

**COURT-APPOINTED ATTORNEY FEE SCHEDULE  
220<sup>TH</sup> JUDICIAL DISTRICT COURT AND  
BOSQUE COUNTY COURT AT LAW**

The following fee schedules set the compensation to be paid to court-appointed counsel in the 220<sup>th</sup> District Court and Bosque County Court at Law. Any proceedings not specifically described in this fee schedule shall be calculated on an hourly basis and may be adjusted as the trial judge deems appropriate.

Counsel Appointed to a Defendant – Appointed attorneys will, unless authorized by the Court, submit a single fee voucher for each cause number at the time of the defendant’s disposition or representation ends. If a defendant has cases resolved by separate plea agreements or trials in the County Court or County Court at Law and the District Court, counsel may submit a fee voucher for the disposition of the plea or trial in each of the respective courts. Defendant’s cases not addressed on the fee voucher or not submitted within 30 days of service will result in waiver of further compensation.

Flat Fee Presumption or Authorized Itemized Hourly Rate – The flat fee presumption applies to all non-capital defendants. Only with prior Court approval may counsel submit an itemized (hourly rate) fee voucher. A voucher combining hourly itemizations and flat fees will not be approved. The Court may approve payment based on an itemized fee voucher where the flat fee would be inappropriate due to circumstances, complexity, or other issues that are clearly beyond the control of the appointed counsel and the judge finds that the fixed fee is clearly inappropriate for representation of the defendant. A request to itemize shall not be authorized later than the initial request for a plea, trial, or other disposition setting unless approved by the Court based on issues beyond the control of appointed counsel. The Court will set the hourly rate based on the time and labor required and the complexity of the case, and the experience and ability of the appointed counsel. Unauthorized itemized hourly rate requests will be paid the flat fee.

Counsel shall keep an accurate account of his/her time, subject matter of the time expenditure, dates involved, necessity for expenditure of time, and attach all documentation. All documented time incurred in the representation of the defendant must be such that a qualified professional would agree was objectively reasonable and necessary for the representation of the defendant. When a court approves an attorney’s request to submit hourly rates, the attorney must submit time by the hourly rate to the nearest .10/hour for in court time and actual time expended for out of court time. On cases pending over six months where the Court has authorized an itemized fee voucher, the attorney may request monthly or quarterly itemized fee vouchers for partial payments during the pendency of the defendant’s cases. Maximum compensated hours for out of court time apply accordingly; five (5) hours for misdemeanor cases, ten (10) hours for other felony cases, and fifteen (15) hours for non-capital 3g felony cases. Additional Court approval will be required to submit vouchers exceeding maximum compensated hours.

Investigator and Expert Expenses – When expenses for investigation or expert testimony are required, a motion must be filed with the Court requesting the appointment and payment approval in the same manner as Art. 26.052(f) of the TX C.C.P. Reasonable and necessary expenses including expenses for investigation, mental health, and other experts shall be reimbursed pursuant to Art. 26.05(d) of the TX C.C.P. If approval was not received prior to incurring expenses, then counsel may be reimbursed for expenses, if reasonably necessary and reasonably incurred. Investigators or experts must submit an invoice, statement, or other supporting documentation for authorized service provided. Reimbursement of authorized

expenses incurred for purposes of investigation, evaluation, or testimony will be paid directly to the provider of services as required by county policy.

Juvenile Matters – Attorneys appointed to represent a juvenile in proceedings in which an adjudication of delinquent conduct, determinate sentencing, or transfer to a felony court after approval of a petition by the Grand Jury shall be paid in accordance with the provisions herein for the payments of attorneys appointed in non-capital felony cases. Attorneys appointed to represent a juvenile alleged to be a child in need of supervision or in all other juvenile matters not described above shall be paid in accordance with the provisions herein for the payment of attorneys appointed in misdemeanor cases.

