

ASSESSMENT OF FEES STUDY

Good morning. My name is Robin Huseby, and I am Executive Director of the Commission on Legal Counsel for Indigents.

Our agency is funded in two ways; the majority of our budget is comprised of general fund monies. We also have a special fund, a continuing appropriation by statute, which is funded through court fees in particular, the court administration fund (\$100.00 paid by defendants), §29-26-22. This is the fee that we split with the court improvement fund to renovate courtrooms. We collect approximately \$1.6-1.7 million a biennium from this fund. We also receive, as defendant fees, a \$35.00 'application' fee from those who apply for indigent legal services. §29-07-01.1. We collect about \$1,000,000.00 a biennium from this fee. Our revenues into our special fund have been quite consistent over the years. That is, unlike some fees, Judges generally throughout the state collect these fees. The application fee appears to be waived more than the court administration fee.

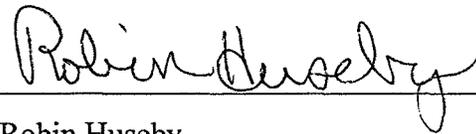
There is another fee that can be imposed upon the defendant, that being the 'reimbursement of attorney fees'. §29-07-01. 2(b). Per the statute, our agency sets a presumed rate of reimbursement that a Judge shall order a defendant to make, unless the defendant is unable to pay, and that amount goes into the general fund. We may be introducing a bill that would have those revenues go into our special indigent defense fund. Now the collection of this fee, unlike the court administration fee, varies greatly from jurisdiction to jurisdiction. Using Judge Racek's numbers, the general fund receives approximately \$350,000.00 a biennium from reimbursement assessments.

I spoke to Judge Racek last week and heard him today with his concerns. I am not necessarily opposed to a change as I really don't have enough information on what a new fee would look like with a split up between the various funds. I am concerned about whether a new super fee, so to speak, will affect collections for our special fund. It is an unknown. Right now the Judges are consistently collecting our administration fee and application fee, and my concern would be if there would be more inclination to waive the larger fee. I don't know the answer. Also, in assessing one large fee with each separate fund receiving a percentage of that, I guess I'm curious on how those counties and districts would react that work really hard to collect the

fees; such as Burleigh or Ward for the victim witness fee that I believe Ms. Roza Larson has supplied you with information on, and then give them the same percentage of that fee as a county who , for whatever reason, doesn't have the practice of collecting the fee. I don't know that I want to be part of an experiment to see how this change might affect collections as I'm scrambling for money as it is and a decrease in our special fund would be a real step backwards for us.

I'm somewhat uneasy in being tied into a percentage that remains the same for at least two years. What if , in those two years, for whatever reason a judge or certain judges decide not to collect some fees; our percent remains the same but our amount does not. I would like to hear more on what exactly the bill would look like.

Dated this 23rd day of January, 2014

A handwritten signature in cursive script that reads "Robin Huseby". The signature is written in black ink and is positioned above a horizontal line.

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