



FINAL REPORT

Oregon Public Defense Commission

HOURLY RATE AND ECONOMIC SURVEY

May 8, 2024

Moss Adams LLP
999 Third Avenue, Suite 2800
Seattle, WA 98104
(206) 302-6500



Table of Contents

I. Project Overview	1
A. Background	1
B. Scope	1
C. Methodology	3
II. Market Survey and Analysis	7
A. Building a Contractor Rate Formula	7
III. Market Data Calculations	14
A. Attorneys	14
B. Support Staff	16
Appendix A—Current OPDC Contract Rates	22
Appendix B—Other Agency Rates	24



I. PROJECT OVERVIEW

A. BACKGROUND

Passed in the 2023 legislative session, SB 337, Section 96(1) provides the following directives to the Oregon Public Defense Commission (OPDC):

1. The Oregon Public Defense Commission shall conduct a survey and economic analysis to establish a formula for the Commission to use to calculate an hourly pay rate, taking into account overhead expenses, market rates, and regional differences in the cost of living for appointed counsel who are not employees of the Commission or a nonprofit public defense organization.
2. The Commission may conduct the survey and economic analysis internally or may contract with an outside entity. The survey and economic analysis must be completed, and the hourly pay rate calculated, no later than July 1, 2025.
3. After the hourly pay rate described in paragraph (a) of this subsection has been calculated, and beginning with contracts entered into on or after July 1, 2027, the hourly pay for appointed counsel who are not employees of the Commission or a nonprofit public defense organization may not be lower than that amount.
4. The commission may conduct another survey and economic analysis described in this subsection to establish a new formula and calculate a new hourly rate.

OPDC engaged Moss Adams, LLP (Moss Adams, we) to conduct the survey and economic analysis. OPDC requested the work be done expeditiously to align with the agency's development of Policy Option Packages (POPs) for the 2025-2027 biennium.

This study is the first step in OPDC's process of updating hourly rates. It identifies the core elements of a wage formula, provides comparative market data, and surfaces key considerations for analysis. The information in the study is intended to be used by OPDC as the basis for further discussion and analysis.

Historically, the agency has not applied a data-driven methodology to establish its compensation rates. The mandate in SB 337 provides OPDC an opportunity to gain meaningful insights into market conditions, update its rates, and establish the foundation to regularly evaluate and update contract compensation in the future.

B. SCOPE

There are various ways to characterize how state and local governments provide public defense, including supplying lawyers (and other legal team members) to people with a right to counsel. This report references the 2023 publication from the U.S. Department of Justice, which simplifies the methods into two categories: 1) public defenders and 2) privately assigned



counsel.¹ Public defenders work as employees of a government or nonprofit office; private assigned counsel are private attorneys paid by governments to handle cases according to the time they work (hourly, daily, monthly, annually), the number of cases they take, the activities they perform (like staffing an arraignment shift), or a combination of these factors.

The second principle of the American Bar Association's (ABA) *Ten Principles of a Public Defense Delivery System* is the principle related to Funding, Structure, and Oversight. This principle states that contracted attorneys should be paid a reasonable fee that reflects the cost of overhead and other office expenses, as well as payment for work.²

OPDC engaged Moss Adams to conduct an hourly rate study and economic analysis for attorneys in addition to the following non-attorney support staff roles:

- Investigators
- Social Workers
- Paralegals or Legal Assistants
- Interpreters
- Case Managers
- Mitigation Specialists
- Administrative support
- Legal Secretaries

The economic survey includes research and analysis of available data points that span private practice, the federal public defense system, and public defense systems in other states, in addition to data from the Oregon District Attorney's offices and the Oregon Department of Justice (DOJ). The report details the considerations for employee overhead expenses, labor market, and regional considerations.

This study relies on two methods of data collection. 1) Compensation benchmarking using two global databases, and 2) an economic survey of peers. Using compensation benchmarking data from a comprehensive database provides real-time insights into prevailing salary trends across a wide range of roles and regions, ensuring access to the most current and relevant compensation data available. Supplementing these results with peer benchmarking can support a better understanding of the competitive landscape and provide insight into how compensation practices compare to similar organizations. It should be noted that peer data is often limited in its value for conducting comparative analysis. Peer data can frequently be outdated, especially when other agencies may also be updating their

¹ Beeman, Marea, and Claire Buetow. *Gideon at 60: A Snapshot of State Public Defense Systems and Paths to System Reform*. Office for Access to Justice and the National Institute of Justice, U.S. Department of Justice. Nov. 2023. Retrieved from <https://nij.ojp.gov/library/publications/gideon-60-snapshot-state-public-defense-systems-and-paths-system-reform>

² ABA Criminal Justice Standards: Providing Defense Services, Standard 5-2.4. The fee rate should be subject to regular increases to ensure the ongoing availability of quality counsel and reviewed regularly. Contract selection should be based on factors such as counsel training and experience in public defense representation and should not merely be awarded to the lowest bidder. Counsel should not be paid on a flat fee basis, as such payment structures reward counsel for doing as little work as possible. See *Wilbur v. Mt. Vernon*, No. C11-1100RSL, U.S.D.C. D. Wash., at 15 (Dec. 4, 2013) (district court finding that a flat fee contract "left the defenders compensated at such a paltry level that even a brief meeting at the outset of the representation would likely make the venture unprofitable.").



compensation data. For this reason, we recommend a balanced approach that combines database-driven insights with peer comparisons to provide a comprehensive view of compensation practices while accounting for both breadth of coverage and regional specificity. As OPDC operationalizes plans to reduce the public defender deficiency and transitions its workforce model, the combined results of multiple data sources will be an essential part of recruitment and retention strategies.

This analysis intends to support OPDC’s directive of offering a fair market hourly wage to attorney and non-attorney support staff. The results should assist OPDC in setting hourly rates to ensure the state can provide public defense for indigent defendants in Oregon’s criminal justice system. After the hourly pay rate has been calculated, beginning with contracts entered into on or after July 1, 2027, the hourly pay for appointed counsel who are not commission employees or a nonprofit public defense organization may not be lower than that amount.

C. METHODOLOGY

This engagement was performed in accordance with the Standards for Consulting Services established by the American Institute of Certified Public Accounts, as outlined in our Statement of Work dated March 8, 2024. This report is intended solely for the use of OPDC and may not be provided to, used, or relied upon by any third parties.

