

TRAVIS COUNTY FEE GUIDELINES
FOR APPOINTED COUNSEL IN FELONY CRIMINAL CASES

EFFECTIVE OCTOBER 1, 2022 FOR SERVICES RENDERED 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 ¹	\$600
Plea and Sentence ¹	\$600
Non-evidentiary Pre-trial (necessary motions)	\$100
Probation Revocation (non-contested)	\$300
Writ Hearings	\$250
Uncontested Competency	\$100
Restoration Hearing	\$250

¹ \$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 as authorized by the Texas Indigent Defense Commission Statement of Grant Award as follows:

- Felony A Assignments
 - a. For assignments on or after April 1, 2020, where the highest charge is a 1st degree felony or where punishment includes a range greater than 20 years of incarceration, the hourly rate shall be \$100 (excluding capital cases).

- Felony B Assignments
 - a. For assignments on or after October 1, 2020, where the highest charge is a 2nd degree felony or where punishment includes a range greater than 10 years of incarceration, the hourly rate shall be \$80.
 - b. For assignments on or after October 1, 2021, where the highest charge is a 2nd degree, a 3rd degree felony, or where punishment includes a range greater than 2 years of incarceration, the hourly rate shall be \$85.
 - c. For assignments on or after October 1, 2022, where the highest charge is a 2nd degree, a 3rd degree felony, or where punishment includes a range greater than 2 years of incarceration, the hourly rate shall be \$90.
- Felony C Assignments
 - a. For assignments on or after October 1, 2022, 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 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 \$60 to \$100 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.

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.

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 \$20 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 \$20 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. 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 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, 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 involving death capital offenses 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 12th day of October, 2022.

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Cliff Brown

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Judge Clifford Brown
147th District Court

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Dayna Blazey

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Judge Dayna Blazey
167th District Court

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Karen Sage

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Judge Karen Sage
299th District Court

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Chantal Eldridge

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Judge Chantal Eldridge
331st District Court

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Julie Kocurek

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Judge Julie Kocurek
390th District Court

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Brenda Kennedy

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Judge Brenda Kennedy
403rd District Court

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Tamara Needles

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Judge Tamara Needles
427th District Court

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Brad Urrutia

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Judge Brad Urrutia
450th District Court

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Selena Alvarenga

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Judge Selena Alvarenga
460th District Court

TRAVIS COUNTY FEE GUIDELINES
FOR APPOINTED COUNSEL IN MISDEMEANOR CRIMINAL CASES

EFFECTIVE OCTOBER 1, 2022 FOR REQUESTS FOR PAYMENT SUBMITTED 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) ¹	\$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

¹\$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 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 \$20 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 \$20 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

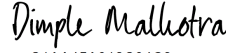
For any assignment in which compensation is authorized by the TIDC Hourly Compensation grant all compensation for misdemeanors will be included in a single combined voucher and are subject the rate determined by the Travis County Fee Guidelines For Appointed Counsel in Felony Criminal Cases and the policies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


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 12th day of October 2022.


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John Lipscombe
Judge, County Court at Law #3


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Dimple Malhotra
Judge, County Court at Law #4

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Nancy Hohengarten
Judge, County Court at Law #5

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Brandy Mueller
Judge, County Court at Law #6

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Elisabeth Earle
Judge, County Court at Law #7

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Carlos Barrera
Judge, County Court at Law #8

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Kim Williams
Judge, County Court at Law #9