

2025 ANNUAL REPORT



VIRGINIA INDIGENT DEFENSE COMMISSION

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FY25 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 Katrina Callsen
- Senator R. Creigh Deeds

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

- Del. Charniele Herring/Kristen Howard

Executive Secretary of the Supreme Court (or Designee);

- Karl R. Hade

Two (2) Attorneys Designated by Virginia State Bar;

- Aaron Cook, Esq.
- Carolyn Grady | VIDC Chairman

Two (2) Persons Appointed by the Governor;

- Kristi Wooten
- Mario Lorello

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

- Guy W. Horsley, Jr.
- Steven Mutnick, Esq.
- Michael Herring

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: Stephanie Asbell

Budget and Finance Director: Solomon Girmay

FY25 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
HARRISONBURG/ ROCKINGHAM	City of Harrisonburg, County of Rockingham	2024
LEESBURG	County of Loudoun	1988
LYNCHBURG	City of Lynchburg	1991

OFFICE	LOCALITIES SERVED	EST.
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
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 2025 REVIEW

FY2025 was a year of expansion for the VIDC. In September 2024, the VIDC hired Abigail Thibeault as the Public Defender for the newly established Harrisonburg/Rockingham Public Defender Office. Ms. Thibeault was an Assistant Federal Public Defender in the Western District of Virginia and also had several years' experience as a public defender in Maryland. She immediately began the long process of hiring attorneys and support personnel for the office. The VIDC was able to secure office space in very close proximity to the courthouse and jail in Harrisonburg and began taking cases in January. The office has already accepted a high number of cases and is providing excellent representation for our clients in the various courts in Harrisonburg and Rockingham County.

There were several other changes in our ranks of Public Defenders. Peter Boatner, the longtime Public Defender for the Staunton office, retired after 30 years of outstanding service to the Commonwealth. Duane Barron was selected to succeed Mr. Boatner as Public Defender for the office that serves the Cities of Staunton, Waynesboro, Lexington, and Buena Vista and the Counties of Augusta and Rockbridge. Mr. Barron served as the Deputy Public Defender in the office and literally rose through the ranks from Assistant Public Defender to Deputy. He has over 20 years of experience and is an outstanding advocate for our clients. Mr. Barron received his undergraduate degree from Harding University and his J.D. from the University of Georgia. Mr. Barron also received an M.A. in Religious Studies from the University of Virginia.

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

Alison Carpenter was chosen as the Public Defender for Arlington County and the City of Falls Church following the departure of Bradley Haywood. Ms. Carpenter also rose through the ranks from Assistant Public Defender to Deputy Public Defender in the Arlington office and has many years of experience in indigent defense in Virginia. Ms. Carpenter received her B.A. degree from Georgetown University and received her J.D. from the University of Pennsylvania Law School.

Court-Appointed Compensation

Effective January 1, 2025, new statutory fee caps for court-appointed attorneys went into effect. These new caps were approved by the General Assembly in 2024 and are:

- Misdemeanors (excluding DWIs) - \$330
- Misdemeanor DWIs - \$448
- Juvenile - \$680
- Class 3-6 felonies - \$834
- Class 2 and "elevated felonies" - \$1,692
- Elevated felonies are: Voluntary and Involuntary Manslaughter, DUI manslaughter, indecent liberties, custodial indecent liberties, felony child abuse and neglect, malicious wounding by mob, malicious wounding, aggravated sexual battery, arson of an occupied meeting house, courthouse, etc. and arson of an occupied structure, other.
- Probation violations: Felony (except Class 1) - \$445; Misdemeanors - \$180

The increase in these fee caps followed an extensive report and recommendations by the Joint Legislative Audit and Review Commission (JLARC) in 2023. JLARC found there was a severe decline in the number of attorneys serving as court-appointed counsel over a ten-year period. This decline in the number of court-appointed attorneys reduces court efficiency, creates more scheduling conflicts and negatively impacts the rights of criminal defendants. JLARC found that insufficient pay was by far the primary reason that attorneys were leaving court-appointed work. Other reasons included challenges with clients and challenges with the work. JLARC concluded that the existing fee caps were insufficient to compensate attorneys for the work they performed. JLARC's findings are consistent with VIDC data which shows that the number of certified court-appointed attorneys dropped dramatically from 1,949 in 2019 to 1,341 in 2024. There has been a slight increase in the number of certified attorneys to 1,380 in FY25 which represents the first increase in more than 5 years. This may be the result of the increase in statutory fee caps but it is too soon to tell.

Legislative Actions

The 2025 General Assembly passed several bills that directly impacted the VIDC. HB1627/SB1193 relating to dissemination of criminal history record information passed both chambers unanimously and was signed by the Governor. This bill requires the Commonwealth Attorney to provide an actual copy of a defendant's criminal record to counsel upon request and pursuant to a discovery obligation. HB2111/SB966 also passed both chambers unanimously and was signed by the Governor. This bill makes the Executive Director of the VIDC (or designee) a member of the Virginia Criminal Sentencing Commission ensuring there will be a voice for indigent criminal defendants on the Sentencing Commission. Finally, HB1757/SB901 passed both chambers with near unanimous support and was signed by the Governor. This bill ensures that indigent defendants represented by a public defender will be assessed the same amount for legal representation as a defendant represented by a private court-appointed attorney.

In addition, the budget bill that passed the General Assembly and signed by the Governor provided funding for 3 new attorney positions in the Fairfax office to serve the General Districts in the Cities of Herndon, Vienna and Fairfax. The Public Defender's office had not previously served the district courts in these jurisdictions. The new positions were necessary to handle the anticipated increased caseload. Finally, HB2723 made amendments to the new sealing legislation that will become effective July 1, 2026. The bill required the VIDC to (i) educate and provide support to public defenders and certified court-appointed counsel on expungement and sealing, (ii) conduct trainings on expungement and sealing across the Commonwealth, (iii) develop a library of resources on expungement and sealing for use by public defenders and certified court-appointed counsel, and (iv) post information regarding expungement and sealing for use by the public on its website. A corresponding budget amendment provided funding for the VIDC to hire a Sealing Resource Attorney to meet the statutory requirements. The new Sealing Resource Attorney will start in September 2025.

