

State of Minnesota
Board of Public Defense
2022-2023 Budget Overview
House Judiciary Finance and Civil Law
February 2021

*insure domestic Tranquility, provide for the common
and our Posterity, do ordain and establish this Con*

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Representatives and Electors shall be chosen every second Year by the People of the several States, in which the Number of Electors in each State shall have no greater Number of Representatives than Electors.

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Largest User of Court System



- 145,000 cases on trial level
- 4,000+ appellate files opened
- 4,000+ supervised release (parole revocation) files opened
- Provide **Mandated Services in Every County/Courtroom**
- Represent 90% of felony and delinquency cases, more than 1/2 of all misdemeanor cases
- Caseloads and Workloads Commitments controlled by outside factors





Public Defenders Cannot Refuse Cases



- ***Dzubiak v Mott***

a public defender “may not reject a client, but is obligated to represent whoever is assigned to her or him...”

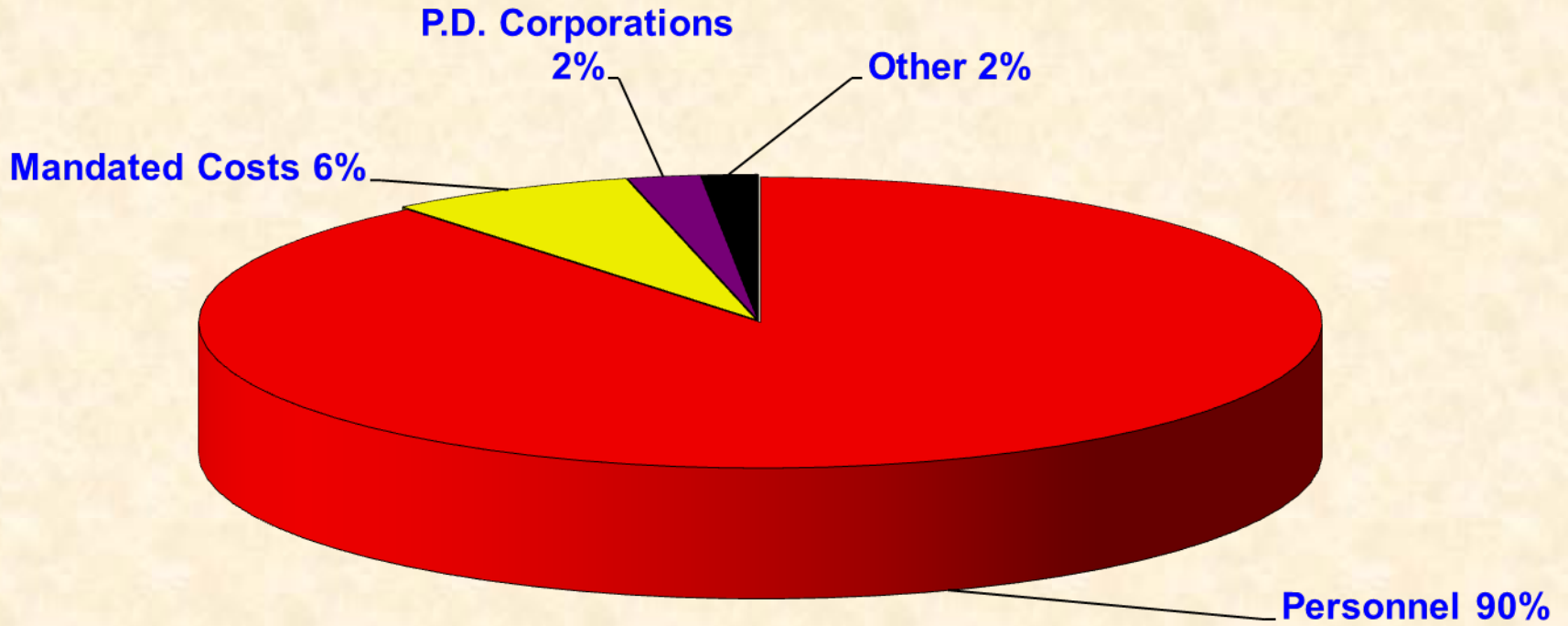
- ***State v Deegan***

after the state public defender’s office declined to represent Deegan because he plead guilty and received less than the presumptive sentence, the district court denied Deegan's motion for appointment of counsel. The Minnesota State Supreme Court reversed that decision.





