

**STANDING ORDER FOR COMPENSATION OF ATTORNEYS APPOINTED TO  
REPRESENT CHEROKEE COUNTY INDIGENT DEFENDANTS, JUVENILES, AND CPS PARTIES**

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 and CPS attorney appointments; therefore, IT IS ORDERED that compensation of court-appointed counsel and related expenses, shall be as follows:

I. Criminal Appointments

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 (a minimum of \$75.00 per hour and a maximum of \$150.00 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:

\$750.00	for plea bargain disposition of a single case
\$125.00	for plea bargain disposition of each additional case of same defendant (maximum of \$1,250.00 for multiple cases, same defendant)
\$250.00	Writ of Habeas Corpus or bond reduction motion (without hearing)
\$250.00	Examining Trial (without hearing)

ii. Misdemeanor 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 \$800.00 for multiple cases, same defendant)
\$150.00	Writ of Habeas Corpus or bond reduction motion (without hearing)

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. Approval of Requested Compensation

Approval of payment for requested compensation shall be made in accordance with Article 26.05 of the Texas Code of Criminal Procedure.

e. Fees and Expenses

Investigative fees, expert fees, consulting fees, and other expenses shall be pre-approved before incurring same, and shall be reimbursed or paid pursuant to Article 26.05(d), Texas Code of Criminal Procedure.

II. Juvenile Appointments

For the representation of juveniles (including appeals), appointed attorneys shall be paid a reasonable hourly rate (minimum of \$75.00 per hour and a maximum of \$150.00 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 \$500.00 for an uncontested adjudication and disposition hearing (pleas of true), and \$250.00 for a detention hearing.

III. CPS Appointments

For the representation of parties to a CPS case (including appeals), appointed attorneys shall be paid a reasonable hourly rate (minimum of \$75.00 per hour and a maximum of \$150.00 per hour) for all documented out-of-court and in-court time spent on the case that is reasonably necessary to represent the party.

IV. Appeals

Reasonable hourly rate compensation to court-appointed attorneys for indigent representation 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 \$75.00 to \$150.00 per hour, for all documented out-of-court and in-court time spent on the case that is reasonably necessary to represent the indigent party on appeal.

V. Fees and Expenses

No reimbursement shall be made for normal overhead expenses such as, telephone, copying, mileage, paralegals, postage, etc. except in exceptional cases in the discretion of the Court. All investigative fees, expert fees, consulting fees, and other expenses must be pre-approved before incurring same.

Signed on this the 31 day of October, 2023.



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R. CHRIS DAY  
Judge, 2<sup>ND</sup> Judicial District Court



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C. MICHAEL DAVIS  
Judge, 369<sup>TH</sup> Judicial District Court



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JANICE STONE  
Judge, Cherokee County Court at Law



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CHRIS DAVIS  
Judge, Cherokee County Court

# TIDC Family Protection Representation Judicial Plan for Cherokee County

## Plan Documents

Affidavit of Indigence, Attorney Fee Schedule

## Appointment Lists

**How many attorneys are on the list?**

4

**How many attorneys accept appointments for appeals?**

1

## Joining the Appointment List

**Procedure for initial placement on attorney appointment list.**

<b>Procedure Name</b>	<b>Details</b>
Send request to court or court staff	None
Submit proof of required CLEs	None
Approval by Judge(s)	None

**Minimum requirements for placement on attorney appointment list.**

<b>Requirement</b>	<b>Value</b>
Be a member in good standing of the State Bar of Texas	Yes
Be a member of a local bar association	
Has not received public discipline by the State Bar of Texas or any other licensing body	Within 3 years
Minimum number of years licensed as an attorney	
Minimum number of years of experience in child welfare law	
Completion of CLE?	6 hour(s)
Compliance with attorney reporting requirements	Yes

## Maintaining the Appointment List

**Procedure to remain on the appointment list**

<b>Procedure</b>	<b>Value</b>
Submit proof of completion of CLE	Yes

When must proof be submitted?	By December 31st
Approval by Judges	No
Attorney remains on list unless attorney withdraws or is removed	Yes
Other Procedure	

