

APPENDIX A

**SURVEY OF DEATH PENALTY QUALIFIED
ATTORNEYS**

**WASHINGTON STATE BAR ASSOCIATION
DEATH PENALTY STUDY
CONFIDENTIAL SURVEY OF DEATH PENALTY QUALIFIED ATTORNEYS**

1. With respect to Washington aggravated first-degree murder cases in which you have been appointed as defense counsel at the trial level since 1996, please provide the following information. (If you have been involved in more than three cases, please copy this survey and submit additional pages).

	Case 1	Case 2	Case 3
a. County where case was filed			
b. Approx. date of appointment			
c. Were you on the list of SPRC qualified counsel?			
d. If you were in private practice, what was your hourly rate for this case?			
e. What was your customary rate for private pay clients?			
f. If you were with a public defender, what was your annual salary at the time?			
g. Was there a limited on total compensation? If so, please explain.			
h. Was there negotiation over the fee arrangement?			
i. Was there provision for reimbursement of travel expenses?			
j. Was a request made to the judge to increase the attorney compensation? If so, what did the judge do?			
k. Were you working on other cases while you were handling this death penalty case? If so, how many other cases were you assigned or handling during the preparation and trial of this case?			

1. If you were a public defender, what was the highest salary for a staff attorney in your office at the time you were assigned this case?			
m. If a death notice was filed, there a change in compensation and/or number of attorneys assigned?			
n. If a death notice was not filed, was there a change in compensation and/or number of attorney assigned?			

2. Have you declined appointment to an aggravated first-degree murder case at the trial level?
 _____ Yes _____ No _____ Did not want to do a capital case

If so, why? _____ Inadequate pay
 _____ Schedule conflicts
 _____ Conflicts of Interest
 _____ Location of trial
 _____ Did not want to handle capital case
 _____ Other (describe) _____

3. If you are in private practice, what is your customary hourly rate for privately retained cases?
 \$_____ N/A_____

4. Would you serve again as appointed trial counsel in an aggravated first-degree murder case?
 _____ Yes _____ No

If not, what would be your primary reason for not accepting an appointment?

5. What would you consider to be a reasonable compensation for an aggravated first-degree murder case?

- a. For a SPRC.2 qualified lead counsel in private practice \$_____ per hour
- b. For non-lead, co-counsel in private practice \$_____ per hour
- c. For a SPRC 2 lead counsel in a public defender agency \$_____ per year
- d. For non-lead, co-counsel \$_____ per hour

Please explain briefly the basis for your opinion on compensation for these cases.

**Please return to: Robert D. Welden, General Counsel, 2101 4th Ave., Ste. 400, Seattle, WA
 98121-2330 not later than November 4, 2004**

**DEATH PENALTY SURVEY
DEFENSE COUNSEL
last update 3/21/06**

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
Benton	155,991	1999	yes	\$75	\$175	N/A	N/A	yes	yes	no	N/A	N/A	N/A	N/A
Benton	155,991	2005	yes	\$160	\$325 - \$375	N/A	yes	yes	yes	no	Winding down my cases to focus on this one	N/A	N/A	N/A
Chelan	68,987	2003	yes	\$100	At this time I was working only on capital cases	N/A	no	yes	yes	no	yes, limited	N/A	We avoided filing of death notice	no, case allowed to plea to lwop
Clallam	67,867	1997	no	N/A	N/A	\$60,000	no	yes	yes	no	No new cases; finished pending cases	\$60,000	N/A	no
Clallam	67,867	1997	no	N/A	N/A	\$44,000	N/A	N/A	N/A	no	yes, 50 - 75	\$50,000	no	N/A

