**Fee and Expense Payment Process**

COMPENSATION OF COUNSEL APPOINTED UNDER THIS PLAN.

a. Application for Payment for representation of persons charged with felony and

 misdemeanor offenses. Counsel shall submit requests for payment according

 to the following provisions:

i. All requests for payment shall be made using the auditor’s approved Attorney Fee Voucher form, attached as **Appendix 5,** or such substantially similar voucher as may be approved by the court. Unless the voucher is submitted to the court at the plea hearing, the voucher shall be submitted to the Fannin County Clerk’s office for misdemeanor cases if the misdemeanor case was resolved in the County Court at Law, otherwise submit the fee voucher to the district clerk’s office. For felony criminal cases, fee vouchers are to be submitted to the Fannin County District Clerk’s Office.

 b. Compensation for felony cases:

i. Attorneys are to be paid a reasonable fee for the following: time spent in court making an appearance; reasonable and necessary time spent out of court on the case, supported by documentation that the court requires; preparation of an appellate brief and preparation and presentation of oral argument to an appellate court; and preparation of a motion for rehearing. A fee schedule is to govern these payments, taking into account reasonable and necessary overhead rates. No payment is to be made to the attorney unless the judge approves the payment. If the judge disapproves the requested amount, the judge shall make written findings stating the amount of payment and the reasons for any disapproval. An attorney whose request for payment is disapproved may appeal the disapproval. Tex. Code Crim. Proc. Art. 26.05(a)-(e).

ii. The following are set as the minimum and maximum allowable fees for appointed Lead Counsel:

 1. Hourly payment for felony cases (State Jail-First Degree) shall be made at a rate of $80 to $125 per hour for preparation time, contested hearings, trial and appeals.

 2. Hourly payment for capital murder cases shall be at a rate of $200 per hour for preparation time, contested hearings, trial and appeal. Second chair shall be paid at a rate of $150 per hour.

iii. The 336th District Court Judge each year shall review the fee

 schedule and shall have the authority to modify the fee schedule.