

T H E S P A N G E N B E R G G R O U P

Rates of Compensation for Court-Appointed Counsel in Non-Capital Felonies at Trial, 1999 1999 Update¹

State	Hourly Rate		Per Case Maximum	Is Maximum Waivable?	Flat Fee	Contract Amount	Authority
	Out of Court	In Court					
Alabama	\$30 ²	\$50	Class A Felony: \$3,500 Class B Felony: \$2,500 Class C Felony: \$1,500	Yes			Code of Alabama §15-12-21
Alaska	\$50	\$60	\$4,000	Yes		\$65-\$100 per hour	2 AA.C.60 Alaska Administrative Code
Arizona	Varies	Varies	Varies	Yes	Varies	\$700-\$8,000 ³	Az. Rev. Stat. Ann. §13-4013(a) grants authority to local court. In Pima and Maricopa counties, contracts are negotiated and administered by independent agencies.

¹This is an update to the table produced in 1997.

²As of October 1, 2000, in-court payment will be increased to \$60 per hour and out-of-court work will be reimbursed at a rate of \$40 per hour

³ In Maricopa County, attorneys with felony contracts receive \$700 per case and attorneys with major felony contracts receive \$8,000 per case. In Pima County, contract attorneys receive a flat fee of \$800 for Group A felonies, with \$50/hour additional after 3 trial days and 40 hours pretrial work, and they receive a flat fee of \$3,000 for Group B felonies, with \$50 per hour additional after 5 days of trial.

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Arkansas	Varies; \$80-\$85 is a typical rate.		Varies	Varies			Arkansas Code Annotated §16-87-209(f) grants authority to local judge to set the rates, while §16-87-2121 authorizes the Public Defender Commission to pay appointed counsel fees.
California	Varies. In San Francisco: \$65 for felonies and \$80 for serious or life felonies with no maximum				Varies. In Orange Co.: Plea - \$900 Trial - \$1,160 + \$400/full day in trial; \$225/half day in trial		California Penal Code §98.7.2
Colorado	Type A: \$51 Type B: \$47		Felony 2 (trial): \$5,000 Felony 2 (no trial): \$2,500 Felony 3 (trial): \$3,500 Felony 3 (no trial): \$1,750	Yes			Rates set by Chief Justice Directive 97-01, per Colorado Revised Statutes §21-2-105
Connecticut	\$40	\$60	None		Judicial District cases: \$500/case Geographical Area cases: \$250/case	Same as hourly rates when case goes to trial	Appointed Counsel rates are set by the State Public Defender and approved by the Public Defender Commission pursuant to §591-293 CGS, established in accordance with C.G.S. §51-291(12).

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Delaware	\$50 ⁴		None	Yes		Approximately \$42,620 per year, plus up to \$12,000 per year for Class A felony appointments.	Delaware Code Annotated 29 §4605 grants authority to Supreme Court.
D.C.	\$50	\$50	\$2,450 ⁵	Yes			D.C. Code Ann. Sec. 11-2604(a)
Florida	Varies ⁶ In Dade County: \$40 \$50		Non-Capital, non-life felonies: \$2,500; Life felonies: \$3,000	Yes			Florida Statutes §925.036 grants authority to set hourly rates to Chief judge or Senior judge of the circuit.
Georgia	\$45	\$60 ⁷	Non-Capital Felonies: \$2,500 Capital Felony where the death penalty is not sought: \$5,000	Yes			Georgia Code Annotated §17-12-5 grants authority to local court.

⁴Hourly rate applies only to attorneys not on contract.

⁵No attorney can earn more than \$96,000 annually on court appointments in D.C.

⁶This cost was voted in 1998 to be shifted to the State.

⁷Hourly rates apply to the 141 of 159 counties that meet GIDC Standards.