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
Clallam	67,867	2000	no	N/A	N/A	\$70,000	no	yes	yes	no	No new cases; finished pending cases	\$70,000	n/N/A	no
Clallam	67,867	2000	no	N/A	N/A	\$46,000	N/A	N/A	N/A	no	yes, 50 - 75	\$55,000	no	N/A
Clallam	67,867	2002	no	N/A	N/A	\$55,000	N/A	N/A	N/A	N/A	yes -- 60 felonies	?	N/A	N/A
Clark	392,403	1997	no (local list)	flat fee per diem	\$120	N/A	N/A	not really -- judge set comp. but you could ask for more	yes	yes, granted	yes, 20 - 30	N/A	no notice	yes
Clark	392,403	1998	no (local list)	\$10,000 plus \$450/day of trial	\$140	N/A	N/A	not really -- judge set comp. but you could ask for more	yes	yes, granted	yes, 20 - 30	N/A	no notice	yes
Clark	392,403	1998	no	\$25,000	\$25,000 - \$50,000	N/A	no	yes	yes	yes, partially granted	yes, 6	N/A	yes	N/A
Clark	392,403	1999	no (local list)	\$10,000 plus \$450/day of trial	\$140	N/A	N/A	not really -- judge set comp. but you could ask for more	yes	no	yes, 20 - 30	N/A	no notice	yes

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
Clark	392,403	2003	yes	\$75 (\$37.50 per hour travel time & mileage at state rate)	\$180 civil, \$250 criminal	N/A	no	no	N/A	no	many -- I carry a full civil and criminal case load representing privately retained clients only	N/A	no	no
Cowlitz	96,189	1998	no	\$75/hr.	\$25,000 - \$50,000	N/A	no	yes	yes	yes, granted	yes, 6	N/A	no notice	yes, I added even though no death notice
Douglas	34,427	?	did not exist	\$110	\$200 - \$250	N/A	no	no	yes	no	worked almost exclusively on this case	N/A	N/A	N/A
Franklin	59,472	2000	yes	\$120	\$250 - \$275	N/A	no	no	yes	yes, denied	worked almost exclusively on this case	N/A	N/A	N/A
King	1,777,143	1987	no	N/A	N/A	\$40,000	no	yes	yes	no	No new cases; finished pending cases	?	N/A	no

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
King	1,777,143	1989	no	N/A	N/A	\$50,000	no	yes	yes	no	No new cases; finished pending cases	?	N/A	no
King	1,777,143	1991	no	N/A	N/A	\$58,000	no	yes	yes	no	No new cases; finished pending cases	?	yes, re: # of attorneys	no
King	1,777,143	1993	N/A at this time	\$75	\$160	N/A	no	yes	yes	no	yes, but limited the # of cases	N/A	this was a retrial of penalty part	N/A
King	1,777,143	1994	no	N/A	N/A	\$70,000	no	yes	yes	no	No new cases; finished pending cases	?	yes, re: # of attorneys	N/A
King	1,777,143	1995	no	N/A	N/A	\$70,000	no	yes	yes	no	No new cases; finished pending cases	?	yes, re: # of attorneys	N/A
King	1,777,143	1995	no list	N/A	N/A	\$75,000	N/A	N/A	N/A	N/A	no	\$75,000	no	N/A
King	1,777,143	1996	no	N/A	N/A	\$50,000?	N/A	no	yes	no	no	\$70,000?	no	no
King	1,777,143	1996	no	\$50	\$175	n/a	no	other counsel already on board set the precedent for fee.	no	no	yes, the rate OPD paid was not enough to provide a reasonable income	N/A	no death notice filed after mitigation	N/A
King	1,777,143	1996	pre-list	N/A	N/A	\$60,000	yes, by the public def.	no	N/A	no	1/2 caseload	\$65,000	no death notice filed after	yes

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
							union scale.							
King	1,777,143	1998	no	N/A	N/A	\$60,000	N/A	N/A	yes	N/A	yes, 3 - 5 probation cases/month	\$72,000	mitigation N/A	no
King	1,777,143	1998	no	\$50	\$225	N/A	no	no	yes	no	yes, 8 - 10	N/A	no	no
King	1,777,143	1998	no	\$75	\$225	n/a	no	"take it or leave it"	yes	no	yes, rate OPD paid was not enough to provide a reasonable income	N/A	yes, another attorney added	N/A
King	1,777,143	1999	no	N/A	N/A	\$60,000	no	yes	no	no	no	\$50,000	yes	N/A
King	1,777,143	1999	no	\$50	\$225	N/A	no	no	yes	no	yes, 12 - 15	N/A	no	no
King	1,777,143	1999	YES	n/a	n/a	approx. \$55,000	n/a	no	no	no	Generally no; had other duties/obligations (i.e., court coverage, less serious cases)	approx \$65,000	no	no
King	1,777,143	1999	no	N/A	N/A	\$65,000	yes, by the public def. union scale.	no	yes, OPD	no	none	\$66,000	no	N/A

