

HF922 - 1UE - Statewide Office of Appellate Counsel and Training

Chief Author: **Jamie Becker-Finn**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/16/2023 7:20:02 PM**
 Lead Agency: **Supreme Court**
 Other Agencies:
 Administration Dept Governors Office
 Human Services Dept Statewide Office of Appellate Council and Training

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Governors Office	-	-	-	-	-	-
General Fund	-	-	-	-	-	-
Statewide Office of Appellate Council and Training						
General Fund	-	659	1,560	1,560	1,560	1,560
State Total						
General Fund	-	659	1,560	1,560	1,560	1,560
Total	-	659	1,560	1,560	1,560	1,560
Biennial Total			2,219			3,120

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Governors Office	-	-	-	-	-
General Fund	-	-	-	-	-
Statewide Office of Appellate Council and Training					
General Fund	-	2	7	7	7
Total	-	2	7	7	7

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/16/2023 7:20:02 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Governors Office		-	-	-	-	-
General Fund		-	-	-	-	-
Statewide Office of Appellate Council and Training						
General Fund		-	659	1,560	1,560	1,560
Total		-	659	1,560	1,560	1,560
Biennial Total				2,219		3,120
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Governors Office		-	-	-	-	-
General Fund						
Expenditures		-	1	-	-	-
Absorbed Costs		-	(1)	-	-	-
Statewide Office of Appellate Council and Training						
General Fund		-	659	1,560	1,560	1,560
Total		-	659	1,560	1,560	1,560
Biennial Total				2,219		3,120
2 - Revenues, Transfers In*						
Governors Office		-	-	-	-	-
General Fund		-	-	-	-	-
Statewide Office of Appellate Council and Training						
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

HF922 - 1UE - Statewide Office of Appellate Counsel and Training

Chief Author: **Jamie Becker-Finn**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/16/2023 7:20:02 PM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/13/2023 1:54:39 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

HF922-1UE establishes the Statewide Office of Appellate Counsel and Training; establishes the State Board of Appellate Counsel and Training; establishes a head appellate counsel and a program administrator; provides counties the option to utilize the services of the office to provide appellate counsel for parents of certain juveniles; and directs the Department of administration to support the establishment of the office. The funding for this bill comes from the State of Minnesota, not the courts or the counties.

Assumptions

This bill requires the Minnesota Supreme Court to appoint three members to serve on the State Board of Appellate Counsel and Training. This bill requires the counties and Tribes to utilize the Statewide Office of Appellate Counsel and Training for providing appellate representation to indigent parents of certain juveniles.

Juvenile Protection Rule 36.02, subd. 2 provides the following: “For purposes of appeal, the appointment of counsel in a juvenile protection matter shall be made within 3 days of the request for counsel. When possible, the trial court attorney should be appointed as appellate counsel.” It is assumed some counties may have local rosters of qualified attorneys for use by the district courts for appointment purposes. This bill provides counties the option of using a centralized source for the appointment of counsel. It is assumed some counties may choose to use a centralized source for the appointment of counsel. It is further assumed amendments to Juvenile Protection Rule 36.02 may require amendments to clarify the option of using a centralized source for the appointment of appellate counsel.

Expenditure and/or Revenue Formula

It is assumed this bill will not impact appellate court filings and will have minimal impact to the Supreme Court.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Janet Marshall

Phone: 651-297-7579

Date: 3/13/2023 10:22:08 AM

Email: Janet.marshall@courts.state.mn.us

HF922 - 1UE - Statewide Office of Appellate Counsel and Training

Chief Author: **Jamie Becker-Finn**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/16/2023 7:20:02 PM**
 Agency: **Administration Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 3/10/2023 4:13:48 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

Establishes a statewide Office of Appellate Counsel and Training. The Department of Administration (Admin) must provide technical support for the establishment of the office.

Assumptions

Admin assumes that “technical support” means:

- Assist in locating and contracting for leased office space by Admin’s Real Estate and Construction Services division.
- Provide state contracting assistance for the purchase of office equipment and supplies.
- Admin further assumes that “technical support” does not include providing services through the Small Agency Resource Team (SmART) and adding this office as a new SmART agency.

