

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

In Re: Reimbursement Rate
for Attorneys' Fees and Costs
Pursuant to Minn. Stat. § 611.27 for Calendar 2017

STANDING ORDER

WHEREAS, Minn. Stat. § 611.27 requires the chief judge of each judicial district to establish a reimbursement rate for attorneys' fees and costs associated with the representation of any defendant in connection with the appeal initiated by the prosecuting attorney of any pre-trial order in a criminal proceeding, and

WHEREAS, the fees established shall be paid by the governmental unit responsible for the prosecution, and

WHEREAS, the undersigned has consulted with various city attorneys, county attorneys, the chief public defender of the Fourth Judicial District and members of the private bar of the Fourth Judicial District regarding the appropriate reimbursement rate to be paid pursuant to Minn. Stat. § 611.27, subd. 16(a) as follows:

1. The undersigned received a letter from a private criminal defense attorney on behalf of the Minnesota Association of Criminal Defense Lawyers stating that the hourly rate should be \$125.00. He also advised the Court that the current rates in the First and Second Judicial Districts are \$125 per hour; the Third, Seventh and Tenth use \$120 per hour; the remaining districts use \$60 per hour except the Sixth which is \$60 per hour.
2. The undersigned was informed by the First Assistant Public Defender, Hennepin County, that contract public defenders in Hennepin County are paid between \$48.00 and \$75.00 per hour, plus office support from the Hennepin County Public Defender's Office.
3. The undersigned was also advised by Kevin Kajer, Chief Administrator of the State Board of Public Defense, that the standard rate for contract attorneys used by the Appellate Division of the State Board of Public Defense is between \$45.00 and \$55.00 per hour.
4. The undersigned spoke with the panel administrator for the Federal Public Defender's Office for the State of Minnesota, who stated that attorneys appointed under the Criminal Justice Act are paid \$129.00 per hour.

5. The undersigned received a letter from David Brown, Chief Deputy County Attorney, Hennepin County, stating that the proposed hourly rate of \$125.00 from the private criminal defense bar is not objected to.
6. The undersigned also received a letter from Mary Ellen Heng, Deputy City Attorney-Criminal Division, on behalf of the Minneapolis City Attorney's Office and supported by the Suburban Hennepin County Prosecutor's Association, requesting that the rate remain at \$100 per hour, citing the fee history since 2013 when the rate was initially established at \$50 per hour, and referencing the low rate of inflation since that time.

Based on the foregoing,

IT IS ORDERED:

1. The reimbursement rate in the calendar year 2017 in the Fourth Judicial District for attorneys' fees associated with representation under Minn. Stat. § 611.27, subd. 16(a), shall be \$100.00 per hour, plus costs and expenses reasonably incurred. This rate is effective immediately and shall apply to all services performed from January 1, 2017, and shall be in effect until further order of the Court.

2. Reimbursement shall not exceed a total of \$5,000 exclusive of costs and expenses reasonably incurred unless payment in excess of \$5,000 is certified by the chief judge of the Fourth Judicial District as necessary to provide fair reimbursement for services of an unusual character or duration.

BY THE COURT:

Dated: January 12, 2017

Ivy S. Bernhardson
Chief Judge
Fourth Judicial District