

SCHEDULE OF FEES FOR APPOINTED ATTORNEYS FOR BROWN AND MILLS COUNTIES

The following fee schedule has been approved by the 35th Judicial District Court, Brown County Court at Law, Brown County Court, and Mills County Court regarding the payment of fees and expenses of attorneys who are appointed under Texas Code of Criminal Procedure.

I.

FELONY FLAT RATE FEES

Except under unusual circumstances where the flat rate fee would be manifestly inappropriate because of circumstances beyond the control of appointed counsel, or the complexity of the case/legal issues, compensation for court-appointed counsel in felony cases shall be as follows:

1. Plea Bargained Cases:
 - a. 3g (42A.054) Felony Plea \$1000
 - b. Other Felony Plea \$700
 - c. Motions to Revoke/Adjudicate \$500
 - d. Additional Felony with Same Defendant \$100 per case
2. Contested Matters (Trial, Pretrial, Motions to Revoke/Adjudicate):
 - a. 3g (42A.054) Felony Cases \$625 per half-day
 - b. Other Felony Cases \$500 per half-day
3. Appeal:
 - a. Appeal to Court of Appeals \$3500
 - b. Appeal to Court of Criminal Appeals \$2500
 - c. Post-conviction Writ of Habeas Corpus \$1500

II.

FELONY HOURLY RATES

Hourly rate compensation for legal services other than those listed above under Felony Flat Rate Fees shall be used only for complex cases or other circumstances making payment under the fixed rate grossly inadequate. To be compensated under an hourly fee method, the attorney shall keep an accurate and detailed account of time expended to the nearest .25/hour, services rendered, and dates involved. Hourly rates for all documented time incurred shall only be for services that a qualified professional would agree was objectively reasonable for the representation of the defendant in that case.

The hourly rate under shall be \$100 per hour for time spent in or out of court reasonably necessary for adequate representation of the defendant.

Fees based on an hourly rate are subject to a maximum of \$5,000. In exceptional circumstances and for good cause shown, an attorney may request payment at a rate in excess of the rates specified above and approval shall be at the sole discretion of the trial court.

III.

CAPITAL CASES WHEN DEATH PENALTY IS BEING SOUGHT

In all capital cases where the State has not waived the death penalty, the rates for attorney fees shall be as follows:

1. First Chair \$150 per hour
2. Second Chair \$100 per hour

IV.

MISDEMEANOR FLAT RATE FEES

Except under unusual circumstances where the flat rate fee would be inappropriate because of circumstances beyond the control of counsel, or the complexity of the case, compensation for misdemeanor cases shall be as follows:

1. Plea Bargained Cases:
 - a. Class A or B Misdemeanor \$300
 - b. Motions to Revoke/Adjudicate \$250
 - c. Refusals to Prosecute \$100
 - d. Multiple Misdemeanors Same Defendant \$50 per case
2. Contested Matters (Trial, Pretrial, Motions to Revoke/Adjudicate):
 - a. All Misdemeanors \$300 per half day
3. Appeals:
 - a. All Misdemeanors \$1500

V.

MISDEMEANOR HOURLY RATES

Hourly rate compensation for legal services other than those listed above under Misdemeanor Flat Rate Fees shall be used only for complex cases or other circumstances making payment under the fixed rate grossly inadequate. To be compensated under an hourly fee method, the attorney shall keep an accurate and detailed account of time expended to the nearest .25/hour, services rendered, and dates involved. Hourly rates for all documented time incurred shall only be for services that a qualified professional would agree was objectively reasonable for the representation of the defendant in that case.

The hourly rate under shall be \$100.00 per hour for time spent in or out of court reasonably necessary for adequate representation of the defendant.

Fees based on an hourly rate are subject to a maximum of \$1,000.00. In exceptional circumstances and for good cause shown, an attorney may request payment at a rate in excess of the rates specified above and approval shall be at the sole discretion of the trial court.

VI.

JUVENILE CASES

Compensation for juvenile cases shall be as follows:

1. Flat fee for the plea and disposition of a case shall be \$400.00.
2. An hourly fee of \$100.00 per hour for reasonable and necessary time spent in or out of court for adequate representation.

VII.

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES CASES

Compensation for DFPS cases shall be as follows:

1. An hourly fee of \$100.00 per hour for reasonable and necessary time spent in or out of court for adequate representation.

VIII.

EXPENSES AND NON-STANDARD FEES APPLICABLE TO ALL CASES

Attorneys shall request approval from the court **before** incurring the following expenses in any case: travel, investigation, expert witness fees, or any other expenses.

IX.

REQUEST FOR PAYMENT OF FEES AND EXPENSES

Unless otherwise ordered to do so, attorneys shall submit their requests for payment of fees and expenses as soon as practical after the conclusion of each case.

If a trial court denies the requested amount, the judge shall do so in writing and shall state the amount of payment approved and the reason for approving a lesser amount. The attorney whose request for payment has been reduced or denied may, by written motion, file an appeal with the Presiding Judge of the Administrative Region.

X.

MISCELLANEOUS PROVISIONS

These rules and guidelines amend those previously adopted and are effective on all appointments made after the date of this order. These provisions are in compliance with the Texas Code of Criminal Procedure and may be amended at the discretion of the courts.

Signed and ORDERED this the 20 day of September, 2023.



Mike Smith, 35th District Court



Sam Moss, Brown County Court at Law



Shane Britton, Brown County



Jett Johnson, Mills County