Local Supplements

Isle of Wight County and the City of Newport News approved local supplemental funding, bringing the total number of localities providing some level of local funding to 18. Four localities – Alexandria, Arlington, Loudoun County and Prince William – locally fund positions in addition to providing local supplemental funding. The localities providing some local supplemental funding are: Albemarle, Alexandria, Arlington, Charlottesville, Chesapeake, Fairfax, Isle of Wight, Loudoun, Newport News, Norfolk, Portsmouth, Prince William, Richmond, Southampton, Suffolk, Virginia Beach, Fauquier, and Warren. These local supplements are a tremendous boost to retention and recruitment and help close the gap in pay disparity.

Opioid Abatement Grant

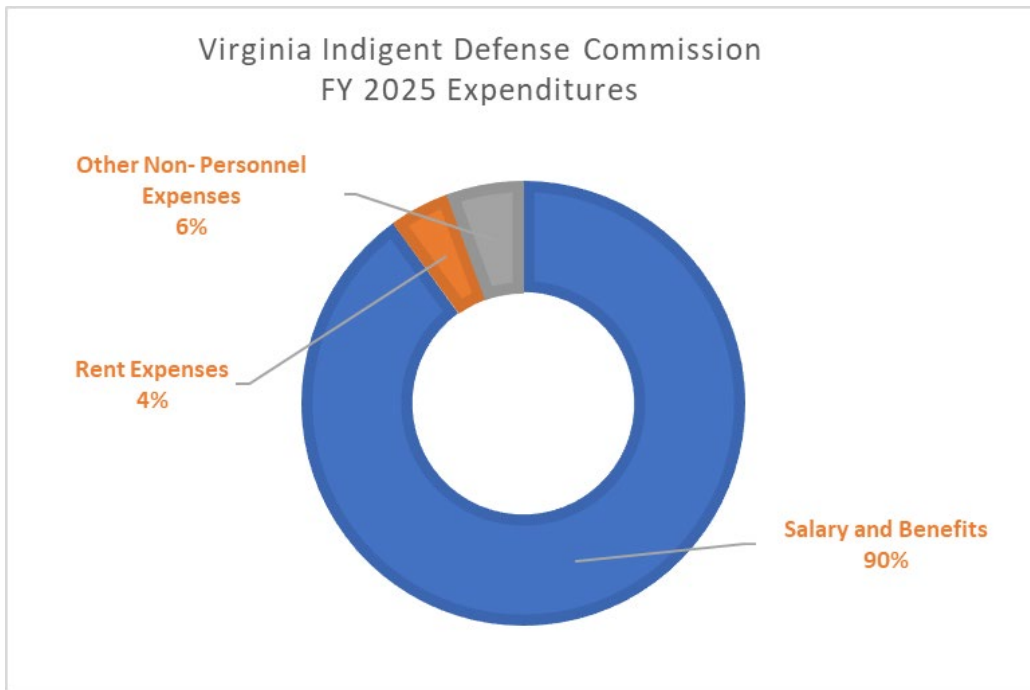
In FY2024, the VIDC was awarded a grant from the Opioid Abatement Authority in the amount of \$224,745 to fund 7 Re-Entry and Recovery Specialists for 7 offices - Chesterfield, Fredericksburg, Lynchburg, Martinsville, Pulaski, Roanoke and Winchester. A condition of the grant was that the VIDC partner with Recovery Corps, an AmeriCorps organization, to hire the specialists. The grant also provided funding for a supervisor based at the Administrative Office. The VIDC applied to renew and expand the grant for FY2025 to provide for 15 specialists. The OAA approved that grant renewal and expansion. The total amount of the grant is \$407,740. The VIDC has applied to renew and expand the grant for FY2026.

COMMUNITY & POLICY ENGAGEMENT

Community and policy engagement continued to be very strong in FY 2025. 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 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, the Virginia Model Jury Instruction Committee, 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 2025 included onboarding 150 new full-time employees filling over 90% of our positions. And coordinating the development of new supervisor training for recently promoted supervisors.

As part of our engagement activities, the team was instrumental in creating an employee newsletter, *Defender Digest*, to highlight the accomplishments of our employees. HR also conducted our annual employee survey. Survey results show a high level of job satisfaction among employees, employees are satisfied with communication in the agency and committed to staying with the agency despite many external challenges. Comments from the survey confirm that low pay, high workload and stressful work continue to cause employees to seek employment elsewhere. (See attachment - FY 25 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 public defenders and other VIDC resource attorneys, including a member of our Appellate Cohort and the 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 2025, 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 23 hours of live virtual MCLE credits were provided to certified court-appointed attorneys. These live virtual webcasts provided training on topics related to immigration, various forensics topics, DUI, extradition and more. Furthermore, the webcasts and corresponding materials were also made available for replay via the online VIDC Video Replay Library. In FY 2025, the replay library was viewed by more than 700 users who watched more than 1,800 hours of training.

This year, the VIDC also offered 2 in-person training sessions specifically designed for court-appointed attorneys. These sessions provided 3.0 hours of MCLE credits. The sessions were presented in Roanoke and Abingdon.

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, 2025, the number of **certified attorneys totaled 1,373**. While this is a modest increase from 1,341 last year, it is the first time in at least 5 years that there was not a drop in the number of certified attorneys. This coincides with this year’s increase in the cap on fees that court appointed attorneys can receive. The total attorneys certified by case type were as follows:

Case Type	Number of Certified Attorneys 7/2023	Number of Certified Attorneys 7/2024	Annual Change %
FELONY	1,186	1208	+1.84
JUVENILE	628	647	+2.99
MISDEMEANOR	1,341	1373	+2.36

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 2025.

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.

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.

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 2025, two in-person training sessions were provided in December 2024 and June 2025, to 60 new attorneys. This event provided 27.5 hours of MCLE approved training credit hours, including 2 ethics hours. This training is also VIDC approved to be used by attorneys towards maintaining their certification status.

In October 2024, we held the 33rd Annual Public Defender Conference at the Virginia Beach Convention Center. The conference featured three plenary sessions on challenging police officer credibility, tips from a former trial judge and ethics. The conference included breakout sessions on topics including winning selective enforcement claims, juror perceptions of attorneys, how to better use menstrual health experts, K-9 drug detection, intro to DWI defense, criminal law update and many more. This conference provided 8.5 MCLE hours, including one hour of ethics during a plenary and another optional hour of ethics during a breakout session, one hour of juvenile re-certification credit and four hours of mental health re-certification credit.

