

Resolution: Death Penalty Representation Compensation

BE IT RESOLVED by the House of Delegates of the Oklahoma Bar Association that the Association adopt, as part of its Legislative Program, proposed legislation creating new law to be codified as 19 O.S. ' 138.7a relating to compensation for court appointed counsel in death penalty cases. (Submitted by Barry L. Derryberry, Tulsa)

NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 138.7a of Title 19, unless there is created a duplication in numbering, reads as follows:

A. In every case in which the defendant is subject to the death penalty and an attorney other than a county indigent defender is assigned to the case as provided by section 138.7 of this Title, total compensation for attorneys who serve as lead counsel and co-counsel shall not exceed the limits set in section 1355.13 of Title 22.

B. The maximum statutory fee established in this section may be exceeded only when counsel establishes that the case is an exceptional one which requires an extraordinary amount of time to litigate, and that the request for extraordinary attorney fees is reasonable.