

Schedule of Fees

Compensation of Appointed Counsel for Indigent Defendants - Young 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 Young County, Texas, for use in criminal cases where required by law.

I. **Guilty Plea**

Misdemeanor \$ 300.00

A. 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

II. **Trial**

1. Jury Trial:

One-half day for actual trial in court 500.00
Full day for actual trial in court 1,000.00

2. Non-Jury Trial:

Misdemeanor 500.00
State Jail Felony, 3rd Degree Felony 500.00
2nd Degree and 1st Degree felony 750.00

III. **Appeal**

1. 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 Felony 750.00
2nd Degree and 1st Degree Felony 750.00

IV. **Hourly Rates**

Minimum hourly rates	60.00
Maximum hourly rate	100.00

V. **Capital Case Compensation**

1. In a capital case in which the state seeks the death penalty, the rates for the lead attorney's services (first chair) shall be double the hourly rate provided above for non-capital felony attorney's fees. Total compensation for pre-trial, trial and post-trial services in a capital (death sought) jury trial shall not exceed **forty thousand dollars (\$40,000.00)**.
2. Any co-counsel (second or third chair) appointed by the Court in a capital case in which the state seeks the death penalty shall be paid at the same rate as for non-capital felony cases under this order. Total compensation for pre-trial, and post-trial services in a capital (death sought) jury trial shall not exceed **Twenty thousand dollars (\$20,000.00)**.
3. In capital cases, in which the state seeks the death penalty, the rates for appeal attorney services shall be double the hourly rate provided for non-capital felony attorney's fees and shall not exceed **ten thousand dollars (\$10,000.00)**.

VI. **Case by Case Basis**

1. 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.
2. The following services shall be included in calculating the attorney fees:
 - (a) Time spent in court making an appearance.
 - (b) Time spent in a proceeding in which sworn oral testimony is elicited.
 - (c) Reasonable and necessary time spent out of court on the case, supported by documentation as required by the Court.
 - (d) Time spent in preparation of an appellate brief to a Court of Appeals, the Court of Criminal Appeals, or the Texas Supreme Court.
3. In cases 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 paid. Such cases shall be handled by the presiding judge of the court on a case by case basis. Also, see IA "Guilty Plea" above.
4. In circumstances where an individual is appointed counsel, however, the case is not filed (no charges are filed) therefore receives no cause number, the attorney accepting the appointment shall be compensated a fee of not less than \$25.00.

VII. **Case Dismissals** - shall be compensated on a case by case basis, however, not less than \$100.00.

VIII. **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.

1. **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:

- (a) the type of investigation to be conducted or the type of expert to be retained;
- (b) 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
- (c) an itemized list of anticipated expenses for each investigation or each expert.

3. 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:

- (a) state the reasons for the denial in writing;
- (b) attach the denial to the confidential request; and
- (c) 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.

IX. **Itemized Attorney Fee Voucher**

An itemized attorney voucher form has been adopted by the County and District Court Judges of Young County and submitted to the Task Force. The fee voucher which is attached to the foregoing plan as Exhibit F must be completed by the attorney, submitted and approved by the presiding judge before a payment is made to the attorney.