

# Indigent Defense Services

## Expert Spending Study: Key Findings

This study examined trends in indigent defense fund expert spending from FY96 through FY03.

### What is the Trend in Expert Spending?

1. Annual expert expenditures have been growing every year since FY96. In FY96, total expert expenditures were \$1.1 million. By FY03, total expert spending had more than doubled to \$3.8 million. (See Graph A)

	95-96	96-97	97-98	98-99	99-00	00-01	01-02	02-03*
\$	1,115,568	1,605,692	1,965,618	2,291,923	2,405,570	2,763,756	3,162,435	3,774,123
% Change		43.93%	22.42%	16.60%	4.96%	14.89%	14.43%	19.34%
Amt of Growth		\$ 490,124	\$ 359,926	\$ 326,305	\$ 113,647	\$ 358,186	\$ 398,679	\$ 611,688

This trend pre-dates and post-dates the creation of the Office of Indigent Defense Services. During the five years prior to IDS’s establishment, the growth rate in expert spending averaged 21%, with a growth rate as high as 44% in FY97. In the two years since IDS was created, the growth rate in expert spending has averaged 17%, with a high of 19.3% last year (FY03). (See Graph B)

2. Most of this growth, however, is simply expert spending keeping pace with the annual growth in the number of indigent cases being handled through the indigent defense fund. In FY96, private assigned counsel disposed of 91,905 cases. By FY03, the number of disposed cases had grown to 143,199. Thus, both overall indigent defense fund expenditures and expert spending have grown almost every year since FY96 (See Graph A).

Since IDS does not have trend data on expert spending per case, a better gauge for understanding what is happening with expert spending is to look at expert spending as a percent of overall indigent defense fund spending. This examination reveals a steady but more modest growth in the percent of indigent fund resources going to experts (See Graph C). In FY96, expert spending was 3.6% of all indigent defense fund expenditures. By FY03, expert spending had grown to 6.9% of total indigent defense fund expenditures. Because this figure is a percent of overall spending, the increase represents growth in expert spending beyond the growth involved in keeping pace with the annual growth in the number of indigent cases.

This growth is even more apparent if we look at capital expert spending as a percentage of capital case expenditures. Eighty percent of all expert expenditures are incurred in capital cases. In FY96, capital expert spending was 10% of all capital expenditures. By FY03, capital expert spending had grown to 23% of all capital expenditures. (See Graph D)

3. The staff believe that the growth in expert spending actually represents a shift of resources from attorneys to experts, rather than an increase in total resources being spent on each case. During the past two years, throughout IDS’s tenure, *all* of the growth in expert spending has been a direct transfer of resources from attorneys to experts. For the past two years, the growth in the total indigent defense fund has been minimal or negative (2.5% in FY02 and -.08% in FY03), while expert spending has grown significantly—14.4% and 19.3% respectively (See Graph E). Similarly, total capital expenditures have been flat or actually declined over the last two years, while expert expenditures increased significantly. In sum, over the last two years IDS has not spent more money on capital cases, but has simply apportioned the resources differently, with more resources going to experts and less to attorneys. (See Table F for capital expenditure information).

Since indigent defense fund expenditures grew every year from FY96 to FY01, the shift in resources pre-IDS is harder to address definitively. But since the percent change in expert spending has been higher than the percent change in total indigent defense fund expenditures in most years since FY96, at least a significant chunk of the growth in expert spending was due to a resource shift from attorneys to experts. (See Graph E)

To recap, the growth in expert spending, for at least the last two years and probably the last eight years, is the result of both an increase in the number of indigent defense cases and a shift in how resources are spent, with fewer resources going to attorneys and more resources going to experts.

## Is the Resource Shift to Experts a Good Thing?

Since 80% of expert spending is incurred in capital trial and post-conviction cases, IDS looked at trend data in capital case outcomes to answer this question.

The attorneys appointed to a case decide if, when, and what kind of expert witness, investigator, or mitigation specialist is needed and then apply to the Capital Defender for authorization. Based on capital trial case outcomes, there is no evidence that attorneys are using experts unwisely. In fact, the improvement in case outcomes, presented in the table below, demonstrates that the shift of resources to experts is either helping improve case outcomes or at least not hurting them.

**Known Capital Trial Dispositions**

Capital Trial Dispositions	FY2001	FY2002	FY2003
% Death Sentences	3.2%	2.4%	1.6%
% Dismissal, Not Guilty Verdicts, or Mistrials	9.3%	10.2%	13.2%
% Guilty Sentences < Death	18.6%	12.5%	15.0%
% Pleas	58.3%	61.8%	65.0%

The staff suspect that the greater utilization of experts by attorneys is due to a number of factors: 1) forensic science has evolved significantly over the past years, as evidenced by the introduction of DNA typing, blood-splatter evidence, hair and fiber matching, etc., and this evolution has caused a cultural change in criminal defense work in that experts are now being routinely used in capital cases by both the prosecution and the defense, 2) the greater use of experts has caused the work of experts to become more professionalized, and 3) the quality of legal representation in capital cases has improved triggering greater and more strategic use of experts. In addition, the staff believe that proper expert spending is a more efficient allocation of resources because an investigator or mitigation specialist brings the specific experience and skills necessary to resolving the case at a lower cost.

## What Kinds of Experts Are Being Used

In FY02, the following types of experts (expressed as a percent of all expert expenditures) were used in capital trial, appeal, and post-conviction cases (see Graph G):

- ❖ Investigators 35.0%
- ❖ Psychiatrist or Psychologist 28.5%
- ❖ Mitigation Specialist 25.2%
- ❖ Other Types 11.4%

## Where is the Growth in Experts Occurring

This study investigated the following factors to determine where the growth in expert expenditures was occurring:

- ❖ What impact did the enactment of the MR Bill have on expert spending?
- ❖ Have expert hourly rates been increasing?
- ❖ Is the number of cases using an expert increasing?
- ❖ Are experts working more hours per case?

### *Impact of the MR Bill*

The staff compiled data on FY02 and FY03 MR-claim-related expert expenditures in capital post-conviction cases where a MR claim was investigated or filed for the January 31, 2002 statutory deadline. In FY02 and FY03, IDS spent \$201 K and \$109 K respectively on MR-claim-related experts. These additional expenditures were incurred solely because of the enactment of the MR Bill. As a percent of all expert spending, however, MR-claim-related experts were only 6.3% in FY02 and 2.9% in FY03 (See Table H), so the impact of MR-claim-related expert expenditures on overall expert expenditures has been relatively minor. Moreover, if we remove the MR-claim-related expert expenditures from total expert expenditures, there is no discernable change in expert spending trends (see Graph I).

### *Expert Hourly Rate Trends*

The study examined the change in hourly rates between FY02 and FY03 for 17 different types of experts, including investigators, paralegals, psychiatrists, psychologists, and others. There was no evidence that hourly rates are rising (see Tables J).

Whether there were increases in expert hourly rates prior to FY02 is not known, because there is no data available.

### *Is the Number of Capital Cases Engaging an Expert Growing?*

Attorneys are clearly bringing experts into cases more often. Since FY00, there has been a steady growth in the percentage of capital cases engaging an expert witness, investigator, and/or mitigation specialist (see table below). In FY00, 60.5% of cases engaged an expert. By FY03, 74.4% of cases engaged an expert.

