



Montana Legislative Services Division
Office of Research and Policy Analysis
David D. Bohyer, Director

January 25, 2016

TO: Members of the Task Force on State Public Defender Operations
FROM: Dave Bohyer
RE: Other states' public defender attorney and contractor compensation

The Task Force at its December 10, 2015 meeting requested staff to report on the compensation paid in other states to attorneys employed by the public defender and to private attorneys with whom the public defender contracts for legal services provided to eligible clients. Please accept this memorandum in response to the request.

In responding to the Task Force's request, I looked first to the several jurisdictions that the Task Force had identified previously for comparative data and information: Alaska, Colorado, New Mexico, Rhode Island, Vermont, Clark Co., Nevada, and Washington, D.C. Because Task Force members also requested the same information for Montana's neighbor states, I have also included information for Idaho, North Dakota, South Dakota, and Wyoming. The table on the following page shows data for the several jurisdictions.

In short, entry-level pay for the Montana PDO's attorney employees, \$26.27 per hour, is higher than four of the comparison states and lower than seven. Compared to the 11-state averages, Montana PDO entry is 3% lower than the mean (\$27.12) and 0.6% lower than the median (\$26.44).

The story is considerably different at the other end of the employee pay scale, where Montana PDO-employee attorneys top out at \$41.87 per hour, higher than two of the comparison states and lower than nine. Montana's top-end pay is 25% lower than the 11-state mean hourly pay (\$56.71) and 33% lower than the median (\$63.05).

For contract attorneys, Montana's \$62 per hour rate for non-death penalty cases is lowest among the eight states for which contractor compensation data was found, 33% below both the mean (\$93.14) and median (\$92). Montana's \$100 per hour rate for death penalty cases is 4% below the 8-state, all case-type mean (\$103.86) and 5% above the all case-type median (\$95).

Respectfully submitted.