

Practice Standards

December, 2012

Section IX, Compensation

IX. COMPENSATION.

Goal: Parity of resources with the Prosecution is an essential part of effective representation. This includes parity in salaries for full time staff attorneys and a reasonable hourly rate for contract attorneys.

Practice Standards

December, 2012

Section IX, Compensation

1. Counsel providing public legal representation and staff should be compensated at a rate commensurate with their training and experience. To attract and retain qualified personnel, compensation and benefit levels should be equal to those of attorneys and staff in prosecutorial offices in the area. Compensation should be computed as follows:

- A. Regional Public Defenders shall be compensated at no less than the rate and with the same adjustments, including experience and longevity, as the salary for the County Attorneys of the largest county in which the Regional Public Defender Office is located, including all retirement funding and benefits.
- B. The Chief Public Defender shall be compensated at a rate commensurate with the position's duties and responsibilities, taking into account the compensation paid to prosecutors with similar responsibilities.
- C. In contracts for public legal representation, the contracting firm or counsel shall affirmatively represent in its contract that, in compensating counsel providing services pursuant to the terms of the contract, consideration has been given to the rate commensurate with an equally experienced assistant public defender in that county or the nearest county seat in which a public defender office is located.

Practice Standards

December, 2012

Section IX, Compensation

2. Contracts not awarded on an hourly basis should provide for extraordinary compensation over and above the normal contract terms for cases which require an extraordinary amount of time and preparation, death penalty cases, and cases resulting in extended trials.

Practice Standards

December, 2012

Section IX, Compensation

3. When compensating counsel providing services on an hourly basis, the Office of the State Public Defender shall pay at an hourly rate to be established by the Montana Public Defender Commission. The Commission shall review the rate at least annually to determine whether it is a reasonable amount. In the event the rate should be increased, requests shall be made to the appropriate funding authorities for additional funds.

Practice Standards

December, 2012

Section IX, Compensation

4. Funding shall be sought for Fiscal Year 2008 to increase the contract rate.