This engagement was conducted between March and April 2024 and included the following three phases.

- **Start-up and management.** Project initiation consists of collaborative project planning with OPDC management, including what documents will be reviewed, what data will be compiled for benchmarking, what peers will be used in our survey, when and how results will be shared, and how we’ll report on project status.
- **Analysis.** This phase captures benchmarking, and economic survey activities detailed further in the following.
- **Reporting.** Results of benchmarking and the economic survey were packaged into a draft report. The report was shared with OPDC management for review. Feedback was incorporated into development of the final report.

Compensation Benchmarking Data

Moss Adams uses benchmarked data from two national sources of compensation data—Economic Research Institute (ERI) and PayScale—to avoid reliance on a single source and enhance the reliability of benchmarked data.

Economic Research Institute. *ERI Salary Assessor.*

- **Salary and Wage Data:** ERI gathers employer-provided compensation surveys and other salary survey data, which are then aggregated to provide current pay rates. Data is



also gathered through the digitization of Proxy and 10-K data and Freedom of Information Requests in the U.S. ERI's salary data are used to benchmark total compensation, base pay, bonuses, and more. ERI releases new data sets approximately every six weeks for approximately 1.9 million organizations, across 9,000 positions, 8,000 locations, and 1,000 industries.

- **Cost of Living Data:** ERI downloads actual housing sales data from commercially available sources and also takes into account rental market rates when compiling cost of living data. Gasoline, consumables, medical care premium costs, and effective income tax rates are also just as accurate, and ERI research staff audit these sources with special area research projects.

PayScale. PayFactors Market Data.

- PayScale's HR Market Analysis database consists of market compensation data for more than 5,500 unique jobs, across 50,000 geographic locations, and 250+ industries that are updated monthly. Benchmark jobs are matched based on job content (description), to a library of aggregated HR-reported data sources. This process of blending the results from multiple sources produces data that is representative of the actual market. Benchmark data is built from Payscale's HR-reported data survey sources, historical third-party survey trends, as well as its own compensation data experts' analysis of the market.

We obtained compensation market benchmark data from ERI and PayScale by building custom profiles based on OPDC data. The following data was requested by OPDC and used to build the queries for the roles addressed in this report.

Operating Budget:	\$300,000,000
Industry Code:	NAICS: 921100 (Government - Appointed or Intergovernmental Sector)
Regions:	<ul style="list-style-type: none"> • National (USA Average) • Idaho (Statewide Average) • Oregon (Statewide Average) • Washington (Statewide Average)
Pay Period:	Hourly
Planning Date: <i>Planning date is the date of the last database refresh</i>	ERI: 4/14/2024 PayScale: 4/1/2024

Benchmarking Analysis

We present the results of the market compensation benchmarking data using percentiles, comparing OPDC's current compensation to specific percentiles of the market compensation data.



A **percentile** is a point on a rank-ordered scale, found by dividing a group of observations into parts in order of magnitude from lowest to highest. The first percentile approximates the very lowest/bottom number found, while the 100th percentile is the very highest reported.

- **25th Percentile:** Also known as the first, or lower, quartile. The 25th percentile is the value at which 25% of benchmark data is below that value, and 75% of benchmark data is above that value.
- **50th Percentile:** Also known as the median. The median cuts the data set in half, so 50% earn less than the median value, and 50% earn more than the median salary. This is also known as a market match or a market median.
- **75th Percentile:** Also known as the third, or upper, quartile. The 75th percentile is the value at which 25% of the data is above that value and 75% of the data is below that value.

Traditionally, salary compensation levels are evaluated in relation to the market compensation data percentile into the following levels.

LEVEL	PERCENTILE
Low	below 25th
Low to Medium	25th – 45th
Medium	within 5% of 50th
Medium to High	55th – 75th
High	above 75th

Economic Survey, Peer Research

While many states in the U.S. use a mix of public defenders, contract attorneys, and private attorneys to provide legal defense to indigent defendants, the contract model can vary significantly from state to state and even within different jurisdictions in the same state.

In addition to benchmarking market compensation, we gathered and reviewed the available hourly rates and salary data from federal, state, and industry groups including:

- Oregon District Attorney's Office
- Oregon Department of Justice
- Washington District Attorney's Office
- Washington Department of Justice
- Various County Public Defense Offices in Washington and Oregon
- Federal public defense system (Criminal Justice Act - CJA)
- Best practice information from the American Bar Association (ABA) and the National Association of Public Defenders (NAPD).



In collaboration with OPDC, these entities were identified as relevant peers for comparison based on the following criteria:

- **Jurisdictional Relevance:** Entities that share jurisdictional similarities with the Oregon Public Defense Commission, such as handling similar types of cases or legal frameworks.
- **Geographic Proximity:** Entities located in Oregon, Washington, and at the federal level (including Washington) are chosen due to geographic proximity and shared legal contexts.
- **Resource Alignment:** Entities with similarly aligned resources, funding, and operational frameworks.
- **Standards and Best Practices:** Standard-setting entities that could have influence or impact on legal policies and practices like The American Bar Association (ABA) and the National Association of Public Defenders (NAPD) are typically included as research best practices.

Appendix A—Current OPDC Contract Rates contains the results of the peer review. The survey of peer data relies on publicly available information from policies, contracts, and published guidance. Salary information from job postings was not considered due to the broad range within posted positions, diminishing the applicability of peer data when setting rates for OPDC.



II. MARKET SURVEY AND ANALYSIS

A. BUILDING A CONTRACTOR RATE FORMULA

Compensation Philosophy

An organization's compensation philosophy is a statement that outlines the organization's stance on employee pay and benefits. It serves as a guide for making compensation decisions and helps to ensure that these decisions are fair, consistent, and aligned with the organization's strategic goals. Here's how it should inform setting contractor rates:

- **Alignment with Goals:** The compensation philosophy should reflect the organization's strategic goals. If the organization values quality and expertise, it should be willing to pay higher rates for contractors who can deliver these.
- **Competitiveness:** The compensation philosophy should address how the organization positions itself in the market. If it aims to attract top talent, the organization should offer competitive contractor rates.
- **Fairness and Equity:** The compensation philosophy should ensure fairness and equity. This means that contractor rates should be set based on the value of the work, the skills and experience required, and the market rate for similar work.
- **Transparency:** The compensation philosophy should promote transparency. This means the method for setting contractor rates should be clear and understandable.
- **Flexibility:** The compensation philosophy should allow for flexibility. This means that the organization should be able to adjust contractor rates as needed based on changes in the market, the nature of the work, or the contractor's performance.

