

WILLACY COUNTY INDIGENT DEFENSE PLAN
SCHEDULE OF FEES & GUIDELINES
FOR THE COMPENSATION OF COURT-APPOINTED COUNSEL

October 1, 2024

The Willacy County Board of Judges, in accordance with the requirements of Texas Code of Criminal Procedure Article 26.05, formally adopt the following fee schedule for the compensation of appointed counsel in all misdemeanor and felony cases.

The uniform schedule of fees takes into consideration reasonable and necessary overhead costs, the availability of qualified attorneys, time and labor expended, complexity of the case, and the experience and ability of counsel.

Service	New Fee
Initial Jail Visit (Hourly)	\$70
Trial/Court Hearing (Hourly)	\$70
Out-of-Court Time (Hourly)	\$40
Flat Fee for Pleas	
- Misdemeanor	\$150
- SJF, 3rd	\$200
- 2nd	\$250
- 1st	\$350
Flat Fee for MTR's	
- Misdemeanor	\$150
- SJF, 3rd	\$200
- 2nd	\$250
- 1st	\$350
Capital Murder Cases	
A. Death Penalty Cases	
- Hourly Rate 1st Chair	\$200
- Hourly Rate 2nd Chair	\$150
B. Non-Death Penalty Cases	
C. Flat Fee for Pleas	
- 1st Chair	\$3,000
- 2nd Chair	\$2,500
Investigator Fees (with prior approval)	
- SJF, 3rd	Up to \$300
- 2nd	Up to \$500
- 1st	Up to \$750
- Capital	Up to \$1,500

Service	New Fee
Appeals and P.D.R.s	
- Regular Felonies Out of Court	
- SJF, 3rd	\$40/hour
- 2nd	\$40/hour
- 1st	\$40/hour
- In court	\$70/hour
- Cap of	\$3,500

GUIDELINES

1. FEE AND EXPENSE PROCESS:

No expense claim will be paid unless properly submitted within 90 days of the final disposition as outlined on page thirteen of the Willacy County Indigent Defense Plan. A signed order must be attached to an expense claim for any case exceeding the thresholds listed below.

For multiple pending cases with the same defendant, including indictments, MTR, information or waiver pleas, and/or any combination of these, you may choose to submit one itemized voucher for all pending cases or be paid a flat fee for the highest degree case, whatever the disposition of that case.

For one indictment with multiple counts, you may either itemize or choose to be paid one flat fee. A combination of hourly and flat fees will not be accepted.

All Attorney Fee Expense claims submitted for itemized claims must provide specific details of the services rendered to the defendant on Section D of the form. An attorney may not submit a voucher for another attorney's work, or claim appearances that were made by another attorney.

2. PAYMENT OF FEES AND EXPENSES:

These thresholds ensure efficient management of expenses and timely processing of claims. Failure to adhere to these requirements and guidelines may result in denial of reimbursement.

- A. An attorney on all cases, except for Murder cases, may be paid up to \$500.00 for any fees and expenses they incur. An attorney must receive court approval for any fees and expenses they may incur once they have reached this threshold.
- B. An attorney on a Murder case, in the event of extensive Discovery and Motions, may be paid up to \$2,500.00 to include fees and expenses. An attorney must receive court approval for any fees and expenses they may incur, once they have reached this threshold.
- C. An attorney on a Capital Murder case, may incur fees and expenses not to exceed \$10,000.00. A trial court may ask for a proposed budget in order to ascertain the additional expenses in advance of the jury trial.

3. **PROCEDURE FOR PRIOR COURT APPROVAL:**

Upon an attorney reaching the threshold the attorney must immediately obtain prior court approval for any case that will exceed the payment thresholds as outlined on section 2 of these guidelines by filing a motion with the court. An attorney must attach a detailed memorandum explaining to the court why the case should be extended or complex compared to the average case and that excess payment is necessary to provide fair compensation.

“Extended Case” means a case which more time is reasonably required for total processing rather than the average case.

“Complex Case” means a case in which the legal or factual issues are unusual, thus requiring expenditure of more time, skill and effort than would be required in the average case.

The trial court shall make the following written findings:

- A. The case was extended, complex, or both.
- B. Excess payment is necessary to provide fair compensation.

On this issue, the following factors will be considered:

- i. Responsibilities of the attorney measured by the magnitude and importance of the case.
- ii. Manner in which the attorney performed his/her duties.
- iii. The attorney's knowledge, skill, efficiency, and professionalism.
- iv. Judgment required of and used by the attorney.
- v. Nature of the attorney's practice and injury to it because of this case.
- vi. Extraordinary pressure of time or other factors.
- vii. Any other relevant factors.

Payment of a voucher in a case presided over by a visiting judge requires the approval of the trial court judge.

4. **REIMBURSEMENT OF EXPENSES:**

According to Article 26.05(c) of the Code of Criminal Procedure, this fee schedule takes into consideration reasonable and necessary overhead costs, Overhead costs that are included in the fee schedule and may not be claimed on a voucher include but are not limited to: printing/reproduction expenses, postage, facsimile expenses, parking, supplies, equipment, rent, repairs, utilities, insurance, advertising, taxes, or CLE.

The following are the only kinds of expenses which will be reimbursed if a proper request for reimbursement is made:

- A. Travel expenses for the attorney, witnesses, experts, and/or investigators, only if prior court approval has been obtained.
- B. A court reporter's fee for transcripts only if prior court approval has been obtained.

The following items will not be paid: receiving the court appointment, opening or closing a case file on an appointed case, filling out the voucher, delivering dismissal the defendant, faxing documents, receiving settings or faxes, requesting portal access; printing documents

from portal, calendaring hearings, setting up appointments, reminding defendants of upcoming court hearings, and e- filing documents. An attorney's time spent traveling outside Willacy County, Texas, when such travel is necessary for an adequate defense or to adequately prosecute an appeal, shall be compensated if prior court approval has been obtained.

5. **REMOVAL FROM THE WHEEL:**

The judges of the district and county courts trying criminal cases in the county may remove an attorney from consideration for appointment by majority vote if, after a hearing, it is shown that the attorney submitted a claim for legal services not performed by the attorney.