

# Public Defender System

## Update to 2010 Evaluation Report

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### Problems Identified

- **High Workloads.** Public defender workloads were too high, exceeding both state and national standards. The most immediate cause of high workloads was staff reductions in 2008. However, other factors contributed to high workloads, including the use of: (1) more severe consequences for crimes, and (2) civil consequences in criminal cases.
- **Limited Oversight and Need for Long-Term Planning.** Public defenders' supervisors also represent clients, so their day-to-day supervision of public defenders has been limited. In addition, supervision of part-time public defenders has been difficult because many of these attorneys work alone, without a public defender office nearby. The Board of Public Defense has not sufficiently planned for upcoming retirements, especially among part-time public defenders in rural areas of the state.
- **Eligibility Determinations Vary.** State law gives judges considerable discretion to determine eligibility for a public defender. Eligibility determinations varied by judge, and public defender application forms varied by county. There were no state-specified income standards or uniform processes for determining public defender eligibility across the state.

### Changes Implemented

- **No Recent Workload Increases.** Due to a temporary attorney registration fee increase imposed by the Minnesota Supreme Court plus some federal funding, the Board of Public Defense has not had to lay off public defenders since 2008. Thus, workloads remain high, but they have generally not increased.

### Action Needed

- **Address High Workloads.** The Supreme Court stated it will not extend the temporary increase in fees beyond July 2013, so other actions would be needed to address high workloads. Several task forces have discussed criminal justice system reforms that, if implemented, may decrease public defender workloads.
- **Increase Oversight and Complete Long-Term Planning.** The Board has provided additional training to supervisors, but it will be difficult to adequately oversee public defenders as long as supervisors maintain high caseloads. The Board has established a long-term planning committee, but proposals to help retain and recruit part-time public defenders have not been supported by the union representing public defenders.
- **Create Guidelines for Public Defender Eligibility.** The Legislature should amend state law to establish state-specified income standards for public defender eligibility and require the use of a statewide public defender application form.