

IN THE DISTRICT COURTS
OF COMAL, CALDWELL & HAYS COUNTY, TEXAS

ORDER ADOPTING
LOCAL RULES FOR APPOINTMENT OF
COUNSEL IN CRIMINAL CASES
AND SCHEDULE OF FEES FOR PAYMENT
OF COMPENSATION TO APPOINTED COUNSEL

BE IT REMEMBERED THAT ON July 18, 2008 the District Judges of Caldwell, Comal and Hays County, Texas, adopted by formal action local rules for appointment of counsel in criminal cases and a schedule of fees for payment of compensation to appointed counsel, effective immediately, as follows:

1. The court shall appoint counsel for indigent defendant within three business days receiving the request pursuant to senate Bill 7.
2. A defendant who claims indigence and appointment of counsel shall complete a questionnaire concerning his financial resources and, if necessary, respond to examination by the Court. The questionnaire shall be in the form adopted by the Judges.
3. A counsel appointed to represent a defendant in criminal proceedings, including a habeas corpus hearing, shall be reimbursed for reasonable expenses incurred with prior court approval for purposes of investigation and expert testimony and shall be paid reasonable attorney's fee for performing services as provided in Art. 26.05 (a)(1), (2) and (3), Tx.C.Cr. P., based on the time and labor reasonably required, the complexity of the case, and the experience and ability of the appointed counsel, as follows:
 - a. Plea of Guilty \$500 to \$650
(Includes out-of-court time)
 - b. Pleas of True \$300 to \$550
(Motion to Revoke Probation)
 - c. Trial (jury or court) \$400 to \$750 per day
(If less than half day, then hourly in-court rate)
 - d. Other services
 1. In-court time and work \$50 to \$100 per hr
 2. Out-of-court time & work \$50 to \$80 per hr
 - e. Appeal to Court of Appeals \$60 per hour with a
Minimum of \$ 500 and Maximum of \$7,500

- f. Petition for Discretionary Review to the Court of Criminal Appeals with approval of the trial court is the same rate as 3.e above.
 - g. Reasonable expenses
 - h. These fees are subject to equitable justification in discretion of the Court in extraordinary circumstances.
4. Counsel requesting compensation for representing an indigent criminal defendant must submit a completed application for payment detailing by itemized statements specifying services performed and time spent in 1/10 (.1) hour intervals. No payment shall be made until the statement is submitted to and approved by the Court and is in accordance with the fee schedule. If the case is disposed of by a plea of guilty, the application must be submitted to the Court at the time of the plea; otherwise, the application must be submitted within two days of the disposition of the case. Failure to timely submit the application shall constitute a waiver of compensation.
 5. If the court determines that a defendant has financial resources that enable him to offset in part or in whole the cost of the legal services provided, including any expenses or cost, the Court shall order the defendant to pay the amount that it finds the defendant is able to pay. If at the time of appointment of counsel the Court finds that the defendant is employed or is about to be employed, the Court may order the defendant to periodically deposit into a "prepayment of attorney's fees and cost" account administered by the Adult Probation Department an estimated amount of such fees and cost in advance of disposition of his case; any payment in excess of the amount actually ordered by the court for such fees and cost shall be refunded to the defendant.
 6. Expenses for purposes of investigation and expert testimony must receive prior Court approval. Counsel must submit a timely written motion requesting the items; setting out the factual basis for the request, describing the necessity of specific services to be rendered and providing an estimate cost.
 7. The application for payment of fees and expenses must be documented. Hourly billing must be accompanied by the completed out-of-court and in-court billing sheet. Time spent performing the services must be reported in tenth hours, using percentages (i.e.; .1, .5, and .8). Billing for investigation must be broken down by specific cost and services rendered after prior approval has been obtained. Expert testimony must be itemized billing for services rendered after prior approval has been obtained. If the statement exceeds the amount previously authorized for payment; neither the County nor the Court shall be liable.
 8. Counsel appointed to represent indigent defendants shall represent the defendant until the charges are disposed of, whether by conviction, acquittal or dismissal, or until the right of appeal is exhausted or the attorney is relieved of his duties by the Court or

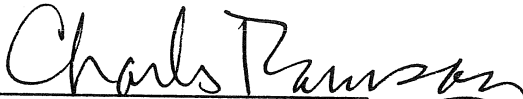
replaced by other counsel. Counsel must make initial contact with the defendant in custody by the end of the next business day of appointment. Failure to comply with this provision may result in removal of the attorney from the list of court appointed attorneys.

9. If for any reason counsel is required to discontinue representation, a Motion to Withdrawal in compliance with applicable rules shall be filed and heard. Only the Court is authorized to select substitute of counsel.

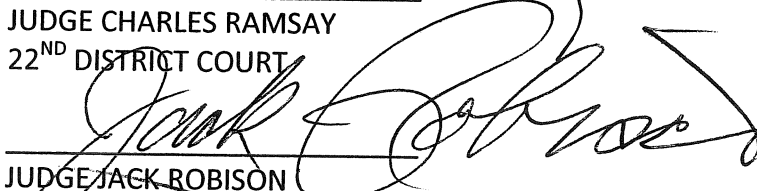
It is therefore ORDERED that a copy of said rules and schedule be posted in a public area in offices of each Court.

It is further ORDERED that a copy of the Order be included with the Standing Rules for Appointment of Counsel for Indigent Accused Persons in Caldwell, Comal and Hays County.


Signed the 18TH day of July, 2008.




JUDGE CHARLES RAMSAY
22ND DISTRICT COURT



JUDGE JACK ROBISON
207TH DISTRICT COURT



JUDGE GARY STEEL
274TH DISTRICT COURT



JUDGE TODD BLOMERTH
421ST DISTRICT COURT



JUDGE BILL HENRY
428TH DISTRICT COURT



JUDGE DIB WALDRIP
433RD DISTRICT COURT