

TRAVIS COUNTY FEE GUIDELINES
FOR APPOINTED COUNSEL IN MISDEMEANOR CRIMINAL CASES

EFFECTIVE AUGUST 22, 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.

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 22nd day of August, 2022.

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John Lipscombe

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John Lipscombe

Judge, County Court at Law #3

DocuSigned by:

Dimple Malhotra

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Dimple Malhotra

Judge, County Court at Law #4

DocuSigned by:

Nancy Hohengarten

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Nancy Hohengarten

Judge, County Court at Law #5

DocuSigned by:

Brandy Mueller

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Brandy Mueller

Judge, County Court at Law #6

DocuSigned by:

Elisabeth Earle

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Elisabeth Earle

Judge, County Court at Law #7

DocuSigned by:

Carlos Barrera

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Carlos Barrera

Judge, County Court at Law #8

DocuSigned by:

Kim Williams

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Kim Williams

Judge, County Court at Law #9