

# Caseloads and Resources

---

## SUMMARY

*Although the number of total case filings and the number of judges rose at similar rates during the 1990s, the number of major cases and the number of trials increased faster than the number of judges. Compared to other states with similar court systems, Minnesota has significantly more case filings per judge and fewer judges per capita. Inflation-adjusted expenditures by district courts over the past five fiscal years increased at a rate similar to increases in total filings, but less than major case filings. A portion of fee and fine revenues is distributed to the state's General Fund, but none is dedicated to district courts' operations.*

---

**I**n this chapter we address the following questions:

- **What is the district courts' caseload and how has it changed over the past decade?**
- **How does the caseload in Minnesota compare with caseloads in other states?**
- **How much does the state spend on district courts? Do judges and court administrators believe this is sufficient?**
- **What amount of fees and fines do courts assess? Where do revenues from these fees and fines go? What processes have court administrators adopted to improve their collections?**

To answer these questions we relied on several sources of information. Data on caseload trends, district court expenditures, and fee and fine revenues came from the State Court Administrator's Office. We also received expenditure data from the Department of Finance. The National Center for State Courts publishes nationwide court statistics, which allowed us to contrast Minnesota with comparable states on certain measures.

To gather viewpoints of judges and attorneys, we mailed surveys to all district judges and county attorneys, and stratified random samples of city prosecutors, public defenders, and private attorneys. Of 252 judges, 85 percent responded to the survey. Of the 804 attorneys we surveyed, 72 percent responded. For information on efforts to collect fee and fine revenue, we surveyed court administrators in Minnesota's 87 counties. Of the 87 court administrators and

2 deputy court administrators, 84 responded to the survey, for a response rate of 94 percent.<sup>1</sup>

## TRENDS IN CASE FILINGS

An important measure of district courts' workload is the number of cases filed. We examined statewide trends in case filings, as reported by the State Court Administrator's Office and found:<sup>2</sup>

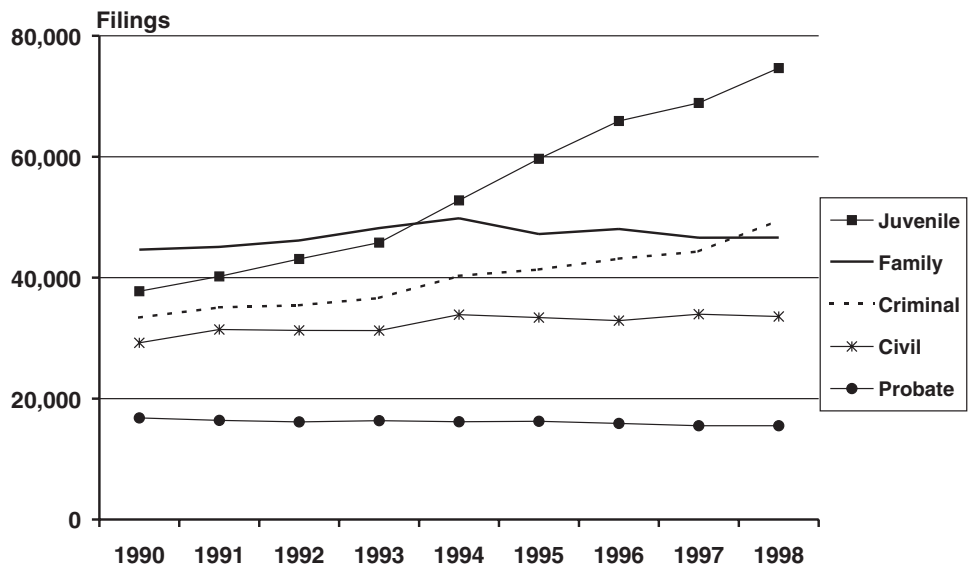
- **The number of case filings statewide rose slightly between 1990 and 1998, increasing by just 3 percent, but for the same period major case filings increased 36 percent and trials for major cases rose 25 percent.**

Major case filings increased by about one-third between 1990 and 1998, largely because of the 48 percent increase in major criminal cases (felonies and gross misdemeanors) and a near doubling of major juvenile filings, as shown in Figure 2.1. Most of the increase in criminal cases occurred because of growth in gross misdemeanors and "other" felonies, such as burglaries or arson; serious

---

**Strong growth in the numbers of major criminal cases and juvenile cases drove a 33 percent increase in major case filings between 1990 and 1998.**

**Figure 2.1: Case Filings by Major Case Type, 1990-98**



SOURCE: Office of the Legislative Auditor's analysis of data from the State Court Administrator's Office.

<sup>1</sup> Appendix A describes the methodology we followed in conducting the surveys. Aggregate results from the surveys are available at our web site: <http://www.auditor.leg.state.mn.us/ped/2001/pe0102.htm>.

<sup>2</sup> Data from the State Court Administrator's Office indicated several unusual changes in statistics between 1998 and 1999. We believe that the data reflect changes in that office's information systems rather than true changes in trial rates or other factors. For these reasons we chose to report data only through 1998.

felonies including homicide, on the other hand, decreased 12 percent from 1992 to 1998.

In contrast, major civil case filings increased 15 percent, family filings increased 4 percent, and the relatively small number of probate filings decreased 8 percent from 1990 to 1998. Statewide, changes in minor filings decreased 0.4 percent between 1990 and 1998. Among the case types included in the major civil category, harassment cases grew the most, increasing 79 percent between 1992 and 1998, although most of this increase occurred by 1994.

---

**Minor cases far outnumber major cases, but major cases take up about 80 percent of judicial time.**

The distinction between major and minor cases is important because major cases, such as felonies or gross misdemeanors, are more complex and likely to require more court resources. On the other hand, minor criminal cases include a variety of misdemeanors, traffic offenses, and parking violations, which courts usually dispose of more quickly. Although minor cases far outnumber major cases, as discussed more in Chapter 4, major cases require about 80 percent of judicial time.<sup>3</sup> Of the two million filings in 1998, only about 11 percent were major cases, as illustrated in Table 2.1.

The number of trials for all case types grew 13 percent from 21,158 in 1990 to 23,825 trials in 1998. Reflecting increases in major case filings, trials for major cases increased 25 percent during this period; court trials for juvenile cases alone increased 62 percent.<sup>4</sup> Although relatively few cases result in a trial, trials absorb a disproportionate share of judicial resources. In addition to increased filings and trials for juvenile cases, rule changes enacted in recent years require more



Although few cases go to trial, trials take extra time and resources.

---

<sup>3</sup> Research & Evaluation, Court Services, State Court Administration, Minnesota Supreme Court, *Statistical Highlights 1998 Minnesota State Courts* (St. Paul, June 2000), 50.