Dismissals and Refusals by Prosecutors, and Motions to Withdraw and Substitutions – If none of the defendant’s cases are disposed by a plea, trial, or pre-trial diversion, the attorney will be compensated by one of the following: (1) *Dismissal of filed case(s)* – upon the prosecutor filing a motion to dismiss for final disposition with the District Clerk or County Clerk, disposing of all of the defendant’s court appointed cases, the attorney will submit a single fee voucher for all cases and will be compensated for the equivalent of a flat fee plea on highest level offense; or (2) *Dismissal of Unfiled case(s)* – the prosecutor, prior to indictment being returned or prior to the information filed, dismisses or refuses all cases against a defendant, the attorney for the defendant is entitled to a flat fee of \$200; or (3) *Withdraw/Substitution within 90 days* – if the attorney for the defendant withdraws or a substitution of counsel is presented within 90 days from the appointment, the attorney for the defendant is entitled to a flat fee of \$200; or (4) *Withdraw/Substitution beyond 90 days* – if the attorney for the defendant withdraws or a substitution of counsel is resented beyond 90 days from the appointment, the attorney for the defendant will be compensated for the equivalent of a flat fee plea on highest level of offense.

Pre-trial Diversions filed by District or County Attorney – Upon the prosecutor filing a pre-trial diversion contract with the District Clerk or County Clerk disposing of all of the defendant’s court appointed cases, the attorney will submit a single fee voucher for all cases and will be compensated a flat fee equivalent to a plea for the highest level offense. Additional Court approval will be required to submit subsequent additional compensation in the event of further dispositions of the defendant’s cases.

Appeals – A copy of the brief must be attached to the voucher for payment on appeal.

Mathematical Errors – If the County Auditor’s Office detects simple mathematical errors in a pay voucher, it will compute the voucher and pay it out based on the auditor’s office calculations without further approval.

Contested Hearing - For the purpose of this fee schedule, “contested” will be defined as a hearing in which one or more issues of fact or law are in disagreement by at least two of the parties, and witness testimony is required to assist the Court in its decision.

Mileage - Out-of-county attorney may bill mileage for two trips during the pendency of representation of a client. Mileage will be billed at the rate established by the United States Internal Revenue Service.

Request for Payment of Attorney Fees and Expenses – Each attorney shall submit a verified fee voucher in accordance with the rules described above. Bills for indigent attorney fees not filed

within 30 days of disposition of a case, verdict, or mandate on appeal, will be considered waived, the services performed PRO BONO, and said request for attorney fees shall not be paid.

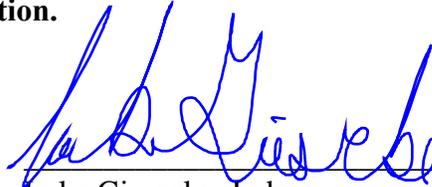
If the trial judge disapproves the requested amount the judge shall make written findings stating the amount of payment approved and the reasons for approving an amount different from the requested amount. The attorney whose request for payment has been disapproved may, by written motion, file an appeal with the presiding judge of the administrative region.

Fee Schedules – The attached fee schedules are subject to change. Any future changes to the fee schedule are applicable to cases that originate following the date of modification.

**This order is effective on the 1<sup>st</sup> day of September, 2021, and is applicable to all unresolved cases currently before each court and supersedes any and all prior court standing orders for attorney's fees and other expense compensation.**



Shaun Carpenter, Judge  
220<sup>th</sup> District Court



Luke Giesecke, Judge  
Bosque County Court at Law

**220TH DISTRICT COURT APPOINTED ATTORNEY FEE SCHEDULE**

**BOSQUE COUNTY**

Counsel is authorized a partial voucher in the amount of \$100 for the initial visit with the defendant while held in jail.

