



**K. RANDALL HUFSTETLER**  
DISTRICT JUDGE  
300TH JUDICIAL DISTRICT  
BRAZORIA COUNTY COURTHOUSE

December 9, 2010

Members of the Brazoria County Bar,  
Members of the Criminal Appointment Master List, and  
Applicants to the 2011 Brazoria County Criminal Appointment Master List

RE: *Update to Brazoria County Indigent Defense Plan*

Dear Member of the Bar:

You will soon be receiving, either by fax or by email, an Amended Attorney Fee Schedule and an amendment to Section 4.05 (e) of the current Indigent Plan for Brazoria County. Both of these amendments to the Plan were adopted by the Criminal Courts Committee which met on December 1, 2010. In light of the fact that many attorneys had already submitted their applications to be recertified for the 2011 calendar year, or had submitted an application for the first time, prior to these amendments, we are providing instructions for updating your application. Please review the amendments and contact Iris Huerta, Verification Officer, with any changes according to the following instructions:

- In the event your application status is unchanged and you wish to leave it on file for consideration as it stands, there is no need to contact Iris Huerta;
- In the event you wish to leave your application on file but these amendments to the Plan have necessitated a change in your application, please contact Iris Huerta with the change(s) before 5:00 p.m., Monday, December 20, 2010;
- In the event you wish to remove your name from the application list for this coming year, please contact Iris Huerta by phone, fax or email and ask her to withdraw your application from consideration.

Please note the amendments to the Plan are not a departure from the essence of the previous Plan, but an effort to make the system work more efficiently, as well as to provide indigent defendants with more timely and efficient representation. Additionally, please note the schedule for fees contains a defining term which is new to the Plan – “*Presumptive Maximum*” fees. This term is defined in the body of the Fee Schedule and will become effective with the amendments on January 1, 2011.

Thank you for your attention to these amendments and for the professional manner in which you continue to represent indigent clients involved in criminal cases. Should you have any questions, please do not hesitate to contact any of the judges of Brazoria County.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Randall Hufstetler".

K. Randall Hufstetler,  
Presiding Judge

**ATTORNEY FEE SCHEDULE**  
**Brazoria County Courts Trying Criminal Cases**  
**(excludes Death Capital Cases)**  
**Effective January 1, 2011**

**Individual Case Appointments**

-Attorney must receive prior court approval to be considered for appointment on criminal cases by making application through the Brazoria County Indigent Defense Plan.

-The level of offense charged controls the level of appointment and payment.

\*\* The "**Presumptive Maximum**" applies to all cases unless indicated otherwise. "**Presumptive Maximum**" includes all non-trial hours on plea cases. In the event an attorney presents a voucher for more than the presumptive maximum, said attorney will be responsible for providing an explanation to the Court to which the voucher is presented before same will be approved.

	<b><u>Rate</u></b>	<b><u>Total</u></b> (Presumptive Maximum**)
<b><u>Non-Trial Plea Agreement cases –</u></b>		
First Degree	\$50-100/hr	\$500/plea
Second Degree	\$50-100/hr	\$500/plea
Third Degree/SJF/MRP/MTAG	\$50-100/hr	\$500/plea
Misdemeanor Class A or B	\$50-100/hr	\$250/plea
Juvenile	*same fees as corresponding misdemeanor or felony case level*	
<b><u>Trial –</u></b>		
First Degree	\$500/day	None
Second Degree	\$400/day	None
Third Degree/SJF/MRP/MTAG	\$300/day	None
Misdemeanor Class A or B	\$300/day	None
Juvenile	*same fees as corresponding misdemeanor or felony case level*	
<b><u>Non-Trial hours -</u></b>		
(Pretrial Hearings, Motions to Suppress, PSI Hearings, Bond/Writ Hearings, Discovery Motions, Witness interviews, Research/Investigation, Trial Preparation, etc.)		
First Degree	\$50-100/hr	\$500/day
Second Degree	\$50-80/hr	\$350/day
Third Degree/SJF/MRP/MTAG	\$50-80/hr	\$250/day
Misdemeanor	\$50-80/hr	\$250/day
Juvenile	*same fees as corresponding misdemeanor or felony case level*	
Juvenile Detention Hearing		\$100/case (Maximum \$250/day/court)
Juvenile Certification/Transfer Hearing	*same fee as corresponding felony case level, if transferred*	

**Attorney-for-the-Day -**

In those courts where an attorney has been designated as the "attorney-for-the-day," said attorney shall be compensated at the rate of:

**\$100/hour**

**Investigation/Expert Fees -**

(Must request court approval prior to hiring expert or investigator; Must detail expenses and hours on voucher submitted to Court)

<b>Investigator</b>	<b>\$40/hr</b>	<b>\$500/case*</b>
<b>Expert</b>	<b>None</b>	<b>\$650/case*</b>

\* Each Court may consider approving additional fees on a case-by-case basis depending on the nature of the case and expertise involved.

**Costs -**

- **Copies** – must utilize electronic copy policy through Brazoria County District or County Clerk’s Offices (e.g. email, zip-drive, CD) for all pleadings, documents filed with Court/Clerk, etc.
- **Service Fees** – must utilize Sheriff’s Office service, Constable service or local law enforcement service. Private Process Service available only with prior Court approval and after unsuccessful attempts through local law enforcement.
- **Travel** – NO TRAVEL WILL BE PAID UNLESS PRIOR COURT APPROVAL RECEIVED. Travel hours, idle hours and waiting time will not be compensated unless prior approval received from Court. Only time actively engaged in case will be compensated.

**- Travel time outside Brazoria and contiguous counties if approved by Court- standard hourly rate**

*(THIS DOES NOT INCLUDE TRAVEL FROM YOUR OFFICE TO THE COURTHOUSE and MILEAGE IS NOT REIMBURSED IF TIME IS SUBMITTED)*

**-Airline - actual cost (14-day advance ticket rate) \*receipt required**

**Post-Conviction Proceedings -**

<b>Non-Capital Appeal</b>		
- Appeal, Preparation of Motion for New Trial	<b>\$75-85/hr</b>	<b>\$2550/case</b>
- New Brief after PDR	<b>\$75-85/hr</b>	<b>\$1200/case</b>
<b>DNA Motion</b>	<b>\$75-85/hr</b>	<b>\$500/case</b>
<b>11.07 Writ of Habeas Corpus</b>	<b>\$75-85/hr</b>	<b>\$1500/case</b>

Change to Section 4.05 (e) of our Current Plan:

"(e) (1) maintain their primary residence in Brazoria County, Texas; (2) maintain their principle legal office in Brazoria County, Texas or be a full-time employee, associate or partner of a partnership that has, as its sole purpose, the practice of law or, be a member of a Professional Corporation that satisfies the requirements of (e)(1) or (2); or, (3) be a current and qualified member in good standing of the Brazoria County Indigent Defense Plan Master List, wherein such attorney will be "grandfathered" into this revised Plan without the requirement of satisfying either (e)(1) or (2) herein."