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
King	1,777,143	1999	yes	N/A	N/A	\$65,000	no	no	no	no	none	\$70,000	no	no
King	1,777,143	2000	yes	N/A	N/A	\$81,000	N/A	N/A	N/A	N/A	no	\$81,000	N/A	no
King	1,777,143	2000	yes	\$75	\$200	N/A	N/A	yes	yes	no	1	N/A	N/A	no
King	1,777,143	2001	yes	N/A	N/A	\$84,000	N/A	N/A	N/A	N/A	no	\$84,000	yes	N/A
King	1,777,143	2002	Oct. 2002	N/A	N/A	\$60,000	N/A	N/A	yes	no	approx. 30 - 40 felony cases	not sure	N/A	not sure
King	1,777,143	2002	no	N/A	N/A	\$64,000	N/A	N/A	yes	N/A	yes, 3 - 5 probation cases/month	\$75,000	N/A	no
King	1,777,143	2002	yes	N/A	N/A	\$70,000	no	negotiated over # of attys.	no	no	none	\$70,000	no	yes, 1 removed
King	1,777,143	2002	yes	\$75	\$200	N/A	no	no	yes	no	yes	N/A	no	N/A
King	1,777,143	2002	no	\$75	\$100 - \$150	N/A	N/A	not for me, perhaps for lead counsel	yes	not that I know of	yes -- other appeals --- but I was not appointed full time	N/A	no	N/A

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
King	1,777,143	2002	added while case was pending	N/A	N/A	Approx. \$70,000	no	N/A	N/A	N/A	Yes. Worked on a handful of other cases. This case comprised about 90% of my work load.	Approx. \$70,000	N/A	Yes. From 2.5 FTE to 1.5 FTE
King	1,777,143	2000 - 2001	no	\$75	\$250	n/a	no	other counsel already on board set the precedent for fee.	yes	no	yes, the rate OPD paid was not enough to provide a reasonable income	N/A	Case was <i>State v. Ridgway</i> -- not the norm.	N/A
Kitsap	239,138	2000	no	\$225	\$225	N/A	N/A	no	yes	no	20+	N/A	no	no
Kitsap	239,138	2001	yes	\$75	\$250	N/A	no	no	no	no	12 - 15	N/A	no	no
Kitsap	239,138	2001	yes	\$60	\$200	N/A	no	no	no	no	yes	N/A	N/A	N/A
Kitsap	239,138	2002	yes	\$75	\$250	N/A	no	no	no	no	12 - 15	N/A	no	no
Klickitat	19,855	2005	yes	\$100	\$180	N/A	N/A	yes	yes \$50/hr. plus expenses	no	yes -- I work with employee lawyer on various cases	N/A	no reached that point	N/A