We introduced a new training in FY25 for the investigators, paralegals and mitigation specialists called the Defense Team Conference. Prior to this year, each of these groups had their own biennial training and the paralegals were invited to the Annual Conference. Based on feedback from the defense team members about a desire for cross training and overlapping topics and speakers of interest, we created a multi-track conference. This conference had plenaries on the topics of working as a team, ethical boundaries for the defense team and the basics of social media. There were position

specific breakout sessions which included topics like mobile forensics, writing mitigation and resource mapping, along with opportunities to meet up with defense teams members from the different regions of Virginia.

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 2025, 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.

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. This year the Commission voted on a number of minor amendments to the policies and procedures. 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. That hourly rate is currently \$90 per hour.

In November 2023, the Joint Legislative Review and Audit Commission released a comprehensive report entitled *Review of Indigent Criminal Defense and Commonwealth's Attorneys*. One of the primary recommendations of JLARC was to raise the reimbursement caps for court-appointed attorneys. In response, the General Assembly acted and raised the fee caps effective January 1, 2025. This was the first significant change in those fee caps in over twenty years.

Effective January 1, 2025, the new compensation rates are:

- Misdemeanors (excluding DWIs) - \$330
- Misdemeanor DWIs - \$448
- Juvenile - \$680
- Class 3-6 felonies - \$834
- Class 2 and "elevated felonies" - \$1,692
- Elevated felonies are: Voluntary and Involuntary Manslaughter, DUI manslaughter, indecent liberties, custodial indecent liberties, felony child abuse and neglect, malicious wounding by mob, malicious wounding, aggravated sexual

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)

battery, arson of an occupied meeting house, courthouse, etc. and arson of an occupied structure, other.

- Probation violations: Felony (except Class 1) - \$445; Misdemeanors - \$180

The fee cap waivers remain unchanged and the law further provides that a defendant shall not be assessed fees for legal representation in an amount greater than the amount such a defendant would have owed if the assessment took place on or before June 30, 2024.

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

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.

The attached comparison charts reflect the higher fee caps for Virginia. Even with the higher fee caps, Virginia still ranks in the bottom quartile of states with established fee caps for felonies, misdemeanors and juvenile cases, and in the bottom half for states with established fee caps for appellate cases.

FY23 CASELOAD & CHARGE DATA REPORT

OFFICE	CASES	CHARGES
ALEXANDRIA	1,827	3,459
ARLINGTON	2,220	4,861
BEDFORD	825	1,440
CHARLOTTESVILLE	1,880	3,237
CHESAPEAKE	4,520	10136
CHESTERFIELD	3233	6953
DANVILLE	1,933	3,585
FAIRFAX	7,879	15202
FRANKLIN/SMITHFIELD	1,437	3,257
FREDERICKSBURG	5,715	11,972
HALIFAX	2,112	3,587
HAMPTON	2,817	5792
HARRISONBURG/ROCKINGHAM*	1,014	2054
LEESBURG	3,002	4,907
LYNCHBURG	2,107	3,822
MARTINSVILLE	1,719	2,565
NEWPORT NEWS	4,940	11469
NORFOLK	4,727	9895
PETERSBURG	1,370	2,880
PORTSMOUTH	2,455	5,128
PRINCE WILLIAM	5,636	11632
PULASKI	2,106	3910

OFFICE	CASES	CHARGES
RICHMOND	5,679	11,100
ROANOKE	3,035	5,551
STAUNTON	3,505	7,162
SUFFOLK	2,135	4,718
VA BEACH	7,503	13,186
WARRENTON	1,095	1983
WINCHESTER	2,133	3,836

* only 1/2 year

FY25 EMPLOYEE ANNUAL SURVEY

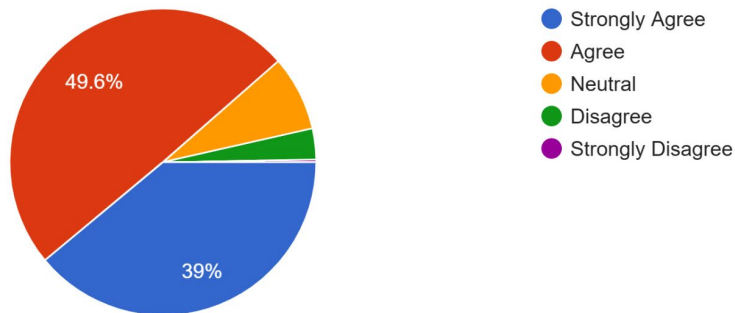
Excerpt from IDC 2025 Annual Survey conducted in May 2025. Over 350 employees responded from 29 field offices as well as the Administration office.

Total Responses: 367

Excerpt #1:

I am satisfied with my job on most days.

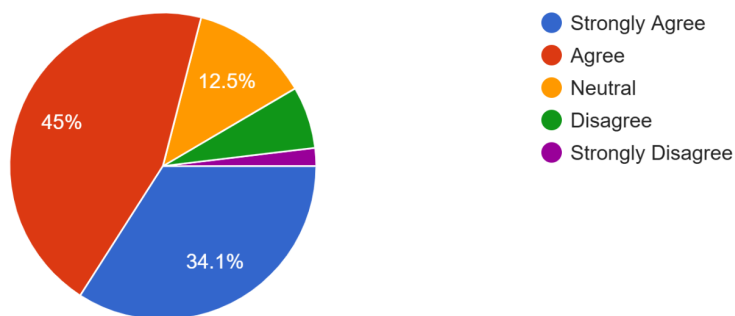
367 responses



Excerpt #2:

I am satisfied with the frequency and clarity of communication in my office.

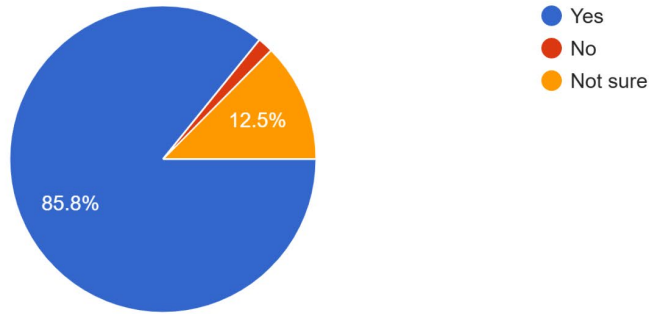
367 responses



Excerpt #3:

I see myself working here in a year.

