

Board of Public Defense Budget Review

Senate Public Safety and Judiciary Finance

January 2023

THE GREAT SEAL OF THE UNITED STATES OF AMERICA
insure domestic Tranquility, provide for the common and out Posterity, do ordain and establish this Constitution.
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 in each State shall have the Qualifications requisite for Electors in that State, and shall be chosen every second Year by the People of the State, in which they shall be chosen.
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District Public Defense

Constitutionally Mandated Services:

- Felony
- Gross Mis./Other (I.e. Extradition, Probation Violations)
- Misdemeanor
- Juvenile Delinquency

Statutorily mandated:

- Children over 10 years of age in Child Protection Cases





MINNESOTA
BOARD OF
PUBLIC DEFENSE

Appellate Office

Constitutionally mandated service:

- **Criminal appeals**
- **Post conviction proceedings**
- **Supervised Release proceedings (Parole)**





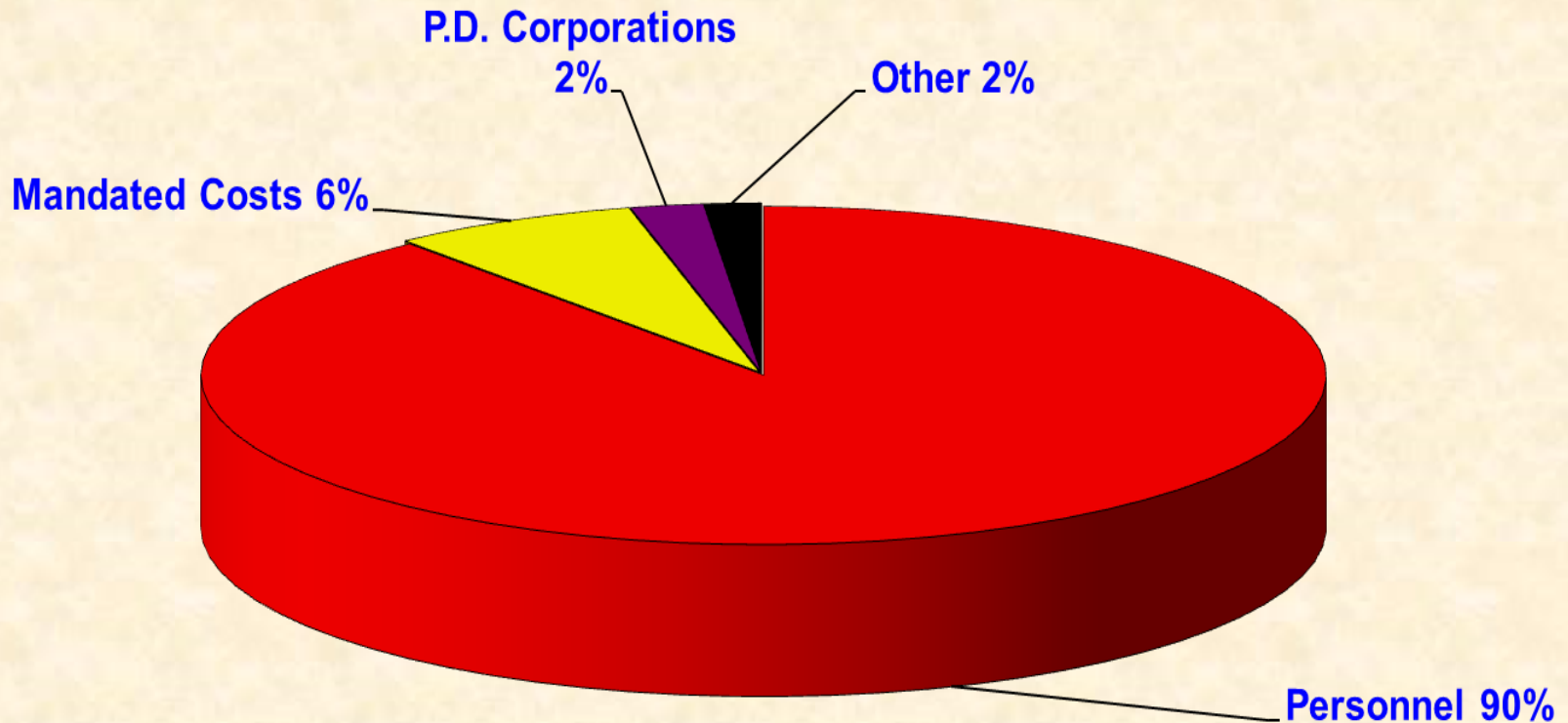
Largest User of Court System

- 126,000 cases on trial level
- 1,300 appellate files opened
- 9,000 felony/gross misdemeanor case backlog
- 4,000 supervised release (parole revocation) files opened
- Provide **Mandated Services** in Every County/Courtroom





