



Nebraska Court Appointed Counsel Rates by County

July, 2022

The Nebraska State Bar Association works for Nebraska lawyers to help them achieve the highest standards of competence, ethics and professionalism and to protect and promote the administration of and access to justice. Just outcomes in the criminal justice system require capable counsel for both the state and the defendant. Nebraska's indigent defense system relies both on public defenders and court appointed attorneys. It has recently been reported that the number of lawyers willing to take court appointments has decreased significantly in a number of counties, threatening the administration of justice in our state. This publication was developed, in partnership with the Nebraska Criminal Defense Attorneys Association, as a resource for counties to help inform their court appointed counsel rates.

INTRODUCTION

The Sixth Amendment provides, "In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense." In *Gideon v. Wainwright*, the United States Supreme Court stated that "reason and reflection require us to recognize that, in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him."¹ Under the Sixth Amendment, the state has an obligation to provide counsel to all those who cannot afford to hire an attorney and who are facing criminal charges that could result in a deprivation of liberty. States may delegate this obligation to the counties, but it retains an obligation to monitor the counties and ensure that the obligation is met in a constitutionally sufficient manner.

When compensation for these cases is not adequately addressed, there is a cost: it ultimately means that fewer lawyers will take court appointed cases and/or that at-

torneys will spend less time on each case. Spending less time will inevitably have an adverse impact on defendants and the legal system, in terms of just outcomes for defendants and in defendant and public perceptions of fairness and their confidence in the judicial system. At some point, there is a question of whether ethical and/or constitutional provisions are being met.

Our nation is currently experiencing high inflation. Reportedly, it is becoming increasingly difficult for lawyers to be able to afford taking court appointments. The Nebraska State Bar Association periodically implements a survey to assess trends in attorney' salaries, billing practices and employee benefits. The NSBA *2020 Economic Survey* reports that the average hourly rate for lawyers practicing criminal law is between \$176-\$200 per hour. Given current rates of inflation, the hourly rate charged by lawyers in private practice has likely increased significantly since the NSBA's 2020 report.

¹ Chiang, E; Ogletree, C., Climenko, J; Dimino, M; Steinberg, J; and D. Carrol, (2008). *The Obligation of States in Providing Constitutionally-Mandated Right to Counsel Services*. National Legal Aid and Defender Association.

DISTRICT COURTS

The rates paid in Nebraska District Courts range from \$70 per hour to \$125 per hour. The majority of counties pay \$95 or \$100 per hour.

Table 1: 2022 Rates Paid in Nebraska District Courts	
Hourly Rate	Number of Counties
\$70	1
\$71	1
\$75	1
\$80	1
\$85	3
\$95	44
\$100	40
\$125	2

JUVENILE COURTS

The rates paid in Nebraska Juvenile Courts range from \$50 per hour to \$125 per hour. The majority of counties pay \$95 or \$100 per hour.

Table 3: 2022 Rates Paid in Nebraska Juvenile Courts	
Hourly Rate	Number of Counties
\$50	1
\$70	5
\$71	1
\$75	2
\$95	42
\$100	40
\$125	2

COUNTY COURTS

The rates paid in Nebraska County Courts range from \$50 per hour to \$125 per hour. The majority of counties pay \$95 or \$100 per hour.

Table 2: 2022 Rates Paid in Nebraska County Courts	
Hourly Rate	Number of Counties
\$50	1
\$70	5
\$71	1
\$95	44
\$100	40
\$125	2



GREATER UNIFORMITY IN RATES

Compared to previous years, the NSBA makes two observations. First, there is increasing uniformity in rates paid by counties within a district (i.e., rates are uniform across the counties within a judicial district). Second, there is increasing uniformity in rates across the different levels of court (i.e., counties paying the same rate whether the work is for district, county or juvenile court). The table below summarizes whether there is uniformity in rates paid across the district and whether there is uniformity in rates paid across courts within a county.

Table 4: Uniformity in Rates		
	Counties Within the District have Uniform Rates	Courts in a County Have Uniform Rates (e.g., district, county and juvenile court)
District 1	Yes	Yes
District 2	No	Yes
District 3	Yes	Yes
District 4	Yes	No
District 5	Yes	Yes
District 6	No	No
District 7	Yes	Yes
District 8	Yes	Yes
District 9	Yes	Yes
District 10	Yes	Yes
District 11	Yes	Yes
District 12	No	No



RATES BY COUNTY

Table 5 presents information current as of July 1, 2022, regarding the rates paid to court appointed counsel by Nebraska's 93 counties at the district, county and juvenile court level. Counties may have established separate rates for homicide cases which are not presented here.