367 responses



STATE COMPARISONS CHART

STATE	HOURLY RATE	CAPS	AUTHORITY/NOTES
Alabama	Capital Case: \$120 Class A Felony: \$100 Class B Felony: \$80 Class C or D Felony: \$80 Juvenile: \$70 All other cases: \$55 Appeals: \$85	Capital Case: No cap Class A Felony: \$6,000 Class B Felony: \$4,000 Class C or D Felony: \$3,500 Juvenile: \$4,500 All Other Cases: \$2,000 Appeals: \$5,000	New fees effective October 1, 2024 - Code of Ala §15-12-21, 15-12-22 (2024).
Alaska	In Court: \$155 Out of Court: \$125	Unclassed Felony: \$30,000 Class A Felony: \$15,000 Class B Felony: \$8,300 Class C Felony: \$6,800 Misdemeanor -\$3,000 Probation Violation - Felony: \$2,500 Probation Violation - Misd: \$1,000 Juvenile - \$3,000-\$30,000 Appeals: \$3,500 - \$9,000	2 AAC 60.010 (2024) (Alaska Administrative Code); see also Appellate Rules and Procedures, Rule 209 (sets costs to be assessed to defendant for appeal - \$250 - \$2,000)
Arizona	Varies (Judicial discretion)	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." A.R.S. §13-4041: "Compensation for services rendered on appeal shall be in an amount as the supreme court in its discretion deems reasonable, considering the services performed."
Arkansas	Capital: \$120 All other cases: \$70	Set by the Arkansas Public Defender Commission.	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.
California	Varies	Varies	Cal Pen Code § 987.2 (2021) Cal. Pen Code § 987.3 (1973) The court determines reasonable compensation based on specified factors.
Colorado	Class A Felony: \$110 All other felonies, Juvenile felonies: \$105 Misdemeanor, Traffic (Adult and Juvenile)- \$100 Travel - \$100	Class 1 Felony: \$39,648 (trial); \$19,824 (no trial) Class 2 and DF1 Felony: \$17,346 (trial); \$8,673 (no trial) Class 3-6 and DF 2-4 Felony: \$11,151 (trial); \$5,576 (no trial) Misdemeanors, Traffic, & Petty Offenses: \$4,956 (trial); \$2,478 (no trial) Juvenile: \$8,673 (trial); \$4,337 (no trial) Appeals: \$2,478 - \$11,151	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 2024) provides alternate defense counsel hourly rates and fee caps.
Connecticut	Felonies: \$102 Misdemeanors: \$88 Appeals: \$102	Serious felonies (A/JD cases): \$1,350 Other felonies (B/GA cases): \$675 Misdemeanors (GA cases): \$675 Juvenile Delinquency cases: \$675 Appeals: \$2,754-\$6,750	Conn. Gen. Stat. § 51-291 (2012). By statute, the Chief Public Defender establishes the compensation for court-appointed attorneys. All assigned counsel must enter into a contract with the Assigned Counsel Unit of the Division of Public Defender Services. (Hourly rate and fee caps confirmed via email from Assigned Counsel Unit 4/24/25.)

Delaware	\$60 (Superior Court) \$50 (Common Pleas, Family Court, appeals)	Felony: \$2,000 Misdemeanor: \$1,000 Appeals: \$1,000-\$2,000	Delaware Rules of Criminal Procedure, Rule 44 (2024) for appointment of counsel by trial court; Rules of the Supreme Court of the State of Delaware, Rule 26 (2024) for appointment of counsel on appeal. Rules includes provisions for exceeding caps.
District of Columbia	\$110	Felony: \$7,000 Misdemeanor: \$2,000 Appeals: \$5,000	D.C. Code § 11-2604; 18 U.S.C. § 3006A (2010); Admin. Order 23-06 (May 2, 2023) Statute includes provisions for exceeding caps.
Florida	\$75 (non-capital cases)	Capital: \$25,000 Life Felony: \$9,000 Non-capital, non-life felony: \$6,000 Misdemeanors and Juveniles: \$1,000 Appeals: \$9,000	Fla. Stat. § 27.5304 (2024) Statute includes provisions for exceeding caps on "rare occasions," requires approval by Justice Administration Commission, and evidentiary hearing for approval by court if JAC objects.
Georgia	Flat Fees (By contract)	Life Felony - \$7,500; Felony - \$3,000; Misdemeanor - \$1,000; Juvenile - \$1,500	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).
Hawaii	\$150	Felony: \$12,000 Misdemeanor (jury trial): \$6,000 Misdemeanor (jury waived): \$3,000 Petty Misdemeanor: \$1,800 Any other type case: \$6,000 Appeals: \$9,000	HRS § 802-5 (2025) Statute includes provisions for exceeding caps.
Idaho	\$125 (effective 7/1/25)	Set by contract by the Office of State Public Defender (eff. 7/1/24)	Idaho Code § 19-6019 (2023) Effective July 1, 2024, the new Idaho Office of the State Public Defender was created. The State Public Defender has the power to enter into contracts with defending attorneys to provide indigent defense services.
Illinois	\$150 (Cook County - \$30/\$40)	Felony: \$10,000 (Cook Cty - \$1,250) Misdemeanor: \$750 (Cook Cty - \$150) Appeals: \$10,000	725 ILCS 105/113 (1999) 725 ILCS 5/113-3.1 (2023) 725 ILCS 105/10.5 (1997) Ill.Sup.Ct. R.299 (2023)
Indiana	\$110	Varies (Judicial discretion)	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. The Indiana Public Defender Commission requires a \$110/hour rate in all Commission counties (roughly 73% of counties in Indiana) effective 1/1/25.

