

**STANDING ORDER AND FEE SCHEDULE FOR COMPENSATION
OF ATTORNEYS APPOINTED TO REPRESENT INDIGENT DEFENDANTS
IN THE 198TH & 216TH JUDICIAL DISTRICT COURTS OF
BANDERA, GILLESPIE AND KERR COUNTIES, KERR COUNTY COURT AT LAW AND
GILLESPIE COUNTY COURT AT LAW**

On the 18th day of December, 2024, the 198th & 216th District Court Judges, the Kerr County Court at Law and the Gillespie County Court at Law Judges, have adopted 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 January 1, 2025. 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 a proposed 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 approval.

II. FLAT FEE

a) Initial jail visit	\$50 (if in county or conducted via video), \$100 (if out of county)
b) Extradition	\$250
c) MTR/MTA for felony cases	\$425
d) MTR/MTA for misdemeanor cases	\$325
e) Misdemeanor	\$425
f) State Jail	\$500
g) 3 rd Degree	\$550
h) 2 nd Degree	\$700
i) 1 st Degree	\$825

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 into consideration with a felony or misdemeanor case. Juvenile cases will be handled pursuant to the level of offense.

If the defendant retains new counsel during the pendency of the matter, the attorney appointed with be paid according to the schedule above if he/she made an appearance in court on behalf of the defendant. If the defendant retains new counsel prior to any court appearance on behalf of the defendant, the attorney will be

paid \$200 for any misdemeanor appointment and \$300 for any felony appointment for the defendant regardless of the number of cases associated with such defendant. If the attorney withdraws from representing the defendant, the attorney forgoes the flat rate fee unless prior court approval is obtained.

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 visiting will be paid in addition to the applicable flat fees set forth in items B-I.

III. HOURLY RATE: NOIN-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 & 3 rd Degree felony | \$80 in court/\$70 out of court |
| d) 2 nd Degree felony | \$90 in court/\$80 out of court |
| e) 1 st Degree felony | \$100 in court/\$90 out of court |
| f) Appellate Services for non-Jury trials | Applicable felony or misdemeanor hourly rate not to exceed \$2000 (with exception of death penalty capital cases) |
| g) Appellate Services for Jury Trial | Applicable felony or misdemeanor hourly rate not to exceed \$2500 (with exception of death penalty capital cases) |
| h) Appellate Services in Death Penalty Capital Cases | Hourly rate of \$100 not to exceed \$15,000 (see Capital Case Compensation Order for 198 th & 216 th Districts) |

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 that rate would be unfair in 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 appropriate 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

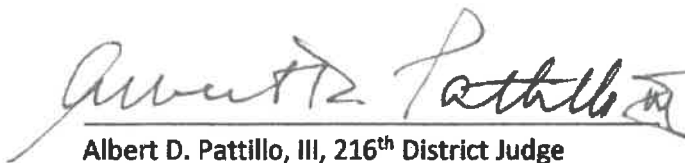
Each attorney shall prepare a detailed statement of the nature of the services performed, the date of such performance and the actual time spent on each such date and service (to the tenth of an hour) for all hourly matters. Such statement shall be submitted with an unsworn declaration to the trial Judge:

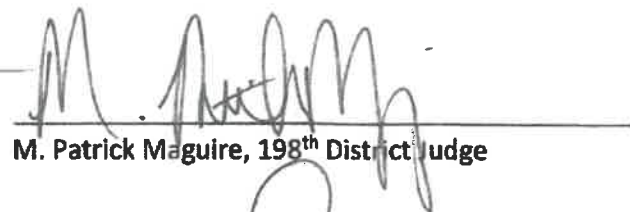
- a. Within 15 days of the date of disposition of a case by plea or bench trial;
- b. Within 15 days of the date of verdict in a jury trial;
- c. Within 15 days of the date the mandate being returned in an appeal; or
- d. At such other intervals as ordered by the Court.

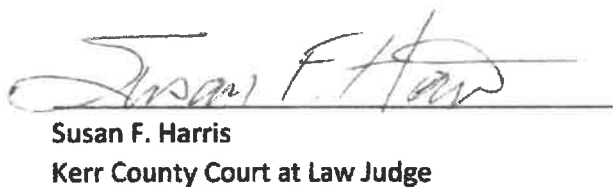
ALL REQUESTS FOR PAYMENTS FOR MATTERS BEING BILLED ON AN HOURLY BASIS MUST BE MADE WITHIN THE COURT'S FISCAL YEAR BY SEPTEMBER 15TH. INVOICES SUBMITTED OUTSIDE THE CURRENT FISCAL YEAR WILL NOT BE PAID WITHOUT PRIOR COURT APPROVAL.

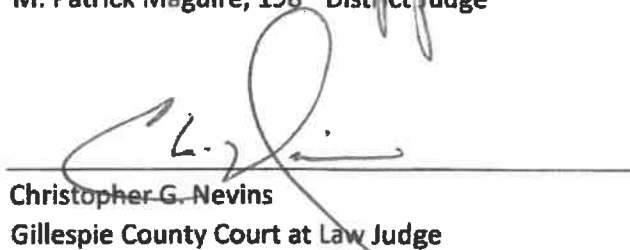
If the trial judge disapproves the requested amount, the Judge shall make written findings stating the amount of payment approved and the reason for approving an amount different from the requested amount. The attorney whose request for payment has been disapproved may, by written motion, file an appeal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

This Standing Order is signed on December 18, 2024 and is effective on January 1, 2025. Said Order supersedes any and all prior court standing orders for attorneys' fees and other expense compensation for the courts named herein, as evidenced by the Judge's signatures below.


Albert D. Pattillo, III, 216th District Judge


M. Patrick Maguire, 198th District Judge


Susan F. Harris
Kerr County Court at Law Judge


Christopher G. Nevins
Gillespie County Court at Law Judge

FILED
AT 10:42 O'CLOCK A.M ON

12/18/2024

TAMMY KNEUPER, 198TH DISTRICT CLERK
BANDERA COUNTY, TEXAS

BY Tammy Kneuper
DEPUTY