

# VIRGINIA INDIGENT DEFENSE COMMISSION

## COMMISSION MEMBERS

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Steven D. Benjamin  
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Carolyn Grady  
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Karl R. Hade  
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David D. Walker  
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Executive Director

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Deputy Director

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DONNA MOORE  
Human Resources Director

DENISE SANDLIN  
Budget and Finance Director

September 28, 2018

Virginia State Crime Commission  
Members of House Committee for Courts of Justice  
Members of Senate Committee for Courts of Justice  
Members of House Committee on Appropriations  
Members of Senate Committee on Finance

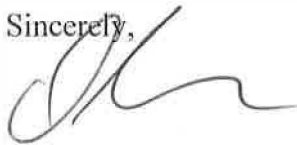
RE: 2018 Annual Report of the Virginia Indigent Defense Commission

Dear Sirs and Madams:

Pursuant to §19.2-163.01 of the Code of Virginia of 1950 as amended, enclosed please find a copy of the 2018 Annual Report of the Virginia Indigent Defense Commission. The Report contains information relating to the state of indigent defense in Virginia, caseloads of public defenders, and the status of the Commission's compliance with statutory mandates.

Please contact me with any questions or comments you have concerning this report.

Sincerely,



David J. Johnson



## **Virginia Indigent Defense Commission**

Annual Report 2018

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## **FY17 - Commission Members and (Appointing Authorities)**

Chairman (July 2009 – Present)

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

Steven D. Benjamin (Senate of Virginia)

Henry Chambers (Governor)

The Honorable Christopher E. Collins (Virginia House of Delegates)

John G. Douglass (Virginia State Bar)

Carolyn Grady (Virginia State Bar)

Karl R. Hade, Executive Secretary of the Supreme Court

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

James Hingeley (Governor)

Guy W. Horsley (Speaker of the House)

Kristen Howard (Crime Commission, designee)

The Honorable Richard Stuart (Senate of Virginia)

David D. Walker (Speaker of the House)

Carmen B. Williams (Speaker of the House)

## **Commission Staff**

Executive Director

David J. Johnson

Deputy Director, ISO

Maria Jankowski

Chief Information Officer

Jason Hodges

Human Resource Director

Donna Moore

Budget and Finance Director

Denise Sandlin

## Public Defender Offices

Office	Localities Served	Year Established
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**

## **MISSION STATEMENT**

**Dedicated to protecting the rights and dignity of our clients through zealous, compassionate, high-quality legal advocacy.**

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.<sup>1</sup>

This year the VIDC welcomes two new Chief Public Defenders. Lindsay Phipps replaced Cynthia Dodge, who retired after over 30 years of service with the VIDC, as Public Defender in the Pulaski office. Ms. Phipps was the long serving Deputy in Pulaski and brings a wealth of trial, supervising and training experience. Brad Haywood was selected as the Public Defender for Arlington. Mr. Haywood came from private practice and had previously served as an assistant public defender in the Alexandria office.

Community and policy engagement has continued to grow in 2018. In addition to the tens of thousands of cases handled every year across the Commonwealth by the Public Defender offices, the Executive Director, Deputy Director, and many Public Defenders serve on various boards, commissions, committees, and other groups working toward improving the criminal justice system both statewide and in their communities. The Executive Director continues his engagement with DCJS (Department of Criminal Justice Services) by serving on the Criminal Justice Service Board and Advisory Committee on Juvenile Justice and Prevention. The Executive Director was selected to serve on the Virginia State Bar's Discovery Reform Task Force which was assembled to address the state of discovery in criminal cases in Virginia. The Executive Director serves on the Board of Governors for VTLA and as Co-Chair of the VCJC

(Virginia Criminal Justice Conference). He also serves as co-Chair of the VCJC committee tasked with studying pretrial as well as 19.2-158 which requires a bail or conditions of release hearing within 72 hours. He also serves on the deferred disposition study committee.

The Deputy Director, as well as the Public Defender for Petersburg and the Capital Defender for the Southwest region, serves on the Virginia State Bar Criminal Law Board of Governors. The Deputy also continues to serve on the State Drug Treatment Court Advisory Committee as well as groups organized by the Supreme Court to review applications for Veterans Dockets and Mental Health Dockets. The VIDC appreciates the opportunity to engage with other stakeholders to insure that the unique challenges facing indigent defendants in the Commonwealth are not overlooked.

The VIDC has also successfully applied for grant funding in order to increase client communication and lower failure to appear rates. The VIDC was awarded a grant through the Department of Criminal Justice Services to fund the implementation of a Public Defender two-way text message communication tool that will send reminders to clients about court dates and office appointments. Per the grant request, the program is initially being launched in the Richmond and Petersburg Public Defender Offices. Uprust, a company that specializes in providing this type of text messaging service, is implementing the program. The text-messaging program has been integrated with our Case Management System (CMS). We are currently gathering data from the Uprust system in order to determine what kind of impact the program has on failure to appear rates.



