LEGISLATIVE REFERENCE LIBRARY
JK6157 .M57 1995
- Minnesota's public defender salari
3 0307 00037 4549

House of Representatives Proposal for Adjusting Public Defender Salaries in Fiscal Year 1997

This proposal references the attached House Research Study, entitled: *Minnesota's Public Defender Salaries: A Research Study.*

This was the structure that was implemented in 1995

House Proposal	Additional Cost in Fiscal Year 1997
Salary Structure C (based on the smoothed matrix in columns D, E and F, page 15)	$1,271,000
Overhead Expense Structure $5,000 for 75% time $3,000 for 50% time $2,000 for 25% time	$985,000
Total	$2,256,000

JK
6157
.M57
1995

Minnesota's Public Defender Salaries: A Research Study

Performed for:
The Judiciary Finance Committee
Minnesota House of Representatives
April, 1995

Purpose of the study

- The analysis in Part I of this report briefly compares the salaries of Minnesota's public defenders and county attorneys, using data provided by the Minnesota Board of Public Defense and the Minnesota Association of County Attorneys, respectively. The purpose of this comparative analysis is to provide a frame of reference for considering public defender salaries.

- Part II presents further analysis showing the cost implications of four possible alternatives for "levelling up" individual public defender's salaries to the average for public defenders within the same experience and responsibility categories.

- Part III presents the cost estimates for the part-time public defender overhead compensation proposal offered by the State Board of Public Defenders, as well as two scaled-back alternatives considered on behalf of the House Judiciary Finance Committee.

Disclaimer

This analysis was performed at the request of the Chair of the House Judiciary Finance Committee by the House Research Department, with assistance from staff of the House Judiciary Finance Committee and the House Fiscal Office. While Parts II and III of this report present proposals for "levelling up" public defender salaries and for providing for the overhead costs of part-time defenders, House Research takes no position on those proposals, other than to analyze and present them at the request of the Chair.

Chief author: Jim Cleary

RECEIVED
FEB 29 1996
LEGISLATIVE REFERENCE LIBRARY
STATE OFFICE BUILDING
ST. PAUL, MN 55155

Part I

A Comparison of the Salaries of Public Defenders and County Attorneys

The salary data used in this analysis were provided to the House Judiciary Committee staff in the form of raw salary records, with each record representing an individual attorney. These data were further refined into spreadsheet format and summarized both statewide and by judicial district, as shown in Tables 1 and 2, attached.

All data elements shown represent actual data, except for "FTE Salary" (full-time-equivalent salary, in columns F, G and H), a postulated amount which has been calculated by dividing each attorney's actual salary by the percent-time he or she is working in that position. The FTE-Salary is intended to facilitate direct comparison of attorneys' salaries, irrespective of whether individuals are working full-time or part-time.

The analysis in Part I attempts to be neither evaluative nor exhaustive, but rather is intended to provide Committee members with one descriptive frame of reference for considering the public defender appropriation request before them. Time limitations prevent a careful comparison of public defender salaries with those of other reasonable reference groups, such as assistant state attorney generals.

Some key differences in the roles of Public Defenders and County Attorneys:

In comparing the salaries of public defenders and county attorneys, it is important to be mindful that their roles differ in many ways. Some factors operate to increase the workloads of county attorney. For example, county attorneys must review all criminal complaints presented to them, even though a substantial number of cases ultimately may not be chargeable and, thus, do not typically involve defense attorneys. County attorneys also sometimes provide assistance and advice to law enforcement during investigations preceding apprehension and arrest. In some of the cases that are prosecuted, defendants are represented by private legal counsel rather than a public defender; often these are the more complex cases that require considerable prosecutorial preparation. Finally, prosecutors carry the burden of proof in a criminal prosecution.

On the other hand, county attorneys are greatly assisted in their investigations by law enforcement officials, whereas public defenders typically must be more self-reliant in preparing their cases for trial. Likewise, the work of public defenders is often greatly complicated by the nature and situations of some of their clientele, who may be disproportionately chemically-dependent, antisocial, irrational, or uneducated, or if on pretrial release, may be difficult to locate or contact.

