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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	*Felony Trial: $4,000* *Felony disposition without trial: $2,000* *Misdemeanor trial: $800* *Misdemeanor Disposition without trial: $400*	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 Guidelines.....2012		

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California	Varies by county San Francisco Superior Court Indigent Defense Administration: Serious felonies: $106 Felonies: $89 Misdemeanors: $66	None	1951
	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 Type B Felony: $65 Misdemeanors:$65	*Class 1 Felonies with trial / without trial: $24,000 / $12,000* *Class 2 Felonies with trial / without trial: $10,000 / $5,000* *Class 3 - 6 Felonies with trial / without trial: $6,000 / $3,000* *Misdemeanors with trial / without trial: $2,000 / $1,000*	2008
	Authority: Chief Justice Directive 04-04		
Connecticut	Felony: $75 Misdemeanor: $50	Most cases are handled through flat rate contracts: Class A and B Felonies: $1,000 per case Class C Felony and Misdemeanor: $350 per case	2013
	Authority: Connecticut Public Defender Services Commission		
Delaware	$60 maximum	*Felonies: $2,000* *Misdemeanors: $1,000*	2012
	Authority: Rules of Criminal Procedure for the Superior Court of the State of Delaware Rule 44(c)(1)		

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Florida	Flat rate which varies depending on the offense charged	*Statutory Maximums* *Life felony: $3,000* *Felony: $2,500* *Misdemeanor: $1,000* *Flat Rates* *Life felony: $2,500* *Felony: $750 to $1,500* *Misdemeanor: $400*	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	*Felony: $6,000* *Misdemeanor jury trial: $3,000* *Misdemeanor: $1,500* *Petty Misdemeanor: $900*	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	*For Cook County* *Felony: $1,250* *Misdemeanor: $150*	2000
	Authority: 725 Illinois Compiled Statutes § 5/113-3		

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Indiana	Determined by court Indiana Public Defender Commission Standards: Not less than $70	None	2012
	Authority: Indiana Code 33-40-8-2 & Indiana Public Defender Commission Standards for Indigent Defense Services in Non-Capital Cases		2004 2012
Iowa	State Public Defender authorized to use flat fee contracts If not under contract then Class A Felony: $70 Class B Felony: $65 All other charges: $60	State Public Defender has established fee limitations Class A Felony: $18,000 Class B Felony: $3,600 Class C & D Felonies and Aggravated Misdemeanors: $1,200 Serious Misdemeanors: $600 Simple Misdemeanors: $300	2007
	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 Rate set by Board: $62	*Kansas Board of Indigent Defense Services sets maximum fees for some felonies: Varies from $930 to $1,240*	2007
	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		

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Louisiana	Uses flat fee Contracts	None	2007
	Authority: Louisiana Revised Statutes Annotated § 15:147		
Maine	$50	*Class A Crime (max. sentence of 30 years): $2,500* *Class B & C Crimes against a person (max. sentence of 10 & 5 years respectively): $1,875* *Class B & C Crimes against property (max. sentence of 10 & 5 years respectively): $1,250* *Class D & E Crimes against a person (max. sentence of 1 year & 6 months respectively): $625 in Superior Court or $450 in District Court*	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.

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

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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
	Authority: Missouri Revised Statutes § 600.042		
Montana	$60 Plus an additional office stipend of $25 per month	None	2012
	Authority: Montana Code Annotated § 47-1-216 ..... 2005 The Montana Public Defender Commission has the authority to set rates of compensation Office of State Public Defender Administrative Policy 130: Fee Schedule 2012 2012		
Nebraska	Varies by county Lancaster County (Lincoln): $75 District Court $50 County Court	None	1995
	Authority: Revised Statutes of Nebraska § 29-3927 Empowers the Commission on Public Advocacy to set rates		
Nevada	$100	*Felony or Gross Misdemeanor: $2,500* *Misdemeanor: $750*	2003
	Authority: Nevada Revised Statutes Annotated § 7.125		

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New Hampshire	$60	*Felonies: $4,100* *Misdemeanors: $1,400*	2008
	Authority: Superior Court Rules, Rule 47		
New Jersey	$60 in court $50 out of court	None≠	2012
	Authority: New Jersey Statutes Annotated § 2A:158A-7 .....1967 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 Felonies 1st Degree: $700 2nd Degree: $650 3rd Degree: $595 4th Degree: $540 Misdemeanor: $180	2012
	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 Misdemeanor: $60	*Felony: $4,400* *Misdemeanor: $2,400*	2003
	Authority: New York County Law § 722-b		

