

FILED FOR RECORD  
BY DISTRICT CLERK  
JAN 15 AM 11:35

**SECOND AMENDED MONTAGUE COUNTY  
STANDING ORDER FOR COMPENSATION OF ATTORNEYS  
APPOINTED TO REPRESENT INDIGENT DEFENDANTS**

On the 15<sup>th</sup> day of January, 2010, the below named County and District judges with criminal jurisdiction, after a duly called and conducted meeting and discussion, did unanimously adopt this schedule of fees concerning compensation of court-appointed counsel for indigent defendants and related expenses made pursuant to Article 26.05, Texas Rules of Criminal Procedure; therefore, it is ORDERED that compensation of court-appointed counsel and related expenses, made pursuant to a motion in the format prescribed by the appointing court, shall be as follows on a case-by-case basis as determined by the judge:

**1. MISDEMEANOR & NON-CAPITAL FELONY CASES - HOURLY RATE**

1.1 Compensation for time spent by counsel out of court or waiting in Court shall be not less than FIFTY DOLLARS AND NO CENTS (\$50.00) per hour nor more than SEVENTY DOLLARS AND NO CENTS (\$70.00) per hour.

1.2 Compensation for time spent in court in a hearing shall not be less than SEVENTY DOLLARS AND NO CENTS (\$70.00) per hour nor more than ONE HUNDRED DOLLARS AND NO CENTS (\$100.00) per hour.

1.3 Total compensation for all pre-trial, trial, post-trial, and appellate court appointed counsel services shall not exceed the following, unless the Court finds exceptional circumstances or that good cause for exceeding said total amount exists:

**1.3.1 Non-Jury Trial/Hearings:**

Guilty Plea - Misdemeanor	\$	250.00
Guilty Plea - Multiple Case	\$	250.00
Guilty Plea - Felony	\$	450.00
Dismissal of Filed Case	\$	250.00

**1.3.2 Non-Jury Trial - Not Guilty Plea:**

Misdemeanor	\$	500.00
State Jail Felony, 3 <sup>rd</sup> Degree Felony	\$	2,000.00
2 <sup>nd</sup> Degree, 1 <sup>st</sup> Degree Felony	\$	3,500.00

**1.3.3 Jury Trial**

Misdemeanor	\$	750.00
State Jail Felony, 3 <sup>rd</sup> Degree Felony	\$	1,500.00
2 <sup>nd</sup> Degree, 1 <sup>st</sup> Degree Felony	\$	2,000.00

<b>1.3.4 Appeal of Non Jury Trial</b>		
Misdemeanor	\$	1,000.00
State Jail Felony, 3 <sup>rd</sup> Degree Felony	\$	1,500.00
2 <sup>nd</sup> Degree, 1 <sup>st</sup> Degree Felony	\$	2,500.00

<b>1.3.5 Appeal of Jury Trial</b>		
Misdemeanor	\$	1,000.00
State Jail Felony, 3 <sup>rd</sup> Degree Felony	\$	2,500.00
2 <sup>nd</sup> Degree and 1 <sup>st</sup> Degree Felony	\$	4,000.00

**2. MISDEMEANOR & NON-CAPITAL FELONY CASES - FIXED RATE**

<b>2.1 Pretrial Matters or Hearings:</b>		
Misdemeanor	\$	150.00
Dismissal of Filed Misdemeanor	\$	250.00
Felony	\$	150.00
Dismissal of Filed Felony	\$	300.00

<b>2.2 Trials - Jury or Non-Jury:</b>		
Misdemeanor - per ½ day	\$	200.00
State Jail Felony, 3 <sup>rd</sup> Degree Felony - per ½ day	\$	300.00
2 <sup>nd</sup> Degree, 1 <sup>st</sup> Degree Felony - per ½ day	\$	300.00

**3. CAPITAL CASE COMPENSATION**

3.1 In a capital case in which the state seeks the death penalty, the rates for the lead attorney's services (first chair) shall be one and one-half (1-1/2) the hourly rate provided above for non-capital felony attorney's fees. Total compensation for pre-trial, trial, and post trial services in a capital felony (death sought) jury trial shall not exceed SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

3.2 Any co-counsel (second or third chair) appointed by the Court shall be paid at the same rate

3.3 As for capital felony (death not sought) cases under this order, total compensation for pre-trial, trial, and post trial services in a capital felony (death not sought) jury trial shall not exceed THIRTY THOUSAND DOLLARS (\$30,000.00).

3.4 In capital cases, in which the state seeks the death penalty, the rates for appellate attorney services shall be one and one-half (1-1/2) the hourly rate provided above for non-capital felony attorney's fees and shall not exceed TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00).

#### **4. REIMBURSEMENT FOR REASONABLE EXPENSES FOR PURPOSES OF INVESTIGATION AND EXPERT TESTIMONY**

4.1 In misdemeanor criminal cases appointed counsel will be reimbursed for reasonable expenses that are incurred provided prior court approval has been granted upon motion, application and a hearing held on said motion. Reasonable expenses upon prior court approval after motion and application may include expenses incurred for investigation, and expert testimony, and will be in addition to the total compensation referred to in Section I of this Order. Said fees shall not exceed TWO HUNDRED AND FIFTY DOLLARS (\$250.00) in total investigator fees and THREE HUNDRED DOLLARS (\$300.00) in total expert fees.

4.2 In capital and non-capital felony criminal cases appointed counsel will be reimbursed for reasonable expenses that are incurred provided prior court approval has been granted upon motion and application and a hearing held on said motion. Reasonable expenses upon prior court approval and after motion and application may include expenses incurred or expected to be incurred for investigation and expert testimony, and will be in addition to the total compensation referred to in Section I of this order. Said fees shall not exceed FIVE HUNDRED DOLLARS (\$500.00) in total investigator fees and FIVE HUNDRED DOLLARS (\$500.00) in total expert fees.

4.3 In capital felony criminal cases appointed counsel will be reimbursed for reasonable expenses that are incurred provided prior court approval has been granted upon motion and application and a hearing held on said motion. Reasonable expenses upon prior court approval and after motion and application may include expenses incurred or expected to be incurred for investigation and expert testimony, and will be in addition to the total compensation referred to in Section 11 of this order. Said fees shall not exceed TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00) in total investigator fees and TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00) in total expert fees unless the Court finds exceptional circumstances or that good cause exists for exceeding said total amount..

#### **5. REQUEST FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES**


5.1 Each attorney shall prepare 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 service, and shall submit to said statement with a verified affidavit to the trial judge:


- 5.1.1 within 15 days of the date of disposition of a case by a plea or bench trial; or
- 5.1.2 within 15 days of the date of verdict in a jury trial; or
- 5.1.3 within 15 days of the date the mandate being returned in an appeal.

5.2 Bills for indigent attorneys fees not timely filed will be considered waived, the services performed PRO BONO, and said request for attorney's fees shall not be paid.

5.3 If the trial judge disapproves the requested amount the judge shall make written findings stating the amount of payment approved and the reasons for approving an amount different from the requested amount. The attorney whose request for payment has been disapproved may, by written motion, file an appeal with the presiding judge of the administrative region.

This order is signed on this the 15 day of January, 2010, and said order supersedes any and all prior court standing orders for attorney's fees and other expense compensation.

  
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Ted Winn  
County Judge, Montague County

  
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Roger Towery  
Judge, 97<sup>th</sup> District Court, Montague County