



Virginia Indigent Defense Commission

Annual Report 2014

1604 Santa Rosa Road
Richmond, Virginia 23229
<http://www.indigentdefense.virginia.gov>
p: (804) 662-7249
f: (804) 662-7359

FY14 - Commission Members and (Appointing Authorities)

Chairman (July 2009 – Present)

The Honorable Alan E. Rosenblatt (ret.) (Senate of Virginia)

Steven D. Benjamin (Senate of Virginia)

John G. Douglass (Virginia State Bar)

Karl R. Hade, Executive Secretary of the Supreme Court

The Honorable Edward W. Hanson, Jr. (Senate of Virginia)

Kristen Howard (Crime Commission, designee)

Vacant (Speaker of the House)

David R. Lett (Virginia State Bar)

The Honorable J. Randall Minchew (Virginia House of Delegates)

Thomas R. Chaffe (Governor)

The Honorable A. Donald McEachin (Senate of Virginia)

David D. Walker (Speaker of the House)

Carmen B. Williams (Speaker of the House)

Kristi A. Wooten (Governor)

Commission Staff

Executive Director

David J. Johnson

Deputy Director, ISO

Maria Jankowski

Chief Information Officer

Maurion Edwards

Director, Human Resources and Training

Amy Williams

Director, Budget and Finance

Jewell Hudson

Public Defender Offices

<u>Office</u>	<u>Localities Served</u>	<u>Year Established</u>
Alexandria	City of Alexandria	1987
Arlington	County of Arlington and City of Falls Church	2005
Bedford	City/County of Bedford	1989
Capital Defender (Central)	Cities of Bedford, Charlottesville, Colonial Heights, Emporia, Hopewell, Lynchburg, Petersburg, Richmond, and Counties of Albemarle, Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Essex, Fluvanna, Goochland, Greensville, Halifax, Hanover, Henrico, King and Queen, King William, Lancaster, Louisa, Lunenburg, Mecklenburg, Nelson, New Kent, Northumberland, Nottoway, Powhatan, Prince Edward, Prince George, Richmond, Surry, Sussex, Westmoreland	2002
Capital Defender (North)	Cities of Alexandria, Fredericksburg, Winchester and Counties of Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, Harrisonburg, King George, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren	2003
Capital Defender (Southeast)	Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, and Counties of Accomack, Gloucester, Isle of Wight, James City, Mathews, Middlesex, Northampton, Southampton, York	2003

Public Defender Offices

<u>Office</u>	<u>Localities Served</u>	<u>Year Established</u>
Capital Defender (Western)	Cities of Bristol, Buena Vista, Covington, Danville, Galax, Lexington, Martinsville, Norton, Radford, Roanoke, Salem, Staunton, Waynesboro and Counties of Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Highland, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe	2003
Charlottesville	City of Charlottesville and County of Albemarle	1998
Chesapeake	City of Chesapeake	2005
Danville	City of Danville	1990
Fairfax	City and County of Fairfax	1987
Franklin	City of Franklin and Counties of Isle of Wight and Southampton	1989
Fredericksburg	City of Fredericksburg and Counties of King George, Stafford, and Spotsylvania	1990
Halifax	Counties of Halifax, Lunenburg, And Mecklenburg	1990
Hampton	City of Hampton	2005
Leesburg	Counties of Fauquier, Loudoun, and Rappahannock	1988
Lynchburg	City of Lynchburg	1991
Martinsville	City of Martinsville and Counties of Henry and Patrick	1992

Public Defender Offices

<u>Office</u>	<u>Localities Served</u>	<u>Year Established</u>
Newport News	City of Newport News	2005
Norfolk	City of Norfolk	2002
Petersburg	City of Petersburg	1979
Portsmouth	City of Portsmouth	1986
Pulaski	City of Radford and the Counties of Bland, Pulaski, And Wythe	1988
Richmond	City of Richmond	1986
Roanoke	City of Roanoke	1976
Staunton	Cities of Buena Vista, Lexington, Staunton, and Waynesboro and the Counties of Augusta and Rockbridge	1972
Suffolk	City of Suffolk	1989
Virginia Beach	City of Virginia Beach	1973
Winchester	Counties of Clarke, Frederick, Page, Shenandoah, and Warren, and the City of Winchester	1989

VIRGINIA INDIGENT DEFENSE COMMISSION

A. BACKGROUND

The Virginia Indigent Defense Commission (VIDC), in conjunction with court-appointed private attorneys, provides legal representation for indigent people accused of crimes for which the possible punishment is incarceration or death.¹

In 2004, in response to a two-year study assessing the then existing methods for providing indigent defense in Virginia, including quality and cost effectiveness, the General Assembly created the VIDC by adding a supervisory governing commission to, expanding the scope of responsibilities of, and renaming the Virginia Public Defender Commission.

