

8.01 Fee Schedule.

The county will pay appointed counsel for all 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 Code of Criminal Procedure:

(a) Appointed attorneys shall be paid a fixed rate of \$300.00 per appointment in felony cases and \$250.00 per appointment in misdemeanor cases.

(b) Appointed attorneys may be paid an hourly rate between \$50.00 and \$100.00 for all documented out-of-court and in-court time that is actually spent on the case that reasonable professionals would agree was objectively necessary for a qualified criminal defense attorney in the community to represent the client; and

(c) For good cause or exceptional circumstances, such as Capital cases, an appointed attorney may request payment at an hourly rate above the rate specified in subsection (b) of this Rule, subject to review and approval by the judge presiding over the case as specified in Rule 8.02.

8.02 Judicial Determination of Attorney Compensation.

The judge presiding over the case for which the appointed attorney seeks compensation will use the following procedures to review and approve the appropriate compensation:

(a) The appointed counsel must submit to the presiding judge a form approved by the judges for itemizing the services performed.

(b) The presiding judge hearing a motion under this Rule will either approve the amount requested or enter written findings stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount.

(c) An attorney whose request for payment is disapproved may appeal the disapproval by filing a motion with the presiding judge of the administrative judicial region, as provided under Article 26.05(c) of the Code of Criminal Procedure.

(d) If a fixed rate for a certain proceeding is paid, the appointed attorney shall not be required to make further application.

Rule 9. Investigative and Expert Expenses.

Counsel appointed in a non-capital case shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with and without prior court approval shall be reimbursed, according to the procedures set forth below. When possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts.

9.01 Procedure With Prior Court Approval:

Appointed counsel may file with the trial court a pretrial ex parte confidential request for advance payment of investigative and expert expenses. The request for expenses must state, as applicable:

- (1) 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.

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.

9.02 Procedure Without Prior Court Approval:

Appointed counsel may incur investigative or expert expenses without prior approval of the court. On presentation of a claim for reimbursement, the court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. Unreasonable or unnecessary expenses will not be approved.

Articles 26.05(d), 26.052(f), (g) & (h), Code of Criminal Procedure.

These Local Rules of Administration were approved by a majority of the judges trying criminal cases in Cochran County, Texas at a meeting held on June 26, 2003, after proper notice, and will be reported as provided in Section 71.0351 of the Government Code.



JAMES ST. CLAIR, COUNTY JUDGE



NADINE BAKER, JUSTICE OF THE PEACE



HAROLD PHELAN, DISTRICT JUDGE