Iowa	Class A Felony: \$86 Class B Felony: \$81 All other cases: \$76	Adult Cases: Class A Felony: \$22,188 Class B Felony: \$4,536 Class C Felony: \$2,280 Class D Felony: \$1,520 Aggravated Misdemeanors: \$1,520 Serious Misdemeanors: \$760 Simple Misdemeanors: \$380 Misdemeanor appeals to District Court: \$380 Contempt/Show Cause: \$380 Probation/Parole violations: \$380 Juvenile Cases : Delinquency: \$1,520 Juvenile Petition on Appeal: \$760 Appeals: No limit	Iowa Code § 13B.4 (2017) - Flat fee contracts Iowa Code § 815.7 (2024) - Hourly rates Iowa Code § 815.10A (2013) Statute includes provisions for exceeding caps. State Public Defender Administrative Rules Chapter 12.6 (1/11/23) provides the attorney fee caps based on maximum hours allowed.
Kansas	\$120-\$140	Non-tried cases: Felony 1-5: \$1,600 Felony 6-10: \$1,200 Probation Revocations/Misc: \$427 Tried cases: Felony 1-3, off-grid felony offenses, felony drug offenses level 1: \$8,000 Felony 4, felony drug offenses 2-5: \$3,200 Felony 5-10: \$2,560 Appeals: \$1,920	K.S.A. § 22-4507 (2024) Kansas Admin. Regs 105-5-2, -6, -7, -8 provide 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". Kansas Administrative Regs 105-5-3 provides that compensation in appellate cases shall be paid at the rate of \$80 per hour up to a cap of \$1,920.
Kentucky	Set by contract by the Department of Public Advocacy	Class A (non-capital): \$1,000 Class B: \$750 Class C, D, PV: \$600 Misd: \$300 Juvenile Felony: \$500 Juvenile Misd: \$200	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. (Fees reflected in Graduated Conflict Case Price Proposal FY25.)
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.
Maine	\$150	Murder: Fee approved by Exec. Dir. Maine Comm. on Ind. Legal Services 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 Probation Revocations: \$1,500 Juvenile: \$1,500 Miscellaneous: \$1,000 Appeals: \$3,000	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.
Maryland	\$75 (life offenses); \$60 (all others)	Felony: \$3,000 Misdemeanor: \$3,000 Juvenile: \$3,000 Appeals: \$3,000	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)(2). By Md. Code Regs 14.06.02.06, the Public Defender is permitted to match the federal public defender/CJA panel rate. However, implementation is contingent upon the availability of funding. Md. Code Regs. 14.06.02.12. Hourly rates and fee caps confirmed by Office of the Maryland Public Defender (4/25/25).
	\$120 - Homicide	Annual cap on billable hours: 1,650	ALM Gl. ch. 211D, § 11 (2022)

<p>Massachusetts</p>	<p>\$85 - Superior Court non-homicide \$65 - District court \$85 - Children/Family Law</p>		<p>Notwithstanding the 1,650 billable hour limitation, the chief counsel of the Committee for Public Counsel Services 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. ALM GL ch. 211D, § 11(d).</p>
<p>Michigan</p>	<p>Trial: \$153/hr (life felonies) \$141/hr (non-life felonies) \$128/hr. (misdemeanors) Appeals: \$149/hr (life felonies) \$137/hr (non-life felonies) \$125/hr (misdemeanors)</p>	<p>Determined by local funding source operating pursuant to plan approved by the MIDC.</p>	<p>The Michigan Indigent Defense Commission shall propose minimum standards for the local delivery of indigent criminal defense services providing effective assistance of counsel to adults throughout this state. These minimum standards must be designed to ensure the provision of indigent criminal defense services that meet constitutional requirements for effective assistance of counsel. MCLS § 780.985 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." See MIDC Grant Manual Feb. 2025 (https://michiganidc.gov/grants). Michigan Appellate Defender Commission sets appellate fees. (Attorney Fee and Reimbursement Policy approved 3/18/25)</p>
<p>Minnesota</p>	<p>State Public Defender determines rates.</p>	<p>State Public Defender determines fee.</p>	<p>Minn. Stat. 611.27(11)(a) provides that the chief district public defender shall appoint other counsel if he finds that "the provision of adequate legal representation, including associated services, is beyond the ability of the district public defender to provide." "All billings for services rendered and ordered under this subdivision shall require the approval of the chief district public defender before being forwarded to the state public defender for payment." Minn. Stat. 611.27(11)(b).</p>
<p>Mississippi</p>	<p>Set by the Court</p>	<p>Circuit Court: \$1,000 Court not of record: \$200 Capital Cases: \$2,000 per case Appeals to State Supreme Court: \$1,000 per case</p>	<p>Miss. Code Ann. §99-15-17 (1980)</p>
<p>Missouri</p>	<p>Flat fee contracts</p>	<p>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 Probation Violation: \$375 Misdemeanor: \$375 Juvenile Murder first degree: \$2,000 Juvenile other homicide: \$1,500 Juvenile Felony Class A/B - Drugs: \$500 Juvenile Felony Class A/B - Other: \$750 Juvenile Felony Class A/B - Sex: \$1,250 Juvenile Felony Class C/D/E - Drugs: \$500 Juvenile Felony Class C/D/E - Other: \$500 Juvenile Felony Class C/D/E - Sex: \$1,000 Juvenile Misdemeanor: \$375 Direct Appeal: \$3,750</p>	<p>§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/</p>
<p>Montana</p>	<p>\$71</p>	<p>Statute allows for fixed fee contracts</p>	<p>47-1-121, MCA (2023) The Public Defender Commission adopts rules to provide reasonable compensation to contract attorneys. See Compensation Schedule: https://opd.mt.gov/Resources/AttorneyResources</p>
			<p>R.R.S. Neb §29-3905 (1990) The appointing court "shall fix reasonable expenses and fees."</p>

