



**Travis County Criminal Courts  
Fair Defense Act Program Guidelines  
Standards and Procedures**

**Adopted 03-25-15**

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## Travis County Criminal Courts Fair Defense Act Program Guidelines Standards and Procedures

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The criminal district and county court at law judges of Travis County (hereinafter referred to as the “criminal court judges”) are committed to providing timely and quality legal representation to indigent criminal defendants, to guaranteeing fair and neutral procedures for attorney selection, and to ensuring that minimum competency standards for court-appointed attorneys are established, while striving to wisely expend public funds. In administering the Travis County Fair Defense Plan (hereinafter referred to as The Plan), these rules are adopted by the criminal court judges to ensure compliance with the above stated goals and principles.

Pursuant to the Texas Code of Criminal Procedure (hereinafter referred to as TCCP) Articles 26.04 (a), 26.04 (f-1) and 26.047 the criminal court judges by majority vote authorized the presiding criminal court judge to petition the Travis County Commissioners Court to apply for a grant from the Texas Indigent Defense Commission to help implement a Managed Assigned Caseload Program to administer court appointed criminal cases assigned to the Travis County district and county courts. The Austin Bar Association and the Austin Criminal Defense Lawyers Association have created the Capital Area Private Defender Service (CAPDS), a non-profit corporation whose purpose is to manage court appointed cases in accordance with this plan. The CAPDS shall serve as the Program Administrator for The Plan.

The CAPDS shall incorporate the rules of The Plan into its Plan of Operation in order to meet or exceed the standards for indigent defense and to be in compliance with the Fair Defense Act of 2001. The CAPDS shall manage approved appointed attorneys appearing in the Travis County Criminal County Courts at Law and the Criminal District Courts. Each attorney accepted to provide legal representation under this plan shall be provided a copy of these rules and procedures by the MAC.

### **PROMPT MAGISTRATION**

When the right to appointed counsel attaches.

*a. If the defendant is arrested pursuant to a warrant:*

The detaining authority must present the defendant before the magistrate within 48 hours of arrest.

*b. If the defendant is arrested without a warrant:*

If the defendant is in jail after being arrested without a warrant for a misdemeanor and a magistrate has not determined probable cause, the defendant must be released on bond, not to exceed \$5,000, not later than 24 hours after arrest.

If the defendant is in jail after being arrested without a warrant for a felony, and the magistrate has not determined probable cause, the defendant must be released on bond, not to exceed \$10,000, not later than 48 hours after arrest.

If the prosecutor files an application, a magistrate may postpone the release of the defendant for not more than 72 hours after arrest.

Magistration of defendants arrested WITH OR WITHOUT a warrant.

- a. Persons in custody brought before a magistrate shall be informed by the magistrate of the right to request counsel under TCCP Article 15.17 Subsection (e) and (f). A record will be made of these proceedings and shall be preserved as required by TCCP Article 15.17.
- b. If the arrested person does not speak or understand the English language or is deaf, the magistrate shall ensure that the information and assistance are provided with the assistance of an interpreter consistent with TCCP Articles 38.30 and 38.31.
- c. If the defendant asks that an attorney be appointed, the magistrate shall instruct pre-trial services officer to assist the defendant in filling out the Indigence Application and request for appointed counsel.

The pre-trial services officers shall assist the defendant with completing the Indigence Application in compliance with the criminal court judges' instructions. TCCP Article 17.033.

**INDIGENCE DETERMINATION STANDARDS**

A pretrial services officer shall interview a defendant in jail after arrest to determine personal bond status AND collect information regarding a person's ability to pay for an attorney. If the defendant requests appointed counsel, pretrial staff will provide the defendant with reasonable assistance filling out the Indigence Application in accordance with criminal court judges' instructions and protocol. If a defendant does not request and meet the qualifications to receive an appointed attorney, the person will sign and date the Indigence Application at the appropriate top section indicating counsel is not requested.

- a. Financial Standards for Determining Indigence. The following standards shall apply to each defendant equally, regardless of whether the defendant is in custody or has been released on bail.
  1. The following criteria as incorporated in the Travis County Indigence Application apply in determining whether a defendant is indigent:
    - The defendant's annual income
    - Source of income
    - Assets

- Property owned
- Outstanding obligations
- Necessary expenses
- The number and ages of dependents
- Spousal income available to defendant; and
- Any other inquiries by a court
- Whether the defendant has posted bail shall not be considered, except to the extent that it reflects the defendant's financial circumstances.

2. Presumption of Indigence:

- The defendant's current household income does not exceed 125% of the current Federal Poverty Guidelines.
- The defendant is currently receiving food stamps, Medicaid, temporary assistance for needy families, social security assistance or public housing.
- The defendant is currently serving a sentence in a correctional facility, mental health institution or other sentence.

3. A judge may determine that a defendant who does not meet any of the financial standards set forth above is nevertheless indigent if the defendant is otherwise unable to retain private counsel without substantial hardship to the defendant or the defendant's dependents, taking into account the nature of the criminal charge(s), the anticipated complexity of the defense, the estimated cost of obtaining competent legal representation for the matter charged, and the amount needed for the support of the defendant and the defendant's dependents.

The defendant shall swear under oath before a pre-trial officer, clerk or judge that the information provided by the defendant is true.

If a defendant is determined to be indigent, he/she is presumed to remain indigent for the remainder of the proceedings in the case unless a material change in the defendant's financial circumstances occurs.

The defendant's Indigence Application shall be transmitted to the Travis County Criminal Court Administrator's Office, (hereinafter referred to as TCCA) no later than 24 hours after the defendant appears before the magistrate. TCCP Art. 15.17(a).

### **MINIMUM ATTORNEY QUALIFICATIONS**

**The Program Administrator may establish additional criteria to determine which attorneys are qualified to represent persons charged with class A and B misdemeanors, 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> degree and state jail felonies as well as appeals. The qualifications adopted by the Program Administrator shall maintain or exceed the standards that are currently set forth below:**

