

Workshop Item 3: Setting the Hourly Rate (AB454(2023))

AB454(2023), Sec. 2: NRS 180.320(4) is hereby amended to read as follows:

“The Board shall adopt regulations to establish hourly rates of compensation for court appearances and other time reasonably spent on indigent defense services or representation for:

(a) In counties whose population is less than 100,000, an attorney, other than a public defender, who is selected pursuant to NRS 7.115 to provide indigent defense services; or

(b) In all counties, an attorney who is appointed pursuant to NRS 34.750 to represent a petitioner who files a postconviction petition for habeas corpus.

⊇ Except for cases in which the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, the establishment by regulation of rates of compensation pursuant to this subsection does not preclude a governmental entity from contracting with a private attorney who agrees to provide such services for a lesser rate of compensation.

Sec. 3. NRS 7.125 is hereby amended to read as follows: 1. An attorney, other than a public defender, who is selected pursuant to NRS 7.115 to represent or defend a defendant at any stage of the criminal proceedings from the defendant’s initial appearance before the magistrate or the district court through the appeal, if any, is entitled to receive a fee for court appearances and other time reasonably spent on the matter to which the appointment is made of :

(a) If the compensation of the attorney is subject to the provisions of subsection 4 of NRS 180.320, the amount set forth in the regulations adopted by the Board on Indigent Defense Services within the Department of Indigent Defense Services pursuant to subsection 4 of NRS 180.320; or

(b) If the compensation of the attorney is not subject to the provisions of subsection 4 of NRS 180.320, \$125 per hour in cases in which the death penalty is sought and \$100 per hour in all other cases.

2. Except for cases in which the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, this section does not preclude a governmental entity from contracting with a private attorney who agrees to provide such services for a lesser rate of compensation.

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Department recommendation:

The Department recommends setting the hourly compensation rate at “the prevailing CJA rate at the time of service.”

Sec. XX

The hourly rates of compensation for court appearances and other time reasonably spent on indigent defense services or representation for:

- (a) In a county whose population is less than 100,000, an attorney, other than a public defender, who is selected pursuant to NRS 7.115 to provide indigent defense services; or
- (b) In all counties, an attorney who is appointed pursuant to NRS 34.750 to represent a petitioner who files a postconviction petition for habeas corpus,

is entitled to receive a hourly compensation rate of the prevailing CJA Panel Attorney hourly compensation rate at the time of service.

Comparisons:

CJA (Criminal Justice Act) PANEL ATTORNEY HOURLY RATES AND MAXIMUM CASE COMPENSATION RATES

Case Type	On or after January 1, 2023
NON-CAPITAL CASES	\$164.00
CAPITAL CASES	\$210.00

Hourly Rates Comparison of Nevada Counties

Washoe County:

Attorney Rates							
	Category A	Category B	Category C	Category D	Category E	Misdemeanors	Juvenile Flat Rate
Hourly Rate	\$300 hr.	\$200 hr.	\$200 hr.	\$200 hr.	\$200 hr.	\$150 hr.	
Max Cap	\$40K	\$15K	\$10K	\$5K	\$5K		\$500

Carson City

Attorney Rates						
	Category A	Category B	Category C	Category D	Category E	Misdemeanors and Juvenile
Hourly Rate	\$300 hr.	\$200 hr.	\$200 hr.	\$200 hr.	\$200 hr.	\$150 hr.
Max Cap	\$40K	\$15K	\$10K	\$5K	\$5K	

Clark, Esmeralda: \$100 per hour

Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lincoln, Mineral, White Pine: \$150 an hour

Lyon: \$100 per hour (unless have a contract with the county)

Nye: \$150 for Tonopah cases, \$100 for Pahrump/Beatty cases

NRS 7.125: \$125 per hour, death penalty; \$100 per hour, all other cases

Attorney General Cost Allocation to State Agencies: \$163 per hour