

## **TRAVIS COUNTY FEE GUIDELINES**

### **FOR APPOINTED COUNSEL IN MISDEMEANOR CRIMINAL CASES**

#### **EFFECTIVE APRIL 1, 2024 FOR ASSIGNMENTS ON OR AFTER THAT DATE**

The goal of these payment guidelines is to assure quality representation for indigent persons charged with misdemeanor crimes in Travis County. Those cases appropriate for trial should be tried, and those appropriate for plea should be pled.

The Program Administrator reserves the right to deviate from these guidelines in particular cases where the amount or quality or work performed is substantially above or below the norm.

Court appointed attorneys remain attorneys of record until final disposition of their cases unless removed by the program administrator or the court.

#### **PAYMENT GUIDELINES**

Attorneys may submit a request for payment using either a flat-fee schedule or an hourly voucher. Only one payment type may be selected per assignment.

#### **FLAT FEE SCHEDULE**

Attorney Released	\$100.00 per case
Case Resolution (plea, dismissal, or diversion program completion) <sup>1</sup>	\$400.00 per case
Pretrial (including preparation)	\$200 per case
Trial Before the Court – Full Day (including discovery and preparation)	\$500 per day
Trial Before the Court – Half Day (including discovery and preparation)	\$250 per half day
Jury trial – Full Day (including discovery and preparation)	\$700 per day
Jury trial – Half Day (including discovery and preparation)	\$350 per half day
Uncontested Competency	\$100 per case
Appeals	\$1,000 per appeal

<sup>1</sup>\$100 for each additional case

#### **HOURLY RATES**

The Capital Area Private Defender Service (“CAPDS”) shall implement an hourly compensation program for misdemeanor cases consistent with the Travis County Fee Guidelines For Appointed Counsel in Felony Criminal Cases and Texas Indigent Defense Commission Statement of Grant Award For Felony Hourly Compensation.

The hourly rate shall be \$75 per hour for all misdemeanors punishable by incarceration.

For all assignments made before April 1, 2024, prior hourly rate schedules will apply.

For all assignments billed hourly by the attorney, the following applies:

- Attorneys shall be compensated only according to the hourly rate.
- Attorneys must submit all requests for payments as directed by CAPDS in an itemized statement reflecting the date, service performed, and time expended to the 1/10th of an hour.
- Attorneys must seek preapproval from CAPDS if total hourly compensation in any assignment will exceed \$1,000 for non-trial cases and \$2,500 for cases in which a trial occurs.
- CAPDS shall adopt policies and procedures to implement hourly compensation. CAPDS shall determine the reasonableness and necessity of actions undertaken by attorneys.

### **ADDITIONAL COMPENSATION IN CERTAIN CASES**

Court appointed counsel will be eligible for additional compensation in certain assignments as follows:

- Mental Health Assignments
  - For attorneys approved by CAPDS to receive mental health assignments and when assignments are designated as mental health, counsel is eligible for an additional \$100 per assignment or \$20 per hour.
  - Additional compensation eligibility is based on the manner of assignment.
- Non-English-Speaking Defendant Assignments
  - For attorneys approved by CAPDS to receive Spanish-speaking assignments and when assignments are made through the Spanish-speaking panel, counsel is eligible for an additional \$100 per assignment or \$40 per hour. For any assignment where the use of interpretation (spoken or sign language) is required to communicate with the defendant counsel is eligible for an additional \$100 per assignment or \$40 per hour.
  - Attorneys requesting additional compensation for when interpretation is required must notify CAPDS as soon as possible as to the need and receive services through the courts to be eligible.

### **SPECIALITY COURT ASSIGNED ATTORNEYS**

Attorneys assigned by CAPDS or the court to serve as program-specific counsel for a specialty court shall be compensated at an hourly rate of \$75 per hour.

### **INVESTIGATOR COMPENSATION**

Investigators shall be compensated at an hourly rate of \$65 per hour for services provided on or after 10/1/2022, subject to the policies and procedures of the courts and CAPDS.

### **MITIGATION SPECIALIST COMPENSATION**

Mitigation specialist shall be compensated at an hourly rate of \$75 per hour, subject to the policies and procedures of the courts and CAPDS.

### **EXPENSES**

Court appointed counsel will be compensated for all necessary and reasonable expenses approved by the Program Administrator prior to the expense being incurred.