<sup>4</sup> "Court" trials are heard by a judge without a jury.

**Table 2.1: Statewide Filings by Case Types, 1998**

Category	Case Type	1998 Filings	Percentage of All Cases
Major Civil	Conciliation Appeal	1,636	0.1%
	Condemnation	267	0.0
	Contract	5,676	0.3
	Employment	463	0.0
	Harassment	8,630	0.4
	Malpractice	208	0.0
	Other Civil	10,161	0.5
	Personal Injury	5,647	0.3
	Property Damage	476	0.0
	Wrongful Death	421	0.0
	<b>Major Civil Total</b>	<b>33,585</b>	<b>1.6</b>
Major Criminal	Gross Misdemeanor DWI	12,956	0.6
	Other Felony	20,227	1.0
	Other Gross Misdemeanor	14,975	0.7
	Serious Felony	1,328	0.1
<b>Major Criminal Total</b>	<b>49,486</b>	<b>2.4</b>	
Family	Adoption	2,060	0.1
	Domestic Abuse	13,480	0.7
	Marriage Dissolution with Child	9,684	0.5
	Marriage Dissolution without Child	7,764	0.4
	Other Family	1,240	0.1
	Other Juvenile	740	0.0
	Support	11,654	0.6
	<b>Major Family Total</b>	<b>46,622</b>	<b>2.3</b>
Juvenile	Delinquency Felony	9,494	0.5
	Delinquency Gross Misdemeanor	2,749	0.1
	Delinquency Misdemeanor	14,103	0.7
	Delinquency under 10	54	0.0
	Dependency/Neglect	5,011	0.2
	Runaway	2,111	0.1
	Status Offense	37,309	1.8
	Termination of Parental Rights	1,245	0.1
	Truancy	2,573	0.1
	<b>Major Juvenile Total</b>	<b>74,649</b>	<b>3.7</b>
	Probate	Commitment	3,167
Guardian/Conservator		2,422	0.1
Informal Administration		4,092	0.2
Other Probate		1,166	0.1
Special Administration		298	0.0
Supervised Administration		1,253	0.1
Trust		436	0.0
Unsupervised Administration		2,682	0.1
<b>Major Probate Total</b>	<b>15,516</b>	<b>0.8</b>	
<b>TOTAL MAJOR (Including Family, Juvenile, and Probate)</b>	<b>219,858</b>	<b>11.0</b>	
Minor Civil	Conciliation	79,025	3.9
	Default Judgment	13,617	0.7
	Implied Consent	3,676	0.2
	Transcript Judgment	29,828	1.5
	Unlawful Detainer	21,891	1.1
	<b>Minor Civil Total</b>	<b>148,037</b>	<b>7.3</b>
Minor Criminal	5th Degree Assault	16,299	0.8
	DWI	42,118	2.1
	Juvenile Traffic	18,838	0.9
	Other Non Traffic	177,131	8.7
	Other Traffic	728,199	35.7
	Parking	688,105	33.8
<b>Minor Criminal Total</b>	<b>1,670,690</b>	<b>82.0</b>	
<b>TOTAL MINOR</b>	<b>1,818,727</b>	<b>89.2</b>	
<b>GRAND TOTAL</b>	<b>2,038,585</b>	<b>100.0%</b>	

Major cases represent 11 percent of all cases filed in 1998.

SOURCE: Office of the Legislative Auditor's analysis of data from the State Court Administrator's Office.

hearings for juvenile protection cases today than in the past, increasing the amount of time judges spend on these cases.<sup>5</sup>

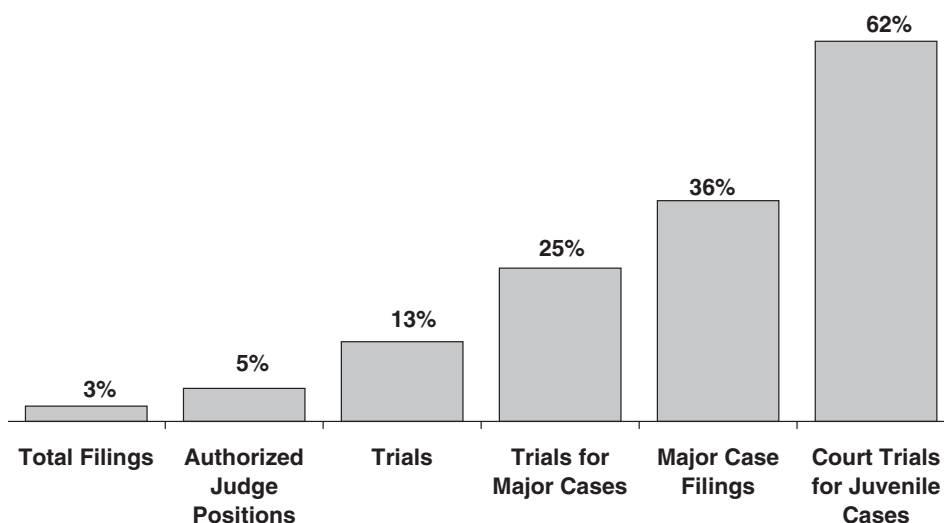
Looking at trends in caseloads and the number of judge positions, we found:

- **Between 1990 and 1998, the increase in the number of judges paralleled total filings but lagged behind increases in major cases and trials.**

As shown in Figure 2.2, the number of authorized judges increased about 5 percent from 1990 to 1998. This increase was overshadowed by a substantial 36 percent increase in major cases, which constituted most of the judicial workload. As noted above, the number of trials, and especially the number of trials for major cases, increased faster than increases in judge positions.

**Figure 2.2: Change in Judge Positions, Case Filings, and Trials, 1990-98**

**Judgeships and total case filings increased less than trials and major case filings.**



SOURCE: Office of the Legislative Auditor's analysis of data from the State Court Administrator's Office.