Hourly Rate Strategies

There are several options when setting pay in relation to the relative market:

Match the market by paying comparable wages.

- A common compensation strategy for employers is to set pay levels relative to those in the existing marketplace. By matching the pay rates of competitors, the organization ensures its compensation structure remains competitive, which may help to attract and retain top talent.
- While this approach can allow employers to manage labor costs better, it can potentially place the employer in a position of playing catch-up, requiring more significant adjustments to the compensation structure during tight labor markets.

Lead the market by paying higher wages.

- This compensation strategy may increase the supply of candidates, selection rates of qualified applicants, morale and productivity, and decrease employee turnover. A lead strategy is often most appropriate for organizations located in highly competitive labor markets. Employers that adopt such a strategy will need to monitor it closely to determine whether anticipated benefits are being realized.



Lag the market by paying lower wages.

- Organizations that choose to implement a compensation strategy that lags the marketplace often do so because they lack the financial resources required to pay higher rates. A lagging market strategy is frequently accompanied by nonmonetary incentives to minimize low morale and turnover. In some circumstances, an employer may be so highly sought-after due to their brand reputation that it can pay lower wages without realizing a negative impact.
- Organizations that opt to set pay rates below the prevailing marketplace can be more susceptible to fluctuations in the labor market, risk heightened levels of difficulty in retaining and attracting highly qualified candidates, and experience higher rates of employee dissatisfaction, poor performance, and turnover.

For many organizations, a combination of these options may be most appropriate. For example, an employer may choose to lead the market during tight labor markets or only for specific positions that are difficult to fill. OPDC has adopted this practice in its current Schedule of Guideline Rates, which includes a higher hourly rate for attorneys managing unrepresented cases. This method requires closer monitoring and pay rates may need to be adjusted regularly.

Components of an Hourly Rate Formula

Contract positions can effectively help manage workload, provide specialized expertise and control costs. Creating a formula to calculate the rate to pay contracted positions requires careful consideration of several factors.

- **Factor in Overhead Costs:** The formula should account for the overhead costs that the attorney will incur, including but not limited to office space, utilities, legal research tools, and professional insurance.
- **Include a Profit Margin:** A contract attorney needs to make a profit as a business; therefore, the formula should include a reasonable profit margin.
- **Consider the Complexity of the Work:** More complex work typically commands a higher rate. The formula should consider the complexity and scope of the work required.

Contracted attorney hourly rates should represent reasonable compensation when evaluated from a net earnings (“take-home pay”) perspective, which means a contracted attorney’s rate must account for more than what would be shown in an employee’s hourly salary rate. Gross pay is the starting point, representing the total amount earned before any deductions are made against it. Net earnings represent the amount remaining after taking gross pay and subtracting all deductions (taxes and benefits) and then office overhead costs. A formula for calculating reasonable compensation for contracted attorneys should, therefore, incorporate salaries, employee payroll taxes, employee benefit costs, office overhead costs, and a conservative profit margin estimate.



Payroll taxes include federal, state, and local taxes ranging from Social Security, Medicare, self-employment, Federal Unemployment Tax Act (FUTA), and state unemployment taxes, among others. Self-employed contractors are required to pay both employee and employer shares of Social Security and Medicare, which can double the amount due. The cost of employee benefits may cover a more comprehensive array of costs but should typically include health insurance and retirement benefits. Overhead cost percentages and profit margins vary widely depending on an organization's size, location, and specialty.

Including profit in calculating a contractor's pay rate is essential for several reasons. Contracting often involves risks; profit can incentivize contractors to both take on these risks and deliver quality work. Contractors are businesses that need to make a profit to sustain their operations, invest in their growth, and compete effectively in the market. Without profit, a contractor may not be able to continue providing services in the long term. While nonprofit organizations were out of scope for this survey, these entities still target a "profit"—referring to it as the change in net assets—distribution is simply different from that of a private sector organization. Private sector organizations can either reinvest back into the business or distribute to partners/shareholders; a nonprofit typically only reinvests back into the organization.

Average Market Hourly Salary

- For each position, we used the statewide average market pay in Oregon, using the parameters identified in the [Compensation Benchmarking Data](#) methodology section.

Payroll Taxes: 10.35%

- Social Security + Medicare, Statewide Transit Tax, and Unemployment Insurance Tax

Benefits: 30%

- According to the U.S. Bureau of Labor Statistics, the average cost of benefits for all civilian workers was 31.7% of total compensation in 2020.

Office Overhead: 40% (attorneys); 20% (support staff)



- The ABA reports that typical overhead costs at law firms can range anywhere from 35% - 50%. A 2020 report from software firm Clio reported that overhead expenses for sole practitioners tended towards the lower end of that range.³

Profit: 10%

- According to industry research firm IBISWorld, profit margins for law firms in the U.S. averaged roughly 20% over the past five years through 2023.⁴

Using the above averages, we calculated hourly rates based on the statewide market compensation data as the starting point, referred to as the “Market Calculated Rate.”

Regional Cost of Living Differences

Cost of living considerations were asked to be evaluated as part of SB337. Historically, there have been no adjustments to hourly rates based on provider location, and it is not recommended. It’s a standard practice for public defense offices to offer hourly rates based on different case types, not regional differences.

The cost of living/living wage is context to be considered when setting hourly rates if a commitment to paying a living wage is part of the OPDC’s compensation philosophy. The recommendation is that the agency reach a consensus on how this data should be incorporated into the rate. The two paths forward would be to either factor in adjustments to hourly rates based on region (atypical) or maintain its current structure (typical) with a policy committing to not paying any position below the living wage threshold, which has already been outlined in SB337.

If regional considerations were to be included in the calculation there will need to be procedures developed to define the region, track, monitor, and audit for compliance. Regional differences are most commonly based on a person’s place of residence. However, formal definitions would also need to be an item of consensus within the agency.

