

# Soval Solutions, LLC

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## Analysis of Rural Attorney Hourly Rates

Prepared for the Nevada Department of  
Indigent Defense Services

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## **Summary**

The Nevada Department of Indigent Defense Services (DIDS) helps provide critical representation for indigent defendants in the State of Nevada. In order for DIDS to carry out its functions, it is necessary for the organization to have the ability to attract and retain talent. Currently, contracting with qualified defense attorneys in rural areas may be difficult, as hourly rates are typically below those offered to prosecuting attorneys in those same areas. This document provides evidence of the rates paid to county prosecutors, and focuses on the hourly cost to maintain the Churchill County District Attorneys Office, which is akin to a small law practice. The analysis shows that the hourly rate for the Churchill County District Attorneys Office is over \$200/hour, which is more than double the current hourly rate for non-capital defense cases. This information can be used to inform decisions related to adequate pay rates for contract and conflict defense providers in rural parts of Nevada.

## **Rural Indigent Defense Services Hourly Rates**

The Department of Indigent Defense Services (DIDS) was established by AB 81 in 2019 and charged with oversight and regulation of indigent defense services throughout the state. The primary mission of DIDS is to “to assist Nevada counties in developing quality, equitable, and sustainable indigent defense systems that strengthen local communities and meet or exceed the state and federal constitutional guarantees that protect each of us.” In order to effectively pursue this mission, it is imperative that DIDS personnel, and the indigent defense community in Nevada, receive adequate pay in relation to the critical work that they do. Appropriate pay structures will ensure that DIDS and the indigent defense community can attract and retain the talent needed to provide vigorous representation of indigent defendants throughout the State of Nevada.

Currently, Nevada faces a challenge related to rural defense attorney pay. Specifically, the hourly rates for contract and conflict rural indigent defense providers are not sufficient to cover attorney pay, in addition to overhead costs associated with running a law practice. Nevada last set its hourly contract rate for non-capital cases at \$100/hour and \$125/hour for capital cases in 2003. This represents a nearly 20-year time span in which the costs of living have increased dramatically in Nevada. During this time, the cost of doing business for solo practitioner and small law firms has also increased considerably.

In July, 2022, DIDS and Soval Solutions collaborated on the development of a survey to determine approximate overhead costs for contract indigent defense service providers. Attorneys were notified of the survey through various list serves, as well as through the Nevada State Bar Association weekly newsletter. A total of 136 attorneys completed the survey, including 56 who indicated that they currently work as a contracted or appointed criminal indigent defense service provider, or serve as a civil court-appointed attorney. The survey asked respondents to indicate the amount of overhead expenses incurred during a typical year, as well as the categories of overhead expenses that are most common. The survey asked several questions about the type of law firm at which attorneys are employed.

Among the 56 attorneys who serve as contracted or appointed criminal indigent defense service providers, or serve as a civil court-appointed attorneys, the results of the survey showed that 38 attorneys work as solo practitioners. Another 13 work in firms that range from 2-5 attorneys. The majority of attorneys indicated that they are solely responsible for overhead costs. Attorneys were asked to indicate the total amount of overhead costs for their firm/organization. The average overhead cost per attorney was \$86,427. The cost categories that comprise the greatest percentage of overhead costs were: non-attorney compensation, office space, office supplies, and attorney benefits and health care.

To understand how overhead costs might impact the take-home pay of contract attorneys who receive the current \$100/hour rate for their work, we can use data from the attorney overhead survey to develop estimates. Assuming that there are 220 working days in a typical year, and that there are seven working hours in a day, we arrive at a total of 1,540 work hours per year. An attorney who works the full 1,540 hours at an hourly rate of \$100/hour would gross a total of \$154,000 in a typical year. Assuming that an attorney incurs average overhead costs, this would net that an attorney \$67,573 per year.

## Comparison to Rural District Attorney Hourly Rates

To begin to compare rural public defender hourly rates to rural prosecutor rates, data from Transparent Nevada are used to obtain salary and benefit information on prosecutors in rural counties. These data provide a picture of hourly rates paid to prosecutors in those counties, but do not account for the costs associated with running a law practice. The table in the appendix presents this information.

