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**Case Studies of Two Indigent Defense Systems:
Minnesota and Wyoming**
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Introduction

Indigent defense services in North Dakota are provided primarily by attorneys working under contract with judges. North Dakota is divided into seven judicial districts. In each judicial district, a presiding judge supervises the court services of all courts in the district. There is a district court in each of the state's fifty-three counties. The office of district judge is an elected position filled every six years by a non-partisan election held in the district in which the judge will serve.¹ North Dakota's indigent defense system is administered through the judiciary and is almost 100% state-funded. The one exception is that each of the 53 counties is responsible for funding assigned counsel representation of indigent defendants facing mental health commitment proceedings.

The North Dakota Legal Counsel for Indigents Commission (NDLCIC) is the statewide indigent defense oversight commission responsible for reviewing indigent defense caseload data, preparing recommended indigent defense budgets and adopting assigned counsel eligibility qualifications. NDLCIC is made up of eight members that are appointed by the Chief Justice of the Supreme Court from nominations by judges, the state bar, the Attorney General, and the Legislative Assembly. In 1997, NDLCIC revised the *North Dakota Judicial System Indigent Defense Procedures and Guidelines* to recommend a raise in the hourly compensation rate paid to court-appointed counsel not working under contracts from \$50 per hour to \$75 per hour. Although the compensation increase is non-binding, judges generally follow NDLCIC guidelines whenever possible. Traditionally, attorneys working under contract handle most of the indigent defendant cases, while attorneys working on hourly fees handle conflict of interest cases. Because contract attorneys in the most rural areas of the state know that they can earn more for doing the same work at the hourly assigned counsel rates, many attorneys are not renewing their

¹ <http://www.court.state.nd.us/Court/BROCHURE.HTM>.

contracts and it is increasingly difficult to find qualified attorneys willing to work on contract in the districts where the increased court-appointed counsel rates are enforced.

This situation prompted the NDLCIC to request technical assistance from The Spangenberg Group (TSG)² under the auspices of the American Bar Association, Bar Information Program for information on indigent defense programs in nearby states. TSG responded by preparing the following profiles of the programs in Wyoming and Minnesota.

State Profiles

North Dakota

Right to Counsel

The right to counsel in North Dakota is established by North Dakota Supreme Court Rules N.D.R. Crim. P. Rule 44, Right to and Assignment of Counsel. Every indigent defendant is entitled to counsel for all felony cases and certain non-felony cases that, upon conviction, warrant imprisonment. The rule allows counsel to be appointed at the defendant's initial appearance to the state court appeal.

Conflict Counsel

Attorneys working under contract with each judge provide representation to indigent defendants in the majority of cases in North Dakota. Court-appointed attorneys handle those cases with which the contract attorneys have a conflict of interest. The payment for court-appointed attorneys varies throughout the state, but the amount currently ranges from \$50 to \$85

² The Spangenberg Group is a nationally recognized research and consulting firm located in West Newton, Massachusetts, which specializes in the improvement of indigent defense systems. For over fifteen years, The Spangenberg Group has been under contract with the American Bar Association's Bar Information Program (BIP), which provides support and technical assistance to individuals and organizations working to improve their jurisdictions' indigent defense systems.

an hour.

Information Systems

North Dakota does not have an information system to support indigent defense. However, North Dakota does possess the technology to create such a system. For example, the judicial system has a comprehensive information technology system. The Supreme Court website contains nearly 3,000 of its opinions. Once new opinions are filed with the Clerk of the Supreme Court, they are posted on the website that same day. Lawyers, judges, and other members of the public may subscribe, at no charge, to receive e-mail notices whenever new opinions or Court notices are posted. The website also includes Supreme Court notices of proposed rule changes, current North Dakota Rules, short biographies of Justices and Judges, argument and hearing schedules and extensive links to other legal resources.³

Wyoming

The Wyoming State Public Defender is an independent operating agency established in 1978 and located within Wyoming's executive branch of government. The State Public Defender is comprised of an Administrative/Fiscal Division, Trial Division and Appellate Division. The State Public Defender is head of the agency and is appointed by and serves at the pleasure of the Governor. Assistant public defenders throughout the state are appointed by the Governor and serve at the pleasure of the State Public Defender.

