



VIRGINIA DEFENDERS
INDIGENT DEFENSE COMMISSION

Annual Report

Fiscal Year 2023

GIDEON V. WAINWRIGHT



Sixty Years



Virginia Indigent Defense Commission
1604 Santa Rosa Road, Suite 200, Richmond, VA 23229

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FY23 COMMISSION

Commission Members by Statute | Virginia Code § 19.2-163.02

The Chairman of the House Committee for Courts of Justice or his designee and the Chairman of the Senate Committee on the Judiciary or his designee who shall be members of the Courts of Justice committees;

- Delegate Jason Ballard
- Delegate Tim Anderson
- Senator R. Creigh Deeds

Chairman of the Virginia State Crime Commission (or Designee);

- Kristen Howard

Executive Secretary of the Supreme Court (or Designee);

- Karl R. Hade

Two (2) Attorneys Designated by Virginia State Bar;

- Professor John G. Douglass
- Carolyn Grady | VIDC Chairman

Two (2) Persons Appointed by the Governor;

- Kristi Wooten
- Professor Henry Chambers

Three (3) Persons Appointed by the Speaker of the House of Delegates;

- Guy W. Horsley, Jr.
- LaRana Owens

and Three (3) Persons Appointed by the Senate Committee on Rules.

- Steven D. Benjamin
- Artisha Gregg
- Manuel E. Leiva

Commission Staff

Executive Director: Maria Jankowski

Deputy Director: Timothy Coyne

Information Technology Director: Jason Hodges

Human Resource Director: Donna Moore/Stephanie Asbell

Budget and Finance Director: Solomon Girmay

FY23 PUBLIC DEFENDER OFFICES

OFFICE	LOCALITIES SERVED	EST.
ALEXANDRIA	City of Alexandria	1987
ARLINGTON	County of Arlington and City of Falls Church	2005
BEDFORD	City/County of Bedford	1989
CHARLOTTESVILLE	City of Charlottesville and County of Albemarle	1998
CHESAPEAKE	City of Chesapeake	2005
CHESTERFIELD	County of Chesterfield	2021
DANVILLE	City of Danville	1990
FAIRFAX	City and County of Fairfax	1987
FRANKLIN/ SMITHFIELD	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	County of Loudoun	1988
LYNCHBURG	City of Lynchburg	1991
MARTINSVILLE	City of Martinsville and Counties of Henry and Patrick	1992
NEWPORT NEWS	City of Newport News	2005
NORFOLK	City of Norfolk	2002
PETERSBURG	City of Petersburg	1979

OFFICE	LOCALITIES SERVED	EST.
PORTSMOUTH	City of Portsmouth	1986
PRINCE WILLIAM	County of Prince William	2020
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 Counties of Augusta and Rockbridge	1972
SUFFOLK	City of Suffolk	1989
VIRGINIA BEACH	City of Virginia Beach	1973
WARRENTON	Counties of Fauquier and Rappahannock	2021
WINCHESTER	Counties of Clarke, Frederick, Page, Shenandoah, and Warren, and City of Winchester	1989

The Annual Report of the
VIRGINIA INDIGENT DEFENSE COMMISSION

MISSION STATEMENT

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

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

FY 2023 REVIEW

The VIDC experienced some leadership changes at the top of the organization. Long-time Executive Director David Johnson retired after serving in that position since 2005. Mr. Johnson was a tremendous leader for the VIDC and brought many positive changes to our organization and improved the representation of our clients. Maria Jankowski was named Executive Director and began serving in that role in September 2022. Ms. Jankowski served as Deputy Executive Director of the VIDC for 8 years and prior to that had many years of service as a Virginia public defender, federal public defender and in private practice. Tim Coyne, former Winchester Public Defender, was named Deputy Executive Director to succeed Ms. Jankowski.

This past year we welcomed one new Public Defender to our ranks. Due to the promotion of Tim Coyne to the position of Deputy Executive Director in September, Peter McDermott was selected to replace him as Public Defender of the Winchester office that serves the City of Winchester and Counties of Clarke, Frederick, Page, Shenandoah and Warren.

¹ U.S. Const. Amend. VI. Note that the death penalty was abolished in Virginia effective July 1, 2021.



PETER MCDERMOTT

Chief Public Defender, Winchester

Mr. McDermott served as Deputy Public Defender in the office and literally rose through the ranks from Assistant Public Defender to Deputy. Mr. McDermott was hired in 2010 and has handled all manner of cases in every jurisdiction served by the office. He is dedicated to serving the interests of our clients and is an outstanding advocate for them.

Mr. McDermott graduated from SUNY-Brockport and received his J.D. from Temple Law School. He is a career public defender and public servant.

Surprisingly, 2023 has proven to be more challenging than 2020-2022. This is due to the surge in post-pandemic workloads and crisis level recruitment challenges. Every Public Defender office has noticed the total disappearance of previously rich talent pools from which to recruit. Added to this are increased caseloads in almost all offices. This vicious cycle of staffing shortages, leading to increased caseloads per attorney, leading to more resignations has plagued multiple VIDC offices. All offices face staggering and unsustainable workloads. At least a half a dozen offices have had to ask the courts in those jurisdictions to pause appointing cases to the Public Defender office because they do not have the staff to be in compliance with ethical guidelines. While most Judges and jurisdictions have been collaborative and receptive to the short-term pausing of case assignments, a few have not. Staff will work with the Commission to determine if legislative changes are needed to prevent this conflict. A review of Public Defender self-evaluations substantiates that the compensation and workloads crisis is impacting all levels of attorneys. As new lawyers leave due to inability to balance increasing workloads, cases are transferred to more experienced attorneys who are working under crushing caseloads while balancing their supervisory duties. Our most senior employees have borne the brunt of this problem. The Executive Director has participated in multiple national conversations about the issues facing indigent defense and it appears that this is a national crisis.

JLARC STUDY

In recognition of the growing problems facing indigent defense, the Virginia General Assembly in the 2022 session, referred Senate Bills 136, 282, 475 and 640 from the Senate Finance and Appropriations Committee to the Joint Legislative Audit and Review Commission (JLARC) for consideration for future study. JLARC was directed in part to review the adequacy and availability of legal representation for indigent defendants. Specifically the study was directed to (i) determine the adequacy of the number and location of public defenders and court-appointed attorneys to provide quality legal counsel to indigent defendants; (ii) determine the adequacy of the number of commonwealth's attorneys to appropriately prosecute crimes; (iii) compare compensation for public defenders, court-appointed attorneys, and commonwealth's attorneys and evaluate the adequacy of their compensation, including its impact on quality of representation; (iv) estimate the state and local fiscal impact of addressing compensation-related issues; (v) determine the need for, feasibility of, and fiscal impact of additional public defender offices; and (vi) evaluate the need for and required additional workload of providing defendants with representation at bail hearings. The VIDC has cooperated fully with the JLARC study by providing case management system (CMS) data, facilitating focus group meetings, being available for meetings to answer questions, providing compensation and travel expense information, and assisting with surveys of both VIDC employees and non VIDC court-appointed attorneys.

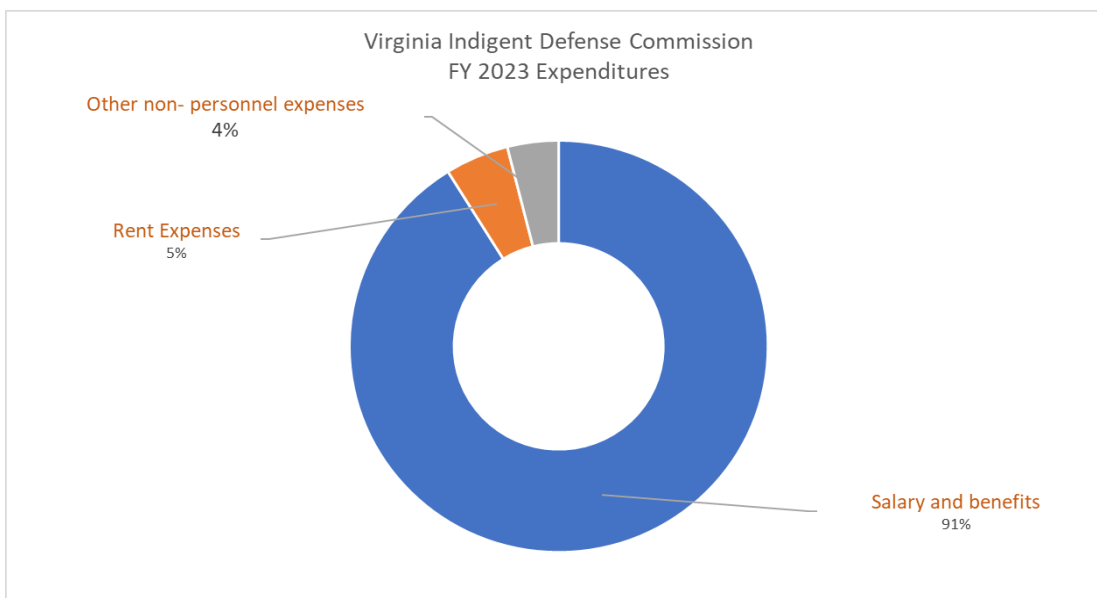
This General Assembly session, HB2037 was passed and signed by the Governor. This bill allows localities that choose to provide local supplemental funding to public defender officers to pay those funds directly to the VIDC for disbursement. Previously, localities had to pay the local supplemental funds directly to employees. Currently, fourteen jurisdictions provide local supplemental funding to public defender offices: Albemarle County, Alexandria City, Arlington County, Charlottesville City, Fairfax County, Fauquier County, Loudoun County, Richmond City, Norfolk, Portsmouth, Prince William County, Suffolk, Virginia Beach and Warren County. These funds are greatly appreciated and help address pay disparities between prosecutors offices and public defender offices.

