

Collin County Court Plan

Preamble

THE COLLIN COUNTY

INDIGENT DEFENSE PLAN

(As Amended Effective April 24, 2017)

(All Amendments to the Plan are effective immediately and apply to all outstanding and future claims)

In accordance with the requirements of the Texas Fair Defense Act, Acts 2001, 77th Leg., the County Court at Law Judges of Collin County, Texas hereby adopt the following Local Rules for the appointment of attorneys in misdemeanor criminal cases.

SECTION ONE

THE COMMITTEE ON MISDEMEANOR INDIGENT DEFENSE

1.01 The Collin County Committee on Misdemeanor Indigent Defense

a. The Collin County Committee on Misdemeanor Indigent Defense, hereafter the "Committee," is established. The Committee consists of the County Court at Law Judges of Collin County, Texas who hear criminal cases.

b. The Committee shall establish local rules and procedures necessary for Collin County Courts at Law to comply with the Texas Fair Defense Act in misdemeanor criminal cases.

c. The County Courts trying criminal cases hereby designate the following individuals or offices as having authority to appoint counsel for indigent defendants charged with a criminal matter within the jurisdiction of the county courts:

1. The Office of the Indigent Defense Coordinator;

2. Any magistrate performing the duties under Section Two below that has authorized access to the County's electronic appointment system; and

3. In cases where the defendant may be incompetent, a person with mental illness, or a person with mental retardation, the Office of Mental Health Managed Counsel Program.

Prompt Magistration

SECTION TWO

WHEN THE RIGHT TO COUNSEL ATTACHES

2.01 Misdemeanor Arrest Pursuant to a Warrant

a. If a person is arrested on a misdemeanor charge pursuant to a warrant, the person who has custody of the accused shall present the accused before a magistrate within 48 hours of the time of the accused person's arrest. The magistrate shall deliver the admonishments contained in Article 15.17 Code of Criminal Procedure. The magistrate shall also set

bail, unless bail was previously set by the magistrate issuing the warrant. The magistrate shall also inform the accused of his right to counsel and make a finding of probable cause based upon the warrant. If necessary, an interpreter shall assist the accused during the probable cause hearing. If the accused requests an attorney, the magistrate shall provide the accused with the forms necessary for making such a request and ensure that reasonable assistance in completing the required forms is provided to the accused. The magistrate shall make a record of:

1. Informing the accused of the accused's right to request appointment of counsel;
2. Whether the accused wants to request appointment of counsel; and
3. Whether the person requested court-appointed counsel.

2.02 Misdemeanor Arrest Without a Warrant

a. If a person is arrested on a misdemeanor charge without a warrant, the person who has custody of the accused shall present the accused before a magistrate within 48 hours of the time of the accused person's arrest. If the accused person is not brought before a magistrate within 48 hours after the person's arrest, the accused person shall be released on bond, in an amount not to exceed \$5,000.00. If the person is unable to deposit money in the amount of the bond, or unable to obtain a surety for the bond, the accused person must be released on personal bond.

b. If the accused person is brought before a magistrate within 48 hours, the magistrate shall deliver the admonishments contained in Article 15.17 Code of Criminal Procedure and sign the Order Finding Probable Cause included in the "Forms" section of this plan. If necessary, an interpreter shall assist the accused during the probable cause hearing. The magistrate shall make a finding of either "no probable cause" or a "finding of probable cause." A finding of probable cause must be based upon a sworn probable cause affidavit setting forth sufficient facts, or by incorporating a copy of the offense report. If the magistrate makes a finding of no probable cause, the accused person shall be released from custody. If a magistrate makes a finding of probable cause, the magistrate shall inform the accused person of their right to counsel. If the accused requests an attorney, the magistrate shall provide the accused with the forms necessary for making such a request and ensure that reasonable assistance in completing the required forms is provided to the accused. The magistrate, upon a finding of probable cause, shall set reasonable bail and shall make a record of:

1. Informing the accused of the accused's right to request appointment of counsel;
2. Whether the accused wants to request appointment of counsel; and
3. Whether the person requested court-appointed counsel.