F.Y. 2021 Budget by Item



\$101,000,000



MINNESOTA
BOARD OF
PUBLIC DEFENSE



2022-2023 Budget Request Maintaining Public Defense

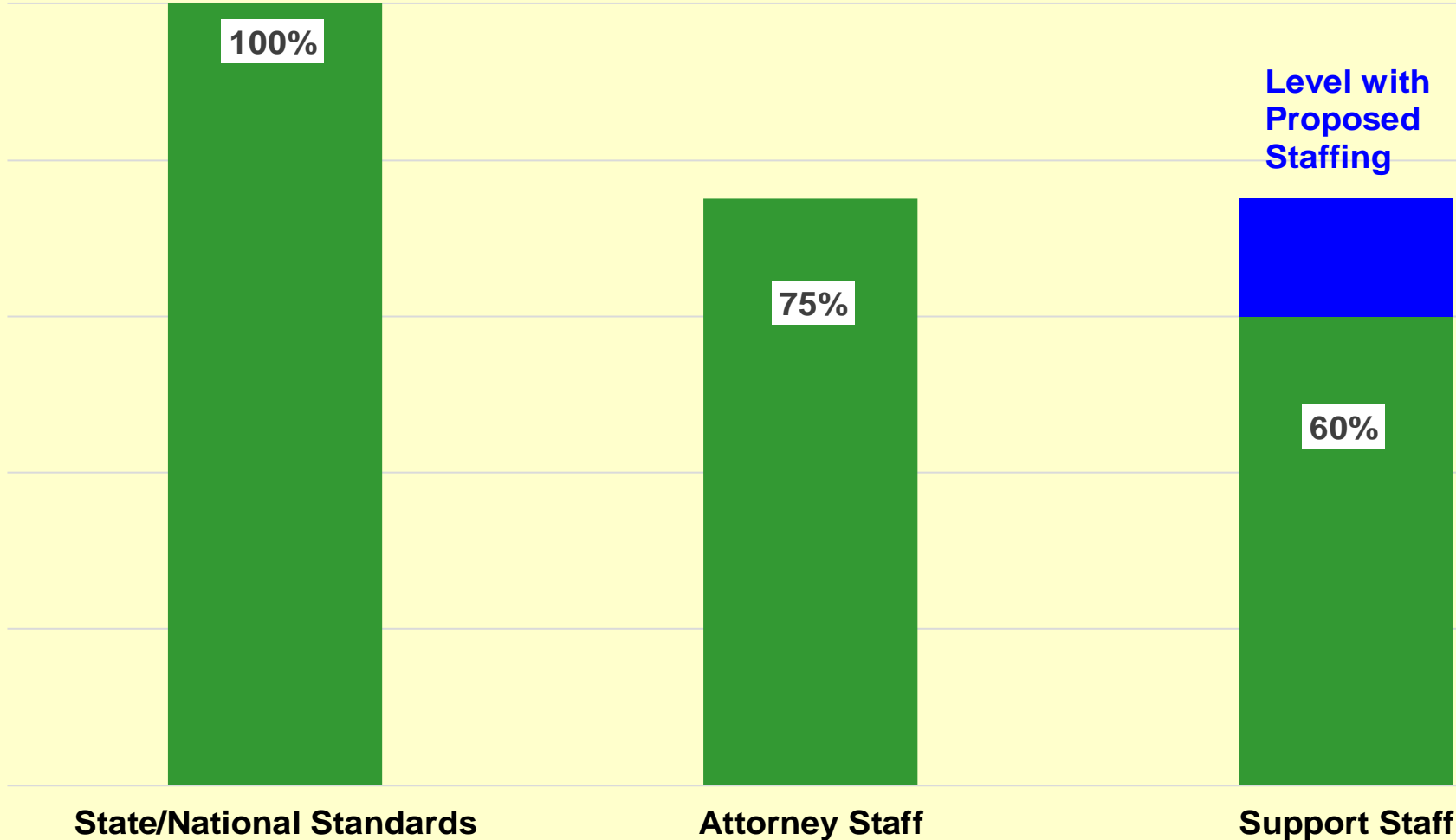
<u>Item</u>	<u>FY 2022</u>	<u>FY 2023</u>
Staffing	\$1,839	\$3,828
Salary Costs	\$2,655	\$5,366
Insurance	\$1,077	\$1,944
Caseload Backlog	\$2,760	\$0
Corporation Funding	\$74	\$152
Total	\$8,405	\$11,290