Nebraska	Set by Court: range from \$50 - \$125; majority of courts \$95-\$100	Set by court	https://nebraskacriminaldefense.org/resources/Documents/Court%20Appointed%20Counsel%20Report%20-%20July%202022%20Final.pdf
Nevada	\$125 - Capital cases \$100 - all other cases	N/A	Nev. Rev. Stat. Ann. §7.125 (2021) Caps were removed in 2021.
New Hampshire	\$150 – Major Crimes (capital murder, homicide, aggravated felonious sexual assault, felonious sexual assault first degree assault, class A felony robbery, felony arson, and any felony punishable by life imprisonment) \$125 - all other cases \$150 - appeals to Supreme Court	Capital Murder(per co-counsel): \$20,000 Aggravated felonious sexual assault, felonious sexual assault and first degree assault: \$12,500 All other felonies: \$5,500. Misdemeanors: \$2,000 Supreme Court Appeals: \$10,000	Rules of the Supreme Court of the State of New Hampshire, Rule 47 (2025). Rule includes provisions for exceeding caps.
New Jersey	\$100 - in-court \$100 - out-of-court \$100 – Appellate cases	N/A	N.J. Stat. §2A:158A-7 (1994) Public Defender establishes compensation with contract attorneys. OPD Pool Attorney Guideline and Application Process (2024) These guidelines set the current rates.
New Mexico	Flat-fee contracts generally \$85 \$42.50 (travel time)	Can vary by district 1st Degree Murder: \$6,500 1st Degree Felony (Life): \$6,500 1st Degree Felony: \$900 or \$950 2nd Degree Felony: \$850 or 930 3rd Degree Felony: \$775 or 900 4th Degree Felony: \$650 or \$780 Juvenile: \$360 or \$420 Misdemeanor: \$220 Prob Violation: \$650 or \$780 Appeals (General Calendar): Opening Brief: \$1,300 to \$3,900 Reply Brief: \$200 to \$650 Cert. Pet. NM SCT: \$200 to \$650 Oral Argument: \$200 to \$650 (\$1,900 to \$5,850)	N.M. Stat. Ann. §31-15-7 (2014) Public Defender to establish fee schedule for court appointed counsel. 2024 LOPD RFP - set caps LOPD Contract Counsel Legal Services (2020-21) - hourly rate
New York	\$158	\$10,000 (all matters) Appeals: \$10,000	NY CLS County §722-b (2023) Statute includes provisions for exceeding caps. NY CLS Jud. §35 (2023)

<p>North Carolina</p>	<p>\$100 - Capital and LWOP cases \$85 - Class A-D felony \$65 - Class E-I felony and probation violations \$65 - All other cases resolved in Superior court \$65 - Misdemeanors Appeals: \$75-\$100/hr</p>	<p>No fee caps</p>	<p>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</p>
<p>North Dakota</p>	<p>\$80</p>	<p>Felony - \$2,000 Misdemeanor - \$850 Juvenile - \$850 Post-conviction - \$1,500 Any other matter - \$500 Appeal - \$2,000</p>	<p>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. ND Comm. on Legal Counsel for Indigents enters into flat fee contracts with providers and pays others based on hourly rate and fee caps. Policy on Payment of Extraordinary Attorney Fees (adopted 12/11/06)</p>
<p>Ohio</p>	<p>\$140 - death penalty cases \$75 - all other cases</p>	<p>Adult Aggravated Murder (w/ specs) - no fee maximum Aggravated Murder (w/o specs) - \$15,000/attorney Murder - \$10,000 Felony with Possible Life Sentence/Repeat Violent Offender/Major Drug Offender: \$10,000 Felony (degrees 1-2) - \$8,000 Felony (degree 3) - \$5,000 Felony (degrees 4-5) - \$3,500 Misdemeanor (degrees 1-4) - \$2,000 Misdemeanor OVI/BAC - \$2,500 Contempt - \$500 Probation violations - \$750 Juvenile Aggravated Murder (w/ specs) - no fee maximum Aggravated Murder (w/o specs) - \$7,500/attorney Murder - \$6,000 Felony (degrees 1-2) - \$5,000 Felony (degrees 3-5) - \$3,500 Misdemeanor - \$2,000 Misdemeanor OVI/BAC - \$2,500 Contempt - \$500 Probation violations - \$750 Appellate Level Proceedings Death Sentence - no fee maximum Cumulative Minimum Sentence exceeds 25 years - \$8,000 Felony (degrees 1-2) - \$5,000 Felony (degree 3) - \$3,500 Felony (degrees 4-5) - \$2,500 Felony Plea - \$1,500 Misdemeanors - \$2,000 Misdemeanor plea - \$1,000</p>	<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 (2024) sets out maximum fees and rates.</p>
<p>Oklahoma</p>	<p>Flat-fee contracts</p>	<p>Felony: \$3,500 Misdemeanor, Juvenile, Traffic: \$800 Appeals: \$3,500 (felony); \$800 (misd)</p>	<p>22 Okl. St. §1355.8 (2001) Statute includes provisions for exceeding caps.</p>
	<p>\$61 - Capital lead counsel</p>	<p>Determined by the Public Defense Services</p>	<p>ORS §151.216 (2018)</p>