COMMUNITY & POLICY ENGAGEMENT

Community and policy engagement continued in FY 2023. 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, Director of Policy and Education 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. These include the The Department of Criminal Justice Services, the National Advisory Board for The Gault Center, the Criminal Law Section Board of Governors for the Virginia State Bar and the Virginia Criminal Justice Conference, among many others. The VIDC appreciates the opportunity to engage with other stakeholders to ensure that the unique challenges facing indigent defendants in the Commonwealth are not overlooked.

BUDGET

VIDC budget is driven almost entirely by personnel cost as demonstrated in the following chart.



HUMAN RESOURCES

Human Resource needs of all agency employees are managed by the internal VIDC Human Resource (HR) Department. HR provides value-added resources and expert

consultation to ensure optimum program effectiveness. Specific functional areas include strategic planning, benefits, performance management, compliance, employee relations, employee engagement, compensation/payroll, policies and procedures.

Major accomplishments during FY 2023 included the successful transition to a new, more efficient and secure platform for electronic onboarding of new hires. Also, in FY 2023, the HR team spent a considerable amount of time engaged in testing and training activities in preparation for the implementation of Cardinal Human Capital Management, the Commonwealth's new Human Resources Information System. Cardinal went live in the Fall of 2022.

As part of our engagement activities, HR conducted an annual employee survey. Annual employee survey results show definitively that VIDC employees are committed to the mission, have a very favorable perception of the agency, and their office, and consider the VIDC a good place to work. Comments from the survey reflect that low pay and high workload are the primary reasons for employees leaving the VIDC. (See *attachment - FY 23 Employee Annual Survey*)

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 counsel.

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 indigent clients 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.

Applications for Initial Certification and re-certification are also available on the website. The Certification and Compliance Attorney, or the Certification and Compliance Assistant, 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 VIDC continues to offer Initial Certification training for attorneys seeking to accept court-appointed indigent criminal defense work. Typically, this 12-hour training program is offered live three times per year. The training is staffed with seasoned public defenders and other VIDC resource attorneys, including our Chief Appellate Counsel and Certification Attorney. In addition to content updates and improvements, valuable practice tips are provided throughout the program. This year, all written materials were carefully reviewed by multiple experienced attorneys to ensure they were up-to-date and always with an eye for improvement. The VIDC attorney resource website and other free resources are highlighted for the attendees.

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 email, along with instructions on where to find information about re-certification. Attorneys wishing to maintain certification for court-appointed cases are required to complete the one-page re-certification application form. Attorneys must include on the form the information verifying their completion of the statutorily required number of Commission and Virginia State Bar Mandatory Continuing Legal Education (MCLE) approved credit hours.

The VIDC continues to provide on-going, high-quality training at no cost to all certified court-appointed attorneys. All VIDC training provided to attorneys is approved by the Virginia State Bar for MCLE credit and is eligible to be used by attorneys to maintain certification status for court appointments.

In FY 2023, re-certification training was provided via a series of live virtual webcasts, which provided increased accessibility to attorneys across the

commonwealth. The VIDC Webcast Series was open to all certified court-appointed attorneys as well as Public Defender Office staff. A total of 16.5 live virtual hours of MCLE credits, including three ethics hours, were provided to over 1,300 certified court-appointed attorneys. Furthermore, the webcasts and corresponding materials were also made available for replay via the online VIDC Video Replay Library. In FY 2023, the replay library was viewed by more than 350 users who watched more than 1,770 hours of training.

This year, the VIDC also offered 4 in-person training sessions specifically designed for court-appointed attorneys. These sessions provided 3.5 hours of CLE credits including one hour of ethics credit and one hour of mental health training credit. The sessions were presented in Winchester, Weyers Cave, Roanoke and Abingdon and were well-received by attendees. The VIDC plans to continue this type of in-person training in the future.

In addition to VIDC training programs, VIDC Certification and Compliance Attorney reviews and approves MCLE approved courses provided by external organizations to determine whether 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/recertification/> and is regularly updated as new courses are submitted and approved.

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.

The VIDC Attorney Certification System (ACeS) is an online database 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 public VIDC website (<https://aces.virginiainteractive.org/defend/>) and is accessible by court personnel to retrieve the names of certified attorneys by case type and judicial circuit/district.

As of August, 2023, the number of **certified attorneys totaled 1,455 and less than 1000 of these are not VIDC employees.** This represents the lowest number in recent years. A recent review substantiated anecdotal reports that attorneys are no longer maintaining certification and accepting appointments due to inadequate compensation. The total attorneys certified by case type were as follows:

Case Type	Number of Certified Attorneys 7/2023	Number of Certified Attorneys 7/2022	Annual Change %
FELONY	1,274	1,387	-8.15
JUVENILE	677	715	-5.31
MISDEMEANOR	1,449	1,575	-8

NOTE: An attorney may be certified for more than one case type.

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 in August of 2023.

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 are outlined on the VIDC website (<http://www.vadefenders.org/standardsofpractice/>). The Standards of Practice complaint process and complaint form are also located on the website. The Standards of Practice are highlighted in the live Initial Certification training and the complete Standards of Practice are included in the training manual provided to attendees.

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

This year, the Commission approved amendments to the Standards of Practice to reflect the changes made to appellate procedure in Virginia. These changes include the duty to file reply briefs and request oral argument to protect clients. These changes were also incorporated into the Initial Certification training.

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 Initial Certification training as any attorney seeking to serve as court-appointed counsel. Public defenders are encouraged to attend a live session of the Initial Certification training, however, in an effort to get new public defenders certified as quickly as possible, they are provided the option to complete the training via online video replay. In keeping with the revised Standards of Practice, all public defenders must also complete a two-hour training on defending non-citizens.

All attorneys employed by the VIDC must also attend an intensive week-long training program known as *Public Defender Boot Camp*, typically within the first six months of employment. The training emphasizes trial skills and addresses the rewards and challenges of public defense, with the goal of developing a client-centered practice. Staffed by experienced public defender leaders, this training program is one part of an overall strategy to recruit, train, and retain quality attorneys who want to serve as public defenders. In FY 2023, one in-person training session was provided to 48 new hires in December 2022. This event provided 27 hours of VIDC and MCLE approved training credit hours to be used by attorneys towards maintaining their certification status. The May 2023 session was canceled due to having less than 10 new attorney hires who were new to the practice of law and required intensive introductory training. The small number of new hires during this timeframe were trained within their offices and will attend the December 2023 boot camp.

In October 2022, we held our first in-person VIDC Annual Public Defender Conference since the onset of the COVID pandemic. We celebrated the 50th anniversary of the opening of the Staunton Public Defender office, which was the first office to open in the Commonwealth of Virginia. The conference featured three plenary sessions on the new probation violation statute, the expanded Court of Appeals and ethics. This year we included paralegals in our conference and had four breakout tracks during each breakout session. One track for newer attorneys, an advanced attorney track, a general track and a paralegal track. The conference included sessions on topics including forensics, marijuana, criminal law update, mental health evidence in juvenile cases, preservation, integrating paralegals into the defense team and many more. This conference provided seven CLE hours, including one hour of ethics, one hour of attorney wellness, two hours of juvenile re-certification credit and two hours of mental health re-certification credit.