Because of these fundamental role differences, any comparison of these two groups of attorneys is ultimately a bit like comparing apples and oranges, and the reader should not expect the complements or salaries of these two groups to be identical.

Table 1

Assistant Public Defenders: A Summary of 1995 Salaries

Judicial District	Number of Attorneys	Number Part Time	Number of FTE Positions	Average Years of Experience	Average Salary		FTE Salary Range	
					Salary Paid	FTE Salary	Lowest	Highest
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
1st South-Metro Area	40	31	31.5	6.2	$44,111	$56,605	$34,447	$76,867
2nd Ramsey County	38	17	29.5	13.3	$48,518	$63,136	$36,948	$84,347
3rd Southeastern Mn.	52	46	27.2	5.6	$28,385	$54,092	$18,376	$96,761
4th Hennepin County	99	15	91.5	13.7	$64,139	$69,640	$37,656	$86,220
5th Southwestern Mn.	33	25	19.9	5.9	$30,167	$53,178	$31,824	$70,228
6th Northeastern Mn.	35	34	20.25	7.2	$28,736	$51,036	$30,217	$82,000
7th West-Central (Upper)	41	31	32.75	5.4	$38,974	$49,145	$34,447	$70,229
8th West-Central (Lower)	17	15	12.25	6.2	$38,881	$53,228	$28,781	$89,311
9th Northwestern Mn.	32	22	24.75	7.0	$40,380	$53,197	$31,836	$96,000
10th North Metro-Area	50	23	40.5	6.2	$38,040	$48,261	$30,600	$70,229
Statewide - All Districts	437	259	330.0	11.6	$43,223	$57,087	$18,376	$96,761
All except Hennepin County	338	244	238.5	10.9	$37,096	$53,410	$18,376	$96,761

Data Source: Minnesota Board of Public Defense
Analysis by staff of House Research, House Fiscal Analysis, and Judiciary Finance Committee

Table 2

County Attorneys: A Summary of 1995 Salaries

Judicial District	Number of Attorneys	Number Part Time	Number of FTE Positions	Average Years of Experience	Average Salary		FTE Salary Range	
					Salary Paid	FTE Salary	Lowest	Highest
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
1st Southern Metro Area	59	9	54.9	9.4	$51,367	$54,942	$28,571	$94,900
2nd Ramsey County	37	4	36.0	12.9	$66,770	$68,314	$39,984	$95,321
3rd Southeastern	42	11	37.6	11.9	$40,810	$47,423	$29,308	$89,390
4th Hennepin County								
5th Southwestern	40	26	28.8	12.6	$33,673	$48,983	$25,882	$99,000
6th Northeastern	32	1	31.8	15.9	$59,102	$59,515	$36,875	$93,282
7th West Central (Upper)	45	7	41.9	11.2	$44,334	$48,905	$32,052	$76,720
8th West-Central (Lower)	28	22	18.2	13.5	$32,635	$53,802	$26,552	$91,563
9th Northwestern	42	22	33.9	13.7	$38,020	$47,775	$26,260	$87,112
10th North-Metro Area	58	2	57.4	13.5	$55,868	$56,646	$33,196	$95,560
Statewide - All Districts								
All except Hennepin	383	104	340.4	12.5	$47,518	$53,848	$25,882	$99,000

Data Source: Minnesota Association of County Attornys
Analysis by staff of House Research, House Fiscal Analysis and Judiciary Finance Committee

The summary data in Tables 1 and 2 permit the following observations. (In this discussion, any statewide comparisons must use the bottom line of figures tabulated over all judicial districts except Hennepin County, since that district is missing from the county attorney data base.)

- **There are somewhat fewer public defenders than county attorneys** (without Hennepin County, 338 vs. 383, in column A), particularly when considering full-time equivalent positions (238.5 vs 340.4, in column C). This reflects the fact that more public defenders than county attorneys are working part-time (244 versus 104, in column B).

