**Schedule of Fees**

# Compensation of Appointed Counsel

**For lndigent Defendants - Stephens County, Texas**

Pursuant to the provisions of the *Texas Code of Criminal Procedure,* the following schedule of fees is hereby adopted by the County and District Court Judges of Stephens County, Texas, for use in criminal cases where required by law.

## Guilty Plea Agreement ---------------------------------------------------------- Flat Fee Rate

Misdemeanor . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $ 300.00

1. When multiple misdemeanor cases are disposed under one agreement

Each additional case is added at ……………………………………………….100.00

State Jail Felony 350.00

3rd Degree Felony 350.00

2nd Degree Felony 375.00

1st Degree Felony 375.00

## Trial

* 1. Jury Trial:

One-half day for actual trial in court 500.00

Full day for actual trial in court . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 1,000.00

* 1. Non-Jury Trial:

Misdemeanor 500.00

State Jail Felony, 3rd Degree Felony 500.00

2nd Degree and 1st Degree felony 750.00

## Appeal

I. For Jury Trial

Misdemeanor 600.00

State Jail Felony and 3rd Degree Felony 750.00

2nd Degree and 1st Degree Felony . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 1,250.00

2. For Non-Jury Trial

Misdemeanor 600.00

State Jail Felony and 3rd Degree Felo ny 750.00

2nd Degree and 1st Degree Felony 750.00

1. **Hourly Rates**

Minimum hourly rates 60.00

Maximum hourly rate . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . I00.00

1. **Case by Case Basis**

I. Fee rates will be approved on a case by case basis, depending upon the time and labor required, the complexity of the case, and the experience and ability of the appointed counsel.

1. The following services shall be included in calculating the attorney fees:
	1. Time spent in court making an appearance.
	2. Time spent in a proceeding in which sworn oral testimony is elicited.
	3. Reasonable and necessary time spent out of court on the case, supported by documentation as required by the Court.
	4. Time spent in preparation of an appellate brief to a Court of Appeals, the Court of Criminal Appeals, or the Texas Supreme Court.
2. In circumstances where multiple cases are filed against the same defendant and resolved as part of one bargained plea, the full scheduled rate set forth above may not be applied. Such cases shall be handled by the presiding judge of the court on a case by case basis. Also, see I.A. “Guilty Plea Agreement” above.
3. In circumstances where an individual makes application when magistrated and subsequently appointed counsel, however the case is no-filed (no charging instrument) therefore receives no Cause Number, the attorney accepting the appointment shall be compensated a fee of not less than $25.00.
4. **Case Dismissals** - shall be compensated on a case by case basis. However, not less than $100.00.
5. **Reimbursement for Investigative and Expert Expenses**

Counsel appointed in a non-capital case shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with and without prior court approval shall be reimbursed, according to the procedures set forth below. When possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts.

## Procedure with Prior Court Approval

Appointed counsel may file with the trial court a pretrial *ex parte* confidential request for advance payment of investigative and expert expenses. The request for expenses must state, as applicable:

* + 1. the type of investigation to be conducted or the type of expert to be retained;
		2. specific facts that suggest the investigation will result in admissible evidence or that the services of an expert are reasonably necessary to assist in the preparation of a potential defense; and
		3. an itemized list of anticipated expenses for each investigation or each expert.
1. The court shall grant the request for advance payment of expenses in whole or in part if the request is reasonable. If the court denies in whole or in part the request for expenses, the court shall:
	1. state the reasons for the denial in writing;
	2. attach the denial to the confidential request; and
	3. submit the request and denial as a sealed exhibit to the record.

## 2. Procedure without Prior Court Approval

Appointed counsel may incur investigative or expert expenses without prior approval of the court. On presentation of a claim for reimbursement, the court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. Unreasonable or unnecessary expenses will not be approved.

## Itemized Attorney Fee Voucher

An itemized attorney voucher form has been adopted by the County and District Court Judges of Stephens County and submitted to the Task Force. The fee voucher which is attached to the foregoing plan as Exhibit “F” must be **PROPERLY** completed by the attorney, submitted and approved by the presiding judge before a payment is made to the attorney. (itemized attachments may be added as necessary)