## Differences in Case Filings by District

We examined differences in case filings for the ten judicial districts and found:

- **Caseloads vary greatly by judicial district.**

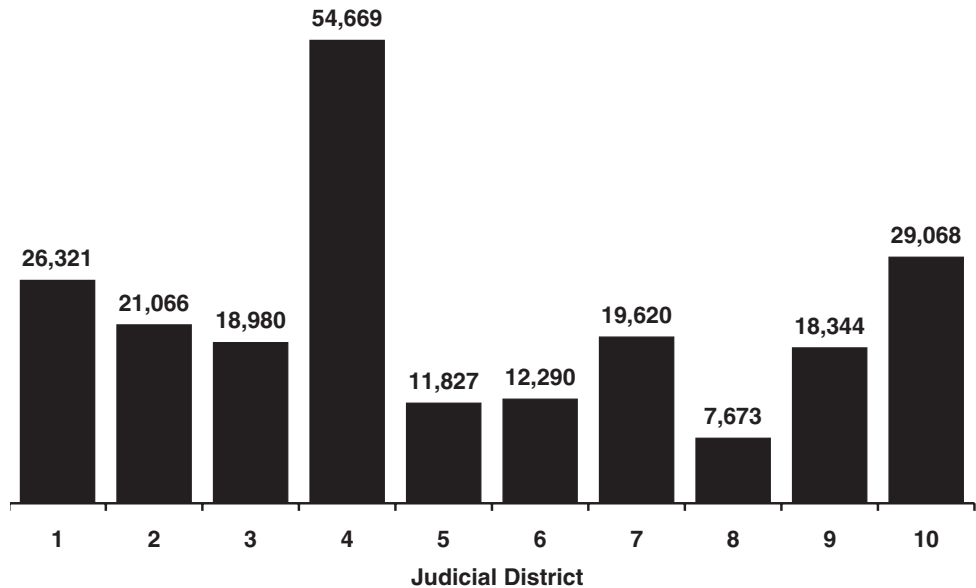
Differences in caseload are a key factor in how the State Court Administrator's Office determines the number of judges to be assigned in each district, as discussed in Chapter 3. On a district-by-district basis, the Fourth District

<sup>5</sup> State Court Administrator's Office, *Judicial and Court Administration Responsibilities and Timelines Under the Juvenile Protection Rules*, March 14, 2000, internal report.

(Hennepin County) had the largest shares of both major and minor case filings. Nearly 25 percent of all major case filings in Minnesota, and 40 percent of minor case filings, occurred in Hennepin County in 1998. By contrast, the Eighth District (west central Minnesota) accounted for 3 percent of major filings and 2 percent of minor filings in 1998. While the Eighth District had the smallest shares of cases, other districts also had small shares relative to the Fourth District, as illustrated by Figure 2.3 for major cases.

**Figure 2.3: Major Case Filings by District, 1998**

**The Fourth Judicial District (Hennepin County) accounts for about 40 percent of all major case filings.**



SOURCE: Office of the Legislative Auditor's analysis of data from the State Court Administrator's Office.

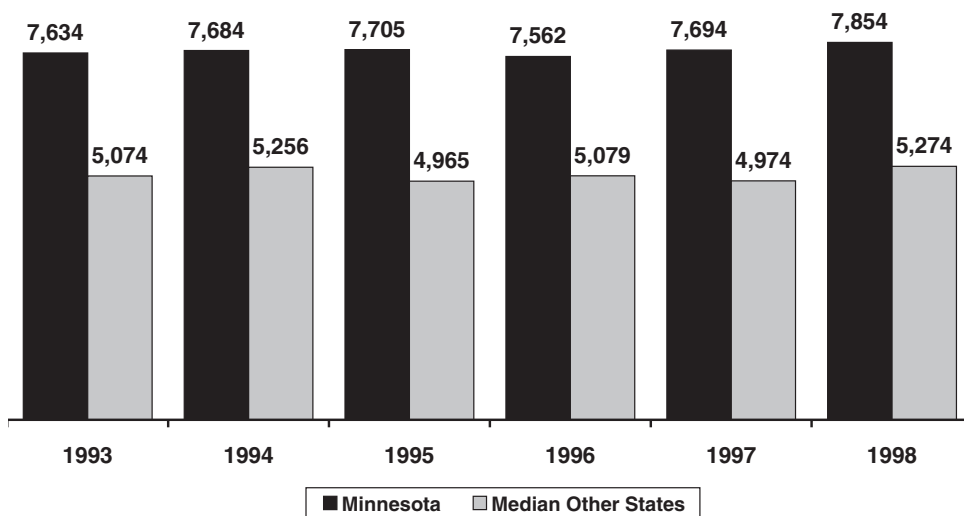
## CASELOADS AND JUDGES IN OTHER STATES

States structure their judicial systems in a variety of ways. However, as mentioned earlier, nine states, including Minnesota, have what the National Center for State Courts considers a “unified” court system, although there are differences within these nine. We found:

- **Compared to other states with similar court systems, Minnesota has had significantly more case filings per judge and fewer judges per capita.**

We focused on seven Midwestern states similar to Minnesota.<sup>6</sup> In 1998, Minnesota had 7,854 total filings per judge, compared to a median 5,274 filings per judge among the comparable states, a 49 percent difference. The difference has remained stable since at least 1993, as shown in Figure 2.4.

**Figure 2.4: Filings per Judge in Minnesota and Seven Similar States, 1993-98**



SOURCE: Office of Legislative Auditor's analysis of data from Brian Ostrom and Neal Kauder, *Examining the Work of State Courts, 1998* (National Center for State Courts, 1999) and prior volumes; and Melissa Cantrell, et. al., *State Court Caseload Statistics, 1998* (National Center for State Courts, 1999) and prior volumes.

**Minnesota has more criminal case filings but fewer civil filings per judge than similar states.**

Table 2.2 illustrates that criminal filings drive most of the difference in filings per judge. In 1998, Minnesota had 73 percent more criminal filings per judge than the median for comparable states. By contrast, Minnesota tends to have fewer civil filings per judge than comparable states: Minnesota had 854 civil filings per judge in 1998, compared with 962 median civil filings per judge in seven comparable states. One possible explanation for the lower civil filings is Minnesota's practice of "hip pocket filing," which allows a person to serve another with a civil lawsuit without first filing it in court; such cases that settle are not included in the count of civil filings per judge.

Relatively few cases go to trial in Minnesota or other states. Trial rates are important because cases that go to trial consume far more time and court resources than other cases. However, data are unavailable to reliably compare trial rates in Minnesota with similar states.

<sup>6</sup> The states are: Illinois, Iowa, Kansas, Missouri, North Dakota, South Dakota, and Wisconsin. Even among these states, only the most general interpretations are possible because court operations and case reporting vary dramatically by state. For example, some states record multiple charges as one filing, while others count each charge as separate filings. Enforcement and charging practices may also differ, particularly for minor offenses.



