

EXHIBIT #1

GUIDELINES FOR AWARD OF COURT APPOINTED ATTORNEYS FEES, INVESTIGATION AND EXPERT WITNESS FEES.

CAPITAL MURDER

1. Representation of defendant during trial before a jury on issue of guilt/innocence or punishment is paid at a rate set at the discretion of the trial court, but **not less than \$100.00 per hour**. The court may set different rates for attorneys serving as 1st Chair and 2nd Chair. The court may allow intermittent billing in capital cases.

1st DEGREE FELONY

1. In cases indicted as a 1st degree felony level offense, representation of defendant during trial before court or a jury are paid at the rate of **\$85.00 per hour**. A plea bargain or conviction on a lesser charge which includes reducing the offense level to something below a 1st degree felony offense level are paid at a rate of \$80.00 per hour.
2. In cases where the charge is reduced, the hourly rate is based on level of offense at indictment and not final judgment or dismissal.
3. In cases disposed prior to indictment, the hourly rate is based on the level of offense at the time of appointment.
4. A **minimum fee voucher** representing a total of **3.0 hours** is acceptable.
5. In cases where misdemeanor cases are disposed of with a felony plea, and no additional work was performed in the misdemeanor case, the attorney is paid a **flat fee of \$50.00 per misdemeanor case disposed**.

2nd & 3rd DEGREE

The following are paid at a rate of **\$80.00 per hour**:

- Cases where a plea bargain agreement has been reached, involving pleas of guilty or no contest, pleas to motions to revoke community supervision or to adjudicate guilt; and agreed modifications of community supervision.
- Appearance before the court for a contested hearing on matters (i.e., motion to suppress evidence or statement, writ of habeas corpus/bond reduction, criminal contempt proceeding, extradition proceeding, etc.) where evidence or arguments are formally presented to the court.
- Appearances in court for matters not involving a formal hearing (i.e., required status conferences, disposition conferences, pre-trial conferences, required docket calls, etc.).
- All other time expended in representation of indigent defendants and not specifically addressed herein, is paid at a rate of **\$80.00 per hour**.
- A minimum fee voucher representing a total of 3.0 hours is acceptable.
- In cases where misdemeanor cases are disposed of with a felony plea, and no additional work was performed in the misdemeanor case, the attorney is paid a **flat fee of \$50.00 per misdemeanor case disposed**.

STATE JAIL AND LESSER OFFENSES

The following are paid at a rate of **\$75.00 per hour**

- Cases where a plea bargain agreement has been reached, involving pleas of guilty or no contest, pleas to motions to revoke community supervision or to adjudicate guilt; and agreed modifications of community supervision.
- Appearance before the court for a contested hearing on matters (i.e. motion to suppress evidence or statement, writ of habeas corpus/bond reduction, criminal contempt proceeding, extradition proceeding, etc.) where evidence or arguments are formally presented to the court.
- Appearance in court for matters not involving a formal hearing (i.e., required status conferences, disposition conferences, pre-trial conferences, required docket calls, etc.).
- All other time expended in representation of indigent defendants and not specifically addressed herein, is paid at a rate of **\$75.00 per hour**.
- A **minimum fee voucher** representing a total of **3.0 hours** is acceptable.
- In cases where misdemeanor cases are disposed of with a felony plea, and no additional work was performed in the misdemeanor case, the attorney is paid a **flat fee of \$50.00 per misdemeanor case disposed**.

APPEALS

- Appeals are paid at a rate of **\$75.00 per hour**.
- Fee vouchers may be submitted after filing the appellate brief with the Clerk.

LIMITED TERM ASSIGNMENT – DISTRICT COURT

A 1st degree felony qualified attorney appointed by the court for a Limited Term Assignment as set out in Section XII of the Galveston County Plan adopted pursuant to the Texas Fair Defense Act will be paid at the rate of **\$230.00 per day**, except that the appointed attorney shall be entitled to receive compensation under these guidelines for the continued representation of indigent defendants that extends beyond the Limited Term Assignment period. Fee vouchers for a Limited Term Assignment shall include a list of cases, including case number(s), disposed of during the Limited Term Assignment.

LIMITED TERM ASSIGNMENT – COUNTY COURTS AT LAW

An attorney appointed by the court for a Limited Term Assignment as set out in Section XII of the Galveston County Plan adopted pursuant to the Texas Fair Defense Act will be paid at a rate of **\$200.00 per day**, except that the appointed attorney shall be entitled to receive compensation under these guidelines for the continued representation of indigent defendants that extends beyond the Limited Term Assignment period. In those instances where one attorney appointed for a Limited Term Assignment is asked by the court to assume the cases for another attorney as a result of the second attorney's failure to appear, and provided the attorney handles more than 4 total cases for the day, the first attorney shall be paid the additional fee of \$100 per day. Fee vouchers for a Limited Term Assignment shall include a list of cases, including case number(s), disposed of during the Limited Term Assignment.

