

**AMENDED STANDING ORDER IN THE 451<sup>ST</sup> JUDICIAL DISTRICT FOR  
COMPENSATION OF ATTORNEYS APPOINTED TO  
REPRESENT INDIGENT DEFENDANTS**

On the 1st day of September, 2022, the 451<sup>ST</sup> District Court Judge Kirsten Cohoon did adopt this schedule of fees concerning compensation of court appointed counsel for indigent defendants and related expenses made pursuant to Article 26.05, Texas Rules of Civil Procedure.

**I. TRIAL SERVICES**

For trial services, counsel will be compensated on a flat fee basis as outlined below beginning on October 1, 2022. The amount of compensation will be based on the type of case as indicated in the schedule below. If an attorney wishes to seek compensation based on an hourly rate due to the complexity of the case involved, the attorney must seek permission from the court prior to billing on an hourly basis. Such permission shall be sought by filing a motion. In such motion, the attorney should outline why an hourly rate is necessary. The motion shall be accompanied by an order. If no order is provided, the hourly rate request will not be considered. If an hourly rate is elected, the number of hours billed may not exceed 8 hours in court (prior to trial) and 15 hours out of court without prior court approval.

**II. FLAT FEE**

a) Initial Jail Visit	\$50 (if in county or conducted via video conference), \$100 (if out of county)
b) Extradition	\$250
c) MTR/MTA for felony cases	\$350
d) MTR/MTA for misdemeanor cases	\$250
e) Misdemeanor	\$350
f) State Jail	\$425
g) 3 <sup>rd</sup> Degree	\$475
h) 2 <sup>nd</sup> Degree	\$625
i) 1 <sup>st</sup> Degree	\$750

If a defendant is pleading an additional felony case, the attorney will be compensated \$200 for each additional case. If a defendant is pleading an additional misdemeanor case, the attorney will be compensated \$50 for each additional misdemeanor. An attorney will be paid \$30 for each unfiled case that is taken in consideration with a felony or misdemeanor case. Juvenile cases will be handled pursuant to the level of offense.

If extraordinary motions are required to be prepared and disposed of by special setting, with prior court approval, counsel will be paid the appropriate hourly rate as set forth below for those

services, in addition to the flat fee. The fee for the initial jail visit will be paid in addition to the applicable flat fees set forth in items B-I.

### **III. HOURLY RATE: NON-FELONY AND FELONY CASES**

Compensation for time spent by counsel for in court and out of court shall be as follows:

- |  |   |
|--|---|
| a) Misdemeanor                                       | \$75 in court, \$60 out of court  |
| b) MTR/MTA   | \$70 in court, \$55 out of court  |
| c) State Jail and Third-Degree Felonies              | \$80 in court, \$70 out of court  |
| d) Second Degree Felonies                            | \$90 in court, \$80 out of court  |
| e) First Degree Felonies                             | \$100 in court, \$90 out of court   |
| f) Appellate Services for Non-Jury Trial             | Applicable felony or misdemeanor hourly rate not to exceed \$2000 (with the exception of death penalty capital cases) |
| g) Appellate Services for Jury Trial                 | Applicable felony or misdemeanor hourly rate not to exceed \$2500 (with the exception of death penalty capital cases) |
| h) Appellate Services in Death Penalty Capital Cases | Hourly rate of \$100 not to exceed \$15,000   |

Hourly fees for the preparation for and trial of a case must be reasonable in light of the complexity of the case (or cases), and the experience and ability of counsel. The court may make exception to the above rates upon a showing that the rate would be unfair in a given case. Counsel may only bill for that time spent conferring/negotiating in court on the particular case. Out-of-court time should be itemized in real time. Administrative matters such as opening a file may not be submitted for compensation. Time spent by administrative assistants and paralegals will not be compensated. Mileage will not be reimbursed; however, travel time to confer with your client or witnesses will and should be included in out-of-court billing.

### **IV. CAPITAL CASE COMPENSATION**

In all capital cases the rates for attorney's services shall be no less than \$80 per hour and no more than \$150 per hour.

The court may make an exception to the above rates upon a showing that the rate would be unfair in a given case.

### **V. REIMBURSEMENT FOR REASONABLE EXPENSES FOR PURPOSES OF INVESTIGATION AND EXPERT TESTIMONY**

In all criminal cases appointed counsel will be reimbursed for reasonable expenses that are incurred and which have been previously approved by the District Judge. Reasonable

expenses may include expenses incurred for investigation and expert testimony and will be in addition to the total compensation referred to above in this Order.

## VI. REQUEST FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Each attorney shall prepare a detailed statement of the nature of the services performed, the date of such performance, and the actual time spent on each such date and service (to the tenth of an hour), and shall submit said statement with an unsworn declaration to the trial Judge:

- a. Within 15 days of the date of disposition of a case by a plea or bench trial;
- b. Within 15 days of the date of verdict in a jury trial;
- c. Within 15 days of the date the mandate being returned in an appeal; or
- d. At such other intervals as ordered by the Court.

**ALL REQUEST FOR PAYMENTS MUST BE MADE WITHIN THE COURT'S FISCAL YEAR BY SEPTEMBER 15<sup>TH</sup>. INVOICES SUBMITTED OUTSIDE THE CURRENT FISCAL YEAR WILL NOT BE PAID WITHOUT PRIOR COURT APPROVAL.**

If the trial Judge disapproves the requested amount, the Judge shall make written findings stating the amount of payment approved and the reason for approving an amount different from the requested amount. The attorney whose request for payment has been disapproved may, by written motion, file an appeal with the Presiding Judge of the Administrative Region.

THIS ORDER IS SIGNED ON SEPTEMBER 1, 2022 AND EFFECTIVE ON THE 1<sup>ST</sup> DAY OF OCTOBER, 2022 AND SAID ORDER SUPERCEDES ANY AND ALL PRIOR COURT STANDING ORDERS FOR ATTORNEYS' FEES AND OTHER EXPENSE COMPENSATION.



HONORABLE JUDGE KIRSTEN COHOON  
451<sup>ST</sup> JUDICIAL DISTRICT

FILED 9/19/22  
at 9:00 o'clock A. M.

Susan Jackson, District Clerk  
Kendall County, Texas

By:  Deputy