**JURY**

| <b>Type of Service</b>                     | <b>Flat Fee<br/>Presumption</b> | <b>Hourly Rate<br/>In Court</b> | <b>Hourly Rate<br/>Out of Court</b> |
|--|---------------------------------|---------------------------------|-------------------------------------|
| Capital (Death Penalty) - Lead Counsel     | ---                             | 100-150                         | 75-100                              |
| Capital (Death Penalty) - Second Chair     | ---                             | 100-125                         | 75-100                              |
| Capital (Non Death Penalty) - Lead Counsel | ---                             | 125                             | 75-100                              |
| Capital (Non Death Penalty) - Second Chair | ---                             | 100                             | 60-100                              |
| 3g (42A.054) Felony                        | 1250 (per trial day)            | 100                             | 75                                  |
| Other Felony                               | 1000 (per trial day)            | 100                             | 75                                  |
| Misdemeanor                                | 750 (per trial day)             | 75                              | 60                                  |
| Contested Competency                       | ---                             | 75                              | 60                                  |

**BENCH**

| <b>Type of Service</b>                     | <b>Flat Fee<br/>Presumption</b> | <b>Hourly Rate<br/>In Court</b> | <b>Hourly Rate<br/>Out of Court</b> |
|--|---------------------------------|---------------------------------|-------------------------------------|
| 3g (42A.054) Felony Trial                  | 1250 (per trial day)            | 100                             | 75                                  |
| Other Felony Trial                         | 1000 (per trial day)            | 100                             | 75                                  |
| Contested Felony MTR/MTA/SHOCK             | 500                             | 100                             | 75                                  |
| 3g (42A.054) Felony Plea                   | 1000                            | 100                             | 75                                  |
| Other Felony Plea                          | 700                             | 100                             | 75                                  |
| Felony MTR/MTA Plea                        | 500                             | 100                             | 75                                  |
| Additional Felony Case/Same Defendant      | 100                             | 100                             | 75                                  |
| Misdemeanor Trial                          | 500 (per trial day)             | 75                              | 60                                  |
| Contested Misdemeanor MTR/MTA              | 500                             | 75                              | 60                                  |
| Misdemeanor Plea                           | 500                             | 75                              | 60                                  |
| Misdemeanor MTR/MTA Plea                   | 200                             | 75                              | 60                                  |
| Additional Misdemeanor Case/Same Defendant | 100                             | 75                              | 60                                  |
| Contested Competency                       | ---                             | 75                              | 60                                  |

**APPELLATE SERVICE FEE SCHEDULE**

| <b>Type of Service</b> | <b>Motion for New<br/>Trial and Brief</b> | <b>with Argument<br/>and Rehearing</b> | <b>Hourly Rate<br/>Out of Court</b> |
|------------------------|---|--|-------------------------------------|
| Capital                | ---                                       | ---                                    | 75-125                              |
| 3g (42A.054) Felony    | 2500                                      | 3500                                   | 75-100                              |
| Other Felony           | 1500                                      | 2500                                   | 50-100                              |
| Misdemeanor            | 750                                       | 1500                                   | 70                                  |
| Copies (reimbursement) | actual cost                               |  |                                     |

**DEPARTMENT OF FAMILY AND PROTECTIVE SERVICE**

| <b>Type of Service</b>                                       | <b>Flat Fee<br/>Presumption</b> | <b>Hourly Rate<br/>In Court</b> | <b>Hourly Rate<br/>Out of Court</b> |
|--|---------------------------------|---------------------------------|-------------------------------------|
| Adversary Hearing - contested                                | 400                             | 70-100                          | 50-70                               |
| Adversary Hearing - uncontested                              | 350                             | 70-100                          | 50-70                               |
| Status/Permanency Hearing - contested                        | 350                             | 70-100                          | 50-70                               |
| Status/Permanency Hearing - uncontested                      | 250                             | 70-100                          | 50-70                               |
| Final Hearing - contested                                    | 600                             | 70-100                          | 50-70                               |
| Final Hearing - uncontested                                  | 350                             | 70-100                          | 50-70                               |
| <i>Preparation for contested final hearing (10 hour max)</i> | ---                             | ---                             | 60                                  |
| Participation in Status/Permanency Conference                | 250                             | 70-100                          | 50-70                               |
| Participation in Mediation                                   | 250                             | 70-100                          | 50-70                               |