

**STANDING ORDER AND FEE SCHEDULE FOR COMPENSATION OF ATTORNEYS APPOINTED TO
REPRESENT INDIGENT DEFENDANTS IN THE 38TH JUDICIAL DISTRICT COURT
(MEDINA, REAL AND UVALDE COUNTIES)**

On the 19th day of March, 2014, the below named District Judge with felony criminal jurisdiction adopted this schedule of fees to be effective with regard to all felony cases filed subsequent to 3/19/2014, concerning compensation of court-appointed counsel for indigent defendants made pursuant to Article 26.05, Texas Rules of Criminal Procedure: Therefore, it is ORDERED that compensation of court-appointed counsel made pursuant to an Attorney Fee Voucher in the format approved by the Judge of the 38th Judicial District shall be as follows on a case by case basis as approved by the Judge:

TRIAL SERVICES:

For trial services, counsel will be compensated on a flat fee basis. The amount of compensation will be based on the type of case as indicated in the schedule below. **If an attorney wishes to seek compensation based on an hourly rate due to the complexity of the case involved (an hourly rate will not be granted in State Jail or 3rd Degree felonies unless such case is tried), the attorney must seek permission from the court prior to billing on an hourly basis. If an hourly rate is elected, the amount of hours billed may not exceed 8 hours in court (prior to trial) and 15 hours out of court without prior court approval.**

FLAT FEE:

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|---------------------------|---|
| A. Initial jail visit | \$50 (if in county or conducted via video conference)
\$100 (if out of county) |
| B. Extradition | \$250 |
| C. MTR, MTA | \$350 |
| D. State Jail | \$425 |
| E. 3 rd Degree | \$475 |
| F. 2 nd Degree | \$625 |
| G. 1 st Degree | \$750 |
| H. | <u>If a defendant is pleading in an additional felony case, or if another case is being taken into consideration, the attorney will be compensated \$200 for each additional case.</u> |

If extraordinary motions are required to be prepared and disposed of by special setting, **with prior court approval**, counsel will be paid the appropriate hourly rate as set forth below for those services, in addition to the flat fee. The fee for the initial jail visit will be paid in addition to the applicable flat fees set forth in items B-G. Prior to August 1, 2014, In order to receive compensation for the initial jail visit, the attorney must return the executed attorney verification form along with his/her completed attorney fee voucher. Subsequent to August 1, 2014, the attorney must document the initial jail visit and submit his/her completed attorney fee voucher online through the Fair Indigent Defense Online system.

HOURLY RATE:

- | | |
|--|-----------------------------------|
| A. MTR/MTA | \$70 in court, \$55 out of court |
| B. State Jail, 3 rd Degree (if tried) | \$75 in court, \$60 out of court |
| C. 2 nd Degree | \$90 in court, \$70 out of court |
| D. 1 st Degree | \$100 in court, \$75 out of court |

Hourly fees for the preparation for and trial of a case must be reasonable in light of the complexity of the case (or cases), and the experience and ability of counsel. The court may make exception to the above rates upon a showing that the rate would be unfair in a given case. In-court-time should be itemized on ¼ of an hour basis. **Counsel may only bill for that time spent actually conferring/negotiating in court on the case.** Out-of-court time should be itemized in real time.

Administrative matters such as opening a file may not be submitted for compensation. Mileage will not be reimbursed; however, travel time to confer with your client or witnesses will and should be included in out-of-court billing. Each lawyer shall prepare a detailed statement of the nature of the services performed with the date of such performance and the actual reasonable time spent on each such date and service, and shall submit such statement with a verified voucher for approval by the trial Judge:

1. on the date of disposition of a case by plea or bench trial;
 2. or within 15 days of the date of verdict in a jury trial;
 3. or within 15 days of the date the mandate being returned in an appeal.
- 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 lawyer whose request for payment has been disapproved may, by written motion, file an appeal with the Presiding Judge of the Administrative Region.

CAPTIAL CASE COMPENSATION

In all capital cases the rates for the attorney’s services shall be no less than \$80 per hour and no more than \$150 per hour.

APPELLATE SERVICES

With the exception of death penalty capital cases, appeals will be paid only on a fixed fee basis as follows:

<u>TYPE OF CASE</u>	<u>TOTAL FEE</u>
Appeal of non-jury trial	Applicable felony hourly rate not to exceed \$1500
Appeal of jury trial	Applicable felony hourly rate not to exceed \$2500

In capital cases in which the state seeks the death penalty, the rates for appellate attorney services shall be \$100 per hour and shall not exceed \$15,000.

The court may make exception to the above rates upon a showing that the rate would be unfair in a given case.