If the assumptions are accurate, leasing and contracting services are current statutory duties and Admin will not incur additional costs in assisting this new office.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Stacey Christensen 651-201-2500

Agency Fiscal Note Coordinator Signature: Ify Onyiah

Phone: 651-201-2387

Date: 3/10/2023 11:39:59 AM

Email: ify.onyiah@state.mn.us

HF922 - 1UE - Statewide Office of Appellate Counsel and Training

Chief Author: **Jamie Becker-Finn**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/16/2023 7:20:02 PM**
 Agency: **Governors Office**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 3/13/2023 10:22:23 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures	-	1	-	-	-	-
Absorbed Costs	-	(1)	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
General Fund						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill establishes the Statewide Office of Appellate Counsel and Training, including appointed members and required reports and other responsibilities.

Assumptions

The Legal and Appointments team will appoint the members of this task force as outlined in the bill as part of their regular, ongoing appointments work.

Expenditure and/or Revenue Formula

The Governor’s Office will absorb these costs.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Alyssa Haugen (651-201-3416)

Agency Fiscal Note Coordinator Signature: Alyssa Haugen

Phone: 651-201-3416

Date: 3/13/2023 10:19:38 AM

Email: alyssa.haugen01@state.mn.us

HF922 - 1UE - Statewide Office of Appellate Counsel and Training

Chief Author: **Jamie Becker-Finn**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/16/2023 7:20:02 PM**
 Agency: **Human Services Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Kate Schiller **Date:** 3/16/2023 9:53:02 AM
Phone: 651-296-6052 **Email:** kate.schiller@lbo.mn.gov

State Cost (Savings) Calculation Details

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Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

This bill establishes the Statewide Office of Appellate Counsel and Training (Office) as an independent state office responsible for a system of providing appellate representation to parents in juvenile protection matters, providing training to all parent attorneys practicing in the state on topics related to their practice and establishing standards and training requirements for parent attorneys practicing in the state, and collaborating with DHS to coordinate and secure federal Title IV-E support for counties and Tribes interested in accessing federal funding.

Assumptions

This proposal would create a staff member at the Office that would collaborate with the Department of Human Services. It is assumed that current DHS staff will be able to absorb any additional workload generated by this proposal.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Chris Zempel

Phone: 651-247-3698

Date: 3/14/2023 6:52:54 PM

Email: christopher.zempel@state.mn.us

HF922 - 1UE - Statewide Office of Appellate Counsel and Training

Chief Author: **Jamie Becker-Finn**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **3/16/2023 7:20:02 PM**
 Agency: **Statewide Office of Appellate Council and Training**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
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Total	-	659	1,560	1,560	1,560	1,560
Biennial Total			2,219			3,120

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	2	7	7	7
Total	-	2	7	7	7

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/16/2023 7:17:56 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

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Total	-	659	1,560	1,560	1,560	1,560
Biennial Total			2,219			3,120
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

The following summarizes bill language related to the establishment and ongoing operations of the proposed office and board.

Section 1 establishes the Statewide Office of Appellate Counsel and Training (Office) and the State Board of Appellate Counsel and Training (Board).

- Subdivision 1 defines relevant terms.
- Subdivision 2 establishes the Office and defines responsibilities. The office must (1) establish and maintain a system for providing appellate representation to parents in juvenile protection matters, (2) provide training to all parent attorneys practicing law in the state and (3) work with the Department of Human Services to coordinate and secure Title IV-E funds.
- Subdivision 3 establishes a seven-member Board to direct the office. Paragraph (c) specifies that member terms, compensation, and removal are as provided in M.S. 15.0575.
- Subdivision 4 stipulates that, beginning January 1, 2024, the Board shall appoint a head appellate counsel charged with executing the responsibilities of the Office. The head appellate counsel is authorized to hire assistant counsels or independent contractors. Paragraph (b) requires that the compensation of the head appellate counsel, assistant counsels, and contractors be commensurate with county attorneys in the state.
- Subdivision 5 defines duties and responsibilities of the Board and head appellate counsel. Board responsibilities include fiscal oversight, approval and recommendation of Board and Office budgets, and approval of policies and standards developed by the head appellate counsel. The head appellate counsel is charged with establishing appellate program standards, administrative policies, and procedures.
- Subdivision 7 provides that Minnesota counties and Tribes may utilize the Office to provide appellate representation to indigent parents who are seeking an appeal, and for assistance in securing Title IV-E funding.
- Subdivision 8 stipulates that if costs incurred by appellate counsels are assessed and collected or otherwise reimbursed from any source, the proceeds shall be directed to a restricted account in the Special Revenue Fund for use by the Board.