VIDC continues to serve as a co-host, alongside University of Richmond School of Law, to provide the Annual Robert E. Shepherd Jr. Youth Law and Education Conference. In addition to facilitating the MCLE approval process and providing promotional assistance, a number of VIDC attorneys served on the conference planning committee and presented at the event. The event is open to the public with all proceeds benefiting the University of Richmond School of Law. In FY 2023, the conference provided seven hours of MCLE, including one hour of ethics, GAL re-certification credits and VIDC approved juvenile-specific training eligible to be used by attorneys towards maintaining their juvenile certification status.

In addition to attorney-focused training programs, VIDC is providing an increasing number of both in-person and virtual training opportunities for our legal assistants, paralegals, office managers, mitigation specialists and investigators. In FY23 we revived the biennial Mitigation Specialist Conference. This conference was the first canceled event during the pandemic in 2020, so we were excited to bring them together and welcome our new Mitigation Specialists. This conference took place in September 2022 featuring topics about trauma and resilience, using visual aids in sentencing, voir dire and a case specific breakout session. We also resumed the Office Manager Conference in

FY23, which updated them on new procurement and HR procedures, as well as sessions on building office culture and giving and receiving feedback.

Moving into FY24, we are planning to combine training efforts for investigators, paralegals and mitigation specialists by creating a single multi-track conference that will focus on defense team strategies and provide position-specific breakout sessions. This single conference will be designed to replace the currently separate biennial Mitigation Specialist and Investigator Conferences, and will solve the goal of creating a regularly scheduled training program for our Paralegals.

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 Attachment - FY23 Caseload and Charge Data Report).

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. Of note this year the Commission voted on a remote/electronic participation meeting policy and advance leave policy. The policies are provided to all employees at the time of onboarding and accessible electronically to all employees via the VIDC intranet. All employees must acknowledge receipt of the Policies when onboarded.

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

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. The State Compensation Comparison Chart is attached to this report.

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 for a misdemeanor in general district court, \$1,235 for a felony charge where the maximum period of confinement is more than 20 years, and \$445 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. (See *Attached Comparison Charts for Hourly Rates, Felony High, Felony Low, Misdemeanor, Appellate High and Appellate Low*).

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

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)

In any 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 of 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.

The Virginia Court of Appeals revised the fee structure effective July 1, 2023.

The new fee structure is as follows:

- \$1,500 for misdemeanor appeals briefed and argued before the Court and \$1,300 for those cases that are not argued
- \$2,000 for felony appeals briefed and argued before the Court and \$1,800 for those cases that are not argued
- An additional \$500 for those cases that are granted *en banc* review and argued

This change was made primarily in response to all criminal appeals becoming appeals of right effective January 1, 2022.

The Virginia Supreme Court also revised the fee structure for criminal appeals to the highest court effective October 17, 2023. The new fee structure is as follows:

- Misdemeanor appeals: fee amounts begin at \$700, not to exceed \$1,500
- Felony appeals: fee amounts begin at \$1,000, not to exceed \$2,000
- If a petition for appeal is granted, court-appointed counsel in docketed criminal appeals that proceed to an opinion or order will receive \$3,250 and are not paid at the petition stage.

FY23 CASELOAD & CHARGE DATA REPORT

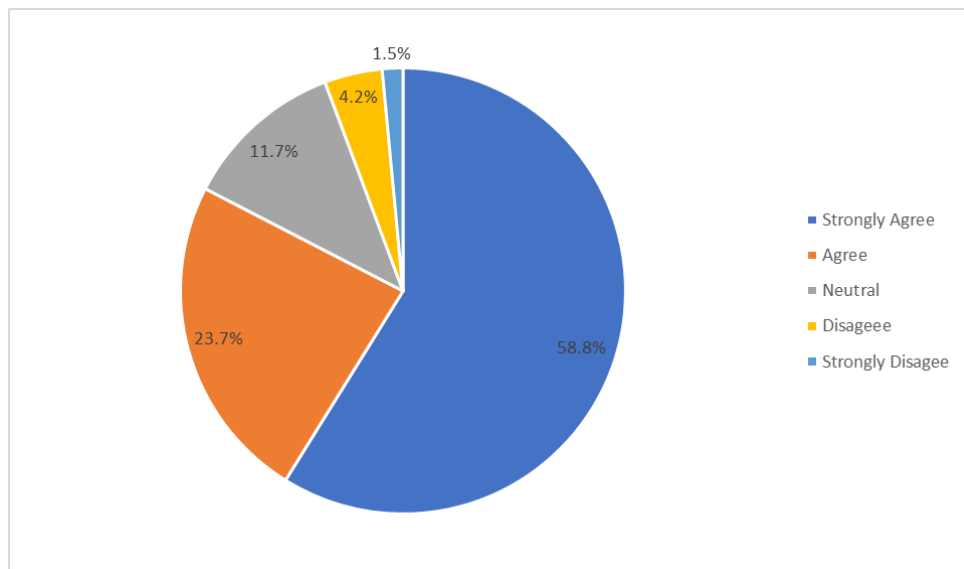
OFFICE	CASES	CHARGES
ALEXANDRIA	1,596	3,271
ARLINGTON	2,519	4,872
BEDFORD	912	1,635
CHARLOTTESVILLE	1,915	3,250
CHESAPEAKE	4,297	9,666
CHESTERFIELD	6,315	13,715
DANVILLE	1,884	3,297
FAIRFAX	7,119	13,467
FRANKLIN/SMITHFIELD	1,467	2,960
FREDERICKSBURG	5,307	10,869
HALIFAX	1,917	3,365
HAMPTON	2,373	4,433
LEESBURG	2,448	4,053
LYNCHBURG	1,825	3,531
MARTINSVILLE	1,658	2,388
NEWPORT NEWS	4,451	10,067
NORFOLK	3,870	8,286
PETERSBURG	1,280	2,638
PORTSMOUTH	2,447	5,265

OFFICE	CASES	CHARGES
PRINCE WILLIAM	3,046	6,272
PULASKI	1,668	2,868
RICHMOND	5,820	11,370
ROANOKE	2,738	5,014
STAUNTON	3,503	7,164
SUFFOLK	1,858	4,256
VA BEACH	7,918	14,026
WARRENTON	1,170	1,834
WINCHESTER	2,072	3,636

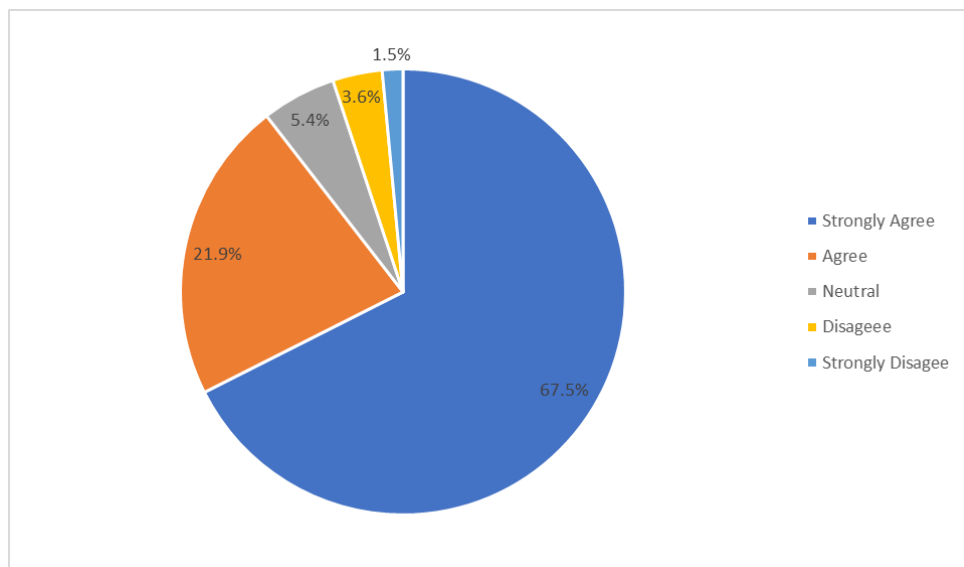
FY23 EMPLOYEE ANNUAL SURVEY

Excerpt from IDC 2023 Annual Survey conducted in May 2023. Over 300 employees responded from 28 field offices as well as the Administration office.

