**Fee and Expense Payment Process**

*02/17/2022*

**VII. Fee and Expenses**

The following schedule is adopted pursuant to Art. 26.05, Texas Code of Criminal Procedure, with the intent to provide for reasonable compensation to court appointed counsel for time spent performing the reasonable and necessary services in representing the client, and with the intent to take into consideration the time and labor required, complexity of the case, experience and ability of the appointed counsel, and the reasonable and necessary overhead costs of the attorneys.

Not less than  $50.00 per hour nor more than $100.00 per hour depending on the grade of offense, nature and complexity of the case, and whether the death penalty in a capital case is sought.  In all cases except those in which a presumptively flat fee for a guilty plea is requested.  Counsel may request, upon the entry of a guilty plea, a flat fee as set forth below.  If multiple pleas are entered in both the County Court at Law and the District Court or in either court, counsel may request a flat fee in each court for one case, based on the highest degree offense, or submit a fee request on an hourly basis for work done on all cases.  Fees shall be requested from the Court in which the respective plea was entered, but in no event shall the attorney charge twice for the same hours expended.

If a case results in a dismissal, counsel shall submit a fee based on the number of hours expended.

Based on the foregoing considerations, the judges find the following fees to be presumptively reasonable:

**A. FEE SCHEDULE**

**1.  FELONIES AND STATE JAIL OFFENSES:**

     Guilty plea                                                                        **$550.00**

**2.  MISDEMEANORS AND REVOCATIONS**

     Guilty plea                                                                        **$450.00**

     \*\*ENHANCEMENTS:  Cases enhanced to a higher punishment level shall be treated as the higher level case.

**3.  REVOCATIONS OF PROBATION                           $450.00**

**4.  APPEALS                                                                        $75.00 per hour**

**5. WRITS, OTHER MATTERS, AND HOURLY RATES FOR FEES ABOVE THE PRESUMPTIVELY REASONABLE FEES ABOVE:**

**$50.00 - $100.00 per hour**, depending on the nature of the case

**6. CAPITAL CASES WHERE DEATH PENALTY SOUGHT:**

                  Lead Counsel in a capital case shall be entitled to a minimum of:      **$90.00 per hour**

                  Co-Counsel shall be entitled to:                                                              **$80.00 per hour**

**B. INVESTIGATION EXPENSES AND EXPERT WITNESS FEES:**

The defendant has the right to the proper investigation of his case and for the appointment of expert witnesses when necessary for the defense of his case. Investigation expenses will be compensated at $20 to $40 per hour in the discretion of the court and considering the nature of the offense and the nature of the services provided.  Travel time from the investigator’s office to the courthouse, jail and lawyer’s office is not compensated. Mental health, ballistics, forensics, fingerprint, DNA experts necessary for the defense of the accused shall be compensated based on the usual and normal charges for such experts in the Administrative Judicial District.

As provided by Art. 26.05(d), counsel in a non-capital case shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health experts and other experts.  Expenses incurred shall be as provided in Art. 26.052(f), (g), and (h).

Incurring frivolous, unnecessary or improper investigation expenses could result in the removal of the attorney from the list of qualified attorneys.

**C. REQUESTS FOR PAYMENT OF ATTORNEY FEES AND EXPENSES**

Each attorney shall submit a request for payment:

1. On the date of the disposition of the case by a plea or bench trial; or

2. Within 15 days of the date of the verdict in a jury trial; or

3. within 15 days of the date the mandate being returned in an appeal.

4. Or within 15 days of the defendant’s release on bond, or by way of writ of habeas corpus or other order of the Court.

Bills for indigent attorney fees or expenses not timely filed as above will be considered waived, the services being performed pro bono, and said request shall not later be paid.

Requests for amounts greater than the presumptively reasonable amounts set forth above or for services rendered in a trial to the court or jury shall be verified and include a detailed statement of the nature of the services performed, the date of such performance, and the actual time spent on each such date and performing each such service.

Fee and expense payment process.

* Payments shall be in accordance with a schedule of fees adopted by the judges [Art. 26.05(b), CCP]
* No payment shall be made until judge approves payment after submission of attorney fee voucher [Art. 26.05(c), CCP]
* If judge disapproves the requested amount of payment, the judge shall make written findings stating the amount that the judge approves and each reason for approving an amount different from the requested amount. [Art. 26.05(c), CCP]
  + An attorney whose request for payment is disapproved or not acted on within 60 days of submission may appeal the disapproval or failure to act by filing a motion with the presiding judge of the administrative judicial region.
* Expenses incurred without prior approval shall be reimbursed if expenses are reasonably necessary and reasonably incurred. [Arts. 26.05(d) " 26.052(h), CCP]

Adult Plan Requirements with Statutory References

**D. PROCEDURES TO REDUCE EXPENSE OF DEFENSE AND LITIGATION:**

The judges hereby adopt a Standard Discovery Order available at www.co.harrison.tx.us.

Ultimately, fees incurred are also dependent on the prosecution's prompt and efficient preparation and trial of the cases. Attorney fees and investigation expenses can be mitigated greatly by the prompt decision as to charges brought and penalties sought, and by the prompt trial of cases.

Cases will not be delayed because charges in other courts or federal jurisdictions are pending. The State shall secure the presence of institutionalized defendants for prompt trial of their cases to whatever extent possible by law.

The Courts shall continue to give priority settings to criminal cases