Section 2 directs the Department of Administration to provide technical support to the Office and Board.

Assumptions

It is assumed that since the proposed Board and Office does not currently exist, the Legislative Budget Office (LBO) will be

responsible for estimating costs related to Board/Office establishment and ongoing operations.

State Board of Appellate Counsel and Training Assumptions

It is assumed that the Board is established effective August 1, 2023. An effective date is not specified in bill language.

It is assumed that Board members will be appointed within the first month following the assumed effective date.

It is assumed that Board member compensation will include the following per member per meeting costs, based on the compensation terms specified in M.S. 15.0575:

- \$55 per diem
- \$99.56 mileage reimbursement
- \$150 lodging reimbursement
- \$42 meal reimbursement

It is assumed that the seven-member board will meet 14 times in FY 2024, biweekly for the first three months and monthly for the remainder of the fiscal year. Beginning in FY 2025 it is assumed that the board will meet every-other month or 6 meetings per year, similar to many other boards and commissions.

It is assumed that Board meeting space and administrative support will be provided by the State Office of Appellate Counsel and Training.

State Office of Appellate Counsel and Training Assumptions

Staffing Assumptions

It is assumed that the Office is established effective August 1, 2023 but will not provide appellate representation until April 1, 2024. This assumption is based on bill section 1, subdivision 4(a), which stipulates that the Board shall appoint a head appellate counsel in charge of executing the responsibilities of the office beginning January 1, 2024, and section 1, subdivision 4(d), which states that the head appellate counsel shall hire the following:

- One head appellate counsel assumed 1.0 FTE / 2088 hours annually
- One managing appellate attorney assumed 1.0 FTE / 2088 hours annually
- Two staff attorneys assumed 2.0 FTE / 4,176 hours annually
- One director of training assumed 1.0 FTE / 2088 hours annually
- One program administrator to support Title IV-E reimbursement assumed 1.0 FTE / 2088 hours annually
- One office administrator assumed 1.0 FTE / 2088 hours annually

It is assumed that the head appellate counsel will be appointed and begin work on January 1, 2024.

It is assumed that managing attorney and staff attorneys will be hired within 90 days of head appellate counsel appointment and begin work on April 1, 2024.

It is assumed that the director of training and two support staff specified in section 1, subdivision 4 will be hired within 90 days of head appellate counsel appointment and begin work on April 1, 2024.

It is assumed that the annual caseload per attorney for appellate cases is 18-19 based on input from the Public Defense Board. An annual per attorney caseload of 18.5 is assumed for the purposes of this fiscal note. Assuming a 2088-hour work year, it is estimated that attorneys will spend 113 hours per case (1 FTE/2088 hours divided by per attorney caseload).

The LBO is unable to determine total annual caseload due to the provisions of section 1, subdivisions 5, 7 and 8. Section 1, subdivision 7 states that "Minnesota counties and Tribes *may* utilize this office to provide appellate representation" The LBO interprets section 1, subdivision 5(d)(3) and section 1, subdivision 8 to provide the Board discretion as to whether and to what extent the Board will charge local units of government for services provided by appellate counsel. Since it is unknown how many Minnesota counties and Tribes will utilize office appellate representation at what cost level, no additional staff or contract support is assumed beyond the employment requirements specified in section 1, subdivision 4(d).

It is assumed that the head appellate attorney will carry a 0.5 caseload, dedicating the other half of annual working hours to the responsibilities outlined in section 1, subdivisions 4 and 5. It is assumed that the managing appellate attorney and two staff attorneys specified in section 1, subdivision 4(d) will carry a full caseload of 18-19 cases annually. For reference, a median of 94 appellate juvenile protection cases were filed with the Court of Appeals from 2017-2022, which is estimated to require 10,622 case hours (94 cases multiplied by 113 hours per case). Assuming an attorney staff of 3.5 FTEs, the Office would have an annual caseload capacity of 64.7 or approximately 7,308 case hours.