**A. 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 enumerated in Virginia Code §19.2-163.03. A list of the qualification requirements can be found on the VIDC website at [www.vadefenders.org](http://www.vadefenders.org). Applications for initial certification and re-certification are also available on the website. The Certification and Compliance Attorney or the Certification and Compliance Assistant receive applications for certification and re-certification for review and determine 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.**

In FY2017, the VIDC undertook a major overhaul and significantly updated and improved the initial certification training. In addition to emphasizing a client centered approach to criminal defense, the most significant change was to replace the video replay with a live training. This training was staffed with seasoned public defenders and other VIDC attorneys. In addition to content updates and improvements, valuable practice tips were provided throughout the program. The VIDC attorney resource website and other free resources were highlighted for the attendees. Finally, the new format allowed participants to ask questions of the faculty, and the faculty are available to provide answers and support to the attendees. In addition to the

resource manual, this training consists of six hours of specialized criminal defense instruction, four additional hours of juvenile defense instruction and two hours of immigration training over a two day period. The new live certification training was held on November 30-December 1, 2017 at the University of Richmond, School of Law, March 22-23, 2018 at the Henrico Training Center and June 21-22, 2018 at the University of Richmond, School of Law. This new live training format has been well received and very well attended.

In conjunction with the new live certification, the VIDC has also restarted the Mentorship for Indigent Defense Counsel (MIDC) program with the Virginia Association of Criminal Defense Lawyers (VACDL). Participants in the MIDC program may receive assistance in satisfying the VIDC certification requirements. The guidelines for the MIDC program state:

It should be recognized that an important part of a mentor's role is to bridge the gap between law school and the practice of law, or the transition to court appointed criminal defense. The defense of indigent clients cannot be learned in law school. Rather, it is based on a combination of training and experience. Mentors need to recognize that each mentee's level of training and experience will be different and determine as early in the relationship as possible the mentee's comprehension and skill level. The goal of the program is an exchange of ideas rather than regularly scheduled lecture sessions. Current CLE programs typically will fill the need for lectures. Mentors should share their own experiences, both good and bad, with mentees to help them feel more comfortable with, and to learn from, the mentor's experience.

Mentors serve as resources for their mentees and some MIDC mentors may be able to provide the mentees with opportunities to serve as co-counsel in criminal trials.

The VIDC continues to strive to provide quality training free of charge to the private court appointed attorneys. All VIDC trainings are MCLE (Mandatory Continuing Legal Education) approved by the Virginia State Bar. This year the VIDC provided numerous CLE hours to over 600 private court appointed attorneys from across the state. Many of these were presented in the administrative office in Richmond at no cost to the agency or to the attendees.

One program known as “Late Day Lectures” (LDL) are one hour trainings focused on a specific area of the law. The VIDC offered eleven LDLs in FY2018, on topics ranging from immigration to body worn cameras. Recognizing a need for quality training across the Commonwealth, these LDLs have been recorded and are made available via our Sproutvideo replay library to the private court appointed attorneys across the Commonwealth. We currently offer fourteen hours of misdemeanor/felony eligible courses and six and half hours of juvenile eligible courses. These videos can be used by court appointed attorneys to re-certify if they are unable to attend the required recertification hours live. Furthering the goal of providing hands on training, the VIDC continued to partner with Judges from the Court of Appeals to provide our day long Annual Introduction to Indigent Defense Appeals at the University of Richmond School of Law on July 26, 2017. In addition to this introductory program, a condensed version, Essentials of Appellate Advocacy, was held in Leesburg and Norfolk.

Acknowledging the need for more juvenile defense training, the VIDC continues to partner in presenting the Juvenile Law and Education Conference at the University of Richmond School of Law. We also continue to partner with the Mid-Atlantic Juvenile Defender Center.

All VIDC sponsored trainings satisfy the requirements for attorneys to maintain their eligibility for court appointments. Additionally, the VIDC reviews and approves legal education courses provided by other organizations to determine whether the courses satisfy the 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 <http://www.vadefenders.org/certification/> 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 expiration date notifications via e-mail along with instructions on where to find information about re-certification. 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 continually 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

As of July 25, 2018, the number of certified attorneys totaled 2,081 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 7/2018	Number of Certified Attorneys 6/30/17	Annual Change %
Capital Appellate	21	24	-12.5
Capital Habeas	10	18	-44.5
Capital Trial Co-Counsel	115	122	-5.8
Capital Trial Lead Counsel	64	70	-8.6
Felony	1739	1766	-1.6
Juvenile	970	1011	-4.1

Misdemeanor	2052	2118	-3.2
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**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. The Standards of Practice are highlighted in the live certification training, and beginning in June 2018 the complete Standards of Practice were included in the manual provided to every attendee.

A list 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 1, 2018.

