

SUPPLEMENT TO INTERIM PLAN OF THE 81<sup>st</sup> AND 218<sup>th</sup> DISTRICT COURTS RELATING TO THE APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS UNDER THE TEXAS FAIR DEFENSE ACT

*Non-Capital Cases in District Court*

*Appellate services:*

Felony convictions and juvenile adjudications, \$50 per hour, with a cap of \$2,500.

*Trial services:*

For trial services, counsel may elect to be compensated on a fixed or flat fee. The fixed or flat fee for all felonies, including motions to revoke probation, is \$400.

In a case with extensive contested trial services, counsel may elect to be compensated on an hourly basis. The hourly rate for all felonies and juvenile adjudications and dispositions, is \$75 per hour in court, and \$50 per hour out of court.

“Contested trial services” means time reasonably spent preparing for, and participating in, contested hearings, and/or a trial on the merits. It does not include speaking with anyone, except when preparing for an evidentiary hearing. It does not include appearing in court, except for time spent in contested hearings, and/or a trial on the merits. It does not include entering an uncontested plea. Everything except contested trial services is subsumed within the fixed fee.

*Capital Cases*

Unless disqualified, the Regional Public Defender for Capital Cases will represent all defendants in capital cases where the State has not waived the death penalty. If the State does waive the death penalty, the rates for non-capital cases apply.

The following rates apply in cases where the Regional Public Defender for Capital Cases is unable to represent a defendant and the State has not waived the death penalty.

*Trial services:*

First chair \$100 per hour in court, and \$80 per hour out of court. Second chair \$95 per hour in court, and \$75 per hour out of court.

*Appellate services:*

\$100 per hour with a cap of \$25,000.

The court may make an exception to the above definition of contested trial services, upon a showing that to not do so would be manifestly unfair in a given case.

***County Court/Court at Law***

The fee schedule for the County Court/Court at Law is:

**Atascosa**

| Fixed Fee | In Court               | Out of Court |
|-----------|------------------------|--------------|
| \$300     | Same as District Court |              |

**Frio**

Fixed  
\$100

**Karnes**

Fixed  
\$400

**LaSalle**

Fixed  
\$300

**Wilson**

| Fixed | In Court  | Out of Court |
|-------|-----------|--------------|
| \$300 | \$50 hour | \$40 hour    |

This supplement is effective as of November 1, 2019. All other terms of the indigent defense plan made effective January 1, 2002, remain unchanged.