

# Public Defender Reimbursements Fiscal Year 2010



A report to the Legislature prepared  
by the Board of Public Defense per  
Minnesota Statutes 611.20  
January 2011

### 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.

### CASELOADS

During FY 2010 employees of the Board of Public Defense opened approximately 158,762 cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	13,433
SECOND DISTRICT-	16,760
THIRD DISTRICT-	10,508
FOURTH DISTRICT-	51,630
FIFTH DISTRICT-	7,465
SIXTH DISTRICT-	7,679
SEVENTH DISTRICT-	12,696
EIGHTH DISTRICT-	4,837
NINTH DISTRICT-	13,795
TENTH DISTRICT-	19,956
<b>TOTAL</b>	<b>158,762</b>

## REIMBURSEMENTS

During fiscal year 2010 the State of Minnesota reported receiving \$430,328 in reimbursements from public defender clients. The breakdown of reimbursement amounts by county was reported as follows:

### FY 2010 REIMBURSEMENTS

<u>COUNTY</u>	<u>DISTRICT</u>	<u>REIMBURSEMENTS</u>
AITKIN	9	\$150
ANOKA	10	\$103
BECKER	7	\$6,096
BELTRAMI	9	\$755
BENTON	7	\$1,791
BIG STONE	8	\$1,106
BLUE EARTH	5	\$18,969
BROWN	5	\$9,853
CARLTON	6	\$3,301
CARVER	1	\$16,893
CASS	9	\$4,493
CHIPPEWA	8	\$2,687
CHISAGO	10	\$2,936
CLAY	7	\$10,699
CLEARWATER	9	\$708
COOK	6	\$193
COTTONWOOD	5	\$3,641
CROW WING	9	\$1,202
DAKOTA	1	\$44,892
DODGE	3	\$28
DOUGLAS	7	\$22,567
FARIBAULT	5	\$125
FILLMORE	3	\$5,253
FREEBORN	3	\$513
GOODHUE	1	\$4,718
GRANT	8	\$1,600

HENNEPIN	4	\$896
HOUSTON	3	\$3,430
HUBBARD	9	\$565
ISANTI	10	\$842
ITASCA	9	\$3,319
JACKSON	5	\$3,852
KANABEC	10	\$925
KANDIHOYI	8	\$8,720
KITTSOON	9	\$28
KOOCHICHING	9	\$1,119
LAC QUI PARLE	8	\$501
LAKE	6	\$165
LAKE OF WOODS	9	\$304
LE SUEUR	1	\$10,164
LINCOLN	5	\$2,096
LYON	5	\$12,862
MAHNOMEN	9	\$518
MARSHALL	9	\$1,053
MARTIN	5	\$7,557
MCLEOD	1	\$6,916
MEEKER	8	\$7,154
MILLE LACS	7	\$5,444
MORRISON	7	\$5,938
MOWER	3	\$269
MURRAY	5	\$2,261
NICOLLET	5	\$8,283
NOBLES	5	\$6,687
NORMAN	9	\$416
OLMSTED	3	\$5,328
OTTER TAIL	7	\$19,162
PENNINGTON	9	\$1,691
PINE	10	\$550
PIPESTONE	5	\$1,608

POLK	9	\$3,759
POPE	8	\$3,360
RAMSEY	2	\$1,869
RED LAKE	9	\$403
REDWOOD	5	\$10,555
RENVILLE	8	\$9,266
RICE	3	\$6,687
ROCK	5	\$1,621
ROSEAU	9	\$415
SCOTT	1	\$13,834
SHERBURNE	10	\$100
SIBLEY	1	\$3,527
ST LOUIS	6	\$4,526
STEARNS	7	\$33,244
STEELE	3	\$425
STEVENS	8	\$2,168
SWIFT	8	\$650
TODD	7	\$4,298
TRAVERSE	8	\$187
WABASHA	3	\$0
WADENA	7	\$3,155
WASECA	3	\$408
WASHINGTON	10	\$13,894
WATONWAN	5	\$3,246
WILKIN	8	\$1,008
WINONA	3	\$6,554
WRIGHT	10	\$859
YELLOW MEDICINE	8	\$4,418
<b>TOTAL</b>		<b>\$430,328</b>

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 2010 CASE UNITS</u>	<u>FY 2010 REIMBURSEMENTS</u>	<u>REIMBURSEMENTS PER CASE UNIT</u>
FIRST	23,461	\$100,944	\$4.30
SECOND	26,104	\$1,869	\$0.07
THIRD	18,563	\$28,894	\$1.56
FOURTH	83,726	\$896	\$0.01
FIFTH	12,407	\$93,214	\$7.51
SIXTH	13,216	\$8,185	\$0.62
SEVENTH	20,851	\$112,393	\$5.39
EIGHTH	8,325	\$42,825	\$5.14
NINTH	23,231	\$20,899	\$0.90
TENTH	33,518	\$20,209	\$0.60
<b>TOTAL</b>	<b>263,407</b>	<b>\$430,328</b>	<b>\$1.63</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 2010:

<u>DISTRICT</u>	<u>75% TIME DEFENDER</u>	<u>50% TIME DEFENDER</u>	<u>25% TIME DEFENDER</u>
FIRST	\$3,774	\$2,517	N/A <sup>1</sup>
SECOND <sup>2</sup>	\$212	\$142	N/A
THIRD	\$1,703	\$1,136	N/A
FOURTH <sup>3</sup>	N/A	N/A	N/A
FIFTH	\$8,070	\$5,383	N/A
SIXTH	\$384	\$256	N/A
SEVENTH	\$3,411	N/A	N/A
EIGHTH	\$2,894	\$1,930	N/A
NINTH	\$1,117	\$745	\$372
TENTH	\$599	\$400	\$200

<sup>1</sup> N/A- There are no part time defenders in this classification.

<sup>2</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>3</sup> 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 2006-FY 2010**