**Table 2.2: Select Statistics Comparing Minnesota and Other Similar States, 1993-98**

	Judges Per 100,000 Population					
	1993	1994	1995	1996	1997	1998
Minnesota	5.4	5.3	5.5	5.4	5.4	5.4
Median Other Similar States	5.9	5.8	6.2	5.8	6.0	5.9
	Criminal Filings Per Judge					
	1993	1994	1995	1996	1997	1998
Minnesota	843	882	897	969	1,005	1,058
Median Other Similar States	450	467	574	605	623	610
	Civil Filings Per Judge					
	1993	1994	1995	1996	1997	1998
Minnesota	933	934	891	885	874	854
Median Other Similar States	1,133	1,169	834	898	940	962
	Total Filings Per Judge					
	1993	1994	1995	1996	1997	1998
Minnesota	7,634	7,684	7,705	7,562	7,694	7,854
Median Other Similar States	5,074	5,256	4,965	5,079	4,974	5,274

NOTE: Civil filings include family, domestic assault, and probate cases but exclude default judgments and transcript judgments.

SOURCE: Office of the Legislative Auditor's analysis of data from Brian Ostrom and Neal Kauder, *Examining the Work of State Courts, 1998* (National Center for State Courts, 1999) and prior volumes; and Melissa Cantrell, *et al.*, *State Court Caseload Statistics, 1998* (National Center for State Courts, 1999) and prior volumes.

**Minnesota has fewer judges per capita and more total filings per judge than similar states.**

From 1993 to 1998, Minnesota had fewer judge positions per 100,000 people than the median of seven comparable states. In 1998, Minnesota had 5.4 judge positions per 100,000 people compared with a median 5.9 per 100,000 people in seven comparable states. The number of judges per 100,000 population in Minnesota has remained stable over the six-year period.

## DISTRICT COURT EXPENDITURE TRENDS

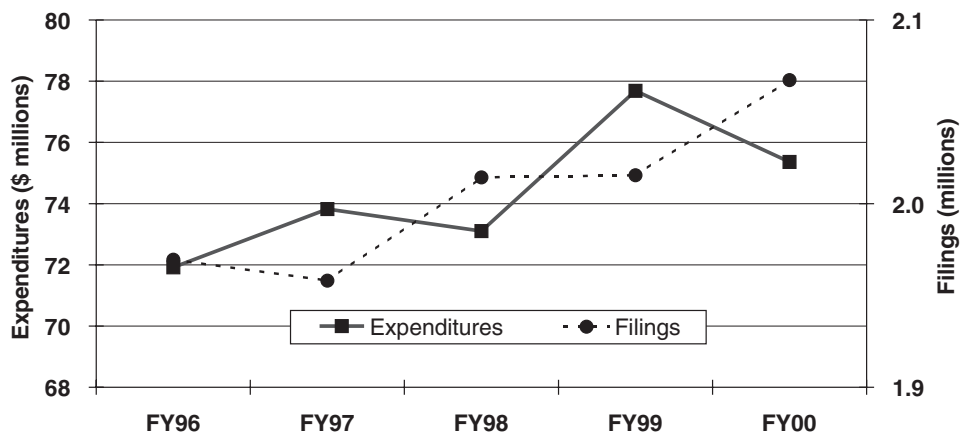
A combination of state and county tax revenues fund Minnesota's district courts. Looking only at state expenditures we found:

- **Over the last five fiscal years, state expenditures for district courts (adjusted for inflation) have increased at a rate similar to increases in total case filings statewide but less than increases in major case filings.**

Expenditures adjusted for inflation increased from \$71.9 million in fiscal year 1996 to \$75.4 million in fiscal year 2000, a 5 percent increase over the five years. During that same period, statewide filings in district courts increased at about the same rate—from 1.97 million to 2.07 million filings. Figure 2.5 illustrates the change over time in filings and inflation-adjusted expenditures. At the same time, filings of major cases statewide in district courts increased twice as fast as expenditures, at a 10 percent rate as shown in Table 2.3. Average expenditures per filing varied slightly from year to year but stayed fairly constant overall.



**Figure 2.5: State Expenditures and Case Filings in District Courts, FY 1996-2000**



NOTE: Expenditures are stated in year 2000 dollars and were adjusted for inflation using the Bureau of Economic Analysis price index for state and local government.

SOURCES: Office of Legislative Auditor's analysis of Department of Finance Information Warehouse, *Agency Expenditure Summary*; and <http://criminal.justice.state.mn.us/courts/mth2quer.htm>; accessed October 30, 2000.

**Compensation for state-paid staff accounts for 88 percent of state expenditures on district courts.**

Salaries and benefits for state employees represent the bulk of district court expenditures—88 percent in fiscal year 2000. Figure 2.6 depicts the change over the past eight fiscal years in judge positions and other district court staff who are also state employees. In addition to the state employees, many county employees work in court administration, but a precise count is not available. As of July 2000, 352 former county employees in three judicial districts became state employees under legislation whereby the state is assuming larger shares of district courts' costs.

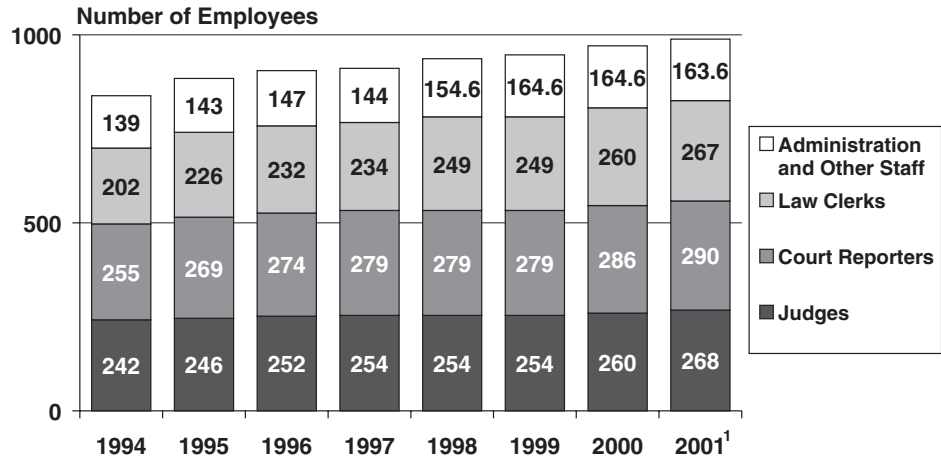
**Table 2.3: Change in State Expenditures and Filings in District Court, FY 1996-2000**

	Major Case Filings	Total Filings	Expenditures	Expenditures/Filing
FY96	199,507	1,969,469	\$71,917,119	\$36.52
FY97	206,909	1,958,068	73,823,259	37.70
FY98	216,030	2,014,248	73,101,526	36.29
FY99	218,945	2,015,485	77,684,438	38.54
FY00	219,117	2,067,267	75,360,767	36.45
Five-Year Change	10%	5%	5%	(0.2%)

NOTE: Expenditures are stated in year 2000 dollars and were adjusted for inflation using the Bureau of Economic Analysis price index for state and local government.