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Hawaii	\$40	\$60	\$3,000	Yes			H.R.S. § 802-5(b)
Idaho	Varies. Typical: \$40 \$50		None				Idaho Code §19-860(b) grants authority to local judge.
Illinois	\$30	\$40	\$1,250	Yes			I.L.C.S. 5/113-3(c)
Indiana	\$60 ⁸		None			Generally receive \$20,000-\$30,000 part-time annually; varies by county	Knox County Counsel v. State ex rel Kirk, 29 NE 2d 405 (1940 Ind.) grants authority to judges to set hourly rates.
Iowa	Class A felony: \$60 \$60 Class B felony: \$55 \$55 Other: \$50 \$50		Class A felony: \$15,000 Class B felony: \$3,000 Class C felony: \$1,200 Class D felony: \$1,000			Class A felony: \$60 \$60 Class B felony: \$55 \$55 Other: \$50 \$50	I.G.S. §815.7 sets the rates. I.G.S. §13.B.4(3) grants the State Public Defender authority to contract with attorneys, and State Public Defender Admin. Rules set out fee limitations.

⁸In those counties that meet Indiana Public Defender Commission Standards for Indigent Defense Services in Non-Capital Cases.

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Kansas	\$50	\$50	\$5,000	Yes			K.S.A. 22-4501 et seq. grants authority to Kansas State Board of Indigents' Defense Services.
Kentucky	Non-violent felonies: \$40 Violent felonies subject to 85% parole eligibility: \$50		Non-violent felonies: \$1800 Violent felonies subject to 85% parole eligibility: \$3,000	No			K.R.S. Ann. 31.170(4)
Louisiana	Varies; \$42 is typical rate.		None				La. Code Crim. Proc. Sec. 15-144 et. seq.
Maine	\$40 ⁹	\$40	\$2,500	Yes			Maine Revised Statutes Annotated Title 15 §810 grants authority to Superior Court.
Maryland	\$30	\$35	\$1,000	Yes			Annotated Code of Maryland Art.27 §6(d) grants Public Defender authority to promulgate administrative law.

⁹As of July 1, 2000, rates will be increased to \$50/hour for in-court and out-of-court work.

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Massachusetts	No distinction between in and out of court rates. \$54: murder cases \$39: superior court felonies and youthful offender cases \$30: all other criminal cases, excluding murder cases and superior court felonies		None				Massachusetts General Laws Annotated Chapter 211D §11 grants authority to Committee for Public Counsel Services and legislative approval of rates.
Michigan	Varies widely		Varies				Michigan Compiled Laws Annotated §775.16 grants authority to presiding judge.
Minnesota	\$50	\$50	None			Salaried contract defenders earn between \$32,000 and \$70,000 per year depending on experience and size of contract.	No official authority; Public Defender establishes rates.

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Mississippi	Varies from county to county.		\$1,000 plus overhead expenses which are presumptively set at \$25 per hour. <i>Wilson v. State</i> , 574 So.2d 1338 (1990)	No			Miss. Code Ann. §99-15-17
Missouri	Rarely Used.			Yes	A/B felony: \$400-\$500 C/D felony: \$300 Trial: \$1,000		Mo. Rev. Stat. Sec. 600.017 grants authority to State Public Defender.
Montana	Varies. Typical: \$60 \$60		None				Montana Code Ann. §46-8-201(1) grants authority to local judge.
Nebraska	Varies. Typical: \$60 \$60 Omaha: \$45 \$65		Typically there is no maximum, but Omaha uses \$3,500	Yes			Nebraska Code 29-1804.12 grants authority to local judge.
Nevada	\$75		\$2,500 if facing less than life without parole	Yes			N.R.S. 7.125

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New Hampshire	\$60	\$60	\$3,000	Yes			Part 2 Art. 73A of New Hampshire Constitution grants authority to State Supreme Court.
New Jersey	\$25	\$30	None	Yes			N.J.S.A. §2A: 158A-7 grants authority to the New Jersey Public Defender.
New Mexico	Rarely Used.					Varies; \$500-\$600 per case is basic rate. Additional \$700 for 1st/2nd degree cases at trial; additional \$500 for 3rd/4th degree cases at trial.	New Mexico Statutes Annotated §31-15-7(11) authorizes Chief Public Defender to formulate a fee schedule.
New York	\$25	\$40	\$1,200	Yes			Article 18-B of the County Law §722-b
North Carolina	Varies widely.		None				General Statutes of North Carolina §7A-452 grants authority to local judge.

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North Dakota	Varies Typical: \$50-\$85		None			Varies by judicial district: State's goal is \$60-\$65 per hour	
Ohio	Varies. Average rate paid in FY 1997 was \$31 per hour. Public Defender Standards recommend: \$40 \$50		Public Defender Commission recommends: Aggravated Murder: \$8,000 (2 attorneys), \$6,000 (1 attorney); Murder: \$3,000; Aggravated Felony: \$2,000; Other Felonies: \$1,500.	Yes			Ohio Revised Code Annotated §120.33 grants local board of county commissioners authority to set rate after soliciting local bar association for proposed rate schedule. ¹⁰
Oklahoma	\$40	\$60 ¹¹	\$3,500 ¹²	Yes		Varies	22 Oklahoma Statutes §1355.8.G.2 establishes hourly rates; §1355.8c authorizes the Oklahoma Indigent Defense System Board to award contracts for the representation of indigents.

¹⁰ Ohio Revised Code Annotated §120.04(7) authorizes State Public Defender to set rates at which Ohio Public Defender Commission will reimburse counties.

¹¹ In cases not under contract with Oklahoma Indigent Defense System and outside of Tulsa and Oklahoma counties.

¹² Ibid.

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Oregon	\$40	\$40 ¹³	None				O.R.S. §151.430(5) grants authority to State Court Administrator, but O.R.S. Ann. 135.055 sets min. hourly rate at \$30/ hour.
Pennsylvania	Varies. As of Spring 1997, rates in Philadelphia County shifted to a per diem basis.		None				Pennsylvania Statutes Annotated Article 13A §9960.7 grants authority to local judge.
Rhode Island	Felony 1: \$50 \$50 Felony 2: \$35 \$35		Felony 1: \$5,000 Felony 2: \$2,500	Yes			General Laws of the State of RI §8-15-2 vests authority w/ Chief Justice. Supreme Court Executive Order No. 95-01
South Carolina	\$40	\$60	\$3,500	Yes			Code of Law of S.C. Ann. §17-3-50
South Dakota	\$55	\$55	None				S.D.C.L. §23A-40-8 grants authority to local judge of circuit or county court.

¹³Some counties require payment of \$50 per hour in Class A Measure 11 felony cases.

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Tennessee	\$40	\$50	\$1,000	Up to \$3,000			Supreme Court Rule 13
Texas	Varies widely		Varies widely			Varies widely	Texas Statutes Annotated Art. 26.05 grants authority to local judge.
Utah	Varies						Utah Code Annotated §77-32-3(3) grants authority to district court.
Vermont	\$50	\$50	Felony involving life in prison: \$25,000 Major felony: \$5,000 Minor felony: \$2,000	Yes		\$48,000-\$54,000 per contractor based on experience; extra \$7,500 for murder or attempted murder cases	13 V.S.A. §5205(a) and administrative order of the Vermont Supreme Court
Virginia	\$40	\$60	\$845 to defend charges punishable for more than 20 years; \$305 to defend other felony charges.	No			Code of Virginia §19.2-163(a) establishes maximum per case payments. Pursuant to §2.1-204, the Supreme Court of Virginia establishes hourly rates.

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Washington	Varies from \$33-\$60 King County: \$33 Pierce County: \$50 Spokane County: \$40 Whatcom County: \$60		Varies. King: \$550 Pierce: \$5,000 Spokane: \$4,000 Whatcom County: none	Varies			Revised Code of Washington Annotated §36.26.090 grants authority to court.
West Virginia	\$45	\$65	\$3,000	Yes			West Virginia Code Ann. §29-21-13a
Wisconsin	\$40 plus \$25 per hour for travel	\$40	None				Wisconsin Statutes Annotated §977.08(4m)
Wyoming	\$25-\$50		None				Wyoming Rules of Criminal Procedure Rule 44(e)
U.S. Government	\$45	\$65 ¹⁴	\$3,500	Yes			18 USC §3006 A (d)

¹⁴Up to \$75 per hour can be authorized for work in and out of court.