B. VIRGINIA CODE § 19.2-163.01 - STATUTORY MANDATES

The sections of the Code of Virginia governing the VIDC include several statutory mandates most of which concern the duty to oversee court-appointed private attorneys. A summary of the recent actions taken and the mandate requiring such action follows.

1. VIRGINIA CODE § 19.2-163.01(A)(1) - Publicize and enforce the qualification standards for attorneys seeking eligibility to serve as court-appointed counsel for indigent defendants.

The initial qualification requirements as well as the requalification requirements for attorneys seeking to represent indigents accused in criminal cases are provided in Virginia Code §19.2-163.03. A list of the qualification requirements can be found on the VIDC website at www.indigentdefense.virginia.gov. Applications for initial certification and certification renewal are also available on the website. The Standards of Practice Enforcement Attorney or the Certification Attorney receives applications for certification and re-certification for review and determines whether the qualification or requalification requirements have been met.

2. VIRGINIA CODE § 19.2-163.01(A)(2) - Develop initial training courses for attorneys who wish to begin serving as court-appointed counsel, and to review and certify legal education courses that satisfy the continuing requirements for attorneys to maintain their eligibility for receiving court appointments.

The certification trainings have been provided monthly during 2014 at the administrative office in Richmond and at the Roanoke County Court House Library at no cost to the participants. The Training Department has also provided initial certification and other training DVDs to more than two dozen public defender offices and bar associations throughout the Commonwealth.

After an overhaul to update and improve the initial certification training, the recordings were completed in early 2013 and a new resource manual was created. Once the editing process was completed, the new initial certification training was released for viewing in the fall of 2013. This training includes six hours of specialized criminal defense instruction and four additional hours of juvenile defense instruction over a two day period.

The VIDC reviews and certifies legal education courses provided by other organizations to determine whether the courses satisfy the continuing legal education requirements for attorneys to maintain their eligibility for court appointments. A current list of Commission and MCLE-approved courses is provided on the VIDC website at www.indigentdefense.virginia.gov and is updated as new courses are approved.

By statute, attorneys maintain their eligibility for court appointments for a period of two years from the date of their initial certification. Prior to the expiration of each two year period, attorneys receive multiple re-certification notifications informing them how to maintain their eligibility for court appointments. Attorneys wishing to maintain certification for court appointed work are required to complete the one page re-certification form. Attorneys must

include on the form the information verifying their completion of the statutorily required number of Commission and MCLE-approved continuing legal education credits.

3. **VIRGINIA CODE § 19.2-163.01(A)(3) - Maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as court-appointed counsel for indigent defendants based upon the official standards. Disseminate the list by July 1 of each year and updates throughout the year to the Office of the Executive Secretary of the Supreme Court for distribution to the courts.**

ACeS (Attorney Certification System) is an online system that allows attorneys to apply, renew and modify their certification status via the VIDC website. ACeS updates the certified counsel list located on the VIDC website and is accessible by court personnel to retrieve the names of certified attorneys by case type and judicial circuit/district. A letter is sent to the Office of the Executive Secretary every four months advising of attorneys who have not been re-certified or who have been removed from the certified counsel list for other reasons. The most recent list of ineligible attorneys was provided on June 2, 2014.

As of June 30, 2014, the number of certified attorneys totaled 2,280 and the total attorneys certified by case type were as follows: **(NOTE: An attorney may be certified for more than one case type.)**

Case Type	Number of Certified Attorneys 6/30/13	Number of Certified Attorneys 6/30/14	Annual Change
Capital Appellate	60	59	- 1.67
Capital Habeas	46	43	- 6.52
Capital Trial Co-Counsel	202	197	- 2.48
Capital Trial Lead Counsel	110	115	+ 4.55
Felony	1849	1853	+ 0.22
Juvenile	1192	1139	- 4.45
Misdemeanor	2197	2253	+ 2.55

4. **VIRGINIA CODE § 19.2-163.01(A)(4) - Establish official standards of practice for court-appointed counsel and public defenders to follow in representing their clients and guidelines for the removal of an attorney from the official list. Notify the Office of the Executive Secretary of the Supreme Court of any attorney whose name has been removed from the list.**

The Standards of Practice for Indigent Defense Counsel in non-capital cases are located on the VIDC website. The Standards of Practice complaint process and the complaint form are also located on the website.

