

**IN THE DISTRICT AND CONSTITUTIONAL COUNTY COURTS OF  
HOWARD, MARTIN, AND GLASSCOCK COUNTIES  
ORDER SETTING COMPENSATION OF APPOINTED  
COUNSEL IN CRIMINAL PROCEEDINGS**

Pursuant to Article 26.05 of the Texas Code of Criminal Procedure, as amended, the County and District Judges with criminal jurisdiction adopted the following schedule of fees for the compensation of counsel appointed to represent a defendant in a criminal proceeding.

**1. GUILTY PLEA OR TRUE PLEA**

Counsel shall be compensated at a fixed rate of \$800.00 for each felony criminal proceeding resulting in a negotiated plea and \$400.00 for each misdemeanor criminal proceeding resulting in a negotiated plea. In addition to the rates set out above, defense counsel will be compensated an additional \$100 for each disposition pertaining to the same defendant. The fee is inclusive of all court appearances, out of court services performed, and expenses incurred by counsel in the proceeding.

**2. DISMISSALS WITH PREJUDICE**

Counsel shall be compensated at a fixed rate of \$300.00 if a felony criminal proceeding is dismissed whether before or after indictment and \$250 for a class A or B misdemeanor. The fee is inclusive of all court appearances, out of court services performed, and expenses incurred by counsel in the proceeding.

**3. CAPITAL CASES IN WHICH THE STATE SEEKS THE DEATH PENALTY**

(a) The Court shall appoint a lead counsel and a second chair in each case.

(b) In the event the State withdraws its announcement that it will seek the death penalty after the appointment of the second chair, the appointment of the second chair shall terminate on the date the State withdraws its announcement. The second chair may request payment for services rendered at the approved hourly rate.

(c) Lead counsel shall be compensated at an hourly rate of \$150.00 per hour for all services performed, not to exceed a total amount set by the presiding judge. The total fee shall be set by the presiding judge based upon (1) the prevailing standards throughout the state for compensation of appointed counsel in capital cases, and (2) the complexity of the case. Lead counsel may appeal the fee set by the presiding judge by written notice to the local administrative district judge within ten (10) days after the setting of the fee by the presiding judge. An appeal shall be decided by the local administrative district judge.

(d) Second chair shall be compensated at an hourly rate of \$100.00 per hour for all services performed, not to exceed a total amount set by the presiding judge of the Court in which the case has been assigned. The total fee shall be set by the presiding judge based upon (1) the prevailing standards throughout the state for compensation of appointed counsel in capital cases, and (2) the complexity of the case. Second chair may appeal the fee set by the presiding judge by written

notice to the local administrative district judge within ten days after the setting of the fee by the presiding judge. An appeal shall be decided by the local administrative district judge.

#### **4. OTHER CRIMINAL PROCEEDINGS RESULTING IN A TRIAL**

Counsel shall be compensated at the following fixed daily rates:

- (a) Arraignments: \$50.00;
- (b) Pretrial hearings without testimony: \$200.00;
- (c) Pretrial hearings with testimony: \$100.00 to \$300.00;
- (d) Trial: Half-day rate of \$750.00; Full-day rate of \$1,500.00.

#### **5. OUT OF COURT SERVICES**

- (a) Out of court services means reasonable and necessary time for conferences, negotiation, and trial preparation in criminal proceedings resulting in a trial. It does not include routine legal research.
- (b) Legal research on novel or unusual matters may be compensated upon prior written approval of the Court.
- (c) Counsel shall be compensated for out of court services at an hourly rate of \$100.00 to \$150.00 per hour, not to exceed a total of fifteen hours.
- (d) All services shall be billed in increments of tenths of an hour. Telephone conferences shall be billed in increments of not more than one-tenth of an hour (.10) except for good cause shown. Counsel shall not be compensated for time spent for travel.
- (e) An application for payment of out of court services shall itemize each separate service performed, including the date of the service, a brief description of the service and the time required to perform the service. Grouping of several services under one charge shall not be permitted.

#### **6. APPELLATE SERVICES**

- (a) For appeals of death penalty sentences, counsel shall be compensated at an hourly rate of \$150.00 per hour, not to exceed a total amount set by the presiding judge of the court in which the case has been assigned. The total fee shall be set by the presiding judge and shall be based upon (1) the prevailing standards throughout the state for compensation of appointed counsel in appeals of death penalty sentences, and (2) the complexity of the case. Counsel may appeal the fee set by the presiding judge by written notice to the local administrative district judge within ten days after the setting of the fee by the presiding judge. An appeal shall be decided by the local administrative district judge.
- (b) For all other appeals, counsel shall be compensated at an hourly rate of \$100.00 per hour, not to exceed \$5,000.00.
- (c) If appellate counsel was not the trial counsel, additional compensation may be authorized for the reading of the court reporter's transcript at the rate of one hour for each day of trial testimony.

(d) Upon prior written court approval, counsel shall be reimbursed for reasonable and necessary travel expenses to appear before an appellate court, including transportation, lodging, and meals. Reimbursement shall be at the rates authorized by the Commissioners' Courts of Howard, Martin, and Glasscock Counties, in accordance with the respective County's policy pertaining to reimbursement of travel expenses of county employees.

## **7. EXPENSES**

(a) Counsel shall not be reimbursed for expenses which are considered a part of the usual and customary overhead of a law office. Secretarial, paralegal, photocopying, postage, and facsimile transmission charges, supplies, and local telephone charges shall not be reimbursed.

(b) Counsel shall be reimbursed for the actual cost of long-distance telephone charges and collect calls received from prisoners.

(c) Upon prior written court approval, counsel shall be reimbursed for reasonable expenses incurred in obtaining expert testimony.

(d) Upon prior written court approval, counsel shall be reimbursed for reasonable expenses incurred for investigation. Investigative expenses in excess of \$500.00 will not be approved absent extraordinary circumstances.

(e) An application for payment of expenses shall itemize each expense, including the date the expense was incurred, a brief description of the expense, and the amount of the expense. Grouping of several expenses under one itemization shall not be permitted.

## **8. GENERAL**

(a) As stated in Section 1, in matters when a defendant has multiple cases that are disposed of on or about the same time, counsel shall be compensated at the designated rate for the first case plus \$100 for each additional case.

(b) For good cause shown and upon prior approval of the court, counsel may make application for payment for services and expenses in excess of the standards promulgated herein as the interests of justice and the circumstances of the particular case require.

(c) Application for payment shall be made upon a form or forms promulgated by the court.

(d) Application for payment shall be timely filed. An application for fees for trial services and expenses shall be deemed timely filed if it is presented to the court within ten days of the date of sentencing, acquittal, or dismissal of the proceeding. An application for fees for appellate services shall not be presented until the filing of the defendant's brief in the appellate court and shall be deemed timely filed if it is presented within ten days of the date the brief is filed.

(e) An application for fees that does not conform to this order shall not be acted upon by the court.

(f) This order shall become effective July 1, 2022 and shall apply to any criminal proceeding pending before, on, or after the effective date of this order.

SHANE SEATON  
DISTRICT JUDGE  
118<sup>TH</sup> JUDICIAL DISTRICT

BILLY REYNOLDS  
COUNTY JUDGE  
GLASSCOCK, TEXAS

BRIAN COX  
COUNTY JUDGE  
MARTIN COUNTY, TEXAS

RANDY JOHNSON  
COUNTY JUDGE  
HOWARD COUNTY, TEXAS