2.03 Prompt Appointment of Counsel

a. As soon as possible following arrest, and in any event not later than the Article 15.17 hearing, each arrested person who wants to request appointment of counsel shall be provided with a form on which the arrested person will provide under oath the necessary information concerning the person's financial resources and will indicate that the person requests appointment of counsel. The arrested person will be provided assistance in completing the form. A copy of the form is included in the "Forms" section of this plan.

b. Prompt Appearance Before Magistrate. The law enforcement officer making the arrest and any officer who later has custody of any accused person shall ensure that the person is taken before a magistrate without unnecessary delay, but not later than 48 hours after the person is arrested, for proceedings under Article 14.06, Section (a) of the Code of Criminal Procedure.

c. Transmittal of Request for Appointed Counsel. If an arrested person requests appointment of counsel and has completed the necessary forms, the magistrate shall transmit or cause to be transmitted to the appointing judge or person (s) designated by the judges to appoint counsel under Section 1.01(c) above, the forms requesting appointment of

counsel. The forms requesting appointment of counsel shall be transmitted without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, as stated in Article 15.17, Section (a) of the Code of Criminal Procedure.

d. If a person is identified as suffering from a mental illness or mental defect the magistrate shall transmit or cause to be transmitted to the appointing judge or person(s) designated by the judges to appoint counsel the forms requesting appointment of counsel and information identifying the person as possibly suffering from a mental illness or mental defect. The forms requesting appointment of counsel shall be transmitted without unnecessary delay but not later than 24 hours after the person arrested requests appointment of counsel, as stated in Article 15.17, Section (a) of the Code of Criminal Procedure.

e. For persons arrested on out-of-county warrants, the magistrate will ask the defendant if he/she would like to request appointed counsel. The magistrate will record the response, and if counsel is requested, the magistrate will provide the arrestee with the appropriate forms for requesting counsel. The magistrate will ensure assistance in completing the forms at the same time. The forms will be transmitted to the appointing authority in the county issuing the warrant within 24 hours of the request being made. Regarding the appointment of counsel, persons arrested in other counties on local warrants must be appointed counsel in the county that issued the warrant within one working day of receipt of the request. Persons arrested on out-of-county warrants must be appointed counsel in the county of arrest if the person has not been transferred or released to the custody of the county issuing the warrant before the 11th day after the date of arrest. [Art. 1.051(c-1),CCP).

Indigence Determination Standards

SECTION THREE

3.01 Definitions. As used in this Section:

a. **“Total income”** shall include all income of the defendant and spousal income available to the defendant. In the case of a juvenile defendant, the child’s parents, or other person determined responsible for the support of the child, income shall be considered. Total income shall include wages, salaries, tips, taxable interest, dividends, capital gains, business income, IRA distributions, pensions and annuities, rental real estate, royalties, partnerships, S corporations, trusts, etc., farm income, unemployment compensation, Social Security benefits, and other income. Unless there has been a substantial change in income, total income will be determined from line 22 of the most recent U.S. Individual Income Tax Return – 1040 or line 4 of form 1040EZ. Upon a showing of a substantial change in income, which includes but is not limited to three consecutive and continuous months of unemployment, the defendant's total income will be brought to the attention of the judge of the court which the case is pending for further review.

b. **“Household size”** shall be determined by the number of dependents claimed on the most recent U.S. Individual Income Tax Return 1040 or 1040EZ. If a U.S. Individual Income Tax Return has not been filed, household size shall mean all individuals who are dependent on the defendant for financial support.

c. **“Liquid assets”** shall include but are not limited to cash, savings, checking accounts, stocks, bonds, certificates of deposit, and equity in real and personal property that can be readily converted to cash, other than assets and property exempt from attachment under state law.

d. **“MHMC”** means the Mental Health Managed Counsel Program.