Because Wyoming, like North Dakota, is predominantly a rural state, the State Public Defender system is divided into five separate regions: Northwest, Southwest, Central, Southeast and Northeast. Fifteen separate field offices provide indigent defendant representation throughout the state. Each field office has one supervising attorney; other staffing levels are tailored to the needs and location of each office. The State Public Defender tends to staff the

³ See <http://www.court.state.nd.us/Court/overview.htm>.

larger field offices with full-time employees and more experienced attorneys. The smaller field offices generally handle fewer and less serious cases than the larger offices, so the State Public Defender usually staffs the offices with less experienced attorneys according to the state classification system.⁴

Right to Counsel

The Wyoming Public Defender Act (Wyoming Statute §§ 7-6-101 through 7-6-114) establishes the right to counsel for “any needy person who is under arrest for or formally charged with having committed a serious crime.” The statute defines a “needy person” as “a person who at the time his need is determined is unable to provide for the full payment of an attorney and all other necessary expenses of representation.” “Serious crime” is defined as “any felony or misdemeanor...for which incarceration as a punishment is a practical possibility.” The statute does not require the appointment of counsel for a defendant charged with a misdemeanor if the judge decides at the initial appearance that he/she will not sentence the defendant to any length of imprisonment if convicted.

In the 1997 legislative session, the Wyoming legislature completely overhauled its laws relating to juvenile justice and Children in Need of Supervision (CHINS). All existing CHINS laws were repealed July 1, 1999, and the Wyoming legislators restructured the state’s juvenile delinquency statute to embrace a major philosophical change: while the old statute addressed the “best interests of the child” and the “least restrictive alternatives” for delinquents, the new Juvenile Court Act focuses on the “protection of the public and public safety.” Modifications to the act grant judges discretion to forgo confidentiality in violent felonies and in other delinquent acts. Additionally, there is now a victim's bill of rights which applies to juvenile delinquency proceedings.

⁴ The Public Defender, the two District Attorney offices and the Attorney General are part of the state classification system. The personnel rules set out Attorney I, Attorney II, Attorney III, Supervising Attorney and Attorney Administrator positions.

Funding

Though the entire budget is authorized by the State Legislature, the funding formula for indigent defense in Wyoming, set forth in Wyoming Statute §7-6-113, is 85% state funds and 15% county funds. The 85% comes from the state's General Fund; the 15% is actually billed to the counties. Each county supplements the state public defender budget in accordance with a formula determined by the State Public Defender and the Budget Division of the Department of Administration and Information in cooperation with the Legislative Service Office. The formula is based on the population of each county, the assessed value of each county and the serious crime caseload of each county. Indigent defense does not receive any federal funding in Wyoming.

This funding formula is reportedly cost-effective for the counties. The State Public Defender estimated that during the late 1990's, the least wealthy county paid about \$2,000-\$3,000 and the wealthiest paid about \$60,000-\$70,000 for a fiscal year. Counties are responsible for their share of the 15% contribution, as well as providing suitable office space for defenders. Counties have three different options for providing office space: they may either rent courthouse space, rent an office or reimburse partial rent payments to those contract attorneys who work out of their own offices. Counties are also responsible for the basic utilities of the office space, though the State Public Defender is responsible for phones and other similar equipment.

Staffing

In FY00, the State Public Defender had 53 authorized positions. Of these, 37 were full-time and 16 part-time. One full-time position was added to the State Public Defender by the 1999 Wyoming Legislature to handle state post-conviction cases, due to an increase of death penalty cases. For FY00, the Public Defender contracted with ten employees (known as AWECS, or At-Will-Employee-Contracts) to ease work overload so that public defenders would be able to adhere to agency workload standards. Additionally, in FY00 the State Public Defender

hired 18 part-time, independent contract attorneys and two part-time, independent contract investigators to handle a percentage of the public defender workload.

Death Penalty Cases

Death penalty cases are typically the most expensive cases an indigent defense system handles. Since 1997, eleven death penalty cases have been filed in Wyoming. This has drained the resources of Wyoming, a state that usually only experiences approximately 20-24 homicides a year. In FY99, the State Public Defender was assigned three new death penalty cases, tried four, prepared one for trial and handled two on appeal. Of the four capital cases tried, only one case resulted in a death sentence. In FY00, the State Public Defender tried two capital cases, had one case pending trial and handled two death penalty appeals. The drain on State Public Defender resources prompted the agency to request a supplemental appropriation from the 2000 Wyoming Legislature, which the Legislature granted in the amount of \$875,000. To represent capital cases cost-effectively in the future, the State Public Defender requested funding in 2000 legislative session to create a Capital Case Unit. The Legislature created and funded three new positions for the unit: an attorney, a mitigator and an investigator.