- **Public defenders average nearly 11 years of criminal law experience, while county attorneys average about 1.5 years more than that** (column D). However, the regional patterns differ greatly for these two groups. The average experience of public defenders working in Hennepin and Ramsey Counties is approximately twice as great as for those employed in other judicial districts. For county attorneys, on the other hand, average experience levels are much more uniform from district to district, with nonmetro districts perhaps having a slight edge.

- **On average, the salaries actually paid to public defenders are considerably lower than those paid to county attorneys** (excluding Hennepin County, $37,096 vs. $47,518, in column E). Of course, this reflects, in part, the fact that proportionately more public defenders are employed part-time rather than full-time. Thus, one must be very cautious in interpreting any differences among salaries actually paid; nevertheless, it is this amount, rather than the calculated FTE, on which many attorneys must live.

- **The calculated FTE salary figures reveal little difference between public defender and county attorney salaries, on average** ($53,410 vs. $53,848, in column F).

- **Nevertheless, there are some sizeable differences in average FTE salaries among the judicial districts.**

    - **For public defenders, average FTE salaries are sharply higher in both Ramsey and Hennepin Counties than in other counties** (at $63,136 and $69,640, respectively). Perhaps somewhat surprisingly, **the Minnesota district with the lowest average FTE salary is District 10, the North-Metro area** (with $48,261).

    - **For county attorneys (with Hennepin County missing), Ramsey County leads** (with an average FTE salary of $68,314), followed by the District 6 (Northeastern Minnesota, with $59,515) and District 10 (the North-Metro area, with $56,646). **The county attorneys with the lowest average FTE salary are those in District 3, Southeastern Minnesota** (with $47,423).

- **Turning to within-District comparisons, the largest discrepancies between average FTE salaries for public defenders and county attorneys are found in the 3rd, 6th, 10th and 2nd Judicial Districts.**

    - In District 3 (Southeastern Minnesota), FTE salaries of public defenders average over $6,600 higher than for county attorneys ($54,092 vs. $47,423). A partial explanation may lie in the fact that proportionately more public defenders are working part-time in this Judicial District than in any other District. A perusal of the individual-level data (not shown) suggests that a number of public defenders in this District who are working less than half time are being compensated with a somewhat higher rate of pay to (possibly) offset their lack of benefits. Meanwhile, only a few of the county attorneys in this District are employed less than half-time.

    - In District 6 (Northeastern Minnesota), the FTE salaries of public defenders lag behind those of county attorneys by nearly $8,500, on average ($51,036 vs. $59,515). In this District, all but one of the 32 county attorneys are employed full-time, while all but one of the thirty five public defenders are employed part-time (none less than half-time). It is conceivable that in this district, the benefits (presumably) accruing to all the part-time public defenders is capitalized in a somewhat lower pay scale for them than might otherwise exist if there were fewer of them but they were employed full-time.

    - In District 10 (North-Metro area), the FTE salaries of public defenders also substantially lag those of county attorneys, here by nearly $8,400 on average ($48,261 vs. $56,646). A similar explanation might apply in this District. Here, all but 2 of 58 county attorneys are employed on a full-time basis, while barely half (27 of 50) public defenders are employed full-time.

    - In District 2 (Ramsey County), the FTE salaries of public defenders lag those of county attorneys by nearly $5,200 ($63,136 vs. $68,314). A similar pattern of employment is found to exist in this county; all but 4 of 37 county attorneys are employed full-time, while only 21 of 38 public defenders are employed full-time.

- **In three Judicial Districts (1, 7 and 8), the FTE salaries of public defenders and county attorneys are nearly equal.** Employment patterns in these three Districts differ from the prevailing pattern in the four unequal Districts described above in one notable way. That is, in these three Districts (like those above) considerably more public defenders than county attorneys are employed part-time; however, in these Districts (unlike those above) nearly all the part-time public defenders are employed 75 percent time rather than half-time.