Previously implemented efforts to raise awareness of the Standards and the enforcement thereof have continued. Currently, VIDC training programs incorporate the Standards of Practice whenever applicable.

5. **VIRGINIA CODE § 19.2-163.01(A)(5) - Develop initial training courses for public defenders and to review and certify legal education courses that satisfy the continuing requirements for public defenders to maintain their eligibility.**

The VIDC develops and presents training programs for private court-appointed counsel, public defenders and their investigators, sentencing advocates and support staff. All public defenders must receive the same certification training as any attorney seeking to serve as court-appointed counsel. Additionally, every public defender attorney must attend the annual conference. All newly hired attorneys must attend an intensive multi-day “Boot Camp” trial and appellate skills training. Finally, all public defenders serving as appellate supervisor must attend a specialized appellate training.

The 2014 Annual Public Defender Conference was held September 16-17, 2014 in Hampton, Virginia. The annual conference provides all public defenders with the opportunity to attend and earn more than half of the required continuing legal education credit. Topics included a plenary session entitled "Ten Keys to Successfully Trying a Case", presented by Craig Cooley, Esq. Additionally, there were fifteen breakout sessions including an appellate panel with jurists

from the Court of Appeals and Supreme Court of Virginia, basic and advanced immigration, DNA 101, DNA-Beyond the Basics, 4th Amendment and Juveniles and representing individuals with certain mental health challenges.

The VIDC continued to require newly hired public defenders to attend the trial and appellate skills “Boot Camp” training program. “Boot Camp” is an intensive four day program that continues to be a success. Thirty attorneys attended the December 2013 session and 12 attended the May 2014 session. Attendees were provided with one hour lectures on Client-Centered Communication, Maneuvering Through General District Court, Preparation and Strategies for the Preliminary Hearing, Cross-Examination and Impeachment, Appeals, Foundations, and Sentencing and Probation Violations. The attorneys also participated in workshops correlating to the lecture topics led by experienced public defenders. The workshops provided the opportunity for hands on training and immediate, direct feedback from senior attorneys within the public defender system.

This year the VIDC held an appellate conference for all public defenders that supervise or specifically handle appeals. The purpose of this conference was to introduce the new appellate policies and procedures that became effective February 1, 2014, and continue to advance the goal of improving appellate practice across all public defender offices.

The VIDC remains committed to providing management training to all of its supervisors within the public and capital defender offices. In March 2014, the VIDC provided its third management training for all supervising attorneys. Some very engaging topics were covered at the Management Conference including Ethics and Technology, by Sharon D. Nelson, former President of the Virginia State Bar, and a session entitled Bad Bosses/Big Losses by Karen Michael, Esq., Work Law Trainer. Additionally, there were sessions for chiefs and supervising

attorneys that addressed how to maximize the use of their deputies and seniors, as well as a session on roles and expectations for deputy and senior attorneys.

The VIDC continues to partner with other groups to provide training programs, including the 19th Annual Robert E. Shepherd, Jr. Juvenile Law and Education Conference, held at the University of Richmond on May 16, 2014. The Conference is named for the late Professor Robert Shepherd, Jr., a former Commission Chairman and tireless advocate for the legal rights of children. The Conference provides training and information to children's advocates from all disciplines and is co-sponsored with 8 other organizations. The VIDC continues to play a key role in the planning and organization of this important program. This year the program had 184 attendees and some of the topics were Legislative Updates, Collateral Consequences of Juvenile Conviction and Building a Trauma Informed Practice.

6. VIRGINIA CODE § 19.2-163.01(A)(6) - Periodically review and report to the Virginia State Crime Commission, the House and the Senate Committees for Courts of Justice, the House Committee on Appropriations, and the Senate Committee on Finance on the caseload handled by each public defender office.