- a. General Minimal Qualifications for All Court Appointed Attorneys. The following standards apply to each attorney who applies to be on the appointment list and wants to remain on that list:
1. An attorney must have on file with the Program Administrator a completed and sworn application, which is approved by the Review Committee. Attorneys must ensure all information on their application is correct and current by submission of an electronic oath or by an oath before a notary.
  2. An attorney must be a licensed practicing attorney and a member in good standing with the State Bar of Texas.
  3. An attorney must either live in Travis County, or live in an adjoining county and maintain an office within Travis County.
  4. An attorney must attend any CLE course required by the Program Administrator.
    - A. An attorney must complete a minimum of 11 hours of CLE: 10 hours in the area of criminal law and procedure each year plus one hour of ethics relating to the practice of criminal law. All attorneys on the appointment list must file a CLE affidavit with the Program Administrator each year attesting to completion of this required CLE.
    - B. In lieu of the CLE affidavit, an attorney who is currently certified in criminal law by the Texas Board of Legal Specialization may show proof of that certification.
  5. An attorney must have a secretary, receptionist, answering service, or a cell phone with texting capabilities. An attorney must have an active e-mail account to receive court appointments and notices regarding procedural changes. In addition, an attorney must respond promptly to a phone call or text from the court or from the Program Administrator.
  6. An attorney shall notify the Program Administrator promptly, in writing, of any matter that would disqualify the attorney by law, regulation, and rule or under these guidelines from receiving appointments to represent indigent defendants.
  7. After approval by the Review Committee, attorneys must attend a general orientation conference regarding the operation of the appointment process and first setting procedures.
  8. Pursuant to TCCP Article 26.04(j)(4), an attorney shall submit by October 15th of each year a statement that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for adult criminal cases and juvenile delinquency cases for the prior 12 months that

begins on October 1 and ends on September 30. The report must be submitted through the online form to the Texas Indigent Defense Commission.

9. An attorney must meet other standards adopted by the Program Administrator that do not fall below the standards set forth in this Plan.
- b. Minimum Qualifications for Misdemeanor Court Appointed Attorneys.
1. Must meet the General Minimal Qualifications.
  2. Must have a minimum of one-year work experience in practicing criminal law.
  3. The evaluation of experience and competency is done when the applicant applies to be on the appointment list and on a periodic basis thereafter. Factors to be considered are:
    - 1) Competence, diligence, and skill
    - 2) Years actively engaged in the practice of criminal law
    - 3) Certification as a criminal law specialist
    - 4) Attendance at advanced criminal law courses
    - 5) Any other special skills
  4. Must have at least the experience of being lead counsel in 2 misdemeanor jury trials. Experience as 2<sup>nd</sup> chair in a felony case may substitute for 1 misdemeanor trial. The styles and cause numbers of these cases should be listed in the county courts appointment application.
  5. Alternatively, attorneys will be qualified for the misdemeanor panel after successful completion of the Capital Area Private Defender Service mentoring program. Attorneys may be assigned misdemeanor cases while in the mentorship program.
  6. Must have prior appellate experience to be assigned appeals.
  7. Attorneys on the misdemeanor appointment list may qualify for one or more of the following lists based upon experience and competency:
    - 1) Misdemeanor Appointment List
    - 2) Misdemeanor Mental Health Appointment List
    - 3) Misdemeanor Appeal Appointments will be made from the Felony Appellate B Appointment List.
  8. An attorney must meet other experience and competency requirements as deemed appropriate by the Program Administrator that do not fall below the standards set forth in this Plan.

- c. Minimum Qualifications for Mental Health Court Appointed Attorneys. The following standards apply to each attorney who is appointed to represent a defendant on the specialized mental health dockets accused of a criminal offense.
1. An attorney must meet the general qualifications.
  2. An attorney applying for mental health court appointments must have served as a prosecutor in a county or district attorney's office for at least two years or have practiced criminal defense law on a regular basis for a minimum of two years.
  3. The evaluation of experience and competency is done when the applicant applies to be on the appointment list and on a periodic basis thereafter. Factors to be considered are:
    - 1) Competence, diligence, and skill
    - 2) Years actively engaged in the practice of criminal law
    - 3) Certification as a criminal law specialist
    - 4) Attendance at advanced criminal law courses
    - 5) Any other special skills
  4. An Attorney must have been lead counsel in at least 3 mental health cases (whether misdemeanor or felony) with at least one of the following issues presented: competency, sanity or court ordered mental health treatment. The styles and cause numbers of these cases must be listed in the appointment application.
  5. An attorney must have received 3 hours of CLE in mental health criminal issues or receive training within 3 months of placement on the mental health appointment list.
  6. An attorney must be knowledgeable concerning criminal law related to defendants with mental health issues and the Texas Mental Health Code.
  7. An attorney applying for the misdemeanor mental health court appointment list must meet requirements for placement on the misdemeanor list.
  8. An attorney applying for the felony mental health court appointment list must meet requirements for placement on the Category B felony list.
  9. An attorney must meet other experience and competency requirements as deemed appropriate by the Program Administrator that do not fall below the standards set forth in this Plan.



- d. Minimum Qualifications for Felony Court Appointed Attorneys. The following standards apply to each attorney who is appointed to represent a defendant accused of a felony.
1. An attorney must meet the general qualifications.
  2. An attorney must have served as a prosecutor in a county or district attorney's office for at least two years or have practiced criminal defense law on a regular basis for a minimum of two years.
  3. An attorney must have been lead counsel in at least 3 misdemeanor jury trials or first or second chair in at least two felony jury trials. The styles and cause numbers of these cases must be listed in the district courts appointment application form.
  4. Attorneys on the felony appointment list may qualify for one or more of the following lists based upon experience and competency:
    1. Felony A Appointment List
    2. Felony B Appointment List
    3. Felony C Appointment List
    4. Felony Mental Health Appointment List
    5. Felony Appellate A List
    6. Felony Appellate B List is also utilized to appoint misdemeanor appeals.
  5. The evaluation of experience and competency is done when the applicant applies to be on the appointment list and on a periodic basis thereafter. Factors to be considered are:
    - 1) Competence, diligence, and skill
    - 2) Years actively engaged in the practice of criminal law
    - 3) Certification as a criminal law specialist
    - 4) Attendance at advanced criminal law courses
    - 5) Any other special skills
  6. Other experience and competency as deemed appropriate by the Program Administrator that do not fall below the standards set forth in this Plan.

**Felony Lists:**

**Capital Cases:** Attorneys will qualify and receive appointments pursuant to TCCP Article 26.052 and are subject to the Third Judicial Region's Capital Attorney Selection Committee's rules and procedures.

**A List:** Attorneys must have significant experience with all phases of a criminal practice including aggravated and first degree felony jury trials as lead counsel; very knowledgeable concerning criminal law and procedure, and capable trial lawyer.

**B List:** Attorneys must have experience trying misdemeanor and some felony trials to a jury and before the court and second-chairing serious felony cases; experience trying other contested matters such as felony pre-trials and probation revocations; capable and knowledgeable but lacking experience in serious/aggravated felony cases.

**C List:** Knowledgeable concerning criminal law and procedure and possessing trial skills but lacking significant felony trial experience, some jury trial experience in misdemeanors and, at least as second chair, in felonies.

**Appellate:** Knowledgeable concerning criminal law and procedure and appellate procedure; prior experience analyzing appellate records and filing criminal appeals.