Recalling that benefits accompany public defender positions of 50 percent time or greater, **it appears that the pattern of a (possible) salary offset due to the provision of benefits applies only to half-time positions; for three-quarter-time positions, there appears to be little if any tradeoff.**

Part II

"Levelling Up" the Salaries of Public Defenders

In the 1995 appropriation request to the Legislature by the Minnesota State Board of Public Defenders is a plan to "level up" the salaries of public defenders who happen to be paid less than their peers with comparable years of experience and responsibility ranking. Part II of the present study analyzes on a statewide basis the pay levels of public defenders within each cell of a years-of-experience by responsibility-level matrix, and estimates the cost of alternative levelling-up schemas.

Table 3 presents the crosstabulation of public defenders' years-of-experience (categorized) by responsibility-level (Attorney I, II, III and IV). Not surprisingly, these variables are positively related, such that more experience is generally associated with higher responsibility levels.

Table 4 presents for each of the cells in Table 3 the average (mean) of the FTE salaries earned by the attorneys in that cell. Again as expected, the average salary generally increases with an increase in experience (i.e., from one row to the next) and an increase in responsibility (i.e., from one column to the next). However, the progression in average salaries is not at all uniform. For example, the 23 public defenders with Attorney II responsibility and 11-13 years of experience have an average FTE salary of $60,977, which is over $3,000 less than the 18 public defenders in the same responsibility rating but with only 9-10 years of experience (at $64,283).

Numerous factors could account for the lumpiness in the average salaries in the matrix of Table 4, including area of the state represented within each cell, variations from district to district in promotion policies, perceived productivity of different defenders by the county boards that, historically, established their salaries, and so on. It is not the purpose of this analysis to attempt to explain such unevenness in the actual salary structure. Indeed, there may be little to gain from attempting such retrospective explanation, since public defender salaries are now the responsibility of the state rather than of individual counties.

Recognizing the wide variation in the salaries of individual public defenders working in any given experience by responsibility level category, the Board of Public Defense has proposed levelling up the lower-paid attorneys in each category, based on a smoothed salary matrix they proposed for that purpose. While that matrix is suggestive of a possible solution, it is deemed less than fully suitable since it is incomplete beyond 10 years of experience and since it might be regarded as overemphasizing responsibility levels (i.e., the column to column differences are relatively large, compared to the row to row differences). Because of the incompleteness of the matrix beyond 10 years of experience, no attempt was made in the present study to estimate the cost of levelling up salaries under the Board's proposal.

Table 3

Number of Public Defenders in Each Responsibility Level by Years-of-Experience Category

	Attorney Responsibility Level				
Experience	I	II	III	IV	Total
1-2 years	39	15	4	0	58
3-4 years	23	15	4	0	42
5-6 years	15	23	9	0	47
7-8 years	13	13	14	0	40
9-10 years	7	18	15	0	40
11-13 years	4	23	12	0	39
14-16 years	1	23	29	1	54
17-20 years	0	13	46	0	59
21 or more	0	12	42	4	58
Total	102	155	175	5	437

Table 4

Average Full-Time Equivalent (FTE) Salary Paid to Public Defenders in Each Responsibility Level by Years-of-Experience Category

	Attorney Responsibility Level			
Experience	I	II	III	IV
1-2 years	$36,005	$45,490	$47,004	na
3-4 years	40,008	48,850	53,222	na
5-6 years	43,528	50,812	54,090	na
7-8 years	46,565	59,900	61,893	na
9-10 years	52,262	64,283	60,131	na
11-13 years	52,567	60,977	63,892	na
14-16 years	40,314	66,021	62,472	$78,336
17-20 years	na	74,653	66,249	na
21 or more	na	72,927	65,712	85,283

Instead, the present study demonstrates the results of four different schemas for levelling up public defender salaries. Under all four schemas, the implied intent is to reduce much of variation in salaries for attorneys in similar experience-responsibility circumstances by increasing the salaries of those who are relatively underpaid, while holding constant the salaries of those who are being paid at a relatively high level. (This was also the stated intent of the Board's salary adjustment schema.)