The Commission voted in September of 2016 to amend the Standards of Practice to emphasize the responsibilities of defense counsel when representing non-citizens in criminal cases. Case law from both the United States Supreme Court and Virginia Supreme Court prompted a significant review of the Standards. Staff conducted a thorough review of the case law and prepared the revisions which were approved by the Commission. The new live certification training that premiered in June 2017 was followed by an additional 2.5 hours of MCLE approved training which focused on the representation of non-citizens.

Previously implemented efforts to raise awareness of the Standards of Practice 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.**

All public defenders must receive the same certification training as any attorney seeking to serve as court-appointed counsel. In keeping with the revised Standards of Practice, now all public defenders must also complete a three hour training on defending non-citizens. Finally, all public defenders serving as their office's appellate supervisor must attend a specialized appellate training. Further, every public defender must attend the annual conference.

All newly hired attorneys must attend an intensive multi-day trial skills "Boot Camp" and complete a two-part online appellate training once hired and before handling their first appeal. "Boot Camp" is an intensive four day legal training program that continues to be a success. In keeping with the goal of constantly improving the quality of representation this year the entire program was reworked. All the high quality trial skills training remain but the program was expanded to address the rewards and challenges of public defense with a goal of developing a client-centered practice. The program remains staffed by experienced public defender leaders as well as Senior Attorneys who specialize in training. The new focus was well received by both participants and faculty. The new program is one part of an overall strategy to recruit, train, and retain quality attorneys who want to serve as public defenders.

The 2018 Annual Public Defender Conference will be held October 23-24, 2018 in Williamsburg, Virginia. The annual conference provides all public defenders with the opportunity to earn half of the required continuing legal education credit and maintain eligibility. The VIDC strives to provide a wide range of topics using experienced senior trial attorneys from across the Commonwealth as well as noted national experts. This year's plenary speakers include Stephen P. Lindsay, speaking on using demonstrative evidence, and David Patton, Executive

Director of the Federal Defenders of New York, speaking on impeachment. Mr. Patton spoke at a breakout session at the 2017 annual conference and was so well received that we are bringing him back for a plenary session. The conference, as always, will provide specific ethics, appellate, and juvenile training.

The VIDC continues to demonstrate its commitment to providing management training to all supervising attorneys within the Public and Capital Defender offices. In April 2018, the VIDC held its seventh annual Management Conference with the majority of the agency's supervising attorneys in attendance. The Conference is an opportunity for Chief Capital and Public Defenders, Deputy Public Defenders, and supervising Senior Assistant Public Defenders to receive education in areas related to managing both people and processes. The conference included an in-depth review of work place harassment and vicarious trauma. Two separate panels, one of sentencing advocates and the other of investigators, were presented and moderated, and they covered a range of topics, including best practices. Additionally, performance reviews and employee work profiles were reviewed.

**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 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 FY17 Caseload and Charge Data**). These totals include appeals to both the Court of Appeals of Virginia and Supreme Court of Virginia.

**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. The policies and procedures are reviewed and updated as necessary, but no less than annually. This year the Commission voted on amendments to the policies at the March Commission meeting. The policies are accessible electronically to all employees via the VIDC intranet and MOAT, the IT security training program. All employees must acknowledge receipt of the Policies as part of the annual IT security training.

**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.<sup>2</sup>

This report, 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.

State-to-state comparisons are difficult because the structure and funding of indigent defense systems vary nationwide. Pursuant to Va. Code § 19.2-163, 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 maximum period of confinement is more than 20 years, and \$445.00 for any other felony in circuit court. 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 years or more can receive an additional waiver of up to \$850. Other felony charges may receive an additional waiver of up to \$155. With approval of the judge, Virginia also allows for a second level waiver in certain cases. These caps, even with the initial waiver, remain some of the lowest in the nation. For a comparative look at the states see (Appendix B, State Comparisons Chart).

Compensation for court appointed counsel in Virginia on appeal is governed by Virginia Code §19.2-326 which provides in part:

In felony or misdemeanor case...the court which an appeal is taken shall order the payment of such attorneys' fees in an amount not less than \$300, cost or necessary expenses of such attorneys in an amount deemed reasonable by the court, by the Commonwealth out the appropriation for criminal charges. If the conviction is upheld on appeal, the attorney's fees, cost and necessary expenses of such attorney paid by the Commonwealth under provision hereof shall be assessed against the defendant.

According to the Supreme Court, during the writ stage each appeal is looked at on its own basis. Where there is a dismissal based on a procedural default the attorney receives nothing. Otherwise, generally, there is a minimum payment of \$400 and maximum of \$1200. In the case of a guilty plea, *Alford* plea, Anders petition, or probation violations there is a flat rate of \$400, whether or not there is oral argument. For other types of writ cases, there is a base rate of about \$400, where there is no oral argument. The attorney will receive \$400 if the petition is generally the same as the petition filed in the Court of Appeals. If there is a new petition, where the attorney substantively addresses the Court of Appeals in the argument sections, there will be a bump of, generally, \$100. If it is a complicated case, like a capital non-death or a case with voluminous transcripts, additional money may be considered. If there is an oral argument, whether before the panel of Justices or Chief Staff Attorney, there is another bump of, generally, \$100. But, to get the \$100, it has to be more than just showing up for the

argument and relying on brief. There are slight adjustments, downward, if the case is only a misdemeanor. What results in the difference between the range of \$400 and \$1200 is type of appeal; substantive oral argument; and whether there is a "new" petition in the Supreme Court. All this is only for the writ stage not for merit cases in the Supreme Court of Virginia.