3.02 Financial Considerations

The financial standards set forth below shall be used to determine whether a defendant is indigent and shall be applied equally to each defendant in the county. A defendant is considered indigent if:

a. Their total income does not exceed 125% of the Federal Poverty Guidelines established and revised annually by the U.S. Department of Health and Human Services and published in the Federal Register; or

125 % of the Federal Poverty Level (2017)		
Income		
<u>Size of Family Unit</u>	<u>Annually</u>	<u>Monthly</u>
1	\$15,075	\$1,256
2	\$20,300	\$1,692
3	\$25,525	\$2,127
4	\$30,750	\$2,562
5	\$35,975	\$2,998
6	\$41,200	\$3,433
7	\$46,425	\$3,869
8	\$51,650	\$4,304

SOURCE: Federal Register, Vol. 82, No. 19, January 31, 2017, pp. 8831-8832

b. If the defendant and defendant's spouse were not required by law to file the most recent U.S. Individual Income Tax return (either 1040 or 1040EZ) due to gross income below the filing requirements; and

c. If the defendant and defendant's spouse liquid assets do not exceed \$2,500; or

d. Whose liquid assets do not exceed double the estimated cost of obtaining competent private legal representation on the offense(s) with which the defendant is charged.

3.03 Other Considerations

A defendant is considered indigent if the defendant:

a. Is currently serving a sentence in a correctional institution, is currently held in custody, is currently residing in a mental health facility, or is the subject of proceeding in which admission or commitment to such a mental health facility is sought; and does not have liquid assets in excess of 3.02 c.

b. At the time of requesting appointed counsel, the defendant or defendant's dependents have been determined to be eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, public housing or Collin County Indigent Health Care.

3.04 Factors Not to be Considered

- a. A defendant's posting of bail or ability to post bail may not be considered, except as provided by law, in determining whether the defendant is indigent. Even when a defendant has posted bail, the defendant's financial circumstances are measured by the financial standards stated in this rule.
- b. The resources available to friends and families or relatives of the defendant may not be considered in determining whether the defendant is indigent. Only the defendant's financial circumstances as measured by the financial standards stated in this rule shall be used as the basis for determining indigence.
- c. A defendant shall not be denied the appointment of counsel merely because the person is employed.

3.05 Procedures for Determining Indigence.

- a. As soon as possible following arrest, and in any event not later than the Article 15.17 hearing, each arrested person who wants to request appointment of counsel shall be provided with a form on which the arrested person will provide under oath the necessary information concerning the person's financial resources and will indicate that the person requests appointment of counsel. The arrested person will be provided reasonable assistance in completing the form. A copy of the form is included in the "Forms" section of this plan.
- b. The form requesting appointment of counsel and containing the information concerning the arrested person's financial resources will be transmitted to the appointing judge or person(s) designated by the judges to determine indigency.
- c. The appointing judge or person(s) designated by the judges to appoint counsel will determine whether the person meets the financial standards for indigence in Rule 3.02. The determination will be recorded on the form requesting appointment of counsel and the form will be filed with the other orders in the case.
- d. The arrested person may be required by the court designee, magistrate, the appointing judge, or the judge presiding over the case to respond to examination regarding the person's financial resources.
- e. A written or oral statement elicited under this article or evidence derived from the statement may not be used for any purpose, except to determine the defendant's indigence or to impeach the direct testimony of the defendant regarding the defendant's indigence.
- f. A defendant determined to be indigent is presumed to remain indigent for the remainder of the case unless a material change in the defendant's financial circumstances occurs. Counsel shall notify the Court if a material change occurs. Release from custody or change of employment status are changes which shall be brought to the attention of the Court within 14 days.
- g. A defendant's status as indigent or not indigent may be reviewed in a formal hearing at any stage of a court proceeding based on evidence of a material change in the defendant's financial circumstances. A defendant's status as indigent or not indigent also may be reviewed in a formal hearing at any stage of a court proceeding based on additional information regarding financial circumstances, subject to the presumption. If a defendant previously determined to be indigent subsequently is determined not to be indigent, the attorney shall be compensated by the county in accordance with these Rules for time reasonably expended on the case.
- h. Contingent on the employment of an indigency investigator. The judges shall designate an

investigator(s) to review and audit requests for indigency. A copy of the request form shall be transmitted to the indigency investigator for investigation and review. Income verification and determination will be completed no later than the end of the first working day after the date on which the indigency investigator receives the defendant's request for appointment of counsel. The defendant will be notified of the outcome of the determination.