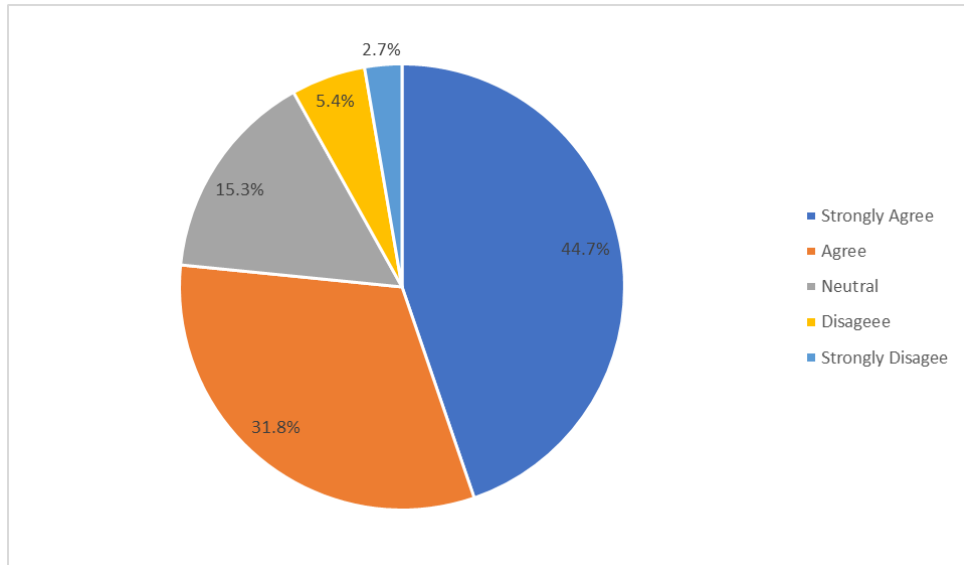
1. Management addresses and resolves issues of behavioral and ethical standards consistently, timely, and equitably in accordance with the provisions of the agency's Code of Ethics



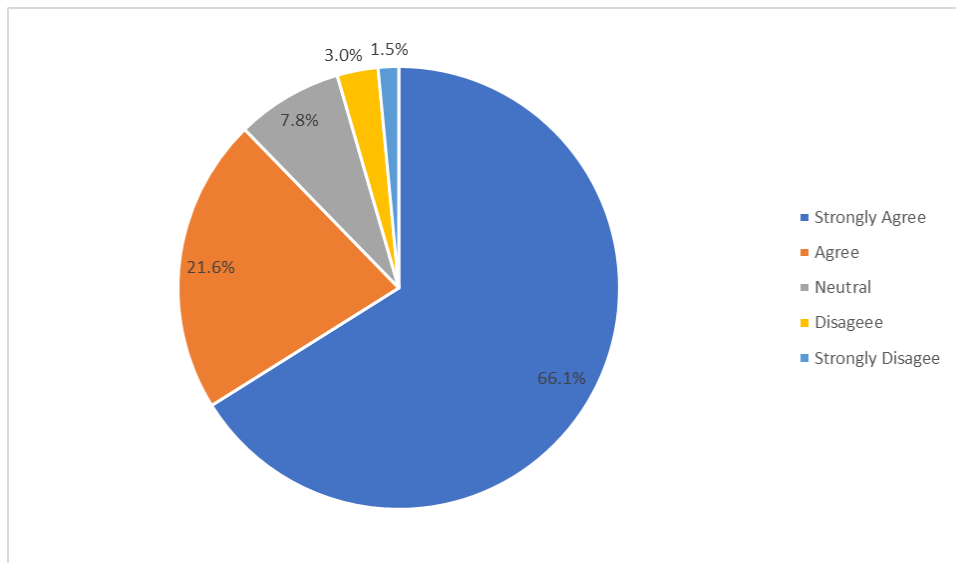
2. Management demonstrates a commitment to integrity, equity, and ethical behavior by example in their day to day activities.



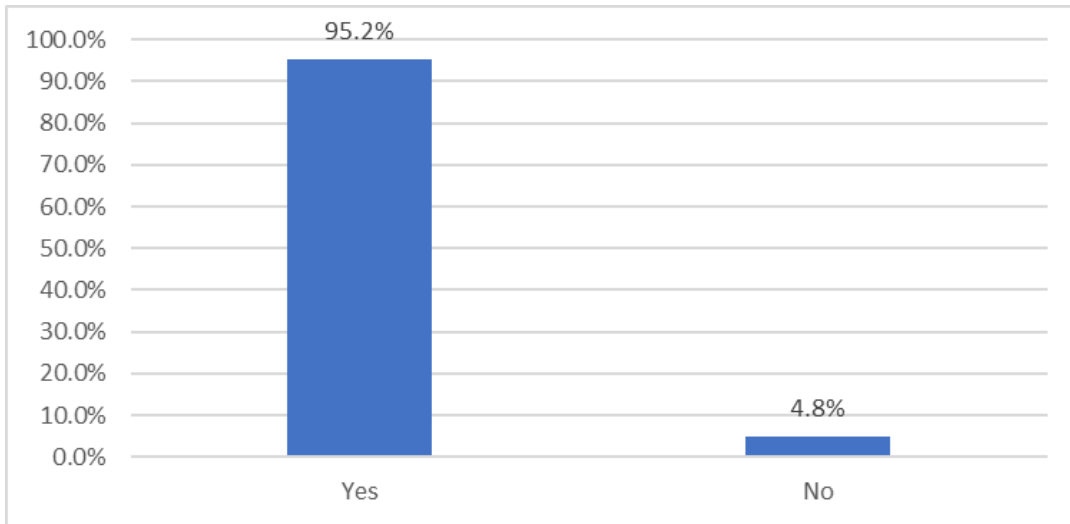
3. Management decisions are made in an equitable and transparent manner.



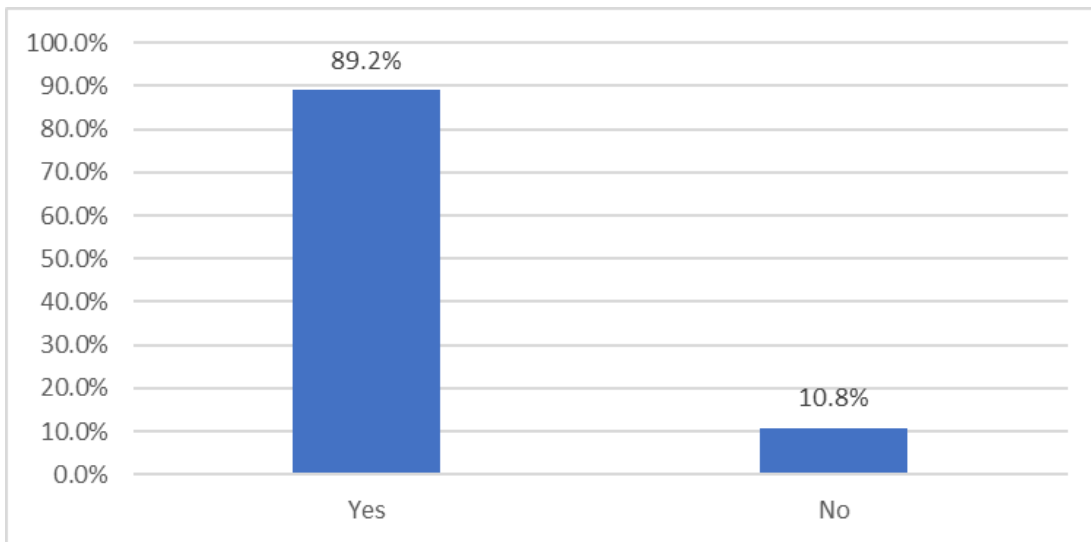
4. My office culture is conducive to open communication, and I am able to approach leadership with work concerns when necessary.