SOURCES: Office of the Legislative Auditor's analysis of Department of Finance Information Warehouse, *Agency Expenditure Summary*; and <http://criminal.justice.state.mn.us/courts/mth2quer.htm>; accessed October 30, 2000.

**Figure 2.6: District Courts' State Employees, FY 1994-2001**



<sup>1</sup>Data for FY 2001 do not include the 352 county positions transferred to state positions in July 2000.

NOTE: Court administration staff employed by counties are not included. "Administration and Other Staff" include district administration (including about 69 court administration and support staff in the Eighth District), referees, and technology positions.

SOURCE: Judith Rehak, Administrative Services Director, State Court Administrator's Office, to Legislative Auditor's Office, "Trial Court Staffing Levels," November 2, 2000, letter.

## Judge Salaries

The State Constitution gives the Legislature authority to determine judge salaries.<sup>7</sup> Currently, district court judges receive an annual salary of \$98,180 and chief judges receive \$103,089.

The Legislature last approved salary increases for judges in 1997 (with a slight modification in 1998), and the increases went into effect each year from 1997 through 2000, as shown in Table 2.4. Judge salaries represented 45 percent of the

**The Legislature considers the recommendations of a compensation council when setting judge salaries.**

**Table 2.4: Salary Increases for Judges Approved by the 1997 and 1998 Legislatures**

Time of Increase	Percentage Increase
July 1, 1997	4.0%
January 1, 1998	5.0
July 1, 1998	1.5
July 1, 1999	3.0 <sup>a</sup>
January 1, 2000	3.0 <sup>a</sup>

<sup>a</sup>By law, the salary increases in 1999 and 2000 were calculated as the average salary adjustment for state employees.

SOURCE: *Minn. Laws* (2 Sp1997), ch. 3, sec. 16, (c) - (e); and *Minn. Laws* (1998), ch. 390, art. 5, sec. 6.

<sup>7</sup> *Minn. Const.*, art. VI, sec. 5.

state-funded portion of district courts' budgets for fiscal year 2000. Judge salary increases from fiscal year 2000 to 2001 represented just 0.8 percent of state-funded budgeted expenditures for district courts. The 2000 Legislature approved a supplemental appropriation of \$2.7 million for district courts in fiscal year 2001 because higher-than-expected health insurance costs combined with the pay increase prevented the judiciary from filling new judge positions.

As in 19 other states, each budget year a compensation council considers and recommends to the Minnesota Legislature salary increases for judges, constitutional officers, and legislators.<sup>8</sup> The 1999 recommendations of the compensation council included increases for judges of 3.5 percent on January 1, 2001 and 3.5 percent in January 2002, as well as an additional 3 percent increase, reflecting average salary adjustments received by state employees, for each of those years.<sup>9</sup> However, the Legislature did not act on these recommendations, so the increases will not go into effect. A new compensation council recommendation is expected in 2001, although a council has yet to be appointed as of this writing.

---

**Minnesota's  
district judge  
salaries rank 33d  
among states.**

Salaries for Minnesota district judges are lower than the national median salary for general trial court judges. As of 2000, Minnesota's district judge salary ranked 33d out of the 50 states.<sup>10</sup> Compared with the seven Midwestern states that have unified court systems, the 2000 Minnesota judge salary of \$98,180 was lower than the median \$103,500 for the other states.

## Judge and Court Administrator Views on Resource Needs

When interviewing chief judges and analyzing judge responses to survey questions, we learned that:

- **Most judges do not believe there is a serious lack of resources for district courts overall, but they all see certain needs going unmet.**

Through our interviews and surveys, many judges indicated they saw a need for additional judge positions. When asked on the survey what could be done to improve case processing, judges overwhelmingly responded that providing more judges would help. Judges expressed concern about inadequate judicial resources for particular case types. As discussed in Chapter 5, about two-thirds of judges statewide said the quality of judicial decisions for criminal, juvenile, and family cases suffers because there are too many cases per judge. About 80 percent said judges need to spend more time per criminal, juvenile, and family case if people are to feel their concerns are fully heard. Fewer judges felt similarly about civil and probate cases. Believing that one has been fully heard is important because behavioral research indicates that people's judgment about justice shapes their reactions to events. Those who encounter a negative outcome, such as sentencing

---

<sup>8</sup> *Minn. Stat.* (2000) §15A.082; National Conference of State Legislatures, "Judicial Salaries," *State Budget & Tax News* 19, no. 9 (May 1, 2000): 8.

<sup>9</sup> Gene Merriam, Chair, Minnesota Compensation Council, to Speaker of the House and President of the Senate, *1999 Compensation Council Recommendations*, April 7, 1999.

<sup>10</sup> National Center for State Courts, *Survey of Judicial Salaries* 26, no. 1 (Winter 2000): 10.

---

**Many chief judges said the numbers of judges and public defenders were insufficient.**

following a guilty finding, are more likely to support that outcome if they believe it resulted from fair procedures.<sup>11</sup>

Chief judges also spoke of other needs. Indicative of the interrelationship between courts and other agencies, several chief judges said the number of public defenders is inadequate. Others mentioned the need for better information management systems, more interpreters, and higher pay for law clerks. Some of the chief judges in outstate Minnesota expressed a need for more ancillary services, such as social workers, mental health providers, and chemical dependency services.

We also learned that:

- **Court administrators reported inadequate numbers of courtrooms and other court space, as well as dramatic increases in needs for interpreters and guardians *ad litem*.**

As shown in Table 2.5, nearly half (49 percent) of court administrators said the number of courtrooms and other space is inadequate.<sup>12</sup> A lack of space was a problem in all judicial districts, particularly in the Second District (Ramsey County), Third District (southeastern Minnesota), Fourth District (Hennepin County), and Eighth District (west central Minnesota).

Thirty-two percent of court administrators said funding for court administration is inadequate, and 44 percent said it was somewhat adequate. Court administrator responses on inadequate funding did not differ by geographic region. Many mentioned a shortage of staff.

---

**Table 2.5: Court Administrator Responses on the Adequacy of Court Space, Funding, Staff, and Facility Conditions, 2000**

	<i>N</i>	Percentage of Court Administrators Responding:		
		Inadequate	Somewhat Adequate	Adequate
Number of court rooms and other court space	82	49%	21%	30%
Funding for court administration	81	32	44	23
Number of court administration staff	82	28	30	41
Facility conditions	82	20	38	43

NOTE: Shaded number indicates plurality of respondents.

SOURCE: Office of the Legislative Auditor's survey of court administrators, 2000.