3.06 Partial Indigency

a. The court may find a defendant to be partially indigent if the person is able to pay some part of the cost of legal representation and if the payment does not impose manifest hardship on the accused or the accused's household.

b. An accused person found to be partially indigent may be ordered by the court to pay, while the case is pending, monthly installments commensurate with the accused's ability to pay based upon his/her income and assets. A copy of the form is included in the "Forms" section of this plan.

3.07 Reimbursement

a. An accused person who is found guilty, and after all appeals, if any, are exhausted, shall be required to reimburse Collin County a sum not more than the amount paid by the County to the accused's attorney, provided however that a finding is made at the time of final disposition that the accused has the ability to reimburse the County without substantial financial hardship. Such reimbursement shall be taxed as costs in the accused person's case, which are ordered to be collected by the County Clerk, Collections Department or Community Supervisions and Collections Department before all other court costs and fines.

Minimum Attorney Qualifications

SECTION FOUR

4.01. Residency Requirement and Objective Competency Standards

a. To be eligible to receive appointments in misdemeanor cases, an attorney must maintain membership in a Collin County Bar organization; and

1. Reside in and maintain his sole office in Collin County.

2. Anyone not meeting the above-listed criteria may petition the County Courts for an exception, by contacting the indigent defense coordinator. An exception may be granted upon the unanimous approval of the County Court at Law Judges.

b. To be on the list of approved attorneys for misdemeanor appointments, an attorney must meet one of the three following criteria:

1. Board Certification in Criminal Law by the Texas Board of Legal Specialization; or

2. Completion of at least two years of law practice with at least three misdemeanor jury trials (which may be second chair) during the attorney's career and completion of at least sixteen hours of criminal law continuing legal education in the twenty-four month period preceding application; or

3. Demonstrate competence using other criteria to be approved by the Committee including, but not limited to, years of legal experience, board certification in areas of law other than criminal law, number of civil and jury trials completed,

number of hours of criminal law CLE and professional reputation for handling criminal cases.

c. In addition to above-references eligibility requirements, additional requirements for designation on approved attorney list for the MHMC include:

1. Six hours per year of CLE in Mental Health;
2. Six jury trials as lead counsel.

4.02. Creation Of Master List Of Attorneys

a. An attorney who wishes to be included in the master list of attorneys from which court appointments are made must, between December 1-31 and July 1-14, submit a written application to the Committee, a copy of which is included in the "Forms" section of this plan, to the Indigent Defense Office.

b. The Committee shall meet periodically to review attorney applications. A majority of the Committee is required to approve an attorney's application for inclusion on the master list. If an application is rejected for placement on the master list, the attorney may reapply after ninety days. The master list shall be posted in the Indigent Defense Office and is a public record.

c. The Collin County Information Technology Department shall be responsible for writing and maintaining the computer software necessary to utilize the master list. The Indigent Defense Office shall be responsible for updating the master list with changes, additions and deletions provided to the Indigent Defense Coordinator by the Committee.

d. Attorneys shall initially be listed alphabetically on the master list. As new attorneys are approved, they shall be placed at the bottom of the list.

4.03 Mental Health Master List

a. An attorney who wishes to be included in the MHMC master list of attorneys from which the court appointments are made must submit a written application to the MHMC Attorney Director, a copy of which is included in the "Forms" section of this plan.

b. All MHMC applications will be accepted year round and positions filled as vacancies occur.

c. The MHMC Attorney Director will review all applications and submit the list of qualified attorneys proposed for appointment to the Mental Health list to the Committee for approval by majority vote.

d. The Collin County Information Technology Department shall be responsible for writing and maintaining the computer software necessary to utilize the MHMC master list. The Collin County Indigent Defense Coordinator shall be responsible for updating the master list with changes, additions and deletions provided to the Indigent Defense Coordinator by the MHMC Attorney Director.

e. Attorneys shall initially be listed alphabetically on the Master list. As new attorneys are approved, they shall be placed at the bottom of the list.