5. Would you recommend your office as a good place to work?



6. Does your office provide you with meaningful/consistent supervision and feedback?



7. Employee Comments:

- *The rate of pay for these positions with the VIDC is concerning and will be hard to retain some of the great talent in these positions. I hope there is a plan to increase pay soon.*

- *I love my job but the workload has been continuing to rise with the increase in jury trials and issues with retaining attorneys. I don't know what the solution is but it is hard to keep up with everything.*
- *Overall, I am excited about the direction where our office is heading and I am grateful for the opportunity to be a part of it.*
- *We manage thousands of cases on a yearly basis. Better pay would enable us to keep and hire more and better attorneys - which in turn helps with the workload issue. We work hard, support each other, cover for each other all the time, and it's still barely enough to keep our heads above water. I am worried about burning out, I am worried about my coworkers burning out.*
- *Overall, our office is truly amazing and the quality of representation and advocacy continues to sky-rocket.*
- *Overall, I'm very satisfied working for the IDC and working at my office. I'd like to see the IDC continue to grow as I think our presence in new jurisdictions would benefit the people there. I have confidence in IDC leadership and the work they put in for us as well.*

STATE COMPENSATION COMPARISON CHART

STATE	HOURLY RATE	CAPS		AUTHORITY/NOTES
ALABAMA	\$70	CAPITAL CASE:	NONE	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.
		FELONY:	A/\$4,000, B/\$3,000, C/\$2,000	
		MISDEMEANORS:	\$1,500	
		JUVENILE:	\$2,500	
		OTHERS:	\$1,500	
		APPEALS:	\$2,500	
ALASKA	Set by Public Defender Agency	FELONY:	A/\$9,000, B/\$4,875 C/\$4,000	2 AAC 60.010 (2021) (Alaska Administrative Code)
		UNCLASSIFIED FELONY:	\$20,000	
		MISDEMEANORS:	\$1,625	
		JUVENILE:	N/A	
		PROBATION VIOLATION:	FELONY/\$1,875 MISDEMEANOR/\$625	
		APPEALS:	\$2,500-\$7,500	
ARIZONA	VARIES	VARIES		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."
ARKANSAS	CAPITAL \$120, ALL OTHERS \$70	VARIES		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. ("reasonable and customary fee" as approved by Executive Director of Ark. Public Defender Commission, per APDC staff 4/13/23)
CALIFORNIA	VARIES	VARIES		Cal Pen Code § 987.2 (2021), Ca. Pen Code § 987.3 (1973), The court determines reasonable compensation based on specified factors.
COLORADO	TYPE A FELONY/\$105	CLASS 1 FELONY OR DEATH PENALTY, LIFE, 51+ YEARS	\$37,760 WITH TRIAL, \$18,880 WITHOUT TRIAL	C.R.S. 21-2-101 (2007) C.R.S. 21-2-103 (2018) Describing when alternate defense counsel (as opposed to a public defender) would be appointed to represent an indigent defendant. Chief Justice Directive 04-04 (Amended July 1, 2023) Provides alternate defense counsel hourly rates and fee caps.
	TYPE B FELONIES/\$100	CLASS 2 FELONY, DRUG FELONY	\$16,520 WITH TRIAL, \$8,260 WITHOUT TRIAL	
	JUVENILE/\$100	CLASS 3-6 FELONY, DRUG FELONY 2-4	\$10,620 WITH TRIAL, \$5,310 WITHOUT TRIAL	
	MISDEMEANOR/ TRAFFIC/\$95	MISDEMEANORS, TRAFFIC, PETTY OFFENSES	\$4,720 WITH TRIAL, \$2,360 WITHOUT TRIAL	
		JUVENILE	\$8,260 WITH TRIAL \$4,130 WITHOUT TRIAL	
	TRAVEL/\$80	APPEALS:	\$2,000-\$9,000	
CONNECTICUT	CAPITAL FELONY/ APPEALS/ \$102	Where flat rate compensation contracts are used, they are put in place by jurisdiction:		Conn. Gen. Stat. § 51-291 (2012) By statute, the Chief Public Defender establishes the compensation for court-appointed attorneys. Division of Public Defender Services, Assigned Counsel Frequently Asked Questions (last visited April 2023) Cases are paid on an hourly rate or a flat fee and are assigned as such pursuant to the contract with the attorney. The bulk of case assignments are done through flat rate contract agreements.
	FELONIES/JUVENILE/ MISDEMEANOR/ \$88	JUDICIAL DISTRICT	\$1,350	
		GEOGRAPHICAL AREA	\$675	
		JUVENILE	\$675	
		APPEALS:	\$675	
		NO CAP FOR HOURLY CONTRACT CASES		
DELAWARE	TRIAL/ \$60 APPEAL/ \$50	FELONY	\$2,000	Delaware Rules of Criminal Procedure, Rule 44 (2023) for appointment of counsel by trial court, Rules of the Supreme Court of the State of Delaware, Rule 26 (2023) for appointment of counsel on appeal. Rules includes provisions for exceeding caps.
		MISDEMEANORS	\$1,000	
		APPEALS:	\$1,000-\$2,000	
DISTRICT OF COLOMBIA	IN COURT/\$60	FELONY	\$7,000	D.C. Code § 11-2604; 18 U.S.C. § 3006A (2010) Statute includes provisions for exceeding caps.
	OUT OF COURT/\$40	MISDEMEANOR	\$2,000	
	CAN SEEK UP TO \$75	APPEALS:	\$5,000	

FLORIDA	FLAT FEES	CAPITAL	\$25,000	Fla. Stat. § 27.5304 (2023) Statute includes provisions for exceeding caps on "rareoccasions," requires approval by Justice Administration Commission, and evidentiary hearing for approvalby court if JAC objects.
		LIFE FELONY	\$9,000	
		NON-CAPITAL NON-LIFE	\$6,000	
		MISDEMEANORS	\$1,000	
		JUVENILES	\$1,000	
		APPEALS	\$9,000	
GEORGIA	FLAT FEES (BY CONTRACT)	LIFE FELONY	\$7,500	O.C.G.A. § 17-12-22 (2011) Georgia Public Defender Standards Council contracts with individual attorneys for conflict appointment. Six localities which have opted out of the state system set their own compensation rates for court-appointed attorneys. (Per Ga. Public Defender Office 4/19/23).
		FELONY	\$3,000	
		MISDEMEANOR	\$1,000	
		JUVENILE	\$1,500	
HAWAII	\$90	FELONY	\$6,000	HRS § 802-5 (2005), Statute includes provisions for exceeding caps.
		MISDEMEANOR - JURY	\$3,000	
		MISDEMEANOR - JURY WAIVED	\$1,500	
		PETTY MISDEMEANOR	\$900	
		APPEALS	\$5,000	
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. The statute provides that any contract shall not include any pricing structure that charges or pays a single fixed fee for the services and expenses of the attorney.
ILLINOIS	Reasonable Fee as set by the Court, In Counties with populations greater than 2 million people: \$40 IN COURT, \$30 OUT OF COURT	Set by contract either by the local board of county commissioners or by the court		725 ILCS 5/113-3.1 (1988), Statute includes provisions for exceeding caps.
		FELONY	\$1,250	
		MISDEMEANOR	\$500	
		APPEALS:	\$2,000	
INDIANA	The Indiana Public Defender Commission requires a \$100/hour rate in all Commission counties (roughly 73% of counties in Indiana),For non-Commission counties, hourly rates range from \$30-\$60, with the majority of counties going with \$40 for out-of-court time and \$50 for in-court time,\$136 - Death Penalty			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.
IOWA	CLASS A FELONY/\$83, CLASS B FELONY/ \$78 ALL OTHERS/ \$73	ADULT CASES		Iowa Code § 13B.4 (2017) - Flat fee contracts, Iowa Code § 815.7 (2023) - Hourly rates, Iowa Code § 815.10A (2013), Statute includes provisions for exceeding caps. State Public Defender Administrative Rules Chapter 12.6 (2017) Provides the attorney fee caps.
		CLASS A FELONY	\$20,124	
		CLASS B FELONY	\$4,088	
		CLASS C FELONY	\$2,040	
		CLASS D FELONY	\$1,360	
		AGGRAVATED MIS	\$1,360	
		SERIOUS MIS	\$680	
		SIMPLE MIS	\$340	
		MIS APPEALS	\$340	
		CONTEMPT/SHOW CAUSE	\$340	
		PROBATION/PAROLE	\$340	
		JUVENILE		
		DELINQUENCY	\$1,360	
		JUV COURT REVIEW	\$544	
		JUD BYPASS HRG	\$204	
		JUV COMMITMENT HRG	\$204	
		JUV PETITION ON APPEAL	\$680	
		MOTION FOR FURTHER REVIEW AFTER PETITION ON APPEAL	\$340	
		APPEALS:		
		SET BY PUBLIC DEFENDER		