<b>Capital-Related Cases Using Expert Witnesses, Investigators, or Mitigation Specialists FY00-FY03</b>					
	<b>FY00</b>	<b>FY02</b>	<b>FY02</b>	<b>FY03</b>	<b>All Years</b>
Total No. Cases	1,128	1,197	1,254	1,263	4,842
Cases Using Experts	682	752	886	940	3,260
% Cases Using Experts	60.5%	62.8%	70.7%	74.4%	67.3%
% Change		3.9%	12.5%	5.3%	11.4%

### *Are Experts Working More Hours per Case?*

It is less clear whether experts are working more hours per case. The study examined the average hours experts worked per case using a variety of methods, including the average hours per case by fiscal year the case was disposed, the average hours per fee application per fiscal year, and the average hours per case based on the date the expert was paid per fiscal year. There was no evidence that the hours experts are spending per case are declining, but the data did not conclusively demonstrate that average hours are increasing.

## Conclusion

Expert spending has increased significantly over the last 8 years. In FY03, total expert spending is more than double what it was in FY96. A large percentage of this growth, though not all, is attributable to the annual growth in the number of indigent cases and in total indigent defense fund expenditures. In FY03, indigent defense fund spending excluding expert expenditures was 60% higher than what it was in FY96.

This growth in indigent defense fund expenditures and expert spending pre-dates and post-dates the establishment of IDS. The average annual growth rate for expert spending pre-IDS was 21%. The average growth rate in expert spending post-IDS is 17%. (See page 1)

The increase in expert spending represents both a growth in the number of indigent defense cases and an increase in the percentage of cases that engage experts. The growth in expert spending also represents a shift in resources from attorneys to experts, rather than a growth in the total amount of resources being allocated to individual cases. In FY96, expert spending was 3.6% of total indigent defense expenditures. By FY03, expert spending had grown to 6.9% of total indigent defense expenditures. Yet, while expert spending grew in FY02 and FY03, total indigent defense fund spending did not. The growth in total indigent defense fund expenditures over the last two years has been minimal or negative (2.5% in FY02 and -.08% in FY03), while expert spending has grown significantly—14.4% and 19.3% respectively. This shift in resources from attorney fees to expert witnesses, mitigation specialists, and investigators is especially apparent when you look at the percentage of expert spending as a percentage of total capital expenditures.

Looking at capital trial dispositions, this shift of resources has been beneficial or at least not harmful. There have been fewer death sentences and more not guilty verdicts/dismissals/ or mistrial dispositions over the last three years. (See table on page 2)

Experts are clearly being engaged in cases more often. The percentage of cases engaging an expert has grown from 60.5% in FY00 to 74.4% in FY03 (an 11.4% increase). Whether experts are working more hours per case is not clear. (See page 3)

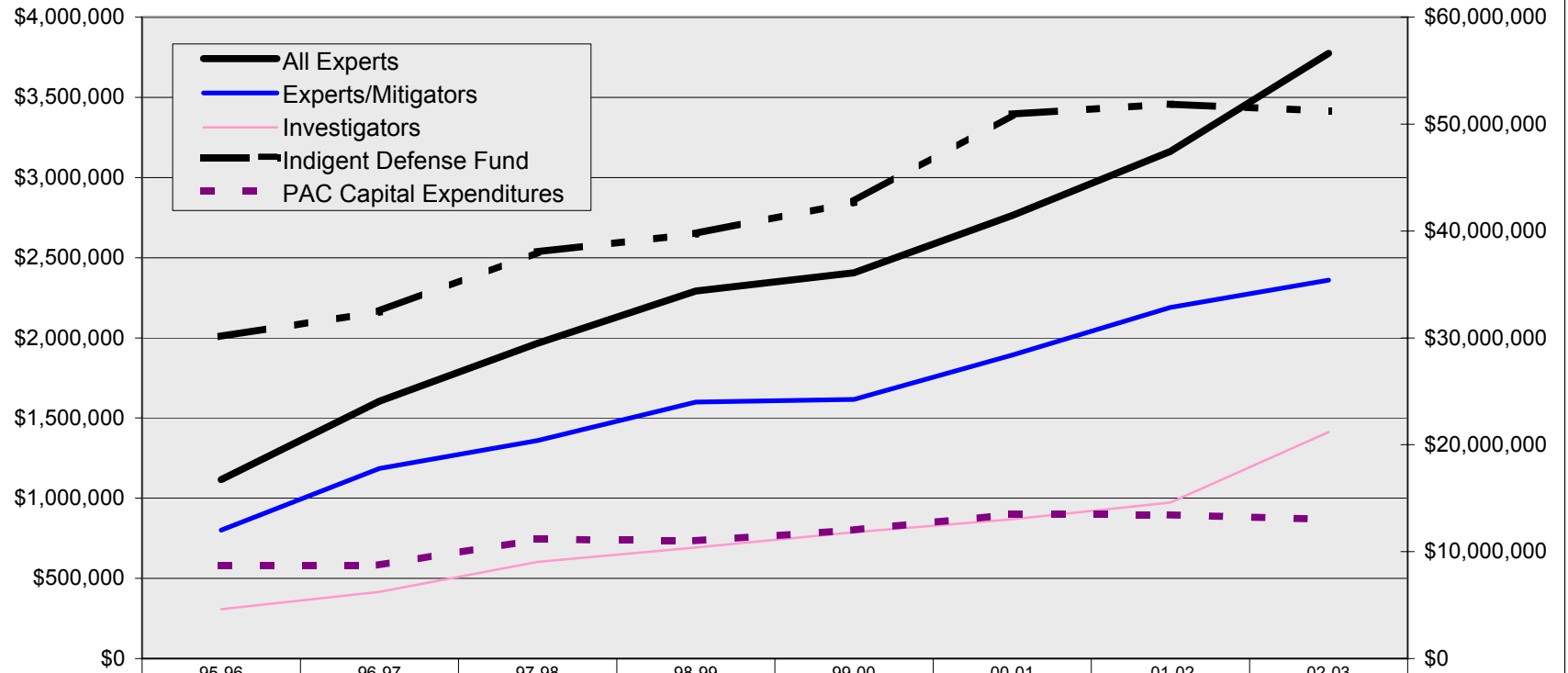
The enactment of the MR Bill also had some impact on increasing expert expenditures in FY02 and FY03, but that impact was relatively minor. In FY02, MR-claim-related expert expenditures were only 6.3% of all expert expenditures (a total of \$201K was spent). In FY03, MR-claim-related expenditures were only 2.9% of all expert expenditures (a total of \$109K was spent).

Lastly, in order to understand expert spending growth, it is important to look at changes in the overall practice of criminal law over recent years. The staff suspect that the greater utilization of experts by attorneys is due to cultural changes within the practice of criminal law: 1) forensic science has evolved significantly over the past years, as evidenced by the introduction of DNA typing, blood-splatter evidence, hair and fiber matching, etc., and this has caused a cultural change in criminal defense work in that experts are now routinely used in capital cases by both the prosecution and the defense, 2) the greater use of experts has caused the work of experts to become more professionalized, and 3) the quality of indigent defense legal representation in capital cases has improved since the introduction of capital attorney rosters by the Capital Defender triggering greater and more strategic use of experts. In addition, the staff believe that proper expert spending is a more efficient allocation of resources because an investigator or mitigation specialist brings the specific experience and skills necessary to resolving the case at a lower cost.

