

**STANDING ORDER FOR COMPENSATION OF ATTORNEYS
APPOINTED TO REPRESENT INDIGENT DEFENDANTS**

On the 25th day of June 2021, the Presiding Judges of the Fifth District Court and the Cass County Court at Law, No. 1 did unanimously adopt this schedule of fees concerning compensation of court-appointed counsel for indigent defendants and related expenses made pursuant to Article 26.05, Texas Code of Criminal Procedure;

THEREFORE, IT IS ORDERED that compensation of court-appointed counsel and related expenses, made pursuant to a motion in the format prescribed by the appointing court, shall be as follows on a case-by-case basis as determined by the Presiding Judge:

Total compensation for appointed counsel services in the below listed misdemeanor, felony, and juvenile cases shall not exceed the following, unless the Court finds exceptional circumstances or that good cause for exceeding said total amount exists:

Guilty Plea – Misdemeanor and MTR True Plea	\$500.00
Guilty Plea – Multiple Misdemeanors (including dismissal w/plea)	\$800.00
Guilty Plea – 3 rd Degree Felony, State Jail Felony & MTR True Plea	\$600.00
Guilty Plea – 1 st or 2 nd Degree Felony	\$650.00
Guilty Plea – Multiple Felonies (including Misds. or dismissals w/plea)	\$1,000.00
Dismissal of a Filed Case, No Guilty Plea	\$600.00
Appointed representation where information or indictment not filed	\$450.00

FILED FOR RECORD
CASS COUNTY TEXAS
JAMES L. BERTRON
CLERK
JAMES L. BERTRON
DEPUTY CLERK
JUN 25 PM 3:06

**HOURLY RATES AND LIMITS
FOR TRIALS, APPEALS, AND CAPITAL CASES**

I. NON-FELONY CASES

**“Not guilty” or “Not true” pleas, including Juvenile Cases Based on Charges of
Misdemeanor Based Laws and Misdemeanor Appellate Work**

1. Compensation for reasonable and necessary time spent by counsel out of court shall be paid at a rate of ONE HUNDRED TEN DOLLARS AND NO CENTS (\$110.00) per hour.

2. Compensation for reasonable and necessary time spent by counsel in court shall be paid at a rate of ONE HUNDRED TWENTY-FIVE DOLLARS AND NO CENTS (\$125.00) per hour.

II. FELONY CASES

**(“Not guilty” or “Not true” pleas, including Juvenile Cases Based on Charges of Felony
Grade Laws And Felony Appellate Work)**

1. Compensation for reasonable and necessary time spent by counsel out of court shall be paid at a rate of one hundred twenty-five dollars (\$125.00) per hour.

2. Compensation for reasonable and necessary time spent by counsel in court shall be paid at a rate of one hundred forty-five dollars (\$145.00) per hour.

III. APPEALS

The rates for appellate attorney services shall be one hundred fifty dollars (\$150.00) per hour for research and preparation of the appeal and one hundred twenty-five dollars (\$125.00) per hour for administrative legal services provided and shall not exceed ten thousand dollars (\$10,000.00) without approval of the Court.

IV. CAPITAL CASE COMPENSATION

In a capital case in which the State seeks the death penalty, the rates for the lead attorney’s services (first chair) shall be paid at the rate of one hundred fifty dollars (\$150.00) per hour for reasonable and necessary time spent representing the indigent defendant out of court and shall be

paid at one hundred seventy dollars (\$170.00) per hour for reasonable and necessary representation of the indigent defendant in court. Any co-counsel (second or third chair) appointed by the Court shall be paid at the rate of one hundred forty-five dollars (\$145.00) per hour for reasonable and necessary time spent representing the indigent defendant out of court and shall be paid at the rate of one hundred sixty-five dollars (\$165.00) per hour for reasonable and necessary representation of the indigent defendant in court.

In a capital case in which the State withdraws the possibility of seeking the death penalty, after the State's withdrawal, defense counsel shall be paid at the rate applicable for Felony Cases, Section II. Total compensation for pre-trial and post-trial (non-appeal) services in a capital (death sought) jury trial shall not exceed a total of FOURTY THOUSAND DOLLARS (\$40,000.00) for first chair counsel or TWENTY THOUSAND DOLLARS (\$20,000.00) for second or third chair counsel, without approval of the Court.

In capital cases, in which the jury imposed the death penalty, the rates for appellate attorney services shall be \$175.00 per hour for research and preparation of the appeal and \$150.00 per hour for administrative legal services provided total legal fee compensation shall not exceed ten thousand dollars (\$10,000.00) without approval of the Court. In cases where the death penalty was not imposed by the jury, appellate counsel shall be compensated at the rate for Appeals in Section III.

V. REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES FOR PURPOSES OF INVESTIGATION AND EXPERT TESTIMONY

1. In misdemeanor and felony criminal cases appointed counsel will be reimbursed for reasonable expenses that are incurred with or without prior court approval. Reasonable expenses may include expenses incurred for investigation and expert testimony and will be in addition to the total compensation referred to in Section I of this Order. Said reimbursement to

attorneys shall not exceed FIFTEEN HUNDRED DOLLARS (\$1,500.00) in total investigator fees and FIFTEEN HUNDRED DOLLARS (\$1,500.00) in total expert fees, without approval of the court.

2. In capital felony criminal cases, appointed counsel will be reimbursed for reasonable expense that are incurred with or without prior court approval. Reasonable expenses may include expenses reasonably incurred or expected to be incurred for investigative and expert testimony, and will be in addition to the total compensation referred to in Section IV of this Order. Said reimbursement to attorneys shall not exceed TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) in total investigator fees and TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) in total expert fees.

VI. REQUEST FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES


Each attorney shall prepare a detailed statement of the nature of the services performed, the date of such performance, and the actual time spent on each such date and service, and shall submit said statement with a verified affidavit to the trial judge within a reasonable time of the disposition of the case, whether by plea, bench trial, verdict, or upon the mandate being returned in an appeal.

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.

THIS ORDER IS SIGNED AND EFFECTIVE FOR REQUESTS FOR COMPENSATION MADE ON OR AFTER THIS THE 25th DAY OF JUNE 2021, AND SAID ORDER SUPERSEDES ANY AND ALL PRIOR COURT STANDING ORDERS FOR ATTORNEY'S FEES AND OTHER EXPENSE COMPENSATION.



HONORABLE WILLIAM W. MILLER, JR.
Presiding Judge, Fifth Judicial District of Texas



HONORABLE DONALD W. DOWD
Presiding Judge, Cass County Court-at-Law