

2023 SO 07

FILED IN MY OFFICE  
LUCY ADAME-CLARK  
COUNTY CLERK BEXAR CO.

2023 JUN 13 AM 11:25

NO. \_\_\_\_\_

STATE OF TEXAS

§ IN THE COUNTY COURTS  
§ AT LAW GIVING PREFERENCE  
§ TO CRIMINAL MATTERS

COUNTY OF BEXAR

§ 1,2,4,5,6,7,8,9,11,12,13,14, & 15

**SECOND AMENDED JOINT ORDER REVISING FEE SCHEDULE**

This fee schedule applies to Counsel Assigned by the Bexar County Managed Assigned Counsel Office for **misdemeanor cases with an offense date on or after May 1, 2023** and replaces Joint Order No. 2023-SO-06 filed June 6, 2023.

**I.**

The goal of these payment guidelines is to assure effective representation for indigent persons charged with misdemeanor crimes in Bexar County. The fees set forth by this order take into consideration the time and labor required, the complexity of the cases, and the experience and ability of assigned counsel.<sup>1</sup> This fee schedule makes accommodations for reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates.<sup>2</sup>

**II.**

No payment shall be made under this article until the voucher for itemizing the services performed is submitted to the Trial Division Director of the Bexar County Managed Assigned Counsel Office and/or his designees (hereinafter collectively known as "the director"), and the director approves the payment. No voucher will be accepted or processed until the case is disposed or counsel is relieved of representation by the director or by order of the court. Counsel may select only one flat fee case disposition per voucher.

Flat fees listed as "Add-ons" may be claimed in addition to the case disposition. Add-ons, other than those for additional cases disposed in conjunction with the claimed case, may be claimed only once for each type without prior approval from the director.

If a fee requires "prior approval," the attorney must seek an exception to the fee schedule from the director prior to performing the additional work. The exception must be in writing and must state sufficient reasons for the exception. The director has discretion to approve an amount that is above these guidelines in cases where the amount or quality of work performed is substantially above the norm and/or the case is unusually complex.

<sup>1</sup> Tex. Code Crim. Proc. Art. 26.05(a)

<sup>2</sup> Tex. Code Crim. Proc. Art. 26.05(c)

### III.

For misdemeanor cases held before the Bexar County Courts at Law, assigned counsel fees shall be paid according to the following fee schedule:

#### A. General Fee Schedule

For all cases not otherwise noted below, vouchers shall be paid according this schedule:

<b>Case disposition type</b>	<b>Amount</b>
Plea and sentence	\$300
Dismissal <sup>3</sup>	\$300
Dismissal on day of trial (jury not empaneled)	\$500
Jury Trial or Trial before the court	\$750
Appeal to the 4th Court of Appeals	\$750
Attorney replaced prior to disp.	\$50
Motion to revoke probation/adjudicate guilt	\$150
Contested Motion to revoke/adjudicate guilt	\$250 (with sworn testimony)
Auxiliary Court "Attorney for the day"	\$300
<b>Add-on Type</b>	<b>Amount</b>
Additional cases disposed in conjunction with claimed case. (includes MTR/MTAG) <sup>4</sup>	\$50
Initial jail visit	\$100
Auxiliary Court bond hearing (one defendant)	\$100
Motion/Habeas for bond matters (ruling required)	\$100 or \$150 (with sworn testimony)
Contested Motion(s) hearing	\$100 or \$150 (with sworn testimony)
Expunction after acquittal <sup>5</sup>	\$150

#### B. Hourly Fee Option for DWI and FV Cases

In cases where the defendant is charged with Driving While Intoxicated (including enhanced DWI) or assaults where a finding of family violence is alleged, counsel may choose hourly payment for work performed instead of the general flat fee schedule. If this option is chosen counsel shall be paid an hourly fee of \$75 (rounded to the next .25 hour) for all work performed other than time spent in trial. The hourly fee may not exceed a total of 8 hours without prior approval from the director. Should the case proceed to trial before a jury or the court, counsel will add the flat trial fee of \$750 in addition to the hourly amount.

Hourly fee for time spent prior to trial (May not exceed 8 hours without prior approval)	\$75 (rounded to the next quarter hour)
Jury Trial or Trial before the court	\$750

<sup>3</sup> Includes cases accepted in the pretrial diversion program

<sup>4</sup> A case is considered "disposed in conjunction" when it resolved in the same hearing as the case for which a voucher is submitted. If multiple cases for one defendant are joined for purposes of pretrial hearings, trial, and/or sentencing and do not arise from the same transaction or require other extraordinary time requirements, assigned counsel can charge the hourly fee for the additional time spent out of court on those cases. **Prior approval is required.**

<sup>5</sup> See Tex. Code Crim. Proc. Art. 55.02 § 2

### C. Mental Health/Special Needs Defendants

The below fees are for cases with defendants with mental health disorders and other special needs. All Mental Health/Special Needs Defendants shall require a qualifying diagnosis and must have been appointed from the Mental Health Wheel.