**Graph A**

## PAC, PI, Expert Witness, & Mitigator Expenditures by Fiscal Year

(Actual Yearly Expenditures: Based on date fee application paid)



	95-96	96-97	97-98	98-99	99-00	00-01	01-02	02-03
All Experts	\$1,115,568	\$1,605,692	\$1,965,618	\$2,291,923	\$2,405,570	\$2,763,756	\$3,162,435	\$3,774,123
Experts/Mitigators	\$801,002	\$1,184,841	\$1,360,079	\$1,599,294	\$1,615,928	\$1,891,960	\$2,189,167	\$2,359,995
Investigators	\$307,654	\$415,775	\$603,109	\$691,927	\$788,508	\$869,034	\$972,072	\$1,412,704
Indigent Defense Fund	\$30,122,359	\$32,451,878	\$38,041,273	\$39,731,705	\$42,709,163	\$50,936,164	\$51,872,196	\$51,214,201
PAC Capital Expenditures	\$8,690,757	\$8,738,336	\$11,161,680	\$11,010,437	\$12,003,990	\$13,483,815	\$13,430,193	\$13,025,106

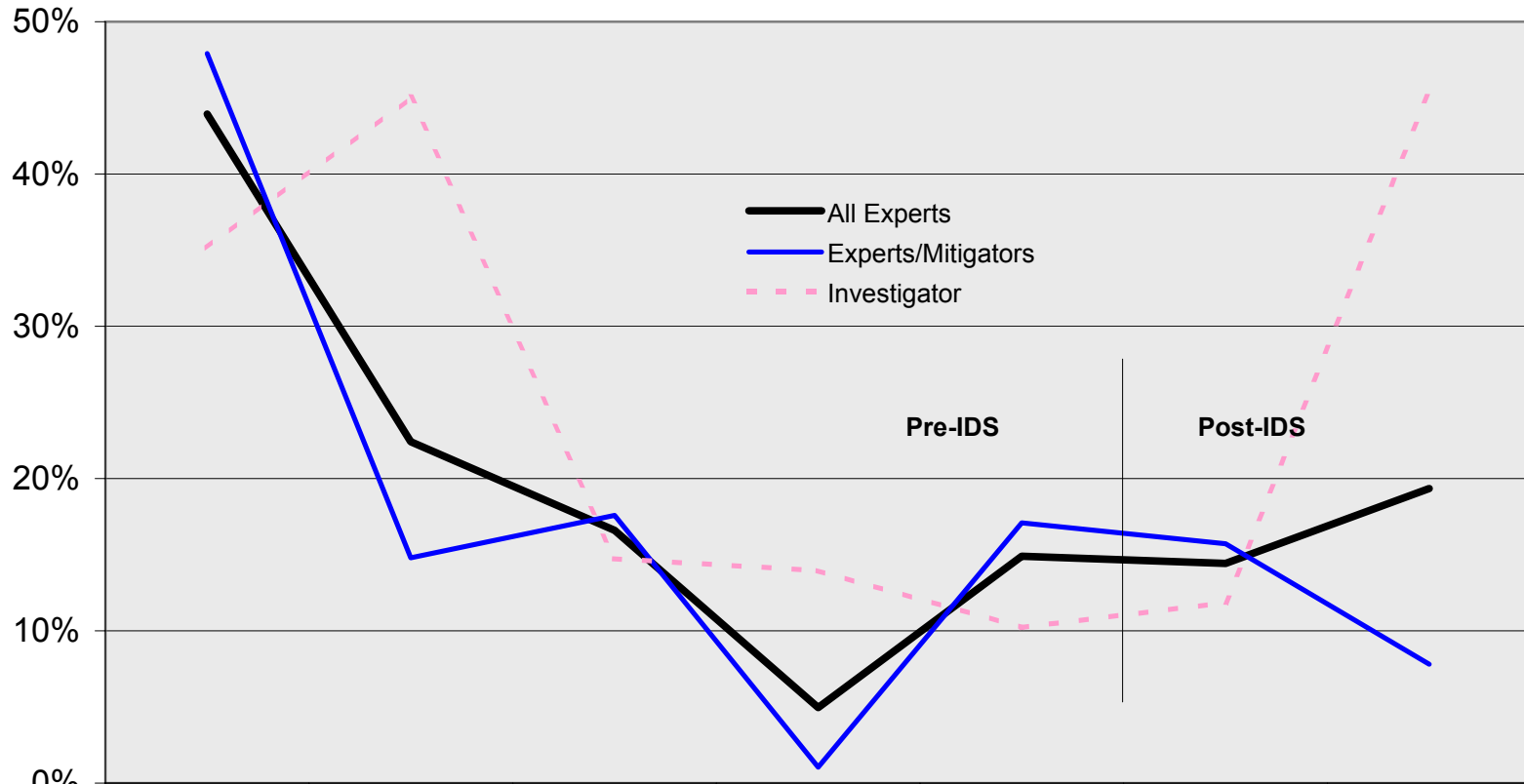
**FY**

*Source: AOC Annual Report for all years except FY03. FY03 data from FTP download (AOC Annual Report not available yet).*

**Graph B**

## Percent Change in Expert Expenditures by Fiscal Year

(Actual Yearly Expenditures: Based on date fee application paid)



	96-97	97-98	98-99	99-00	00-01	01-02	02-03
— All Experts	43.93%	22.42%	16.60%	4.96%	14.89%	14.43%	19.34%
— Experts/Mitigators	47.92%	14.79%	17.59%	1.04%	17.08%	15.71%	7.80%
- - - Investigator	35.14%	45.06%	14.73%	13.96%	10.21%	11.86%	45.33%