The cost of living can vary significantly from one location to another. The data used to calculate it typically includes costs for housing, food, transportation, healthcare, taxes, and more. Cost of living data is generally used in compensation benchmarking to compare different geographic locations. Using the regions identified in the Oregon State Bar 2022 Economic Survey⁵ by county, we collected the average cost of living data for these regions from ERI. We compared the regional data against the Oregon state average.

³ Clio. (2020). Legal Trends Report. Retrieved from <https://www.clio.com/resources/legal-trends/2020-report>

⁴ *Industry Report - Law Firms in the U.S.* IBISWorld. Oct. 2023.

⁵ *Oregon State Bar 2022 Economic Survey – Report of Findings.* Oregon State Bar. Mar. 2023. Retrieved from: https://www.osbar.org/_docs/resources/Econsurveys/22EconomicSurvey.pdf



REGION	% DIFFERENCE FROM STATE AVERAGE
Portland (MSA)	↑ 11.9% higher
Tri-County	↑ 6.8% higher
Upper Willamette Valley	↓ 1.7% lower
Lower Willamette Valley	↓ 1.3% lower
Southern Oregon	↓ 7.2% lower
Eastern Oregon	↓ 6.6% lower
Oregon Coast	↓ 1.6% lower

While the cost of living is typically a core element in setting competitive compensation rates for salaried employees, it is not recommended to be directly included in the formula for setting contract rates. Instead, the information on the regional cost of living should be incorporated into OPDC’s compensation philosophy and its choice of hourly rate strategies.

Annual Update Methodology

Updating a formula to calculate the pay rate for contract positions annually helps ensure that rates remain competitive, fair, and aligned with the Agency’s strategic goals. The recommended steps to update the formula include (but are not limited to):

- **Review Market Rates:** Research current market rates for similar contracted positions. This could involve reviewing industry surveys, consulting with professional organizations, or hiring a compensation consultant.
- **Consider Inflation:** Adjust the rates to account for inflation. The U.S. Bureau of Labor Statistics publishes the Consumer Price Index (CPI) which can be used to estimate the rate of inflation (U.S. Bureau of Labor Statistics, 2021). The Executive Branch Cost of Living Adjustment (COLA) rate could also be utilized.
- **Review Overhead Costs:** Review the overhead costs associated with the contracted position. If these costs have increased, consider adjusting the rate to reflect these changes.

Other Calculation Considerations

OPDC could consider additional elements when evaluating the hourly rates it sets for contracted attorneys and support staff. These elements are not currently reflected in the calculated market rates presented in this report; however, these components should be considered when choosing which percentiles to use in alignment with OPDC’s compensation philosophy.



Capital versus Non-Capital Cases

Attorneys are often paid more for capital cases due to their complexity and high stakes. The distinction between capital and non-capital cases is the only one made in the Criminal Justice Act (CJA) guidelines regarding the hourly rate for compensating attorneys in federal criminal proceedings. The OPDC’s current schedule includes a distinction between multiple types of cases regarding hourly attorney fees.

Living Wage Levels

At its simplest, a living wage is what one full-time worker must earn on an hourly basis to help cover the cost of their family’s minimum basic needs where they live while still being self-sufficient. The Living Wage Calculator from the Massachusetts Institute of Technology (MIT) calculates a living wage that includes eight typical expenses or basic needs – childcare, civic engagement, food, health care, housing, internet and mobile, transportation, and other necessities.

The living wage data for Oregon in 2024 below represents the hourly rate a household must earn to support themselves and/or their family, working full-time (2080 hours per year).⁶ The Living Wage Calculator presents the data for individuals and households with one or two working adults and zero to three children. The table below provides the average value from across all household compositions and the range of values presented across all household types.⁷

State of Oregon	Average	Range
Living Wage	\$39.51	\$16.65 to \$73.80
Poverty Wage	\$10.56	\$4.91 to \$17.59
Minimum Wage	\$14.20	N/A

Supporting this consideration is a brief look at the median home value trends in Oregon. According to data published by the U.S. Census Bureau from the American Community Survey (ACS), in 2022, the median home value statewide in Oregon reached \$475,600 for homes of all ages.⁸ This represents a five-year annual growth rate of 10.4% and a 112% increase from the median home value 10 years prior in 2012.

⁶ Amy K. Glasmeier, “Living Wage Calculator,” Massachusetts Institute of Technology, 2024. Accessed Apr. 2024 from <https://livingwage.mit.edu/states/41>.

⁷ The poverty wage and state minimum wage are for reference purposes and provided as part of the Living Wage Calculator data set. Poverty wage estimates come from the Department of Health and Human Services’ Poverty Guidelines published in 2024.

⁸ U.S. Census Bureau. “Median Value by Year Structure Built.” American Community Survey, ACS 1-Year Estimates Detailed Tables, Table B25107. Accessed Apr. 2024 <www.data.census.gov>.



Similar to the Regional Cost of Living Differences, the Living Wage data should be incorporated into OPDC's compensation philosophy and its choice of hourly rate strategies.



III. MARKET DATA CALCULATIONS

We applied the methodology described in the Components of an Hourly Rate Formula to calculate the individual values for each hourly rate component to the average salary market data across the 25th, 50th, and 75th percentiles.

A. ATTORNEYS

We applied the methodology described above to calculate the individual values for each hourly rate component to the average market data for practicing attorneys in Oregon. This resulted in a market-calculated rate ranging from \$145 (25th percentile); \$182 (50th percentile); and \$207 (75th percentile).

FORMULA COMPONENT	25TH	50TH	75TH
Average Hourly Salary (Oregon)	\$67	\$84	\$95
Payroll Taxes (10.35%)	\$7	\$9	\$10
Cost of Benefits (30%)	\$20	\$25	\$29
Total Employee Cost:	\$94	\$118	\$134
Overhead (40%)	\$38	\$47	\$54
Profit (10%)	\$13	\$17	\$19
Market Calculated Rate:	\$145	\$182	\$207

All figures are rounded to the nearest whole dollar.

Comparison to Current Rates

To understand the current hourly rates used for contract attorneys by OPDC, a distinction must be made between three categories of rates. A detailed breakdown can be referenced in Appendix A—Current OPDC Contract Rates.

- **Schedule of Guideline Amounts – Standard**
 - For appointments to cases not subject to the “Unrepresented list” presented on the Schedule of Guideline Amounts, the OPDC's current schedule guidelines distinguish between four groupings of attorney fees based on the type of case handled by the attorney.
 - The median hourly rate is \$138 per hour.
- **Schedule of Guideline Amounts - Temporary Hourly Increase Program (THIP)**

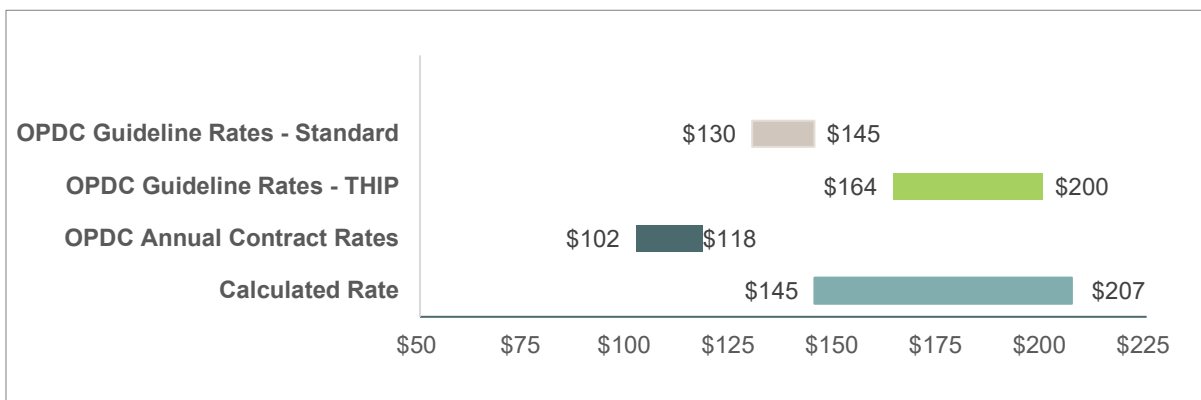


- Effective October 1, 2023, through June 30, 2024, these temporarily increased hourly rates are available only for in-custody cases and on the OJD Unrepresented list.
- The median hourly rate is \$182 per hour.
- **Annual Contract Attorneys**
 - Calculated across the Attorney 1 through Attorney 4 position FTE funding rates for the 2023-25 contracts.
 - The median hourly rate is \$111 per hour.

The table below compares the three categories of current OPDC rates against the median of 1) the median of other agencies and 2) the three percentiles of the market-calculated rates.

ATTORNEY	OPDC – STANDARD RATE MEDIAN	OPDC – THIP RATE MEDIAN	OPDC – ANNUAL CONTRACT MEDIAN
Current	\$138	\$182	\$111
Other Agency	\$150	\$150	\$150
<i>% Difference</i>	<i>8% lower</i>	<i>21% higher</i>	<i>26% lower</i>
Market 25	\$145	\$145	\$145
<i>% Difference</i>	<i>5% lower</i>	<i>26% higher</i>	<i>33% lower</i>
Market 50	\$182	\$182	\$182
<i>% Difference</i>	<i>24% lower</i>	<i>Match</i>	<i>39% lower</i>
Market 75	\$207	\$207	\$207
<i>% Difference</i>	<i>33% lower</i>	<i>12% lower</i>	<i>46% lower</i>

The graph below compares current OPDC hourly rates to the calculated market rates range (25th, 50th, and 75th percentile). While the temporary THIP rates align with the calculated market rates, the standard rates currently scheduled to end on June 30, 2024, fall entirely below the calculated market rate range.





B. SUPPORT STAFF

We applied the same methodology used above to the support staff positions to develop market-calculated rates. The primary difference is that the overhead cost percentage was reduced to 20% to accommodate the fact that these positions typically do not incur the same level of overhead costs as attorneys. This resulted in a market-calculated rate for each position.

POSITION	25TH	50TH	75TH
Paralegal / Legal Assistant	\$54	\$65	\$70
Investigator	\$61	\$74	\$82
Legal Secretary	\$44	\$54	\$57
Interpreter	\$43	\$50	\$56
Interpreter - Sign Language	\$52	\$63	\$67
Case Manager	\$67	\$78	\$83
Social Worker	\$61	\$69	\$74
Administrative Specialist	\$39	\$48	\$52

It should be noted that the Mitigation Specialist position did not have a comparable market salary position that provided robust enough data for comparison.

Comparison to Current Rates

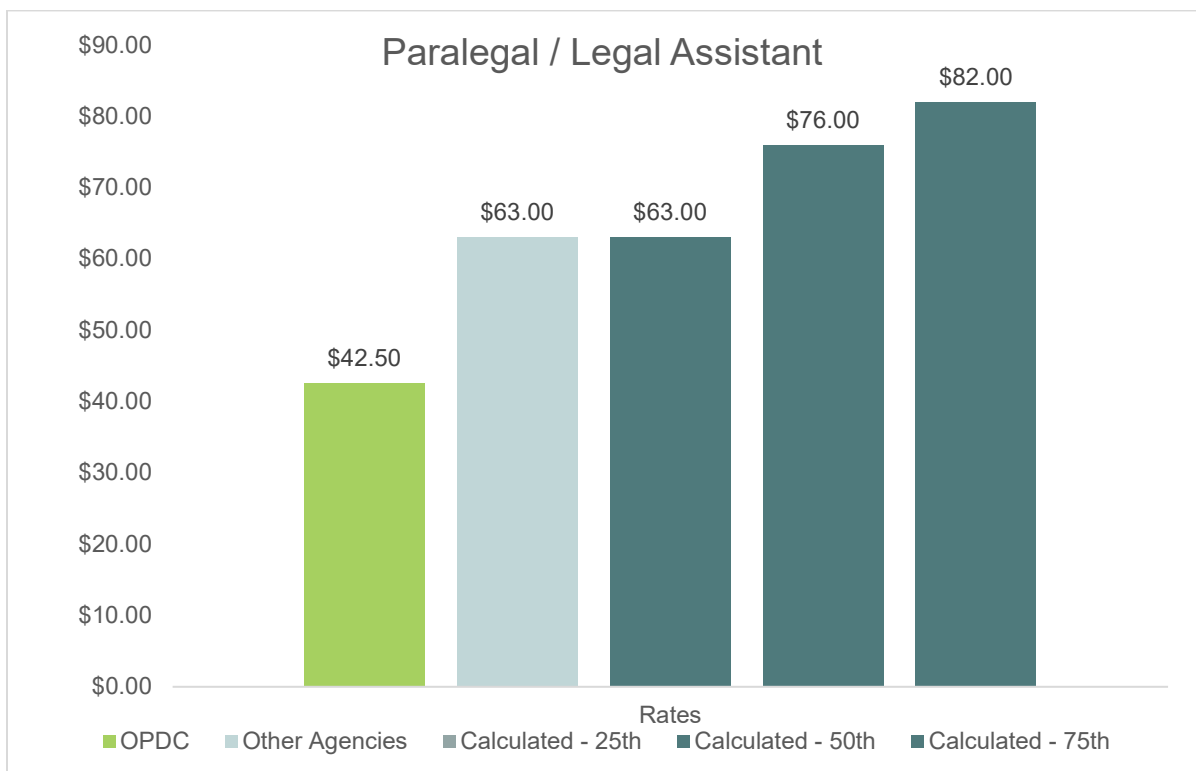
The following table compares the current OPDC contract rates to the available data on the average rates from other agencies and the market-calculated rate percentiles.