The timeframe in which training standards, procedures, and requirements are developed pursuant to section 1, subdivision 5(e) is not specified and assumed to be at the discretion of the Board. The frequency and scope of training required by section 1, subdivision 2(a)(2) is not specified and assumed to be at the discretion of the board. Since these future decisions are unknown, no additional training staff is assumed beyond the employment requirements specified in section 1, subdivision 4(d).

Section 1, subdivision 4 stipulates that the compensation of the head appellate counsel, assistant attorneys, and contract attorneys employed by the Office shall be commensurate with county attorneys in the state. It is assumed that the commensurate salary for the head appellate counsel is \$180,000 and assistant attorneys is \$160,000.

Director of training salary cost is estimated at \$101,738 annually. This estimate is based on a Training and Development Manager 2 (Managerial Plan, 20A 15M) reference position.

Program administrator salary cost is estimated at \$86,475 annually. This estimate is based on a State Program Administrative Coordinator (MAPE, 16E 21K) reference position. It is assumed that the program administrator will support the work of the Board and Office as needed.

Office administrator salary cost is estimated at \$65,010 annually. This estimate is based on a Management Analyst 3 (MAPE 14G 10L) reference position. It is assumed that the office administrator will support the work of the Board and Office as needed.

Office Establishment and Operational Cost Assumptions

It is assumed that build-out of rented state office space will be required in FY24. Rented space will include meeting area for the Board and Office.

It is assumed that computers, software, office equipment, and ancillary supplies will need to be acquired in FY24.

Professional development, training, and travel expenses are assumed beginning FY25.

It is assumed that Office attorneys will need access to past trial transcripts to provide effective appellate representation. Transcript costs are estimated at \$274,975 annually based on an average per trial transcript cost of \$4,250. This cost assumes the full staff capacity of 64.7 cases is utilized. Actual transcript costs may vary depending on caseload experience.

It is assumed that a case management system will be purchased to help track cases, document decisions, and manage relevant case documents. An off-the-shelf solution with functionality similar to systems used by the judicial branch is estimated to cost \$40,000 in FY24 and \$8,000 annually thereafter for software support and maintenance.

The LBO interprets section 1, subdivision 5(d)(3) and section 1, subdivision 8 to provide the Board discretion as to whether and to what extent the Board will charge local units of government for services provided by appellate counsel. Since this future decision is unknown, it is assumed that ongoing Board and Office costs will be fully covered by the General Fund.

It is assumed that services provided by the Office may be eligible for federal reimbursements; Title IV-E funding is discussed in the Department of Human Services fiscal note.

Expenditure and/or Revenue Formula

Board Member Cost Summary

7 Members	FY24	FY25	FY26	FY27
Number of Meetings	14	6	6	6

Per Diem	5,390	2,310	2,310	2,310
Mileage	9,757	4,182	4,182	4,182
Lodging	8,400	3,600	3,600	3,600
Meals	4,116	1,764	1,764	1,764
Total Cost	27,663	11,856	11,856	11,856

Per Diem Formula $\$55 \times 7 \text{ members} \times \text{number of meetings per year}$

Mileage Reimbursement Formula $0.655 \text{ mileage rate} \times 152 \text{ miles round trip} \times 7 \text{ members} \times \text{number of meetings per year}$

Lodging Reimbursement Formula $\$150 \text{ room cost} \times 4 \text{ members} \times \text{number of meetings per year}$

Meal Reimbursement Formula $\$42 \text{ per day meal cost} \times 7 \text{ members} \times \text{meetings per year}$

Caseload Capacity Estimate

Row		FY24	FY25+
1	Per Attorney Caseload	18.5	18.5
2	Hours per Case (2088 divided by Row 1)	113	113
3	Staff FTE	0.875	3.5
4	Staff Caseload Hour Capacity (Row 3 multiplied by 2088 hours)	1,827	7,308
5	Staff Case Capacity (Row 4 divided by Row 2, rounded)	16.2	64.7

Staff Compensation Costs

Position	FY24	FY25	FY26	FY27
Head Appellate Counsel	114,914	229,828	229,828	229,828
Managing Appellate Attorney	51,762	207,048	207,048	207,048
Staff Attorney 1	51,762	207,048	207,048	207,048
Staff Attorney 2	51,762	207,048	207,048	207,048
Director of Training	35,172	140,687	140,687	140,687
Program Administrator	30,826	123,303	123,303	123,303
Office Administrator	24,714	98,854	98,854	98,854
Total Staff Compensation Costs	360,911	1,213,816	1,213,816	1,213,816