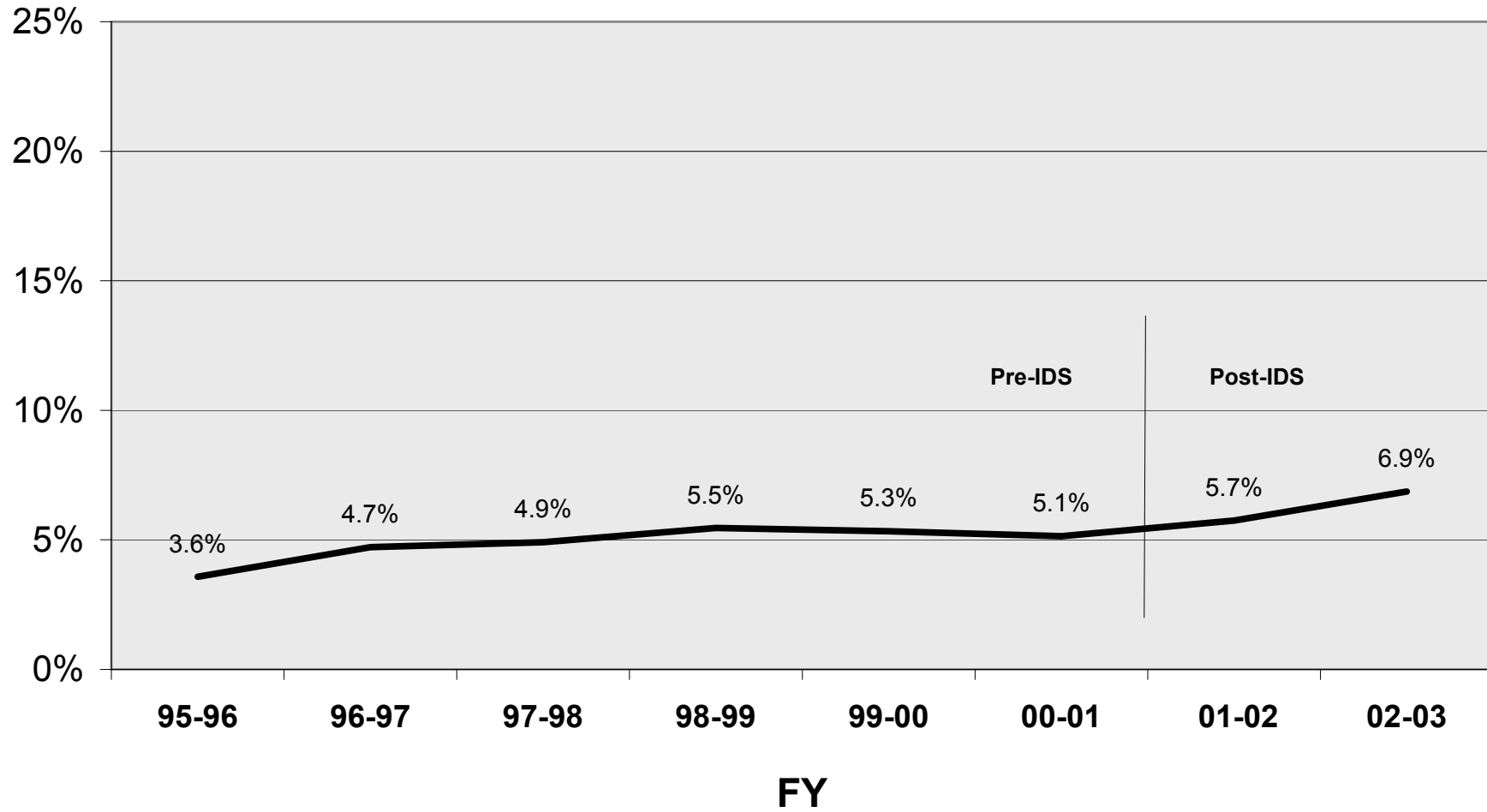
**FY**

Source: AOC Annual Report for all years except FY03. FY03 data from FTP download (AOC Annual Report not available yet).

**Graph C**

### All Expert Fees as a Percent of Total PAC & Expert Expenditures

(Actual Yearly Expenditures: Based on date fee application paid)

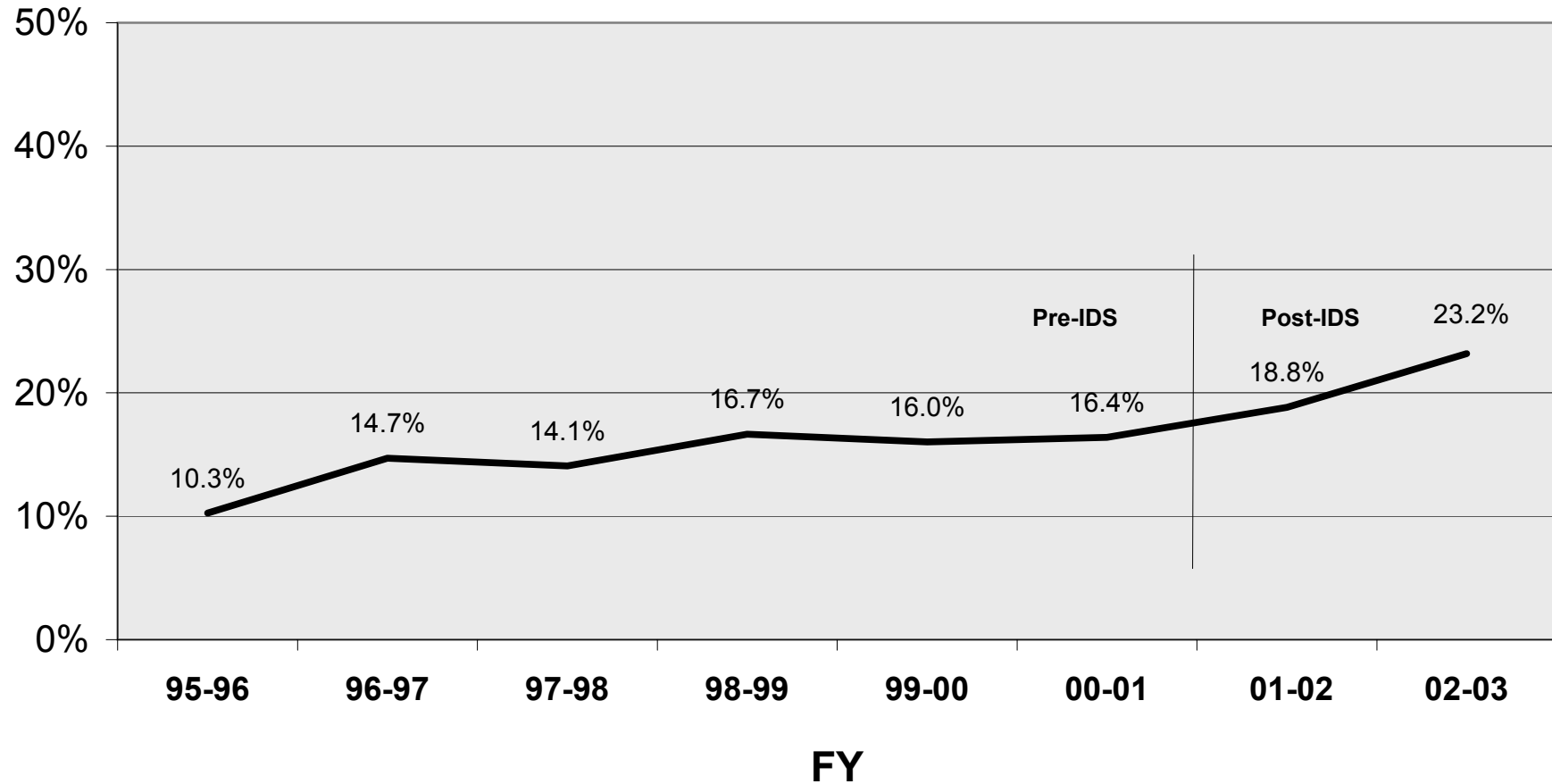


Source: AOC Annual Report for all years except FY03. FY03 data from FTP download (AOC Annual Report not available yet).

Graph D

## Capital Expert Fees as a Percent of Capital & Capital Expert Expenditures

(Actual Yearly Expenditures: Based on date fee application paid)



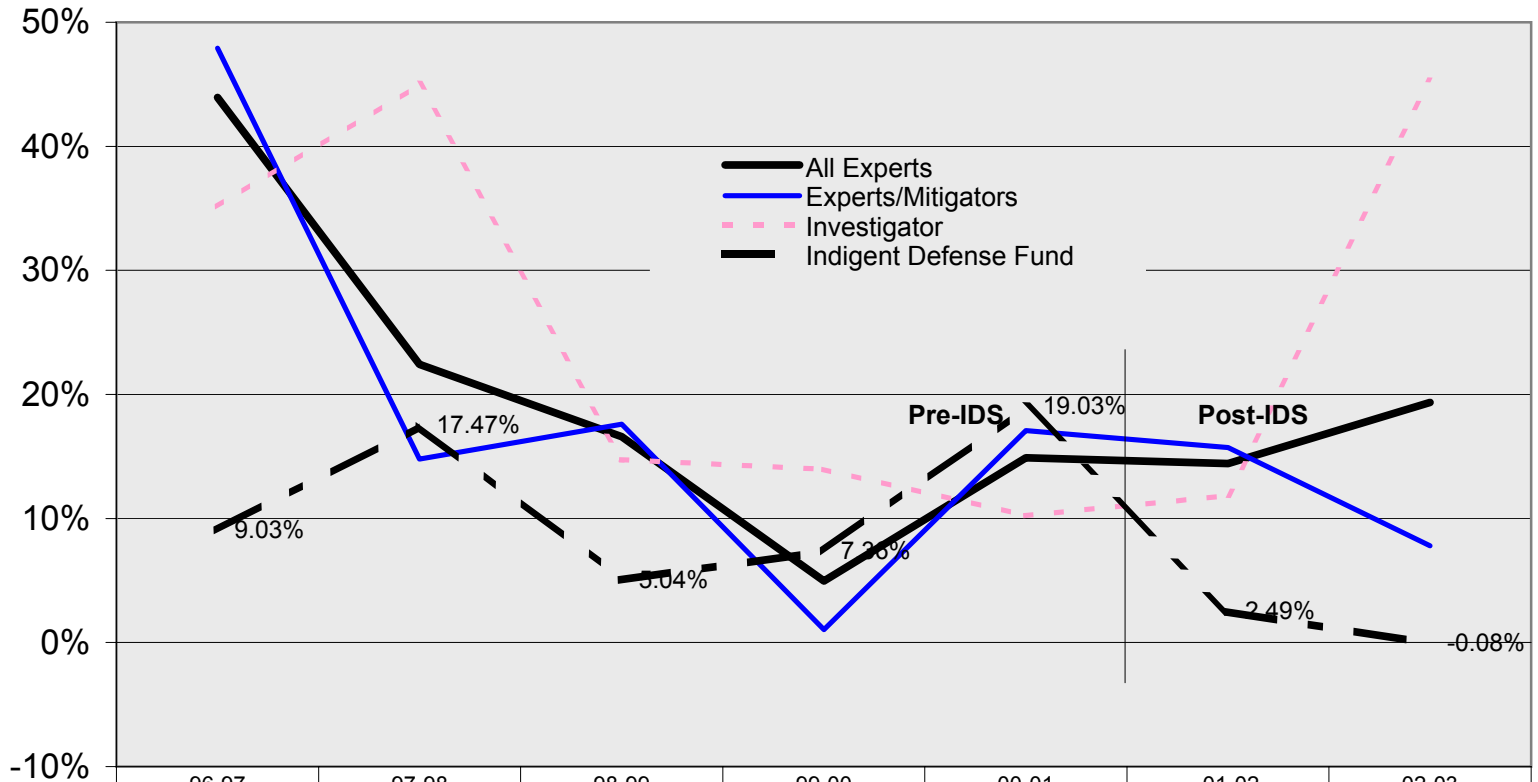
Source: AOC Annual Report for all years except FY03. FY03 data from FTP download (AOC Annual Report not available yet). Capital expert fees were calculated by taking 80% of all expert fees. Adding the Capital Defenders Office's expert and attorney expenditures into this analysis had negligible impact.