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
Okanogan	39,444	1998	no	\$100	\$150	N/A	no	no	yes	no	1/2 normal case load	N/A	no	N/A
Pierce	745,411	1988	yes	\$60	\$200	N/A	no	no	yes	no	15 - 20	N/A	no	no
Pierce	745,411	1994	no list	N/A	N/A	N/A	total salary	N/A	yes	N/A	yes	N/A	2 attorneys had penalty phase	no
Pierce	745,411	1996	no list	N/A	N/A	N/A	total salary	N/A	yes	N/A	yes	N/A	no notice filed	1 attorney
Pierce	745,411	1997	no list	N/A	N/A	N/A	total salary	N/A	yes	N/A	yes	N/A	no notice filed	1 attorney
Pierce	745,411	1997	no	N/A	N/A	N/A	total salary	N/A	yes	no	yes	N/A	N/A	reduced to 1 attorney
Pierce	745,411	1997	no	\$60	\$175	N/A	no	no	yes	no	15 - 20	N/A	no	no
Pierce	745,411	1998	no	\$225	\$225	N/A	N/A	no	yes	no	20+	N/A	no	no
Pierce	745,411	1998	no	N/A	N/A	N/A	total salary	N/A	yes	no	yes	N/A	N/A	1 attorney
Pierce	745,411	1998	yes	\$60	\$200	N/A	no	no	yes	no	15 - 20	N/A	no	no
Pierce	745,411	1998	yes	\$60 - \$70	\$200	N/A	no	no	yes	no	yes -- varied	N/A	no	no
Pierce	745,411	1998	no	\$60	\$100	N/A	yes	yes	no	no	yes	N/A	N/A	no
Pierce	745,411	1999	no	N/A	N/A	N/A	total salary	N/A	yes	no	yes	N/A	no	N/A
Pierce	745,411	1999	yes	\$60	\$200	N/A	no	no	yes	no	yes -- varied	N/A	no	no
Pierce	745,411	2000	no	\$60	\$165	N/A	no	no	yes	no	15 - 20	N/A	don't recall	don't recall
Pierce	745,411	2000	yes	\$60	\$200	N/A	no	no	yes	no	yes -- varied	N/A	no	no
Pierce	745,411	2000	yes	\$60	\$200	N/A	N/A	no	no	no	1	N/A	no	N/A
Pierce	745,411	2001	no	\$70	\$175 - \$250	N/A	no	no	yes	no	yes -- 6 - 10	N/A	no	N/A
Pierce	745,411	2002	no	\$225	\$225	N/A	N/A	no	yes	no	20+	N/A	no	no

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
Pierce	745,411	2003	yes	\$70	\$175 - \$250	N/A	no	no	yes	no	yes -- 6 - 10	N/A	n/a	NO
Pierce	745,411	2003	yes	N/A	N/A	N/A	no?	no	yes	no	no	N/A	N/A	no
Pierce	745,411	2004	yes	\$70	\$175 - \$250	N/A	no	no	yes	no	yes --1	N/A	no	N/A
Pierce	745,411	2004	yes	\$70	\$240	N/A	no	no	yes	no	yes -- varied	N/A	no	no
Pierce	745,411	1997?	no	N/A	\$125 - \$150	N/A	no	no	no	no	no	N/A	no	yes - change from death qual. co-counsel to no-death qual. co-counsel
Pierce	745,411	N/A	yes	N/A	N/A	\$90,000	N/A	N/A	N/A	N/A	yes	\$100,000	no	no
Pierce	745,411	N/A	yes	N/A	N/A	\$100,000	N/A	N/A	N/A	N/A	yes	\$100,000	no	no
Pierce	745,411	N/A	yes	N/A	N/A	\$100,000	N/A	N/A	N/A	N/A	yes	\$100,000	no	no
Skamania	10,549	2004	yes	\$75 (\$37.50 per hour travel time & mileage at state rate)	\$180 civil, \$250 criminal	N/A	no	no	N/A	no	many -- I carry a full civil and criminal case load representing privately retained clients only	N/A	no	no
Snohomish	644,274	1997	no	N/A conflict counsel	\$150	N/A	\$6,500 + \$325/day trial	no	no	no	30	N/A	no	N/A