In the Virginia Court of Appeals there is a clear fee structure as follows:

For writ stage if the case only involves misdemeanors the compensation is \$300 and if the appeal involves felony, \$400 and an extra \$100 if there is an oral argument. For the merit stage the total amounts which include writ and merit stages are as follows: If appeal only involves misdemeanors the compensation is \$625 and \$725 if the appeal involves a felony. If a rehearing en banc is granted the attorney is entitled to an extra \$200.

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<sup>1</sup> U.S. Const. Amend. VI

<sup>2</sup> 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)

## Appendix A, VIDC FY18 Caseload Data

### Office Caseload FY2018 (including Appeals)

Office	Total Cases	Charges
Alexandria	2188	4108
Arlington	1785	2957
Bedford	1582	2657
Charlottesville	2433	4597
Chesapeake	3905	7981
Danville	2169	3438
Fairfax	6142	10759
Franklin	1108	2447
Fredericksburg	6480	13812
Halifax	1809	3083
Hampton	3744	6417
Leesburg	4481	6540
Lynchburg	3097	4834
Martinsville	2743	4329
Newport News	5043	10005
Norfolk	5626	10615
Petersburg	1983	3617
Portsmouth	3774	6514
Pulaski	1983	3508
Richmond	8884	16543
Roanoke	4047	6840
Staunton	4381	7741
Suffolk	2080	4036
Virginia Beach	8608	14749
Winchester	3398	5488

## 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 (2016) Counsel shall be entitled to reimbursement of non-overhead expenses, with expenses exceeding \$300 subject to advance approval by the trial court.
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 AAC 60.010 (1986)
Arizona	Varies	Varies (Judicial discretion)	A.R.S. § 13-4013 (2005) “Compensation for services rendered to the defendant shall be in an amount that the court in its discretion deems reasonable, considering the services performed.”

<b>STATE</b>	<b>HOURLY RATE</b>	<b>CAPS</b>	<b>AUTHORITY/NOTES</b>
Arkansas	\$90-\$110 - Capital  \$70-\$90 - Homicide Class Y, A, or B Felonies  \$45-\$70 - Other Felonies & Misdemeanors	N/A	A.C.A. § 16-87-211 (2001) Statute directs the Arkansas Public Defender Commission to set guidelines for court-appointed attorney compensation.  Hourly rates provided by the Arkansas Public Defender Commission (2018).
California	Varies	Varies	Cal Pen Code § 987.2 (2002) Ca. Pen Code § 987.3 (1973) The court determines reasonable compensation.
Colorado	\$95 - Capital Cases  \$85 - Type A Felony  \$80 - Type B Felony, Juvenile \$75 - Misdemeanor, Traffic  \$75 – Travel	Class 1 Felony & unclassified felonies where max. penalty is death, life, or 51+ years: \$30,000 (with trial), \$15,000 (without trial)  Class 2 Felony, DF 1 felonies: \$13,000 (with trial), \$6,500 (without trial)  Class 3-6 Felonies, DF 2- 4 felonies: \$8,000 (with trial), \$4,000 (without trial)  Misdemeanors, Traffic, & Petty Offenses: \$3,000 (with trial), \$1,500 (without trial)  Juvenile: \$5,500 (trial)/ \$2,750 (without trial)	Chief Justice Directive 04-04 (Amended July 2018)
Connecticut	Largely use flat fees.  Can petition for \$75 for complicated cases.	Felonies: \$1,000  Misdemeanors: \$350  Habeas: \$6000	Conn. Gen. Stat. § 51-291 (2014) By statute, the Chief Public Defender establishes the compensation for court-appointed attorneys.  Cases are paid on an hourly rate or a flat fee and are assigned as such pursuant to the contract with the attorney.

<b>STATE</b>	<b>HOURLY RATE</b>	<b>CAPS</b>	<b>AUTHORITY/NOTES</b>
Delaware	\$60	Felony: \$2,000 (per attorney)  Misdemeanors: \$1,000 (per attorney)	Delaware Rules of Criminal Procedure Rule 44 (2016) Rule includes provisions for exceeding caps.
District of Columbia	\$60 - in-court \$40 - out-of-court  Can seek up to \$75 in certain cases	Felony: \$7,000 (per attorney)  Misdemeanor: \$2,000 (per attorney)	18 U.S.C. § 3006A (2010) “The compensation maximum amounts...shall increase simultaneously by the same percentage, rounded to the nearest multiple of \$100, as the aggregate percentage increases in the maximum hourly compensation rate paid pursuant to paragraph (1) for time expended since the case maximum amounts were last adjusted”  Statute includes provisions for exceeding caps.
Florida	Flat Fees	Capital: \$15,000  Life Felonies: \$3,000  Noncapital, Nonlife Felonies: \$2,500  Misdemeanors & Juveniles: \$1,000  Appeal: \$2,000	Fla. Stat. § 27.5304 (2018) Statute includes provisions for exceeding caps.
Georgia	By contract	By contract	O.C.G.A. § 17-12-22 (2011) Georgia Public Defender Standards Council contracts with individual attorneys for conflict appointment. In addition, certain localities which have opted out of the state system set their own compensation rates for court-appointed attorneys.

