

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 February 2, 2001, 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 an indigent defendant pursuant to Art. 26.04, Tx C. Cr. P. at the earliest practicable time.
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 a criminal proceeding, 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 a 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 \$350 to \$450
(Includes out-of-court time)

b. Pleas of True \$250 to \$350
(Motion to Revoke Probation)

c. Trial (jury or court) \$250 to 500 per day
(If less than half day, then hourly in-court rate)

d. Other services

1. In-court time and work \$30 to \$60 per hr
2. Out-of-court time & work \$30 to \$50 per hr

e. Appeal to Court of Appeals \$40 per hour with a
Minimum of \$500 and
Maximum of \$3,500

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 adjustment in the 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 statement 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 costs of the legal services provided, including any expenses or costs, 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 costs" account administered by the Adult Probation Department an estimated amount of such fees and costs in advance of the disposition of his case; any payment in excess of the amount actually ordered by the court for such fees and costs 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 for fees and expenses must be documented. Hourly billing must be accompanied by a 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, .8). Billing for investigation must be broken down by specific costs and services rendered after prior approval has been obtained. Expert testimony must include 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 within five business days of appointment. Failure to comply with this provision may result in removal of the attorney from the list of court appointed attorneys.

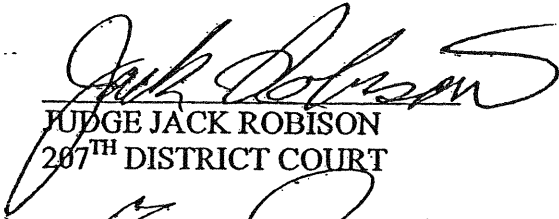
9. If for any reason counsel is required to discontinue representation, a Motion to Withdraw in compliance with applicable rules shall be filed and heard. Only the Court is authorized to select substitute counsel.

It is therefore ORDERED that the text of said rules and schedule be spread upon the minutes of each Court and be posted in a public area in the offices of each Court.

It is further ORDERED that a copy of the Order be delivered to the president of the Comal, Caldwell and Hays County Bar Association with a request that said Order be published in the Bar newsletter or magazine.



JUDGE CHARLES RAMSAY
22ND DISTRICT COURT



JUDGE JACK ROBISON
287TH DISTRICT COURT



JUDGE GARY STEEL
274TH DISTRICT COURT