

**CRIMINAL DISTRICT COURT
SCHEDULE OF FEES
FOR THE COMPENSATION OF APPOINTED COUNSEL
May, 2021**

The Criminal District Court Judges of Dallas County and the Judges of the District Courts giving preference to criminal cases in Dallas County, in accordance with the requirements of TEX. CODE CRIM. PROC. §26.05, formally adopt the following fee schedule for the compensation of appointed counsel in all felony cases other than capital cases in which the state seeks the death penalty.

I. All court appointed attorneys shall have the option of being compensated by the fixed rate as listed below or submitting an itemized bill to the Court. This itemized bill will be paid at the rate of \$100 per hour. The attorney cannot choose both methods. All fees are to be awarded at the discretion of the Judge based upon the complexity of the case and work completed by the attorney.

II. The following fixed rates shall be paid for disposition of a case:

- \$300.00 for a disposition in a Probation Violation case.
- \$500.00 for a disposition in a State Jail or Third Degree Felony case.
- \$600.00 for a disposition in a Second Degree Felony case.
- \$700.00 for a disposition in a First Degree Felony case or a Non-Death Penalty Capital Murder case.
- \$800.00 for a full day of contested trial.
- \$400.00 for half a day of contested trial.
- \$700.00 for a contested competency hearing.
- \$400.00 for an agreed competency hearing. *
- \$100.00 for each additional case disposed.

* The fee of \$100.00 for each additional case disposed does not apply for additional cases in an agreed competency hearing.

III. APPEALS

- Hourly rate: \$100.00
- Jury trial range: \$1800.00 - \$3500.00
- Anders brief: \$400.00 - \$1000.00
- Standard approved expenses: reading record, research, writing the brief.
- Discretionary pay: letters, phone calls, meetings with family.
- Appellate argument: will pay for time to prepare, argument, travel expenses, hotel.

IV. EXPERT AND INVESTIGATIVE FEES

Attorneys should receive prior court approval for all investigator and expert witness expenses. Counsel may incur expenses not to exceed \$750.00 without prior court approval. Expenses incurred without prior court approval, including expert and investigator fees, will be reimbursed up to a maximum of \$750.00 if the court finds them to be reasonably necessary and reasonably incurred. Any fees or expenses in excess of \$750.00 must receive prior court approval.

Expenses for investigators will be reimbursed at a rate of \$70.00 per hour plus mileage at a rate of 34 ½ cents per mile, not to exceed a maximum of \$750.00 without prior court approval.

Expert witnesses will be reimbursed at the expert's actual hourly rate, not to exceed a maximum of \$750.00 without prior court approval.

V. EXPENSES

Attorneys will be reimbursed for actual expenses incurred in accordance with the rates and procedures set forth in this schedule. To receive reimbursement, the attorney must submit an itemized accounting of the expenses incurred along with their voucher in the Defense Portal. No payment shall be made until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment.

VI. TIME DOCUMENTATION

All court-appointed attorneys seeking compensation for legal services must submit a voucher in the Defense Portal. No detailed list of activities shall be required if the attorney is requesting the fixed amount for a disposition. If an attorney is requesting compensation other than the fixed rate, or to be compensated for work done on a case that has not been disposed of, a court-appointed attorney must submit a detailed list of legal services provided reflecting the type of itemized legal service provided, the date and location of the service, and the time spent providing the service rounded to the nearest tenth of an hour (6 minute increments) along with the voucher that is submitted in the Defense Portal. The voucher must be submitted by the attorney in the Defense Portal. The submission of the voucher is an attestation as to the accuracy of the request.

VII. DISPUTES

The judge will approve all requests for payment submitted by a court-appointed attorney unless the court deems the request unreasonable. If the judge disapproves the requested amount of payment, the judge shall make written findings stating the amount of payment the judge approves and each reason for approving an amount different from the requested amount. If an attorney is not satisfied with the amount of compensation for a request for payment submitted under this schedule, the attorney may appeal the judge's decision by following the procedure set forth in TEX. CODE CRIM. PROC. § 26.05.

I certify that the foregoing fee schedule was adopted by a majority vote of the Judges of the Criminal District Courts of Dallas County and of the Judges of the District Courts giving preference to criminal cases in Dallas County on April 1, 2021. The changes to the fee schedule will take effect on May 3, 2021, for work done on or after that date.

SIGNED this the 6 day of April, 2021.



**TAMMY KEMP, PRESIDING JUDGE
CRIMINAL DISTRICT COURTS
DALLAS COUNTY, TEXAS**