## **REQUESTS FOR PAYMENTS**

Request for payment should be submitted no later than 30 days after disposition utilizing the online vouchering system and under the policies adopted by the Program Administrator. Failure to provide timely requests for payment may result in denial of payment and other disciplinary action.

## **COMPENSATION THROUGH FELONY HOURLY PROGRAM**

For any assignment in which compensation is authorized by felony fee schedule all compensation for misdemeanors will be included in a single combined voucher and are subject the rate determined by the Travis County Fee Guidelines For Appointed Counsel in Felony Criminal Cases and the policies and procedures of the Travis County District Courts and the Program Administrator.

## **COMPENSATION FOR REPRESENTATION AT MAGISTRATION**

The Program Administrator shall implement a pilot of representation by defense counsel at first appearance (magistration) as approved by Travis County. Compensation for assigned counsel will range from \$75 per hour to \$150 per hour based on the day and time of the shift and include additional compensation for shifts occurring on holidays recognized by Travis County. The program manager shall implement a schedule for assigned counsel, a schedule of approved compensation, and review and authorize payment according to the policies and procedures adopted by the Program Administrator.

## **CAVEAT**

In an unusual case, the considerations set forth in Texas Rules of Professional Conduct Rule 1.04(b) may dictate a fee that is less than or more than the one established by these guidelines. Fees will be dependent upon the complexity of the case and the experience and ability of the appointed counsel.

Approved and Ordered this 29<sup>th</sup> day of March 2024.

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*Bianca Garcia*

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Bianca Garcia

Judge, County Court at Law #3

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*Mary Ann Espiritu*

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Mary Ann Espiritu

Judge, County Court at Law #5

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*Elisabeth Earle*

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Judge, County Court at Law #7

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*Kim Williams*

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Judge, County Court at Law #9

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Denise Hernández

Judge, County Court at Law #6

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*Carlos Barrera*

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Judge, County Court at Law #8

## **TRAVIS COUNTY FEE GUIDELINES** **FOR APPOINTED COUNSEL IN FELONY CRIMINAL CASES**

**EFFECTIVE APRIL 1, 2024 FOR ASSIGNMENTS ON OR AFTER THAT DATE**

Pursuant to C.C.P. Art. 26.05, the following guidelines shall be used to claim attorney's fees for appointed counsel in criminal cases.

### **FIXED RATES**

These fees are the standard compensation for the following services:

Jail Release Work	\$125
Attorney Released	\$100
Discovery and Dismissal <sup>1</sup>	\$600
Plea and Sentence <sup>1</sup>	\$600
Non-evidentiary Pre-trial (necessary motions)	\$100
Probation Revocation (non-contested)	\$300
Writ Hearings	\$250
Uncontested Competency	\$100
Restoration Hearing	\$250

<sup>1</sup> \$100 for each additional case

### **DAILY RATES**

Daily rates are premised on a minimum of six hours spent in court. Half-day rates are premised on hearings less than 4 hours. If less time is spent, the fee will be reduced. The Daily Rate fee includes compensation for preparation time.

Evidentiary Pre-trial	\$500
Evidentiary Pre-trial (less than half-day)	\$250
Non-jury Trial	\$850
Non-jury Trial (less than half-day)	\$500
Jury Trial	\$1,100

### **HOURLY RATES**

The Capital Area Private Defender Service shall implement hourly compensation for all new assignments on or after April 1, 2024, as follows:

- Felony A Assignments
  - a. Where the highest charge is a 1<sup>st</sup> degree felony or where punishment includes a range greater than 20 years of incarceration, the hourly rate shall be \$155 (excluding capital cases).
- Felony B Assignments
  - a. Where the highest charge is a 2<sup>nd</sup> degree, a 3<sup>rd</sup> degree felony, or where punishment includes a range greater than 2 years of incarceration, the hourly rate shall be \$125.
- Felony C Assignments
  - a. Where the highest charge is a state jail felony or where felony punishment includes a range less than 2 years of incarceration, the hourly rate shall be \$85.

For all assignments made before April 1, 2024, prior hourly rate schedules will apply.

For all assignments containing a charge eligible for hourly compensation, the following applies:

- Attorneys shall be eligible for the highest hourly rate authorized based on all charges in an appointment.
- Hourly compensation will include all pending charges regardless of class.
- Attorneys shall be compensated only according to the hourly rate.
- Attorneys must submit all request for payments as directed by CAPDS, in an itemized statement reflecting the date, service performed, and time expended to the 1/10th of an hour.
- CAPDS shall adopt policies and procedures to implement hourly compensation. CAPDS shall determine the reasonableness and necessity of actions undertaken by attorneys.