KANSAS	\$80/ \$120 THROUGH FY23 SPECIAL BUDGET REVISION	NON- TRIED CASES		K.S.A. § 22-4507 (2007), 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, -6, -7, -8. Provides generally for the hourly rates and caps, as well as provisions for exceeding caps in "exceptional cases." Localities set caps for misdemeanor cases. See e.g. Johnson County District Court "Court Appointment Fee Schedule"
		FELONY 1-5	\$1,600	
		FELONY 6-10	\$1,200	
		PROB REVOCATIONS/MISC	\$427	
		TRIED CASES		
		FELONY 1-3	\$8,000	
		FELONY OFF-GRID	\$8,000	
		FELONY DRUG LVL 1	\$8,000	
		FELONY 4	\$3,200	
		FELONY DRUG 2-5	\$3,200	
		FELONY 5-10	\$2,560	
APPEALS				
COURT OF APPEALS	\$1,920			
SUPREME COURT	\$1,920			
KENTUCKY	Set by contract by the Department of Public Advocacy		KRS § 31.235 (2002), The Department of Public Advocacy shall pay reasonable and necessary fees but not in excess of fees established by the Department of Public Advocacy.	
LOUISIANA	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.	
MAINE	\$150 (EFF. 3/01/2023)	MURDER	FEE APPROVED BY EXECUTIVE	15 M.R.S. § 810 (2018), 4 M.R.S. § 1804(3)(F) (2019), The Maine Commission on Indigent Legal Services sets the rate for court appointed counsel. Code of Maine Rules § 94-649, Chapter 301 (2023) provides the hourly rates and caps.
		CLASS A	\$5,000	
		CLASS B AND C AGAINST PERSON	\$4,000	
		CLASS B AND C AGAINST PROPERTY	\$2,500	
		CLASS D AND E	\$2,500	
		PROB REVOCATIONS	\$1,500	
		JUVENILE	\$1,500	
		MISCELLANEOUS	\$1,000	
APPEALS	\$3,000			
MARYLAND	\$164 (SAME HRLY RATE AS FEDERAL CJA PANEL ATTORNEYS)	FELONY	\$12,800	The Maryland Public Defender prepares schedules of professional fees and expenses for panel attorneys and other professional and technical services rendered to indigent individuals other than by the Public Defender's staff, taking into consideration the nature of the services, the time spent, the skill or experience required, and any other pertinent factor. Md. Crim. Proc. Code Ann. § 16-207(b)(s). By Md. Code Regs 14.06.02.06, the Public Defender is permitted to match the federal public defender/CJA panel rate.
		MISDEMEANOR	\$3,600	
		PROBATION VIOLATION	\$2,700	
		APPEALS	\$9,100	
MASSACHUSETTS	FELONIES - LIFE/\$120	ANNUAL CAP ON BILLABLE HOURS: 1,650		ALM GL ch. 211D, § 11 (2022), Notwithstanding the billable hour limitation in subsection (b), the chief counsel of the committee may waive the annual cap on billable hours for private counsel appointed or assigned to indigent cases if the chief counsel finds that: (i) there is limited availability of qualified counsel in that practice area; (ii) there is limited availability of qualified counsel in a geographic area; or (iii) increasing the limit would improve efficiency and quality of service; provided, however, that counsel appointed or assigned to such cases within the private counsel division shall not be paid for any time billed in excess of 2,000 billable hours. It shall be the responsibility of private counsel to manage their billable hours.
	FELONIES - NON LIFE/\$85			
	MISDEMEANOR/\$65			
	HOMICIDE/\$120			
	SUPERIOR COURT NON HOMICIDE/\$65			
CHILDREN/FAMILY LAW/\$85				
MICHIGAN	Life Felonies - \$120; Non-life Felonies - \$110; Misdemeanors-\$100; Appeals-\$50-\$75/hr	Determined by Michigan Indigent Defense Commission		"Economic disincentives or incentives that impair defense counsel's ability to provide effective representation must be avoided." MCLS § 780.991. MIDC Standard 8: "Assigned counsel should receive prompt compensation at a reasonable rate and should be reimbursed for their reasonable out-of-pocket, case-related expenses. Assigned counsel should be compensated for all work necessary to provide quality legal representation." MSC Admin. Order 2017-3 and approved by the Appellate Defender Commission sets appellate fees.
		Plea-based Appeals:	\$750-\$1,125	
		Trial-based Appeals:	\$3,375	
MINNESOTA	State Board of Public Defense determines rates		Minn. Stat. §611.215(2)(c)(3) (2007) 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 COURT	CIRCUIT COURT	\$1,000	Miss. Code Ann § 99-15-17 (1980)
		COURT NOT OF RECORD	\$200	
		CAPITAL CASES	\$2000 PER CASE	
		APPEALS TO STATE SUPREME COURT	\$1000 PER CASE	

MISSOURI	FLAT FEE CONTRACTS, JURY TRIAL / \$1500 FOR FIRST DAY, \$750 FOR EACH ADDITIONAL DAY (PARTIAL DAYS ARE PRO-RATED), BENCH TRIAL/ \$750 PER DAY, PRO-RATED	MURDER - 1ST DEG	\$10,000	§600.042 R.S.Mo. (2019), 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 – https://publicdefender.mo.gov/private-counsel-opportunities/mspd-contracting/panel-rates/
		OTHER HOMICIDE	\$6,000	
		PROBATION VIOL	\$375	
		MISDEMEANOR	\$375	
		JUVENILE MIS	\$375	
		DIRECT APPEAL	\$3,750	
		DRUG CRIMES		
		FELONY A/B	\$750	
		FELONY C/D/E	\$750	
		JUV FELONY A/B	\$500	
		JUV FELONY C/D/E	\$500	
		SEX CRIMES		
		FELONY A/B	\$2,000	
		FELONY C/D/E	\$1,500	
		JUV FELONY A/B	\$1,250	
		JUV FELONY C/D/E	\$1,000	
		OTHER CRIMES		
		FELONY A/B	\$1,500	
		FELONY C/D/E	\$750	
		JUV FELONY A/B	\$750	
JUV FELONY C/D/E	\$500			
JUV MISD	\$375			
DIRECT APPEALS - \$3,750				
MONTANA	\$71	STATUTE ALLOWS FOR FIXED FEE CONTRACTS		47-1-121, MCA (2019), The Public Defender Commission adopts rules to provide reasonable compensation to contract attorneys. See Compensation Schedule: https://publicdefender.mt.gov/Resources/Contractor-Compensation-Schedule1.pdf
NEBRASKA	SET BY COURT/ \$50-125; MAJORITY OF COURTS/ \$95-\$100	N/A		R.R.S. Neb §29-3905 (1990), The appointing court "shall fix reasonable expenses and fees." https://nebraskacriminaldefense.org/resources/Documents/Court%20Appointed%20Counsel%20Report%20-%20July%202022%20Final.pdf
NEVADA	CAPITAL CASES/\$125; ALL OTHERS/ \$100	N/A - CAPS REMOVED IN 2021		Nev. Rev. Stat. Ann. §7.125 (2021), Caps were removed in 2021.
		APPEALS	FELONY OR GROSS MISDEMEANOR/\$2,500, MISDEMEANORS/\$750	
NEW HAMPSHIRE	MAJOR CRIMES (CAPITAL MURDER, HOMICIDE., AGGRAVATED FELONIOUS SEXUAL ASSAULT, FELONIOUS SEXUAL ASSAULT, FIRST DEGREE ASSAULT, CLASS A FELONY ROBBERY, FELONY ARSON/ \$125, ALL OTHER CASES/\$90	HOMICIDES UNDER RSA 630:1-2 (PER COUNSEL)	\$20,000	Rules of the Supreme Court of the State of New Hampshire, Rule 47 (2022). Rule includes provisions for exceeding caps.
		AGGRAVATED FELONIOUS SEXUAL ASSAULT	\$12,500	
		FELONIOUS SEXUAL ASSAULT	\$12,500	
		FIRST DEGREE ASSAULT	\$12,500	
		ALL OTHER FELONIES	\$5,500	
		MISDEMEANORS	\$2,000	
		SUPREME COURT APPEALS	\$10,000	
NEW JERSEY	IN COURT/ \$75	N/A		N.J. Stat. §2A:158A-7 (1994). Public Defender establishes compensation with contract attorneys, OPD Pool Attorney Application Process (2023). These guidelines set the current rates. See https://www.nj.gov/defender/documents/Pool%20Attorney%20Guidelines%20Rev.%20%201%202011%202023.pdf
	OUT OF COURT/ \$75			
	FULL DAY/ \$300			
	APPELLATE CASES/\$75	APPEALS	MAY ONLY BILL UP TO 9 HOURS/DAY	
NEW MEXICO	FLAT - FEE CONTRACTS GENERALLY, FIRST DEGREE MURDER AND FIRST DEGREE FELONIES/\$85, TRAVEL TIME/\$42.50	*CAN VARY BY DISTRICT		N.M. Stat. Ann. §31-15-7 (2014). Public Defender to establish fee schedule for court appointed counsel. New rate schedule eff. 7/1/23 (increase of 20%).
		1ST DEG MURDER	\$6,500	
		1ST DEG FELONY (LIFE)	\$6,500	
		1ST DEG FELONY	\$900 to 950	
		2ND DEG FELONY	\$850 to 930	
		3RD DEG FELONY	\$775 to 900	
		4TH DEG FELONY	\$650 to 780	
		JUVENILE	\$360 to 420	
		MISDEMEANOR TRIAL	\$220	
		PROB VIOLATION	\$650 to 780	
APPEALS	\$1900 to 5850			

