

# Board Action Request ( 08-0115 )

03/13/08 - RBA status was changed from Addendum to Referred to Committee by Roshonda A Royston

<b>County Administrators Recommendation:</b> Recommend Approval	<b>Request Type:</b> Addendum
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**Originating Department:** Criminal Justice Administration

**Immediate Approval?**

**Item:**

Agmt A080303 with the Hennepin County Bar Association to provide legal counsel for indigent respondents in Hennepin County Mental Health Court, 4/01/08-3/31/10, NTE \$2,341,930

**Board Action Requested:**

BE IT RESOLVED, that Agreement A080303 with the Hennepin County Bar Association to provide legal counsel for indigent respondents in Hennepin County Mental Health Court during the period April 1 2008 through March 31 2010 in an amount not to exceed \$2,341,930 be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the County; and that the Controller be authorized to disburse funds as directed.

**Background:**

**STORY**

A court stipulation and order entered in the US District Court required Hennepin County to establish a procedure for the creation of a panel of qualified attorneys from which appointments would be made to provide legal services under the Minnesota Comprehensive Mental Health Act (Minnesota Statute Sections 245.461 to 245.4887).

Upon the Court's transfer to the state, County Administration assumed responsibility for the oversight of the contract to provide legal services. In August 2005, County Administration issued a request for proposals for commitment defense legal services. Two proposals were received and discussed with the Board in December 2005. At that time, rather than enter into a new agreement, the board approved an amendment to a previous agreement between Hennepin County and the Bar Association (Resolution 05-12-647R1 which extended that agreement through March 31 2006 and authorized the County Administrator to negotiate a new two-year agreement in which the new Attorney Coordinator is named and a continuous evaluation process is outlined.

The Bar Association appointed an Attorney Coordinator in 2006. An evaluation and improvement process was established. The Bar Association contracts with the Minnesota Disability Law Center to consult on the rules and procedures for evaluating attorneys serving on the mental health defense panel. All planned appeals will be reviewed by a three member panel. The contract was then renewed for the period of 04/01/06-03/31/08 (Resolution 06-174). This request will put another two-year contract in place for the time period of 4/1/08 3/31/10.

In 1980 the Vickerman Consent Decree set the reasonable rate of hourly compensation for attorneys representing respondents to civil commitment petitions at \$40 per hour In 1987 the rate rose to \$50 per hour In 1991 the Board unilaterally increased the rate to \$60 per hour In 1995 as a sign of good faith while implementing cost containment initiatives, Commitment Defense Panel accepted a reduction of the rate to \$55 per hour In conjunction with the success of the cost containment efforts the hourly rate was restored to \$60 in 2000 and has remained at that level. Thus, current attorney panel members are being paid at the same rate that was implemented by the Board 17 years ago. Compensation rates for comparable work reflects a range from \$75.00 to \$90.00.

Compensation Rates for Comparable Work  
Second Judicial District Automatic COLA  
Sixth Judicial District \$75/hour  
Seventh Judicial District \$75/hour

Eighth Judicial District \$75/hour

Crow Wing County \$75/hour

anti County \$75/hour

supreme Court Appeals Panel for Special Review Board Orders \$75/hour (increase to \$90/hour currently under consideration)

Sherburne County \$85/hour

MN Federal District Court Public Defender Conflicts Panel \$90/hour

#### CURRENT REQUEST

Agreement A080303 with the Hennepin County Bar Association reflects rate increases from \$60/hour to \$65/hour for the period of 4/01/08 through 3/31/09 and to \$70/hour for the period of 4/1/09-3/31/10. The administrative fee increases by 2.5% for the entire contract period. The new NTE for administrative fees is \$222,500 (\$111,250 per year); and the NTE for attorney's fees is \$2,119,430. Travel costs are figured at \$40 per hour

#### New Contract

		Contract Period	Expenditure Amount	Receivable Amount	Net Amount	
Contractor:	Hennepin County Bar Association	From: 04/01/2008	\$2,341,930.00		\$2,341,930.00	Funding Source:
Contract #:	A080303	To: 03/31/2010				Budgeted:
Vendor #:	C15091339					Encumbered:
AA Code:						Sub W-9:
GL Number:	10-52442-237000					
Project #:			\$2,341,930.00		\$2,341,930.00	

Contact Name:

Contact Phone:

Created Date:

Board Agenda Number: 8583

Committee Agenda Number:

Additional Readers:

Are Certified Copies Required?

#### History

03/18/2008 Exported from Lotus Notes 03/13/08 RBA status was changed from Referred to Committee to Addendum by Roshonda A Royston 03/12/2008 RBA forwarded with County Administrators Approval by Richard P Johnson with a status of Referred to Committee 03/12/2008 Advanced to Richard P Johnson County Administrator with a status of New 03/12/2008 Request Approved/Forwarded to County Admin. ( Melissa Booth ) by Gothriel La-Fleur 03/03/2008 Request Forwarded to Dept. Head ( Gothriel La-Fleur ) for approval by Bradley J. Kaeter 03/03/2008 Request Submitted For Approval by Jan L. Craig 02/19/2008 New Request Created by Jan L. Craig