

4. obtain from the prosecutorial authority, if a plea agreement has been reached, all plea papers and review all plea papers with the accused prior to the pre-trial hearing;

Court-appointed counsel shall represent a defendant until charges are disposed or dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is relieved of his duties by the court or replaced by other counsel after a finding of good cause is entered on the record.

Court-appointed counsel must have a working telephone or fax during normal business hours. If court-appointed counsel does not have a fax, then counsel must employ a receptionist, have an answering service or an answering machine that receives recorded messages, or provide some other appropriate means on which a message can be left with counsel informing counsel of the court appointment.

COURT-APPOINTED COUNSEL SHALL BE PUNCTUAL FOR ALL SCHEDULED COURT HEARINGS AND TRIALS. COURT-APPOINTED COUNSEL SHALL BE THOROUGHLY PREPARED FOR ALL SCHEDULED COURT APPEARANCES.

COURT-APPOINTED COUNSEL SHALL HAVE PLEA PAPERS PREPARED AND, WITH THE EXCEPTION OF EXECUTING THE PLEA PAPERS WITH THE COURT CLERK, READY FOR PRESENTATION TO THE COURT AT THE TIME THE CASE IS CALLED AT THE PRE-TRIAL HEARING.

THE COURT WILL NOT AWARD ATTORNEY FEES FOR MOTIONS PREPARED AND FILED THAT ARE NOT NECESSARY FOR THE PROPER DISPOSITION OF THE CASE.

ARTICLE V. COMPENSATION AND EXPENSES OF APPOINTED COUNSEL

A. Compensation. Court-appointed counsel shall be compensated as follows:

1. Felony (excluding death penalty cases) and Misdemeanor Cases

Guilty or No Contest Plea, Plea of True or Dismissal:	\$100 to \$400
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Jury and Non-jury Trials and Contested Hearings:

In Court:	\$500 per day \$250 per half day
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Out of Court:	\$50 per hour
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Direct Appeal or Discretionary Review:	\$50 per hour
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Fees for Direct Appeal or Discretionary Review shall not exceed the following amounts excluding approved expenses:

Felony excluding death penalty case:	\$3,000
Misdemeanors	\$1,500

Writ of Habeas Corpus (uncontested) or pre-trial representation when case not pursued by prosecutorial authority:	\$100 to \$400
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2. Death Penalty Case Compensation

In a capital case in which the state seeks the death penalty, the rates for the lead attorney's services (first chair) shall be:

Trial and Contested Hearings:

In Court:	\$750 per day \$375 per half day
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Out of Court:	\$75 per hour
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Direct Appeal or Discretionary Review:	\$75 per hour
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Total compensation for the lead attorney for pre-trial, trial, and post-trial legal services in the trial of a capital offense where the death penalty is sought shall not exceed Forty Thousand Dollars (\$40,000.00).

Any co-counsel (second or third chair) appointed by the Court shall be paid at the rate provided under A(1) of this Article. Total compensation for co-counsel for pre-trial, trial, and post trial services in the trial of a capital offense where the death penalty is sought shall not exceed Twenty Thousand Dollars (\$20,000.00).

In capital cases in which the state seeks the death penalty the rates for appeal attorney services shall not exceed Ten Thousand Dollars (\$10,000.00).

3. Juvenile cases

Detention hearing without further proceedings:	\$100 to \$250
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Adjudication and Disposition, uncontested:	\$200 to \$350
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Contested hearings and trials:

In Court	\$500 per day \$250 per half day
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Out of Court	\$50 per hour
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Appeals:

\$50 per hour

B. Investigative and expert expenses. Prior court approval is required for reimbursement of investigative and expert witness services. Requests for approval of investigative and expert witness expenses shall be filed in the appropriate court setting forth good cause for such investigation and a justification of the cost. The request for approval must include: (1) a description of the type of investigation to be conducted or the type of expert to be retained; (2) 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 (3) an itemized list of anticipated expenses for each investigation or each expert. Costs in excess of \$500.00 will not be approved unless a motion is filed with and approved by the Court.

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:

1. state the reasons for the denial in writing,
2. attach the denial to the confidential request; and,
3. submit the request and denial as a sealed exhibit to the record.

C. Incidental expenses. Appointed counsel, both trial and appellate, shall be reimbursed for reasonable incidental expenses such as copying, telephone, mileage, etc., incurred without prior approval of the Court.

D. Claims for fees and expenses. 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 a voucher for the payment of court-appointed attorney fees and expenses on a form provided by the trial court. The voucher shall include all services provided to 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 complexity of the case, and the experience and ability of the appointed counsel using the established fee schedules. If the judge disapproves the requested amount, the judge shall make written findings stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount.

