



**HARRIS COUNTY DISTRICT COURTS TRYING CRIMINAL CASES
FAIR DEFENSE ACT
ALTERNATIVE PLAN FOR APPOINTMENT OF COUNSEL TO INDIGENT DEFENDANTS**

**AMENDED FEE SCHEDULE
EFFECTIVE 02-27-2023**

Attorney's Fees

Harris County pays attorneys appointed in district courts on an hourly basis.

Trial Level Assignment and Payment Limitations

A limited term assigned attorney can be assigned up to five clients a day. A limited term assigned attorney cannot accept any other trial level appointments for the period of the term. Any cases reset beyond the term of the attorney's assignment will be paid on an individual case assignment basis.

If an attorney appears at court for a court-appointed matter and upon arriving at court that matter is passed by the Court or the defendant has retained counsel present, the attorney shall be allowed to bill for a 30-minute presumption on that case. The attorney may submit a voucher for a presumptive 30 minutes on up to five cases per day.

An attorney appointed to be the limited term attorney in one court who is called to trial in another court should immediately notify the first court that he will not be available the rest of the week.

The limited term assignment hourly rate is calculated based on the number of new case appointments received and each case's offense degree and not the attorney's qualification level. "Cases" in this context means different defendants or a defendant with cases arising from different transactions.

An attorney can accept two individual case assignments per day.

Attorneys in the Specialty Courts or Specialty Dockets are not limited to the five new cases a day limit.

There are no case limits for the submission of vouchers.

Two or more cases tried in a single proceeding are paid as a single case.

Two or more cases tried in one proceeding are paid as one appeal.

The attorney's hourly rate for non-capital offenses is based on the level of the offense charged, without consideration of enhancements. The attorneys appointed in the Specialty Courts or Specialty Dockets will be paid at the attorney's certification level. The attorney's hourly rate for capital murder cases is based on the certification level of First-Chair or Second-Chair from the Eleventh Administrative Judicial Region of Texas Capital Attorney List. If the level of offense changes when a case is indicted and appointed counsel is not qualified for that level of offense, counsel shall contact the Court coordinator so that an attorney from the appropriate list can be substituted. At the discretion of the judge, counsel may remain as lead counsel with payment at counsel's certification level. Suggestion to make this discretionary with the Judge and allow the Court for good cause shown, factual findings of Counsel's ability to handle the matter, and in the interest of justice to allow Counsel to remain.

Appointed attorneys and attorneys seeking public funds for investigative or expert assistance must submit a voucher to the appointing Court in the format specified by the Harris County Administrative Office of the District Courts, including registering to submit vouchers electronically. Appointed attorneys and attorneys seeking public funds for investigative or expert assistance must follow all procedures for payment required by the Harris County Auditor.

All vouchers must be submitted to the appointing Court within 21 days of disposition of the matter or the attorney's withdrawal, unless good cause is shown. Interim vouchers are not allowed, unless good cause is shown.

Hourly

Cases are paid on an hourly basis and have no presumptive maximums. Hours are billed in six-minute increments rounded to the nearest such increment. Attorneys are compensated on the basis of time spent working on the case whether that time is in or out of court.

A bilingual supplement for qualified attorneys on the bilingual list is paid per court appearance.

The attorney is compensated for only one case at a time. For example, if the attorney is in court on two cases, he allocates his time between those two cases for billing purposes; he does not bill for two cases.

The hourly rates are as follows:

Individual Case Appointment (Non-Trial, Out of Court, & Trial Hours)	Rate
Capital, 1st Chair	\$225
Capital, 2nd Chair	\$200
First-Degree	\$175
Second-Degree	\$150
Third-Degree	\$125
Non-Capital: Pretrial Hearing with Testimony and PSI Hearing	\$125- \$175

Specialty Court Hours	\$125-175
Investigator Hours	\$90
Bilingual Supplement (per docketed court appearance)	\$50

*Limited Term Assignment	Per Case Appointment Rate
First-Degree	\$175
Second-Degree	\$150
Third-Degree, SJF, MRP/MAJ	\$125

* The LTA hourly rate is calculated based on the number of new case appointments received and each case's offense degree and not the attorney's qualification level.

Post-Conviction Proceedings		Rate
Non-Capital Appeal	Appeal, Preparation of Motion for New Trial	\$125
	Appeal-Trial >5 days or Transcript >800 Pages	\$125
	New Brief After PDR Granted	\$125
	Petition for Discretionary Review	\$125
Capital Appeal	Appeal-Death Penalty Not Sought, Preparation of Motion for New Trial	\$150
	Appeal-Death Penalty Sought, Preparation of Motion for New Trial	\$150
	New Brief After PDR Granted	\$150
	Petition for Discretionary Review	\$150
Oral Argument	Court of Appeals: Non-Capital	\$125
	Court of Appeals: Capital	\$150
	Court of Criminal Appeals - Non-Capital	\$125
	Court of Criminal Appeals – Capital	\$150
	Court of Criminal Appeals: Capital Appeal, Death Penalty Given	\$150
	Court of Criminal Appeals: Capital Appeal, Death Penalty Sought, Not Given	\$150
	Court of Criminal Appeals: Capital Appeal, Death Penalty Not Sought	\$150
DNA Motion		\$125
11.07 Writ of Habeas Corpus		\$125
11.071 Death Penalty Writs		\$150

Investigators and Experts

Investigators are paid at a uniform rate of \$90/hour.

Investigators and experts must be licensed in accordance with applicable State law.

Experts are paid on a case-by-case basis per Harris County guidelines.

Bills submitted by investigators and experts must document the dates and time spent on the case and must be sworn to or affirmed as accurate. The following oath would suffice: "I swear or affirm that the attached invoice accurately documents the time that I spent on this case."

Investigators and Experts seeking direct payment must follow all procedures for payment required by the Harris County Auditor, including submitting a vendor identification number on invoices.

Travel and Expenses

Paid per Harris County guidelines. Receipts must be provided.