<b>STATE</b>	<b>HOURLY RATE</b>	<b>CAPS</b>	<b>AUTHORITY/NOTES</b>
Hawaii	\$90	Felony: \$6,000  Misdemeanor (jury trial): \$3,000  Misdemeanor (jury waived): \$1,500  Petty Misdemeanor: \$900  Appeals: \$5,000	HRS § 802-5 (2015) Statute includes provisions for exceeding caps.
Idaho	Set by contract either by the local board of county commissioners or by the court	Set by contract either by the local board of county commissioners or by the court	Idaho Code § 19-859 (2014) Compensation varies by each locality, largely set by the board of county commissioners, but judges can set the compensation rates in individual cases.
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 (2000) Statute includes provisions for exceeding caps.
Indiana	Set by the Court – per the Indiana IDC, hourly rates range from \$30-\$60, with the majority of counties going with \$40	N/A	Burns Ind. Code Ann. § 33-40-8-2 (2004) 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 can recommend standards for indigent defense.

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Iowa	\$70 - Class A Felony  \$65 - Class B Felony  \$60 - All other cases	<i>(Adult Cases)</i>  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  Juvenile Cases –  Delinquency: \$1,200  Juvenile Court Review: \$300  Judicial Bypass Hearings: \$180  Juvenile Commitment Hearings: \$180  Juvenile Petition on Appeal: \$600  Motion for Further Review after Petition on Appeal: \$300	Iowa Code § 13B.4 (2013) - Flat fee contracts Iowa Code § 815.7 (2013) - Hourly rates  Iowa Code § 815.10A (2015) Statute includes provisions for exceeding caps.  State Public Defender Administrative Rules Chapter 12.6 (2017)



STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Kansas	<p>\$80 (Negotiable)</p> <p>\$70 - Assigned Attorneys</p>	<p>Non-trying cases -</p> <p>Felony 1-5: \$1,400</p> <p>Felony 6-10: \$1,050</p> <p>Probation Revocations: \$280</p> <p>Tried cases -</p> <p>Felony 1-3, off-grid felony offenses, felony drug offenses level 1: \$7,000</p> <p>Felony 4, felony drug offenses 2-4: \$2,800</p> <p>Felony 5-10: \$2,1000</p>	<p>K.S.A. § 22-4507 (2007)</p> <p>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.</p> <p>Kansas Administrative Regulations 105-5-2, -5, -6, -7</p> <p>When a public defender, contract counsel, or conflict attorney is unavailable, then the court will assign counsel, who are paid at a rate of \$62/hr.</p> <p>Kansas Administrative Regulations 105-5-8 (2015)</p> <p>Statute includes provisions for exceeding caps.</p> <p>It appears that localities set caps for misdemeanor cases. See Douglas County Kansas Rules and Suggestions for Completing Misdemeanor Vouchers</p>

<b>STATE</b>	<b>HOURLY RATE</b>	<b>CAPS</b>	<b>AUTHORITY/NOTES</b>
Kentucky	Policy 8.04 & 8.06  \$75 – Capital Cases  \$50 – Violent Felonies  \$40 – Non-Violent Felonies  \$40 – Transfer Hearing (YO Cases)  \$40 – Juvenile & Misdemeanor  \$35 – Direct Appeal (in-court)  \$25 – Direct Appeal (out-of-court)  \$35 – Probation Revocation Appeal (in-court)  \$25 – Probation Revocation Appeal (out-of-court)	Policy 8.04 & 8.06  Capital Cases: \$30,000  Violent Felonies: \$1,500 (w/ trial), \$1,200 (w/out trial)  Non-Violent Felonies: \$900 (w/ trial), \$600 (w/out trial)  Juvenile & Misdemeanor: \$300  Capital Cases (Appellate Work): \$5,000  Direct Appeal: \$750  Probation Revocation Appeal: \$350	KRS § 31.235 (2002) The court shall pay reasonable and necessary fees but not in excess of fees established by the Department of Public Advocacy.
Louisiana	Flat fee contracts	Flat fee contracts	La. R.S. 15:147(C)(1) (2017) The Louisiana Public Defender Board enters into contracts with attorneys to provide indigent defense services.