FY24 Staff Cost Table

	FY24 Months Worked	12-Month Compensation	FY24 Compensation (Column 2 x Column 3)
Head Appellate Counsel	6/12	229,828	114,914

Managing Appellate Attorney	3/12	207,048	51,762
Staff Attorney 1	3/12	207,048	51,762
Staff Attorney 2	3/12	207,048	51,762
Director of Training	3/12	140,687	35,172
Program Administrator	3/12	123,303	30,826
Office Administrator	3/12	98,854	24,714
FY24 Staff Compensation Costs			360,911

Staff Compensation Reference Table

1.0 FTE / 2088 Hours	Salary	Benefits + Fringe (FICA, retirement, insurance, deferred compensation)	Total Compensation
Head Appellate Counsel	180,000	\$49,828	229,828
Managing Appellate Attorney	160,000	47,048	207,048
Staff Attorney	160,000	47,048	207,048
Director of Training (Managerial Plan 20A 15M)	101,738	38,949	140,687
Program Administrator (MAPE 16E 21K)	86,475	36,828	123,303
Office Administrator (MAPE 14G 10L)	65,010	33,844	98,854

Office Establishment and Operations Cost

Description	FY24	FY25	FY26	FY 27
Office Space Rental	27,192	27,192	27,192	27,192
Office Space Build Out	89,000			
Office Equipment (computers, phones, copiers)	29,750			
Ancillary (software, supplies, equipment maintenance and repairs)	15,902	15,902	15,902	15,902
Travel/Training/Development		8,000	8,000	8,000
Case Management System	40,000	8,000	8,000	8,000
Transcripts	68,850	274,975	274,975	274,975
Total	270,694	334,069	334,069	334,069

Transcripts average 200 pages per transcript × \$4.25 per page = \$850 per trial day. Average 5 days per trial × \$850 = \$4,250 per trial. Estimated 64.7 trials × \$4,250 per trial = \$274,975 annually.

Office Space Rental Cost based on seven 10x10 offices, one 6x6 supply area, and one 25x20 conference room. Assumes a per square foot rental cost of \$22 based on information from the Department of Administration.

Total Cost Summary

Cost Category	FY24	FY25	FY26	FY27
Board Member Costs	27,663	11,856	11,856	11,856
Staff Compensation Costs	360,911	1,213,816	1,213,816	1,213,816
Office Establishment and Operations Costs	270,694	334,069	334,069	334,069
Total	659,268	1,559,740	1,559,740	1,559,740

FTE Summary Table

	FY24	FY25	FY26	FY27
New FTEs	2	7	7	7

Long-Term Fiscal Considerations

Fiscal impact will be ongoing. Annual caseload greater than 64 may affect the staffing and consulting resources needed to fulfill Office duties. For reference, a median of 94 appellate juvenile protection cases were filed with the Court of Appeals from 2017-2022, which is estimated to require 10,622 case hours (94 cases multiplied by 113 hours per case). Assuming an attorney staff of 3.5 FTEs, the Office would have an annual caseload capacity of 64.7 or approximately 7,308 case hours.

Local Fiscal Impact

Minnesota counties and Tribes may be charged a fee to cover the cost of appellate representation provided by the Office. The LBO interprets section 1, subdivision 5(d)(3) and section 1, subdivision 8 to provide the Board discretion as to whether and to what extent the Board will charge local units of government for services provided by appellate counsel.

References/Sources

Legislative Budget Office and Legislative Coordinating Commission (LCC) staff.

LCC cost data on office equipment, office build out, software, supplies, and ancillary items.

2021-2023 MAPE collective bargaining agreement <https://mn.gov/mmb/employee-relations/labor-relations/labor/mape.jsp>.

2021-2023 Managerial Plan collective bargaining agreement <https://mn.gov/mmb/employee-relations/labor-relations/labor/managerial-plan.jsp>.

Real Estate Management Office, Minnesota Department of Administration.

Minnesota Statutes 15.0575, Administrative Boards and Agencies <https://www.revisor.mn.gov/statutes/cite/15.0575>

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