**No. \_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS § IN THE DISTRICT / COUNTY COURT AT LAW §**

**VS. § OF**

 **§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

**Court-Appointed Counsel's Request for Minimum/Base Compensation**

 On this day, counsel certifies that the representation for which counsel was appointed has now concluded. Counsel further represents that compensation for the actual amount of attorney's fees and expenses incurred to represent the defendant will not exceed the base compensation provided for in the 32nd Judicial District Indigent Defense Plan. Attorney's time and expenses incurred related to this case are based on the following:

 Attorney's Time:

 In Court ……….. \_\_\_\_\_ hrs.

 Out of Court …... \_\_\_\_\_ hrs.

 Expenses: $\_\_\_\_\_\_\_\_

 Respectfully submitted,

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Compensation Order**

The Court finds that the request for payment is proper and that the designated amount is reasonable and necessary compensation for the services provided**. IT IS, THEREFORE, ORDERED** that the Court-appointed counsel named below, be and shall be paid from the General Fund of \_\_\_\_\_\_\_ County, Texas as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Attorney's Name) (Amount)

Signed this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Presiding Judge

**MODEL FORM J**

**No. \_\_\_\_\_\_\_\_\_**

**STATE OF TEXAS § IN THE DISTRICT / COUNTY COURT AT LAW §**

**VS. § OF**

 **§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

# ORDER OF COMPENSATION FOR COURT-APPOINTED COUNSEL

 On this day, came to be considered by the request for payment of court-appointed attorney's fees tendered in writing by counsel in the above-entitled and numbered cause. The Court finds that the court-appointed counsel of record has requested as follows:

Attorney's Time:

 In Court ……….. \_\_\_\_\_ hrs. $\_\_\_\_\_\_\_\_

 Out of Court …... \_\_\_\_\_ hrs. $\_\_\_\_\_\_\_\_

 Staff Time: \_\_\_\_\_ hrs. $\_\_\_\_\_\_\_\_

Expenses: $\_\_\_\_\_\_\_\_

 TOTAL $\_\_\_\_\_\_\_\_

(\_\_\_) The Court finds that the amount requested by counsel is reasonable and in compliance with the 32nd Judicial District Indigent Defense Plan and should be paid in full, without exception.

(\_\_\_) The Court, having considered the above request for payment and attached time sheet, finds that the requested amount should be, and it is hereby **DISAPPROVED**. The Court enters the following written findings: (Check only those which the Court finds.)

(\_\_\_) The request for payment is unreasonable and not in conformity with the Standing Order for Compensation of Attorneys to Represent Indigent Defendants, which the Court finds provides reasonable compensation.

(\_\_\_) Court appointed counsel seeks compensation for research and time which are not reasonably related to the specific case on trial and/or work which was not reasonable and necessary to the preparation and disposition of this case.

(\_\_\_) Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IT IS, THEREFORE, ORDERED** that the Court-appointed counsel named below, be and shall be paid from the General Fund of \_\_\_\_\_\_\_\_\_\_\_\_ County, Texas as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ $\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Attorney's Name) (Amount)

Signed this the \_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE PRESIDING

###### MODEL FORM K

###### **RULES FOR THE APPEAL OF A TRIAL COURT’S DISAPPROVAL OF**

###### **REQUESTED COURT APPOINTED ATTORNEY’S FEE**

SEVENTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS

1. **Duties of Attorney Seeking Review of Trial Court’s Order**

An attorney who chooses to appeal the trial court’s disapproval of the requested attorney’s fees shall file a motion with the Presiding Judge of the Seventh Administrative Judicial Region within twenty (20) days of the trial court’s signing of an order disapproving the requested court appointed attorney’s fee.

The appealing attorney shall set forth in his motion the following information:

1. The cause number, style and caption of the case;
2. The type and classification of the offense;
3. The date that the attorney was appointed;
4. The date on which the case was disposed;
5. Whether the case was disposed of by dismissal, a plea, a bench trial, or a jury trial;
6. The date and length of each court appearance within the nearest one-tenth of an hour, if the attorney is requesting to be compensated based upon an hourly fee;
7. The date of each office conference or jail conference and the time spent within the nearest one-tenth of an hour;
8. A copy of any itemization submitted to the trial court for the purpose of payment including a statement of each date a service was rendered, the type of service rendered, the time expended in the rendering of said service, the expenses incurred, and a statement explaining any attached vendor’s invoice or expert’s service invoice;
9. Any factors that required unusual effort on the attorney’s part to overcome in the representation of the defendant including but not limited to: need for an interpreter, uncharged crimes and Penal Code Sec. 12.45 issues, multiple defendants, etc.;
10. The date that the fee order the subject of the motion was signed;
11. A detailed statement by the attorney explaining of how the trial court’s order disapproving the requested court appointed attorney’s fee deviated from the county’s approved fee schedule adopted under the Texas Fair Defense Act.