Conflict Counsel

Cases in which the Public Defender has a conflict of interest are handled by court-appointed attorneys who are paid between \$25 and \$50 an hour.

Information Systems

According to the *Wyoming Public Defender Program Annual Report for FY 2000*, "The State Public Defender has established electronic connectivity with most field offices. However, the State Public Defender still needs to improve its technological capabilities, including inter-connectivity between field offices; upgrading and replacing computer hardware; installing

suitable software for case management, statistical reporting, and legal research; and development of an appropriate website.”

The State Public Defender’s first information technology (IT) plan was implemented during the 1997-1998 biennium. The agency had requested and received the appropriation to implement the plan in 1996. The 2001-2002 biennium budget requests funds for computer upgrades and replacement, as well as case management software. The case management software was developed for the county and district attorneys in Wyoming for caseload tracking. The State Public Defender plans to adjust the prosecutor software so that it will be helpful for public defenders to track clients and cases.

The State Public Defender has one IT employee.⁵ The employee travels to other offices to provide technical assistance. If the State Public Defender employee cannot get to an office or if the problem is beyond his/her expertise, he/she can coordinate assistance from the Computer Technology Division, which is part of the state system.

Minnesota

The statewide indigent defense system in Minnesota is comprised of the State Public Defender Office, the Administrative Services Office, which includes the Information Systems Office, and the various statewide district offices, all of which are coordinated and funded by the Minnesota Board of Public Defense. The Board is a policy-making body that appoints the State Public Defender and the 10 Chief Public Defenders. It also is responsible for certain administrative matters, such as handling external relations and personnel issues. Minnesota is divided into 10 judicial districts. Each of these districts has at least one full-time public defender office. A Chief Public Defender hires employees to staff the office and supervises each district’s activities. The Second and Fourth Districts, Ramsey and Hennepin counties, both established their own public defender systems before the statewide system evolved. Both systems are

⁵ The monthly salary for the position ranges from \$2,115 to \$3,913 per month.

independent of the state system, though in 1998 the legislature required the long-term integration of the counties into the state system.

There are also five public defense corporations that primarily serve the minority communities throughout Minnesota. These corporations, which are separate from the State Public Defender, are non-profit legal service providers that provide criminal and juvenile services, as well as outreach programs for people of color, particularly juveniles.

History

Minnesota's 1965 Public Defender Act established district systems of public defense by allowing each judge in each judicial district (besides Ramsey and Hennepin counties, both of which had established independent public defender systems prior to the act) to vote on establishing a public defender system. The Judicial Council, created by the Legislature in 1967, oversaw those public defender systems that were instituted. In 1982, legislation abolished the Council and created the State Board of Public Defense. The Board was charged with the responsibility of appointing the State Public Defender and the Chief Public Defenders in six of the ten judicial districts. The Legislature expanded the Board's statutory authority in 1987 by modifying its membership, creating an administrative office, instituting greater oversight in regards to the State Public Defender's Office, creating two new Judicial District Public Defender offices, mandating new standards, regulating the offices and conduct of all public defender organizations, and establishing new reporting, budgeting and funding processes. In 1989, the Legislature expanded the Board's authority to provide felony and gross misdemeanor representation to all ten judicial districts. In 1995, the state became the primary funder for all indigent defense services, granting to the Board the responsibility for juvenile and misdemeanor cases that had been previously funded by the counties.

Right to Counsel

Minnesota Statutes 2000, 611.14, Right to representation by public defender, establishes

the right to counsel for those financially unable to obtain counsel if they are: charged with a felony, gross misdemeanor, or misdemeanor; appealing from a conviction of a felony or gross misdemeanor or convicted of a felony or gross misdemeanor and pursuing a post-conviction proceeding but have not already had a direct appeal of the conviction; or, a minor ten years of age or older who is entitled to be represented by counsel under section 260B.163. All appeals are handled by the State Public Defender.

Staffing

Throughout Minnesota, there are 10 full-time district offices and 17 full-time branch offices. There are approximately 542 employees throughout the districts, of which approximately 160 are part-time Assistant Public Defenders, approximately 227 are full-time Assistant Public Defenders, 9 are Chief Public Defenders, approximately 73 are Legal Secretary staff, approximately 37 are Investigators, 25 are Dispositional Advisors and approximately 13 are Paralegals/Legal Assistants. The State Public Defender Office has a total of approximately 40 employees, of which about 30 are Assistant State Public Defenders, one is the Deputy State Public Defender and nine are Legal Secretary staff. The Administrative Services Office has 15 employees. Five are administrative, five are Information Systems, two are support staff and three are secretarial.

Funding

Because Ramsey and Hennepin counties established independent public defense systems prior to the 1965 Public Defender Act, both were initially county-funded. Currently, the Ramsey County Public Defender is fully state funded; the Hennepin office is funded by both the county and state.⁶ The 1998 legislature required the long-term integration of Ramsey and Hennepin counties into the state system. Among other things, the statute requires for long-term integration

⁶ Hennepin County contributed approximately \$3,500,000 towards indigent defense in FY 2000.

into the state system that all new hires in Hennepin County after January 1, 1999 be considered state employees.⁷ The Board of Public Defense allocates financial resources to each district, based on “the geographic distribution of public defenders, the equity of compensation among the judicial districts, public defender caseloads, and the results of the weighted caseload study.”⁸ Minnesota Statutes 2000, 611.27. The state is responsible for funding the indigent defense system. The only exception is that counties are responsible for the payment of expert witness fees for the defense in cases where the Chief Public Defender petitions the court. This usually occurs when the district has run out of funds, or if there is a large case. The intent of this funding scheme is to ensure that the county attorneys, who are county-funded and initiate the cases, do not drive up the state costs. Counties are also responsible for funding certain civil cases handled by public defenders, such as paternity cases and civil commitments.

The five public defense corporations that are separate from the State Public Defender were created with federal funding. The state began funding the corporations in the 1970s through grant finances in a line item of the public defender budget.

Conflict Counsel

Part-time public defenders do not work in the same offices as full-time public defenders so that they are able to handle conflict of interest cases. Also, public defender offices in different judicial districts can “swap” conflict cases to contain costs. In the rare chance that a public

⁷ Minnesota Statutes 2000, 611.26 Subd. 3c) “In the fourth judicial district, the district public defender's office shall be funded by the board of public defense and by the Hennepin County board. Personnel expenses of state employees hired on or after January 1, 1999, in the fourth judicial district public defender's office shall be funded by the board of public defense. (d) Those budgets for district public defender services in the second and fourth judicial districts under the jurisdiction of the state board of public defense shall be eligible for adjustments to their base budgets in the same manner as other state agencies. In making biennial budget base adjustments, the commissioner of finance shall consider the budgets for district public defender services in all judicial districts, as allocated by the state board of public defense, in the same manner as other state agencies.”

⁸ In 1991, TSG completed a statewide study, “Weighted Caseload Study for the State of Minnesota Board of Public Defense,” that recommended weighted caseload standards for public defender attorneys in Minnesota.

defender or part-time defender cannot take a case, court-appointed counsel are paid \$50 an hour to handle cases.

Information Systems

The Minnesota Board of Public Defense's Administrative Services Office includes an Information Systems Office. Five full time positions, Information Systems Director, Information Tech, Specialist III, Information Tech, Specialist V, Local Area Network Admin II and Local Area Network Administrator III comprise this office.

One-time funding from the 1999 Minnesota Legislature allowed the Minnesota Defender Information Systems to begin a Statewide Connection Project. The long-term goal of the Project is to connect all public defender staff throughout the state to the public defender central case and client information database, which provides research tools, correspondence and pleadings, case and client statistics, time reporting and email communication. The database allows the Board of Public Defense to "keep book" on prosecutors and defense and track work for clients so that public defenders may be adequately funded for work completed. Most in the District Management Offices have Internet access and thus access to the database. The challenge is making the project accessible to the staff in the part-time offices and full-time county offices that do not have such resources. Minnesota Defender Information Systems hopes to have every employee on-line by January 2002.

The information system centralizes the State Public Defender Policy Manual, employment opportunities and other administrative materials. The information system also allows all full-time and part-time public defenders, law clerks and paralegals access to Westlaw. This resource was made available by the state on July 1, 2000. It can also be tailored to a part-time defender's budget needs. Those part-time public defenders that want a reduced price for their practice's account may join with other part-time defenders as a buying group to negotiate with Westlaw for a reduced price.