4.04 Annual Renewal of Counsel

a. An attorney whose name is placed on the master list shall annually complete at least eight hours of criminal law continuing legal education and shall send a letter to the Indigent Defense Office no later than December 30 of each year verifying that the attorney's CLE requirements have been complied with for that calendar year. An attorney on the Mental Health list shall annually complete an additional 6 hours of CLE in mental health and shall send a letter to the county Indigent Defense Office and the MHMC Program Office before October 1 of each year verifying the attorney's CLE requirement for the year.

b. No later than the 15th day of October each year, an attorney that was appointed to represent a defendant under this plan must submit, through the Texas Indigent Defense Commission attorney reporting portal, the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for the prior 12 months that begins on October 1 and ends on September 30.

c. An attorney whose name is placed on the master list, or Mental Health list, shall immediately notify the Indigent Defense Office, and MHMC Program Office, if applicable, in writing if their law license is suspended, revoked, or if the attorney has been arrested, accused of, or convicted of a criminal offense (other than a class C misdemeanor), in which case the attorney's name shall be removed from the master list, and Mental Health list. An attorney, once removed from the master list, and/or the Mental Health list, must reapply to the Committee to have their name added to the master list.

Prompt Appointment of Counsel

SECTION FIVE

Counsel shall be appointed as soon as possible, but not later than the end of the first working day after the date on which the appointing judge or person(s) designated by the judges to appoint counsel receives an eligible defendant's request for counsel, as stated in Article 1.051, Section (c) of the Code of Criminal Procedure. If the defendant is released from custody prior to the appointment of counsel, appointment of counsel is not required until the defendant's first court appearance, or when adversarial judicial proceedings are initiated, whichever comes first.

If an indigent defendant is arrested in another county based on this county's warrant, counsel will be appointed within one working day of this county's receipt of the request for counsel.

If a defendant is arrested in this county based on another county's warrant, counsel will be appointed for the defendant if, on the eleventh day after the arrest, the defendant is still in this county's custody.

If a defendant appears without counsel in any adversary judicial proceeding that may result in punishment by confinement, the court may not direct or encourage the defendant to communicate with the attorney representing the State until the court advises the defendant of the right to counsel and the procedure for requesting appointed counsel, and the defendant has been given a reasonable opportunity to request appointed counsel.

If a defendant wishes to request counsel prior to the initial appearance, the forms required to request counsel may be obtained at the Collin County website at http://www.collincountytx.gov/indigent_defense/Pages/default.aspx or at the Office of the Indigent Defense Coordinator. The defendant may submit these forms to the Indigent Defense Coordinator or email to: ccIndigentDefense@co.collin.tx.us. The court will rule on all requests for counsel submitted in this manner.

DUTIES OF APPOINTED COUNSEL

5.01 Professional Representation

a. An attorney who is appointed from the master list, or Mental Health list, shall personally represent the accused or withdraw from the case, after first obtaining permission from the court, or after first notifying the MHMC Attorney Director and obtaining permission from the court if the case is part of the MHMC case load. An attorney must exercise the same degree of professionalism and responsibility with an appointed client as they would with a client who has retained them.

