

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
Alabama	\$70	Class A Felony: \$4,000 Class B Felony: \$3,000 Class C Felony: \$2,000 Misdemeanors: \$1,500	2011
Authority: Code of Alabama 1975 § 15-12-21			
Alaska	\$60 in court \$50 out of court	<i>Felony Trial: \$4,000</i> <i>Felony disposition without trial: \$2,000</i> <i>Misdemeanor trial: \$800</i> <i>Misdemeanor Disposition without trial: \$400</i>	1986
Authority: Alaska Administrative Code Title 2 § 60.010			
Arizona	Varies by county Maricopa County (Phoenix) \$70 for major felonies (such as murder or manslaughter) Uses a flat fee for other charges Class 1,2,3 Felony: \$1,250 Class 4,5,6 Felony: \$900 Misdemeanor: \$400	None	2005
Authority: Arizona Revised Statute § 13-4013(A): Compensation for services rendered to the defendant shall be in an amount that the court in its discretion deems reasonable, considering the services performed.			
Arkansas	Class A or Y Felony: \$70 - \$90 Other felony: \$60 - \$80 Misdemeanor: \$50 - \$80 Travel hours paid at ½ hourly rate	None	2012
Authority: Arkansas Code Annotated § 16-87-211(b)(2)2001 Directs the Arkansas Public Defender Commission to establish rates Payment & Expense Reimbursement Guidelines2012			

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
California	Varies by county	None	1951
	San Francisco Superior Court Indigent Defense Administration: Serious felonies: \$106 Felonies: \$89 Misdemeanors: \$66		
	Authority: California Penal Code § 987.2: Assigned counsel shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court		
Colorado	Type A Felony: \$68	<i>Class 1 Felonies with trial / without trial:</i> \$24,000 / \$12,000	2008
	Type B Felony: \$65	<i>Class 2 Felonies with trial / without trial:</i> \$10,000 / \$5,000	
	Misdemeanors: \$65	<i>Class 3 - 6 Felonies with trial / without trial:</i> \$6,000 / \$3,000 <i>Misdemeanors with trial / without trial:</i> \$2,000 / \$1,000	
	Authority: Chief Justice Directive 04-04		
Connecticut	Felony: \$75	Most cases are handled through flat rate contracts:	2013
	Misdemeanor: \$50	Class A and B Felonies: \$1,000 per case Class C Felony and Misdemeanor: \$350 per case	
	Authority: Connecticut Public Defender Services Commission		
Delaware	\$60 maximum	<i>Felonies: \$2,000</i> <i>Misdemeanors: \$1,000</i>	2012
	Authority: Rules of Criminal Procedure for the Superior Court of the State of Delaware Rule 44(c)(1)		

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
Florida	Flat rate which varies depending on the offense charged	<i>Statutory Maximums</i> <i>Life felony: \$3,000</i> <i>Felony: \$2,500</i> <i>Misdemeanor: \$1,000</i> <i>Flat Rates</i> <i>Life felony: \$2,500</i> <i>Felony: \$750 to \$1,500</i> <i>Misdemeanor: \$400</i>	2003
Authority: Florida Statute Annotated § 27.5304 (sets maximum compensation) & Annual General Appropriations Act (sets flat rate)			
Georgia	Georgia Public Defender Standards Council contracts with individual attorneys	Flat fee structure authorized by statute	2011
Authority: Code of Georgia Annotated § 17-12-22			
Hawaii	\$90	<i>Felony: \$6,000</i> <i>Misdemeanor jury trial: \$3,000</i> <i>Misdemeanor: \$1,500</i> <i>Petty Misdemeanor: \$900</i>	2005
Authority: Hawaii Revised Statute § 802-5			
Idaho	The court shall prescribe a reasonable rate of compensation	None	1998
Authority: Idaho Official Code § 19-860(b)			
Illinois	For Cook County \$40 in court \$30 out of court All other counties establish rates independently	<i>For Cook County</i> <i>Felony: \$1,250</i> <i>Misdemeanor: \$150</i>	2000
Authority: 725 Illinois Compiled Statutes § 5/113-3			

