

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:

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| 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.

DocuSigned by:

Cliff Brown

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Judge Clifford Brown
147th District Court

DocuSigned by:

Dayna Blazey

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Judge Dayna Blazey
167th District Court

DocuSigned by:

Karen Sage

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Judge Karen Sage
299th District Court

DocuSigned by:

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

DocuSigned by:

Brenda Kennedy

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Judge Brenda Kennedy
403rd District Court

DocuSigned by:

Tamara Needles

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Judge Tamara Needles
427th District Court

DocuSigned by:

Brad Urrutia

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Judge Brad Urrutia
450th District Court

DocuSigned by:

Selena Alvarenga

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Judge Selena Alvarenga
460th District Court