**Graph E**

## Percent Change in Expert Expenditures by Fiscal Year

(Actual Yearly Expenditures: Based on date fee application paid)



	96-97	97-98	98-99	99-00	00-01	01-02	02-03
All Experts	43.93%	22.42%	16.60%	4.96%	14.89%	14.43%	19.34%
Experts/Mitigators	47.92%	14.79%	17.59%	1.04%	17.08%	15.71%	7.80%
Investigator	35.14%	45.06%	14.73%	13.96%	10.21%	11.86%	45.33%
Indigent Defense Fund	9.03%	17.47%	5.04%	7.36%	19.03%	2.49%	-0.08%

**FY**

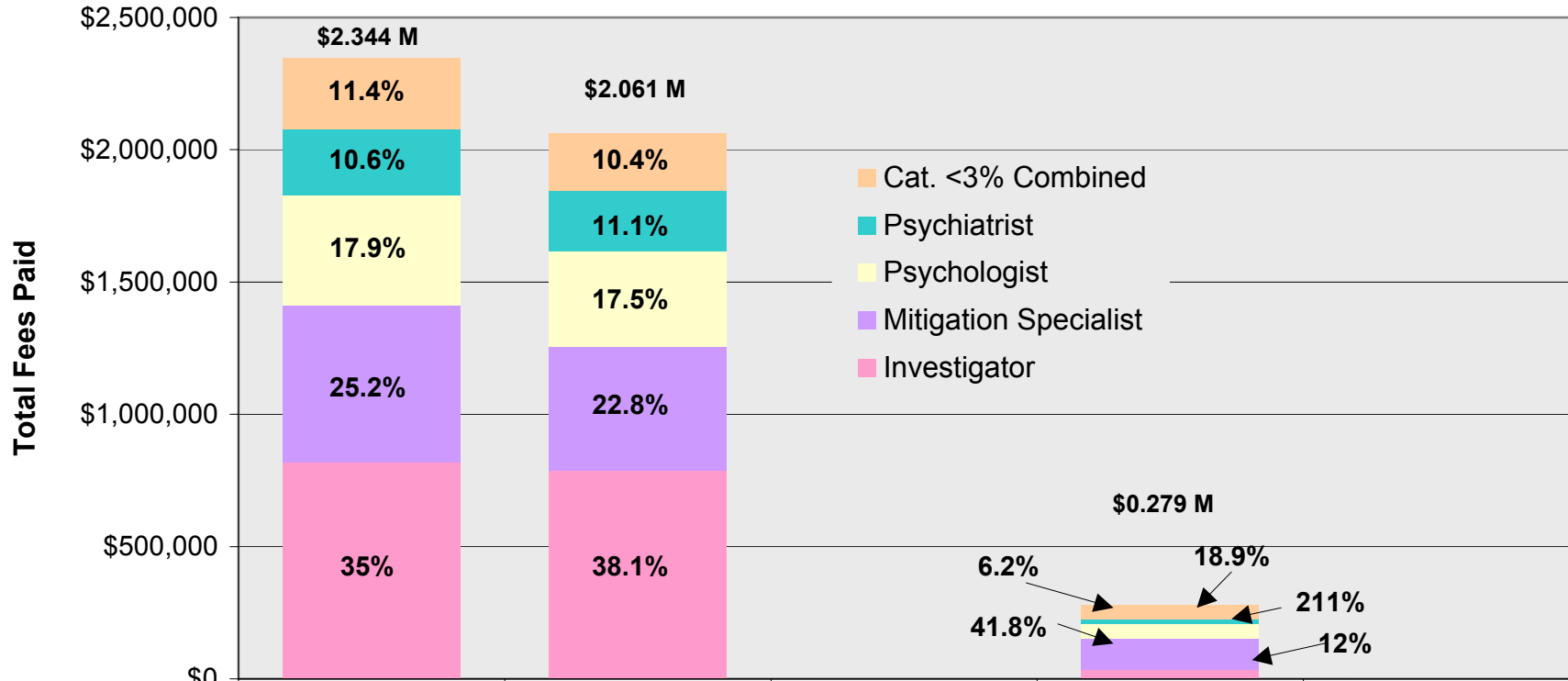
Source: AOC Annual Report for all years except FY03. FY03 data from FTP download (AOC Annual Report not available yet).

