

**JUDICIAL PROCESS COMMITTEE
JAMESTOWN, NORTH DAKOTA**

My name is Bonnie Johnson and I serve as the Cass County Administrator. In that capacity, I am here today to speak on behalf of the Cass County Board of Commissioners regarding indigent defense.

For many years, indigent defense costs were a part of the budget belonging to the Clerk of County Court and later to the Clerk of District Court. They began at a time when counties had their own court systems...known as County Court. Those court services were merged with the State District Court and ultimately the Clerk of Court became a part of state government, tied directly to the judiciary.

During this court consolidation, the payment of indigent defense (public defenders) also became a part of the state's obligation for criminal cases. But, we forgot to change the corresponding sections of law for civil cases. Since the county government has no court system and no clerk of court, these costs became "homeless". They didn't belong in any budget for any county office. In Cass County, the 2010 budget for the public defender costs for civil cases is set at \$56,000, the Guardian Ad Litem fees for civil cases are set at \$40,000, and sexual predator defense is set at \$20,000.

They are contained in the County Commissioners budget....but they are certainly not expenses of the Board of Commissioners. We should not overlook the fact that court costs belong with the court systems.

The state indigent defense fund resulted from an interim study, committees and earlier legislation at which Cass County testified. This bill, as drafted, corrects some of the deficiencies which were overlooked during court consolidation, and the creation of the public defenders (indigent defense) services. This draft would include additional options of the indigent services made available by the courts.

The last time counties introduced indigent defense bills to transfer costs (civil indigent defense, sexual predator and guardian ad-litem costs), from the counties to the state, where they belonged, the bill was defeated because of a \$200,000 fiscal note attached. So, county government was left, once again, paying state court program expenses. In Cass County, these total costs are now \$116,000 per year. Yet, any single protracted case can effectively drain any county's reserve funds.

While the state public defender's office might tell you they are not equipped to handle more cases or have no structure to gauge services provided to indigent defendants, I can assure you they are much more "equipped" and have much better "standards" than county commissioners.

Thank you for the opportunity to talk with you about this issue.