The total number of cases handled by VIDC public defender offices in FY14 is 98,326. This includes 97,738 newly filed adult and juvenile cases, and 588 appeals to the Court of Appeals of Virginia and The Supreme Court of Virginia. The VIDC counts cases by the number of individual clients represented, rather than by the number of charges defended. Many cases involve more than one charge. (See Appendix A, VIDC FY14 Caseload Data). This does not include the 27 active capital cases handled by the four Capital Defender offices in FY14. Of this seven were newly opened assignments in FY14. Capital cases require significantly greater time and last longer than any other type of criminal case. The level of expertise and specialized training and knowledge for both attorneys and investigators is also significantly greater.

7. VIRGINIA CODE § 19.2-163.01(B) - Commission shall adopt Rules and Procedures for the conduct of its business.

The VIDC adopted its policies and procedures in November 2006 and disseminated copies to all employees. The policies and procedures are reviewed and updated as necessary, but no less than annually. The policies are accessible electronically to all employees via the Knowledge Center of the VIDC.

8. VIRGINIA CODE § 19.2-163.01(A)(14) - Report annually on or before October 1 to the Virginia State Crime Commission, the House and Senate Committees for Courts of Justice, the House Committee on Appropriations, and the Senate Committee on Finance on the state of indigent criminal defense in the Commonwealth, including Virginia's ranking amongst the 50 states in terms of pay allowed for court-appointed counsel appointed pursuant to §19.2-159 or subdivision B2 of §16.1-266.

A 2005 ABA report, Rates of Compensation Paid to Court-Appointed Counsel in Non-Capital Felony Cases at Trial: A State-by-State Overview, noted that Virginia's caps on court-appointed compensation placed its fees among the lowest in the nation.² The ABA report further indicated that Virginia ranked 49th in the nation based on its compensation for court-appointed counsel.³

This report and specifically the ranking, sparked debate in Virginia, the result of which was an added requirement on the VIDC to report on Virginia's ranking among the fifty states for compensation of court-appointed counsel.

Determinative state-to-state comparisons are difficult if not impossible because the structure and funding of indigent defense systems vary nationwide. For example, some states pay by the case or client while others pay by the charge. Further, some states fully fund public defender and court-appointed work at the state level. Some use a combination of funding from the state and local levels while a few leave the funding responsibility entirely to the localities.

By statute, an attorney appointed to represent an indigent defendant in Virginia is compensated at an hourly rate set by the Supreme Court. The total amount or cap to be paid is set by statute and may not exceed \$120.00 for a misdemeanor in general district court, \$1,235.00 for a felony charge where the period of confinement is more than 20 years, and \$445.00 for any other felony in circuit court. Since the 2005 ABA Report, Virginia approved legislation and funding for payments to private court-appointed counsel above statutory fee caps, and in certain cases, upon approval of the judge, for a second level waiver.⁴ For a comparative look at the states see (**Appendix B, State Comparisons Chart**).

¹ U.S. Const. Amend. VI

² ABA, Rates of Compensation Paid to Court-Appointed Counsel in Non-Capital Felony Cases at Trial: A State-by-State Overview, The Spangenberg Group (August 2005)

³ Id. at 9

⁴ Va. Code §19.2-163

Appendix A, VIDC FY14 Caseload Data

Alexandria	2312
Arlington	2128
Bedford	1312
Charlottesville	2260
Chesapeake	4196
Danville	2135
Fairfax	7024
Franklin	1278
Fredericksburg	6476
Halifax	1924
Hampton	3535
Leesburg	4446
Lynchburg	2989
Martinsville	2438
Newport News	6020
Norfolk	5524
Petersburg	1701
Portsmouth	4761
Pulaski	2325
Richmond	10,385
Roanoke	4121
Staunton	3812
Suffolk	2253
Virginia Beach	9234
Winchester	3128

Appendix B, State Comparisons Chart

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Alabama	\$70	Capital Case: No cap Class A Felony: \$4,000 Class B Felony: \$3,000 Class C Felony: \$2,000 Juvenile: \$2,500 All Other Cases: \$1,500	Code of Ala §15-12-21 (2014)
Alaska	\$60 in-court \$50 out-of-court	Misdemeanor - Guilty Plea, No Contest Plea, or Dismissal: \$400 Misdemeanor - Trial: \$800 Felony - Guilty Plea, No Contest Plea, or Dismissal: \$2,000 Felony - Trial: \$4,000 Probation Violation - Misdemeanor: \$350 Probation Violation - Felony: \$1,000	2 Alaska Admin. Code 60.010 (2014)
Arizona	Varies	Varies (Judicial discretion)	A.R.S. § 13-4013 (2014) “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	\$90-110 - Capital \$70-90 - Homicide Class A or Y Felony \$60-80 - Other Felony \$50-80 - Dist. Ct. or	N/A	A.C.A. § 16-87-211 (2014) (Statute directs the Arkansas Public Defender Commission to set guidelines for court-appointed attorney compensation).