**A Appellate List:** Attorneys placed on this list must have prior experience in felony level appellate work. At least two prior felony appellate briefs, along with any other requested data shall be submitted for review. The brief submission requirement contemplates the submission of a fully developed brief. An Anders brief alone will NOT satisfy the brief submission requirement. The complexity of the appellate work done will be a factor in determining eligibility and placement on the A level appellate list. This list will include: non-death capital cases, 1<sup>st</sup> degree felony cases, and those cases involving habitual or 1<sup>st</sup> degree punishment ranges. A lawyer on this list may be appointed to any felony appeal (except a death penalty case).

**B Appellate List:** Attorneys placed on this list must have experience in appellate work at the misdemeanor, class A or B levels. At the time of application, a brief evidencing prior appellate experience shall be submitted for review with any other relevant information. A lawyer on the B list may be appointed to appeal only felony cases of a 2<sup>nd</sup> degree or lower.

**Voting on Qualifications:** The Program Administrator through its Review Committee will determine the appropriate list placement for each attorney.

e. Duties of Newly Appointed Attorneys.

1. An attorney is notified of an appointment by e-mail. The attorney shall, within three working days of receiving notice of appointment, enter into the Indigent Defense Application (the internet based application) an acknowledgment of the appointment and a confirmation that the attorney made a reasonable effort to contact the defendant by the end of the first working day after the date of the appointment. Reasonable effort includes letter, fax, phone, videoconference, or personal visit.
2. In felony cases, court appointed attorneys must visit all appointed clients incarcerated at the Travis County jail in person (or utilize videoconferencing) at the earliest possible time and that initial visit shall not be later than ten days from notification of assignment. This visit shall be noted in the Indigent Defense Application by the attorney within three working days.

3. In misdemeanor cases, court appointed attorneys must visit all appointed clients incarcerated at the Travis County jail in person (or utilize videoconferencing) at the earliest possible time and that initial visit shall not be later than five days from notification of assignment. This visit must be noted in the Indigent Defense Application by the attorney within three working days.

### **Suspension or Removal of Attorney from Appointment List and Readmission to List**

a. General Competence/Review by Program Administrator.

1. Appointed attorneys are reviewed annually by the Program Administrator through its Review Committee. The judges shall submit an annual evaluation of all appointed attorneys to the Review Committee. These evaluations will be used in the Review Committee's assessment of each attorney's performance. The district judges will evaluate the felony list attorneys and the county court at law judges will evaluate the misdemeanor list attorneys. Each judge will evaluate each attorney's performance and indicate whether the attorney: exceeds expectations, meets expectations, or is below expectations.

2. General Criteria

- Efficiency:
- A. Punctuality-Court appearances, motions, briefs, etc.
  - B. Preparation in all areas
  - C. Efficient use of court time
- Knowledge:
- A. Knowledge of individual court's rules and procedures
  - B. Knowledge of Criminal Law
  - C. Knowledge of Criminal Procedures
  - D. Knowledge of probation programs, sentencing options, etc.
- Skill:
- A. Ability to communicate and conduct business with Judges, court staff, and district/county attorney in a civil and effective manner
  - B. Ability to deal effectively with clients
  - C. Ability to present legal arguments to court
  - D. Ability to examine witnesses, present objections and perform jury trial skills.
- Ethics:
- A. Follows rules of professional conduct
  - B. Honesty in dealings with court, other lawyers, staff, and clients

3. TCCA will assist in compiling the judicial evaluations and will forward the reviews to the Program Administrator. At the judges' discretion judicial evaluations may be anonymous. An attorney who receives at least two "below expectations" ratings from the judges will be presented to the Review Committee

for review. A majority of the Review Committee shall vote to take one of the following actions:

- 1) remove the attorney from the appointments list; or
  - 2) communicate observations and concerns through the Review Committee Chairman or the CAPDS Director on behalf of the body of judges to the attorney; or
  - 3) place the attorney on a lower list (felony appointments only); or
  - 4) place the attorney on probation for a specific period.
4. Terms and period of a probation term will be defined and communicated by the Program Administrator to the attorney. Attorneys placed on probation, may re-apply at the expiration of the probationary period, and the Review Committee will re-evaluate the attorney's performance. A majority of the Review Committee shall vote to either:
- 1) remove the attorney from probation; or
  - 2) suspend the attorney from the list for a longer period; or
  - 3) place the attorney on a lower list (felony appointments only)
5. If the Review Committee votes to impose a sanction, the Program Administrator shall communicate the attorney's status and any other information relevant thereto as provided by the Review Committee.
6. In the event an attorney:
- A. is removed from the misdemeanor court appointment list and is also on the felony list; or
  - B. is removed from the felony court appointment list and is also on the misdemeanor list; or
  - C. is incapacitated physically, mentally, or otherwise, in such a way as to call into question his/her ability to provide adequate representation:
    - (1) The attorney's level of proficiency may be reviewed by the Program Administrator through its Review Committee. The Review Committee may vote to reduce the attorney's classification to a lower level or remove the attorney from the list. A majority vote is required to remove or reclassify an attorney. The notice for an attorney to meet with the Program Administrator shall generally inform the attorney of the areas of deficiencies. A mentor may be appointed by the Program Administrator and/or Review Committee from a list of mentors which are approved by the Program Administrator. If an attorney is removed from the list or reclassified to a lower level, the Program Administrator shall communicate the attorney's status and any other information relevant thereto as provided by the Review Committee.

7. If an attorney is held to have rendered ineffective assistance of counsel by a court of record, and all appeals from said holding have been exhausted, the Program Administrator may remove the attorney from the appointment list for a minimum of one year. The attorney may reapply for the appointment lists at the end of the probationary period. If an attorney is removed from the list due to this provision, Program Administrator shall inform the attorney of the specific period of removal upon the rendering of the final judgment in the case.
  8. The Program Administrator shall have the authority to limit the number of attorneys on the appointments list, at all levels, to maintain the integrity of the process, insure adequate representation of all indigent defendants, and to comply with all requisite legal standards designed to insure appropriate and competent representation of all defendants inclusive of all ABA standards.
  9. The Program Administrator shall have the authority to adopt other standards and review procedures as the Program Administrator deems necessary that do not fall below the standards set forth in this Plan.
- b. Specific Incidents of Misconduct Observed by or Reported to a Judge. If a judge experiences a specific problem with an attorney such as failure to attend court in a punctual manner, failure to timely visit clients, or other unethical or improper conduct, the judge may request an investigation by the Program Administrator.
1. If the matter is not resolved to the judge's satisfaction or the judge determines that the nature or circumstances of the conduct is sufficiently serious, the judge may request that Program Administrator immediately suspend the attorney from the appointment list.
  2. The Program Administrator shall suspend the attorney and immediately notify him/her of said suspension. The notice shall further inform the attorney of the grounds for suspension and that the attorney has 7 days from date of notice to file a written response with the Program Administrator.
  3. The Program Administrator shall circulate any response to all Review Committee Members and the suspension shall be voted on by the Review Committee at its next regular meeting. The judges will make a recommendation to the Program Administrator. Three or more votes ratify the suspension, which shall remain in effect until a majority of the Review Committee votes to return the attorney to the list.
  4. All unexcused absences from court and failures to visit clients in a timely fashion should be reported to the Program Administrator so the office can maintain a cumulative record for all district and county courts at law. When the Program Administrator observes a recurring problem with an attorney it should be brought to the Review Committee's attention at the earliest appropriate time. The Review Committee will take appropriate action, to include written warning or suspension

under these rules and report the action taken to the criminal court judges within weeks of said action.

5. The Program Administrator shall have the authority to adopt other standards and review procedures as the Program Administrator deems necessary that do not fall below the standards set forth in this Plan.

c. Attorney Sanctions Pursuant to the Texas Rules of Disciplinary Procedure.

Disciplinary sanctions imposed pursuant to the Texas Rules of Disciplinary Procedure may constitute grounds for suspension or removal from the appointment list.

1. If an attorney receives a disciplinary sanction pursuant to the Texas Rules of Disciplinary Procedure, other than a private reprimand, the attorney shall provide to Program Administrator a copy of the order imposing sanction within 30 days of the said order.
2. An attorney may provide a written supplement of the disciplinary sanction when providing the order imposing sanctions.
3. Program Administrator shall circulate the order imposing sanctions and the written supplement to the review committee and the judges. The vote of a majority the Review Committee is required to suspend or remove the attorney from the appointment list.
4. Failure to provide a copy of the order imposing a disciplinary sanction pursuant to the Texas Rules of Disciplinary Procedure to Program Administrator within 30 days of the entry of said order may constitute independent grounds for removal from the appointment list.

d. Readmission to List.

An attorney suspended from the list may reapply after 1 year. The new application may contain any information the attorney deems relevant to readmission. The request should be submitted in writing to the Project Administrator. A majority vote of the Review Committee is required to reinstate an attorney.

e. Appellate Issues - Late Briefs.

An appellate attorney who receives notice from an appellate court that the deadline for filing a brief has not been met, shall immediately notify Program Administrator. The attorney shall be temporarily suspended from the appellate appointment list until the appellate brief has been filed. Once it has been filed with the appropriate court, a written or electronic copy of the brief and proof of filing must be provided to Program Administrator and to the presiding judge of the court wherein the case originated.

An appellate attorney who receives an order to show cause why he/she should not be held in contempt for failure to timely file a brief, or the appeal is abated to determine whether the defendant still wishes to pursue the appeal after appellate counsel has failed to respond to notice from an appellate court that his brief is overdue, shall be permanently removed from the appellate appointment lists. A lawyer so removed may apply for immediate reinstatement to the appellate appointment list by submitting proof of exceptional circumstances which reasonably prevented the lawyer from responding to the notice of the brief being overdue. A majority vote of the Review Committee is required for such immediate reinstatement. Alternatively, the lawyer may re-apply for the appellate appointment list at the next open application period, and include a statement of steps the lawyer has taken to prevent a future recurrence of failure to timely file a brief.

These rules apply to all appeals by attorneys on the appointment list, without regard to whether the subject case is being handled by appointment or otherwise. A judge who receives notice of the above facts will notify the Program Administrator immediately.

f. Maximum Felony Caseload Limits.

An attorney who has a pending felony caseload of 90 cases or more shall be suspended from all future felony appointments until the attorney reduces his caseload to less than 85 felony cases.

g. Maximum Misdemeanor Caseload Limits.

An attorney who has a pending misdemeanor caseload of 100 cases or more shall be suspended from all future misdemeanor appointments until the attorney reduces his caseload to less than 95 misdemeanor cases.

h. Temporary Inactive Status during Death Penalty Trials.

Attorneys who are court appointed to represent defendants charged with capital murder in which the death penalty is sought will be temporarily inactivated on the felony appointment list starting 30 days before the beginning of voir dire and lasting for the duration of the case.

i. Temporary Inactive Status during Voluntary Leave

If an attorney requests to be taken off the court appointment list voluntarily, he/she must notify the Program Administrator via fax or email. If the leave is less than 90 days, the attorney must submit requests for reinstatement to the Program Administrator via fax or email.

If an attorney has been inactive on the court appointment list for more than 90 days, he/she must submit a Status Change Application along with proof of CLE compliance to the Program Administrator. The Program Administrator will decide if the attorney will be reinstated. The attorney will then be contacted regarding the decision.

j. Attorneys on Appointment List(s) Charged with Criminal Offenses.

- A. An attorney shall be automatically suspended from all court appointment lists if he/she is convicted of or receives a deferred adjudication sentence for any felony or crime of moral turpitude.
  - B. An attorney shall be automatically suspended from the misdemeanor appointment list if he/she is charged with a class A or B misdemeanor offense which is being prosecuted by the Travis County Attorney's Office and from the felony appointment list if he/she is charged with a felony offense which is being prosecuted by the Travis County District Attorney's Office.
  - C. An attorney may be suspended from the appointment list if he/she is under indictment or other formal criminal charge for any offense if a majority of the Review Committee determines that the attorney's ability to fully and effectively represent his/her appointed clients is compromised or otherwise adversely affected by the pending charge.
  - D. Within seven (7) days of any suspension under this section the attorney shall notify his/her court appointed clients of the suspension and that the client may petition the Program Administrator or the trial court for the appointment of another attorney.
- 2. An attorney who is charged with a crime and released on a personal bond to be supervised by the Office of Pretrial Services must agree as a condition of the bond to obtain the services of another attorney to deal with any matters involving his clients and the Office of Pretrial Services.
  - 3. An attorney shall notify the Program Administrator in writing within 7 days after being arrested for and/or charged with a class A or B misdemeanor or any felony offense.
  - 4. An attorney may seek reinstatement to the appointment list when: (a) the charges have been dismissed; (b) the charges have not resulted in an indictment or other formal accusation within sixty days of arrest; or, (c) any sentence or probation is completed.

k. Attorneys on List Accepting Remuneration from Appointed Clients.

An attorney appointed to represent a client is not allowed to solicit or accept remuneration from the client on the appointed case(s) unless the Program Administrator determines that there has been a change in status and approves such payment. If the client is charged with new offenses or is in need of other legal services during the pendency of his appointed case(s), the appointed attorney cannot accept remuneration for representation in those matters without notice to, and approval by Program Administrator.



## PROMPT APPOINTMENT OF COUNSEL

On a daily basis, TCCA staff will obtain the completed Indigence Application from the Office of Pre-trial Services. The TCCA through an electronic software program will appoint counsel from the lists provided by the Program Administrator. Counsel will be appointed no later than the end of the first working day after the date on which TCCA receives the defendant's request for counsel.

