

The Impact of Your Gift: The Costs

In February 2008, NCIP received a letter from Obie Anthony. Convicted of murder and robbery in 1995, he maintained his innocence and requested help. It was not the first time he had asked for a review of his conviction. But it was the first time someone took him seriously. When Anthony walked out a free man, on October 4, 2011, he had spent 17 years in prison.

NCIP, working with Loyola Law School’s Project for the Innocent, spent an estimated 5,100 attorney hours to win his freedom. If NCIP were to be compensated for all hours spent (which we are not), the court would pay approximately \$513,600 based on an average court compensation rate.* If a firm were to bill for a mid-level associate working those hours, the bill would be four times that amount or \$2,054,400.

Although NCIP began work on Anthony’s case in February 2008, it wasn’t until May 2010 that the court appointed NCIP as Anthony’s attorney. Only at that point could NCIP start billing for time spent on the case. Billing for the time spent prior to NCIP’s appointment is not allowed, thus, from February 2008 to May 2010, NCIP will not be compensated.

Below are estimates of *some* of the costs involved with an innocence case, using Anthony’s case as an example:

Here is a rough breakdown of hours spent by attorneys involved in the three exonerations NCIP secured in 2011:

- Obie Anthony: 5,100 attorney hours
- Maurice Caldwell: 3,678 attorney hours
- Franky Carrillo Jr.: 7,177 attorney hours

This does not include hours spent by students, investigators, scientists and other experts.

Task	Approximate Attorney Hours for Anthony’s case
Gathering and reviewing thousands of pages of case documents	500
Interviews throughout the state and country of key witnesses	400
Prison visits and meetings with the client	375
Researching legal issues related to the case	300
Writing a petition for writ of habeas corpus (which is often about 600 pages with exhibits)	550
Prepare and file petition for writ of habeas corpus	20
Meetings and conversations with the district attorney	40
Responding to the opposition’s papers: informal response, traverse	500
Court appearances	60
Motions	200
Preparing for and conducting evidentiary hearings at which we essentially have a re-trial—except we have the burden of proving our claims, including actual innocence	2,120
Briefing before and after the hearing (this is often much greater)	25
Preparing for a possible re-trial after the conviction is overturned (In some cases this number can be much higher—in Maurice Caldwell’s case our attorney spent three months of 10- to-12-hour days at the public defender’s office working with the assigned attorney and writing motions before the case was dismissed.)	10

TOTAL:

5,100 hours

Not including the thousands of hours spent after the charges are dropped helping exonerees re-acquaint with the world, housing them when they have nowhere to go, teaching them computer and other skills, and helping them find jobs, and even civil lawyers.

* Courts pay approximately \$100 per hour, depending on the county.