---

<sup>11</sup> Tom Tyler, *Social Justice in a Diverse Society* (Boulder, CO: Westview Press, 1997), 6, 10, and 166.

<sup>12</sup> A separate survey question asked about the condition of courtroom space.

As described in Chapter 5 and Table 2.6, 62 percent of court administrators said their need for guardians *ad litem* increased 50 percent or more in the past five years. Court administrators in all geographic regions reported strong increases in the need for guardians. Regarding interpreters, a plurality of court administrators (37 percent) said their need for interpreters increased at least 50 percent. As might be expected, a larger share of court administrators from counties in the Twin Cities seven-county metropolitan area (71 percent) than those elsewhere (33 percent) indicated dramatic increases in interpreter needs.

**Table 2.6: Court Administrator Responses on the Change in Need for Interpreters and Guardians *Ad Litem* in the Past Five Years, 2000**

	<i>N</i>	Percentage of Court Administrators Responding:			
		50% or Greater Increase	25 to 49% Increase	1 to 24% Increase	No Change or Decrease
Guardians <i>ad litem</i>	81	62%	28%	9%	1%
Interpreters	82	37	23	21	20

SOURCE: Office of the Legislative Auditor's survey of court administrators, 2000.

## State Takeover of Court Funding

As stated earlier, counties and the state share in funding district courts. According to the Department of Finance, in 1998, the state paid about 44 percent of the district courts' \$160 million costs and counties paid for 56 percent.<sup>13</sup> Since the 1980s, the state has gradually assumed greater portions of the district courts' budget.

In 1990 Minnesota began a pilot demonstration project in the Eighth Judicial District (west central Minnesota) in which the state paid for court operations, including those of district administration and court administration in the counties.<sup>14</sup> Also in the early 1990s, the state assumed other expenses that all counties had paid previously: district administration staff; law clerk and court reporter salaries and expenses; jury system fees and expenses; and local costs for the Total Court Information System (a statewide case records system).

More recently, the 1999 Legislature approved the state takeover of additional district court costs.<sup>15</sup> As of July 2000 (the beginning of fiscal year 2001), the state is paying for court administration in counties within the Fifth District (southwestern Minnesota), Seventh District (north central Minnesota), and Ninth District (northwestern Minnesota), in addition to the Eighth District. The state is also paying for witness fees and mileage fees in those districts.

In addition, the state has assumed the costs for certain functions in *all* judicial districts. Starting July 2000, the state is paying for the costs of court reporter

**Although counties and the state jointly fund district courts, the state is gradually increasing its share.**

<sup>13</sup> Department of Finance, *2000-01 Biennial Budget* (St. Paul), H-49.

<sup>14</sup> *Minn. Laws* (1989), ch 335, art. 3, sec. 54; and *Minn. Laws* (1993), ch. 192, sec. 107.

<sup>15</sup> *Minn. Laws* (1999), ch. 216, art. 7, sec. 23, 27, and 46.

---

**The state now pays for court administration costs in the Fifth, Seventh, Eighth, and Ninth districts.**

transcripts and jury programs (not personnel). In the next fiscal year, beginning July 2001, the state will pay the statewide costs of court interpreter programs, guardian *ad litem* personnel and programs, examinations for mental commitments and competency, and *in forma pauperis* expenses (costs for civil cases by indigents).

For fiscal year 2001, the transfer of court administration costs from the Fifth, Seventh, and Ninth districts, together with costs for court reporter transcripts and jury programs statewide, represent \$18.7 million in new costs to the state. However, two adjustments offset these new costs. One is an \$11.2 million reduction in the Homestead and Agricultural Credit Aid that the state pays to counties. The second is about \$7 million in estimated revenues from fines. The portion of fine revenues collected in the Fifth, Seventh, and Ninth districts that went to counties in the past now come to the state's General Fund (revenues from fines in the Eighth District already come to the state).

The 1999 legislation also required the judiciary to prepare a plan for the 2001 Legislature that provides for state assumption by July 2003 of court administration costs in every judicial district.<sup>16</sup> If implemented, this plan would have the state pay the costs for court administration now paid by counties in the eastern half of the state—covering the First, Second, Third, Fourth, Sixth, and Tenth districts.

Counties would remain responsible, however, for the capital and operating costs of facilities, such as the courtrooms and office space used by court administrators.



Counties remain responsible for funding courtrooms and other facility costs.

## FEE AND FINE REVENUES

Under Minnesota statutes, judges may impose fines for a variety of crimes and offenses (such as petty misdemeanors, which are noncriminal offenses that carry no jail time). For lesser violations, such as minor traffic and ordinance violations, fines often represent the total penalty imposed. For more serious crimes, fines may be imposed in addition to other penalties, such as incarceration, probation, or restitution.

The courts also collect many fees and surcharges. Some of these, such as filing fees, are assessed to make participants pay for their use of court services. Others, such as surcharges, are used primarily as criminal sanctions but also generate

---

<sup>16</sup> *Minn. Laws* (1999) ch. 216, art. 7, sec. 44.



revenues to help pay for various programs related to crime, such as programs for crime victims. State law designates how fees and fines are to be distributed among state, county, and municipal governments.

## Amount and Distribution of Fees and Fines Collected

The State Court Administrator’s Office compiles reports from counties on the amount of fees and fines collected during the calendar year. According to these reports,

- **In 1999, the courts statewide collected an estimated \$121 million in fees and fines that were redistributed to local governments, a number of dedicated state funds, and the state General Fund.**

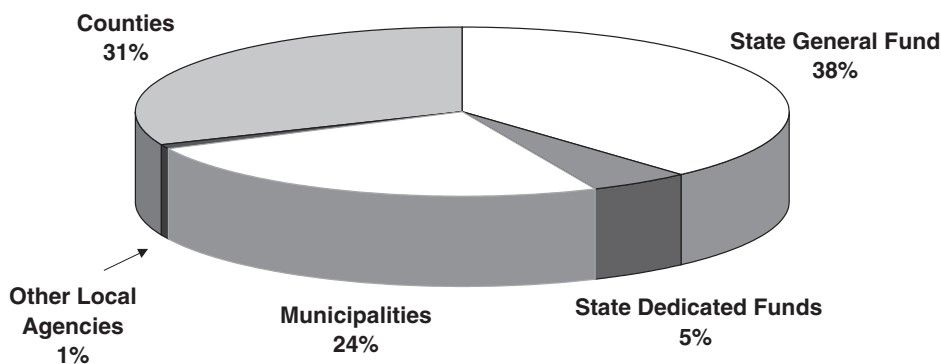
This amount is slightly understated.<sup>17</sup> As shown in Figure 2.7, 43 percent of the fee and fine revenue in 1999 was distributed to the state, including 38 percent to the state’s General Fund and 5 percent to dedicated state funds.<sup>18</sup> None of the fee and fine revenue went directly to the district courts. The state-funded portion of

---

**Revenue from fees and fines is split between the state and local governments.**

---

**Figure 2.7: Distribution of Revenues from Court-Imposed Fees and Fines, 1999**



NOTE: Because the Eighth District is fully state funded, the State General Fund amount includes \$1.8 million from Eighth District fees and fines that go to counties in other districts.

SOURCE: Office of the Legislative Auditor’s analysis of data from State Court Administrator’s Office.

---

<sup>17</sup> This is because Clay and Wright counties submitted data for only 11 months. We removed fees for marriage licenses and birth certificates (about \$1 million in 1999) because these fees are not directly imposed by the courts.

<sup>18</sup> Ninety-four percent of the \$6.4 million paid to dedicated state funds went to the Trunk Highway Fund for traffic and motor vehicle violations involving the State Patrol. The remainder represented fines for fish and wildlife violations, water safety violations, and violations involving snowmobiles and all-terrain vehicles, and the revenue went to several funds used by the Department of Natural Resources.



district court operation comes from General Fund appropriations. Counties retained 31 percent of the fee and fine revenue in 1999, municipalities received 24 percent, and other local agencies received 1 percent.

Statutes impose some requirements on the distribution of fines. For example, the state normally receives 20 percent of all fines for criminal offenses. The state also imposes a mandatory \$25 surcharge on all criminal convictions except parking. Sixty percent of the surcharge proceeds go to the state's General Fund, 39 percent to the Peace Officers Training Account, and 1 percent to the Game and Fish Fund for warden training.

In addition, several fees and surcharges support other criminal justice programs.<sup>19</sup> Table 2.7 lists the ten largest sources of revenues from fees and fines. These ten sources accounted for \$100.1 million in 1999, or 83 percent of the total fees and fines collected by district courts.

As shown in Table 2.7, the largest source of revenue was traffic and parking fines paid to municipalities, accounting for \$29 million, or about 24 percent of the total fees and fines collected in 1999. In addition, about \$9 million from municipal traffic and parking fines was retained by counties to offset their law enforcement and prosecution costs. Revenue from the \$25 criminal surcharge was the second largest revenue source, accounting for \$14.8 million in 1999. The third largest revenue source was civil and probate filing fees, which generated \$13.6 million; counties may retain part of these fees to pay the salaries of "screener-collectors" hired to help collect fees and fines. The remaining money from civil and probate filing fees goes to the state's General Fund.

---

**Traffic and parking fines paid to municipalities represented the largest share of fees and fines in 1999.**

## Factors Judges Consider When Imposing Fines

Data were unavailable to determine how consistently judges impose the minimum statutory fines and surcharges. The State Court Administrator's Office has tried to calculate the actual amount of fines imposed, but it has been unable to do so reliably due to limitations of its automated information system and inconsistencies in the way court clerks record and track data. As a result,

- **We were unable to determine the total amount of fines that judges impose per year or differences between fines imposed and fines actually collected.**

Some information is available about the \$25 criminal surcharge required for all criminal convictions. A recent State Court Administrator's Office study of a sample of criminal cases indicated that for all districts, excluding the Fourth

---

<sup>19</sup> For example, *Minn. Stat.* (2000) §609.2244, subd. 4 imposes a fee of between \$50 and \$125 on persons convicted of domestic abuse, with proceeds going to the county to help defray the cost of the investigation; *Minn. Stat.* (2000) §609.101, subd. 2 requires 30 percent of fines imposed against persons convicted of assault or criminal sexual conduct to go to the state's General Fund and 70 percent to be retained by counties for local victim assistance programs; and *Minn. Stat.* (2000) §609.101, subd. 3 requires 70 percent of fines for controlled substance abuse to be retained by counties to support local drug-abuse prevention programs.

**Table 2.7: Ten Largest Sources of Fee and Fine Revenue, 1999**

Type of Fee or Fine	Statute	Recipient of Funds	Description	Amount
Cities' Share of Municipal Traffic and Parking Fines	487.33, subd. 5	Municipalities	100% of traffic and parking fines if no warrant is issued; 2/3 of other fines if municipality provides law enforcement or 1/3 if county does	\$29,172,513
\$25 Surcharge	357.021, subd. 6, 7	State Treasurer	\$25 surcharge assessed to all persons convicted of crimes except parking violations <sup>a</sup>	14,783,336
Civil and Probate Filing Fees	357.021, subd. 1(1)	State Treasurer	\$122 filing fee to all parties in civil actions <sup>b</sup>	13,602,656
County Fines	574.34	County	Fines and forfeitures not allocated by statute to other branches of government	9,137,192
County's Share of Municipal Traffic and Parking Fines	487.33, subd. 5	County	County portion of court imposed fees, fines, and penalties for municipal traffic violations to offset county law enforcement and prosecution costs	9,113,535
Other Local Fees		County	Other fees specific to individual counties	6,758,399
State Share of Highway Patrol Fines	299D.03, subd. 5	Trunk Highway Fund	State share of fines and forfeited bail from traffic and motor vehicle violations involving the State Patrol	6,018,718
Law Library Fee	134A.09-10	County Law Libraries	Fee collected from parties in civil suits, probate proceedings, petty misdemeanors, and criminal convictions to pay for county law libraries	4,738,044
County Share of Highway Patrol Fines	299D.03, subd. 5(a)	County	County share of fines and forfeited bail from traffic and motor vehicle violations involving the State Patrol	3,473,243
State Share of Minimum Fines	609.101, subd. 4(2)	State Treasurer	State's 20% share of statutory minimum \$50 fine for misdemeanor and gross misdemeanor convictions	3,274,739

<sup>a</sup>Sixty percent of proceeds go to the state's General Fund, 39 percent to the Peace Officers Training Account, and 1 percent to the Game and Fish Fund for warden training.

<sup>b</sup>Counties may use their portion of these funds to pay the salaries of screener-collectors (staff hired to collect fees and fines), with the remaining funds going to the State Treasurer.

SOURCE: Office of the Legislative Auditor's analysis of data from State Court Administrator's Office and *Minnesota Statutes* (2000).

(Hennepin County), judges imposed the criminal surcharge for 99 percent of misdemeanors, 95 percent of gross misdemeanors, and 86 percent of felonies.<sup>20</sup> However, the numbers must be viewed with caution because the cases studied came from a two-week sample of cases, and they may not be representative of all criminal cases.

From interviews with chief judges and survey results, we learned that judges use considerable discretion in determining whether to assess fines and the amount to assess. At the same time, some judicial districts, or counties within a district, have developed fine schedules to promote consistency in sentencing for similar

<sup>20</sup> State Court Administrator's Office, *Criminal Surcharge Report to Conference of Chief Judges*, (St. Paul, December 5, 2000), 1. In the sample of cases drawn from January through September 2000 in Hennepin County, judges imposed the criminal surcharge for 35 percent of misdemeanors, 56 percent of gross misdemeanors, and 19 percent of felonies.

offenses. Further, some statutes limit judge discretion in determining fine amounts, such as the requirement to impose a fine of at least 30 percent of the \$30,000 maximum for convictions of assault in the first degree.<sup>21</sup> In our survey, we asked judges to rate the importance of several factors in determining the amount of fine to assess. We found that:

- **The most important factors judges consider in determining the amount of fine to impose are the seriousness of the offense and the offender’s ability to pay.**

Seventy percent of judges cited both ability to pay and the seriousness of the offense as “important” in determining the amount of fine imposed at sentencing, as shown in Table 2.8. In addition, 57 percent of judges said the cumulative amount of mandatory fees in addition to fines was important. By contrast, 54 percent of judges said that the maximum fine allowed by law was “unimportant” in determining the amount of fine to impose.

**Judges consider a variety of factors when imposing fines.**

**Table 2.8: Factors Judges Consider When Imposing Fines, 2000**

	<i>N</i>	<u>Percentage of Judges Responding:</u>		
		<u>Important</u>	<u>Somewhat Important</u>	<u>Unimportant</u>
Offender’s ability to pay	212	70%	26%	4%
Seriousness of the offense	210	70	24	7
Cumulative amount of fees and fines	205	57	36	7
Whether restitution is imposed	210	48	47	5
Whether offender is incarcerated	212	47	45	8
Whether community service is a viable alternative	208	47	43	10
Whether defendant is a first-time offender	211	38	43	18
The maximum fine allowed by law	154	19	27	54

SOURCE: Office of the Legislative Auditor’s survey of district court judges, 2000.

## Collecting Fees and Fines

To better understand how fees and fines are collected, we surveyed court administrators. We learned that:

- **In most counties, court administrators monitor and collect fees and fines among their other duties, although about 29 percent of court administrators reported that specific collections personnel have this task.**

Fifty-eight percent of court administrators said that court administration staff are responsible for collecting fees and fines; 29 percent said counties employ a “screener-collector” to collect fees and fines, and 6 percent said they use a

<sup>21</sup> *Minn. Stat.* (2000) §609.101, subd. 2. Subdivision 5 of this statute allows the court to reduce the minimum fine to \$50 for indigent defendants when payment would be an economic hardship.

combination of court administrator staff and screener-collectors. In the remaining counties, collection responsibilities are spread among a variety of staff, including court administration, probation, and other county staff. Sixty-one percent of court administrators indicated that they have written policies on collecting fines. We also found that:

- **Most court administrators believe they have been at least somewhat successful in their collection efforts and that collection practices have improved in the last five years.**

Twenty-nine percent of court administrators described their collection efforts as “successful,” and 59 percent described collection efforts as “somewhat successful.” Eighty-four percent said their counties have taken steps that have improved collection of fees and fines over the last five years. When asked to describe what steps have improved collections, the largest share of respondents wrote that filing for “revenue recapture,” in which payments come from the debtor’s tax refunds, was helpful.

To make their collection of fees and fines successful:

- **Most court administrators in Minnesota use at least some of the techniques recommended by experts to collect fees and fines and follow up on nonpayments.**

In a study of how courts successfully collect fees and fines, the National Center for State Courts reported that collection efforts are most effective when (1) defendants can pay without too much inconvenience and (2) the collector applies increasingly coercive measures to those who do not pay.<sup>22</sup> The study describes many techniques that courts around the country have employed to improve their fee and fine collections.

As shown in Table 2.9, majorities of court administrators in Minnesota use certain practices recommended to encourage payments. Ninety-eight percent of court

**Most court administrators reported improving the collection of fees and fines over the past five years.**

**Table 2.9: Fee and Fine Collection Practices, 2000**

Practice	Percentage of Court Administrators (N = 83)
Allow personal checks (by suitable defendants)	98%
Allow payment in installments	96
Tailor payment plans to individual financial circumstances	88
Encourage same-day payments prior to leaving the courthouse	82
Locate collection personnel in or adjacent to courtrooms	53
Use violations bureaus (for fines on uniform fine schedule)	47
Allow credit cards	25
Require minimum down payment if full payment is not available	23
Offer secure lockbox or remote locations for after-hour payments	13
Provide early payment discounts	0

SOURCE: Office of the Legislative Auditor’s survey of court administrators, 2000.

22 John Matthias, Gwendolyn Lyford, and Paul Gomez, *Current Practices in Collecting Fines and Fees in State Courts: A Handbook of Collection Issues and Solutions* (National Center for State Courts, 1995), 2.

administrators reported allowing payment by personal check and 96 percent allow payment in installments. Similarly, high percentages of court administrators said they tailor payment plans to individual financial circumstances and take steps to encourage same-day payments before the defendant leaves the courthouse.

When defendants fail to pay, many counties employ certain recommended practices to follow up. The methods used vary, as shown in Table 2.10. At least 93 percent of court administrators said they initiate license suspensions against individuals who fail to pay their fines, actively monitor fees and fines assessed and collected, and mail past-due notices following nonpayment. In addition, at least 81 percent reported that they initiate arrest warrants, notify the court when nonpayment is a probation violation, and use revenue recapture to collect payments from tax refunds.

---



---

**Table 2.10: Practices to Follow Up on Nonpayment of Fees and Fines, 2000**

Practice	Percentage of Court Administrators (N = 83)
Initiate license suspensions	95%
Ongoing monitoring of fees and fines assessed and amounts collected	93
Mail past-due notices within set time following nonpayment	93
Initiate service of warrants for arrest	84
Notify court when nonpayment is a probation violation	82
Use the Department of Revenue's "revenue recapture" to collect payments from tax refunds	81
Define accounts as uncollectible after suitable time or effort has been expended	77
Take steps to keep defendants' addresses current	76
Compile reports on nonpayments	54
Initiate garnishment of wages or property liens	27
Telephone defendants within set time following nonpayment	22
Personally serve delinquency notices within set time following nonpayment	20
Other nonpayment practices	18
Charge interest or fee on late payments	8
Report nonpayments to credit reporting agency	2

SOURCE: Office of the Legislative Auditor's survey of court administrators, 2000.

---