As the table indicates, individual attorneys receive a wide range of hourly rates, based the total dollar value of salary and benefits, and assuming a 1,540 hour work-year. In Carson City, Churchill, Douglas, Humboldt, and Lyon Counties, many prosecutors average over \$100/hour for pay and benefits.

Perhaps a more appropriate estimate of the hourly rates for prosecutors in rural areas can be generated by examining the total cost of a District Attorney's office in a rural county. Examining the total annual cost of an office—including payroll, benefits, and the cost of services and supplies—in relation to the number of attorneys in the office and the total number of hours worked may yield an hourly rate estimate that more approximates the cost of defense attorneys in private practice.

To provide an example, costs for the Churchill County District Attorneys Office are examined. The table below breaks down the total cost of that office for the 2022-2023 Fiscal Year. Much like a typical law practice, Salaries and Wages, and Employee Benefits go to support attorneys as well as any administrative and support staff in the office. Service and Supply costs likely go toward items necessary for the production and delivery of legal documents.

<b>Churchill County District Attorney Budget, FY 2022-2023</b>	
Salary and Wages	\$1,797,024
Employee Benefits	\$855,845
Services and Supplies	\$170,747
Total	\$2,823,616
Cost Per Attorney	\$403,734
<b>Cost Per Attorney Hour</b>	<b>\$202</b>
Source: <a href="https://www.churchillcountynv.gov/DocumentCenter/View/16533/FY-2022-to-2023-Budget">https://www.churchillcountynv.gov/DocumentCenter/View/16533/FY-2022-to-2023-Budget</a>	

As of March, 2023, there were seven attorneys working in Churchill County. This equates to a cost of \$403,734 per attorney. Assuming a 2,000 hour work/year for those 7 attorneys (likely covering time for legal and non-legal work within the office) we see an hourly rate of \$202. This is more than double the current rate for contract attorneys in Nevada.

This preliminary analysis shows that contract attorney rates for indigent defense service providers are well below the basic hourly rates for salary and benefits for many district attorneys in the state. Notably, these rates do not account for the overhead costs incurred by private indigent defense service providers.

<b>Appendix: Rural District Attorney Pay in Nevada, 2021</b>				
<b>Job title</b>	<b>Total pay &amp; benefits</b>	<b>County, Year</b>	<b>Rate</b>	
ASSISTANT DISTRICT ATTORNEY	\$241,610.14	Carson City	\$157	
DISTRICT ATTORNEY	\$211,478.93	Carson City	\$137	
CHIEF DEPUTY DISTRICT ATTORNEY	\$200,178.64	Carson City	\$130	
SUP DEPUTY DISTRICT ATTORNEY	\$160,476.75	Carson City	\$104	
CHIEF DEPUTY DISTRICT ATTORNEY	\$156,856.45	Carson City	\$102	
DEPUTY DISTRICT ATTORNEY	\$148,367.66	Carson City	\$96	
SR DEPUTY DISTRICT ATTORNEY	\$147,773.31	Carson City	\$96	
SR DEPUTY DISTRICT ATTORNEY	\$144,218.14	Carson City	\$94	
SR DEPUTY DISTRICT ATTORNEY	\$134,584.76	Carson City	\$87	
SUP DEPUTY DISTRICT ATTORNEY	\$113,671.91	Carson City	\$74	
SR DEPUTY DISTRICT ATTORNEY	\$107,699.29	Carson City	\$70	
SR DEPUTY DISTRICT ATTORNEY	\$105,508.85	Carson City	\$69	
DEPUTY DISTRICT ATTORNEY	\$68,093.55	Carson City	\$44	
DISTRICT ATTORNEY	\$212,937.04	Churchill	\$138	
CHIEF DEPUTY DISTRICT ATTORNEY	\$203,128.89	Churchill	\$132	
CHIEF DEPUTY DISTRICT ATTORNEY-CIVIL	\$197,845.41	Churchill	\$128	
SENIOR DEPUTY DISTRICT ATTORNEY	\$149,090.49	Churchill	\$97	
SENIOR DEPUTY DISTRICT ATTORNEY	\$143,880.71	Churchill	\$93	
SENIOR DEPUTY DISTRICT ATTORNEY	\$136,411.75	Churchill	\$89	
DEPUTY DISTRICT ATTORNEY II	\$130,444.12	Churchill	\$85	
DISTRICT ATTORNEY	\$225,681.28	Douglas	\$147	
DEPUTY DISTRICT ATTORNEY III	\$187,966.44	Douglas	\$122	
DEPUTY DISTRICT ATTORNEY III	\$182,933.99	Douglas	\$119	
DEPUTY DISTRICT ATTORNEY III	\$162,913.78	Douglas	\$106	
DEPUTY DISTRICT ATTORNEY III	\$149,108.59	Douglas	\$97	
DEPUTY DISTRICT ATTORNEY III	\$145,594.08	Douglas	\$95	
DEPUTY DISTRICT ATTORNEY III	\$136,232.13	Douglas	\$88	
DEPUTY DISTRICT ATTORNEY II	\$135,372.51	Douglas	\$88	
DEPUTY DISTRICT ATTORNEY III	\$126,267.36	Douglas	\$82	
DEPUTY DISTRICT ATTORNEY I	\$101,761.26	Douglas	\$66	
DISTRICT ATTORNEY	\$149,170.77	Elko	\$97	
CHIEF DEPUTY DISTRICT ATTORNEY	\$121,687.31	Elko	\$79	
DEPUTY DISTRICT ATTORNEY	\$111,769.60	Elko	\$73	
DEPUTY DISTRICT ATTORNEY	\$94,639.68	Elko	\$61	
DEPUTY DISTRICT ATTORNEY	\$94,339.27	Elko	\$61	
DEPUTY DISTRICT ATTORNEY	\$86,482.44	Elko	\$56	
DEPUTY DISTRICT ATTORNEY	\$79,135.80	Elko	\$51	
DEPUTY DISTRICT ATTORNEY	\$59,250.85	Elko	\$38	

