GUIDELINES FOR THE FEE SCHEDULE

1. No claim will be paid unless properly submitted within one year of the final disposition.

2. All dismissals will be paid on an hourly basis only, unless there are multiple cases. See Guideline #16.

3. When it becomes necessary for the Court to appoint an attorney to advise and counsel a witness whose own testimony might subject that witness to potential criminal liability, counsel will be entitled to compensation at the hourly rate which would be payable if counsel had been appointed to represent the defendant in the case on trial.

4. Attorneys handling waiver pleas will be paid as if the case had been indicted.

5. According to Article 26.05(c) of the Code of Criminal Procedure, this fee schedule takes into consideration reasonable and necessary overhead costs.

6. Request for prior approval to exceed the maximum stated out-of-court hours and/or the maximum stated investigator fees must be filed in the appropriate court and set out the need to exceed the maximum and a justification of the cost. Extraordinary circumstances must be presented in order to obtain Court approval.

7. If an attorney chooses to be paid a flat fee for a plea, an additional $70.00 may be paid for the initial jail visit, if in person.

8. An itemization sheet must be attached showing detailed hours worked if the attorney is being paid on an hourly basis.

9. If the County Auditor’s Office detects simple mathematical errors in a pay voucher, it will compute the voucher and pay it out based on the auditor’s office calculations.

10. A copy of your brief must be attached to your voucher for payment on an appeal.

11. A voucher must be submitted for payment on any case.

12. Appointed counsel may incur investigative or expert expenses without prior approval of the court. On presentation of a claim for reimbursement, the court may order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. Unreasonable expenses will not be approved. When possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts.

13. On a capital murder case, if an attorney anticipates exceeding 100 hours of out-of-court time, he/she must notify the court when they have reached 100 hours and provide the court with an up-to-date itemization form for the time already spent. On presentation of a claim for payment, the court shall order payment of counsel for all out-of-court time, if the time spent was reasonably necessary and reasonably incurred. Unreasonable claims will not be approved.

14. When an appointment is made on an appeal, it is expected that the attorney receiving the appointment and signing the voucher actually did the research and wrote the brief. If another person assisted the attorney of record, the voucher must reflect that person’s name, the work performed by that person, and the amount, if any, that person was paid or promised for their services.

15. A voucher combining hourly itemizations and flat fees on multiple cases/multiple counts will not be approved. An attorney must submit a voucher based on flat fees alone, or hourly itemizations alone, and no combination of the two is acceptable.

16. For multiple cases, including indictments, MTRs, information on waiver pleas, and/or any combination of these, you may either choose to submit an itemized voucher or be paid a flat fee for the highest degree case, whatever the disposition of that case.

17. For one indictment with multiple counts, you may either itemize or choose to be paid one flat fee.