Oregon	\$61 - Capital co-counsel \$55 - Non-capital cases	Commission	The Public Defense Services Commission adopts guidelines regarding the fair compensation of appointed counsel. Public Defense Payment Policy and Procedures (2019). Provides guidelines for obtaining an increase in the set hourly rates (section 2.2). Also sets out the hourly rates (Exhibit 2). [NOTE: Temporary Hourly Increase Policy effective through 6/30/25 applies only to in custody defendants entitled to court appointed counsel. Sets temporary hourly rates of \$164 to \$200 and "soft caps" of \$10,000 to \$75,000.]
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. 16 P.S. §9960.3 (1969) - All counties except Philadelphia are required to create and fund a public defender's system. The Defender Association of Philadelphia is a non-profit corporation created in 1934 and assumed the role of the public defender.
Rhode Island	\$142 - Capital or life offense \$112 - all other matters	Capital or Life offense - \$42,600 All other felonies - \$12,444 Misdemeanor - \$4,032 Juvenile - \$3,111 Criminal Appeal: \$6,852	R.I. Gen. Laws §8-15-2 (1969) - Chief Justice of Supreme Court is head of the judicial system. Supreme Court Executive Order 2025-02 entered April 4, 2025 provides the revised hourly rates and caps.
South Carolina	\$60 - in-court \$40 - out-of-court	Felony: \$3,500 Misdemeanor: \$1,000 Appeals: \$1,000 (misd)-\$3,500 (felony)	S.C. Code Ann. §17-3-50 (2007). Includes provisions for exceeding hourly rates and caps. In 2013, SC created a contract program which authorizes the SC Committee on Indigent Defense to enter into 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://sccid.sc.gov/608-contract
South Dakota	\$120	Set by Court	S.D. Codified Laws § 23A-40-8 (1983) Reasonable and just amount to be paid based upon guidelines established by the presiding judge of the circuit court. See South Dakota Unified Judicial System Court-Appointed Attorney Guidelines (eff. 1/1/25)
Tennessee	Non-Capital Cases \$60	First Degree Murder or Class A or B felony in trial court: \$3,600 Felony other than First Degree Murder or Class A or B felony: \$2,400 Preliminary hearings for felonies, juvenile charged w/non-capital felony: \$1,800 Misdemeanor (adult or juvenile), probation violation: \$1,200 Contempt of Court, parole revocation: \$600 Appeals: \$1,200	Tennessee Supreme Court Rule 13, Sec. 2 (2024) Rule includes provisions for exceeding caps for complex or extended cases (see specifically section 2(e)(1)).
Texas	Set by Court	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	Rate per guidelines set by the county or municipality	Utah Code Ann. § 78B-22-302 (2023) Utah Code Ann. § 78B-22-203 (2023) Attorney shall be paid reasonable compensation by the court.
Vermont	\$100	Felony with possible life sentence or death penalty: \$25,000 Other major felony: \$5,000 Minor felony or Juvenile: \$2,000 Misdemeanors & all other proceedings: \$1,000 Appeals: \$2,000	13 V.S.A. § 5205 (1982) - The Supreme Court shall set reasonable rates of compensation. Vt. Adm. Ord. S.Ct. No. 4, § 6 (effective 7/1/23) - sets the hourly rates and caps, as well as provisions for exceeding the caps.
Virginia	\$90	Effective 1/1/25: Felony with sentence of more than 20 years: \$1,692 Other felony: \$834 DUI: \$448 Misd: \$330 Juvenile: \$680 Appeals: \$2,000-\$4,500	Va. Code § 19.2-163 (2024) 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. Fee caps in the Va. Court of Appeals range from \$1,300 (misdemeanor not argued) to \$2,500 (felony appeal with en banc review and argument), and in Va. Supreme Court an additional \$700 (misd) to \$2,000 (felony).
Washington	Set by each county or city	Set by each county or city	Rev. Code Wash. (ARCW) §10.101.030 Each county or city must establish standards for the delivery of indigent defense services, including compensation. Standards adopted by the Washington State Bar Association serve as guidelines.
West Virginia	\$80 - in-court \$60 - out-of-court	Felony offenses with possibility of life in prison: court discretion All other cases: \$4,500 Appeals: \$4,500	W. Va. Code §29-21-13a (2023)(eff. 6/9/23) Statute includes provisions for exceeding caps.
Wisconsin	\$100 (\$50/hr for travel time)	N/A	Wis. Stat. § 977.08 (2023) - State Public Defender approves bills according to rates set out in section.
Wyoming	\$100 \$35-\$60 - out-of-court	Court discretion	Wyoming Rules of Criminal Procedure Rule 44(e) (2019)

STATE COMPARISONS CHART

HOURLY RATES - LOW

STATE	HOURLY RATE - LOW
New York	\$158
Maine	\$150
Hawaii	\$150
Alaska	\$125
Idaho	\$125
Michigan	\$125
New Hampshire	\$125
Kansas	\$120
South Dakota	\$120
Rhode Island	\$112
District of Columbia	\$110
Indiana	\$110
Colorado	\$100
Nevada	\$100
New Jersey	\$100
Vermont	\$100
Virginia	\$90
Connecticut	\$88
North Dakota	\$80
Iowa	\$76
Ohio	\$75
Montana	\$71
Arkansas	\$70
Massachusetts	\$65
North Carolina	\$65
Maryland	\$60
Tennessee	\$60
West Virginia	\$60
Alabama	\$55
Oregon	\$55
Delaware	\$50
Nebraska	\$50
Pennsylvania	\$50
Wisconsin	\$50
New Mexico	\$42
South Carolina	\$40
Wyoming	\$35
Illinois	\$30
Virginia Rank:	17/38

STATE COMPARISONS CHART

HOURLY RATES - HIGHEST

STATE	HOURLY RATE - HIGH
New York	\$158
Alaska	\$155
Michigan	\$153
Maine	\$150
Illinois	\$150
New Hampshire	\$150
Hawaii	\$150
Rhode Island	\$142
Kansas	\$140
Idaho	\$125
Nebraska	\$125
Massachusetts	\$120
South Dakota	\$120
Colorado	\$110
District of Columbia	\$110
Indiana	\$110
Connecticut	\$102
Alabama	\$100
Nevada	\$100
New Jersey	\$100
North Carolina	\$100
Pennsylvania	\$100
Vermont	\$100
Wisconsin	\$100
Wyoming	\$100
Virginia	\$90
Iowa	\$86
New Mexico	\$85
North Dakota	\$80
West Virginia	\$80
Maryland	\$75
Ohio	\$75
Montana	\$71
Arkansas	\$70
Delaware	\$60
South Carolina	\$60
Tennessee	\$60
Oregon	\$55
Virginia Rank:	26/38

STATE COMPARISONS CHART - CAPS

FELONY LOW, FELONY HIGH, MISDEMEANOR, JUVENILE

STATE	FELONY LOW	FELONY HIGH	MISDEMEANOR	JUVENILE
Alabama	\$3,500	\$6,000	\$2,000	\$4,500
Alaska	\$6,800	\$30,000	\$3,000	\$3,000-\$30,000
Colorado	\$5,576	\$39,648	\$4,956	\$4,337 - \$8,673
Connecticut	\$675	\$1,350	\$675	\$675
Delaware	\$2,000	\$2,000	\$1,000	\$1,000-\$2,000
District of Columbia	\$7,000	\$7,000	\$2,000	\$2,000-\$7,000
Florida	\$6,000	\$9,000	\$1,000	\$1,000
Georgia	\$3,000	\$7,500	\$1,000	\$1,500
Hawaii	\$12,000	\$12,000	\$3,000	\$6,000
Illinois	\$1,250	\$10,000	\$750	\$750-\$10,000
Iowa	\$1,520	\$22,188	\$380	\$1,520
Kansas	\$1,200	\$8,000	\$427	\$427-\$8,000
Kentucky	\$600	\$1,000	\$300	\$500
Maine	\$2,500	\$5,000	\$1,000	\$1,500
Maryland	\$3,000	\$3,000	\$3,000	\$3,000
Mississippi	\$1,000	\$1,000	\$200	\$200
Missouri	\$750	\$6,000	\$375	\$375-\$2,000
New Hampshire	\$5,500	\$12,500	\$2,000	\$2,000-\$12,500
New Mexico	\$650	\$6,500	\$220	\$360-\$420
New York	\$10,000	\$10,000	\$10,000	\$10,000
North Dakota	\$2,000	\$2,000	\$850	\$850
Ohio	\$3,500	\$10,000	\$2,000	\$2,000-\$7,500
Oklahoma	\$3,500	\$3,500	\$800	\$800
Rhode Island	\$12,444	\$42,600	\$4,032	\$3,111
South Carolina	\$3,500	\$3,500	\$1,000	\$1,000-\$3,500
Tennessee	\$2,400	\$3,600	\$1,200	\$1,200-\$1,800
Vermont	\$5,000	\$25,000	\$1,000	\$2,000
Virginia	\$834	\$2,542	\$450	\$1,330
West Virginia	\$4,500	\$4,500	\$4,500	\$4,500