Baseline Approach:

The first approach references the matrix in Table 4 of salaries currently being paid (actually, the FTE, or full-time equivalent, of salaries being paid). Under this approach, the salary of any attorney with an FTE salary less than the average FTE salary for attorneys in that person's experience by responsibility category would be raised to the level of the category average.

While such a levelling up approach would help to reduce some of the variation within each given cell of the matrix, it would do little to reduce the cell to cell unevenness in the matrix as a whole. Thus, this approach is not very defensible. Never the less, it provides a benchmark for comparing the cost and effectiveness of alternative schemas.

The **cost of this approach is estimated at $1.179 million** in the first year of implementation.

Approach A:

A logical alternative would be to smooth the proposed salary matrix prior to any levelling up operation. That, in fact, is the tactic used in the Board proposal discussed earlier. The obvious advantage of levelling up to a smoothed matrix is that the resulting salary structure will itself be considerably smoothed (though still not perfectly smooth, since only salaries below the target figure in a cell would be adjusted).

Table 5-A presents a smoothed salary structure (in columns D, E and F) that generally attempts to model the trends underlying the actual FTE salary structure presented earlier in Table 4 and repeated in columns A, B and C of this table (except for the five defenders working in the Attorney IV responsibility level[1]).

The figures in columns G through K in the bottom of Table 5-A show the row-to-row and the column-to-column increments among the cells in the smoothed Salary Structure A. For example, the numbers in columns G, H and I indicate a constant progression of $3,000 per row (experience level) for Attorney I defenders, and $4,000 per row Attorney II and Attorney III defenders. In contrast, the figures in columns J and K show a steady progression of the difference between the same-row cells of the Attorney I and Attorney II columns (advancing from $5,000 to $13,000), but a constant $5,000 increment between the same-row cells of the Attorney II and III columns.

Thus, despite the advantages of being a smoothed matrix, Salary Structure A appears somewhat deficient in the increasing gap shown between the Attorney I and Attorney II responsibility levels (column J). (Salary Structure B will address that perceived deficiency.)

The **cost of this approach is estimated at $1.452 million** in the first year of implementation, approximately $273,000 higher than the amount of the baseline proposal.

---

[1] Note that for calculating cost estimates for all of the smoothed salary structures considered — A, B and C — the salary amount used for any experience-level of Attorney IV defenders is set at an amount $5,000 higher than for Attorney III defenders at the same experience-level.

Table 5-A
The Smoothed Salary Structure A

Years of Experience as a PD	Average FTE Salary Paid			Smoothed Salary Structure-A		
	Atty I	Atty II	Atty III	Atty I	Atty II	Atty III
	(A)	(B)	(C)	(D)	(E)	(F)
1-2 years	$36,005	$45,490	$47,004	$36,000	$41,000	$46,000
3-4 years	40,008	48,850	53,222	39,000	45,000	50,000
5-6 years	43,528	50,812	54,090	42,000	49,000	54,000
7-8 years	45,565	59,900	61,893	45,000	53,000	58,000
9-10 yrs	52,262	64,283	60,131	48,000	57,000	62,000
11-13 yrs	52,567	60,977	63,892	51,000	61,000	66,000
14-16 yrs	40,314	66,021	62,472	54,000	65,000	70,000
17-20 yrs		74,653	66,249	57,000	69,000	74,000
21 or more		72,927	65,712	60,000	73,000	78,000

	Increase from Cell to Cell in the Smoothed Salary Structure				
	Increment from one row to the next			Column to Column	
	Atty I	Atty II	Atty III	I to II	II to III
	(G)	(H)	(I)	(J)	(K)
1-2 years				$5,000	$5,000
3-4 years	$3,000	$4,000	$4,000	6,000	5,000
5-6 years	3,000	4,000	4,000	7,000	5,000
7-8 years	3,000	4,000	4,000	8,000	5,000
9-10 yrs	3,000	4,000	4,000	9,000	5,000
11-13 yrs	3,000	4,000	4,000	10,000	5,000
14-16 yrs	3,000	4,000	4,000	11,000	5,000
17-20 yrs	3,000	4,000	4,000	12,000	5,000
21 or more	3,000	4,000	4,000	13,000	5,000