For cases not subject to the specified hourly rates above, attorneys must have approval of the Court *in capital cases seeking death or approval of the Capital Area Private Defender Service as the Program Administrator for all other cases* in writing at the conclusion of the pretrial hearings if a claim is to be based on an hourly rate. If such approval is not obtained in advance, an hourly rate shall not be paid.

In an unusual case, the considerations set forth in Texas Rules of Professional Conduct Rule 1.04(b) may dictate a fee that is less than or more than the one established by these guidelines. In such event, an hourly rate of \$85 to \$155 may be used for all cases with the exception of capital cases, which will be compensated at no more than \$200 per hour. The exact rate will be dependent upon the complexity of the case and the experience and ability of the appointed counsel. Claims for payment should reflect time expended to the nearest 1/10th of an hour. If an hourly rate is approved, an itemized statement reflecting the date, service performed, and time expended must be submitted with the request for payment form.

#### **ADDITIONAL COMPENSATION IN CERTAIN CASES**

Court appointed counsel will be eligible for additional compensation in certain assignments made on or after the date of this order, as follows:

- Mental Health Assignments
  - For attorneys approved by CAPDS to receive mental health assignments and when assignments are designated as mental health, counsel is eligible for an additional \$20 per hour.
  - Additional compensation eligibility is based on the manner of assignment.
- Non-English-Speaking Defendant Assignments
  - For attorneys approved by CAPDS to receive Spanish-speaking assignments and when assignments are made through the Spanish-speaking panel, counsel is eligible for an additional \$40 per hour. For any assignment where the use of interpretation (spoken or sign language) is required to communicate with the defendant, counsel is eligible for an additional \$40 per hour.
  - Attorneys requesting additional compensation for when interpretation is required must notify CAPDS as soon as possible as to the need and receive services through the courts to be eligible.

## **APPELLATE AND WRIT RATES**

For appellate and writ assignments on or after the effective date of this order, the hourly rate shall be \$100 an hour.

## **COMPENSATION FOR REPRESENTATION AT MAGISTRATION**

The Program Administrator shall implement a pilot of representation by defense counsel at first appearance (magistration) as approved by Travis County. Compensation for assigned counsel will range from \$75 per hour to \$150 per hour based on the day and time of the shift and include additional compensation for shifts occurring on holidays recognized by Travis County. The program manager shall implement a schedule for assigned counsel, a schedule of approved compensation, and review and authorize payment according to the policies and procedures adopted by the Program Administrator.

## **SPECIALITY COURT ASSIGNED ATTORNEYS**

Attorneys assigned by CAPDS or the court to serve as program-specific counsel for a specialty court shall be compensated at an hourly rate of \$75 per hour.

## **INVESTIGATOR COMPENSATION**

Investigators shall be compensated at an hourly rate of \$65 per hour for services provided on or after 10/1/2022, subject to the policies and procedures of the courts and CAPDS. In exceptional cases, where the State has announced it will seek the death penalty, a higher rate may be approved based on the experience and ability of the investigator.

## **MITIGATION SPECIALIST COMPENSATION**

Mitigation specialists shall be compensated at an hourly rate of \$75 per hour, subject to the policies and procedures of the courts and CAPDS.

## **EXPENSES**

Court appointed counsel will be compensated for all necessary and reasonable expenses approved by the Program Administrator prior to the expense being incurred, excluding capital cases seeking death, which require written approval of the Court for major expenses.

## **REQUESTS FOR PAYMENTS**

Request for payment should be submitted no later than 30 days after disposition utilizing the online vouchering system and under the policies adopted by the Program Administrator. Failure to provide timely requests for payment may result in denial of payment and other disciplinary action.

## **CAVEAT- Maximum Rate for Exceptional Cases**

In exceptional cases, where the State has announced it will seek the death penalty death, and special prosecutions, the exact rate will be dependent upon the complexity of the case and the experience and ability of the appointed counsel, to be determined by the trial judge at a rate of no more than \$300 per hour.

Approved and Ordered this 29<sup>th</sup> day of March 2024.

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*Clifford A. Brown*

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Judge Clifford Brown  
147<sup>th</sup> District Court

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*Karen Sage*

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Judge Karen Sage  
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