POSITION	OPDC GUIDELINE RATES	OPDC ANNUAL CONTRACT	OTHER AGENCIES	MARKET 25	MARKET 50	MARKET 75
Paralegal / Legal Assistant	\$42	–	\$63	\$54	\$65	\$70
Investigator	\$55-60	\$75	\$50	\$61	\$74	\$82
Legal Secretary	\$42.50	–	\$30	\$44	\$54	\$57
Interpreter	\$45.50	–	\$71	\$43	\$50	\$56
Interpreters – ASL	\$74	–	\$71	\$52	\$63	\$67
Case Manager	\$45	\$48.01	–	\$67	\$78	\$83
Social Worker	\$95	–	\$52	\$61	\$69	\$74
Mitigation Specialist	\$70	–	\$82	–	–	–
Administrative Specialist	\$42.50	–	\$25	\$39	\$48	\$52

The following presents a visual representation of the same data for each position.

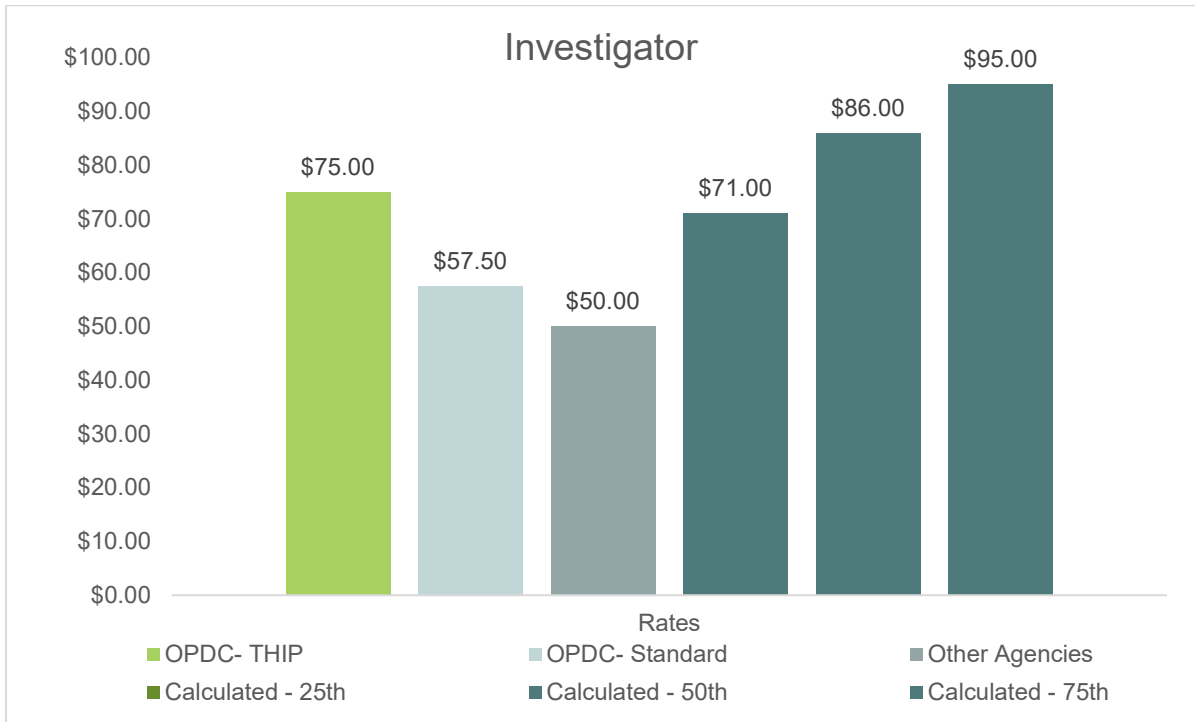
Paralegal / Legal Assistant





Investigator

For illustrative purposes, the OPDC-Standard rate for investigators is the midpoint between the monolingual and bilingual hourly rates.