Table 5: Rates by County				
District	County	District	County	Juvenile
1	Gage	\$95	\$95	\$95
1	Jefferson	\$95	\$95	\$95
1	Johnson	\$95	\$95	\$95
1	Nemaha	\$95	\$95	\$95
1	Pawnee	\$95	\$95	\$95
1	Richardson	\$95	\$95	\$95
1	Saline	\$95	\$95	\$95
1	Thayer	\$95	\$95	\$95
2	Cass	\$95	\$95	\$95
1/2	Otoe	\$95	\$95	\$95
2	Sarpy	\$125	\$125	\$125
3	Lancaster	\$125	\$125	\$125
4	Douglas	\$80	\$50	\$50
5	Boone	\$95	\$95	\$95
5	Butler	\$95	\$95	\$95
5	Colfax	\$95	\$95	\$95
5	Hamilton	\$95	\$95	\$95
5	Merrick	\$95	\$95	\$95
5	Nance	\$95	\$95	\$95
5	Platte	\$95	\$95	\$95
5	Polk	\$95	\$95	\$95
5	Saunders	\$95	\$95	\$95
5	Seward	\$95	\$95	\$95
5	York	\$95	\$95	\$95
6	Burt	\$95	\$95	\$95
6	Cedar	\$95	\$95	\$95
6	Dakota	\$95	\$95	\$95
6	Dixon	\$95	\$95	\$95
6	Dodge	\$95	\$95	\$75
6	Thurston	\$95	\$95	\$95
6	Washington	\$95	\$95	\$75

District	County	District	County	Juvenile
7	Antelope	\$95	\$95	\$95
7	Cuming	\$95	\$95	\$95
7	Knox	\$95	\$95	\$95
7	Madison	\$95	\$95	\$95
7	Pierce	\$95	\$95	\$95
7	Stanton	\$95	\$95	\$95
7	Wayne	\$95	\$95	\$95
8	Blaine	\$100	\$100	\$100
8	Boyd	\$100	\$100	\$100
8	Brown	\$100	\$100	\$100
8	Cherry	\$100	\$100	\$100
8	Custer	\$100	\$100	\$100
8	Garfield	\$100	\$100	\$100
8	Greeley	\$100	\$100	\$100
8	Holt	\$100	\$100	\$100
8	Howard	\$100	\$100	\$100
8	Keya Paha	\$100	\$100	\$100
8	Loup	\$100	\$100	\$100
8	Rock	\$100	\$100	\$100
8	Sherman	\$100	\$100	\$100
8	Valley	\$100	\$100	\$100
8	Wheeler	\$100	\$100	\$100
9	Buffalo	\$100	\$100	\$100
9	Hall	\$100	\$100	\$100
10	Adams	\$95	\$95	\$95
10	Clay	95	\$95	\$95
10	Fillmore	\$95	\$95	\$95
10	Franklin	\$95	\$95	\$95
10	Harlan	\$95	\$95	\$95
10	Kearney	\$95	\$95	\$95
10	Nuckolls	\$95	\$95	\$95
10	Phelps	\$95	\$95	\$95
10	Webster	\$95	\$95	\$95

Table 5: Rates by County				
District	County	District	County	Juvenile
11	Arthur	\$100	\$100	\$100
11	Chase	\$100	\$100	\$100
11	Dawson	\$100	\$100	\$100
11	Dundy	\$100	\$100	\$100
11	Frontier	\$100	\$100	\$100
11	Furnas	\$100	\$100	\$100
11	Gosper	\$100	\$100	\$100
11	Hayes	\$100	\$100	\$100
11	Hitchcock	\$100	\$100	\$100
11	Hooker	\$100	\$100	\$100
11	Keith	\$100	\$100	\$100
11	Lincoln	\$100	\$100	\$100
11	Logan	\$100	\$100	\$100
11	McPherson	\$100	\$100	\$100
11	Perkins	\$100	\$100	\$100
11	Red Willow	\$100	\$100	\$100
11	Thomas	\$100	\$100	\$100

Table 5: Rates by County				
District	County	District	County	Juvenile
12	Banner	\$75	\$70	\$70
12	Box Butte	\$100	\$100	\$100
12	Cheyenne	\$85	\$70	\$70
12	Dawes	\$100	\$100	\$100
12	Deuel	\$85	\$70	\$70
12	Garden	\$71	\$71	\$71
12	Grant	\$100	\$100	\$100
12	Kimball	\$85	\$70	\$70
12	Morrill	\$70	\$70	\$70
12	Scotts Bluff	\$100	\$100	\$100
12	Sheridan	\$100	\$100	\$100
12	Sioux	\$100	\$100	\$100

U.S. DISTRICT COURT- DISTRICT OF NEBRASKA

The rates paid for court appointments in the U.S. District Court, District of Nebraska is presented below.

Table 6:	
Hourly Rate	Number of Counties
U.S. District Court, District of Nebraska	\$158