NEW YORK	\$158/HR	ALL MATTERS AND APPEALS/ \$10,000		NY CLS County §722-b (2023), Statute includes provisions for exceeding caps. NY CLS Jud. §35 (2023)
NORTH CAROLINA	CAPITAL/LWOP/\$100	NO CAPS IN GENERAL, CAPITAL/\$35,000 ATTORNEY CAP, CAN APPLY FOR EXCEPTIONAL FEES		N.C. Gen. Stat. § 7A-498.5 (2015), Office of Indigent Defense Services responsible for setting rates, Private Assigned Counsel Rates were updated January 1, 2022
	A-D FELONIES/\$85			
	E-I FELONIES/\$65			
	ALL OTHER CASES RESOLVED IN SUPERIOR COURT/\$65			
	MISDEMEANORS/\$65			
	Appeals: \$75-\$100/hr			
NORTH DAKOTA	\$75/HR	FELONY	\$2,000	N.D. Cent. Code, § 54-61-02 (2017), Commission on Legal Counsel has authority to set fees, N.D. Cent. Code, § 29-07-01.1 (2013): Lawyers provided to represent indigent persons must be compensated at a reasonable rate to be determined by the commission on legal counsel for indigents. Policy on Payment of Extraordinary Attorney Fees (last viewed 4/23): provides policy for exceeding caps.
		MISDEMEANOR	\$850	
		JUVENILE	\$850	
		POST-CONVICTION	\$500	
		ANY OTHER MATTER	\$500	
		APPEAL	\$2,000	
OHIO	IN COURT OR OUT OF COURT/ \$75, DEATH PENALTY CASES, BOTH IN AND OUT OF COURT/\$140	ADULT		<p>ORC Ann. 120.33 (2017), 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. Ohio Public Defender Standards and Guidelines for Appointed Counsel Reimbursement (2019). Manual on Ohio Public Defender's website that provides the hourly rates and caps.</p> <p>https://analytics.das.ohio.gov/t/PUBPUB/views/OhioFeeSchedulesStory3/Story1?iframeSizedToWindow=true&embed=y&:showAppBanner=false&:display_count=no&:showVizHome=no&:render=true</p>
		AGG MURDER W/ SPECS	NO FEE MAXIMUM	
		AGG MURDER W/ NO SPECS	\$15000 ONE ATT, \$25000 TWO ATT	
		MURDER	\$10,000	
		FELONY W/ LIFE, REPEAT VIOLENT OFFENDER, MAJOR DRUG OFFENDER	\$10,000	
		FELONY 1-2	\$8,000	
		FELONY 3	\$5,000	
		FELONY 4-5	\$3,500	
		MISDEMEANOR 1-4	\$2,000	
		MISDEMEANOR OVI/BAC	\$2,500	
		CONTEMPT	\$500	
		PROB VIOLATIONS	\$750	
		PRELIM HRG	\$300	
		SEX OFFENDER	\$750	
		JUVENILE		
		AGG MURDER W/ SPECS	NO FEE MAXIMUM	
		AGG MURDER W/ NO SPECS	\$7500 ONE ATT, \$12500 TWO ATTS	
		MURDER	\$6,000	
		FELONY 1-2	\$5,000	
		FELONY 3-5	\$3,500	
		MISDEMEANOR	\$2,000	
		MISDEMEANOR OVI/BAC	\$2,500	
		CONTEMPT	\$500	
		PROB VIOLATIONS	\$750	
		SEX OFFENDER	\$750	
		APPELLATE LEVEL PROCEEDINGS		
		DEATH SENTENCE	NO FEE MAXIMUM	
		CUMULATIVE MIN SENTENCE EXCEEDS 25 YRS	\$8,000	
		FELONY 1-2	\$5,000	
		FELONY 3	\$3,500	
		FELONY 4-5	\$2,500	
		FELONY PLEA	\$1,500	
MISDEMEANORS	\$2,000			
MISDEMEANOR PLEA	\$1,000			

OKLAHOMA	IN COURT/\$80 OUT OF COURT/\$60	FELONY	\$3,500	22 Okl. St. §1355.8 (2001). Statute includes provisions for exceeding caps. Hourly rates set out in 2022 Annual Report, Oklahoma Indigent Defense System, p.13.
		MISDEMEANOR	\$800	
		JUVENILE	\$800	
		TRAFFIC	\$800	
		APPEALS	FELONIES/\$3,500, MISDEMEANORS/\$800	
OREGON	CAPITAL/\$105 NON-CAPITAL CASES/\$75	MURDER	\$18,437	ORS §151.216 (2018) - the Public Defense Services Commission adopts guidelines regarding the fair compensation of appointed counsel. Public Defense Payment Policy and Procedures provide for hourly rate and compensation schedule.
		MEASURE 11 FEL.	\$1,908	
		FELONY A	\$1,146	
		FELONY B	\$955	
		FELONY C	\$604	
		PROB. VIOLATION	\$230	
		MISDEMEANOR	\$368	
		APPEALS	\$2,726	
PENNSYLVANNIA		SET BY COURT		16 P.S. §9960.7 (1969), Attorney to be rewarded reasonable compensation to be fixed by the Court. **In Pennsylvania, all counties except Philadelphia are required to create and fund a public defender's system. The public defender in Philadelphia is an association which is not part of the county or state government.
RHODE ISLAND	MURDER/\$100	MURDER	\$30,000	General Laws of Rhode Island §8-15-2 (1969), Statute cited in Executive Order (see below) which provides chief justice of the court to ensure that court-appointed attorneys are paid in a fair and equitable fashion. Supreme Court Executive Order re Indigent Defense Service Payment Rates (2019) - Provides the hourly rates and caps. Additional case types included beyond those listed.
	CLASS 1 FEL/\$90	CLASS 1 FELONY	\$10,000	
	CLASS 2 FEL/\$60	CLASS 2 FELONY	\$5,000	
	MIS APPEAL/\$50	MIS APPEAL - SUP COURT	\$1,500	
	VIOL OF COURT ORDER/\$30	VIOL OF COURT ORDER	\$1,500	
	CRIM APPEAL/\$85	CRIM APPEAL	\$5,200	
	MISC APPEALS & PETS/\$85	MISC APPEALS & PETS	\$5,200	
	DUI/\$50	DUI	\$2,500	
	MISDEMEANOR/\$50	MISDEMEANOR	\$1,800	
	FAMILY COURT/\$30	FAMILY COURT	\$1,000	
	*SOME COURTS PROVIDE \$200-300/DAY FOR CERTAIN CASE TYPES	CRIMINAL APPEAL	\$5,200	
SOUTH CAROLINA	IN COURT/\$60, OUT OF COURT/\$40	FELONY	\$3,500	S.C. Code Ann. §17-3-50 (2007), Includes provisions for exceeding hourly rates and caps. In 2013 SC created a contract program which contracts with private attorneys to handle non-capital criminal conflict cases for a flat fee. Sample contract online provide for flat fee of \$900/case. https://scjid.sc.gov/608-contract
		MISDEMEANOR	\$1,000	
		APPEALS	FELONIES - 1 OR MORE/\$3,500, MISDEMEANORS /\$1,000	
SOUTH DAKOTA	\$107	SET BY COURT		Reasonable and just amount to be paid based upon guidelines established by the presiding judge of the circuit court., Office of the State Court Administrator Court-Appointed Attorney Guidelines (eff. 11/4/22)
TENNESSEE	CAPITAL CASES	1ST DEG MURDER	\$3,000	Tennessee Supreme Court Rule 13 (amended 2021), Rule includes provisions for exceeding caps (see specifically section 2(e)(1)).
	LEAD COUNSEL/\$100	CLASS A/B FELONY	\$3,000	
	CO-COUNSEL/\$80	FELONY	\$2,000	
	POST-CONVICTION/\$80	PRELIM HRG	\$1,500	
	NON-CAPITAL CASES	MISDEMEANOR	\$1,000	
	IN COURT/\$50	CONTEMPT OF CT	\$500	
	OUT OF COURT/\$50	APPEALS	\$1,000 W/ ALLOWANCES FOR EXEMPTIONS ON CAPS	
TEXAS		SET BY COURT		Texas Code of Criminal Procedure Article 26.05 (2019), Counsel to be paid a reasonable fee as set by the court. Judges of the county courts, statutory county courts, and district courts trying criminal cases in each county must establish a schedule of fees.
UTAH		RATE PER GUIDELINES SET BY THE COUNTY OR MUNICIPALITY		Utah Code Ann. § 78B-22-302 (2019), Utah Code Ann. § 78B-22-203 (2019), Attorney shall be paid reasonable compensation by the court.