	Juvenile		
California	Varies	Varies	Cal Pen Code § 987.2 (2014) Ca. Pen Code § 987.3 (2014) The court determines reasonable compensation.
Colorado	\$85 - Capital Cases \$68 - Type A Felony \$65 - Type B Felony, Juvenile, Misdemeanor, Traffic \$65 - Travel	Capital: \$24,000 (with trial); \$12,000 (without trial) Class 2 Felony: \$10,000 (with trial); \$5,000 (without trial) Class 3, 4, 5, and 6 Felony: \$6,000 (with trial); \$3,000 (without trial) Class 1, 2, and 3 misdemeanors: \$2,000 (with trial); \$1,000 (without trial) Juvenile: \$2,500 (with trial); \$1,750 (without trial) Juvenile and misdemeanor appeals: \$3,000	Chief Justice Directive 04-04 (Amended July 2009)
Connecticut	\$75 - Felony, Serious Juvenile Offenses, Habeas Corpus, Appellate \$50 - Misdemeanor \$100 - Capital	Flat Fee Cases: Judicial District: \$1,000 Geographical Area: \$350 Juvenile Delinquency: \$350	Conn. Gen. Stat. § 51-291 (2014) By statute, the Chief Public Defender establishes the compensation for court-appointed attorneys. Cases are EITHER paid on an hourly rate or a flat fee and are assigned as such pursuant to the contract with the attorney.
Delaware	\$60	Felony: \$2,000 (per attorney) Misdemeanors: \$1,000 (per attorney)	Delaware Rules of Criminal Procedure Rule 44
District of Columbia	\$60 - in-court (may be waived up to \$75)	Felony: \$7,000 (per attorney)	18 U.S.C. § 3006A

	\$40 - out-of-court (may be waived up to \$75)§	Misdemeanor: \$2,000 (per attorney)	
Florida	Flat Fees	Flat Fees not to exceed: Capital: \$15,000 Life Felony: \$3,000 Non-Life Felony: \$2,500 Misdemeanors and Juvenile Cases: \$1,000	Fla. Stat. § 27.5304 (2014)
Georgia	By contract	By contract	O.C.G.A. § 17-12-22 (2014) Georgia Public Defender Standards Council contracts with individual attorneys for conflict appointment.
Hawaii	\$90	Felony: \$6,000 Misdemeanor (jury trial): \$3,000 Misdemeanor (jury waived): \$1,500 Petty Misdemeanor: \$900	HRS § 802-5 (2014)
Idaho	Set by Court	Set by Court	Idaho Code § 19-860 (2014) (Code refers to public defenders and was amended to delete information regarding court appointed counsel; however, local judicial rules state that the court assigns a reasonable rate of compensation). First Judicial District Rule 10: Attorneys are to submit monthly vouchers for payment.
Illinois	Reasonable Fee as set by the Court In Counties with populations greater than 2 million people: \$40 - in-court \$30 - out-of-court	Reasonable Fee as set by the Court In Counties with populations greater than 2 million people: Felony: \$1,250 Misdemeanor: \$150	725 ILCS 5/113-3 (2014)

