

## Fee and Expense Payment Process

11/1/2021

The Criminal Courts Board adopts 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 set out below on a case-by-case basis as determined by the judge. Due to the wide variety of circumstances that may be encountered in cases, total compensation for all pre-trial, trial, post-trial, and appellate court appointed counsel services shall be determined by the judge upon the circumstances and complexity of each case. The fees set out below may be adjusted as reasonably determined by the judge.

### MISDEMEANOR CASES

Non Trial

Disposition: \$300.00 for plea/revocation/dismissal of a case

Trial: \$350.00 per day (in trial)

Up to an additional \$300.00 for trial preparation at the rate of \$50.00 per hour when approved by the trial judge, for either non-trial disposition or disposition by trial.

If more than one case, \$50.00 payment for each additional case up to a maximum of \$650.00, inclusive of the full fee paid on the first case.

Appeal: \$750.00 for appeal of a case

### FELONY CASES

Non-trial disposition:

Guilty/No Contest Plea - State Jail	\$ 300.00
Guilty/No Contest Plea - Felony 3 <sup>rd</sup>	\$ 350.00
Guilty/No Contest Plea – Felony 2 <sup>nd</sup>	\$ 350.00
Guilty/No Contest Plea – Felony 1 <sup>st</sup>	\$ 400.00
Revocations	\$ 300.00
Amendments/Modification	\$ 300.00
Dismissal of Case	\$ _____**

\*\* (same amount as for a plea to be paid for the corresponding classification of offense )

If more than one case, \$50.00 payment for each additional case up to a maximum of \$650.00, inclusive of the full fee paid on the first case.

Disposition by trial:

\$ 500.00 per day

Up to an additional \$500.00 for trial preparation at the rate of \$50.00 per hour when approved by the trial judge. The claim must be supported by detailed documentation showing the necessity and reasonableness of the claim.

APPEAL \$ 1,250.00

Up to an additional \$500.00 for preparation of the appeal at the rate of \$50.00 per hour when approved by the judge.

JUVENILE CASES Non-trial disposition \$ 300.00

Trial: \$500.00 per day (in trial)

Up to an additional \$500.00 for preparation of the appeal at the rate of \$50.00 per hour when approved by the trial judge, for either non-trial disposition or disposition by trial.

**Expenses Incurred Without Prior Court Approval:**

Expenses incurred without prior approval shall be reimbursed only if incurred expenses are reasonably necessary.

Appointed counsel may incur investigative or expert expenses without prior approval of the court in an amount not to exceed \$250.00 in misdemeanor cases and \$500.00 in felony cases. On presentation of a claim for reimbursement, the court shall order reimbursement to counsel for the expenses, if the incurred expenses are reasonably necessary. Unreasonable or unnecessary expenses will not be approved.

DEATH PENALTY - CAPITAL CASE COMPENSATION (for cases not covered by the Regional Public Defender's Office for Capital Cases)

Trial: Lead counsel: \$100.00 per hour in trial

Second Chair: \$ 75.00 per hour in trial

Lead counsel: Up to an additional \$5,000.00 for trial preparation when approved by the trial judge at the rate of \$100.00 per hour.

Second Chair: Up to an additional \$3,000.00 for trial preparation when approved by the trial judge at the rate of \$75.00 per hour.

Total compensation for lead counsel shall not exceed \$30,000.00. Total compensation for second chair shall not exceed \$20,000.00.

Non-Trial

Disposition: Lead counsel: Up to \$4,000.00 for plea/dismissal of a case  
Second Chair: Up to \$2,000.00 for plea/dismissal of a case

Appeal: \$100.00 per hour for a maximum of \$5,000 for appeal of a case

**REQUEST FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES**

Each attorney shall prepare an approved claim form as soon as practicable after conclusion of the case for payment of services and reimbursement of expenses. If additional funds are requested over and above the stated flat fee for standard services, a detailed statement the trial preparation services rendered must be submitted to the court for consideration. No payment shall be made until the judge approves payment after submission of attorney fee claim.

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.