The appealing attorney shall attach the following documents to the motion:

1. A copy of the trial court’s order disapproving the requested court appointed attorney’s fee, if any; and
2. A copy of the county’s indigent fee schedule adopted pursuant to the Texas Fair Defense Act.
3. **Procedure**

The appealing attorney shall file the original of the motion with the clerk of the court in which the case is pending, and shall file a certified copy of the motion with the Presiding Judge of the Seventh Administrative Judicial Region and with the trial court. The Presiding Judge of the Seventh Administrative Judicial Region shall abate any ruling on the motion for a period of not less than ten (10) days from the filing of the motion pending an opportunity for further review by the trial court.

After receiving the motion, the trial court may enter a revised payment order within the ten (10) day period following the filing of the motion., The trial court shall file a copy off the revised payment order with the Presiding Judge of the Seventh Administrative Judicial Region.

If a revised payment order is entered resolving the dispute to the satisfaction of the appealing attorney, the attorney shall file with the Presiding Judge a notice withdrawing the appeal. The motion will then be deemed moot and no further action will be taken by the Presiding Judge of the Seventh Administrative Judicial Region.

If the trial court’s revised payment order does not fully resolve the issue to the satisfaction of the appealing attorney, the attorney shall, within five (5) days of the signing of the trial court’s revised payment order, file with the Presiding Judge of the Seventh Administrative Judicial Region and the trial court a notice stating that the matter remains subject to contest. The attorney shall attach a copy of the trial court’s revised payment order to said notice. The trial court shall, within five (5) days fo the filing of the notice of contest, file written findings that set forth in detail the reason(s) for disapproving the requested attorney’s fee. The findings should substantially comply with the form attached as Appendix A.

If the trial court does not enter a revised payment order, the trial court shall, within five (5) days of the filing of the motion, file written findings that set forth in detail the reason(s) for disapproving the requested attorney’s fee. The findings should substantially comply with the form attached as Appendix A.

If the Presiding Judge of the Seventh Administrative Judicial Region has not received notice of a resolution of the appeal prior to the expiration of ten (10) days from the filing of the motion, the Presiding Judge shall rule on the motion in accordance with the provisions of §26.05(c), Texas Code of Criminal Procedure. The Presiding Judge shall sign an order that substantially conforms to the form order attached as Appendix B.

**APPENDIX A**

**NO. \_\_\_\_\_\_\_\_\_\_**

**THE STATE OF TEXAS § IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_ COURT**

 **§**

**VS. § OF**

 **§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

Trial Court’s Written Findings Regarding Requested Court Appointed Attorney’s Fee

On this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 200\_\_, the Court, after reviewing the above styled and numbered case, finds that the requested amount of payment by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is not reasonable and therefore is disapproved for the following reason(s):

* The Court finds that the requested fees exceed the Court’s approved fee schedule.
* The Court finds that the attorney has failed to provide to the Court an itemized document setting forth billable attorney’s hours and/or expenses.
* The Court finds that the attorney has submitted an hourly rate that exceeds the rate established by the fee schedule.
* The Court finds that the attorney has submitted an itemized statement that records unauthorized expenses, to-wit:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* The Court finds that the time and labor required, the lack of novelty and difficulty of the questions involved and the skill requisite to properly perform the legal services do not justify the requested fee.,
* The Court finds that the requested payment exceeds the fee customarily charged in the locality for similar legal services.
* The Court finds that the nature and length of the professional relationship with the client does not justify the requested fee.
* The Court finds that the requested payment of fees as submitted by the attorney is not supported for the following reasons:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* Other:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Court finds that an attorney’s fee in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_ should be paid to said attorney as fair and just compensation for the attorney’s fee in the case.

**SIGNED** the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE PRESIDING

**APPENDIX B**

**NO. \_\_\_\_\_\_\_\_\_\_**

**THE STATE OF TEXAS § IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT**

 **§**

**VS. § OF**

 **§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

**Order on Motion to Review Disapproval of**

**Requested Court Appointed Attorney’s Fee**

On this day, came on for consideration the motion to review the disapproval of the requested attorney’s fee filed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, court appointed counsel for the Defendant in the above-entitled and numbered cause. After considering the motion and other documents filed, the following order is rendered.

IT IS ORDERED that motion is GRANTED/DENIED.

**If the motion is granted.**

IT IS FURTHER ORDERED that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall be paid a reasonable attorney’s fee of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**If the motion is denied.**

IT IS FURTHER ORDERED that the order for payment signed by the trial court on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is AFFIRMED.

The District/County Clerk of \_\_\_\_\_\_\_\_\_\_\_\_ County, Texas shall certify this order to the Commissioners’ Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas for its observance and, if applicable, furnish a copy of this order to the County Auditor.1

SIGNED on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 PRESIDING JUDGE

 Seventh Administrative Judicial Region

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1Not later than the 45th day after the date an application for payment of a fee is submitted, the commissioners court shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the fee schedule for that county.

Art. 26.05(c), Texas Code of Criminal Procedure