If a defendant is released from custody prior to the appointment of counsel, appointment of counsel is not required until the defendant's first court appearance or when adversarial judicial proceedings are initiated, whichever comes first. A standard of reasonableness shall be exercised in any judicial discretion utilized.

A Magistrate or Judge will advise unrepresented defendants of the right to counsel and procedures for obtaining counsel according to CCP Article 1.051(f2).

## ATTORNEY SELECTION

**The Program Administrator will identify which of the appointment lists (discussed above re: attorney qualifications) is most appropriate for each attorney based on the accusations against the defendant and the level of experience of each attorney. The Program Administrator will appoint an attorney pursuant to the procedures adopted by the Program Administrator and such procedures shall maintain or exceed the standards that are currently set forth below:**

**Misdemeanor List:** Attorneys approved for the misdemeanor list may be appointed to Class A and B misdemeanors.

**Misdemeanor List:** Attorneys approved for the misdemeanor mental health list may be appointed to any level of misdemeanor selected for the mental health docket.

**Misdemeanor Appellate List:** Attorneys approved for the misdemeanor appellate list may be appointed to Class A and B misdemeanor appeals.

**A Felony List:** Only attorneys who are placed on the A List shall be assigned to any cases (including but not limited to motions to proceed with an adjudication of guilt and to revoke probation) wherein the maximum sentence does not exceed life, or 99 years in the Texas Department of Criminal Justice. This category includes 1<sup>st</sup> degree, 2<sup>nd</sup> degree, 3<sup>rd</sup> degree and state jail felony offenses as well as habitual offenders and enhanced punishment ranges.

**B Felony List:** Attorneys who are placed on the B list shall be assigned to all cases (including but not limited to motions to proceed with an adjudication of guilt and motions to revoke probation) wherein the maximum sentence does not exceed 20 years. This category includes 2<sup>nd</sup> degree, 3<sup>rd</sup> degree and state jail felony offenses.

**C Felony List:** Attorneys will be assigned to state jail felonies and motions to adjudicate and motions to revoke state jail felonies.

**Assignment of felony appeals shall be based upon the following:**

**A Appellate List** will be assigned appeals from non-death capital cases, 1<sup>st</sup> degree felony cases, and those cases involving habitual or 1<sup>st</sup> degree punishment ranges. A lawyer on this list may be appointed to any felony appeal (except a death penalty case).

**B Appellate List** will be assigned appeal from felony cases of a 2<sup>nd</sup> degree level or lower.

- a. Program Administrator shall solicit applications for new and status change attorneys at any time deemed appropriate by the Program Administrator. Deadlines and admission requirements shall be published in advance of the Review Committee's decision date. The Program Administrator may admit highly qualified attorneys to the list outside the open enrollment period for exceptional circumstances as determined by a majority vote of the Review Committee.
- b. Appointments shall be made using a rotation system following an alphabetical listing of the names of the eligible attorneys (taking into account the type of appointments they may receive).
- c. Appointments for Spanish speaking cases shall be made using a separate rotation system following an alphabetical listing of the names of attorneys eligible to receive Spanish-speaking clients.
- d. Appointments for Mental Health Attorneys and the Misdemeanor Mental Health Public Defender shall be made using a separate rotation system. Eligible attorneys will be appointed following an alphabetical listing of their names. In mental health cases involving misdemeanors, attorneys will be appointed from the misdemeanor mental health attorney rotation including the Mental Health Public Defender. In mental health cases involving state jail, 2nd or 3rd degree felony offenses, attorneys will be appointed from the felony mental health attorney rotation.
- e. A judge may deviate from a rotation system when the judge finds it is in the best interests of all parties concerned. The judge making such appointment shall make a finding setting forth the reason for such appointment in compliance with TCCP, Article 26.04 and will notify Program Administrator of the appointment.
- f. The presiding judge over a criminal case may remove appointed counsel upon entering a written order showing good cause for such removal, including but not limited to the following:
  1. Counsel's failure to appear in a court hearing;
  2. Counsel's failure to comply with the requirements of this Plan.

3. Current information about the defendant and the charges against the defendant indicate that another qualified attorney is more appropriate for the defendant under these rules;
  4. The appointed counsel shows good cause for being removed, such as illness, workload or schedule difficulties;
  5. The defendant requests an attorney other than trial counsel, for appeal; or
  6. The defendant shows good cause for removal of counsel, including counsel's persistent or prolonged failure to communicate with the defendant.
- g. In misdemeanor cases, a joint jail reduction docket will be held daily by the county courts at law. Appointments will be made on a rotating basis, in alphabetical order. Cases in which the attorney does not appear will be reappointed in court from the alphabetical rotation.
  - h. In felony cases, an attorney may receive an appointment for the highest level of offense for which he/she is qualified and for any lower level offense in which he/she has qualified. If a case is enhanced above an attorney's qualified level, the attorney shall notify the court or Program Administrator immediately, to ensure the appropriate level attorney is assigned.
  - i. Program Administrator will maintain all records on attorneys, and provide orientation training.

### **COMPENSATION OF APPOINTED COUNSEL**

In consideration of reasonable compensation for court appointed counsel, taking into account necessary overhead costs and availability of qualified attorneys willing to accept the stated rates, the following guidelines shall be used to claim attorney's fees for appointed counsel in felony and misdemeanor criminal cases pursuant to the TCCP, Article 26.05.

- a. Compensation Rates and Requests for Payment

See Appendix:

**Travis County Fee Guidelines for Appointed Counsel in Misdemeanor Criminal Cases**

**Travis County Fee Guidelines for Appointed Counsel in Felony Criminal Cases**

- b. Appointed counsel will be compensated for all necessary expenses, i.e., long distance telephone charges, copying expenses, auto mileage (IRS rate) outside of Travis County. All major expenses, such as investigators and expert witnesses, will require written approval by the Program Administrator prior to the expense being incurred.
- c. Expenses incurred without prior Program Administrator's approval will not automatically be reimbursed. Such expenses shall be reimbursed if the Program

Administrator determines that they are reasonably necessary and reasonably incurred upon presentation of a claim for reimbursement.

- d. At the conclusion of the case, the appointed counsel shall present the completed voucher to the Program Administrator for approval according to the fee schedules adopted by the district and county court at law judges. No payment shall be made until the form for itemizing the services performed is submitted to the Program Administrator over the proceedings and the Program Administrator approves the payment.
- e. An attorney whose request for payment is disapproved is entitled to a copy of the Program Administrator's findings for approving an amount different from the requested amount. The attorney may appeal the disapproval by filing a motion with the presiding Judge of the Administrative Judicial Region, as provided in TCCP Article 26.05(c).