F.Y. 2023 Budget by Item





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***

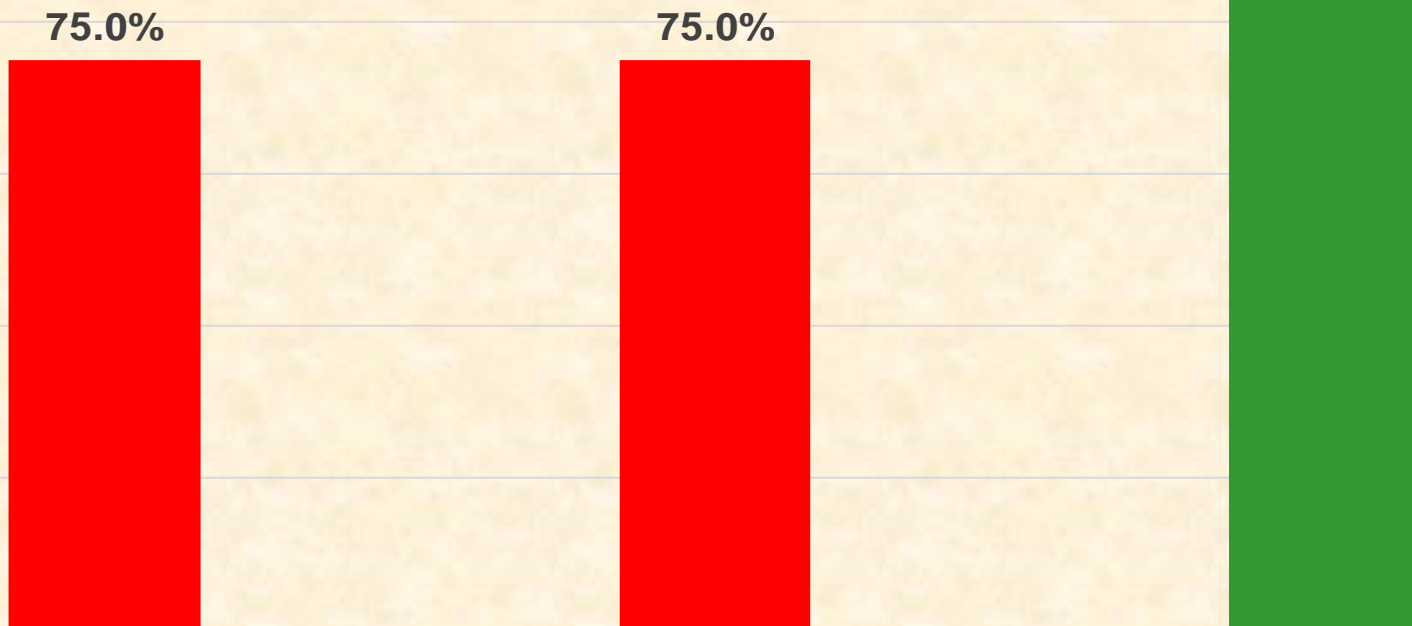
after the state public defender’s office declined to represent Deegan because he plead guilty and received less than the presumptive sentence, the district court denied Deegan's motion for appointment of counsel. The Minnesota State Supreme Court reversed that decision.





Public Defender Staffing

Budgeted Staffing v State and National Standards



Attorney Staffing

Support Staff

State/Nat'l Standards⁷

Recruitment and Retention

- 40% of attorney staff resigned between 2017-2021
- 2022 14.5% resignation rate
- Applications down 50%-75% over last four years
- 50% of openings get 3 or fewer applications.



**Min./Max. Salary Select County Attorney Offices
& Assistant Public Defenders**

<u>Salary</u>	<u>Entry</u>	<u>Top</u>
2022 Entry Level, & Top (14 County Attorney Offices)	\$82,908	\$158,000
FY 2023 Assistant Public Defenders	\$70,146	\$123,903

Salary Issues

- Similar Increases for Support Staff and Unrepresented Staff
- Need to address Salary Compression
- Projected Employee Insurance Cost Increases



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.

- Salary of 6 individuals currently exceed State Public Defender- 27 based on the proposal.

<u>Position</u>	<u>Minimum</u>	<u>Maximum</u>
Asst. Public Defender	\$70,146	\$123,093
Managing Attorney	\$113,282	\$142,836
First Assistant	\$124,728	\$147,115
Chief Public Defender	\$149,585	\$172,058
State Public Defender		\$169,264



Resignation Letter 7th District Public Defender

- I've been doing PD work now for almost 15 years and this past year or two has been pretty trying.
- This was never an easy job, but everything has been a lot worse as of late. The court system talks in numbers and backlogs and seems to completely ignore the fact that every one of these numbers are people.
- There seems to be little regard for the **time and stress** that spills over more and more into our non-work lives.
- I am as passionate about this job as I was when I started practicing, but I'm **tired**.



Full Staffing Shortfall

- **Salary Increases (2022-2023 Collective Bargaining Agreements)**
- **Year 1** 3.5% COLA Effective 7/1/2021, Step Increases- 7/6/2021
- **Year 2** 3% COLA Effective 7/1/2022, Step Increases- 7/7/2022
- **FY 2022-2023 Funding 1% each year and Step Increases**
- **Annual Difference**
- **FY- 2022 - \$1.4 million**
- **FY- 2023 - \$2.9 million**
- **FY 2024 and beyond - \$2.9 million**



Public Defense Corporation Funding

- Increase each year for 2024 and 2025.
- 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**