Public Defender Staffing



■ Current ■ Proposed





Staffing Request

<u>Staff</u>	<u>Current</u>	<u>Proposed</u>	<u>Current Attorneys per Staff</u>	<u>Proposed Attorneys Per Staff</u>
Attorneys*- District Level	563	563	N/A	N/A
Paralegals	35	49	16	11.5
Investigators	47	62	12	9
Legal Secretary Assistant	84	90	7	6.2
Dispositional Advisors	37	54	15	10.4



Staff Needed to Meet Weighted Caseload Standards

<u>Position</u>	<u>No. New Staff</u>	<u>First Full Year Cost</u>
Asst. Public Defenders	149	\$16,000,000
Investigators	33	\$2,800,000
Dispositional Advisors	25	\$2,147,000
Paralegals	32	\$2,789,000
Legal Secretary/Asst.	35	\$2,656,000
Managing Attorneys	15	\$2,300,000
Total	289	\$28,692,000

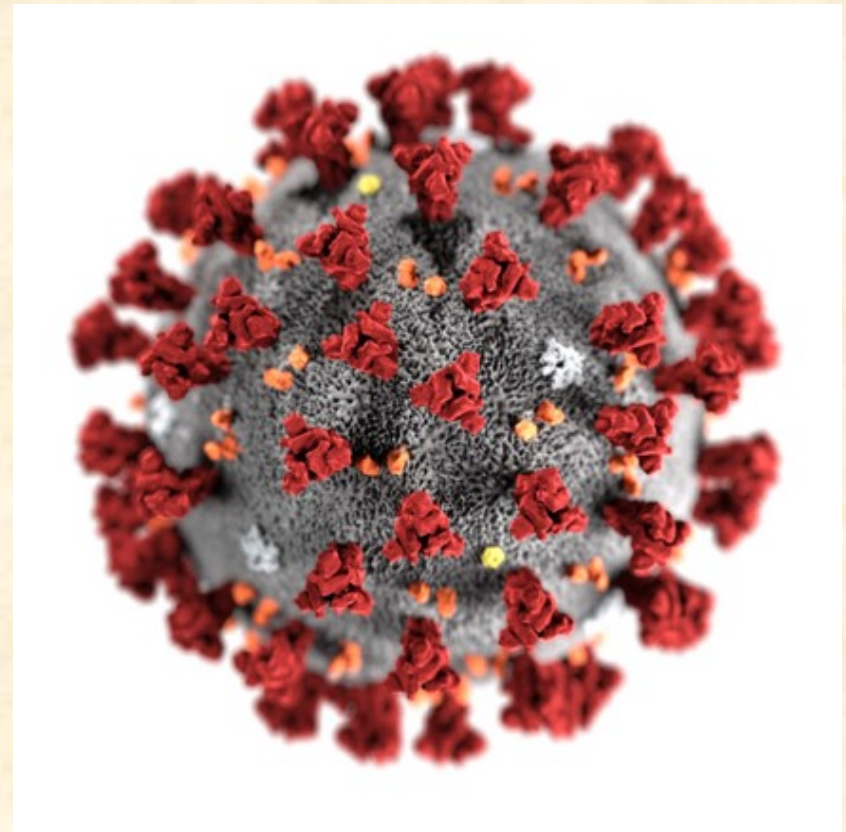


MINNESOTA
BOARD OF
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COVID-19 and Caseload Backlog



- **10,000 felony & gross misdemeanor cases pending** (as of 7/30/2020)
- **Est. 46,000 hours of attorney time**





