

COMPENSATION OF COURT APPOINTED COUNSEL FOR JUVENILES

Fee Schedule

Pursuant to §51.10, Texas Family Code, and Article 26.05(b), Texas Code of Criminal Procedure, the Midland County Juvenile Board, having taken into consideration the reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, have adopted the following schedule of fees for the compensation of counsel appointed to represent children in juvenile proceedings.

1. True Plea / Stipulation / Pre-Trial Diversion

Counsel shall be compensated at a fixed rate of \$1,000.00 for each stipulated juvenile adjudication/disposition proceeding. The fee is inclusive of all court appearances, out of court services performed, and expenses incurred by counsel in the proceeding.

2. Dismissal or Nonsuit

Counsel shall be compensated at a fixed rate of \$500.00 if a juvenile proceeding is dismissed or the child is placed in a pre-trial diversion program. The fee is inclusive of all court appearances, out of court services performed, and expenses incurred by counsel in the proceeding.

3. Juvenile Detention Hearings

Appointed or contract counsel shall be compensated at the rate of \$100.00 per child, per detention hearing, with a maximum cumulative payment of \$500.00 per detention hearing. The maximum cumulative payment may be adjusted in extraordinary circumstances.

4. Contested Hearings or Trials

Counsel shall be compensated at the following fixed daily rates:

- | | | |
|----|-------------------------------------|--------------------------------------------------------------------|
| a. | Pretrial hearings without testimony | \$150.00 |
| b. | Pretrial hearings with testimony | \$200.00 to \$450.00 |
| c. | Out of court services | \$200.00 per hour not to exceed a total of twenty-five (25) hours. |
| d. | Trial | 1/2 day \$1,000.00
Full day \$2,000.00 |

FORM 5

“Out of court services” means the reasonable and necessary time of counsel for conferences, negotiation, and trial preparation in juvenile proceedings resulting in a contested trial. It does not include routine legal research. Legal research on novel or unusual matters may be compensated, upon prior written approval of the court.

5. Multiple Cases

Unless circumstances justify additional compensation, if a juvenile has multiple cases which are disposed on or about the same time, counsel shall be compensated as though there was only one case.

6. Appellate Services

- a. For all appeals, counsel shall be compensated at an hourly rate of \$200.00 per hour, not to exceed \$10,000.00.
- b. If appellate counsel was not the trial counsel, additional compensation may be authorized for the reading of the statement of facts at the rate of one hour for each day of trial testimony.
- c. Upon prior written court approval, counsel shall be reimbursed for reasonable and necessary expenses to appear before an appellate court, including transportation, lodging and meals. Reimbursement shall be at the rates authorized by the Commissioners Court of Midland County, Texas, for reimbursement of travel expenses of county employees.

7. Expenses

In addition to attorney's fees, appointed counsel shall be entitled to reimbursement of reasonable and necessary expenses, as follows:

1. In a juvenile case, without prior written court approval, counsel shall be reimbursed for the following expenses:
 - a. actual cost of long-distance telephone charges incurred for the investigation and preparation of the case;
 - b. actual cost of collect calls received from a juvenile if such juvenile is detained;
 - c. actual cost incurred to obtain medical records of the juvenile for the investigation and preparation of the case;
2. In a juvenile case, with prior written court approval, counsel shall be reimbursed for the following expenses in accordance with Article 26.05, Texas Code of Criminal Procedure:

FORM 5

- a. expenses incurred for investigation and preparation of the case
 - b. expenses incurred for mental health and other experts.
3. Reimbursement of expenses incurred for purposes of investigation or expert testimony may be paid directly to a private investigator licensed under chapter 1702, Texas Occupations Code or to an expert witness in the manner designated by appointed counsel and approved by the court.
 4. An application for payment of expenses shall itemize each expense, including the date the expense was incurred, a brief description of the expense, and the amount of the expense. Grouping of several expenses under one time charge or one date shall not be permitted.
 5. Appointed trial counsel shall not be compensated for time spent in travel without approval of the court.
 6. Having taken into consideration reasonable and necessary overhead costs in adopting this fee schedule, counsel shall not be otherwise reimbursed for expenses which are considered part of the usual and customary overhead of a law office, such as secretarial, paralegal, photocopying, postage, and facsimile transmission charges or expenses, supplies and local telephone charges.

8. Request for Payment

Counsel shall make a request for payment of services and expenses as set forth herein:

1. No payment shall be made until a request for payment conforming to this order is submitted to the judge presiding over the proceedings and the judge approves the payment. The court shall not act upon a request for payment that does not conform to the requirements of this order.
2. Payments in juvenile cases shall be upon a form promulgated by the Juvenile Board. All services shall be billed in increments of tenths of an hour. All services shall be itemized for each separate service performed, including the date of the service, a brief description of the service, and the time required to perform the service. Grouping of several services under one time charge shall not be permitted. All expenses shall be itemized for each separate expense incurred, including the date of the expense, a brief description of the expense, and the amount of the expense. Grouping of several expenses under one charge shall not be permitted.

FORM 5

3. Applications for payment shall be timely filed. An application for fees for trial services and related expenses shall be deemed timely filed if it is presented to the court within thirty (30) days of the date of disposition, pre-trial diversion or dismissal of the proceeding. An application for fees for appellate services and related expenses shall not be presented until the filing of the juveniles brief in the appellate court, and shall be deemed timely filed if it is presented within thirty (30) days after the date the brief is filed. The court may refuse any application not timely filed.

9. Approval or Disapproval of Request for Payment

Upon receipt of a request for payment, the judge presiding over the proceedings shall review the request and submit it for payment, if approved. If a request for payment is not approved, in whole or in part, the judge shall make written findings stating the amount approved and each reason for the difference from the amount requested.

10. Appeal of a Request for Payment

If a request for payment is not approved, in whole or in part, an attorney may make an appeal by filing a motion with the presiding judge of the administrative judicial region, as provided under Article 26.05(c), Texas Code of Criminal Procedure. Any such appeal shall be governed by the rules for the appeal of a trial court's disapproval of a requested court appointed attorney's fee, as adopted by the Seventh Administrative Judicial Region of Texas.

11. Extraordinary Circumstances

This plan recognizes that not all cases fit under this fixed fee schedule and in rare circumstances additional fees may be necessary. All additional fees are in the sole discretion of the trial judge. Examples of extraordinary circumstances are where the attorney expends an inordinate amount of time, attends multiple hearings, or represents an exceedingly difficult client so that payment of the flat fee would result in an unfair burden or financial hardship on the attorney. If claiming fees for representation with unique criteria applicable to this paragraph, counsel shall use the attached attorney's fee claim form.

12. No Remuneration from Juvenile or Family

An appointed attorney shall not accept any remuneration from or on behalf of a juvenile whom the court has determined to be indigent.