
Benton	7	\$1,791	Itasca	9	\$3,319
Big Stone	8	\$1,106	Jackson	5	\$3,852
Blue Earth	5	\$18,969	Kanabec	10	\$925
Brown	5	\$9,853	Kandiyohi	8	\$8,720
Carlton	6	\$3,301	Kittson	9	\$28
Carver	1	\$16,893	Koochiching	9	\$1,119
Cass	9	\$4,493	Lac qui Parle	8	\$501
Chippewa	8	\$2,687	Lake	6	\$165
Chisago	10	\$23,936	Lake of the Woods	9	\$304
Clay	7	\$10,699	Le Sueur	1	\$10,164
Clearwater	9	\$708	Lincoln	5	\$2,096
Cook	6	\$193	Lyon	5	\$12,862
Cottonwood	5	\$3,641	Mahnomen	9	\$518
Crow Wing	9	\$1,202	Marshall	9	\$1,053
Dakota	1	\$44,892	Martin	5	\$7,557
Dodge	3	\$28	McLeod	1	\$6,916
Douglas	7	\$22,567	Meeker	8	\$7,154
Faribault	5	\$125	Mille Lacs	7	\$5,444
Fillmore	3	\$5,253	Morrison	7	\$5,938
Freeborn	3	\$513	Mower	3	\$269
Goodhue	1	\$4,718	Murray	5	\$2,261
Grant	8	\$1,600	Nicollet	5	\$8,283

<u>County</u>	<u>JD</u>	<u>Amount</u>	<u>County</u>	<u>JD</u>	<u>Amount</u>
Nobles	5	\$6,687	Sibley	1	\$3,527
Norman	9	\$416	St. Louis	6	\$4,526
Olmsted	3	\$5,328	Stearns	7	\$33,244
Otter Tail	7	\$19,162	Steele	3	\$425
Pennington	9	\$1,691	Stevens	8	\$2,168
Pine	10	\$550	Swift	8	\$650
Pipestone	5	\$1,608	Todd	7	\$4,298
Polk	9	\$3,759	Traverse	8	\$187
Pope	8	\$3,360	Wabasha	3	\$0
Ramsey	2	\$1,869	Wadena	7	\$3,155
Red Lake	9	\$403	Waseca	3	\$408
Redwood	5	\$10,555	Washington	10	\$13,894
Renville	8	\$9,266	Watonwan	5	\$3,246
Rice	3	\$6,687	Wilkin	8	\$1,008
Rock	5	\$1,621	Winona	3	\$6,554
Roseau	9	\$415	Wright	10	\$859
Scott	1	\$13,834	Yellow Medicine	8	\$4,418
Sherburne	10	\$100			

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.

#### Fiscal Year 2011 Reimbursements by Case Unit

<u>District</u>	<u>Case Units</u>	<u>FY 2011 Reimbursement</u>	<u>Reimbursement per Case Unit</u>
First	24,155	\$100,944	\$4.18
Second	25,837	\$1,869	\$0.07
Third	18,269	\$28,894	\$1.58
Fourth	73,848	\$896	\$0.01
Fifth	10,988	\$93,214	\$8.48
Sixth	12,628	\$8,185	\$0.65
Seventh	19,875	\$112,393	\$5.65
Eighth	7,434	\$42,825	\$5.76
Ninth	22,441	\$20,899	\$0.93
Tenth	33,783	\$20,209	\$0.60
Total	<b>249,257</b>	<b>\$430,328</b>	<b>\$1.73</b>

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 2011.

**Fiscal Year 2011 Public Defender Reimbursements Paid**

<b><u>DISTRICT</u></b>	<b><u>75% TIME DEFENDER</u></b>	<b><u>50% TIME DEFENDER</u></b>	<b><u>25% TIME DEFENDER</u></b>
FIRST	\$3,587	\$0	N/A
SECOND <sup>1</sup>	213	\$142	N/A
THIRD	\$1,930	\$1,287	N/A
FOURTH <sup>2</sup>	N/A	N/A	N/A
FIFTH	\$6,421	\$4,283	N/A
SIXTH	\$679	\$453	N/A
SEVENTH	\$3,989	N/A	N/A
EIGHTH	\$3,004	\$2,004	N/A
NINTH	\$1,310	\$874	\$436
TENTH	\$869	\$580	\$290

<sup>1</sup> In the Second Judicial District Criminal Defense Services, Inc., appears on behalf of working defendants who have limited funds to hire an attorney.

<sup>2</sup> The Fourth Judicial District Public Defender Office does not currently have any part time attorneys employed by the State of Minnesota.