Besides the Minnesota Defender Information System, the 2000 Public Defender Data

Access Bill (S.F. No. 3154/Minnesota Statutes 611.272) authorizes the State Public Defender, District Public Defenders and attorneys working for public defense corporations access to the Minnesota criminal justice data communications network, CrimNet. Public defenders may now access criminal arrest and conviction data, juvenile offender data, warrant information, conditional release data, diversion program data and incarceration data. This quick access to case-related information will allow public defenders to represent clients more efficiently. It will also improve the scheduling issues that many public defenders face in the courts. With so many part-time public defenders that have to be in different courtrooms at the same time, often court dates either overlap or coincide with others. The information system will allow judges to view the public defender appointment dates, which will assist the judges in accommodating public defender schedules when making future court appointments.

Comparison Points

Both Wyoming and Minnesota, like North Dakota, are predominantly rural states interspersed with metropolitan areas. These variances in geography present unique challenges for a public defender system, which both states meet with innovative solutions.

Wyoming relies on part-time public defenders and contract workers to provide flexibility in the rural areas and to conserve resources. For instance, Cheyenne has three full-time trial attorneys in the office and three contract attorneys outside the office. Because the three contract attorneys are not working in the office, the public defender system can handle up to four co-defendants, which conserves resources and reduces travel time for other defenders.

Wyoming also uses contract attorneys to ease workload. The Wyoming Public Defender relies on two different types of contract attorneys, At-Will-Employee-Contractors, or AWECS, and independent contractors, to make sure that the caseloads of individual public defenders do not exceed 200 cases a year. (This limit of 200 cases is not specific to any type(s) of case(s) and is merely intended as a guide; some full-time public defenders may handle more or less than 200

cases a year.) AWECS work full-time and enjoy some state benefits that are spelled out in statute. AWECS are short term contracts, generally for a year at a time. The independent contractors are not employees and generally work a third of the public defender hours. They have no state benefits and are allowed to maintain a private practice. The State Public Defender tries to put the salary of independent contractors on par with that of permanent employees. It also extends malpractice coverage to contractors and conflict attorneys.⁹

The Wyoming State Public Defender monitors the caseloads of all field offices by requiring each field office to prepare monthly caseload reports. The State Public Defender monitors caseloads, using the guideline of 200 cases per year per full-time attorney. If a field office needs assistance, other offices can shift their resources to ease the workload. For instance, in the event of a conflict of interest, the office can swap the case with another field office. The central office also has two attorneys on staff that act as troubleshooters. These two attorneys can travel to field offices to assist with difficult cases and work overload or conflict situations.

In Wyoming, public defender support staff are state government employees, yet attorneys serve at the will of the State Public Defender. The support staff have more job security than the attorneys. This policy reportedly provides an impetus for attorneys to provide quality representation.

Minnesota, like Wyoming, relies on part-time employees to provide the flexibility needed in rural areas and to minimize the conflict case budget. Offering part-time public defender positions is viewed as a good way to attract experienced attorneys to represent indigent defendants in rural areas. Because these attorneys are able to continue with their private practice, most are able to supplement their income with the indigent defendant cases and therefore do not have to move to a metropolitan area to ensure a steady income.

The Minnesota public defender program requires attorneys to track their time. Each

⁹ SF35 in 1999, among other things, extended coverage to independent contractors handling public defender cases in Wyoming under the Wyoming Governmental Claims Act. They now have protection against liability suits stemming from actions in indigent defense cases.

attorney completes a daily log of hours worked (those that currently have access to the information system do this electronically).¹⁰ At the end of each month, each attorney submits a copy of his or her monthly summary to the district office. Office managers in the district office generate a district monthly report of the amount of hours worked, which is then e-mailed to the Administrative Services Office. If the forms are not submitted on time, the hours worked will not receive credit, which could affect group insurance benefits and the district's future budget allocations.

In past years, Minnesota public defenders used to spend a lot of time traveling among various courts, jails and their office, which were sometimes great distances from one another. This is less of an issue now that the public defender system has been able to expand the number of full-time offices throughout the state.

Finally, a chief feature of the Minnesota indigent defense system is the independence from judicial, executive or legislative influence provided by the State Board of Public Defense. Standard 5-1.3 of the American Bar Association's *Standards for Criminal Justice Providing Defense Services* stresses the need for an indigent defense program to be structured as an entity that is free from political influence and undue judicial oversight. "The selection of lawyers for specific cases should not be made by the judiciary or elected officials, but should be arranged by the administrators of the defender, assigned-counsel, and contract-for-services program." The ABA further suggests that a defender organization, whether it is a public defender office, contract program, or assigned counsel program, be governed by a board of trustees whose primary function is to support and protect the independence of the defense services program. The Wyoming State Public Defender, unlike the Minnesota system, does not have a board or

¹⁰ The recommended caseload standards for district public defenders in Minnesota are as follows (*Recommended Caseload Standards for District Public Defenders in Minnesota*. October 1991):

Type of Case	Full-Time	One-Half Time
Felony	100-150 per year	50-60 per year
Gross Misdemeanor	250-300 per year	125-150 per year
Misdemeanor	400 per year	200 per year
Child Welfare	80 per year	40 per year
Other Juvenile	175 per year	87.5 per year
Other Cases	200 per year	100 per year

commission to provide oversight or independence for the program.

