

**Rule 11- Fee Schedules Regarding the Rotation System and Public Defender**

- (a) The Rotation System plan shall consist of one (1) attorney serving on a bi-weekly rotating basis, not to exceed two bi-weekly periods in a calendar year, whose charge shall be all cases of all non-detained juveniles through the disposition hearing in Title III proceedings of the Texas Family Code. Each attorney shall be compensated at a fixed rate of three thousand five hundred dollars (\$3,500.00) per each bi-weekly period. Any attorney not compensated on a bi-weekly basis and is not employed by the El Paso County Public Defender's Office shall be compensated at the scheduled rates for attorneys on the Rotation System described in paragraph (c) below.
  
- (b) Appointed counsel of the Rotation System, other than attorneys compensated under the bi-weekly plan in Rule 11 (a), shall be compensated for all work performed on behalf of a juvenile in all Title III proceedings of the Texas Family Code to include but not limited to trial court work, habeas corpus proceedings, appellate work and motions for rehearing. Compensation for performing the following services:
  - (1) time spent in juvenile court making an appearance on behalf of the juvenile as evidenced by a docket entry, time spent in an adjudication hearing (jury/non jury), and time spent in a proceeding in which sworn oral testimony is elicited;
  - (2) reasonable and necessary time spent out of juvenile court on the case, supported by any documentation the juvenile court requires;
  - (3) preparation of an appellate brief and preparation and presentation of oral argument to a court of appeals or the Supreme Court; and
  - (4) preparation of a motion for rehearing.

**(c) Fee Schedule for Juvenile Cases:**

- (1) The maximum hourly rate for courtroom appearances (trial court level) shall be \$65.00 per hour.
- (2) The maximum hourly rate for non-courtroom related work shall be \$50.00 per hour for time reasonably expended out of court.
- (3) The maximum hourly rate for (appellate level) research, preparation, motions, and writing of the brief shall be \$60.00 per hour.
- (4) The maximum hourly rate for oral arguments in the Court of Appeals and/or the Supreme Court shall be \$75.00 per hour.

**(d) Fee Schedule Maximums for Juvenile Law Attorneys**

The fee paid to each attorney appointed to represent a juvenile pursuant to Rule 11(c) of this plan shall not exceed the following amounts:

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| (1) Juvenile charged with one or more felonies (though juvenile may ultimately stipulate/or be found delinquent for one or more misdemeanors) ..... | \$2000.00 |
| (2) Juvenile charged with one or more misdemeanors .....  | \$800.00  |
| (3) Representation of a juvenile on appeal.....   | \$2000.00 |

**(e) Payment Process**

Counsel shall submit a payment request form itemizing services for all court appearances including jury trials. The form shall itemize the services provided and the dates of the services. The form shall set out separately the total time spent out of court and the total time spent in court representing the juvenile.

- (1) Counsel shall submit a payment request for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with prior court approval shall be reimbursed in the same manner provided for capital cases by Articles 26.052 (f) and (g), of the Texas Code of Criminal Procedure and expenses incurred without prior court approval shall be reimbursed in the manner provided for capital cases by Article 26.052 of the Texas Code of Criminal Procedure.
- (2) If the judge disapproves the requested amount, the judge shall make written findings stating reason for approving an amount different from the requested amount.
- (3) An attorney may appeal disapproval of attorney fees to the presiding judge of the administrative judicial region.
- (4) The Commissioners Court shall pay the appointed counsel the amount approved by the presiding judge of the administrative judicial region that is in accordance with the fee schedule not later than 45 days after the date of an application for payment.
- (5) Payment of a fee in excess of the case maximums stated in paragraph “d” may be authorized in the following types of cases:
  - (1) Extended case: A case in which more time is reasonably required for total processing than the average case.
  - (2) Complex case: A case in which the legal or factual issues are unusual, thus requiring expenditure of more time, skill and effort than would be required in the average case.
  - (3) In no event shall the hourly rate for in court and out-of-court rates specified above be exceeded.

**(f) Process of Obtaining Excess Payments:**

1. An attorney may obtain excess payments by certifying to the Juvenile Court that:
  - (a) The case was extended, complex or both; and
  - (b) Excess payment is necessary to provide fair compensation.

2. On order to approve excess payments, the Juvenile Court must make the following findings:

- (a) The case was extended, complex, or both; and
- (b) Excess payment is necessary to provide fair compensation.

The Juvenile Court will consider the following factors:

- i) Responsibilities of the attorney measured by the magnitude and importance of the case.
- ii) Manner in which the attorney performed his/her duties.
- iii) The attorney's knowledge, skill, efficiency and professionalism.
- iv) Judgment required of and used by the attorney.
- v) Nature of the attorney's practice and harm to it due to this case.
- vi) Extraordinary pressure of time or other factors.
- vii) Any other relevant factors.

Approval or disapproval of excess payment request shall be processed as per paragraph "f".