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
Snohomish	644,274	2000	yes	N/A	N/A	\$84,000	\$70,000 cap, lawyers/investigators	in the context of the yearly contract	yes	no	no other cases but I managed the office	\$69,016	max before DP notice \$14,000 raised to \$70,000	N/A
Snohomish	644,274	2000	no	\$75	\$200	N/A	no	yes	yes	no	yes -- fluctuated	N/A	N/A	N/A
Snohomish	644,274	2001	no	\$75	\$200	N/A	no	no	yes	no	yes, maybe 5 to 10 in various stages	N/A	N/A	N/A
Snohomish	644,274	2002	yes	\$100	\$200	N/A	no	no	yes	no	yes -- varied	N/A	no	no
Snohomish	644,274	2002	yes	\$100	\$200	N/A	N/A	yes	yes	no	N/A	N/A	N/A	N/A
Snohomish	644,274	2004	yes	\$100	\$200	N/A	no	no	yes	no	very small number of post-conviction cases -- no trials.	N/A	no	no
Snohomish	644,274	n/a	yes	\$100	\$125	n/a	no	no	yes	no	yes, app. 12+ mental hearing	N/A	N/A	N/A
Spokane	435,644	1996	no list	N/A	N/A	\$44,000	N/A	N/A	yes	no	yes, full felony caseload, 50 open files	\$65,000?	no	no
Spokane	435,644	1997	no	N/A	N/A	\$90,000+	N/A	N/A	N/A	N/A	yes	?	N/A	N/A
Spokane	435,644	1998	no	N/A	N/A	\$90,000+	N/A	N/A	N/A	N/A	yes	?	N/A	N/A

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary ?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
e														
Spokane	435,644	2000	no	N/A	N/A	\$58,000	N/A	N/A	yes	no	yes, reduced felony caseload, 25 open files	\$75,000?	no	no
Spokane	435,644	?	yes	N/A	N/A	\$65,000	N/A	N/A	N/A	N/A	not death penalty -- just aggravated. I have 2 other attorneys assisting. All three of us are receiving a full caseload. Currently I am at 164 cases, second chair is at 162 and third chair is at 166.	\$78,000 approx.	No death notice -- client is 17	no

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private clients?	If a public defender, what annual salary?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
Stevens	41,310	2000	yes	\$70	\$140	N/A	no	no	no	yes, normal caseload	N/A	N/A	N/A, juvenile; no death penalty possible	another attorney was assigned to assist
Thurston	224,673	1996	no	\$75	\$175	N/A	no	yes	yes	no	yes, not sure	N/A	no	N/A
Yakima	229,094	2002	yes	\$100	At this time I was working only on capital cases	n/a	no	yes	yes	no	yes, limited	N/A	We avoided filing of death notice	yes -- I was removed from case
Yakima	229,094	2003	yes	\$100	\$200	N/A	N/A	yes	yes	no	N/A	N/A	yes, a lid was put on my compensation	N/A
Yakima	229,094	2005	yes	\$100	\$200	N/A	no	yes	yes	no	yes	N/A	deadline has not passed yet, however if not filed compensation decreases	yes, will go down to \$75

County	Pop.	Date of appointment	SPRC qualified counsel?	If in private practice, what hourly rate for case?	Usual rate for private pay clients?	If a public defender, what annual salary ?	Limit on total compensation?	Negotiation over fee?	Reimbursement of travel expenses?	Request to judge to increase compensation?	Working on other cases? How many?	If public defender, highest attorney salary in office?	If death notice filed, change compensation and/or # of attorneys?	If no death notice, change in compensation and/or # of attorneys?
Yakima	229,094	2005	yes	\$75 (second chair)	\$200	N/A	no	yes	yes	no (case still pending)	Yes. Worked on a handful of other cases. This case comprised about 90% of my work load.	N/A	notice pending	notice pending
Yakima	229,094	2005	yes	\$100	\$150	n/a	no	no	not yet	yes, app. 10 + mental hearings	yes, app. 10 + mental hearings	n/a	n/a yet	no decision yet

**DEATH PENALTY SURVEY – DEFENSE COUNSEL
COMMENTS
Last up-date 2/28/06**

Explain basis for opinion on compensation:

These cases are the most difficult any lawyer can be asked to do. If you want good people who can focus on the capital case, you just have to pay them well.

Lead counsel requires a great deal of knowledge/skill/experience and for months at a time counsel will be unable to earn a living through other cases.

These cases are demanding of time, energy & focus and are emotionally draining. They need to be funded adequately.

Public defender/private attorneys should be similarly compensated.