Conclusion

To summarize, if North Dakota considers transitioning to a public defender system, some of the features it should consider include:

- Independence from the judiciary and political branches of government through a commission.
- Part-time defenders.
- Scattered offices throughout rural areas to minimize attorney travel time.
- Bonuses to make part-time defender work attractive, such as the liability protection available in Wyoming.
- Caseload standards.
- A centralized information system.

The following four tables in the Appendix provide additional comparison data on the indigent defense systems of Minnesota, North Dakota and Wyoming.

Appendix: Comparative Data

Table 1: State Populations and Land Area Size

	North Dakota	Wyoming	Minnesota
1999 population ¹¹	633,666	479,602	4,775,508

¹¹ Population, land area and persons per square mile estimates excerpted from www.census.gov.

Number of counties	53 counties	23 counties	87 counties
Land area, 1990 (square miles)	68,994	97,105	79,617
Persons per square mile, 1999	9.2	4.9	60.0

Table 2: Minnesota Public Defender FY00 Caseload by Judicial District

Division	Felony	Gross Misdemeanor/ Other	Misdemeanor	Juvenile	Total
First	1,721	4,380	5,186	3,650	14,937
Second	1,859	7,046	9,442	3,957	22,304
Third	1,328	2,686	4,389	2,636	11,039
Fourth	5,382	11,616	24,262	9,653	50,913
Fifth	1,275	2,999	4,215	2,763	11,252
Sixth	1,045	1,667	3,064	1,753	7,529
Seventh	1,667	3,988	5,679	2,580	13,914
Eighth	733	1,203	1,600	1,248	4,784
Ninth	1,483	4,365	4,119	3,021	12,988
Tenth	2,048	5,352	6,421	5,745	19,566
Total	18,541	45,302	68,377	37,006	169,226

Table 3: Wyoming Public Defender FY00 Caseload by Field Office

County	Felony	Misdemeanor	Juvenile	Total
Natrona	538	553	160	1251
Campbell/Crook/Weston	161	770	26	957
Laramie	414	172	134	720
Sweetwater	282	372	41	695
Fremont	134	319	23	476
Park/Big Horn	131	274	69	474
Sheridan/Johnson	112	348	10	470
Uinta/Lincoln	138	213	0	351

Table 3: Wyoming Public Defender FY00 Caseload by Field Office (continued)

County	Felony	Misdemeanor	Juvenile	Total
Albany	122	184	14	320
Converse/Platte/ Niobrara	111	192	13	316
Carbon	105	105	14	224
Teton/Sublette	76	137	2	215
Washakie	48	73	36	157
Goshen	36	28	10	74
Hot Springs	29	18	5	52
Total	2,437	3,758	557	6,831¹

Table 4: FY00 Cost-per-Case¹² and Cost-per-Capita of Wyoming and Minnesota

	Wyoming	Minnesota
FY00 Expenditure	\$3,619,373 ²	\$42,853,000 ³
FY00 Case Totals	6,831	169,226
1999 Population	479,602	4,775,508
Cost-per-Case	\$529.85	\$253.23
Cost-per-Capita	\$7.55	\$8.97

¹² Wyoming, unlike North Dakota or Minnesota, has the death penalty, and death penalty cases are typically much more costly to handle than other types of cases. Wyoming's use of the death penalty contributes to its higher average cost-per-case of indigent defense cases than Minnesota's average cost-per-case. In addition, Minnesota handles a much greater volume of cases than Wyoming, which reduces the average cost-per-case but increases overall indigent defense costs.

1. Includes 79 FY00 new appeals to Wyoming Supreme Court.
2. Wyoming operates on a biennium, so the FY00 figure was calculated by dividing the authorized FY99-00 biennium figure of \$7,236,745 in half.
3. Totals do not include the \$1,069,000 grant program for public defense corporations or the Hennepin County contribution of approximately \$3,500,000 per year.