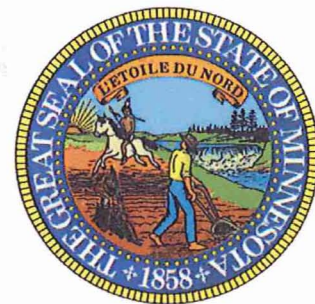


State of Minnesota  
Board of Public Defense  
Public Defender Reimbursements  
Fiscal Year 2012



A report to the Legislature prepared  
by the Board of Public Defense per  
Minnesota Statutes 611.20  
January 2013

## **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 2012 employees of the Board of Public Defense reported opening approximately 155,239 cases. The break down by Judicial District is as follows:

FIRST DISTRICT-	13,581
SECOND DISTRICT-	15,760
THIRD DISTRICT-	10,215
FOURTH DISTRICT-	52,351
FIFTH DISTRICT-	6,600
SIXTH DISTRICT-	8,938
SEVENTH DISTRICT-	12,078
EIGHTH DISTRICT-	3,340
NINTH DISTRICT-	13,527
TENTH DISTRICT-	18,849
<b>TOTAL</b>	<b>155,239</b>

## **REIMBURSEMENTS**

During fiscal year 2012 the State of Minnesota reported receiving \$372,399.46 in reimbursements from public defender clients. The breakdown of reimbursement amounts by county was reported as follows:

### **Fiscal Year 2012 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	\$75	Hennepin	4	\$314
Anoka	10	\$605	Houston	3	\$1,103
Becker	7	\$1,009	Hubbard	9	\$180
Beltrami	9	\$237	Isanti	10	\$2,124
Benton	7	\$1,724	Itasca	9	\$3,567
Big Stone	8	\$451	Jackson	5	\$2,972
Blue Earth	5	\$13,959	Kanabec	10	\$1,477
Brown	5	\$7,755	Kandiyohi	8	\$7,999
Carlton	6	\$1,340	Kittson	9	\$403
Carver	1	\$15,931	Koochiching	9	\$195
Cass	9	\$2,014	Lac qui Parle	8	\$1,446
Chippewa	8	\$4,988	Lake	6	\$75
Chisago	10	\$3,211	Lake of the Woods	9	\$100
Clay	7	\$6,359	Le Sueur	1	\$7,899
Clearwater	9	\$645	Lincoln	5	\$1,561
Cook	6	\$114	Lyon	5	\$12,869
Cottonwood	5	\$3,249	Mahnomen	9	\$42
Crow Wing	9	\$584	Marshall	9	\$200
Dakota	1	\$31,019	Martin	5	\$7,046
Dodge	3	\$1,570	McLeod	1	\$5,513
Douglas	7	\$18,667	Meeker	8	\$5,867
Faribault	5	\$2,006	Mille Lacs	7	\$5,772
Fillmore	3	\$4,847	Morrison	7	\$7,819
Freeborn	3	\$471	Mower	3	\$1,409
Goodhue	1	\$10,350	Murray	5	\$747
Grant	8	\$120	Nicollet	5	\$6,223

<u>County</u>	<u>JD</u>	<u>Amount</u>	<u>County</u>	<u>JD</u>	<u>Amount</u>
Nobles	5	\$2,301	Sibley	1	\$3,176
Norman	9	\$530	St. Louis	6	\$3,745
Olmsted	3	\$5,886	Stearns	7	\$28,357
Otter Tail	7	\$22,292	Steele	3	\$233
Pennington	9	\$2,400	Stevens	8	\$1,179
Pine	10	\$39	Swift	8	\$1,334
Pipestone	5	\$1,522	Todd	7	\$5,024
Polk	9	\$2,332	Traverse	8	\$50
Pope	8	\$3,331	Wabasha	3	\$0
Ramsey	2	\$575	Wadena	7	\$2,760
Red Lake	9	\$1,424	Waseca	3	\$1,266
Redwood	5	\$6,801	Washington	10	\$18,723
Renville	8	\$9,499	Watonwan	5	\$2,361
Rice	3	\$1,988	Wilkin	8	\$400
Rock	5	\$2,034	Winona	3	\$6,989
Roseau	9	806	Wright	10	\$447
Scott	1	\$9,163	Yellow Medicine	8	\$4,770
Sherburne	10	\$400			

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 2012 Reimbursements by Case Unit

<u>District</u>	<u>Case Units</u>	<u>FY 2012 Reimbursement</u>	<u>Reimbursement per Case Unit</u>
First	23,746	\$83,055	\$3.50
Second	26,163	\$575	\$0.02
Third	18,050	\$25,767	\$1.43
Fourth	84,700	\$314	\$0.00
Fifth	11,131	\$73,413	\$6.60
Sixth	14,988	\$5,275	\$0.35
Seventh	19,608	\$99,788	\$5.09
Eighth	5,715	\$41,440	\$7.25
Ninth	22,780	\$15,741	\$0.69
Tenth	32,460	\$27,028	\$0.83
<b>Total</b>	<b>259,345</b>	<b>\$372,399</b>	<b>\$1.44</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 2012.

**Fiscal Year 2012 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	\$3,235	\$0	N/A
SECOND <sup>1</sup>	\$71	\$47	N/A
THIRD	\$2,089	\$1,208	N/A
FOURTH <sup>2</sup>	N/A	N/A	N/A
FIFTH	\$5,243	\$3,495	N/A
SIXTH	\$310	\$206	N/A
SEVENTH	\$3,401	\$2,267	N/A
EIGHTH	\$3,032	\$2,021	N/A
NINTH	\$814	\$542	\$271
TENTH	\$862	\$575.80	N/A

<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.