Approach B:

This smoothed salary structure, shown in Table 5-B, attempts to reduce the widening and apparently excessive column to column differences between the Attorney I and Attorney II responsibility levels found in Structure A. It does this by substituting higher salary figures in the second through eighth rows for Attorney I defenders (column D), while reducing the salary figures in the sixth through ninth rows for Attorney II defenders (column E).

The effect of these changes is most apparent in columns J and K, which show the salary level progressions from one responsibility level to the next. These progressions are much more constant for this approach than for Structure A.

The **cost of this approach is estimated at $1.469 million** in the first year of implementation, approximately $290,000 higher than the amount of the baseline proposal, and $17,000 higher than for Structure A.

Table 5-B
The Smoothed Salary Structure B

Years of Experience as a PD	Average FTE Salary Paid			Smoothed Salary Structure-B		
	Atty I	Atty II	Atty III	Atty I	Atty II	Atty III
	(A)	(B)	(C)	(D)	(E)	(F)
1-2 years	$36,005	$45,490	$47,004	$36,000	$41,000	$46,000
3-4 years	40,008	48,850	53,222	40,000	45,000	50,000
5-6 years	43,528	50,812	54,090	44,000	49,000	54,000
7-8 years	45,565	59,900	61,893	47,000	53,000	58,000
9-10 yrs	52,262	64,283	60,131	50,000	57,000	62,000
11-13 yrs	52,567	60,977	63,892	53,000	60,000	66,000
14-16 yrs	40,314	66,021	62,472	55,500	63,000	70,000
17-20 yrs		74,653	66,249	58,000	66,000	74,000
21 or more		72,927	65,712	60,000	69,000	78,000

	Increase from Cell to Cell in the Smoothed Salary Structure				
	Increment from one row to the next			Column to Column	
	Atty I	Atty II	Atty III	I to II	II to III
	(G)	(H)	(I)	(J)	(K)
1-2 years				$5,000	$5,000
3-4 years	$4,000	$4,000	$4,000	5,000	5,000
5-6 years	4,000	4,000	4,000	5,000	5,000
7-8 years	3,000	4,000	4,000	6,000	5,000
9-10 yrs	3,000	4,000	4,000	7,000	5,000
11-13 yrs	3,000	3,000	4,000	7,000	6,000
14-16 yrs	2,500	3,000	4,000	7,500	7,000
17-20 yrs	2,500	3,000	4,000	8,000	8,000
21 or more	2,000	3,000	4,000	9,000	9,000

Approach C:

This proposal, shown in Table 5-C, was developed as a means of containing costs to keep within the targeted appropriation for this purpose, while preserving a significant portion of the targeted amount for providing for the overhead expenses of part-time public defenders (the topic of Part III of this report).

Salary Structure C differs from Structure B in that a number of the top salary amounts in Structure B are reduced in Structure C. Specifically, they are the amounts in the fifth through ninth rows for Attorney II defenders (column E) and in the sixth through ninth rows for Attorney III defenders (column F).

As with Structure B, an attempt was made to maintain an even progression in the row-to-row salary increments (reflected in columns G, H and I) and the column-to-column changes (reflected in columns J and K). This goal appears to have been met.

The **cost of this approach is estimated at $1.271 million** in the first year of implementation, considerably lower than the estimates for Salary Structures A and B, and only $100,000 higher than the amount of the baseline proposal. Thus, this proposal would preserve nearly $1 million of the targeted appropriation for use in providing for the overhead expenses of part-time defenders.

It could be argued that this approach has the added advantage of better constraining the high-end salaries associated with the highest levels of experience and responsibilities for public defenders. Thus, relative to the other demonstrated salary structures, proposal C could result in continuing cost savings for the state, not only with regard to public defender salaries, but also with regard to salaries of any state-paid group of employees (attorneys or otherwise) that compares itself to public defenders when negotiating salaries.

