

**CRIMINAL COURTS
HARDIN COUNTY, TEXAS**

SCHEDULE OF FEES NOVEMBER 1, 2023

A. FELONIES, MOTION TO REVOKE PROBATION & JUVENILES

1. PLEA OF GUILTY:
 - a. \$700 per defendant (regardless of number of cases pending or unindicted); or
 - b. \$100 per hour with 20 hour maximum with supporting documentation
2. TRIALS (JURY OR NON-JURY):
 - a. \$500 per half day, plus
 - b. \$100 per hour trial preparation with 20 hour maximum with supporting documentation;
3. CAPITAL TRIALS:
 - a. \$750 per half day of 1st Chair
 - b. \$500 per half day of 2nd Chair
 - c. \$100 per hour trial preparation with 50 hour maximum with supporting documentation (per case, not per counsel).
4. APPEALS:
 - a. \$2,500 for appeals other than capital
 - b. \$10,000 for capital appeals
 - c. Reimbursement of travel costs at county rate

B. MISDEMEANORS:

1. PLEA OF GUILTY:
 - a. \$350 per defendant; or
 - b. \$75 per hour with 5 hours maximum with supporting documentation
2. TRIALS:

- a. \$250 per half day, plus
- b. \$75 per hour for preparation, or proceeding in which sworn oral testimony is elicited, with 5 hour maximum with supporting documentation

3. APPEALS:

- a. \$600.

C. JUVENILES:

1. \$200 for detention hearings
2. ALL OTHER FEES WILL BE PAID AT SAME RATE AS ADULT FEES

D. INVESTIGATION AND EXPERT TESTIMONY:

1. Counsel appointed shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with and without prior court approval shall be reimbursed, according to the procedures set forth below. When possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts. When reimbursements for such expenses are disapproved or reduced, the court shall enter written findings for disapproval or reduction of payment for expenses incurred.

a. Procedure with Prior Court Approval:

Appointed counsel may file with the trial court a pre-trial ex parte confidential request for advance payment of investigative and expert expenses. The request for expenses must state as applicable:

- (1) The type of investigation to be conducted or the type of expert to be retained;
- (2) Specific facts suggest the investigation will result in admissible evidence or that the services of an expert are reasonable and necessary to assist in the preparation of a potential defense; and
- (3) An itemized list of anticipated expenses for each investigation or each expert.

The court shall grant the request for advance payment of expenses in whole or in part if the request is reasonable. If the court denies in whole or in part the request for expenses, the court shall:

- (1) State the reasons for the denial in writing:

- (2) Attach the denial to the confidential request; and
 - (3) Submit the request and denial as a sealed exhibit to the record.
- b. Procedure without Prior Court Approval:

Appointed counsel may incur investigative or expert expenses without prior approval. The court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. Unreasonable or unnecessary expenses will not be approved. Articles 26/05(d), 26.052(f), 9 & (h), Code of Criminal Procedure

E. DOCUMENTATION:

1. HOURLY BILLING:

- a. Hourly billing must be accompanied by a completed out-of-court work sheet. Time spent performing the services will be reported in quarter hours, using percentages, i.e., .25, .50, .75. In addition, the time reported will be listed under the appropriate out-of-Court service category.

2. BILLING FOR INVESTIGATOR:

- a. Investigation billing must be broken down by specific costs and services rendered and list whether prior approval has been secured.

3. BILLING FOR EXPERTS:

- a. Expert testimony must include itemized billing for services rendered and list whether prior approval has been secured.

F. DEFENDANTS WITH FELONY AND MISDEMEANOR CASES:

1. The attorney appointed to represent a felony defendant may be appointed to that defendant's misdemeanor case also. This will be at the appointing court's discretion.
2. The attorney handling both the felony and misdemeanor cases, will be paid an additional \$75 per case for the misdemeanors (up to 3 misdemeanor cases).

G. RESPONSIBILITY OF COURT APPOINTED ATTORNEY:

1. TERM OF APPOINTMENT:

- a. Court appointed attorneys shall represent the defendant until the charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is relieved of his duties by the court or replaced by other counsel.

2. TIME FOR CONTACT WITH DEFENDANT:

- a. Court appointed attorneys must make initial contact with the defendants in custody within 72 hours of their receipt of notice of the appointment, as set forth in Section 6.03 of the Hardin County Indigent Defense Plan.

IT IS ORDERED that notwithstanding the above, the District Judges of Hardin County, Texas reserve the right to set fees on a case by case basis.

IT IS ORDERED that the Clerk of each Court file a copy of this Schedule of Fees and enter it in the Minutes of the 88th and 356th Judicial District Courts of Hardin County, Texas, and the Minutes of the County Court, and mail a copy to each member of the Hardin County Bar currently on the court appointment list of the respective courts.

APPROVED AND ADOPTED on the 1st day of November, 2023.



WAYNE MCDANIEL
COUNTY JUDGE
HARDIN COUNTY, TEXAS



STEVE THOMAS
DISTRICT JUDGE
356TH DISTRICT COURT
HARDIN COUNTY, TEXAS