



State of Minnesota
Board of Public Defense

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Senator Warren Limmer
3221 Senate Office Building
St. Paul, MN 55155

Dear Senator Limmer,

The purpose of this correspondence is to ask that as you begin deliberations on the Judiciary and Public Safety Omnibus Bill you consider including funding for the Board of Public Defense to meet the state and national standards for caseloads and to fund salaries for public defenders and staff that would put them on par with county attorneys.

As you are well aware from our past testimony, the Board has never been close to having the staffing needed to meet the staffing called for in the Weighed Caseload Standards. Also, as we have discussed with the committee members as well as the Senate leadership the Board does not have the funding to provide salaries for public defenders and staff that would put them on par with county attorneys.

As you know, the Board is operating with 75% of the attorney and support staff that it should have based on the Weighted Caseload Standards. The Board continues to experience difficulties in both recruitment and retention of staff. In 2021 almost 12% of the Board's attorney staff resigned, and applications are down by approximately one half to two-thirds of past levels. All of this makes it difficult to provide the quality representation that our clients expect and deserve.

With the renewed emphasis on public safety and with the state's projected budget surplus it would seem to be an opportune time to make an investment in public defense, one of the legs of the three legged criminal justice stool.

Outlined below are the costs for the proposal.

Salary

We reviewed the 2020 salaries of county attorneys in the counties where our district offices are located (Dakota, Ramsey, Olmsted, Hennepin, Blue Earth, St. Louis, Stearns, Kandiyohi, Beltrami, and Anoka). We then adjusted the salaries of Assistant Public Defenders based on the following

- Average entry level salary of the 10 counties mentioned above
- Average maximum salary
- Reduce current 17 step range to a 12-step range

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Supplemental Budget
Proposal

In addition, Support Staff and other employee salary ranges would be adjusted by the same percentage as Assistant Public Defenders.

The table below includes the cost of adjusting staff salaries effective July 1, 2022. As we mentioned in our conversation, if this were a possibility, the legislature would need to address salary compression related to the salary of the State Public Defender (M.S. 611.23).

	FY 2023
Increase salaries to 10 County Average	\$21,989,000

Staffing

The table below includes the cost of bring staffing levels to those recommended by the Weighted Caseload Standard effective July 1, 2022. This is based on the revised salary schedules outlined above. The proposal would include 149- Attorneys, 14- Managing Attorneys, 25- Investigators, 19- Paralegals, 17- Dispositional Advisors, and 37- Legal Secretary/Assistant positions.

	FY 2023
Cost of staffing to Weighed Caseload Standard	\$29,084,000

Thank you again for considering the Board's request and for your support of public defense. If there is anything more that you need, please feel free to contact me.

Thank You,

Kevin Kajer
Chief Administrator

Cc Senate Judiciary and Public Safety Committee Members
Senator Rosen
Senator Miller