## **APPENDIX**

Effective: 7/30/14

**TCIDA INDIGENCE GUIDELINES**

Travis County 2014 -UPDATED

125% of Federal Poverty Guidelines

<b>Household Size</b>	<b>Monthly</b>
1	\$1,215
2	\$1,638
3	\$2,061
4	\$2,484
5	\$2,907
6	\$3,330
7	\$3,753
8	\$4,176
For each additional person, add	+\$423

Source: <http://aspe.hhs.gov>

Entered  SI \_\_\_\_\_

Defendant's Name: \_\_\_\_\_ Date: \_\_\_\_\_ Cause # \_\_\_\_\_  
(print)

DOB: \_\_\_\_\_ Address: \_\_\_\_\_ Special Needs: \_\_\_\_\_

Booking No: \_\_\_\_\_

### Indigence Form

To determine eligibility for Court Appointed Attorney, you must complete this form.

I will retain my own attorney: \_\_\_\_\_ Date: \_\_\_\_\_  
*Defendant's Signature*

Do not continue filling out form if Defendant to retain own attorney

Size of Family Unit Members of immediate family that you support financially (List name, age & relationship)		
Name:	Age:	Relationship:

Monthly Income		Necessary Mo. Living Expenses	
Employer:		Rent:	
Position:	How Long:	Mortgage:	
Your Salary:		Utilities (gas, electric, etc.):	
Spouse's Salary:		Transportation:	
SSI/SSDI:		Make:      Model:      Year:	
TANF:		Clothes/Food:	
Social Security Check:		Day Care / Child Care:	
Child Support:		Medical Expenses:	
Other Government Check:		Court-Ordered Monies:	
Other Monthly Income:		Child Support:	
<b>TOTAL INCOME*</b>		<b>TOTAL NECESSARY EXPENSES*</b>	
Savings/401K Balance:			

**STAFF USE ONLY:**

Comments: \_\_\_\_\_

TOTAL MONTHLY INCOME:	
TOTAL MONTHLY EXPENSES:	
DIFFERENCE (net income)	=

<b>DEFENDANT MEETS ELIGIBILITY REQUIREMENTS</b>	
_____ YES	_____ NO
_____ UNDETERMINED	

*I have been advised of my right to representation by counsel in connection with the charge pending against me. I certify that I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for me. I swear that the above information is true and correct. The information I listed is accurate and I will immediately notify the court of any changes in my financial situation.*

*\*All information is subject to verification. Falsification of information is a criminal offense.*

Signature of Defendant \_\_\_\_\_

Date \_\_\_\_\_

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE STATE OF TEXAS

IN THE \_\_\_\_\_ COURT

VS

OF

\_\_\_\_\_

TRAVIS COUNTY, TEXAS

DOB: \_\_\_\_\_

**ORDER APPOINTING ATTORNEY**

In the above numbered and entitled cause the court finds the following:

- 1) The defendant has been determined to be indigent and in need of legal services pursuant to the Code of Criminal Procedure, Chapter 26.
- 2) The attorney hereby appointed is duly qualified to represent the defendant.
- 3) The attorney is appointed in compliance with the procedures adopted by the Criminal Courts of Travis County or is appointed in a manner which deviates from the general appointment procedures, but with good cause; to wit:  
  
\_\_\_\_\_  
\_\_\_\_\_

- 4) Defendant is incarcerated/on bond at the time of this appointment.

**THEREFORE, IT IS ORDERED** that \_\_\_\_\_, an attorney found by the Court to be competent to represent the defendant in this cause, is hereby appointed to represent the defendant in this cause until the case is concluded, including appeals, if any, or until released by order of the Court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Presiding









**IN THE COUNTY COURTS AT LAW  
OF TRAVIS COUNTY TEXAS**

Cause No(s) \_\_\_\_\_ Court \_\_\_\_\_  
 State vs. \_\_\_\_\_  
 Offense \_\_\_\_\_

**Request for Payment for Services Rendered as Court Appointed Counsel**

In the above numbered and entitled cause(s) I, the undersigned attorney, represent to the court the following are true and correct.

- 1) The defendant has been determined to be indigent and in need of legal services pursuant to the Code of Criminal Procedure Chapter 26.
- 2) The undersigned attorney was duly qualified and appointed by the court to represent the defendant in this cause according to local guidelines or in the interest of justice.
- 3) All services claimed below were rendered to the defendant in the disposition of this cause, and were reasonable and necessary.
- 4) **Attorneys must have approval of the Court in writing if a claim is to be based on fees in excess of the established rates.**

**If such approval is not obtained in advance, a higher rate shall not be paid.**

**FINAL CASE DISPOSITION:**  No Charges Filed  Plea  Trial  Dismissal  Appeal OR  Attorney Released

<b>Fixed Rates:</b>		<b>Fixed Rate Continued</b>	
<input type="checkbox"/> Obtaining jail release	\$50	<input type="checkbox"/> Misdemeanor 12.45's	\$50
<input type="checkbox"/> Discovery and dismissal (single case only)	\$225	<input type="checkbox"/> Uncontested Competency	\$100
- \$50 each succeeding case		<input type="checkbox"/> Appeals	\$500
<input type="checkbox"/> Pretrial (including preparation)	\$150		
		<b>Sub Total</b>	<b>\$</b>
<input type="checkbox"/> Plea and Sentence (1 defendant, 1 case)	\$225	<b>Daily Rates:</b>	
<input type="checkbox"/> Plea and Sentence (1 defendant, multiple cases)*	\$225	<input type="checkbox"/> Trial before the Court	\$350
*\$50 each succeeding case	\$ _____	<input type="checkbox"/> Jury trial (including discovery and preparation; actual trial time)	\$500
		<b>Daily Rate Total</b>	<b>\$</b>

**Vouchers shall be submitted at the time the case is disposed of except for trials. In the case of trials, vouchers should be submitted within 30 days of the conclusion of the case. Failure to comply shall result in suspension from the court appointment list.**

**I RESPECTFULLY REQUEST PAYMENT IN THE TOTAL AMOUNT OF: \$ \_\_\_\_\_ FOR SERVICES PROVIDED FROM: \_\_\_\_\_ TO \_\_\_\_\_, (MM/DD/YY)**

Pay to: \_\_\_\_\_ Vendor # \_\_\_\_\_

Payment will be sent to the Attorney's Address currently on file with the Travis County Auditor's Department. Updates to the remittance address are only accepted by the Travis County Auditors Department. Should you need to change your address or other payment-related information, please contact the Auditor's Office at (512) 854-9125.

I further swear or affirm that I have not received nor will receive any money or anything of value for representing the accused, except as approved by the Court in writing or on the record.

Attorney signature as verification of claim accuracy: \_\_\_\_\_  
 Attorney Signature Date Submitted

**ORDER**

Having reviewed the foregoing motion, and considering the facts of this case and the local guidelines for payment of counsel, I find that

\$ \_\_\_\_\_ is proper, and order that payment be made in that amount.