Table 5-C
The Smoothed Salary Structure C

Years of Experience as a PD	Average FTE Salary Paid			Smoothed Salary Structure-C		
	Atty I	Atty II	Atty III	Atty I	Atty II	Atty III
	(A)	(B)	(C)	(D)	(E)	(F)
1-2 years	$36,005	$45,490	$47,004	$36,000	$41,000	$46,000
3-4 years	40,008	48,850	53,222	40,000	45,000	50,000
5-6 years	43,528	50,812	54,090	44,000	49,000	54,000
7-8 years	45,565	59,900	61,893	47,000	53,000	58,000
9-10 yrs	52,262	64,283	60,131	50,000	56,000	62,000
11-13 yrs	52,567	60,977	63,892	53,000	59,000	65,000
14-16 yrs	40,314	66,021	62,472	55,500	62,000	68,000
17-20 yrs		74,653	66,249	58,000	64,500	71,000
21 or more		72,927	65,712	60,000	67,000	73,500

	Increase from Cell to Cell in the Smoothed Salary Structure				
	Increment from one row to the next			Column to Column	
	Atty I	Atty II	Atty III	I to II	II to III
	(G)	(H)	(I)	(J)	(K)
1-2 years				$5,000	$5,000
3-4 years	$4,000	$4,000	$4,000	5,000	5,000
5-6 years	4,000	4,000	4,000	5,000	5,000
7-8 years	3,000	4,000	4,000	6,000	5,000
9-10 yrs	3,000	3,000	4,000	6,000	6,000
11-13 yrs	3,000	3,000	3,000	6,000	6,000
14-16 yrs	2,500	3,000	3,000	6,500	6,000
17-20 yrs	2,500	2,500	3,000	6,500	6,500
21 or more	2,000	2,500	2,500	7,000	6,500

Part III
Overhead Expenses for Part-Time Public Defenders

In regard to compensation for Minnesota public defenders, the fiscal year 1996-97 funding request by the Board of Public Defense addresses both of the following needs:

1) the "levelling up" the salaries of those public defenders who are relatively low-paid relative to other public defenders with similar years of experience and responsibility levels (the topic addressed in depth in Part II of this report); and

2) the establishment of state compensation for the overhead expenses of part-time public defenders.

This section of this study addresses the second of these concerns — namely, overhead expenses.

As expressed verbally by the Board of Public Defense during the House Judiciary Committee hearings, the state provides full-time public defenders with the office and support services needed to carry out their duties. However, part-time public defenders must themselves pay the various overhead expenses they are likely to incur in performing their public defender roles, including such items as office rent, secretarial support, technical support, and so on. According to the discussion, this need to meet overhead expenses out of one's own salary places an unfair burden on part-time public defenders relative to their full-time counterparts.

The Board claims to have surveyed part-time public defenders and determined that their actual overhead expenses incurred in performing public defender roles average as follows:

$16,000 for 75 percent time employment;

$11,000 for 50 percent time employment; and

$5,800 for 25 percent time employment.

Applying these figures to the 1995 public defender data base, it is estimated that overhead expenses of part-time public defenders total to $3.3 million annually.

Obviously, this sum greatly exceeds the targeted amount for the appropriation for the public defender salaries, as proposed in the House Judiciary Finance bill (i.e., $2,268 million for fiscal year 1997). However, it is possible to scale the overhead funding request to the funding available, as follows.

If Salary Structure C (from Part II of this study) is implemented, nearly $1 million would remain for use in meeting overhead expenses (i.e., $2,268,000 - $1,271,000 = $997,000). This amount would be sufficient to fund overhead expenses at the following level:

$5,000 for 75 percent time employment;

$3,000 for 50 percent time employment; and

$2,000 for 25 percent time employment.

Applied to the public defender data base, the estimated cost of this schema is $985,000.