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
Indiana	Determined by court	None	2012
	Indiana Public Defender Commission Standards: Not less than \$70		
	Authority: Indiana Code 33-40-8-2 &2004 Indiana Public Defender Commission Standards for Indigent Defense Services in Non-Capital Cases2012		
Iowa	State Public Defender authorized to use flat fee contracts	State Public Defender has established fee limitations Class A Felony: \$18,000 Class B Felony: \$3,600	2007
	If not under contract then Class A Felony: \$70 Class B Felony: \$65 All other charges: \$60	Class C & D Felonies and Aggravated Misdemeanors: \$1,200 Serious Misdemeanors: \$600 Simple Misdemeanors: \$300	
	Authority: Iowa Code Annotated § 13B.4 (flat fee contracts) & Iowa Code Annotated § 815.7 (hourly rates)		
Kansas	\$80 an hour but can be lowered by the Chief Judge of any Judicial District or the Kansas Board of Indigent Defense Services	<i>Kansas Board of Indigent Defense Services sets maximum fees for some felonies: Varies from \$930 to \$1,240</i>	2007
	Rate set by Board: \$62		
	Authority: Kansas Statutes Annotated § 22-4507 & Kansas Administrative Regulations 105-5-2, 105-5-6		
Kentucky	Department of Public Advocacy uses mostly flat fee contracts but has proposed hourly rates of \$100 for felonies and \$75 for misdemeanors	Department of Public Advocacy uses mostly flat fee contracts but has proposed caps ranging from \$2,500 for class A felonies to \$375 for misdemeanors in non-trial cases	2002
	Authority: Kentucky Revised Statutes Annotated § 31.235		

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
Louisiana	Uses flat fee Contracts	None	2007
Authority: Louisiana Revised Statutes Annotated § 15:147			
Maine	\$50	<i>Class A Crime (max. sentence of 30 years): \$2,500</i> <i>Class B & C Crimes against a person (max. sentence of 10 & 5 years respectively): \$1,875</i> <i>Class B & C Crimes against property (max. sentence of 10 & 5 years respectively): \$1,250</i> <i>Class D & E Crimes against a person (max. sentence of 1 year & 6 months respectively): \$625 in Superior Court or \$450 in District Court</i>	2012
Authority: Code of Maine Rules § 94-649, Chapter 301			
Maryland	Maryland Administrative Code calls for the same hourly rate as federal panel attorneys "as the annual budget permits" Current rate: \$50	Felonies: \$3,000 Misdemeanors: \$750	2008
Authority: Maryland Code of Criminal Procedure § 16-207 Maryland Administrative Code 14.06.02.06			
Massachusetts	\$60 in Superior Court \$50 in District Court	None+	2011
Authority: Massachusetts General Laws Annotated 211D § 11			

+There is no per case maximum but there is an annual cap on billable hours of 1,650.

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
Michigan	<p>Varies by County: Reasonable compensation as determined by the chief judge</p> <p>In Wayne County (Detroit) attorneys are initially paid a flat fee based on the possible sentence and are then paid by the "event."</p> <p>Initial flat fee for case with potential sentence of 5 years: \$250 5 - 10 years: \$300 10 - 20 years: \$350</p> <p>For a "Disposition Conference" that results in: a dismissal \$130 a guilty plea \$350</p> <p>Sentencing: \$60 Evidentiary Hearing: \$80 Jury Trial ½ day: \$90</p>	<p>Counties often use flat fee contracts</p>	1981
Authority: Michigan Compiled Law Annotated 775.16 § 11			
Minnesota	<p>State Board of Public Defense determines compensation rates but relies on flat fee contracts</p>	<p>Relies on flat fee contracts</p>	1991
Authority: Minnesota Statutes Annotated § 611.215			
Mississippi	<p>Judge approves amount of compensation</p>	<p>\$1,000 in Circuit Court \$200 if the case does not originate in a court of record</p>	1971
Authority: Mississippi Code Annotated § 99-15-17			