\_\_\_\_\_  
 Judge Presiding Date





**IN THE CRIMINAL DISTRICT COURTS  
OF TRAVIS COUNTY TEXAS**

Cause No(s). \_\_\_\_\_ Court \_\_\_\_\_  
 State vs. \_\_\_\_\_  
 Offense \_\_\_\_\_

**Request for Payment for Services Rendered as Court Appointed Counsel**

In the above numbered and entitled cause(s) I, the undersigned attorney, represent to the court the following are true and correct.

- 1) The defendant has been determined to be indigent and in need of legal services pursuant to the Code of Criminal Procedure Chapter 26.
- 2) The undersigned attorney was duly qualified and appointed by the court to represent the defendant in this cause according to local guidelines or in the interest of justice.
- 3) All services claimed below were rendered to the defendant in the disposition of this cause, and were reasonable and necessary.

**Fixed Rates:**

- Secure release from jail \$75
- Case dismissed prior to indictment \$250
- Case dismissed post indictment<sup>1</sup> \$550
- Non-evidentiary pre-trial (necessary motions) \$100
- Evidentiary pre-trial (less than half day) \$250
- Non-jury trial (less than half-day) \$500
- Plea and Sentence<sup>1</sup> \$550
- Boot camp or shock probation (3 settings)<sup>1</sup> \$500
- Probation Revocation (non-contested) \$300
- Writ hearings \$250

**Appeals**

- Ander's Briefs, Motions to Revoke or Adjudicate \$1,000
- 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> Degree & State Jail Felonies \$2,000

<sup>1</sup>\$100 for each additional case. \$ \_\_\_\_\_

**Daily Rates: minimum 6 hours per day**

- Evidentiary Pretrial \$500 x \_\_\_\_\_ (# of days) \$ \_\_\_\_\_
- Non-jury trial \$750 x \_\_\_\_\_ (# of days) \$ \_\_\_\_\_
- Jury trial \$1,000 x \_\_\_\_\_ (# of days) \$ \_\_\_\_\_

**Hourly Rate Approved (see note 2 below)**

Total out of court time from itemized statement (attached and incorporated) \$ \_\_\_\_\_  
 Total in court time from itemized statement (attached and incorporated) \$ \_\_\_\_\_

- Attorney Released \$ \_\_\_\_\_
  - Other Necessary Expenses \$ \_\_\_\_\_
- (Specify) \_\_\_\_\_

<sup>2</sup>**Attorneys must have approval of the Court in writing at the outset of a case if a claim is to be based on an hourly rate.**

Vouchers shall be submitted at the time the case is disposed of except for trials. In the case of trials, vouchers should be submitted within 30 days of the conclusion of the case. Failure to comply shall result in suspension from the court appointment list.

I RESPECTFULLY REQUEST PAYMENT IN THE TOTAL AMOUNT OF: \$ \_\_\_\_\_ FOR SERVICES PROVIDED FROM: \_\_\_\_\_ TO \_\_\_\_\_, (MM/DD/YY)

Pay To: \_\_\_\_\_ Vendor # \_\_\_\_\_

Payment will be sent to the Attorney's Address currently on file with the Travis County Auditor's Department. Updates to the remittance address are only accepted by the Travis County Auditors Department. Should you need to change your address or other payment-related information, please contact the Auditor's Office at (512) 854-9125.

I further swear or affirm that I have not received nor will receive any money or anything of value for representing the accused, except as approved by the Court in writing or on the record.

Attorney signature as verification of claim accuracy: \_\_\_\_\_  
 Attorney Signature Date Submitted

**ORDER**

Having reviewed the foregoing motion, and considering the facts of this case and the local guidelines for payment of counsel, I find that \$ \_\_\_\_\_ is proper, and order that payment be made in that amount.

\_\_\_\_\_  
 Judge Presiding Date

October 23, 2013



**In the County Courts at Law  
Of Travis County Texas**

Voucher #:

State vs.

County Court at Law #

Cause No(s).

Offense(s)

**Request for Payment for Services Rendered as Assigned Counsel**

In the numbered and entitled cause(s) contained in this voucher, I represent to the court the following are true and correct:

- 1) The defendant has been determined to be indigent and in need of legal services pursuant to the Code of Criminal Procedure Chapter 26.
- 2) I am duly qualified and assigned by the Program Administrator to represent the defendant in this cause according to the Travis County Fair Defense Plan.
- 3) All services claimed in this voucher were rendered to the defendant in the disposition of this cause, and were reasonable and necessary.

Fee Type	Quantity	Unit Cost	Extended Total
----------	----------	-----------	----------------

Vouchers shall be submitted at the time the case is disposed of, except for trials. In the case of trials, vouchers should be submitted within 30 days of the conclusion of the case. Failure to comply may result in suspension from the court appointment list.

**I RESPECTFULLY REQUEST PAYMENT IN THE TOTAL AMOUNT OF:            \$            FOR SERVICES PROVIDED FROM**

Pay To:

Vendor #:

Payment will be sent to the Attorney's Address currently on file with the Travis County Auditor's Department. Updates to the remittance address are only accepted by the Travis County Auditor's Department. Should you need to change your address or other payment-related information, please contact the Auditor's Office at (512) 854-0125.

By submitting this voucher, I swear or affirm this voucher accurately represents services performed, and I have not received any money or anything of value except as approved by CAPDS. I am requesting compensation pursuant to the guidelines of the Travis County Fair Defense Plan and subject to the Policies of CAPDS.

Attorney submitting voucher, indicating verification of claim accuracy:

Date Submitted:

**Payment Authorization**

Having reviewed the foregoing request, and considering the facts of this case and the local guidelines for payment of counsel, CAPDS finds that \_\_\_\_\_ is proper, and authorize the payment be made in that amount.

**Authorized by the Capital Area Private Defender Service**

Date/Time:

**X**





**TRAVIS COUNTY FEE GUIDELINES**  
**FOR APPOINTED COUNSEL IN MISDEMEANOR CRIMINAL CASES**

**EFFECTIVE JANUARY 1, 2015 FOR SERVICES RENDERED 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 of work performed is substantially above or below the norm.

Court appointed attorneys remain attorneys of record until final disposition of their cases unless a motion to withdraw or to substitute counsel is granted.

**PAYMENT GUIDELINES**

Obtaining jail release	\$50.00 per case
Discovery and dismissal	\$225.00 per case
Plea & sentencing (1 defendant/1 case )	\$225.00 per case
Plea & sentencing (1 defendant/multiple cases)	\$225.00 1st case
	\$50.00 each succeeding case
Misdemeanor 12.45's	\$50.00 per case
Pretrial (including preparation)	\$150 per case
Trial before the court (including discovery and preparation)	\$350 per day
Jury trial (including discovery and preparation)	\$500 per day actual trial time
Uncontested Competency	\$100 per case
Appeals	\$500

**EXPENSES**

Court appointed counsel will be compensated for all necessary expenses: i.e., collect or long distance phone calls, copying expenses, auto mileage (at IRS rate). All major expenses, such as investigators or expert witnesses, will require written approval by the Program Administrator prior to the expense being incurred.

