

**COURT-APPOINTED ATTORNEY FEE SCHEDULE
220TH JUDICIAL DISTRICT COURT AND
COMANCHE COUNTY COURT**

The following fee schedules set the compensation to be paid to court-appointed counsel in the 220th District Court and Comanche County Court. 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 signed on this the 1st 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
220th District Court



Stephanie Davis, Judge
Comanche County

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

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

JURY			
Type of Service	Flat Fee	Hourly Rate	Hourly Rate
	Presumption	In Court	Out of Court
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			
Type of Service	Flat Fee	Hourly Rate	Hourly Rate
	Presumption	In Court	Out of Court
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	600 (per trial day)	75	60
Contested Misdemeanor MTR/MTA	200	75	60
Misdemeanor Plea	200	75	60
Misdemeanor MTR/MTA Plea	200	75	60
Additional Misdemeanor Case/Same Defendant	50	75	60
Contested Competency	---	75	60

APPELLATE SERVICE FEE SCHEDULE			
Type of Service	Motion for New	with Argument	Hourly Rate
	Trial and Brief	and Rehearing	Out of Court
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			
Type of Service	Flat Fee	Hourly Rate	Hourly Rate
	Presumption	In Court	Out of Court
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