Indiana	\$70	N/A	Burns Ind. Code Ann. § 33-40-8-2 (2014) states that “a judge shall establish the fee to be paid to an attorney or attorneys for providing services to poor people.” Indiana Public Defender Commission Standards for Indigent Defense Services in Non-Capital Cases set the hourly rate.
Iowa	\$70 - Class A Felony \$65 - Class B Felony \$60 - All other cases	Class A Felony: \$18,000 Class B Felony: \$3,600 Class C Felony: \$1,800 Class D Felony: \$1,200 Aggravated Misdemeanors: \$1,200 Serious Misdemeanors: \$600 Simple Misdemeanors: \$300 Misdemeanor appeals to District Court: \$300 Contempt/Show Cause: \$300 Probation/Parole violations: \$300	Iowa Code § 13B.4 (2013) - Flat fee contracts Iowa Code § 815.7 (2013) - Hourly rates
Kansas	\$80 (Negotiable) \$62 - Assigned Attorneys	Non-tried cases - Felony 1-5: \$1,240 Felony drug offense with more than 6 hours work in-court: \$1,240 Felony 6-10: \$930 Felony drug offenses with less than 6 hours work in-court: \$930	K.S.A. § 22-4507 (2013) The Court can negotiate a lower hourly rate with attorneys willing to accept court appointments. If appropriations for payments are insufficient, the state board of indigent’s defense services can establish a formula for pro rata payments. Kansas Administrative Regulations 105-5-2, 105-5-6-7 When a public defender, contract counsel, or conflict attorney is

		<p>Probation Revocations: \$248</p> <p>Tried cases -</p> <p>Felony 1-3, off-grid felony offenses, felony drug offenses level 1: \$6,200</p> <p>Felony 4, felony drug offenses 2-4: \$2,480</p> <p>Felony 5-10: \$1,860</p>	<p>unavailable, then the court will assign counsel who are paid at a rate of \$62/hr.</p>
Kentucky	Most cases paid by flat fee.	<p>Misdemeanor: 250</p> <p>Felony: \$500</p>	<p>KRS § 31.235 (2014)</p> <p>The court shall pay reasonable and necessary fees but not in excess of fees established by the Department of Public Advocacy. The Department has proposed higher “soft” fee caps and hourly rates ranging from \$75 to 125.</p>
Louisiana	Flat fee contracts	Flat fee contracts	<p>La. R.S. 15:147(C)(1) (2013)</p> <p>The Louisiana Public Defender Board enters into contracts with attorneys to provide indigent defense services.</p>
Maine	\$55	<p>Murder: Fee to be set by Executive Director</p> <p>Class A: \$2,750</p> <p>Class B and C (against person): \$2,062.50</p> <p>Class B and C (against property): \$1,375</p> <p>Class D and E (Superior or Unified Criminal Court): \$687.50</p> <p>Class D and E (District Court): \$495</p> <p>Probation Revocations:</p>	<p>15 M.R.S. § 810 (2014)</p> <p>4 M.R.S. § 1804(3)(F) (2014)</p> <p>The Maine Commission on Indigent Legal Services sets the rate for court appointed counsel.</p> <p>Code of Maine Rules § 94-649, Chapter 301</p>

		\$495 Juvenile: \$495	
Maryland	Same hourly rate as federal panel attorneys.	District Court - federal misdemeanor Circuit Court - federal felony Juvenile Court - federal felony	Md. Criminal Procedure Code Ann. § 16-207 (2014) The Public Defender prepares schedules for fees and expenses for panel attorneys. Maryland Administrative Code 14.06.02.06 Attorneys are compensated at the same hourly rate as federal panel attorneys.
Massachusetts	\$100 - Homicide \$60 - Superior Court non-homicide \$50 - District Court	Annual cap on billable hours: 1,650	ALM Gl ch. 211D, §11 (2014)
Michigan	Set by the Court	Set by the Court	MCLS § 775.16 (2014) The statute covers appointment of counsel, but the case law notes following the statute state that the court sets the rates.
Minnesota	State Board of Public Defense determines rates	State Board of Public Defense determines rates	Minn. Stat. §611.215 (2014) State Board of Public Defense responsible for appointment of counsel and collection of costs. Minn. Stat. §611.27 (2014) The state's obligation for the costs of the public defender services (including court-appointed attorney fees) is limited to the appropriations made to the Board of Public Defense.
Mississippi	Set by the Court	Circuit Court: \$1,000 Court not of record: \$200	Miss. Code Ann. §99-15-17 (2013) Attorneys receive \$25/hr overhead costs and expenses in addition to the fee cap.
Missouri	Flat fee contracts	Murder first degree: \$10,000 Other homicide: \$6,000 Felony Class A/B - Drugs: \$750 Felony Class A/B- Other:	§600.042 R.S.Mo. (2014) The state Public Defender contracts with private attorneys for legal services. §600.021 R.S.Mo. (2014) The commission contracts with private attorneys to provide defense services.