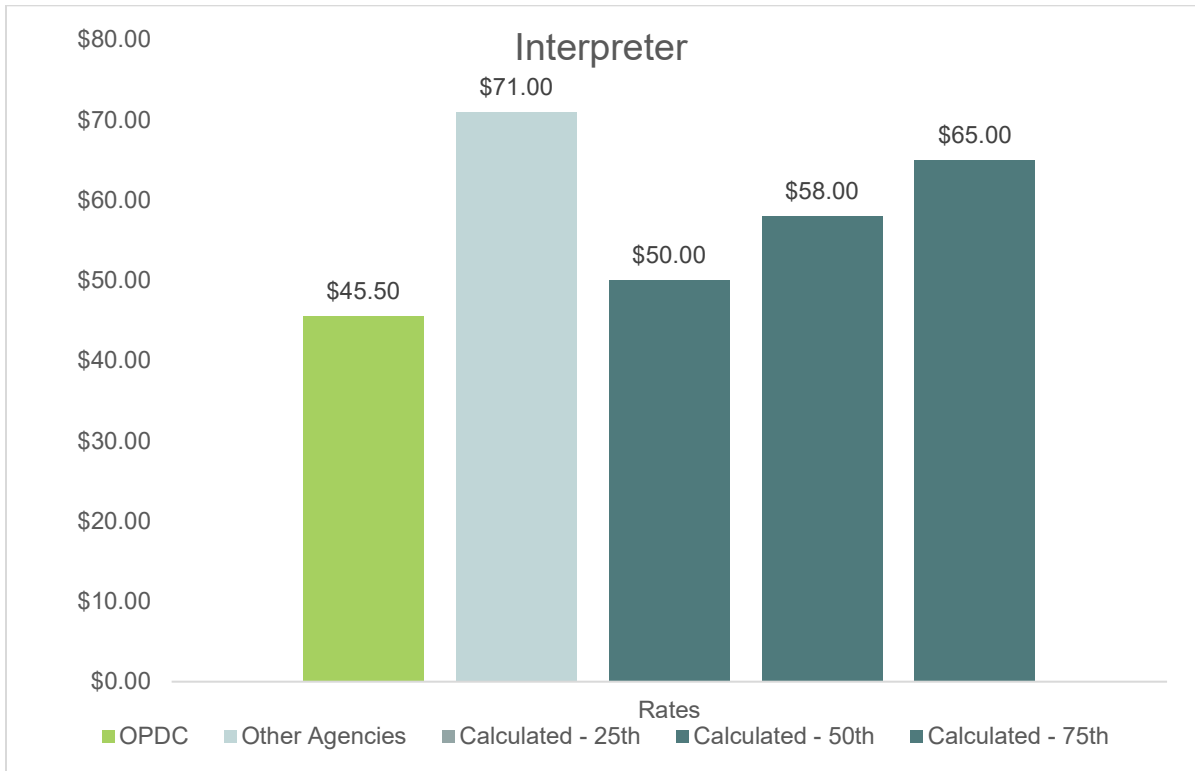


Legal Secretary





Interpreter

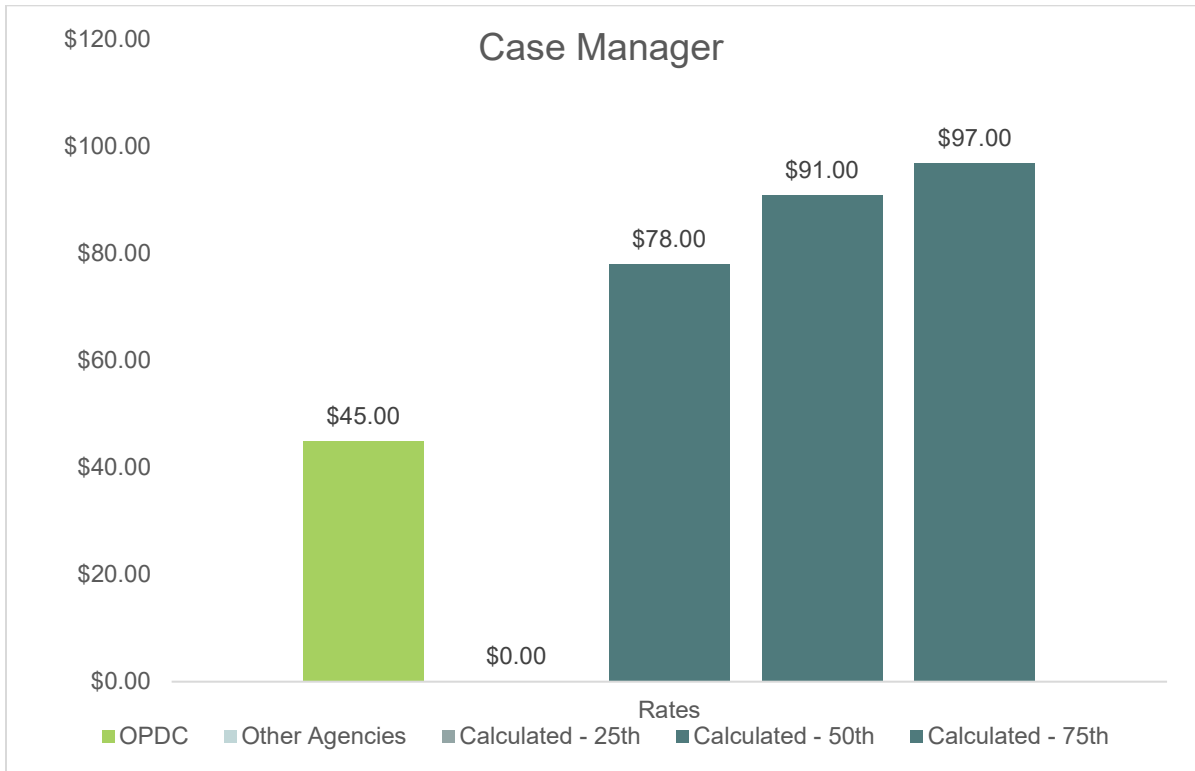


Interpreter - ASL

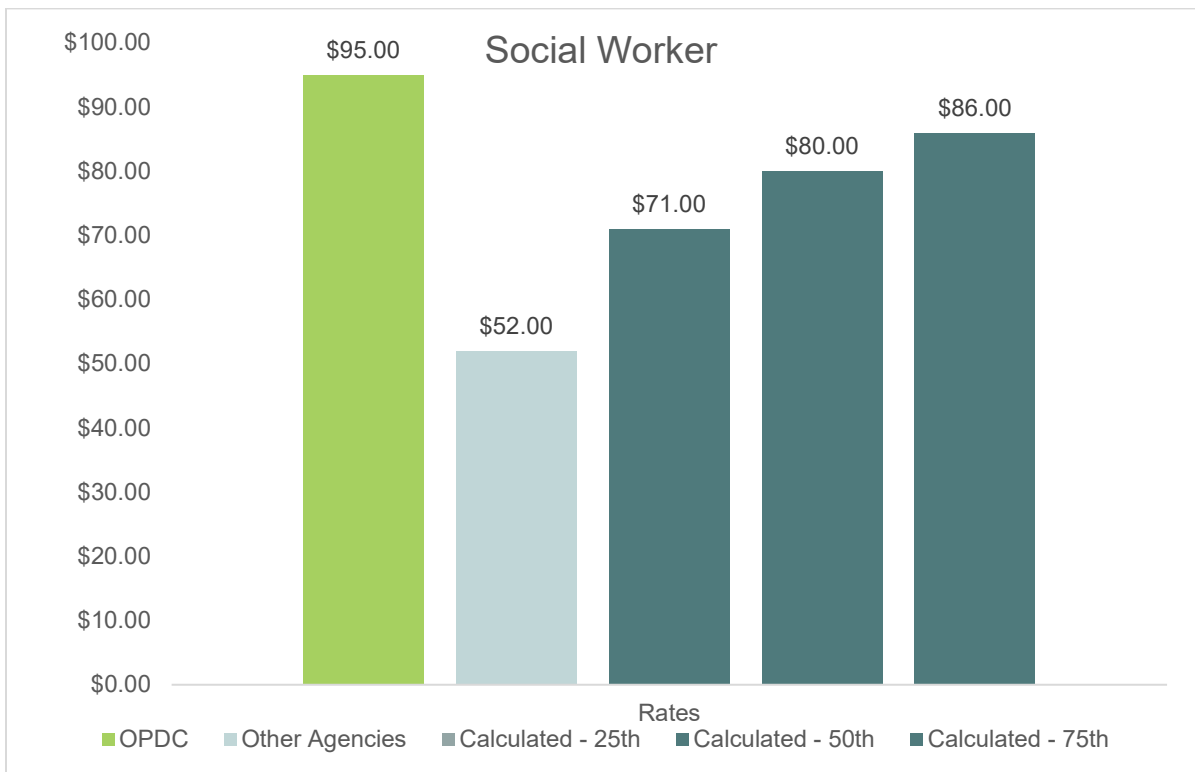




Case Manager



Social Worker





Administrative Specialist



APPENDIX A—CURRENT OPDC CONTRACT RATES

ATTORNEYS

The OPDC's current schedule guidelines distinguish between four groupings of attorney fees based on case types handled by the attorney.

ATTORNEY TYPE	OPDC SCHEDULE - THIP	OPDC SCHEDULE - STANDARD
Misdemeanor, contempt, and probation violation, any Class C felony and felony drug possession	\$164	\$130
Class A and B felony, juvenile dependency, termination of parental rights, juvenile delinquency, habeas corpus, post-conviction relief, civil commitment, and Psychiatric Security Review Board cases (PSRB), material witness, extradition/ fugitive, appeals, waiver co-counsel; discretionary co-counsel	\$164	\$130
Ballot Measure 11 and felony sex offenses (Class A, B & C)	\$175	\$145
Murder and Jessica's law (including mandatory co-counsel and cases subject to ORS 137.719)	\$200	\$145
Median	\$182	\$138

In the current annual contracts offered by the OPDC, the average FTE attorney funding rates are simply broken out by attorney level:

TITLE	2023-25 ANNUAL FTE FUNDING RATE
Attorney 1	\$102
Attorney 2	\$108
Attorney 3	\$113
Attorney 4	\$118
Median:	\$111

SUPPORT STAFF

The table below shows the current OPDC Schedule of Guideline Rates for various support positions. There has only been a temporary rate increase per the THIP policy for the investigator role. While the standard investigator rates differentiate between monolingual and bilingual, the THIP rate for investigators does not.

POSITION	OPDC GUIDELINE RATES
Paralegal / Legal Assistant	\$42.50
Investigator- Standard	\$55.00- monolingual \$60.00- bilingual
Investigator- THIP	\$75.00
Legal Secretary	\$42.50
Interpreter	\$45.50
Interpreters – ASL	\$74.00
Case Manager	\$48.01
Social Worker	\$95.00
Mitigation Specialist	\$70.00
Administrative Specialist	\$42.50

APPENDIX B—OTHER AGENCY RATES

ATTORNEYS

Agency	Lowest	Midpoint	Highest
King County, WA	\$55	\$102.50	\$150
Pierce County, WA	\$70	\$110	\$150
