

LOUISIANA STANDARDS ON INDIGENT DEFENSE

CHAPTER 11

STANDARDS RELATING TO THE COMPENSATION OF STAFF, CONTRACT, AND APPOINTED COUNSEL INVOLVED IN INDIGENT DEFENSE

Purpose and Scope of Standards. These standards provide recommended and aspirational guidelines for the consideration and use by district indigent defender boards in providing quality services to their indigent clients. The immediate attainment of these standards by a district indigent defender board is not a mandatory requirement for participation in the financial assistance programs of the Louisiana Indigent Defender Board. However, a district indigent defender board's assent to these standards, as goals to be immediately worked toward and to be achieved over time, is a requirement for such participation.

These standards are intended to supplement and in no way abrogate the Rules of Professional Conduct. Nor are these standards in any way intended to confer upon indigent defendants substantive rights beyond those recognized by the federal and state constitutions and enactments of the legislature.

These standards are intended to be used as a guide to professional conduct and performance. They are not intended to be used as criteria for the judicial evaluation of alleged misconduct of defense counsel to determine the validity of a conviction. They may or may not be relevant in such judicial evaluation, depending upon all the circumstances.

Part I. General Principles.

Standard 11-1.1. Principles of Compensation. Compensation of counsel should be based, in general, on experience, expertise, caseload, types of cases handled, level of responsibility within the district indigent defender system, and amount of attorney hours expended on indigent defense. Compensation for counsel involved in capital defense should reflect the extraordinary responsibilities inherent in death penalty litigation.

Standard 11-1.2. Rates of Compensation. Compensation levels set forth in this Chapter are based on a full-time staff attorney position. The work year is comprised of 2,088 hours, with 1,700 hours of this considered billable hours. The levels of compensation herein do not include customary fringe benefits, reasonable overhead and necessary out-of-pocket expenses.

Part II. Capital Counsel. The following recommended minimum and maximum rates of compensation should be used by district indigent defender boards in computing levels

of remuneration for staff, contract, and appointive counsel involved in capital defense on the trial and appellate levels:

Standard 11-2.1. Levels of Compensation. Staff, contract, and appointed counsel should be paid no less than \$30,000 per annum, or its equivalent (\$17.65/hr.), and no more than 95% of the compensation level of a similarly situated prosecutor in the district, provided the level of compensation of defense counsel does not drop below the minimum compensation level.

Part III. Non-Capital Appellate Counsel. The following recommended minimum and maximum rates of compensation, should be used by district indigent defender boards in computing levels of remuneration for staff, contract, and appointive counsel involved in the appeal of non-capital felony cases:

Standard 11-2.2. Levels of Compensation. Staff, contract, and appointive counsel should be paid no less than \$28,500 per annum, or its equivalent (\$16.76/hr.), and no more than 95% of the compensation level of a similarly situated prosecutor in the district, provided the level of compensation of defense counsel does not drop below the minimum compensation level.