

**Armstrong & Potter District Court and County Court Plan**  
**Attorney Fee and Expense Payment Process for**  
**Adult Defendant Appointments**  
 Effective: November 7, 2024

Court appointed counsel shall be compensated for all reasonable and necessary services rendered in representing the accused. Compensation shall be reasonable for time and effort expended and will be in accordance with either (1) a flat fee schedule, or (2) as provided below in some cases, an alternate hourly fee payment plan, adopted and approved by a majority of the judges hearing criminal cases in these counties.

In addition, copies will be reimbursed at 10 cents/page or receipt for payment. Other extraordinary (non-overhead) reasonable and necessary expenses to be reimbursed on receipts for payments.

Hourly fee submissions must be sufficiently detailed and based on time entries made at or near the time of the services provided.

All billing on completed cases must be submitted within 60 days of the end of the attorney representation.

**A. FLAT FEE SCHEDULE FOR ORIGINAL MATTERS \***

In a **final** Attorney Fee Voucher, an attorney may seek payment on a flat fee basis as follows:

\$200	No charge accepted	\$500	Misdemeanor/State Jail Felony
\$700	3 <sup>rd</sup> Degree Felony	\$1000	2nd Degree Felony
\$1500	1st Degree Felony		
\$ 200	<ul style="list-style-type: none"> <li>☐ For each additional count in a misdemeanor or felony charging instrument;</li> <li>☐ For each additional misdemeanor or State Jail Felony charged in a separate charging instrument; and</li> <li>☐ For each additional 3<sup>rd</sup> degree or greater felony charged in a separate charging instrument that arises out of the same <i>criminal episode</i>” as defined in TX PENAL CODE § 3.01).**</li> </ul>		
\$ 600	Each additional 3rd degree or greater felony charged in a separate charging instrument that does <b><u>NOT</u></b> arise out of the same “criminal episode.” **		
\$1200/full-day \$600/half-day	Contested trial [ <i>PLUS FLAT FEE COMPENSATION COMMENSURATE WITH A PLEA FOR THE CHARGED OFFENSE(S)</i> ].		

The above flat fee schedule will also apply to matters that are finally resolved via a motion to dismiss filed by the State.

If an Attorney Fee Voucher is filed after a motion to withdraw is granted during a pending case, an attorney may not be paid more than half the applicable flat fee for that level of case had they remained appointed through completion.

*\* If an indictment contains enhancements, the Flat Fee will be based on the felony plea level corresponding to the enhanced range of punishment.*

*\*\* TX PENAL § 3.01. "Criminal episode" means the commission of two or more offenses, regardless of whether the harm is directed toward or inflicted upon more than one person or item of property, under the following circumstances:*

- (1) the offenses are committed pursuant to the same transaction or pursuant to two or more transactions that are connected or constitute a common scheme or plan; or*
- (2) the offenses are the repeated commission of the same or similar offenses.*

## **B. FLAT FEE SCHEDULE FOR PLEAS IN REVOCATION MATTERS**

In a **final** Attorney Fee Voucher, an attorney may seek payment on a flat fee basis as follows:

\$500	Misdemeanor and Felony Revocation Pleas
\$200	Each additional separate Motion resolved in a Plea hearing.

The above flat fee schedule will also apply to matters that are finally resolved via a motion to dismiss filed by the State.

## **C. HOURLY FEE PAYMENT PLAN INSTRUCTIONS**

Except in the case of motions to withdraw prior to resolution of the case, an attorney may opt out of the above flat fee schedule and elect to bill hourly under the following guidelines. If an attorney intends to bill hourly on a case that is expected to or is taking longer than 6 months to complete, the attorney is required to submit quarterly bills starting 6 months after appointment. Noncompliance with the quarterly billing requirement will result in a default to a flat fee. **HYBRID FLAT FEE & HOURLY FEE VOUCHERS WILL NOT BE ACCEPTED.**

### **(1) HOURLY RATES:**

The degree of the criminal offense does NOT determine the hourly rate fee for an individual attorney. Rather, the hourly rate is determined by the highest degree list of criminal cases for which the attorney has been approved and is accepting appointments, to wit:

\$150.00/hour	First/Second Degree List
\$100.00/hour	State Jail/Third Degree List
\$75.00	Misdemeanor List

This means that if you are appointed to a misdemeanor but are on the First/Second Degree List, you may seek compensation at the First/Second Degree List hourly rate if the matter dictates an hourly fee request.

