

**STANDING ORDER OF THE JUDGES OF BROWN AND MILLS COUNTIES
FOR COMPENSATION OF ATTORNEYS APPOINTED
TO REPRESENT INDIGENT DEFENDANTS AND JUVENILES**

On the 21st day of December, 2001 the below named County Court Judges and District Court Judge with criminal and/or juvenile jurisdiction, after a duly called and conducted meeting and discussion, taking into consideration reasonable and necessary and overhead costs and the availability of qualified attorneys willing to accept the stated rates did unanimously adopt this schedule of fees concerning compensation of court-appointed counsel for indigent defendants and related expenses made pursuant to Article 26.05, Texas Rules of Criminal Procedure: therefore, it is ORDERED that compensation of court-appointed counsel and related expenses, made pursuant to a motion in the format prescribed by the appointing court, shall be as follows on a case-by-case basis as determined by the Judge:

I.

ALL NON-CAPITAL FELONY CASES

1. Compensation for court appointed counsel in all non-capital felony cases shall be as follows except upon submission of an itemized voucher and on a finding of good cause as hereinafter provided.

2. Plea Bargained cases:

1 st Degree.....	\$450.00
2 nd & 3 rd Degree	\$400.00
State Jail Felony.....	\$350.00
Motions to Revoke.....	\$300.00
Motions to Adjudicate.....	\$300.00

3. Contested Pretrials, Trials, or Contested Motions to Revoke or Adjudicate:

Not less than \$75.00 per hour nor more than \$150.00 per hour for time spent in or out of court reasonably necessary for adequate representation of the indigent defendant.

4. Appeal

- e. Appeal to Court of Appeals including Motion for Rehearing.....not less than \$1,200 not more than \$2,500.00
- f. Oral argument, Court of Appeals or Court of Criminal Appeals
.....\$300.00
- c. Petition for Discretionary Review to Court of Criminal Appeals
.....\$900.00

5. Compensation for court appointed counsel services upon finding of good cause, occasioned by complex nature of the case, unusual or exceptional circumstances, or for services other than those listed above shall be calculated hourly from an itemized voucher submitted by counsel at the following rates:

Not less than \$75.00 per hour nor more than \$150.00 per hour for time spent in or out of court reasonably necessary for adequate representation of the indigent defendant.

6. Actual out of pocket expenses which are approved by the court and mileage for the out of county attorneys or for the necessary travel outside the county at the current mileage reimbursement rate adopted by the counties. (Currently .34.5 cents per mile for Brown County cases and .30 cents per mile for Mills County cases)

II.

CAPITAL CASE COMPENSATION

In all capital cases the rates for the attorney's services shall be no more than \$100.00 per hour for reasonably necessary for adequate representation of the indigent defendant for the 2nd chair attorney and no more than \$150.00 per hour reasonably necessary for adequate representation of the indigent defendant for 1st chair attorney unless in the court's discretion other fee arrangements are necessary due to the complex nature of the case and conflicts of local attorneys or the unavailability of local attorneys qualified to serve in capital felony cases.

III.

REIMBURSEMENT FOR REASONABLE EXPENSES FOR PURPOSES OF INVESTIGATION AND EXPERT TESTIMONY

1. In all criminal cases appointed counsel will be reimbursed for reasonable expenses that are incurred provided prior court approval has been granted upon motion, application and a hearing held on said motion. Reasonable expenses upon prior court approval after motion and application, may include expenses incurred for investigation and expert testimony, and will be in addition to the total compensation referred to in Section I of this Order.

Presumptive maximums are as follows:

Non-Medical experts.....\$100.00 an hour.....\$1,000.00 maximum
 Investigators\$30.00 an hour.....\$500.00 maximum
 Medical Experts require specific written authorization.

IV.

MISDEMEANOR CASES

Compensation for court appointed counsel services in all misdemeanor cases shall be as follows:

1. Plea Bargained cases:
 - All misdemeanors.....\$300.00
 - Motions to Revoke.....\$250.00
 - Motions to Adjudicate.....\$250.00
2. Not less than \$40.00 per hour nor more than \$90.00 per hour for reasonable and necessary time spent in or out of court reasonably necessary for adequate representation of the indigent defendant.

V.

JUVENILE CASES

Compensation for court appointed counsel services in all juvenile cases shall be as follows:

Not less than \$40.00 per hour nor more than \$90.00 per hour for reasonable and necessary time spent in or out of court reasonably necessary for adequate representation of the indigent child.

VI.

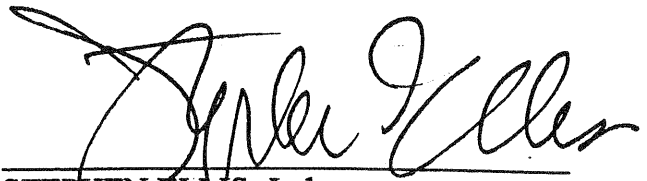
REQUEST FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Each attorney shall prepare a detailed statement of the nature of the services performed, the date of such performance, and the actual time spent on each such date and service, and shall submit said statement with a verified affidavit to the trial judge:

- A. on the date of disposition of a case by a plea or bench trial; or
- B. within 45 days of the date of verdict in a jury trial; or
- C. within 45 days of the date the mandate being returned in an appeal; or
- D. at such other intervals as ordered by the Court.
- E. within 30 days after adjudication or disposition of a juvenile case by plea or bench trial; or
- F. within 30 days after the conclusion of each pre-trial or certification hearing in a juvenile case.

If the trial judge disapproves the requested amount the Judge shall make written findings stating the amount of payment approved and the reason for approving an amount different from the requested amount. The attorney whose request for payment has been disapproved may, by written motion, file an appeal with the Presiding Judge of the Administrative Region.

THIS ORDER IS SIGNED AND EFFECTIVE ON THIS THE 21st DAY OF DECEMBER, 2001 AND SAID ORDER SUPERCEDES ANY AND ALL PRIOR COURT STANDING ORDERS FOR ATTORNEY'S FEES AND OTHER EXPENSE COMPENSATION.



STEPHEN ELMS, Judge
35th Judicial District Court



E. RAY WEST, III, Judge
Brown County Court



RANDY WRIGHT, Judge
Mills County Court