

American Rescue Plan (ARP) State Fiscal Recovery Funds (SFRF) Request Form

Please complete this form in accordance with the process instructions.

Agency/Point of Contact: Board of Public Defense

Title of Request: COVID-19 Caseload Backlog

Date: 9/3/2021 **Request Amount:** \$ 3,945,000

Expenditure Time Period: 10/1/2021 to 6/30/2023 (no later than 6/30/2023)

Brief Summary of Request: (Summary must be complete on this page with supporting information attached)

The Board of Public Defense is requesting \$3.945 million to hire contract attorneys to address the significant case backlog that has resulted from the COVID-19 pandemic and to meet the speedy trial demands of the public defender clients.

In February of 2021, The Minnesota Judicial Council reported that between March 19,2020 and January 31st, 2021 there were over 14,000+ felony and gross misdemeanor cases pending due to the courts having to shut down or reduce services during the COVID-19 pandemic. The Court has in the past and intends to hire retired judges to staff civil and criminal calendars and at the same time address the backlog of cases. This will free up existing judges to conduct trials and contested hearings.

The BOPD simply does not have the attorneys to staff these calendars while these trials and contested hearings will be going on. The BOPD is operating with approximately 75% of the Assistant Public Defender staff called for by the state's Weighted Caseload Standards.

In June of 2021, the Judicial Council reported a "judge need" of 38,679 hours to resolve the backlog of major criminal cases. Public defenders represent 85-90% of clients in serious criminal cases. Taking the Court's estimated hours, assuming 85% of those hours would be related to public defender cases and including an additional hour of out of court time needed to prepare for the cases, this would mean an additional need for 65,754 hours of attorney time to address this backlog. The current rate for contractors is \$60 per hour, which equates to \$3,945,000.

Kevin Kajer

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Department Head Signature

9/3/2021

Date