

**Commission on Legal Counsel for Indigents
Budget No. 188
Senate Bill Nos. 2022 and 2226**

	FTE Positions	General Fund	Other Funds	Total
2025-27 legislative appropriation	43.00	\$25,568,310	\$2,049,216	\$27,617,526
2023-25 legislative appropriation	<u>41.00</u>	<u>20,999,305</u>	<u>2,023,067</u>	<u>23,022,372</u>
2025-27 appropriation increase (decrease) to 2023-25 appropriation	2.00	\$4,569,005	\$26,149	\$4,595,154

Item Description

Full-time equivalent changes - The Legislative Assembly approved 43 FTE positions for the Commission on Legal Counsel for Indigents for the 2025-27 biennium, an increase of 2 FTE positions from the 2023-25 biennium. The Legislative Assembly added 2 FTE investigator positions.

New and vacant FTE pool - The Legislative Assembly transferred \$554,757 for the new and vacant FTE pool line item for the commission for 2 new FTE positions (\$325,908) and estimated savings from vacant positions (\$228,849).

New compensation strategy and increase contract rate - The Legislative Assembly appropriated \$2.5 million from the General Fund to the commission to implement a new compensation strategy and to increase the contract rate paid to attorneys.

Initial appearance services - The Legislative Assembly, in Senate Bill No. 2226, appropriated \$463,644 from the General Fund to the commission to provide legal services at the initial court appearance for all persons who are in custody.

Court case assignments - The commission provides legal representation for indigent persons in cases where the person has a right to an attorney under the United States Constitution, Constitution of North Dakota, or North Dakota Century Code. If a court determines a person who has been charged with a crime is indigent, the court will assign the case to the commission.

Status/Result

The commission filled the 2 new FTE investigator positions in September 2025.

The commission has received \$325,908 from the new and vacant FTE pool to fill 2 new FTE positions. Through January 2026, the commission had estimated vacant FTE position savings of \$411,719. The office used \$260,041 of the savings for accrued leave payouts and contract services to provide legal counsel for indigents. The number of vacancies in the office has ranged from seven to two with an average monthly vacancy rate of 4.29 FTE positions.

The commission implemented a new salary package based on a step system and increased the contract rate from \$80 to \$90 per hour. Of the \$2.5 million appropriated, approximately \$1.3 million is budgeted for the increased contract rate and \$850,000 is budgeted for increased salaries. The remaining funds will be used for any additional step system salary increases and potential changes in case numbers or cost.

The commission utilized 2 vacant FTE positions to hire staff to represent individuals at their initial court appearance in Cass County and Ward County and has contracted with attorneys to represent individuals at initial appearances in the remaining counties. The commission began providing representation in initial appearance cases in December 2025 and is averaging 611 initial appearance cases per month.

The following is a summary of court cases assigned to the commission, excluding initial appearance cases. The commission projects a total of 31,595 cases for the 2025-27 biennium.

Judicial District	Actual Cases		
	2019-21 Biennium	2021-23 Biennium	2023-25 Biennium
East Central	8,156	8,696	9,102
North Central	3,010	3,031	2,989
Northeast	2,301	2,603	2,643

Judicial District	Actual Cases		
	2019-21 Biennium	2021-23 Biennium	2023-25 Biennium
Northeast Central	2,784	3,857	3,878
Northwest	2,826	2,393	2,622
South Central	7,844	8,079	8,540
Southeast	2,310	2,320	2,068
Southwest	1,344	1,367	1,334
Total	30,575	32,346	33,176