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Maine	\$60	<p>Murder: Fee to be set by Executive Director</p> <p>Class A: \$3,000</p> <p>Class B and C (against person): \$2,250</p> <p>Class B and C (against property): \$1,500</p> <p>Class D and E (Superior or Unified Criminal Court): \$750</p> <p>Class D and E (District Court): \$540</p> <p>Probation Revocations: \$540</p> <p>Juvenile: \$540</p>	<p>15 M.R.S. § 810 (2018)</p> <p>4 M.R.S. § 1804(3)(F) (2017)</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 (2018)</p> <p>Provides the hourly rates and caps.</p>
Maryland	Same hourly rate as federal panel attorneys.	<p>District Court - federal misdemeanor</p> <p>Circuit Court - federal felony</p> <p>Juvenile Court - federal felony</p>	<p>Md. Criminal Procedure Code Ann. § 16-207 (2014)</p> <p>The Public Defender prepares schedules for fees and expenses for panel attorneys.</p> <p>Code of Maryland Regulations 14.06.02.06 (2018)</p> <p>Attorneys are compensated at the same hourly rate as federal panel attorneys.</p>
Massachusetts	<p>\$100 - Homicide</p> <p>\$60 - Superior Court non-homicide</p> <p>\$50 - District Court</p>	Annual cap on billable hours: 1,650	<p>ALM Gl ch. 211D, §11 (2016)</p> <p><u>Note:</u> Counsel may not accept new appointments or assignments after billing 1,350 billable hours, except in homicide cases.</p>
Michigan	Set by the Court	Set by the Court	<p>MCLS § 775.16 (2014)</p> <p>The statute covers appointment of counsel, but the case law notes following the statute state that the court sets the rates.</p>

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Minnesota	State Board of Public Defense determines rates	State Board of Public Defense determines rates	<p>Minn. Stat. §611.215(2)(c)(3) (2007)  State Board of Public Defense responsible for appointment of counsel and collection of costs.</p> <p>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.</p>
Mississippi	Set by the Court	<p>Circuit Court: \$1,000</p> <p>Court not of record: \$200</p> <p>Capital Cases: \$2,000</p> <p>Appeals to State Supreme Court: \$1,000</p>	Miss. Code Ann. §99-15-17 (1980)

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Missouri	Flat fee contracts  Jury Trial - \$1,500 for 1 <sup>st</sup> day, \$750 for each additional day (partial days prorated)  Bench Trial - \$750/day, prorated	Murder first degree: \$10,000  Other homicide: \$6,000  Felony Class A/B - Drugs: \$750  Felony Class A/B- Other: \$1,500  Felony Class A/B - Sex: \$2,000  Felony Class C/D/E - Drugs: \$750  Felony Class C/D/E - Other: \$750  Felony Class C/D/E - Sex: \$1,500  Misdemeanor: \$375  Juvenile - Non-violent offense: \$500  Juvenile - Violent offense: \$750  Probation Violation: \$375  Direct Appeal: \$3,750	§600.042 R.S.Mo. (2016) The state Public Defender contracts with private attorneys for legal services.  §600.021 R.S.Mo. (1986) The commission contracts with private attorneys to provide defense services.  Missouri State Public Defender Website – <a href="https://publicdefender.mo.gov/private-counsel-opportunities/mspd-contracting/panel-rates/">https://publicdefender.mo.gov/private-counsel-opportunities/mspd-contracting/panel-rates/</a>
Montana	Non-Capital - \$56	Statute allows for fixed fee contracts	47-1-121, MCA (2017) The Public Defender Commission adopts rules to provide reasonable compensation to contract attorneys.

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Nebraska	Set by Court or Public Defender Commission	N/A	<p>R.R.S. Neb. §29-3927 (2014) Public Defender Commission is responsible for determining compensation rates for contracting attorneys and court-appointed attorneys.</p> <p>R.R.S. Neb §29-3905 (1990) 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 or a gross misdemeanor: \$2,500</p> <p>Misdemeanor: \$750</p> <p>Gross Misdemeanor or Felony Appeal: \$2,500</p> <p>Misdemeanor Appeals: \$750</p>	<p>Nev. Rev. Stat. Ann. §7.125 (2013) Statute includes provisions for exceeding caps.</p>
New Hampshire	<p>\$100 – Major Crimes</p> <p>\$60 – all others</p>	<p>Homicides under RSA 630:1-2 (per co-counsel): \$20,000</p> <p>Felony – Sexual Assault: \$8,000</p> <p>Felony: \$4,100</p> <p>Misdemeanor: \$1,400</p> <p>Supreme Court Appeals: \$2,000</p>	<p>Rules of the Supreme Court of the State of New Hampshire, Rule 47 (2015)</p> <p>Rule includes provisions for exceeding caps.</p>