		<p>\$1,500</p> <p>Felony Class A/B - Sex: \$2,000</p> <p>Felony Class C/D - Drugs: \$750</p> <p>Felony Class C/D - Other: \$750</p> <p>Felony Class C/D - Sex: \$1,500</p> <p>Misdemeanor: \$375</p> <p>Juvenile - Non-violent offense: \$500</p> <p>Juvenile - Violent offense: \$750</p> <p>Probation Violation: \$375</p>	
Montana	\$62	N/A	<p>47-1-216, MCA (2013) The Commission adopts rules to provide reasonable compensation to contract attorneys.</p> <p>Fee Schedule also allows for a \$25/month office stipend.</p>
Nebraska	Set by Court or Public Defender Commission	N/A	<p>R.R.S. Neb. §29-3927 (2013) Public Defender Commission is responsible for determining compensation rates for contracting attorneys and court-appointed attorneys.</p> <p>R.R.S. Neb §29-3905 (2013) Allows the court to fix reasonable expenses and fees.</p>
Nevada	<p>\$125 - Capital cases</p> <p>\$100 - all other cases</p>	<p>Capital, or life case: \$20,000</p> <p>Felony not punishable by death or life in prison: \$2,500</p>	<p>Nev. Rev. Stat. Ann. §7.125 (2014)</p>

		Gross misdemeanor: \$2,500 Misdemeanor: \$750	
New Hampshire	\$60	Homicides under RSA 630:1-2 (per co-counsel): \$20,000 Felony: \$4,100 Misdemeanor: \$1,400	Rules of the Supreme Court of the State of New Hampshire, Rule 47
New Jersey	\$60 - in-court \$50 - out-of-court \$252 - full day (per diem)	N/A	N.J. Stat. §2A:158A-7 (2014) Public Defender establishes compensation with contract attorneys. OPD Pool Attorney Application Process sets current rates.
New Mexico	Flat-fee contracts	Felony - 1st deg: \$700 Felony - 2nd deg: \$650 Felony - 3rd deg: \$595 Felony - 4th deg: \$540 Juvenile: \$250 Misdemeanor: \$180	N.M. Stat. Ann. §31-15-7 (2013) Public Defender to establish fee schedule for court appointed counsel.
New York	\$75 - Felony \$60 - Misdemeanor	Felony: \$4,400 Misdemeanor: \$2,400	NY CLS County §722-b (2014)
North Carolina	\$70 - Class A-D felony \$55 - All other cases resolved in district court \$60 - All other cases resolved in Superior Court \$60 - Parole and post-release revocation hearings	N/A	N.C. Gen. Stat. § 7A-498.5 (2014) Office of Indigent Defense Services responsible for setting rates. Private Assigned Counsel Rates were updated in March of 2014.
North Dakota	\$75	Presumed rate system	N.D. Cent. Code, § 54-61-02 (2014)

		<p>Felony - \$575 (7 hours of work)</p> <p>Misdemeanor - \$300 (4 hours of work)</p> <p>Juvenile - \$375 (5 hours of work)</p>	Commission on Legal Counsel has authority to set fees.
Ohio	<p>\$60 - in-court</p> <p>\$50 - out-of-court</p>	<p>Felony with Possible Life Sentence/Repeat Violent Offender/Major Drug Offender: \$5,000</p> <p>Felony - Deg. 1-3: \$3,000</p> <p>Felony - Deg. 4-5: \$2,500</p> <p>Misdemeanor - Deg. 1-4: \$1,000</p> <p>Contempt: \$300</p> <p>Probation violations: \$500</p> <p>Juvenile: \$1,000</p>	<p>ORC Ann. 120.33 (2014)</p> <p>The Board of County Commissioners shall establish a schedule of fees by case or an hourly basis. The County must file an up-to-date fee schedule with the Ohio Public Defender, who then will reimburse up to the maximum set by the Ohio Public Defender State Maximum Fee Schedule.</p>
Oklahoma	Flat-fee contracts	<p>Felony: \$3,500</p> <p>Misdemeanor, Juvenile, Traffic: \$800</p>	22 Okl. St. §1355.8 (2013)
Oregon	<p>\$61 - Capital lead counsel</p> <p>\$46 - Capital co-counsel</p> <p>\$46 - Non-capital cases</p>	N/A	<p>ORS §151.216 (2013)</p> <p>The Public Defense Services Commission adopts guidelines regarding the fair compensation of appointed counsel located in the Public Defense Policies and Procedures, Exhibit 3.</p>
Pennsylvania	Set by the Court	Set by the Court	<p>16 P.S. §9960.7 (2014)</p> <p>Attorney to be rewarded reasonable compensation to be fixed by the Court.</p>
Rhode Island	<p>\$100 - Murder</p> <p>\$90 - Class 1 Felony</p>	<p>Murder: \$15,000</p> <p>Class 1 Felony: \$10,000</p>	<p>General Laws of Rhode Island §8-15-2</p> <p>Supreme Court Executive Order No. 2012-06</p>

