

FILED

PANOLA COUNTY, TEXAS

Guidelines for the Payment of Expert and Investigative Expenses and Fees

2017 FEB -8 PM 4:19

Effective February 8, 2017

DEBRA J. STOKES, CLERK

PANOLA COUNTY, TEXAS

I. Procedure for Requesting Investigator and/or Expert Witness Expenses

J. Starling

- a. Appointed counsel for indigent defendants must file with the court a pretrial request for payment of investigative expenses, expert witness expenses, or both. In the discretion of the attorney, this request may be filed as an ex parte confidential request.
- b. Attorneys must receive written, prior court approval for all investigator and expert witness expenses. Expenses incurred, including expert and investigator fees, only will be reimbursed if the Court finds them to be reasonably necessary and reasonably incurred.
- c. The request for approval of expenses must state the type of investigation to be conducted or the type of expert witness to be retained, must set out specific facts that suggest the investigation will result in admissible evidence or that the services of an expert witness are reasonably necessary to assist in the preparation of a potential defense, and shall include an itemized list of anticipated expenses for each investigator, expert witness, or both. Investigators may not serve subpoenas and attorneys are encouraged to interview witnesses.

II. Compensation Schedule for Expert Witnesses

- a. Expert witnesses will be reimbursed at the expert's actual hourly rate, not to exceed the amount pre-approved by the Court.

III. Compensation Schedule for Court-Appointed Investigators

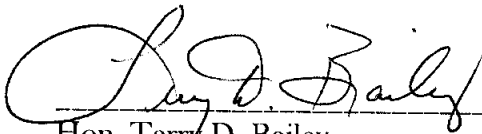
- a. Expenses for investigators will be reimbursed at a rate of \$45.00 per hour, plus mileage at a rate of 53 ½ cents per mile, not to exceed the amount pre-approved by the Court. Investigators may not charge mileage or time for travel to and from Carthage, Texas to perform investigative services.

IV. Procedure to Request Payment

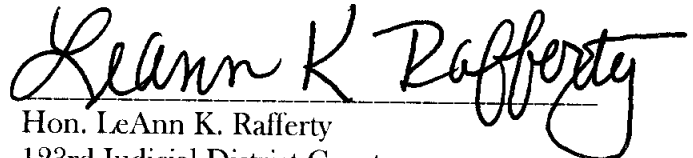
- a. A court-appointed investigator and/or expert shall submit a typed, detailed list of services provided to the appointed counsel. The detailed list must reflect the following: (1) the type of itemized service provided; (2) the date and location of the service; and (3) the time spent providing the service rounded to the nearest tenth of an hour (6 minute increments).

- b. Attorneys remain responsible for approving and submitting the investigator/expert fees to the judge for payment and/or reimbursement. Investigators shall not directly submit payment requests to the judge. To receive payment, the attorney must provide the court the detailed list described in section IV(a) above, along with the Attorney Fee Voucher. No payment shall be made until the judge approves payment.
- c. The attorney must note on the Attorney Fee Voucher if the attorney requests a reimbursement for pre-paid expenses and/or fees, or, if the attorney requests payment be made directly to the expert and/or investigator.
- d. Attorney Fee Vouchers shall be submitted to the judge following the final disposition of the case in the trial court.
- c. If an attorney is not satisfied with the amount of compensation approved under this schedule, the attorney may appeal the judge's decision by following the procedure set forth in Texas Code of Criminal Procedure section 26.05.

Executed this 8th day of February, 2017.



Hon. Terry D. Bailey
County Court at Law



Hon. LeAnn K. Rafferty
123rd Judicial District Court