

Rule 4. Attorney Fee Schedule and Compensation of Appointed Attorneys

4.01 *Trial Fee Schedule.* Brazos County will pay appointed counsel for all trial time reasonably necessary for adequate representation of the defendant, as approved by a judge, according to the following fee schedule adopted as provided under Article 26.05(b) of the Texas Code of Criminal Procedure:

TRIAL SERVICES FEE SCHEDULE			
Type of Service	Fixed Fee	Daily Rate	Hourly Rate (Min - Max)
JURY			
Capital-Lead Counsel	\$20,000	\$700	\$60-\$75
Capital-Assoc. Counsel	\$15,000	\$600	\$45-\$60
Non-capital 3g/Enhanced Felony	\$1,500	\$500	\$55-\$70
Other Felony	\$1,250	\$500	\$50-\$65
Misdemeanor	\$750	\$300	\$45-\$50
Contested Competency	\$1,000	\$400	\$60-\$75
BENCH			
Contested 3g/Enhanced Felony Trial	\$750	\$400	\$55-\$70
Contested Other Felony Trial Contested Felony MTR/MTP	\$500	\$300	\$50-\$60
Uncontested Felony Plea Uncontested Felony MTR/MTP	\$400	---	---
Contested Misdemeanor Trial Contested Misdemeanor MTR/MTP	\$400	\$250	\$45-\$60
Uncontested Misdemeanor Plea Uncontested Misdemeanor MTR/MTP	\$200	---	---
“Uncontested” Competency	\$400	---	---

4.02 *Compensation for Services Not Provided by Schedule.* Services not specifically described above (e.g., bond reductions, pre-filing dismissals, defense of motions to deny bail or revoke bond, dismissals, habeas corpus, etc.) will be paid on a rate basis using a daily or hourly rate most appropriate to the circumstances.

- 4.03 *Appellate Fee Schedule.* Brazos County will pay appointed counsel for appellate services only on a fixed fee basis, unless otherwise approved by a judge for good cause, according to the following fee schedule adopted as provided under Article 26.05(b) of the Texas Code of Criminal Procedure:

APPELLATE SERVICES FEE SCHEDULE			
Type of Case	Motion for New Trial and Brief	Oral Argument and Motion for Rehearing	Total
Capital Felony	\$10,000	\$2,500	\$12,500
Non-Capital 3g/Enhanced Felony	\$1,750	\$750	\$2,500
Non-Capital <u>Other</u> Felony	\$1,250	\$500	\$1,750
Misdemeanor	\$800	\$400	\$1,200

- 4.04 *Incidental Expenses.* Appointed counsel, both trial and appellate, shall be reimbursed for reasonable and necessary incidental expenses such as copying, telephone, mileage, etc., incurred without prior approval of the Court.
- 4.05 *Investigations and Expert Testimony.* Prior Court approval is required for reimbursement of other expenses including investigation and expert witness services.
- (1) Requests for approval of investigative expenses shall be filed in the appropriate court setting forth good cause for such investigation and a justification of the cost. Normally, costs will not be approved in excess of \$500.00, except in extraordinary circumstances.
 - (2) Requests for approval of expenses for expert testimony shall be filed in the appropriate court setting forth the need for such testimony and a justification of the cost.
- 4.06 *Procedure for Compensation.* Not later than thirty (30) days after the case is disposed by the trial court, the appointed attorney shall prepare and submit to the trial court last having jurisdiction of the most serious offense case, a Motion for Court Appointed Attorney Fees on a form approved by the judges (See Appendix for approved forms). The motion shall include all services provided a single defendant, regardless of the number of cases disposed. The judge shall determine the reasonableness of the amount requested based upon the time and labor required, the