	<p>\$60 - Class 2 Felony</p> <p>\$50 - Misdemeanor Appeal (Superior Court)</p> <p>\$30 - Violation of Court Order (non-payment of fines, costs)</p> <p>\$35 - Adult Criminal Trial in Family Court</p> <p>\$30 - Delinquency</p>	<p>Class 2 Felony: \$5,000</p> <p>Misdemeanor Appeal (Superior Court): \$1,500</p> <p>Violation of Court Order (non-payment of fines, costs): \$1,500</p> <p>Adult Criminal Trial in Family Court: \$2,500</p> <p>Delinquency: \$1,000</p>	
South Carolina	<p>\$60 - in-court</p> <p>\$40 - out-of-court</p>	<p>Felony: \$3,500</p> <p>Misdemeanor: \$1,000</p>	S.C. Code Ann. §17-3-50 (2013)
South Dakota	\$84	N/A	<p>S.D. Codified Laws § 23A-40-8 (2014)</p> <p>Reasonable amount to be paid based upon guidelines established by the presiding judge of the circuit court. See Unified Judicial System Policies Regarding Court-Appointed Attorney Fees.</p>
Tennessee	<p>\$50 - in-court</p> <p>\$40 - out-of-court</p>	<p>First Degree Murder or Class A or B felony in trial court: \$2,500</p> <p>Any other felony in trial court: \$1,500</p> <p>Felony preliminary hearing, misdemeanor, probation violation, juvenile: \$1,000</p> <p>Contempt of Court, parole revocation: \$500</p>	Tennessee Supreme Court Rule 13
Texas	Court sets rate	Court sets fee	Texas Code of Criminal Procedure Article 26.05
Utah	Court sets rate	<p>Felony: \$3,500</p> <p>Misdemeanor: \$1,000</p>	Utah Code Ann. § 77-32-304.5 (2014)
Vermont	\$50	Felony with possible life	13 V.S.A. § 5205 (2013)

		<p>sentence or death penalty: \$25,000</p> <p>Other major felony: \$5,000</p> <p>Minor felony or Juvenile: \$2,000</p> <p>Misdemeanor: \$1,000</p>	Vt. A.O. 4 §6 (2014)
Virginia	\$90	<p>Felony with 20 years or more sentence (resolved in district court or circuit court): \$1,235</p> <p>Other felony (resolved in district court or circuit court): \$445</p> <p>Misdemeanor in Circuit Court: \$158</p> <p>District Court cases (misdemeanors, felony preliminary hearings where the felony was not resolved in district court): \$120</p>	<p>Va. Code § 19.2-163 Supreme Court of Virginia Chart of Allowances</p> <p>Fee cap waivers are available up to an additional \$120 for misdemeanors or juvenile cases in the district court (unless the juvenile case is a class 2 felony, then the waiver amount could equal up to an additional \$650). Felony charges with a penalty of 20 year or more can receive an additional waiver of up to \$850. Other felony charges may receive an additional waiver of up to \$155.</p>
Washington	Set by Court	Set by Court	Rev. Code Wash. (ARCW) §36.26.090 (2013)
West Virginia	<p>\$65 - in-court</p> <p>\$45 - out-of-court</p>	<p>Felony offenses with possibility of life in prison: court discretion</p> <p>All other cases: \$3,000</p>	W. Va. Code §29-21-13(a) (2014)
Wisconsin	<p>\$45 - in-court</p> <p>\$35 - out-of-court</p> <p>\$25 - travel</p>	N/A	Wis. Stat. § 977.08 (2014)
Wyoming	<p>\$100 - in court</p> <p>\$35-60 - out-of-court</p>	N/A	Wyoming Rules of Criminal Procedure Rule 44(e)