**REQUESTS FOR PAYMENTS**

Request-for-payment forms shall be submitted at the time the case is disposed of except for trials. Requests for payment after trials should be submitted within 30 days of the conclusion of the case. Failure to comply may result in suspension from the court appointment list.


Payment for all of a defendant(s) cases should be requested on one form.

Payment for expenses such as investigators and expert witnesses should be requested on a separate form.

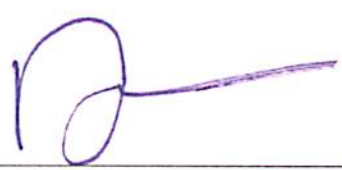
**CAVEAT**

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.

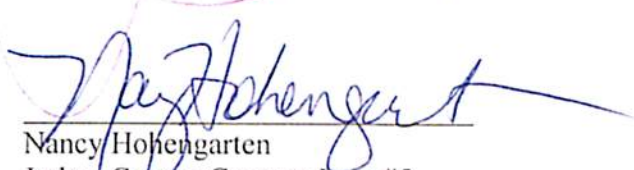
Approved and Ordered this 10<sup>th</sup> day of November, 2014.



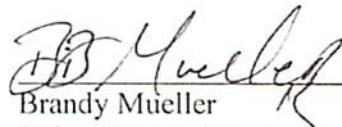
John Lipscombe  
Judge, County Court at Law #3



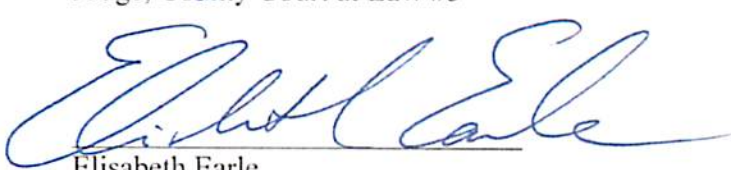
Michael Denton  
Judge, County Court at Law #4



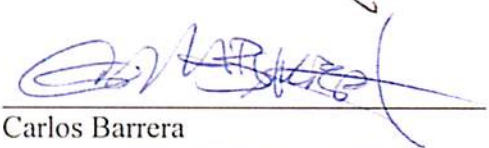
Nancy Hohengarten  
Judge, County Court at Law #5



Brandy Mueller  
Judge, County Court at Law #6



Elisabeth Earle  
Judge, County Court at Law #7



Carlos Barrera  
Judge, County Court at Law #8

**TRAVIS COUNTY FEE GUIDELINES**  
**FOR APPOINTED COUNSEL IN FELONY CRIMINAL CASES**

**EFFECTIVE JANUARY 1, 2015 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 will be the standard compensation for the following services:

Secure release from jail	\$75
Case dismissed prior to indictment	\$250
Case dismissed post indictment <sup>1</sup>	\$550
Non-evidentiary pre-trial (necessary motions)	\$100
Evidentiary pre-trial (less than half-day)	\$250
Non-jury trial (less than half-day)	\$500
Plea and Sentence <sup>1</sup>	\$550
Boot camp or shock probation (3 settings) <sup>1</sup>	\$500
Probation revocation (non-contested)	\$300
Writ hearings	\$250
Appeals	
- Ander's Briefs, Motions to Revoke or Adjudicate	\$1,000
- 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> Degree & State Jail Felonies	\$2,000

<sup>1</sup> \$100 for each additional case

**DAILY RATES**

Daily rates are premised on a minimum of six hours spent in court. If less time is spent the fee will be reduced. The Daily Rate fee includes compensation for preparation time.

Evidentiary pre-trial	\$500
Non-jury trial	\$750
Jury trial	\$1,000

**HOURLY RATES**

Attorneys must have approval of the Court *in capital cases* 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.

Appointed counsel will be compensated for time actually required by an appointment at an hourly rate of \$70 to \$100 for in-court time and \$60 to \$90 for out-of-court time. 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.

**EXPENSES**

Court appointed counsel will be compensated for all necessary expenses: i.e., collect or long distance phone calls, copying expenses, auto mileage (at IRS rate). All major expenses, such as investigators or expert witnesses, will require written approval by the Program Administrator prior to the expense being incurred.

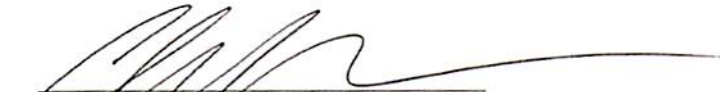
**REQUESTS FOR PAYMENTS**

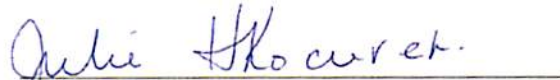
Request-for-payment forms shall be submitted at the time the case is disposed of except for trials. Requests for payment after trials should be submitted within 30 days of the conclusion of the case. Failure to comply may result in suspension from the court appointment list. If a case is disposed of prior to indictment or is a writ matter, the request-for-payment form should be submitted to the Program Administrator. Payment for all of a defendant's cases should be requested on one form. Payments for expenses such as investigators and expert witnesses should be requested on a separate form.

**CAVEAT**


In an unusual case, taking into account the considerations set forth in Texas Rules of Professional Conduct Rule 1.04(b) the Program Administrator may authorize a fee that is less than or more than the one established by these guidelines.


Approved and Ordered this 10<sup>th</sup> day of November, 2014

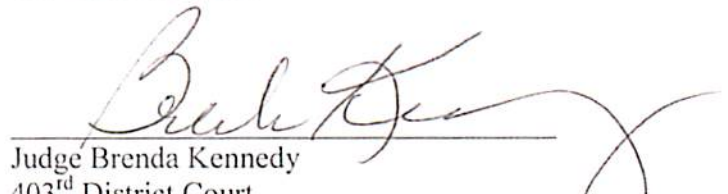
  
\_\_\_\_\_  
Judge Clifford Brown  
147<sup>th</sup> District Court


  
\_\_\_\_\_  
Judge Julie Kocurek  
390<sup>th</sup> District Court

  
\_\_\_\_\_  
Judge Karen Sage  
299<sup>th</sup> District Court

  
\_\_\_\_\_  
Judge David Wahlberg  
167<sup>th</sup> District Court

  
\_\_\_\_\_  
Judge David Crain  
331<sup>st</sup> District Court

  
\_\_\_\_\_  
Judge Brenda Kennedy  
403<sup>rd</sup> District Court

  
\_\_\_\_\_  
Jim Coronado  
427<sup>th</sup> District Court