### Requirements to remain on the appointment list

Requirement	Value
Remain in good standing with the bar	Yes
Complete CLE	Yes
Number of hours required?	3
When is CLE due?	December 31st
CLE can be carried over from year to year.	Yes
Maintain minimum requirements for initial placement on attorney appointment list	No
Compliance with attorney reporting requirements	Yes
Other Requirement	

### Procedure for removal from the appointment list

Procedure	Value
Voluntary removal from list by attorney	Yes
Involuntary removal of attorney from list	Good cause required, Judge(s) approve removal

### Reasons for involuntary removal from the appointment list

Reason
Failing to fulfill duties required by law or local rules
Failing to provide effective assistance of counsel as determined by a Texas Appellate Court
Failing to appear for court settings
Failing to contact or interview clients in a timely manner
Submitting a claim for legal services not performed
Found by the State Bar as having violated a rule of professional conduct
Being convicted or receiving deferred adjudication for a Class B Misdemeanor or higher
Failing to comply with requirements to stay on appointment list

### Reinstatement to appointment list after removal

In order for an attorney to be considered for reinstatement to the appointment list, certain criteria must be met as set out below. a. An attorney who was removed from the appointment list for non-completion of the required CLE hours may be immediately reinstated upon providing proof that the attorney has completed the required hours, so long as the attorney meets the other qualifications under this plan. b. An attorney who was removed from the appointment list for not submitting the attorney's annual TIDC Attorney Reporting Form or other reporting requirement may be immediately reinstated upon submission of the form, so long as the attorney meets the other qualifications under this plan. c. An attorney who was removed from the appointment list for any other reason and who wishes to be reinstated must apply through the original application process.

**Is there a process for a parent or child to file a complaint against their attorney?**

n/a

## **Caseloads**

**Do you have a maximum pending caseload for attorneys taking CPS court-appointments?**

No

**Do you have a maximum number of CPS case appointments an attorney can receive per year?**

No

**Do you have a maximum number of cases an attorney can handle per year?**

No

## **Attorney Appointment Process**

**Primary method of attorney case appointment**

**Method**

Rotational System

**What are your reasons for off-rotation appointment?**

**Reason**

Language ability of attorney

Prior representation of the client

Specific case needs

**Details**

None

None

None

**What is the majority source for attorney case appointment?**

Assigned Counsel list

**What is the priority source for attorney case appointment?**

Assigned Counsel list

**Additional sources used for attorney case appointments**

**Source**

Assigned Counsel list - rotational assignment

# Standards For Determining Indigence of Parents

## Conditions that would qualify a parent as indigent

Condition	Value
Family qualifies for means-tested public benefits	Yes
Income does not exceed a specific percent of Federal Poverty Guidelines	125%
Resides in a correctional or mental health institution	Yes

## Timing of Appointments

### Temporary Managing Conservatorship Cases

**When does the court make an initial appointment of an attorney for a child that the Department of Family and Protective Services is seeking Temporary Managing Conservatorship of?**

Ex Parte Hearing

**When does the court make an initial appointment of an attorney for a parent whose child the Department of Family and Protective Services is seeking Temporary Managing Conservatorship of?**

Ex Parte Hearing

### Court Ordered Services / Motions to Participate

**When does the court make an initial appointment of an attorney for a child of a parent the Department of Family and Protective Services is seeking be court-ordered to complete services?**

Ex Parte Hearing

**When does the court make an initial appointment of an attorney for a parent who the Department of Family and Protective Services is seeking be court-ordered to complete services?**

Ex Parte Hearing

## Continued Appointments

### Appointments for Children in the Permanent Managing Conservatorship of TDFPS

Court will continue appointment of an attorney for a child in the Permanent Managing Conservatorship of TDFPS.

**Appointments for Parents of Children in the Permanent Managing Conservatorship of TDFPS**

Will not continue an appointment of an attorney for a parent whose rights have not been terminated.

**Procedure to appoint or continue appointment of an attorney for a parent seeking an appeal**

**Procedure**

Appellate counsel is appointed after filing of

**Details**

Notice of appeal

**Procedure to appoint or continue appointment of an attorney for a child who is the subject of an appeal**

**Procedure**

Trial counsel remains on case until all appellate deadlines have passed or appeals are final. Yes

**Details**