VERMONT	\$100	FELONY W LIFE OR DEATH PENALTY	\$25,000	13 V.S.A. § 5205 (1982), The Supreme Court shall set reasonable rates of compensation, Vt. Adm. Ord. SCT. No. 4, § 6 (2023), Administrative Order of the Supreme Court. Provides the hourly rates and caps, as well as provisions for exceeding the caps.
		OTHER MAJ FELONY	\$5,000	
		MINOR FELONY	\$2,000	
		MISDEMEANOR	\$1,000	
		JUVENILE	\$2,000	
		ALL OTHERS	\$1,000	
		APPEALS	\$2,000	
VIRGINIA	\$90	FELONY W/ 20+ YRS	\$1,235	Va. Code § 19.2-163 (2000), 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. With approval of the judge, Virginia also allows for a second level waiver in certain cases. Effective July 1, 2023, the Court of Appeals has approved the following enhanced fee structure for court-appointed counsel under Virginia Code § 19.2-326: • \$1500 for misdemeanor appeals briefed and argued before the Court and \$1300 for those cases that are not argued, \$2000 for felony appeals briefed and argued before the Court and \$1800 for those cases that are not argued, an additional \$500 for those cases that are granted en banc review and argued. Effective October 17, 2023, the Virginia Supreme Court has approved the following fee structure for court-appointed counsel: Petition stage misdemeanor appeals - a fee of \$700 not to exceed \$1,500; Petition state felony appeals - a fee of \$1,000 not to exceed \$2,000. If petition is granted and opinion or order issued, a fee of \$3,250.
		OTHER FELONY	\$445	
		MISDEMEANOR IN CIRCUIT COURT	\$158	
		DISTRICT COURT CASES (MISDEMEANORS, FELONY PRELIM HRGS WHERE FELONY WAS NOT RESOLVED IN DISTRICT COURT)	\$120	
		APPEALS	HIGH - \$5,750/LOW - \$2,000	
		WASHINGTON	SET BY EACH COUNTY OR CITY: FELONIES/\$65-\$97 MISDEMEANORS/\$59 JUVENILE/\$59-\$70	
	APPEALS	BY COURT		
WEST VIRGINIA	IN COURT/\$80 OUT OF COURT/\$60	FELONY OFFENSES WITH POSSIBILITY OF LIFE	COURT'S DISCRETION	
		ALL OTHER CASES	\$4,500	
		APPEALS	\$4,500	
WISCONSIN	\$100 Travel (\$50/HR)	N/A CASELOAD LIMITS SET		Wis. Stat. § 977.08 (2023)
		APPEALS	BY CONTRACT	
WYOMING	IN COURT/\$100 OUT OF COURT/\$35- \$60	N/A		Wyoming Rules of Criminal Procedure Rule 44(e) (2019)
		APPEALS:	N/A	

STATE COMPARISON CHART - HOURLY RATES (Non-Capital)

STATE	HOURLY RATE
Maryland	\$164
New York	\$158
Maine	\$150
New Hampshire	\$125
Kansas	\$120
Massachusetts	\$120
Michigan	\$120
South Dakota	\$107
Indiana	\$100
Nebraska	\$100
Nevada	\$100
Rhode Island	\$100
Wyoming	\$100
Colorado	\$100
Wisconsin	\$100
Vermont	\$100
Washington	\$97
Virginia	\$90
Connecticut	\$88
New Mexico	\$85
North Carolina	\$85
Iowa	\$83
Oklahoma	\$80
West Virginia	\$80
New Jersey	\$75
North Dakota	\$75
Ohio	\$75
Oregon	\$75
Montana	\$71
Alabama	\$70
Arkansas	\$70
Delaware	\$60
District of Columbia	\$60
South Carolina	\$60
Tennessee	\$50
Illinois	\$40
*Includes only those states with established hourly rates	

**STATE COMPARISON CHART - HIGHEST CLASS FELONY
(Non-Capital)**

STATE	FEE CAP
Colorado	\$37,760
Rhode Island	\$30,000
Iowa	\$20,124
Oregon	\$18,437
Maryland	\$12,800
New Hampshire	\$12,500
Missouri	\$10,000
New York	\$10,000
Ohio	\$10,000
Alaska	\$9,000
Florida	\$9,000
Georgia	\$9,000
Kansas	\$8,000
District of Columbia	\$7,000
New Mexico	\$6,500
Hawaii	\$6,000
Maine	\$5,000
Vermont	\$5,000
West Virginia	\$4,500
Alabama	\$4,000
Oklahoma	\$3,500
South Carolina	\$3,500
Tennessee	\$3,000
Delaware	\$2,000
North Dakota	\$2,000
Connecticut	\$1,350
Illinois	\$1,250
Virginia	\$1,235
Mississippi	\$1,000
*Includes only those states with established fee caps	

STATE COMPARISON CHART - LOWEST CLASS FELONY

STATE	FEE CAP
Maryland	\$12,800
New York	\$10,000
District of Columbia	\$7,000
Florida	\$6,000
Hawaii	\$6,000
New Hampshire	\$5,500
Colorado	\$5,310
Rhode Island	\$5,000
West Virginia	\$4,500
Alaska	\$4,000
Ohio	\$3,500
Oklahoma	\$3,500
South Carolina	\$3,500
Georgia	\$3,000
Maine	\$2,500
Alabama	\$2,000
Delaware	\$2,000
North Dakota	\$2,000
Tennessee	\$2,000
Vermont	\$2,000
Iowa	\$1,360
Illinois	\$1,250
Kansas	\$1,200
Mississippi	\$1,000
Missouri	\$750
Connecticut	\$675
New Mexico	\$650
Oregon	\$604
Virginia	\$445
*Includes only those states with established fee caps	

STATE COMPARISON CHART - MISDEMEANOR

STATE	FEE CAP
New York	\$10,000
Colorado	\$4,720
West Virginia	\$4,500
Maryland	\$3,600
District of Columbia	\$2,000
New Hampshire	\$2,000
Ohio	\$2,000
Rhode Island	\$1,800
Alaska	\$1,625
Alabama	\$1,500
Hawaii	\$1,500
Delaware	\$1,000
Florida	\$1,000
Georgia	\$1,000
Maine	\$1,000
South Carolina	\$1,000
Tennessee	\$1,000
Vermont	\$1,000
North Dakota	\$850
Oklahoma	\$800
Connecticut	\$675
Illinois	\$500
Kansas	\$427
Missouri	\$375
Oregon	\$368
Iowa	\$340
New Mexico	\$220
Mississippi	\$200
Virginia	\$120

*Includes only those states with established fee caps

STATE COMPARISON CHART - HIGHEST APPELLATE CAP

STATE	FEE CAP
New Hampshire	\$10,000
New York	\$10,000
Maryland	\$9,100
Colorado	\$9,000
Florida	\$9,000
Ohio	\$8,000
Alaska	\$7,500
New Mexico	\$5,850
Virginia	\$5,750
Rhode Island	\$5,200
District of Columbia	\$5,000
Hawaii	\$5,000
West Virginia	\$4,500
Kansas	\$3,840
Missouri	\$3,750
Oklahoma	\$3,500
South Carolina	\$3,500
Michigan	\$3,375
Maine	\$3,000
Oregon	\$2,726
Alabama	\$2,500
Nevada	\$2,500
Delaware	\$2,000
Illinois	\$2,000
North Dakota	\$2,000
Vermont	\$2,000
Mississippi	\$1,000
Tennessee	\$1,000
Connecticut	\$675

*Includes only those states with established fee caps

STATE COMPARISON CHART - LOWEST APPELLATE CAP

STATE	FEE CAP
New York	\$10,000
New Hampshire	\$10,000
Maryland	\$9,100
Florida	\$9,000
Rhode Island	\$5,200
District of Columbia	\$5,000
Hawaii	\$5,000
West Virginia	\$4,500
Missouri	\$3,750
Maine	\$3,000
Oregon	\$2,726
Alabama	\$2,500
Alaska	\$2,500
Colorado	\$2,000
Illinois	\$2,000
North Dakota	\$2,000
Vermont	\$2,000
Virginia	\$2,000
Kansas	\$1,920
New Mexico	\$1,900
Delaware	\$1,000
Mississippi	\$1,000
Ohio	\$1,000
South Carolina	\$1,000
Tennessee	\$1,000
Oklahoma	\$800
Michigan	\$750
Nevada	\$750
Connecticut	\$675

*Includes only those states with established fee caps