

STANDING ORDER FOR COMPENSATION OF ATTORNEYS APPOINTED TO REPRESENT CHEROKEE COUNTY INDIGENT DEFENDANTS AND JUVENILES

The following is a schedule of fees concerning compensation of court-appointed counsel for indigent criminal defendants and related expenses made pursuant to Article 26.05, Texas Code of Criminal Procedure, in addition to indigent juveniles; therefore, IT IS ORDRED that compensation of court-appointed counsel and related expenses, shall be as follows on a case-by-case basis as determined in the discretion of the judge:

I. Appointed attorneys for felony and misdemeanor criminal cases shall be compensated according to the following:

a. Hourly Rate

For the representation of criminal defendants with cases not disposed with a plea bargain agreement (whether to a trial to a jury or to the court, and including contested hearings such as motion to revoke, motion to adjudicate, writ of habeas corpus and bond reduction, and examining trials), appointed attorneys shall be paid a reasonable hourly rate at the discretion of the Court (a minimum of \$50.00 per hour and a maximum of \$90.00 per hour) for all documented out-of-court and in-court time spent on the case that is reasonably necessary to represent the criminal defendant.

Court appointed attorneys representing defendants on capital cases in which the State is seeking the death penalty, including the appeal, shall be compensated pursuant to a separate order entered at the time of the appointment.

b. Flat Fee Schedule

i. Felony cases:

- \$500.00 for plea bargain disposition of a single case
- \$100.00 for plea bargain disposition of each additional case of same defendant (maximum of \$1,000.00 for multiple cases, same defendant)
- \$150.00 Writ of Habeas Corpus or bond reduction motion (without hearing)
- \$150.00 Examining Trial (without hearing)

ii. Misdemeanor cases:

- \$350.00 for plea bargain disposition of a single case
- \$50.00 for plea bargain disposition of each additional case of same defendant (maximum of \$500.00 for multiple cases, same defendant)

c. Disposition by Dismissal

Reasonable compensation to court-appointed attorneys for disposition of case(s) by dismissal shall be determined by the court on a case-by-case basis with consideration given for the amount of time and effort expended and reasonably necessary, the number of cases disposed of for a single defendant, and the complexity of the cases, but the total paid shall not exceed the compensation paid for disposition of cases by plea bargain per this schedule.

d. Appeals

Reasonable hourly rate compensation to court-appointed attorneys for representing criminal defendants on appeal shall be determined by the court on a case-by-case basis with consideration given for, among other factors, the following: the amount of time and effort expended and reasonably necessary, the complexity of the case, jury trial or bench trial, the number of points of error, the length of the trial, and whether oral argument is granted by the court of appeals. The hourly rate paid shall be in the range of \$50.00 to \$90.00 per hour, for all documented out-of-court and in-court time spent on the case that is reasonably necessary to represent the criminal defendant on appeal, at the discretion of the Court.

II. Juvenile Appointments

For the representation of juveniles (including appeals), appointed attorneys shall be paid a reasonable hourly rate at the discretion of the Court (minimum of \$50.00 per hour and a maximum of \$75.00 per hour) for all documented out-of-court and in-court time spent on the case that is reasonably necessary to represent the juvenile, except that compensation shall not to exceed \$350.00 for an uncontested adjudication and disposition hearing (pleas of true), and \$150.00 for a detention hearing.

III. Expenses

No expenses shall be reimbursed for travel time over 30 minutes per round trip, or normal overhead expenses such as, telephone, copying, mileage, paralegals, postage, etc. except in exceptional cases in the discretion of the Court. Investigative and consulting fees shall be reimbursed or paid pursuant to Article 26.05(d), Texas Code of Criminal Procedure.

IV. Approval of Requested Payment

Approval of payment for requested compensation and expenses shall be made in accordance with Article 26.05(c), Texas Code of Criminal Procedure. The approving court may vary from any guideline or limit set forth herein upon good cause shown and found by the Court.

Signed on this the 19th day of October, 2017.

FILED
AT 2:52 O'CLOCK P M.

OCT 19 2017

JANET GATES
CLERK, DISTRICT COURT
CHEROKEE COUNTY, TEXAS

BY 13583 DEPUTY

FILED
at 3 o'clock P M.

OCT 19 2017

LAVERNE LUSK
CLERK, COUNTY COURT CHEROKEE CO., TX

By Deputy


R. CHRIS DAY
Judge, 2nd Judicial District Court


JANICE STONE
Judge, Cherokee County Court at Law