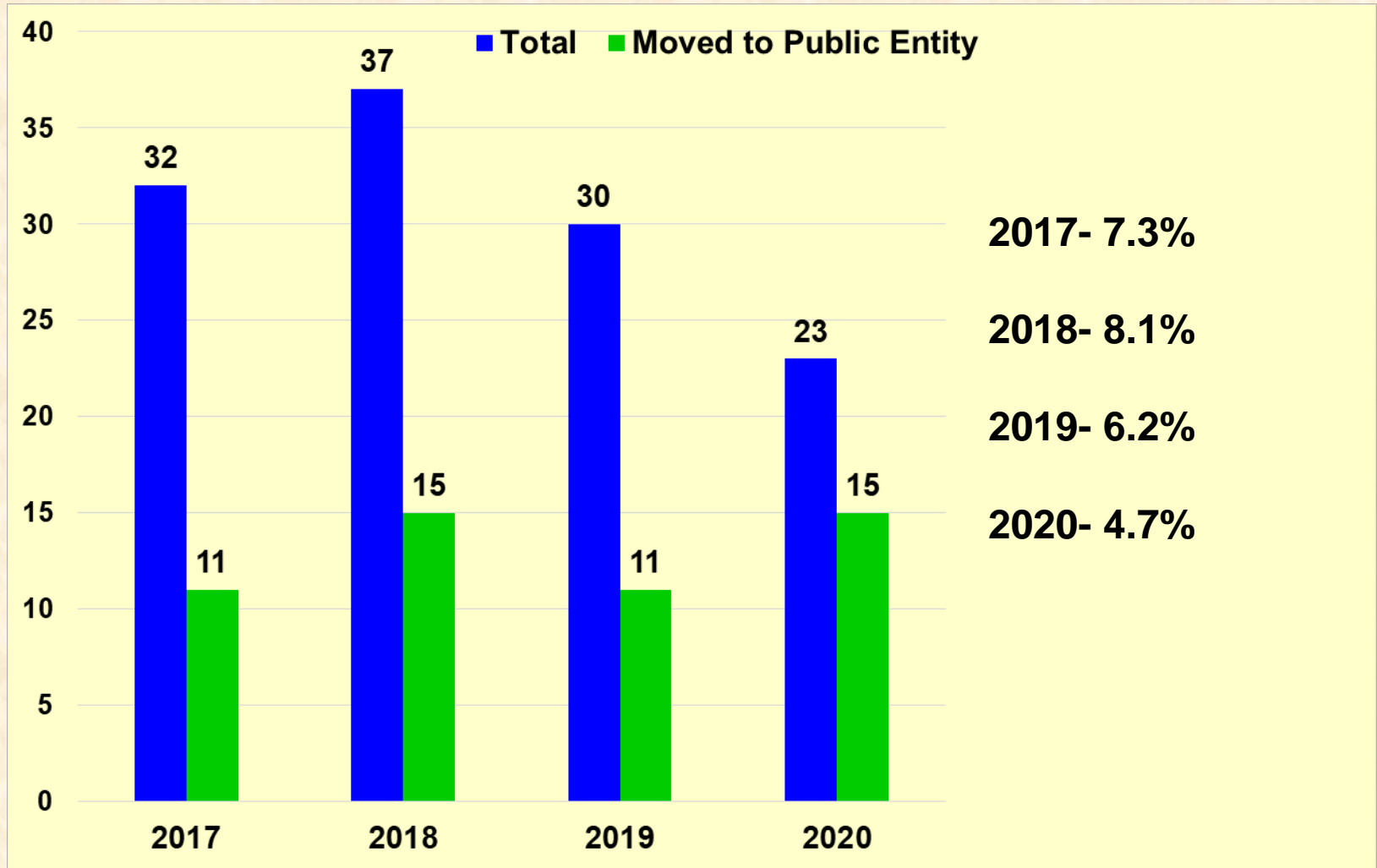
Salary/Insurance Request



- **Progression increases and cost of living adjustments**
- **Recruitment and Retention of Qualified Staff**
- **Salaries lower than comparable public entities**
- **Mandated employee insurance costs increases (MMB Projected Increases)**