**Table F**

	A	B	C	D	E	F	G	H	I	J	K
1	<b>Capital Fee Applications and Public Defender Dispositions By Fiscal Year</b>										
2	Category	FY 2001		FY 2002				FY 2003			
3		Fee Apps	Fees Paid	Fee Apps		Fees Paid		Fee Apps		Fees Paid	
4		No.	Cost	No.	% Change	Cost	% Change	No.	% Change	FY03 Cost plus \$700K	% Change
5	Legal Counsel-Capital (Trial & PC)	1,157	\$ 11,282,199	1,189	2.8%	\$ 10,876,855	-3.6%	1,145	-3.7%	\$ 10,005,808	-8.0%
6	PI's - Capital (80%)	357	\$ 695,227	406	13.9%	\$ 778,085	11.9%	548	34.8%	\$ 1,130,163	45.2%
7	Expert Witness/Mitigators - Capital (80%)	662	\$ 1,513,568	810	22.3%	\$ 1,751,334	15.7%	842	3.9%	\$ 1,882,362	7.5%
8	Legal Counsel-Appeals Capital	included in Adult or Cap.		53	unknown	\$ 506,017	unknown	20	-62.3%	\$ 174,085	-65.6%
9	<b>Actual Capital Expenditures</b>	<b>2,176</b>	<b>13,490,994</b>	<b>2,459</b>	<b>13.0%</b>	<b>13,912,290</b>	<b>3.1%</b>	<b>2,555</b>	<b>3.9%</b>	<b>13,192,418</b>	<b>-5.2%</b>
10	Minus Prior Year Obligations	unknown	-2182700	(5,572)	unknown	-2452706	12.4%	(11,053)	98.4%	-7406919	202.0%
11	Plus Current Year Obligations		2452706	11,053	unknown	7406919	202.0%	14,494	31.1%	8703686	17.5%
12	<b>Current Less Prior Obligations</b>		<b>\$ 270,006</b>	<b>5,481</b>		<b>\$ 4,954,213</b>	<b>1734.9%</b>	<b>3,441</b>	<b>-37.2%</b>	<b>\$ 1,296,767</b>	<b>-73.8%</b>
13	% of Obligations Capital (attnys, Exp,Pis, Cap-Appeals)	1.8%	25.8%	2.2%		28.9%		2.0%		25.0%	
14	Amt of Obligations that are Cap.		\$ 69,687	119		\$ 1,434,036		69		\$ 324,108	
15	<b>TOTAL PAC Cap. NET GROWTH</b>	<b>unknown</b>	<b>13560680.81</b>	<b>2,578</b>	<b>unknown</b>	<b>15346326.04</b>	<b>13.2%</b>	<b>2,625</b>	<b>1.8%</b>	<b>13516526.19</b>	<b>-11.9%</b>
16											
17	PD Offices (disp.)	49,748	12877540	51,318	3.2%	13024013	1.1%	54,454	6.1%	13917622	6.9%
18	PD Capital Disp. & Capital Cost	unknown	unknown	201	unknown	1363522.378	unknown	200	-0.5%	1393399.444	2.2%
19	Capital Defender (disp.)		352240			392940	11.6%			777491	97.9%
20											
21											
22	<b>TOTAL NET GROWTH IN CAP. SERVICES (excludes IDS Office budget)</b>	<b>unknown</b>	<b>unknown</b>	<b>2778.6775</b>		<b>17102788.42</b>		<b>2824.677</b>	<b>1.7%</b>	<b>15687416.63</b>	<b>-8.3%</b>
23											
24											
25	* PD capital case cost estimated based on percent of misdemeanor units that were capital. 178 capital cases * 40 = 7,120. 7,120 divided by total number of										
26	misdemeanor units disposed 76,796 = 9.27%. So 9.27% (or \$1.2 M) of the total budget was spent on capital cases. PD capital dispositions include pending cases at										
27	year's end										

**Graph G**

**Breakdown of Expert Fees By Type of Expert And Case Phase**  
 FY03 YTD (as of 3/27/03)



	All Experts	Capital Trial	Non-Capital Appeal	Post-Conviction	Capital Appeal
Cat. <3% Combined	\$267,904	\$215,132	\$0.00	\$52,772.35	\$0.00
Psychiatrist	\$248,207.02	\$229,624.71	\$1,425.00	\$17,157.31	\$0.00
Psychologist	\$418,553.19	\$359,821.13	\$0.00	\$58,732.06	\$0.00
Mitigation Specialist	\$590,021.59	\$470,545.46	\$0.00	\$116,577.49	\$2,898.63
Investigator	\$819,752.01	\$786,185.50	\$0.00	\$33,566.51	\$0.00

**Case Phase**

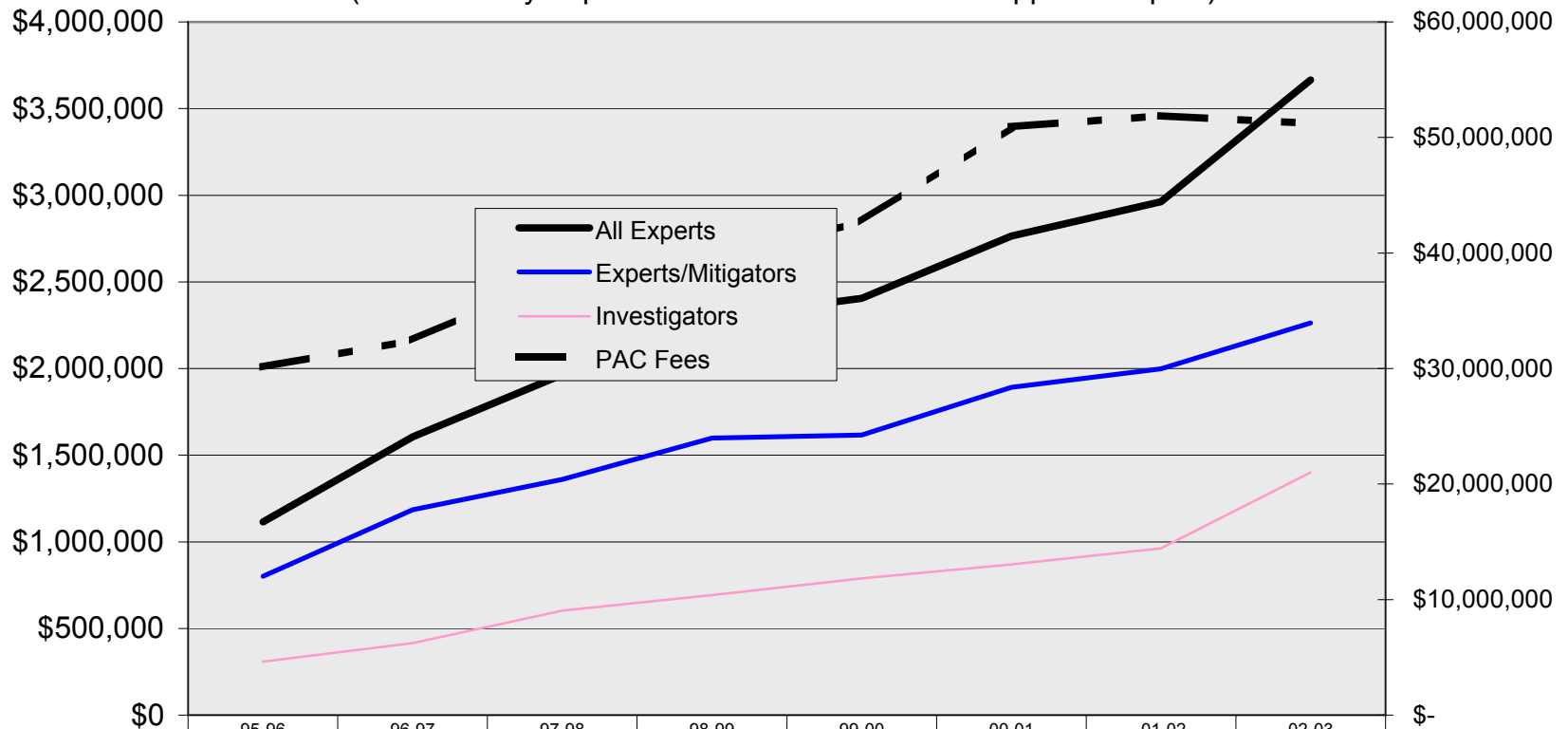
**Table H**

	A	B	C	D	E	F	G	H	I
1	<b>Cost to IDS of Post-Conviction MR-Claim-Related Expert Witness Fees in FY02 &amp; FY03</b>								
2	<b>FY</b>	<b>MR Claim \$ Auth</b>	<b>MR Claim \$ Paid</b>	<b>Psychologist/ Psychiatrist Paid</b>	<b>Investigator Paid</b>	<b>Mitigation Specialist Paid</b>	<b>Other Experts Paid</b>	<b>All FY Expert Payments (532110004 &amp; 5321100012)</b>	<b>% of All Experts that were MR Claim</b>
3	FY02		\$ 200,995	\$ 114,627	\$ 10,104	\$ 75,668	\$ 595	\$ 3,167,491	6.3%
4	FY03		\$ 109,470	\$ 41,323	\$ 12,084	\$ 30,983	\$ 25,080	\$ 3,771,399	2.9%
5	<b>Total</b>	<b>\$ 485,196</b>	<b>\$ 310,465</b>	<b>\$ 155,950</b>	<b>\$ 22,189</b>	<b>\$ 106,651</b>	<b>\$ 25,675</b>	<b>\$ 6,938,891</b>	<b>4.5%</b>
6	% of All MR Claims			50.2%	7.1%	34.4%	8.3%		
7									
8	<i>Source: MR Claim Expert Fees compiled by IDS Assistant Director from Active Files, July 2003. Total Expert Fee Payments from NCAS FTP Downloads for</i>								
9	<i>FY02 and FY03 (see SPSS FY02 Experts Addresses and FY03 Experts Addresses files).</i>								
10									