Hourly rates for criminal appeals and writs to the Court of Criminal Appeals shall be the same as above for those attorneys on a criminal trial appointment list. If not on one of the above lists, the hourly rate will be commensurate with the level of the matter for which an attorney receives an appointment.

All services will be paid at the applicable hourly rate set forth above. Attorneys are to bill in increments of 0.1 hour (a tenth of an hour = six minutes).

### **(2) DOCUMENTATION:**

The hourly billing voucher submitted by counsel must document Date of Service, Service Category, Brief Description as necessary and Billable Unit corresponding to the service provided.

### **(3) SERVICE CATEGORIES:**

The billing attorney MUST utilize the exact language one of the following identified service categories, to wit:

- Open/Close File for Client Appointment
- Motion/Order Practice

- Attorney Hourly Services
- Court Appearance
- Routine Client Maintenance

FAILURE TO USE EXACT LANGUAGE WILL RESULT IN THE BILL BEING REJECTED FOR NON-COMPLIANCE(4) **BILLABLE UNITS:**

The Hourly rate billing divides tasks that have a maximum flat rate per service/task and those that must be billed in increments of 0.1 hour (a tenth of an hour = six minutes). Attorneys MUST use the exact language below for billing units.

FAILURE TO USE EXACT LANGUAGE WILL RESULT IN THE BILL BEING REJECTED FOR NON-COMPLIANCE.

**List of Standard Billable Descriptions:**

**Routine Client Case Events:** \$150 flat fee (*includes all of the following tasks*)

- Opening a file
- Initial Contact of Client letter/Call
- Letter of Representation
- Request For Discovery 39.14
- Extraneous Offense Request
- Waiver of Arraignment
- Close File & Prepare Hourly Pay Voucher

**Motion/Order Practice**

Continuance Motion	0.2
Designation of Expert	0.2
Application for Probation	0.2
Bond Reduction Motion	0.2
Competency Motion	0.2
Motion to Suppress	0.2
ALL OTHER MOTIONS	0.2

**Attorney Hourly Services :**

Research/Writing briefs (Include Subject)	0.1 Hourly increments
Reading File/Watching Videos	0.1 Hourly increments
Interview Defendant/Witness	0.1 Hourly increments
Trial Preparation	0.1 Hourly increments
Negotiations with Prosecutor	0.1 Hourly increments

**Court Appearance:**

Attend Docket Call	0.1 (per client on any one docket call)
Attend PNC Docket*	0.1 Hourly increments
Contested Hearings (Include Subject)	0.1 Hourly increments
POG/paperwork	0.1 Hourly increments
Trials	0.1 Hourly increments

**Routine Client Maintenance:**

Correspondence/Email/Phone call	0.2
Client Notification of Hearings	0.1
Jail Visit with Client/event	0.5

*\* Attendance at a PNC docket must be split equally between all clients you represent at that docket even if you do not submit an hourly request for all such clients.*

**(5) BILLING INVESTIGATOR TIME:**

Investigators compensated under this plan will be compensated \$60 per hour only for the services listed in schedule A for amounts based on schedule B below. Any deviation from the amounts allowed per activity or the total amount approved must be approved in writing by the judge of the court prior to accruing any expenses. The initial and subsequent requests must state an amount requested for the services expected to be rendered.

Schedule A

Compensable activities for investigators appointed by the court(subject to limits in schedule b)

1. Identifying crime or wrongs done or threatened against a person, state, or the United States;
2. Securing the identity, habits, business, occupation, knowledge, efficiency, loyalty, movement, location, affiliations, associations, transactions, acts, reputation, or character of a person.
3. Identifying the location, disposition, or recovery of lost or stolen property.
4. Identifying the cause or responsibility for a fire, libel, loss, accident, damage, or injury to a person or to property.
5. Securing evidence.
6. Tracking of the location of an individual or motor vehicle.

Schedule B

The activities in schedule A are subject to the following limits

1. Reviewing file and or initial consultation with attorney. Maximum of 2 hours billed in 0.10 increments
2. Interview of witness(es) billable at 0.10 increments not to exceed the maximum approved rate when included with other billed activities
3. Search of databases not generally available to the public or district and county clerk files (0.5 per individual searched)
4. Photography/videography of a scene or evidence 0.5 hours
5. Interview with the defendant 1 hour max billable in 0.1 increments.
6. Communication with attorney other than initial consultation or summation report at completion of activity. 0.1.