

## **MADISON COUNTY FEE GUIDELINES**

### **FOR APPOINTED COUNSEL IN CRIMINAL AND JUVENILE CASES**

EFFECTIVE OCTOBER 1, 2022 FOR SERVICES RENDERED ON OR AFTER THAT DATE

Pursuant to C.C.P. Art. 26.05 and Texas Family Code 51.10, the following guidelines shall be used to claim attorney's fees for appointed counsel in criminal and juvenile cases. The goal of these payment guidelines is to assure quality representation for indigent persons charged with crimes in Madison County. Those cases appropriate for trial should be tried and those appropriate for plea should be pled. Each judge reserves the right to deviate from these guidelines in particular cases where the amount or quality of work performed is substantially above or below the norm. Court appointed attorneys remain attorneys of record until final disposition of their cases, to include the filing of an Order of Expunction within thirty (30) days of the date of a verdict of "not guilty", unless a motion to withdraw or substitute counsel is granted.

#### **FIXED RATES FOR FELONY CASES**

Plea/dismissal	First Degree	\$1,000	\$100 for each additional case or count
	Second Degree	\$750	
	Third Degree	\$600	
	State Jail	\$600	
Declined/Rejected		\$100	
Hearing Preparation		\$90 per hour	\$500 maximum
Contested Hearing including MTR/MTA, Suppression, Sentencing		\$90 per hour	\$600 maximum
Trial Preparation	First Degree	\$90 per hour	\$1,500 maximum
	Second Degree		\$1,125 maximum
	Third Degree		\$900 maximum
	State Jail		\$900 maximum
Bench or Jury Trial		\$600 per half day	
Appeal		\$90 per hour	\$750 minimum - \$3,500 maximum

#### **FIXED RATES FOR MISDEMEANOR AND JUVENILE CASES**

Plea/dismissal	\$500	\$100 for each additional case or count
Declined/Rejected	\$100	
Hearing Preparation	\$90 per hour	\$250 maximum
Contested Hearing including MTR/MTA, Suppression, Sentencing, Disposition	\$90 per hour	\$500 maximum
Trial Preparation	\$90 per hour	\$850 maximum
Bench or Jury Trial	\$500 per half day	
Appeal	\$90 per hour	\$2,500 maximum

**HOURLY RATES**

**When a fixed rate is provided in the charge above, an hourly rate claim will not be approved without prior court approval.** In the event the attorney anticipates significant expenditures of time, the attorney shall notify the Court as soon as possible that billing at the hourly rate is requested. On approval by the Court, claims for payment should reflect time expended to the nearest 1/10<sup>th</sup> of an hour. If an hourly rate is approved, an itemized statement reflecting the date, service performed, and time expended, must be submitted with the fee voucher. (Do not vouchers that include time for unanswered calls, setting appointments, preparing billing statements or travel from office to court or jail.) Approval by the Court shall be in accordance with the Indigent Defense Plan.

Hourly rates, when approved by the Court, for non-capital cases shall be a minimum of \$70 per hour and a maximum of \$90 per hour. Hourly rates, when approved by the Court, for capital felonies shall be a minimum of \$70 per hour and a maximum of \$150 per hour.

**EXTRAORDINARY CASES**

It is recognized that there are those cases which require an extra measure of work, such as those involving scientific investigations, complex forensics, significant documentation and other measures. Attorneys should submit those cases for approval on an hourly basis as described above only after prior court approval.

**EXPENSES**

Court appointed counsel will be compensated for all necessary expenses with prior approval as provided in the Indigence Defense Plan.

**REQUESTS FOR PAYMENTS**

Attorneys submitting fee vouchers shall use the current Attorney Fee Voucher and submit all vouchers within 30 days of disposition of the final case(s) or count(s). All cases and counts shall be submitted on the same voucher. Vouchers shall be submitted to the coordinator for approval from the judge who presided over the final disposition of the case(s) or count(s).

The judge presiding over the case for which the appointed attorney seeks compensation shall 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.

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 Texas Code of Criminal Procedure. A copy of these Guidelines should accompany the appeal.

  
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David Moorman  
Judge, 12th Judicial District

  
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Hal R. Ridley  
Judge, 278th Judicial District

  
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Clark Osborne  
Judge, Madison County Court