Graph I

## PAC, PI, Expert Witness, & Mitigator Expenditures by Fiscal Year Less Post-Conviction MR-Claim Related Expert Witness Fees

(Actual Yearly Expenditures: Based on date fee application paid)



	95-96	96-97	97-98	98-99	99-00	00-01	01-02	02-03
<b>All Experts</b>	\$1,115,568	\$1,605,692	\$1,965,618	\$2,291,923	\$2,405,570	\$2,763,756	\$2,961,441	\$3,664,653
<b>Experts/Mitigators</b>	\$801,002	\$1,184,841	\$1,360,079	\$1,599,294	\$1,615,928	\$1,891,960	\$1,998,277	\$2,262,609
<b>Investigators</b>	\$307,654	\$415,775	\$603,109	\$691,927	\$788,508	\$869,034	\$961,968	\$1,400,620
<b>PAC Fees</b>	\$30,122,359	\$32,451,878	\$38,041,273	\$39,731,705	\$42,709,163	\$50,936,164	\$51,872,196	\$51,214,201

**FY**

*Source: AOC Annual Report for all years except FY03. FY03 data from FTP download (AOC Annual Report not available yet).*

Table J

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	Hourly Rate of Expert Fee Applications Processed by IDS by Fiscal Year and Type of Expert													
2	FY02								FY03 N					
3	EXPERTTY	LABORTYP	FY02 N	FY02 Average	FY02 Median	FY02 Min.	FY02 Max.	FY02 Std. Dev.	FY03	FY03 Avg.	FY03 Median	FY03 Min.	FY03 Max.	FY03 Std. Dev.
70	Conclusion:													
71	Blood Spatter: Most \$150/hr. There were 2 at \$50/hr in FY02. None less than \$150 in FY03 BUT only 4 fee apps compared to 11 in FY02.													
72	DNA: Most fee apps both FY02 & FY03 are \$250/hr (after excluding the flat fee fee apps).													
73	Firearm Experts: Hourly rates vary widely from \$65/hr to \$175/hr. Both Avg. and Mean higher in FY02.													
74	Handwriting: Not enough fee apps in either year to form a conclusion.													
75	Investigators: Median same both years. Avg. FY02 \$55.04 vs. FY03 \$54.40. FY02 95% of fee apps fall between \$26.47 & \$83.61 an hour. FY03 fall between \$36.83 & \$71.97. Difference most likely lies in more accurate data collection in FY03 rather than any real difference													
76	Legal Expert: Inconclusive. Rate varies widely from \$75/hr to \$250/hr. Avg. higher one year but Median lower next year.													
77	Medical Testing: Unknown. Rate varies from \$50/hr to \$300/hr. All the low rates are associated with really high labor hours and fees while the high rates have low labor hours and low fees. Suggests a lab test and the labor hours are not corresponding to Qty but are conveniences to get the fee award right.													
78	Mitigation Specialist: No discernable difference. Avg. FY02 \$50.17 vs. FY03 \$50.44. Medians both \$50/hr.													
79	Paralegal: Obviously became standardized in FY03 to \$25/hr. But not much higher in FY02. Avg. was \$29.64. Of 14 fee apps, all were \$25/hr except 3.													
80	Pathologist: No discernable pattern. Rate varies greatly from \$125 to \$430. Avg. FY02 \$330 vs. FY03 \$248.85. Median FY02 \$290 vs. \$250. But there were only 5 fee apps in FY02. Use of pathologist much higher in FY03 with 26 fee apps.													
81	Pharmacologist: only note was that there was only 1 fee app in FY02 and 6 in FY03.													
82	Physician: Only note is that in FY02 only 2 fee apps. In FY03 8.													
83	Polygraph: No discernable difference. Avg. \$463 vs. \$416. Median \$500 vs. \$500. No. fee apps 11 vs 15. Higher avg. in FY02 likely do to less accurate data input techniques rather than real rate difference.													
84	Psychiatrist: Rate may have swung upwards. FY02 avg. \$200 vs. \$215. FY02 Median \$200 vs. \$230. FY02 95% fell between \$90 & \$200. In FY03 fell between \$153 & \$278. But it could just as likely be that in FY03 we separate out travel rate more often, which pays much lower median \$100/avg. \$88. Could be the lower hrly rate in FY02 is simply due to travel rates being absorbed all around.													
85	Psychologist: Only slightly higher if at all. Avg. FY02 \$149 vs. \$152. Median same \$150. No Fee apps 264 in FY02 vs. 294 (11% growth). Travel rate has no effect, about the same as hourly rate for expert hours.													
86	Psychometrician: Only note is FY02 only 1 fee app. In FY02 8.													
87	Toxicologist: Inconclusive. FY02 avg. lower \$214 vs. \$219, but FY02 median higher \$250 vs. \$200. Rate varies from \$125 to \$300. No sign. difference in std. dev.													
88	FY02 Total No. Fee Apps 1,032 vs. FY03 1,492--a 45% growth in absolute number.													
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Table J detail