VIRGINIA RANK:

25/29

24/29

23/29

22/29

States with no statutory fee cap (rate set by Court, state PD Office, or contract):

Arizona, Arkansas, California, Idaho, Indiana, Louisiana, Massachusetts,

Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, North Carolina, Oregon,

Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming

STATE COMPARISONS CHART FEE CAPS - LOWEST CLASS FELONY

STATE	FELONY LOW
Rhode Island	\$12,444
Hawaii	\$12,000
New York	\$10,000
District of Columbia	\$7,000
Alaska	\$6,800
Florida	\$6,000
Colorado	\$5,576
New Hampshire	\$5,500
Vermont	\$5,000
West Virginia	\$4,500
Ohio	\$3,500
Alabama	\$3,500
South Carolina	\$3,500
Oklahoma	\$3,500
Maryland	\$3,000
Georgia	\$3,000
Maine	\$2,500
Tennessee	\$2,400
Delaware	\$2,000
North Dakota	\$2,000
Iowa	\$1,520
Illinois	\$1,250
Kansas	\$1,200
Mississippi	\$1,000
Virginia	\$834
Missouri	\$750
Connecticut	\$675
New Mexico	\$650
Kentucky	\$600
VIRGINIA RANK:	25/29

STATE COMPARISONS CHART

CAPS - HIGHEST CLASS FELONY

STATE	FELONY HIGH
Rhode Island	\$42,600
Colorado	\$39,648
Alaska	\$30,000
Vermont	\$25,000
Iowa	\$22,188
New Hampshire	\$12,500
Hawaii	\$12,000
New York	\$10,000
Ohio	\$10,000
Illinois	\$10,000
Florida	\$9,000
Kansas	\$8,000
Georgia	\$7,500
District of Columbia	\$7,000
New Mexico	\$6,500
Alabama	\$6,000
Missouri	\$6,000
Maine	\$5,000
West Virginia	\$4,500
Tennessee	\$3,600
Oklahoma	\$3,500
South Carolina	\$3,500
Maryland	\$3,000
Virginia	\$2,542
Delaware	\$2,000
North Dakota	\$2,000
Connecticut	\$1,350
Kentucky	\$1,000
Mississippi	\$1,000
VIRGINIA RANK:	24/29

STATE COMPARISON CHART

CAPS - MISDEMEANOR

STATE	MISDEMEANOR
New York	\$10,000
Colorado	\$4,956
West Virginia	\$4,500
Rhode Island	\$4,032
Maryland	\$3,000
Alaska	\$3,000
Hawaii	\$3,000
Alabama	\$2,000
District of Columbia	\$2,000
New Hampshire	\$2,000
Ohio	\$2,000
Tennessee	\$1,200
Delaware	\$1,000
Florida	\$1,000
Georgia	\$1,000
Maine	\$1,000
South Carolina	\$1,000
Vermont	\$1,000
North Dakota	\$850
Oklahoma	\$800
Connecticut	\$675
Illinois	\$500
Virginia	\$450
Kansas	\$427
Missouri	\$375
Iowa	\$365
Kentucky	\$300
New Mexico	\$220
Mississippi	\$200
VIRGINIA RANK:	23/29

STATE COMPARISONS CHART - CAPS

CAPS - JUVENILE HIGH

STATE	JUVENILE
Alaska	\$30,000
New Hampshire	\$12,500
New York	\$10,000
Colorado	\$8,673
Kansas	\$8,000
Ohio	\$7,500
District of Columbia	\$7,000
Hawaii	\$6,000
Illinois	\$5,000
Alabama	\$4,500
West Virginia	\$4,500
South Carolina	\$3,500
Rhode Island	\$3,111
Maryland	\$3,000
Delaware	\$2,000
Missouri	\$2,000
Vermont	\$2,000
Tennessee	\$1,800
Georgia	\$1,500
Maine	\$1,500
Iowa	\$1,460
Virginia	\$1,330
Florida	\$1,000
North Dakota	\$850
Oklahoma	\$800
Connecticut	\$675
Kentucky	\$500
New Mexico	\$420
Mississippi	\$200
VIRGINIA RANK:	22/29

STATE COMPARISONS CHART

APPELLATE CAPS

STATE	APPELLATE LOW	APPELLATE HIGH
Alabama	\$5,000	\$5,000
Alaska	\$3,500	\$9,000
Colorado	\$2,478	\$11,151
Connecticut	\$2,754	\$6,750
Delaware	\$1,000	\$2,000
District of Columbia	\$5,000	\$5,000
Florida	\$9,000	\$9,000
Georgia	\$3,000	\$7,500
Hawaii	\$5,000	\$5,000
Illinois	\$2,500	\$2,500
Kansas	\$1,920	\$1,920
Maine	\$3,000	\$3,000
Maryland	\$3,000	\$3,000
Michigan	\$750	\$3,375
Mississippi	\$1,000	\$1,000
Missouri	\$3,750	\$3,750
New Hampshire	\$10,000	\$10,000
New Mexico	\$1,900	\$5,850
New York	\$10,000	\$10,000
North Dakota	\$2,000	\$2,000
Ohio	\$1,000	\$8,000
Oklahoma	\$800	\$3,500
Rhode Island	\$6,852	\$6,852
South Carolina	\$1,000	\$3,500
Tennessee	\$1,200	\$1,200
Vermont	\$2,000	\$2,000
Virginia	\$2,000	\$4,500
West Virginia	\$4,500	\$4,500
VIRGINIA RANK	17/28	14/28