<b>Case Disposition Type</b>	<b>Amount</b>
Plea and sentence	\$350
Dismissal <sup>6</sup>	\$350
Dismissal on day of trial (jury not empaneled)	\$500
Case disposed by a finding of incompetency	\$350
Jury Trial or Trial before the court	\$750
Appeal to the 4th Court of Appeals	\$750
Attorney removed or substituted prior to disp.	\$50
Motion to revoke probation/adjudicate guilt	\$150
Contested Motion to revoke/adjudicate guilt	\$250 (with sworn testimony)
Auxiliary Court "Attorney for the day"	\$300
<b>Add-on type</b>	<b>Amount</b>
Additional cases disposed in conjunction with claimed case. (includes MTR/MTAG) <sup>7</sup>	\$50
Initial jail visit	\$100
Auxiliary Court bond hearing (one defendant)	\$100
Motion/Habeas for bond matters (ruling required)	\$100 or \$150 (with sworn testimony)
Contested Motion(s) hearing	\$100 or \$150 (with sworn testimony)
Expunction after acquittal <sup>8</sup>	\$150
Uncontested competency/sanity hearing	\$100
Contested competency/sanity hearing	\$150

### D. Board Certified Incentive

If an attorney is board certified in criminal law or criminal appellate law, the attorney may select a \$100 bonus per voucher. This is to incentivize highly trained and experienced attorneys to represent people who could otherwise not afford them on the private market. This incentive is also provided to encourage other attorneys to seek board certification.

Board Certified Attorney Bonus	\$100
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<sup>6</sup> Includes cases accepted in the pretrial diversion program

<sup>7</sup> A case is considered "disposed in conjunction" when it resolved in the same hearing as the case for which a voucher is submitted. If multiple cases for one defendant are joined for purposes of pretrial hearings, trial, and/or sentencing and do not arise from the same transaction or require other extraordinary time requirements, assigned counsel can charge the hourly fee for the additional time spent out of court on those cases. **Prior approval is required.**

<sup>8</sup> See Tex. Code Crim. Proc. Art. 55.02 § 2

IV.

An attorney is to elect the appropriate payment for the given disposition of the case and all add-ons performed. All claims for misdemeanor payment must be verified, in writing, and must be submitted to the Bexar County Managed Assigned Counsel Office within 30 days of the completion of representation.

V.

It is ORDERED that this Joint Order Revising Fee Schedule be filed for record in the offices of the County Clerk of Bexar County and a certified file-stamped copy be sent to the Commissioners Court in accordance with Article 26.05(b) of the Texas Code of Criminal Procedure.

SIGNED, ORDERED, AND ENTERED ON THIS 7<sup>th</sup> day of June, 2023 by:



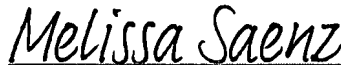
Melissa Vara (Jun 7, 2023 16:42 CDT)

Judge Melissa Vara  
Administrative Judge  
County Court at Law No. 15  
Bexar County, Texas



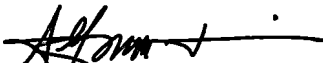
Helen Stowe (Jun 8, 2023 15:22 CDT)

Judge Helen Petry Stowe  
County Court at Law No. 1  
Bexar County, Texas



Melissa Saenz (Jun 7, 2023 15:34 CDT)

Judge Melissa Saenz  
County Court at Law No. 2  
Bexar County, Texas



Alfredo Jimenez (Jun 7, 2023 21:47 CDT)

Judge Alfredo M. Jimenez  
County Court at Law No. 4  
Bexar County, Texas



Andrea Arevalos (Jun 7, 2023 15:35 CDT)

Judge Andrea Arevalos  
County Court at Law No. 5  
Bexar County, Texas



Erica Dominguez (Jun 8, 2023 15:46 CDT)

Judge Erica Dominguez  
County Court at Law No. 6  
Bexar County, Texas



Judge Mary Román  
County Court at Law No. 8  
Bexar County, Texas

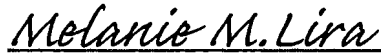


Erica Peña (Jun 7, 2023 15:40 CDT)

Judge Erica Peña  
County Court at Law No. 11  
Bexar County, Texas



Judge Rosie Speedlin Gonzalez  
County Court at Law No. 13  
Bexar County, Texas



Melanie M. Lira (Jun 7, 2023 16:52 CDT)

Judge Melanie M. Lira  
County Court at Law No. 7  
Bexar County, Texas



Judge Gloria Saldaña  
County Court at Law No. 9  
Bexar County, Texas



Yolanda Huff (Jun 7, 2023 16:15 CDT)

Judge Yolanda T. Huff  
County Court at Law No. 12  
Bexar County, Texas



Carlo Key (Jun 12, 2023 13:38 CDT)

Judge Carlo Rodriguez Key  
County Court at Law No. 14  
Bexar County, Texas