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
Missouri	Public Defender Commission uses flat fee contracts with individual attorneys Class A or B Felony \$750 to \$2,000 Class C or D Felony \$750 to \$1,500 Misdemeanor \$375	Additional compensation is provided if the case goes to trial	1982
<hr/> Authority: Missouri Revised Statutes § 600.042 <hr/>			
Montana	\$60 Plus an additional office stipend of \$25 per month	None	2012
<hr/> Authority: Montana Code Annotated § 47-1-2162005 The Montana Public Defender Commission has the authority to set rates of compensation Office of State Public Defender Administrative Policy 130: Fee Schedule 20122012 <hr/>			
Nebraska	Varies by county Lancaster County (Lincoln): \$75 District Court \$50 County Court	None	1995
<hr/> Authority: Revised Statutes of Nebraska § 29-3927 Empowers the Commission on Public Advocacy to set rates <hr/>			
Nevada	\$100	<i>Felony or Gross Misdemeanor: \$2,500</i> <i>Misdemeanor: \$750</i>	2003
<hr/> Authority: Nevada Revised Statutes Annotated § 7.125 <hr/>			

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
New Hampshire	\$60	<i>Felonies: \$4,100</i>	2008
		<i>Misdemeanors: \$1,400</i>	
Authority: Superior Court Rules, Rule 47			
New Jersey	\$60 in court	None [≠]	2012
	\$50 out of court		
Authority: New Jersey Statutes Annotated § 2A:158A-71967			
Empowers the Public Defender to establish rates			
Office of the Public Defender Pool Attorney Application Process.....2012			
New Mexico	New Mexico Public Defender Department uses flat fee contracts	Flat fee based on seriousness of the offense	2012
		Felonies 1st Degree: \$700 2nd Degree: \$650 3rd Degree: \$595 4th Degree: \$540 Misdemeanor: \$180	
Authority: New Mexico Statutes Annotated § 31-15-7(11)1978			
Empowers the New Mexico Public Defender Department to establish rates			
Contract Counsel Legal Services Requests for Proposals.....2012			
New York	Felony: \$75	<i>Felony: \$4,400</i>	2003
	Misdemeanor: \$60	<i>Misdemeanor: \$2,400</i>	
Authority: New York County Law § 722-b			

[≠]Attorneys may only bill up to 9 hours on any given day.

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
North Carolina	Class A – D	None	2012
	Felonies: \$70		
	All other cases in District Court: \$55		
	Authority: General Statutes of North Carolina § 7A-498.5		2001
	Office of Indigent Defense Services sets rates		
	Private Assigned Counsel Rates	2012	
<hr/>			
North Dakota	\$75	<i>Presumed rates</i>	2012
		<i>Felony: \$525 (7 hours worked)</i>	
		<i>Misdemeanor: \$300 (4 hours worked)</i>	
	Authority: North Dakota Century Code § 29-07-0.1.1		2005
	The Commission on Legal Counsel for Indigents sets rates		
	Presumed Rate for Attorney Fee Reimbursement	2012	
<hr/>			
Ohio	\$60 in court	<i>Felonies</i>	2003
	\$50 out of court	<i>1st to 3rd Degree: \$3,000</i>	
		<i>4th and 5th Degree: \$2,500</i>	
		<i>Misdemeanors: \$1,000</i>	
Authority: Ohio Revised Code § 120.041975		1975	
	Ohio Public Defender sets assigned counsel rates and maximum levels of compensation		
	Standards & Guidelines for Appointed Counsel Reimbursement	2000	
	State Maximum Fee Schedule	2003	
<hr/>			
Oklahoma	Oklahoma Indigent Defense System uses flat fee contracts	<i>Felony: \$3,500</i> <i>Misdemeanor: \$800</i>	1993
	Authority: Oklahoma Statutes Title 22 § 1355.8		
	<hr/>		

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
Oregon	\$45	None	2013
<hr/>			
Authority: Oregon Revised Statutes § 151.2162001			
Oregon Public Defense Services Commission sets rates			
Public Defense Payment Policies and Procedures2013			
<hr/>			
Pennsylvania	Varies by county Judge determines reasonable compensation	Some counties use flat fee schedules Alleghany County (Pittsburgh) Preparation for Serious felonies (rape, robbery, child abuse): \$1,500 All other cases: \$500 Preliminary hearings: \$250 Trial ½ day: \$250 Trial full day: \$500	1969
<hr/>			
Authority: 16 Pennsylvania Consolidated Statutes § 9960.7			
<hr/>			
Rhode Island	Class 1 Felony: \$90 Class 2 Felony: \$60 Misdemeanor: \$50	<i>Class 1 Felony: \$10,00</i> <i>Class 2 Felony: \$5,000</i> <i>Misdemeanor: \$1,500</i>	2012
<hr/>			
Authority: General Laws of Rhode Island § 8-15-21956			
Chief Justice of the Supreme Court has authority to set rates			
Supreme Court Executive Order No. 2016-062012			
<hr/>			
South Carolina	\$60 in court \$40 out of court	<i>Felony: \$3,500</i> <i>Misdemeanor: \$1,000</i>	1993
<hr/>			
Authority: Code of Laws of South Carolina § 17-3-50			
<hr/>			

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
South Dakota	\$84	None	2013
<p>Authority: South Dakota Codified Laws § 23A-40-81983 Judge has authority to set rates Unified Judicial System Policy regarding court appointed attorney fees2013</p>			
Tennessee	\$50 in court \$40 out of court	<i>Felony: \$1,500</i> <i>Misdemeanor: \$1,000</i>	2005
<p>Authority: Tennessee Supreme Court Rule 13</p>			
Texas	Varies by county Average payment to defense counsel in the five largest counties (Harris, Dallas, Tarrant, Bexar & Travis) Felony: \$653 Misdemeanor: \$120**	Varies by county	2011
<p>Authority: Texas Code of Criminal Procedure Article 26.05 County judges authorized to set rates</p>			
Utah	Counties often use flat fee contracts Average attorney compensation for felony cases: \$400++	<i>Felony: \$3,500</i> <i>Misdemeanor: \$1,000</i>	1997
<p>Authority: Utah Code Annotated § 77-32-304.5 Trial judge sets rates, subject to statutory maximums</p>			

§ State of South Dakota Unified Judicial System policy is to increase court appointed attorney fees in an amount equal to any cost of living increase for state employees approved by the legislature.

**"Harris County Public Defender Preliminary Report on Operations and Outcomes"
 prepared by the Council of State Governments Justice Center (2012)

++"Failing Gideon: Utah's Flawed County by County Public Defender System"
 American Civil Liberty Union of Utah (2011)

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
Vermont	\$50	<i>Major Felony: \$5,000</i> <i>Minor Felony: \$2,000</i> <i>Misdemeanor: \$1,000</i>	1994
	Authority: 13 Vermont Statutes Annotated Title 13 § 52051981 Courts set rates Supreme Court Administrative Order No. 4.....1994		
<hr/> <hr/>			
Virginia	Attorneys are paid a statutory fee based on the charge	<i>District Court \$240</i> <i>Circuit Court Felony punishable by more than 20 years: \$2,085</i> <i>All other felonies: \$600</i> <i>Misdemeanors punishable by jail: \$158</i>	2013
	District Court \$120		
	Circuit Court Felony punishable by more than 20 years: \$1,235		
	All other felonies: \$445		
	Misdemeanors punishable by jail: \$158		
	Authority: Code of Virginia Annotated § 19.2-1632007 Court sets rates, subject to statutory limits Supreme Court of Virginia Chart of Allowances 2013.....2013		
<hr/> <hr/>			
Washington	Varies by county	Varies by county	1984
	King County (Seattle) Class A Felony: \$70 Class B/C Felony: \$55 Misdemeanor: \$50	Many counties use flat fee contracts	
	Authority: Revised Code of Washington Annotated § 36.26.090 Court awards reasonable compensation		

*Maximum fees listed in italics are subject to waiver under special circumstances.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS 50-State Survey of Trial Court Assigned Counsel Rates for 2013

STATE	HOURLY RATE	MAXIMUM FEE*	YEAR ENACTED
West Virginia	\$65 in court	<i>\$3,000</i>	1990
	\$45 out of court		
Authority: West Virginia Code § 29-21-13(a)			
<hr/>			
Wisconsin	\$40	None	1995
Authority: Wisconsin Statutes § 977.08			
<hr/>			
Wyoming	\$100 in court Maximum	None	2007
	Minimum \$30 and Maximum \$60 for out of court		
Authority: Wyoming Rules of Criminal Procedure Rule 44(e)			

*Maximum fees listed in italics are subject to waiver under special circumstances.

This publication is available online at www.nacdl.org/gideonat50/