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
New Jersey	\$60 - in-court \$50 - out-of-court \$252 - full day (per diem) \$60 – in-court (appellate cases) \$50 – out-of-court (appellate cases) \$250 – Oral Argument (appellate cases)	N/A	N.J. Stat. §2A:158A-7 (1994) Public Defender establishes compensation with contract attorneys.  OPD Pool Attorney Application Process (2016) These guidelines set the current rates.
New Mexico	Flat-fee contracts generally  First degree murder and first degree felonies – \$85	Can vary by district 1 <sup>st</sup> Degree Murder: \$5,400 1 <sup>st</sup> Degree Felony (Life Imprisonment): \$5,400 1 <sup>st</sup> Degree Felony: \$800 or \$750 2 <sup>nd</sup> Degree Felony: \$780 or \$700 3 <sup>rd</sup> Degree Felony: \$750 or \$645 4 <sup>th</sup> Degree Felony: \$650 or \$540 Juvenile: \$350 or \$300 Misdemeanor Trial: \$180 Retrial: Half the Original Fee	N.M. Stat. Ann. §31-15-7 (2014) Public Defender to establish fee schedule for court appointed counsel.  Public Defender Contract Counsel Sample Contract (2018) Lists flat fee schedules on pages 19-20.
New York	\$75 – Felony both in and out of court  \$60 – Misdemeanor both in and out of court	Felony: \$4,400  Misdemeanor: \$2,400	NY CLS County §722-b (2004) Statute includes provisions for exceeding caps.

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
North Carolina	<p>\$95 - Capital Cases</p> <p>\$70 - Class A-D felony</p> <p>\$55 - All other cases resolved in district court</p> <p>\$60 - All other cases resolved in Superior Court</p> <p>\$60 - Parole and post-release revocation hearings</p> <p>\$55 – Competency Cases</p> <p>\$70 – Non-Capital Appeals and Post-Conviction (A-D Felony)</p> <p>\$60 – All other Non-Capital Appeals and Post-Conviction</p>	N/A	<p>N.C. Gen. Stat. § 7A-498.5 (2015) Office of Indigent Defense Services responsible for setting rates.</p> <p>Private Assigned Counsel Rates were updated in November 2017.</p>
North Dakota	<p>By contract, either using a flat fee or hourly rates</p> <p>According to Commission office, standard monthly contract rate is \$75/hr.</p>	<p>Felony - \$575 (7 hours of work)</p> <p>Misdemeanor - \$300 (4 hours of work)</p> <p>Juvenile - \$375 (5 hours of work)</p> <p>Juvenile (non-TPR) - \$450</p> <p>Appeal - \$2,250</p> <p>Post-Conviction case - \$1,350</p>	<p>N.D. Cent. Code, § 54-61-02 (2017) Commission on Legal Counsel has authority to set fees.</p> <p>N.D. Cent. Code, § 29-07-01.1 Lawyers representing indigent persons must be compensated at a reasonable rate determined by the commission on legal counsel for indigents.</p> <p>Presumed Rate for Attorney Fee Reimbursement (2017) Provides the rates that have been set by the Commission.</p>



STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Ohio	<p>\$60 - in-court</p> <p>\$50 - out-of-court</p> <p>\$95 - Capital Case both in and 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: \$1,000</p> <p>Contempt: \$300</p> <p>Probation violations: \$500</p> <p>Juvenile: \$1,000</p> <p>Aggravated Murder (w/ specs) - \$75,000</p> <p>Aggravated Murder (w/o specs) - \$8,000/1 attorney, \$10,000/2 attorneys</p> <p>Appellate Level Proceedings –</p> <p>Aggravated Murder (death sentence) - \$25,000</p> <p>Aggravated Murder (sentence other than death) - \$5,000</p> <p>Murder with Life Sentence/Repeat Violent Offender/Major Drug Offender/Sexually Violent Predator - \$3,000</p> <p>Felonies - \$1,500</p> <p>Misdemeanors - \$1,000</p> <p>Other/Juvenile - \$1,000</p>	<p>ORC Ann. 120.33 (2017)</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. Statute includes provisions for exceeding caps.</p> <p>Ohio Public Defender State Maximum Fee Schedule For Appointed Counsel Reimbursement (2000)</p> <p>Form on Ohio Public Defender’s website that provides the hourly rates and caps.</p>

<b>STATE</b>	<b>HOURLY RATE</b>	<b>CAPS</b>	<b>AUTHORITY/NOTES</b>
Oklahoma	Flat-fee contracts	Felony: \$3,500  Misdemeanor, Juvenile, Traffic: \$800	22 Okl. St. §1355.8 (2001) Statute includes provisions for exceeding caps.
Oregon	\$61 - Capital lead counsel  \$46 - Capital co-counsel  \$46 - Non-capital cases	N/A	ORS §151.216 (2018) The Public Defense Services Commission adopts guidelines regarding the fair compensation of appointed counsel.  Public Defense Payment Policy and Procedures (2018) Provides guidelines for obtaining an increase in the set hourly rates (section 2.2). Also sets out the hourly rates (Exhibit 2).
Pennsylvania	Set by the Court	Set by the Court	16 P.S. §9960.7 (1969) Attorney to be rewarded reasonable compensation to be fixed by the Court.