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	Hourly Rate of Expert Fee Applications Processed by IDS by Fiscal Year and Type of Expert													
2	FY02								FY03 N					
3	EXPERTTY	LABORTYP	FY02 N	FY02 Average	FY02 Median	FY02 Min.	FY02 Max.	FY02 Std. Dev.	FY03	FY03 Avg.	FY03 Median	FY03 Min.	FY03 Max.	FY03 Std. Dev.
4	Arson Invest.	Expert Hours							4	\$ 115.00	\$ 105.00	\$ 100.00	\$ 150.00	\$ 23.80
5	Blood Spatter	Expert Hours	11	\$ 150.00	\$ 150.00	\$ 50.00	\$ 350.00	\$ 77.46	5	\$ 180.00	\$ 150.00	\$ 150.00	\$ 250.00	\$ 44.72
6	Blood Spatter	Travel							1	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	
7	Crime Scene Re	Expert Hours							2	\$ 107.73	\$ 107.73	\$ 65.46	\$ 150.00	\$ 59.78
8	Crime Scene Re	Travel							1	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	
9	Developmental/E	Expert Hours							2	\$ 75.00	\$ 75.00	\$ 25.00	\$ 125.00	\$ 70.71
10	Developmental/E	Other							1	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	
11	DNA	Expert Hours	3	\$ 648.33	\$ 250.00	\$ 250.00	\$ 1,445.00	\$ 689.93	11	\$ 205.45	\$ 250.00	\$ 75.00	\$ 250.00	\$ 59.60
12	Eyewitness Expe	Expert Hours	1	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00							
13	Fair Trial	Expert Hours							33	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ -
14	Fair Trial	Travel												
15	Fingerprint	Expert Hours							2	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ -
16	Firearm	Expert Hours	6	\$ 119.17	\$ 117.50	\$ 90.00	\$ 150.00	\$ 26.91	14	\$ 96.43	\$ 80.00	\$ 65.00	\$ 175.00	\$ 32.55
17	Firearm	Travel							1	\$ 90.00	\$ 90.00	\$ 90.00	\$ 90.00	
18	Hair/Fiber	Expert Hours							3	\$ 113.33	\$ 100.00	\$ 60.00	\$ 180.00	\$ 61.10
19	Handwriting	Expert Hours	1	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00		4	\$ 287.50	\$ 300.00	\$ 50.00	\$ 500.00	\$ 246.22
20	Investigator	Expert Hours	318	\$ 55.04	\$ 50.00	\$ 15.00	\$ 500.00	\$ 28.57	497	\$ 54.40	\$ 50.00	\$ 7.00	\$ 350.00	\$ 17.57
21	Investigator	Other							3	\$ 50.00	\$ 50.00	\$ 45.00	\$ 55.00	\$ 5.00
22	Investigator	Travel							10	\$ 44.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 10.22
23	Investigator	Expert Hours							2	\$ 82.50	\$ 82.50	\$ 75.00	\$ 90.00	\$ 10.61
24	Legal Expert	Expert Hours	4	\$ 106.25	\$ 100.00	\$ 75.00	\$ 150.00	\$ 37.50	7	\$ 121.43	\$ 85.00	\$ 85.00	\$ 250.00	\$ 62.96
25	Medical Testing	Expert Hours	16	\$ 250.55	\$ 250.00	\$ 85.00	\$ 600.00	\$ 121.33	7	\$ 102.86	\$ 60.00	\$ 50.00	\$ 300.00	\$ 94.11
26	Mental Health	Expert Hours							5	\$ 165.00	\$ 150.00	\$ 125.00	\$ 200.00	\$ 33.54
27	Mental Health	Travel							1	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	
28	Mitigation Specia	Expert Hours	234	\$ 50.17	\$ 50.00	\$ 25.00	\$ 135.00	\$ 13.27	344	\$ 50.44	\$ 50.00	\$ 25.00	\$ 90.00	\$ 7.75
29	Mitigation Specia	Other							1	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	
30	Mitigation Specia	Out of Court							1	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	
31	Mitigation Specia	Travel							9	\$ 29.44	\$ 25.00	\$ 20.00	\$ 60.00	\$ 12.10
32	Neurologist	Expert Hours							3	\$ 400.00	\$ 250.00	\$ 200.00	\$ 750.00	\$ 304.14
33	Other	Expert Hours	24	\$ 144.17	\$ 100.00	\$ 35.00	\$ 400.00	\$ 100.73	19	\$ 128.36	\$ 125.00	\$ 25.00	\$ 250.00	\$ 56.29
34	Other	Travel							3	\$ 100.00	\$ 100.00	\$ 75.00	\$ 125.00	\$ 25.00
35	Paralegal	Expert Hours	14	\$ 29.64	\$ 25.00	\$ 25.00	\$ 50.00	\$ 9.30	18	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ -
36	Paralegal	Other							1	\$ 12.50	\$ 12.50	\$ 12.50	\$ 12.50	
37	Pathologist	Expert Hours	5	\$ 330.00	\$ 290.00	\$ 250.00	\$ 430.00	\$ 92.74	26	\$ 248.85	\$ 250.00	\$ 125.00	\$ 430.00	\$ 74.18
38	Pathologist	Travel							4	\$ 135.00	\$ 135.00	\$ 125.00	\$ 145.00	\$ 11.55
39	Pharmacologist	Expert Hours	1	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00		6	\$ 141.67	\$ 137.50	\$ 50.00	\$ 200.00	\$ 56.27
40	Pharmacologist	Travel							1	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	
41	Physician	Expert Hours	2	\$ 187.50	\$ 187.50	\$ 75.00	\$ 300.00	\$ 159.10	8	\$ 356.25	\$ 300.00	\$ 200.00	\$ 800.00	\$ 189.81
42	Polygraph	Expert Hours	11	\$ 462.73	\$ 500.00	\$ 40.00	\$ 600.00	\$ 163.96	15	\$ 416.00	\$ 500.00	\$ 40.00	\$ 500.00	\$ 164.92
43	Polygraph	Travel	1	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00		5	\$ 270.50	\$ 40.00	\$ 25.00	\$ 650.00	\$ 324.15
44	Psychiatrist	Expert Hours	109	\$ 200.27	\$ 200.00	\$ 45.00	\$ 500.00	\$ 90.36	140	\$ 215.30	\$ 250.00	\$ 30.00	\$ 500.00	\$ 62.37
45	Psychiatrist	Out of Court							1	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	
46	Psychiatrist	Travel							32	\$ 87.66	\$ 100.00	\$ 25.00	\$ 100.00	\$ 23.21
47	Psychologist	Expert Hours	264	\$ 149.37	\$ 150.00	\$ 50.00	\$ 575.00	\$ 62.34	294	\$ 152.02	\$ 150.00	\$ 100.00	\$ 350.00	\$ 39.38
48	Psychologist	Travel							10	\$ 147.60	\$ 138.00	\$ 50.00	\$ 350.00	\$ 79.42
49	Psychologist	Waiting in C							1	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	
50	Psychometrician	Expert Hours	1	\$ 170.00	\$ 170.00	\$ 170.00	\$ 170.00		8	\$ 178.13	\$ 170.00	\$ 150.00	\$ 225.00	\$ 23.29
51	Radiologist	Expert Hours							1	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	
52	Toxicologist	Expert Hours	7	\$ 214.29	\$ 250.00	\$ 125.00	\$ 250.00	\$ 60.99	9	\$ 219.44	\$ 200.00	\$ 125.00	\$ 300.00	\$ 70.46
53	Toxicologist	Travel							1	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	
54														
55	FY02 Total	Expert Hours	1,032	\$ 108.80	\$ 60.00	\$ 15.00	\$ 1,445.00	\$ 99.22	1,492	\$ 103.25	\$ 60.00	\$ 7.00	\$ 800.00	\$ 85.05
56	FY02 Total	Out of Court	1	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00		6	\$ 43.75	\$ 47.50	\$ 12.50	\$ 75.00	\$ 22.23
57	FY02 Total	Travel	1	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00		2	\$ 150.00	\$ 150.00	\$ 50.00	\$ 250.00	\$ 141.42
58	FY02 Total	Total	1,034	\$ 108.68	\$ 60.00	\$ 15.00	\$ 1,445.00	\$ 99.17	80	\$ 98.67	\$ 100.00	\$ 20.00	\$ 650.00	\$ 98.86
59									1	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	
60									1,581	\$ 102.95	\$ 60.00	\$ 7.00	\$ 800.00	\$ 85.79
61														
62	FY02&FY03 T	Expert Hours	2,524	\$ 105.52	\$ 60.00	\$ 7.00	\$ 1,445.00	\$ 91.13						
63	FY02&FY03 T	Other	6	\$ 43.75	\$ 47.50	\$ 12.50	\$ 75.00	\$ 22.23						
64	FY02&FY03 T	Out of Court	3	\$ 116.67	\$ 50.00	\$ 50.00	\$ 250.00	\$ 115.47						
65	FY02&FY03 T	Travel	81	\$ 97.94	\$ 100.00	\$ 20.00	\$ 650.00	\$ 98.45						
66	FY02&FY03 T	Waiting in C	1	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00			55.04	54.4			
67	FY02&FY03 T	Total	2,615	\$ 105.21	\$ 60.00	\$ 7.00	\$ 1,445.00	\$ 91.34		\$ 28.57	\$ 17.57			
68										\$ 83.61	\$ 71.97			
69										\$ 26.47	\$ 36.83			