Snohomish County Office of Public Defense	\$55	\$70	\$85
Washington State		\$215.40	
Committee for Public Counsel Services (Massachusetts)	\$65	\$92.50	\$120
Maine Commission on Indigent Legal Services		\$150	
New York State Office of Indigent Legal Services		\$158	
Placer County, CA	\$120	\$152.50	\$185
US Criminal Justice Act (CJA)	\$172	\$196	\$220
Position Median:		\$150.00	

SUPPORT STAFF

Position	Agency	Lowest	Midpoint	Highest
Paralegal / Legal Assistant	State of Washington	\$25.20	\$29.56	\$33.91
Paralegal / Legal Assistant	King County Department of Public Defense		\$40.00	
Paralegal / Legal Assistant	9th Circuit	\$65.00	\$85.00	\$105.00
Paralegal / Legal Assistant	Northern California	\$65.00	\$95.00	\$125.00
Paralegal / Legal Assistant	Position Average:		\$62.39	

Position	Agency	Lowest	Midpoint	Highest
Investigator	WA Attorney General	\$33.91	\$39.75	\$45.59
Investigator	Colorado Supreme Court		\$55.00	
Investigator	9th Circuit	\$85.00	\$102.50	\$120.00
Investigator	State of Montana		\$41.00	
Investigator	Northern California		\$100.00	
Investigator	King County Department of Public Defense		\$45.00	
Investigator	Position Average:		\$63.88	
Legal Secretary	State of Washington	\$25.84	\$30.30	\$34.75
Interpreter	State of Washington		\$44.44	
Interpreter	9th Circuit	\$44.00	\$62.00	\$80.00
Interpreter	King County Department of Public Defense		\$85.00	
Interpreter	Northern California		\$80.00	
Interpreter	Position Average:		\$67.86	
Interpreter - Sign Language			\$67.86	
Social Worker	WA State Office of Public Defense	\$34.04	\$40.90	\$47.75
Social Worker	Colorado Supreme Court	\$55.00	\$63.50	\$72.00
Social Worker	Position Average:		\$52.20	
Mitigation Specialist	Northern California	\$100.00	\$112.50	\$125.00
Mitigation Specialist	9th Circuit	\$85.00	\$122.50	\$160.00
Mitigation Specialist	King County Department of Public Defense		\$100.00	
Mitigation Specialist	Position Average:		\$111.67	
Administrative Specialist	WA State Office of Public Defense	\$25.94	\$29.58	\$33.21

Position	Agency	Lowest	Midpoint	Highest
Administrative Specialist	King County Department of Public Defense		\$20.00	
Administrative Specialist	Position Average:		\$24.79	



MOSSADAMS