E. Hearing on disallowed fees or expenses. In the event that the trial court disallows part or all of any fees or expenses submitted by appointed legal counsel, the attorney may file written objections to the court's action and request a hearing to show the court reasons that justify the amount requested on or before the expiration of thirty (30) days from the day that the trial court disallowed the fee or expense.

APPOINTED LEGAL COUNSEL MUST TIMELY REQUEST A HEARING UNDER THIS SECTION PRIOR TO APPEALING THE TRIAL COURT'S DECISION UNDER ARTICLE VI OF THIS ORDER. IF APPOINTED LEGAL COUNSEL FAILS TO TIMELY REQUEST A HEARING UNDER THIS SECTION, THE APPOINTED LEGAL COUNSEL SHALL BE

DEEMED TO HAVE WAIVED ANY OBJECTIONS TO THE TRIAL COURT'S AWARD OF APPOINTED LEGAL FEES OR EXPENSES.

**ARTICLE VI. APPEAL OF TRIAL COURT'S DENIAL OF COMPENSATION
AND EXPENSES**

A. Duties of attorney seeking review. An attorney that chooses to appeal the trial court's disapproval of the requested fees or expenses after a hearing conducted under section F, Article V of this Order shall file a motion with the Presiding Judge of the Fifth Administrative Judicial Region on or before the expiration of twenty (20) days from the date of the trial court's signing of an order disapproving the requested court-appointed attorney's fee or expense.

The appealing attorney shall set forth in the motion the following information:

1. The cause number, style and caption of the case;
2. The type and classification of the offense;
3. The date that the attorney was appointed;
4. The date on which the case was disposed;
5. Whether the case was disposed of by dismissal, a plea, a bench trial, or a jury trial;
6. The date and the length of each court appearance within the nearest one-tenth of an hour, if the attorney is requesting to be compensated based upon an hourly fee;
7. The date of each office conference or jail conference and the time spent within the nearest one-tenth of an hour;
8. A copy of any itemization submitted to the trial court for the purpose of payment, including a statement of each date a service was rendered, the type of service rendered, the time expended in the rendering of said service, the expenses incurred, and a statement explaining any attached vendor's invoice or expert's services invoice;
9. Any factors that required unusual effort on the attorney's part to overcome in the representation of the defendant including but not limited to: need for an interpreter, uncharged crimes and Penal Code Section 12.45 issues, multiple defendants, etc.;
10. The date that the fee order the subject of the motion was signed; and
11. A detailed statement by the attorney explaining how the trial court's order disapproving the requested court-appointed attorney's fee deviated from the county's approved fee schedule adopted under the Texas Fair Defense Act.

The appealing attorney shall attach the following documents to the motion:

1. A copy of the trial court's order disapproving the requested court-appointed attorney's fee, if any; and
2. A copy of the county's attorney fee schedule adopted pursuant to the Texas Defense Act.

B. Procedure. The appealing attorney shall file the original of the motion with the clerk of the court in which the case is pending, and shall file a certified copy of the motion with the Presiding Judge of the Fifth Administrative Judicial Region and with the trial court. The Presiding Judge of the Fifth Administrative Judicial Region shall abate any ruling on the motion for a period of not less than ten (10) days from the filing of the motion pending an opportunity for further review by the trial court.

After receiving the motion, the trial court may enter a revised payment order on or before the expiration of ten (10) days following the filing of the motion. The trial court shall file a copy of the revised payment order with the Presiding Judge of the Administrative Judicial Region.

If a revised payment order is entered resolving the dispute to the satisfaction of the appealing attorney, the attorney shall file with the Presiding Judge a notice withdrawing the appeal. The motion will then be deemed moot and no further action will be taken by the Presiding Judge of the Fifth Administrative Judicial Region.

If the trial court's revised payment order does not fully resolve the issue to the satisfaction of the appealing attorney, the attorney, on or before the expiration of five (5) days of the signing of the trial court's revised payment order, shall file with the Presiding Judge of the Fifth Administrative Judicial Region and the trial court a notice stating that the matter remains subject to contest. The attorney shall attach a copy of the trial court's revised payment order to said notice. The trial court shall, on or before the expiration of five (5) days of the filing of the notice of contest, file written findings that set forth in detail the reasons for disapproving the requested attorney's fee.

If the trial court does not enter a revised payment order, the trial court shall, on or before the expiration of five (5) days of the filing of the motion, file written findings that set forth in detail the reasons for disapproving the requested attorney's fee or expense.

If the Presiding Judge of the Fifth Administrative Judicial Region has not received notice of a resolution of the appeal on or before the expiration of ten (10) days from the filing of the motion, the presiding Judge shall rule on the motion in accordance with the provisions of 26.05 (c), Texas Code of Criminal Procedure.

ARTICLE VII. REMOVAL AND REINSTATEMENT OF ATTORNEY FROM APPOINTMENT LIST

A. Grounds for removal. An attorney may be removed from the appointment list if the attorney: