

**JOINT STANDING ORDER NO. 2 OF THE KENDALL
COUNTY DISTRICT COURTS REGARDING COMPENSATION OF
ATTORNEYS APPOINTED TO REPRESENT INDIGENT DEFENDANTS**

On the 30th day of January, 2026, the 451ST and 498TH District Courts of Kendall County 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 Criminal Procedure.

I. TRIAL SERVICES

For trial services, counsel shall be compensated on a flat-fee basis, effective October 1, 2024, in accordance with the schedule set forth below. Compensation shall be determined by the type of case as reflected in that schedule.

An attorney seeking compensation on an hourly basis due to the complexity of a particular case must obtain prior approval from the Court before billing at an hourly rate. Such approval shall be requested by written motion, which must specifically state the grounds supporting the need for hourly compensation and be submitted with a proposed order. Motions not accompanied by a proposed order will not be considered. If hourly compensation is approved, billable time shall not exceed eight (8) in-court hours (excluding trial) and fifteen (15) out-of-court hours, unless additional hours are authorized in advance by the Court.

A. FLAT FEE

- a) **Initial Jail Visit:**
\$50 (if conducted in-county or via videoconference);
\$100 (if conducted out of county)
- b) **Extradition:** \$250
- c) **MTR/MTA – Felony:** \$425
- d) **MTR/MTA – Misdemeanor:** \$325
- e) **Misdemeanor:** \$425
- f) **State Jail Felony:** \$500
- g) **Third-Degree Felony:** \$550
- h) **Second-Degree Felony:** \$700
- i) **First-Degree Felony:** \$825

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

If the defendant retains new counsel during the pendency of the matter, the appointed attorney shall be compensated in accordance with the schedule above, provided the attorney has made an appearance in court on behalf of the defendant. If the defendant retains new counsel prior to any court appearance by the appointed attorney, the appointed attorney shall be compensated **\$200** for a misdemeanor appointment and **\$300** for a felony appointment, regardless of the number of cases associated with the defendant.

If the appointed attorney withdraws from representation, the attorney forfeits the flat-fee compensation unless prior approval is obtained from the Court.

If extraordinary motions are required to be prepared and resolved by special setting, and upon prior approval of the Court, the attorney shall be compensated at the applicable hourly rate set forth below for those services, in addition to the flat fee. The fee for the initial jail visit shall be paid in addition to the applicable flat fees.

B. 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) **Misdemeanors:**
\$75 per hour (in court); \$60 per hour (out of court)
- b) **Motion to Revoke/Motion to Adjudicate:**
\$70 per hour (in court); \$55 per hour (out of court)
- c) **State Jail and Third-Degree Felonies:**
\$80 per hour (in court); \$70 per hour (out of court)
- d) **Second-Degree Felonies:**
\$90 per hour (in court); \$80 per hour (out of court)
- e) **First-Degree Felonies:**
\$100 per hour (in court); \$90 per hour (out of court)
- f) **Appellate Services (Non-Jury Trials):**
Applicable felony or misdemeanor hourly rate, not to exceed \$2,000
- g) **Appellate Services (Jury Trials):**
Applicable felony or misdemeanor hourly rate, not to exceed \$2,500

Hourly fees for the preparation and trial of a case must be reasonable in light of the complexity of the case or cases and the experience and ability of the attorney. The Court may make exceptions to the rates set forth above upon a showing that application of the rate would be unfair in a particular case.

The attorney may bill only for time spent conferring or negotiating in court on the specific case. Out-of-court time shall be itemized. Administrative matters, including opening a file, are not compensable. Time spent by administrative assistants and paralegals shall not be compensated.

Mileage shall not be reimbursed; however, travel time incurred to confer with the defendant or witnesses may be included as out-of-court billable time.

C. 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. In capital appeals, the rates shall be no less than \$100 per hour, not to exceed \$15,000. The Court may make an exception to the above rates upon a showing of good cause.

II. REIMBURSEMENT FOR REASONABLE EXPENSES FOR PURPOSES OF INVESTIGATION AND EXPERT TESTIMONY

In all criminal cases, court appointed counsel is entitled to reimbursement for reasonable and necessary expenses incurred, including expenses for investigation and expert testimony, when such expenses have been approved in advance by the Court. Reimbursable expenses are separate from and in addition to the compensation provided for legal services under this Order.

III. 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 Court:

- 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 REQUESTS FOR PAYMENT 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 Court disapproves the requested amount, there shall be written findings stating the amount of payment approved and the reason for approving an amount different from that requested. 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 the 3d day of March, 2020 and effective immediately. Said order supersedes any and all prior court standing orders for attorneys' fees and other expense compensation.


HON. JUDGE KIRSTEN COHOON
451ST JUDICIAL DISTRICT COURT


HON. JUDGE KATHERINE MCDANIEL
498TH JUDICIAL DISTRICT COURT