FAMILY (FD) CASES

1. Representation of parties in family cases is paid at a rate of \$75.00 per hour.
2. No fee voucher should include the full name of minor child. If necessary, the minor child's first name and last initial is permitted. Fee vouchers identifying a minor child will be returned unpaid.

C.P.S. (CP) CASES

1. Representation of parties in C.P.S. cases are paid at a rate of \$75.00 per hour.
2. The court may, at its discretion, approve reasonable and actual travel expenses, including travel time, for home visits/visits with minor children.
3. Travel time must be itemized to include the following: date of travel, distance traveled, destination (city) and, time spent traveling (not including time billed for work performed at destination) reason for travel (general).
4. Except for travel time and mileage, travel expenses must be itemized and a receipt is required. Approved travel expenses are paid at the same rate established for travel by county employees.
5. Reimbursement for rental vehicles is not permitted.
6. No fee voucher should include the full name of minor child. If necessary, the minor child's first name and last initial is permitted. Fee vouchers identifying a minor child will be returned unpaid.

GUIDELINES AND ITEMS NOT PAID

- The court expects no more than 3.0 hours for appointed counsel to visit with defendant, secure offer from District Attorney's Office, convey offer to defendant and appear in court for the plea or modification. If the court appointed attorney has spent more than 3.0 hours on the representation of the defendant, the attorney shall then prepare an itemized bill for those hours in excess of 3.0 hours and present a voucher to the court at a rate of \$75.00 per hour.
- Except as otherwise provided herein, travel time by the attorney will not be paid.
- Galveston County exercises a general rule that a defendant's misdemeanor case(s) are removed from the active docket if and while the same defendant's felony case(s) is pending. Attorneys will not be paid for unnecessary/unscheduled visits/communication with the misdemeanor court while the defendant's felony case remains pending.
- Payment for investigation and/or expert witnesses will be paid directly to the investigator/expert by the County.
- Appointments are attorney specific and not an appointment to a firm or office. An attorney may not act as a substitute for an attorney appointed by the court unless the attorney is qualified under the Galveston County Plan and prior approval is given by the court. Fees for services performed without prior approval shall not be paid.

- The judge of any court may adjust or disapprove the monetary award requested by a court appointed attorney. If the judge disapproves the requested amount of payment, the judge shall make a written finding stating the amount of payment approved and the reason(s) for approving an amount different than the requested amount. The attorney who request for payment has been disapproved or reduced may, by written motion, file an appeal with the presiding judge of the 2nd Administrative Region pursuant to the provisions of the Texas Fair Defense Act. Vouchers or claims for payment of attorney's fees within these guidelines must be timely submitted to the judge of the proper court according to time frames set out in Section XVI of the Galveston County Plan under the Texas Fair Defense Act. Vouchers for attorney's fees not timely submitted shall be considered waived, the services performed Pro Bono, and the request for payment of attorney's fee shall not be paid.
- Fee vouchers not providing required case information, including defendant name, case number(s), court name, offense, offense level and disposition shall not be paid.
- Itemized bills are paid in 15 minutes increments. Fee vouchers requesting payment for individual events calculated at less than 15 minutes shall not be paid.
- Except as provided herein, intermittent billing is not permitted. Fee vouchers are submitted after disposition.
- The 3.0 minimum voucher applies to the total number of hours submitted on each voucher, not each case. The rules for judicial economy apply.
- No fee voucher should include the full name of a minor child. If necessary, the minor child's first name and last initial is permitted. Fee vouchers identifying a minor child will be returned unpaid.
- Requests for "research" must be defined as "case related legal research" or "review/gather specific case law". The court, at it's discretion, may require additional information detailing the research performed.
- In cases where the offense level is raised and the appointed attorney is removed, to be replaced with an attorney qualified at the higher offense level, the attorney may submit a voucher for work performed and, if no work performed, a flat fee of \$75.00.

JUDICIAL ECONOMY

If an attorney is appointed to represent a single defendant on multiple pending charges, the attorney shall submit a single fee voucher upon disposition of all cases resolved as part of a conditional plea bargain.. If the fee voucher includes both felony and misdemeanor cases disposed as part of a plea bargain (including dismissal, plea to a lesser charge, etc), the fee voucher shall be submitted to the district court for review and, if approved , submitted to the county court at law for review and approval. Two signatures are required for approval of the fee voucher. The fee voucher and the costs for all cases resolved as a part of the plea bargain are attached to the case where the guilty finding is entered and filed with the clerk of the court where final judgment is entered.