<b>STATE</b>	<b>HOURLY RATE</b>	<b>CAPS</b>	<b>AUTHORITY/NOTES</b>
Rhode Island	<p>\$100 - Murder</p> <p>\$90 - Class 1 Felony</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>\$75 – Criminal Appeal</p> <p>\$75 – Misc. Petition</p> <p>Some courts provide \$200/day or \$300/day for certain case types</p> <p>Family Court: \$30 – Dependency/Neglect/Abuse/Arrest</p> <p>\$50 – DUI</p> <p>\$50 – Misdemeanor</p>	<p>Murder: \$15,000</p> <p>Class 1 Felony: \$10,000</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>Criminal Appeal: \$3,000</p> <p>Misc. Petition: \$3,000</p> <p>Family Court Dependency/etc.: \$1,000</p> <p>DUI: \$2,500</p> <p>Misdemeanor: \$1,500</p>	<p>General Laws of Rhode Island §8-15-2</p> <p>Statute provides chief justice of the court to ensure that court-appointed attorneys are paid in a fair and equitable fashion (see order below)</p> <p>Supreme Court Executive Order No. 2013-07</p> <p>Provides the hourly rates and caps. Additional case types included beyond those listed.</p>
South Carolina	<p>\$60 - in-court</p> <p>\$40 - out-of-court</p>	<p>Felony: \$3,500</p> <p>Misdemeanor: \$1,000</p>	<p>S.C. Code Ann. §17-3-50 (2007)</p> <p>Includes provisions for exceeding hourly rates and caps.</p>
South Dakota	\$94	N/A	<p>S.D. Codified Laws § 23A-40-8 (1983)</p> <p>Reasonable amount to be paid based upon guidelines established by the presiding judge of the circuit court.</p> <p>See Unified Judicial System Policies Regarding Court-Appointed Attorney Fees (November 2017)</p> <p>Provides the hourly rate.</p>

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Tennessee	<p><i>Non-Capital Cases</i></p> <p>\$50 - in and out of court</p> <p><i>Capital Cases</i></p> <p>Lead Counsel: \$100</p> <p>Co-Counsel: \$80</p> <p>Post-conviction: \$80</p>	<p>First Degree Murder or Class A or B felony in trial court: \$3,000</p> <p>Felony other than First Degree Murder or Class A or B felony: \$2,000</p> <p>Preliminary hearings for felonies, juvenile charged w/non-capital felony: \$1,500</p> <p>Misdemeanor, probation violation: \$1,000</p> <p>Contempt of Court, parole revocation: \$500</p>	<p>Tennessee Supreme Court Rule 13 (checked 2018)</p> <p>Rule includes provisions for exceeding caps (see specifically section 2(e)(1)).</p>
Texas	Court sets rate	Court sets fee	<p>Texas Code of Criminal Procedure Article 26.05 (2017)</p> <p>Counsel to be paid a reasonable fee as set by the court.</p>
Utah	Court sets rate per guidelines set by the county or municipality	<p>Felony: \$3,500</p> <p>Misdemeanor: \$1,000</p> <p>Appellate Court: \$2,500</p>	<p>Utah Code Ann. § 77-32-304.5 (2012)</p> <p>Attorney shall be paid reasonable compensation by the court.</p>
Vermont	\$50	<p>Felony with possible life sentence or death penalty: \$25,000</p> <p>Other major felony: \$5,000</p> <p>Minor felony or Juvenile: \$2,000</p> <p>Misdemeanors &amp; all other proceedings: \$1,000</p> <p>Appeals: \$2,000</p>	<p>13 V.S.A. § 5205 (1982)</p> <p>The Supreme Court shall set reasonable rates of compensation.</p> <p>Vt. A.O. 4 § 6 (1993)</p> <p>Administrative Order of the Supreme Court. Provides the hourly rates and caps, as well as provisions for exceeding the caps.</p>

<b>STATE</b>	<b>HOURLY RATE</b>	<b>CAPS</b>	<b>AUTHORITY/NOTES</b>
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 (2009)</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).</p> <p>Felony charges with a penalty of 20 year or more can receive an additional waiver of up to \$850.</p> <p>Other felony charges may receive an additional waiver of up to \$155.</p> <p>With approval of the judge, Virginia also allows for a second level waiver in certain cases.</p>
Washington	Set by Court	Set by Court	<p>Rev. Code Wash. (ARCW) §36.26.090 (1969)</p> <p>The court shall provide reasonable compensation to a court-appointed attorney.</p>
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>	<p>W. Va. Code §29-21-13(a) (2008)</p> <p>Statute includes provisions for exceeding caps.</p>
Wisconsin	\$40 - in-court and out-of-court	N/A	Wis. Stat. § 977.08 (2018)
Wyoming	<p>\$100 - in court</p> <p>\$35-\$60 - out-of-court</p>	N/A	Wyoming Rules of Criminal Procedure Rule 44(e) (2007)