

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 effective
January 15, 2018

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 asked for the views of 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) and received the following:

1. A private criminal defense attorney, on behalf of the Minnesota Association of Criminal Defense Lawyers, requested that the hourly rate be \$125.00. She also advised that the current rates in the First and Second Judicial Districts are \$125 per hour; the Third uses \$135 per hour, the Tenth uses \$120 per hour; the Fifth and Seventh use \$110, and the remaining three districts use a rate of \$100 per hour.
2. The Hennepin County Public Defender's office requested a rate of \$120.00 per hour.
3. The undersigned also reviewed a letter dated October 13, 2012, from Kevin Kajer, Chief Administrator of the State Board of Public Defense, disclosing that in the five years preceding the letter, nine contract attorneys had been used by the Appellate Division of the State Board of Public Defense and had been paid between \$30.00 and \$42.50 per hour.

Based on the foregoing,

IT IS ORDERED:

1. The reimbursement rate for attorneys' fees associated with representation under Minn. Stat. § 611.27, subd. 16(a) shall be \$120.00 per hour, plus costs and expenses reasonably incurred. This rate is effective immediately and shall apply to all services performed from and after January 15, 2018, and shall be in effect until further order of the Court.

2. Reimbursement shall not exceed a total of \$5,000, exclusive of 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 17, 2018

Ivy S. Bernhardson
Chief Judge
Fourth Judicial District