District Public Defender Resignations CY 2017-CY 2020



Does not include appointments to judgeships

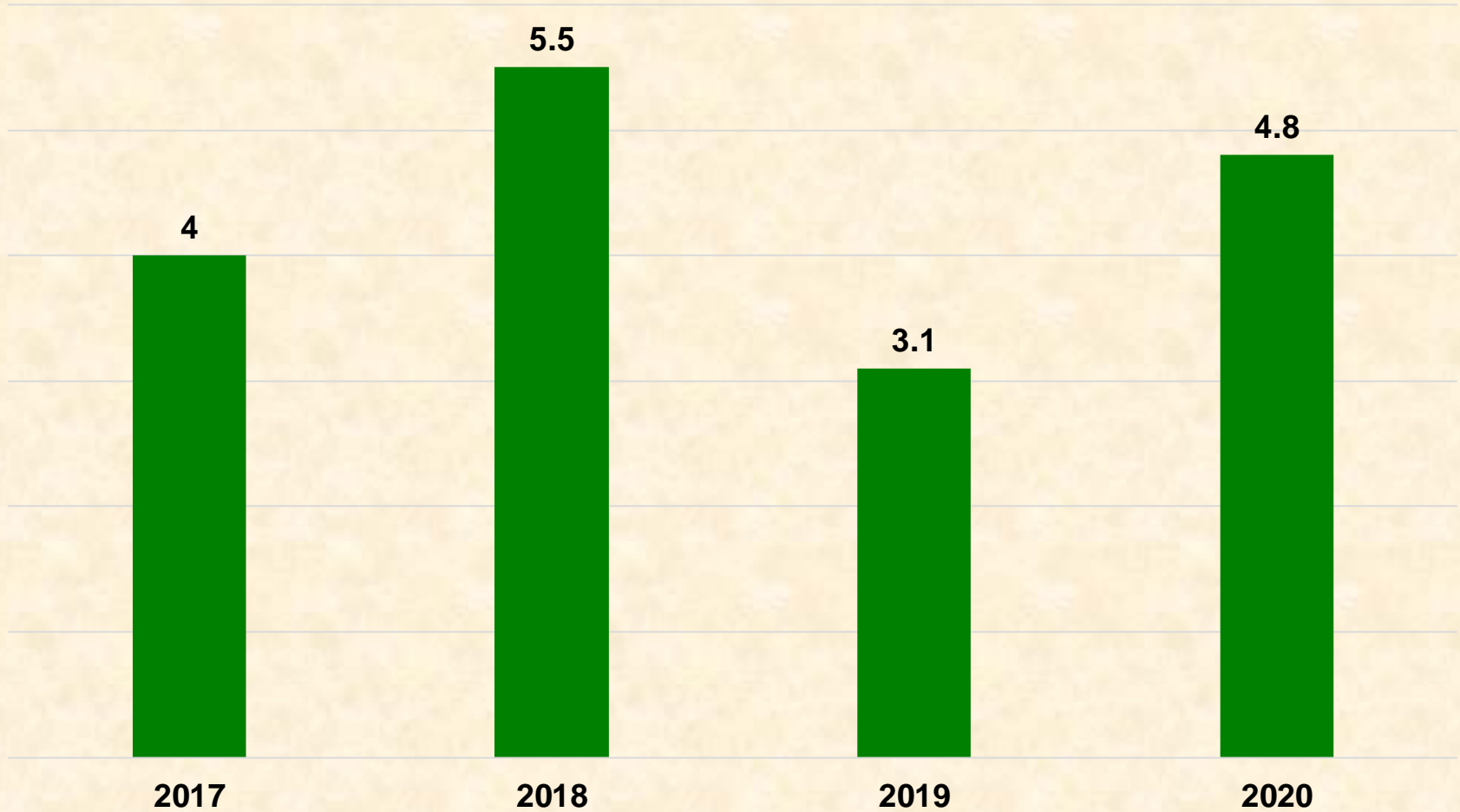


Entry/Top Level of Salary Range
Asst. County Attorney &
Asst. Public Defender
10 Most Populus counties

	Entry Level	Top of the Salary Range
Assistant County Attorney	\$69,217	\$129,198
Assistant Public Defender	\$65,800	\$115,466

