



**HARRIS COUNTY DISTRICT COURTS TRYING CRIMINAL CASES
FAIR DEFENSE ACT
ALTERNATIVE PLAN FOR APPOINTMENT OF COUNSEL TO INDIGENT DEFENDANTS**

FEE SCHEDULE

Attorney's Fees

Harris County pays attorneys appointed in district courts either per hour, per court appearance, or per court appearance plus out-of-court hours.

Trial Level Assignment and Payment Limitations

A term assigned lawyer can be assigned up to five clients a day. A term assigned lawyer cannot accept any other trial level appointments for the period of the term. Any cases reset beyond the term of the attorney's assignment will be paid on an individual case assignment basis. The presumptive maximum number of non-trial settings beyond the term assignment is four.

An attorney should not sign on as a limited term attorney in one court when he has an appointed matter in another court on the same day, except that an appointed trial setting in one court will not prevent an attorney from accepting a limited term appointment in another court on the same day.

An attorney appointed to be the limited term attorney in one court who is called to trial in another court should immediately notify the first court that he will not be available the rest of the week.

An attorney can accept two individual case assignments per day.

An attorney being paid on the basis of court appearances can be paid for up to four cases per day for court appearances that occur on or after July 1, 2010. Attorneys can be paid for up to three cases per day for court appearances that occurred prior to July 1, 2010. "Cases" in this context means different defendants or a defendant with cases arising from different transactions, i.e., different offense reports.

Two or more cases tried in a single proceeding are paid as a single case.

Two or more cases tried in one proceeding are paid as one appeal.

The attorney's pay rate is based on his certification level and the level of the offense charged, without consideration of enhancements. If the offense level drops, the attorney will be paid at the higher rate for the entire course of the representation.

Appointed attorneys and attorneys seeking public funds for investigative or expert assistance must submit a voucher to the appointing Court in the format specified by the Harris County District Courts Administrative Office, including registering to submit vouchers electronically. Appointed attorneys and attorneys seeking public funds for investigative or expert assistance must follow all procedures for payment required by the Harris County Auditor.

All vouchers must be submitted to the appointing Court within 21 days of disposition of the matter or the attorney's withdrawal, unless good cause is shown.

Hourly

Cases paid on an hourly basis have no presumptive maximums. Hours are billed in six-minute increments rounded to the nearest such increment. Attorneys are compensated on the basis of time spent working on the case whether that time is in or out of court. The attorney is compensated for only one case at a time. For example, if the attorney is in court on two cases, he allocates his time between those two cases for billing purposes; he does not bill for two cases. There is no bi-lingual supplement on cases paid on an hourly basis.

All district courts pay hourly for capitals, post-conviction proceedings, and argument in the Court of Criminal Appeals.

The rates are as follows:

\$150/hour

Capital First Chair

\$125/hour

Capital Second Chair

\$100/hour

11.071 Writ of Habeas Corpus
Capital Appeal
Capital Motion for New Trial
Capital Petition for Discretionary Review
Capital New Brief after PDR Granted
Capital Court of Appeals Oral Argument
Court of Criminal Appeals Oral Argument

\$75/hour

DNA Motion
11.07 Writ of Habeas Corpus
Non-Capital Appeal
Non-Capital Motion for New Trial
Non-Capital Petition for Discretionary Review
Non-Capital New Brief after PDR Granted
Non-Capital Court of Appeals Oral Argument

Beginning January 1, 2016, some courts will pay hourly for all individual case assignments. The rates are as follows:

1st degree	\$100
2nd degree	75
3rd degree, state jails felonies, motions, contempt	50

Per Court Appearance

For all other cases, all district courts pay per court appearance or per court appearance plus out-of-court hours with presumptive maximums. The courts may appoint and pay the attorney on the basis of an individual case assignment or a term assignment. The rates are as follows:

<u>Individual Case Assignment</u>	<u>Daily Rate / Presumptive Max</u>	<u>Out of Court / Presumptive Max</u>
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Non-Trial

First Degree	\$225 / \$1125	\$85 (per hour) / \$1700
Second Degree	\$175 / \$875	\$60 (per hour) / \$600
Third Degree		
State Jail Felony	\$125 / \$625	\$40 (per hour) / \$400
Motion to Revoke Probation		
Motion to Adjudicate Guilt		
Contempt		
Pre-Trial Hearing w/ Testimony	\$350	
PSI Hearing		
Bilingual Supplement	\$50 / \$250	

Trial

First Degree	\$500
Second Degree	\$400
Third Degree	
State Jail Felony	\$300
Motion to Revoke Probation	
Motion to Adjudicate Guilt	

<u>Term Assignments (Daily, Weekly, Term)</u>	Daily	Presumptive Max For Weekly/Term
First Degree	\$395	\$1975
Second Degree	\$350	\$1750
Third Degree		
State Jail Felony	\$315	\$1575
Motion to Revoke Probation		
Motion to Adjudicate Guilt		

A request to exceed the presumptive maximum will not be considered except upon written request providing adequate justification.

Investigators and Experts

Investigators on non-capitals are paid at a uniform rate of \$40/hour at a maximum of \$600 per case, unless good cause shown. For capital cases, investigators are paid \$75/hour.

Investigators and experts must be licensed in accordance with applicable State law.

Experts are paid on a case-by-case basis per Harris County guidelines.

Bills submitted by investigators and experts must document the dates and time spent on the case and must be sworn to or affirmed as accurate. The following oath would suffice: “I swear or affirm that the attached invoice accurately documents the time that I spent on this case.”

Investigators and Experts seeking direct payment must follow all procedures for payment required by the Harris County Auditor, including submitting a vendor identification number on invoices.

Travel and Expenses

Paid per Harris County guidelines. Receipts must be provided.