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

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North Carolina	Class A – D Felonies: $70 All other cases in District Court: $55	None	2012
	Authority: General Statutes of North Carolina § 7A-498.5		2001
	Office of Indigent Defense Services sets rates Private Assigned Counsel Rates		2012
North Dakota	$75	*Presumed rates* *Felony: $525 (7 hours worked)* *Misdemeanor: $300 (4 hours worked)*	2012
	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
Ohio	$60 in court $50 out of court	*Felonies* *1st to 3rd Degree: $3,000* *4th and 5th Degree: $2,500* *Misdemeanors: $1,000*	2003
	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 State Maximum Fee Schedule		2000 2003
Oklahoma	Oklahoma Indigent Defense System uses flat fee contracts	*Felony: $3,500* *Misdemeanor: $800*	1993
	Authority: Oklahoma Statutes Title 22 § 1355.8		

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Oregon	$45	None	2013
	Authority: Oregon Revised Statutes § 151.216		2001
	Oregon Public Defense Services Commission sets rates		
	Public Defense Payment Policies and Procedures		2013
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
	Authority: 16 Pennsylvania Consolidated Statutes § 9960.7		
Rhode Island	Class 1 Felony: $90 Class 2 Felony: $60 Misdemeanor: $50	*Class 1 Felony: $10,00* *Class 2 Felony: $5,000* *Misdemeanor: $1,500*	2012
	Authority: General Laws of Rhode Island § 8-15-2		1956
	Chief Justice of the Supreme Court has authority to set rates		
	Supreme Court Executive Order No. 2016-06		2012
South Carolina	$60 in court $40 out of court	*Felony: $3,500* *Misdemeanor: $1,000*	1993
	Authority: Code of Laws of South Carolina § 17-3-50		

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South Dakota	$84	None	2013
	Authority: South Dakota Codified Laws § 23A-40-8 ..... 1983 Judge has authority to set rates Unified Judicial System Policy regarding court appointed attorney fees..... 2013		
Tennessee	$50 in court $40 out of court	*Felony: $1,500* *Misdemeanor: $1,000*	2005
	Authority: Tennessee Supreme Court Rule 13		
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
	Authority: Texas Code of Criminal Procedure Article 26.05 County judges authorized to set rates		
Utah	Counties often use flat fee contracts	*Felony: $3,500* *Misdemeanor: $1,000*	1997
	Average attorney compensation for felony cases: $400++		
	Authority: Utah Code Annotated § 77-32-304.5 Trial judge sets rates, subject to statutory maximums		

§ 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)

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Vermont	$50	*Major Felony: $5,000* *Minor Felony: $2,000* *Misdemeanor: $1,000*	1994
	Authority: 13 Vermont Statutes Annotated Title 13 § 5205		1981
	Courts set rates		
	Supreme Court Administrative Order No. 4		1994
Virginia	Attorneys are paid a statutory fee based on the charge District Court $120 Circuit Court Felony punishable by more than 20 years: $1,235 All other felonies: $445 Misdemeanors punishable by jail: $158	*District Court $240* *Circuit Court Felony punishable by more than 20 years: $2,085* *All other felonies: $600* *Misdemeanors punishable by jail: $158*	2013
	Authority: Code of Virginia Annotated § 19.2-163		2007
	Court sets rates, subject to statutory limits		
	Supreme Court of Virginia Chart of Allowances 2013		2013
Washington	Varies by county King County (Seattle) Class A Felony: $70 Class B/C Felony: $55 Misdemeanor: $50	Varies by county Many counties use flat fee contracts	1984
	Authority: Revised Code of Washington Annotated § 36.26.090		
	Court awards reasonable compensation		

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West Virginia	$65 in court $45 out of court	*$3,000*	1990
	Authority: West Virginia Code § 29-21-13(a)		
Wisconsin	$40	None	1995
	Authority: Wisconsin Statutes § 977.08		
Wyoming	$100 in court Maximum Minimum $30 and Maximum $60 for out of court	None	2007
	Authority: Wyoming Rules of Criminal Procedure Rule 44(e)		

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