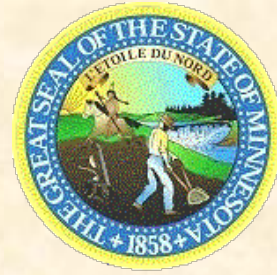


Assistant Public Defender Resignations by Years of Service



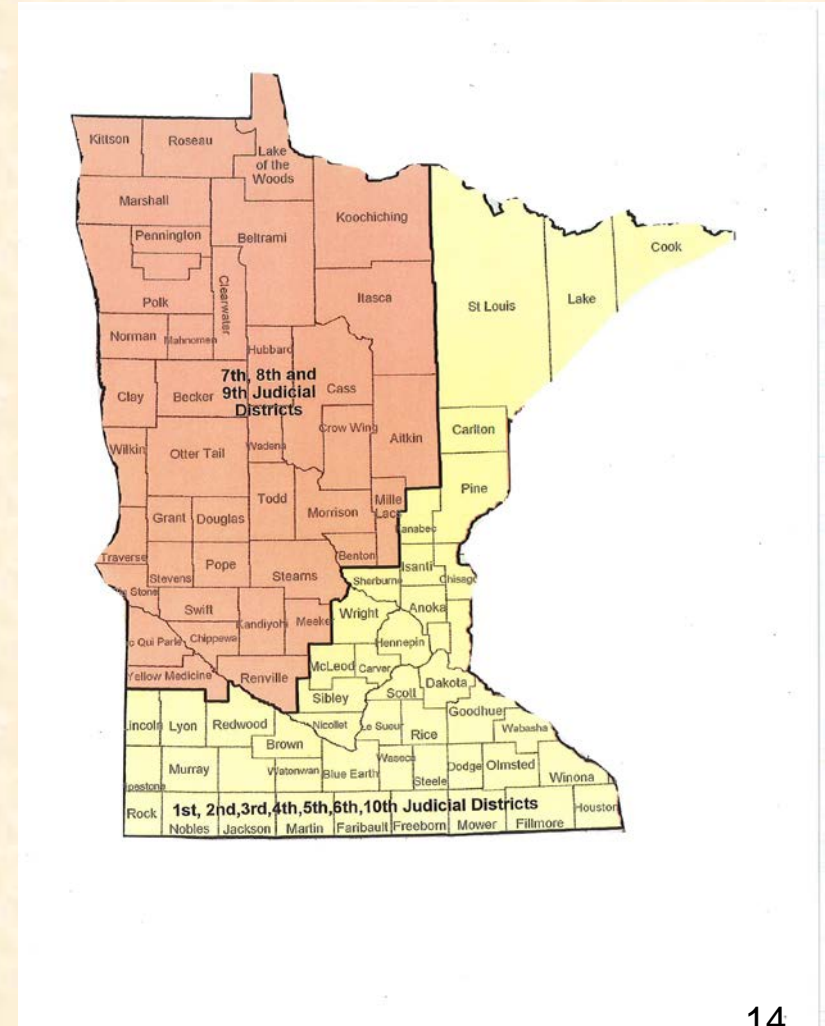


Asst. Public Defender Applicants 7th, 8th and 9th Districts



11 Attorney Openings

- 33 Individual Applications
- 2- Applications for a 75% time position in Bemidji
- 2- Applications for a 75% time position in Willmar
- 3 of 10 applicants for FT position in Moorhead were not qualified





Public Defense Corporations

- **4.5% Increase each year for 2022 and 2023.**
- **The Board administers grant funding to non-profit public defense corporations under M.S. 611.215.**
- **The corporations handle cases that would otherwise be public defender cases.**

**Minneapolis
Legal Rights
Center**

**St. Paul
Neighborhood
Justice Center**

**Duluth Indian
Legal Services**

**Regional
Native Public
Defense
Corporation**

Budget Issues



Salary Compression

M.S. 611.23-State Public Defender Salary-

The salary of the state public defender shall be fixed by the State Board of Public Defense but must not exceed the salary of a district court judge.

<u>Position</u>	<u>Current Minimum</u>	<u>Current Maximum</u>
Assistant Public Defender	\$65,800	\$115,466
Managing Attorney	\$106,186	\$133,986
Chief Public Defender	\$140,317	\$161,398
State Public Defender		\$165,136



Use of Audio/Video Dashboard, Body, Public and Private Cameras



- 1.5 to 2 terabytes/monthly- Ramsey Count
- April-December- 13 terabytes of data.
= 250 full length movies
- Previous 2 years of documents only- 2terabytes
- \$850,000 cost of storage over next 3 years (Est.)
- Attorney time to review-????