DEPUTY DISTRICT ATTORNEY	\$51,862.50	Elko	\$34	
DEPUTY DISTRICT ATTORNEY	\$42,270.17	Elko	\$27	
DISTRICT ATTORNEY ELECTED	\$193,845.83	Eureka	\$126	
DISTRICT ATTORNEY	\$210,137.81	Humboldt	\$136	
CHIEF DEPUTY DISTRICT ATTORNEY	\$192,686.82	Humboldt	\$125	
DEPUTY DISTRICT ATTORNEY	\$157,038.41	Humboldt	\$102	
DEPUTY DISTRICT ATTORNEY	\$157,037.45	Humboldt	\$102	
DEPUTY DISTRICT ATTORNEY	\$140,878.28	Humboldt	\$91	
DEPUTY DISTRICT ATTORNEY	\$71,407.89	Humboldt	\$46	
DISTRICT ATTORNEY	\$203,416.10	Lyon County	\$132	
CHIEF DEPUTY DISTRICT ATTORNEY	\$155,352.01	Lyon County	\$101	
SR DEPUTY DISTRICT ATTORNEY	\$122,594.13	Lyon County	\$80	
DEPUTY DISTRICT ATTORNEY	\$114,670.29	Lyon County	\$74	
DEPUTY DISTRICT ATTORNEY	\$114,630.94	Lyon	\$74	
DEPUTY DISTRICT ATTORNEY	\$109,898.98	Lyon	\$71	
DEPUTY DISTRICT ATTORNEY	\$85,134.60	Lyon	\$55	
SR DEPUTY DISTRICT ATTORNEY	\$84,558.70	Lyon	\$55	
ELECTED DISTRICT ATTORNEY	\$129,579.97	Pershing	\$84	
DEPUTY DISTRICT ATTORNEY	\$90,540.48	Pershing	\$59	
DISTRICT ATTORNEY	\$184,888.21	Storey	\$120	
COUNTY DISTRICT ATTORNEY	\$139,117.14	White Pine	\$90	
CHIEF DEPUTY DISTRICT ATTORNEY	\$112,946.70	White Pine	\$73	
DEPUTY DISTRICT ATTORNEY 1	\$105,331.60	White Pine	\$68	
DISTRICT ATTORNEY SPECIAL PROSECUTOR	\$67,377.87	White Pine	\$44	
CIVIL DEPUTY DISTRICT ATTORNEY	\$51,756.57	White Pine	\$34	
Source: <a href="https://transparentnevada.com/salaries/search/?q=district+attorney&amp;y=2021">https://transparentnevada.com/salaries/search/?q=district+attorney&amp;y=2021</a>				