



COUNTY OF HUMBOLDT

For the meeting of: 8/19/2025

File #: 25-912

To: Board of Supervisors

From: County Administrative Office

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Rate Schedule Adjustment for the Humboldt County Court-Appointed Attorney Program (HCAAP)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve the adjusted schedule of rates for court-appointed attorneys representing indigent defendants in the Humboldt County Superior Court, effective immediately; and
2. Authorize the County Administrative Officer, County Counsel and Humboldt County Court Executive Officer, or designees thereof, to continue serving as the committee to oversee the HCAAP attorneys and carry out the duties described in the rate schedule; and
3. Authorize the Committee to modify program and billing guidelines and procedures as necessary as long as rates are not increased.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Core Services/Other

Strategic Plan Category: 9999 - Core Services/Other

DISCUSSION:

The County Administrative Office continues to experience challenges securing and retaining qualified attorneys and investigators to represent indigent defendants when cases cannot be handled by either the Public Defender or Conflict Counsel due to conflicts of interest. The county is mandated to provide competent indigent defense services, and the rate structure, which has not been updated since 2019 is in need of updating in order to keep pace with salary increases for comparable employees and market rates. This agenda item is requesting your Board approve a rate structure that is in line with other counties in the region and comparable to county salaries.

The hourly rates for court-appointed attorneys were last updated in March 2019, when rates were increased from a flat \$65 per hour to the current tiered structure.

Currently, Humboldt County's court-appointed attorneys receive the following hourly rates:

- **Class One** (life cases/serious violent felonies): \$90 per hour
- **Class Two** (felonies with 10+ year exposure): \$85 per hour
- **Class Three** (other felonies and serious misdemeanors): \$80 per hour

- **Class Four** (misdemeanors): \$75 per hour

These rates are expected to cover all of an attorney's costs, including salary and benefits, as well as office and other overhead expenses.

Comparison with Similar Counties

Recent analysis of comparable counties shows that Humboldt County's rates have fallen behind regional standards. Lake County and Mendocino County, both similar rural counties in the region, updated their rates effective Jan. 1, 2025:

Lake County (updated Jan. 1, 2025):

- Misdemeanors: \$80 per hour
- Felonies: \$95 per hour
- Life cases: \$120 per hour

Mendocino County (current rates):

- Misdemeanors: \$80 per hour
- Felonies: \$95 per hour
- Life cases: \$120 per hour
- Investigators: \$65 per hour

Other comparable counties in this analysis include:

- Imperial County: \$80/\$95/\$105 per hour
- Napa County: \$80 per hour (all case types)
- Shasta County: \$75 per hour (all case types)

The recommended rate adjustment would align Humboldt County with its closest regional partners, Lake and Mendocino Counties, ensuring the county can continue to attract and retain qualified attorneys for this critical public service.

Proposed Rate Structure

Staff recommends updating the hourly rates as follows:

- **Class One** (life cases/serious violent felonies): **\$120 per hour** *(increase from \$90)*
- **Class Two** (felonies with 10+ year exposure): **\$95 per hour** *(increase from \$85)*
- **Class Three** (other felonies and serious misdemeanors): **\$90 per hour** *(increase from \$80)*
- **Class Four** (misdemeanors): **\$80 per hour** *(increase from \$75)*
- **Contempt**: **\$80 per hour** *(increase from \$75)*
- **Independent Felony Probation Violations**: **\$90 per hour** *(increase from \$80)*
- **Misdemeanor Appeals**: **\$80 per hour** *(increase from \$75)*
- **Independent Misdemeanor Probation Violations**: **\$80 per hour** *(increase from \$75)*
- **Investigators** (court-appointed): **\$60 per hour** *(increase from \$50)*

- **Billable Non-Investigative Tasks: \$30 per hour** (increase from \$25)
- **Trial Clothing: \$100 maximum** (increase from \$75)

The pretrial caps are proposed to be increased roughly proportionally to the hourly increase in rates. The revision also proposes to establish parameters for out-of-county travel to guide reimbursements when there is a change of venue, and when out-of-area “Travelling” attorneys are assigned to represent Humboldt clients.

The existing rate schedule framework, including billing guidelines, allowable and non-billable expenses, would remain unchanged. The committee structure established in 2019 would continue to oversee the program.

SOURCE OF FUNDING:

General Fund contribution (1100250)

FINANCIAL IMPACT:

<i>Expenditures (Fund, Budget Unit)</i>	FY25-26	FY26-27 Projected*	FY27-28 Projected*
Budgeted Expenses	<u>\$1,300,000</u>	<u>\$1,465,000</u>	<u>\$1,500,000</u>
Additional Anticipated Expense	<u>\$150,000</u>		
Total Expenditures	<u>\$1,450,000</u>	<u>\$1,465,000</u>	<u>\$1,500,000</u>

*Projected amounts are estimates and are subject to change.

<i>Funding Sources (Fund, Budget Unit)</i>	FY25-26	FY26-27 Projected*	FY27-28 Projected*
General Fund	<u>\$1,300,000</u>	<u>\$1,465,000</u>	<u>\$1,500,000</u>
Additional Funded Needed	<u>\$150,000</u>		
Total Funding Sources	<u>\$1,450,000</u>	<u>\$1,465,000</u>	<u>\$1,500,000</u>

*Projected amounts are estimates and are subject to change.

Narrative Explanation of Financial Impact:

The total cost for professional services of the HCAAP program (which includes attorneys, investigators and experts) in Fiscal Year 2024-25 was \$1.26 million. The proposed rate structure for attorneys represents an average increase of 12.7% across all classes. It is difficult to project cost increases as it is dependent on caseload and need for services, however, applying the rate increase to the adopted budget would increase projected costs by roughly \$150,000 in the current fiscal year.

Indigent defense is mandated by the state constitution and US Supreme Court, and the county is required to pay for these services. In addition, counties must maintain parity between the rates of private contract attorneys and comparable staff. Therefore, as staff wages increase the county will need to consider returning with corresponding increases in HCAAP attorney rates.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

Increasing attorney rates is an effort to ensure attorneys enlist in and stay with the HCAAP program to provide services. If successful, this will allow Public Defender and District Attorney staff to continue moving cases through the courts with minimal delay.

OTHER AGENCY INVOLVEMENT:

Humboldt Superior Court

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose to not approve the proposed immediate rate changes and choose to approve one of the alternatives below:

1. Modify the proposed rates - Setting rates between current levels and the recommended increases would provide some improvement but may not fully address competitiveness concerns.
2. Implement a phased increase - Gradually increasing rates over 2-3 years could spread the fiscal impact but may continue recruitment challenges in the interim.
3. Leave rates unchanged - Staff does not recommend this option as it would perpetuate existing difficulties in securing qualified attorneys and could compromise the county's constitutional obligations.

ATTACHMENTS:

1. Proposed Humboldt County Court-Appointed Attorney Program Rate Schedule (Redlined)
2. 2024 Hourly Rates Comparison by County

PREVIOUS ACTION/REFERRAL:

Meeting of: March 12, 2019

File No.: 19-315