

**FIRST AMENDED RED RIVER COUNTY PLAN AND STANDING RULES AND  
ORDERS GOVERNING PROCEDURES FOR TIMELY AND FAIR APPOINTMENT  
OF COUNSEL FOR INDIGENT ACCUSED PERSONS IN RED RIVER COUNTY,  
TEXAS**

**Effective Date - May 15, 2015**

The Plan is amended as follows, to wit:

Paragraph IV, FEE STRUCTURES, is repealed as stated in the January 1, 2002 Plan and replaced as follows:

- A. The following are set as the minimum and a maximum allowable fees for appointed Lead Counsel:
- a. Proceedings to Dispose of Criminal Penal Charges, Juvenile Charges, Motions to Revoke Probation, Motions to Adjudicate Guilt and Writs of Habeas Corpus:
- i. \$300.00 for first degree felonies and second degree felonies until trial; \$200.00 for second degree felonies and State Jail felonies until trial.
  - ii. \$100.00 to \$200.00 per case for Class A and Class B misdemeanors until trial.
  - iii. Motions to Revoke and Motions to Adjudicate shall be presumed to be the same degree or class of felonies and misdemeanors that caused defendant to be placed upon probation.
  - iv. \$100.00 to \$300.00 for plea bargained dispositions of Juvenile proceedings to be set at the sole discretion of the trial Judge based upon the complexity and seriousness of the criminal or juvenile charges;
  - v. \$100.00 to \$300.00 for plea bargained dispositions of Writs of Habeas Corpus to be set at the sole discretion of the trial Judge based upon the complexity and seriousness of the criminal or juvenile charges.
  - vi. \$25.00 to \$75.00 per hour for trial time to be determined at the sole discretion of the trial judge based upon the complexity and seriousness of the criminal charges, juvenile charges, or Writ of Habeas Corpus.
  - vii. The rate for the most serious accusation made against the defendant will be paid whether or not the most serious accusation is dismissed before or after either a plea or a trial.
  - viii. Only one fee will be paid for multiple counts in one indictment but each separate felony contained in a separate indictment or felony information disposed of by plea bargaining involving the same defendant will be compensated at the rate of \$75.00 each. The County Judge who executes the dismissal documents shall compensate misdemeanors that are included in a felony court plea or agreed dismissal.
  - ix. The Judge of the trial court shall award trial fees based upon personal knowledge of the time in court and complexity of the trial and post-trial proceedings.

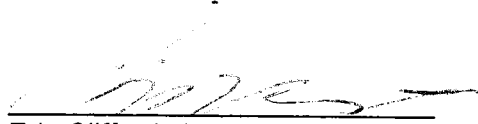
- b. Ad Litem, Parental Termination and Contempt of Court:
  - i. \$100.00 to \$300.00 retainer with trial fees ranging from not less than \$25.00 per hour up to \$75.00 per hour to be determined at the sole discretion of the trial judge based upon the seriousness and complexity of the proceedings.
- c. Death Penalty Cases:
  - i. The lead counsel shall be compensated for all preparation time and all court time at the rate of \$50.00 to \$125.00 per hour and assistant counsel at the rate of \$50.00 to \$100.00 per hour. The rate of compensation will be determined solely at the discretion of the trial judge based upon the complexity of the case and the financial necessities of the defense counsel.
  - ii. Counsel will be paid weekly, bi-weekly or monthly based upon counsel's submission of time records for the period of time for which fees are requested.
- d. Appeals:
  - i. SB 7 requires that the trial counsel handle the appointed case through appeals. However, this county has qualified trial counsel who are not qualified for appeals. Trial counsel must have appealed at least two criminal cases to final conclusion before being qualified as an Appellate Counsel to appeal any case from the county and until that time will be deemed unqualified to do so without assistance. In such cases, an attorney approved as an Appellate Counsel will be appointed as co-counsel for the appeal. Only one fee will be paid for appellate services and no duplication of services will be permitted for fee purposes. The appellate fee can be divided as agreed between counsel. The trial counsel will be expected to learn appellate procedures and work with Appellate Counsel toward the end of becoming qualified for criminal appeals.
  - ii. \$800.00 to \$2,500.00 for appeals to the Court of Appeals; an additional amount not to exceed \$1,500.00 or appeals to the Court of Criminal Appeals or Texas Supreme Court. The amount shall be determined based upon the complexity and seriousness of the criminal or juvenile charges, and in the absence of an agreement between appointed appellate counsel, shall be divided between counsel in the sole discretion of the trial judge.
- e. Other:
  - i. For all other fees for appointed counsel for procedures not mentioned above (as, for example, a writ of mandamus or for reasonable compensation where the attorney is removed in favor of an earlier appointed counsel from representation of a defendant who has multiple cases), the court shall set a fee based upon the complexity and seriousness of the procedure of not less than \$25.00 per hour nor more than \$75.00 per hour in the sole discretion of the trial judge.

a. Multiple Case Appointments:

- i. Attorneys who represent a defendant who has additional cases or motions to revoke or adjudicate shall be appointed in all additional cases against the same defendant. In the event more than one attorney has been appointed in different cases, the court shall appoint the earlier attorney and remove the later attorney from representation of the defendant with reasonable compensation according to time expended as provided above.

Paragraph V, ADMINISTRATION OF THE PLAN, is amended as follows: This Plan shall be administered and maintained by the District Clerk of Red River County, Texas.

ADOPTED BY NO LESS THAN TWO-thirds vote of the misdemeanor judges, the felony judges, members of the juvenile board and other affected judges as a joint plan by the undersigned this, the 18 day of May, 2015.



Eric Clifford, Judge  
6<sup>th</sup> District Court



Bobby Lockhart, Judge  
102<sup>nd</sup> District Court



L.D. Williamson, Judge  
County Court and Chair  
of the Juvenile Board