This is my current salary as a federal public defender and I believe a reasonable starting place for compensating counsel in a capital case.

These are extraordinary cases with attendant stress that requires substantial experience and a breadth of legal knowledge.

Complexity of cases, legally & factually; stress (someone's life is in your hands). All-consuming; impact on personal life/family. Cases require extensive and well-rounded legal skills, knowledge of psychological issues, forensics, etc.

This compensation reflects the prevailing criminal hourly and consuming nature of capital cases.

The state should pay enough to allow the attorney to cover his/her overhead and provide a reasonable return on the investment of time in a murder case.

Capital cases are the most serious and complex criminal cases an attorney can have. They require training, experience and commitment in excess of all other criminal cases (and most civil case).

Most serious cases; only compensation at the time.

Qualified defense counsel are cheaper in the long run. Competent counsel requires paying a reasonable wage. Incompetent counsel guarantees reversal on appeal at 9th Circuit. You end up paying for two trials (pre-appeal and post-appeal). Why not pay a reasonable rate and do the case correctly the first time?

Comparing w/ KCPA Office pay scales for attorneys with similar experience and for private attorneys similar experience with overhead costs.

Qualified counsel should be compensated at market rates.

Complexity of cases – cost of not taking other cases.

If it were a capital case it consumes most of your time and destroys the rest of your practice. This is extremely high pressure work.

Attorneys should be adequately compensated for time and loss of business.

Pay barely exceeds overhead. Rules require highly regarded counsel but pay is equivalent to 1st year lawyer.

The time expended and number of private cases declined to accommodate representation. Should never be a cap!

This is a “guess”. I believe my hourly rate is well below rates in Pierce County, because I do 99% “panel” cases (conflict with DAC). I have never adjusted my rates up. I have almost 20 years’ experience.

I couldn’t give you an opinion in the abstract. The answers provided here do not give clear picture of what occurred.

These rates (\$125, \$100) are much lower than my pay, reflecting the indigent nature of the cases, however enough to make overhead, salaries and maintain a practice.

Snohomish County will pay all billed time, no questions asked, and will pay promptly; so if figures were higher for compensation, this isn’t a bad county to do an appointed case. Lower figure is politically possible, higher figure in range is what the attorney is worth.

Just what I believe is realistic and fair. These cases are much more difficult and stressful than non-capital cases.

It takes a lot of emotional energy to try this type of case and an attorney needs to be reasonably compensated. It caused a divorce in my situation.

Basically, lead counsel should be at the high end of a PD salary scale, and second chair shouldn’t be far behind.

Lead counsel or not, these are the most serious cases. I don't believe hourly rate should change because on attorney is designated the lead attorney.

Feds pay \$163 per hour (answered SPRC 2 qualified = \$150; non-lead counsel = \$100)

Specialized area of the law; time commitment; inability to take on other work; need to rebuild practice after case is over; cost of overhead; highly complex cases.

This may be ,low (\$150; \$125). But the work is difficult and precludes taking other cases. After over, one has to rebuild a practice. \$300 would be appropriate, \$150 a start.

Essentially these kinds of cases severely limit my ability to take on any other cases, therefore compensation has to be sufficient to sustain my practice while working on the death penalty case.

The time, effort, extra hours, mental health issues that are caused by stress and aggravation should be compensated. Frankly, the average Public Defender is grossly underpaid. That you would hold someone's life and freedom in the palm of your hand, but not be given some compensation for the effects of trying this case is reprehensible.

RPC 1.5; case law; prevailing rate on civil and criminal rates in the community. Proposed ethics opinion 198 and my general notions of mental health, well being & practice.

Nothing is as stressful, demanding and frankly, anxiety producing that I have ever done.

Complexity of issues; inability to work on other cases; physical & emotional toll of capital cases; since all cases are court-appointed, no reason to differentiate between rates paid to private counsel and to public defense agencies – same amount of work and commitment required in either setting.

Compensation needs to be adequate to ensure undivided attention to the capital case and to compensate the attorney for abandoning his/her practice and having no income when the case finishes.