- b. An attorney who is appointed from the master list, shall make every reasonable effort possible to contact his client not later than the end of the first working day after receiving notice of the appointment. If the client is an inmate, an attorney must personally visit the client at the jail. In all cases the attorney must interview the defendant as soon as practicable. An attorney who is appointed from the master Mental Health list shall contact and interview appointed clients no later than the first working day after receiving notice of the appointment. An attorney who receives appointments from the master list, or master Mental Health list, must personally appear with their client at all settings and must inform the accused that his presence is also required at all settings. Any member of the Committee may immediately remove an attorney who intentionally or repeatedly fails to fulfill their obligations to their client from the master list. Attorneys on the mental health appointment list may be removed in the best interests of the MHMC Program by request of the MHMC Program Director and approval of the Committee. Upon either such event, the Committee shall review the matter at its next scheduled meeting. Unless the Committee unanimously votes in favor of reinstating the attorney's name to the master list, the attorney's name shall not be added.
- c. An attorney who is appointed to a case shall continue representing the accused until the accused is acquitted, a plea has become final, all appeals are exhausted, or the court makes a finding of good cause on the record permitting the attorney to withdraw and substitute other counsel.
- d. An attorney who applies for court appointments under the Plan must designate either a telephone fax number or email address for the purpose of receiving notices of appointments. A court that appoints an attorney may use either the attorney's telephone fax number or email address to notify the attorney of his appointment or court hearings. Any changes in the attorney's telephone numbers or email address must be promptly given in writing to the Indigent Defense Office, and to the MHMC Program Office, if applicable, for updating the master list.
- e. An attorney who receives appointments from the master list shall timely and truthfully submit requests for payment to the court with jurisdiction in the matter. An attorney who receives appointments from the Mental Health list shall timely and truthfully submit request for payment and closure forms to the MHMC office.
- f. An attorney whose name is included on the master list for appointments must notify the Indigent Defense Office, in writing of any vacation plans, seminars, protracted trials, etc. where the attorney will be unavailable to accept appointments during a period of more than four calendar days.
- g. An attorney whose name is included on the Mental Health list for appointments must notify the Indigent Defense Office and MHMC Program Office in writing of any vacation plans, seminars, protracted trials, etc., where the attorney will be unavailable to accept appointments during a two-day calendar period.

Attorney Selection Process

SECTION SIX

DUTIES OF APPOINTING COURT

6.01 Appointment of Counsel

Master List General

- a. A Court, or its designee, upon a proper showing of indigency under the standards set forth herein, shall appoint an attorney from the master list. The list shall be managed by the Collin County Indigent Defense Office, and shall be maintained on the County's computer system. After making an appointment, the Indigent Defense Coordinator will send notice to the attorney by email. The original of the order appointing the attorney shall be forwarded to the County Clerk.

b. In making an appointment, the appointing judge, or his/her designee shall select an attorney from among the names of the next five attorneys that appear on the master list. In cases involving motions to adjudicate or motions to revoke, the accused's prior court appointed attorney, if any, shall be appointed, if that person's identity is known. If an accused person does not speak English, an attorney who speaks a language the accused can understand must be appointed.

c. If a court does not appoint one of the five attorneys next up on the master list, the court must state good cause on the record for the deviation. Good cause may include, but is not limited to, conflict of interest, attorney unavailability, request by the accused that the attorney not be appointed, inconvenience to the accused, prior representation by an attorney with knowledge of the facts in the pending case and other similar good cause. Attorneys whose names are among the five names next up on the master list, but who are not selected based upon a showing of good cause, shall have their names placed back at the top of the list.

d. Once an attorney has been appointed to an accused person, the Court may not remove the attorney unless a motion to withdraw or substitute is filed and granted, or where an attorney repeatedly fails to fulfill their obligations to their client, any member of the Committee may immediately remove an attorney, with notice to the accused in accordance with section 5.01(b). If an attorney has been appointed to represent an accused, and an appeal is filed from the accused's conviction, the original attorney shall be appointed for the purposes of appeal. If an accused receives probation or deferred adjudication, the accused's appointed attorney continues as his attorney in any subsequent revocation proceeding and must be appointed for that purpose.

Mental Health Master List

a. A court or its designee, upon a proper showing of indigence under the standards set forth herein, shall notify the MHMC office or court designee of an appointment to be made from the mental health list. The next attorney on the list will be appointed unless good cause exists to appoint another attorney. Mental Health case appointment takes into account any prior representation and rapport that counsel may have with the accused.

Fee and Expense Payment Process

SECTION SEVEN

Counsel shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with and without prior court approval shall be reimbursed, according to the procedures set forth below. When possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts.

No payment shall be made until judge approves payment after submission of attorney fee voucher [Art. 26.05(c), CCP]

If judge disapproves the requested amount of payment, the judge shall make written findings stating the amount that the judge approves and each reason for approving an amount different from the requested amount. [Art. 26.05(c), CCP]

INVESTIGATIVE AND EXPERT WITNESSES

7.01 Procedure with Prior Court Approval

a. Appointed counsel may file with the trial court a pretrial *ex parte confidential request for advance payment of investigative and expert expenses*. The request for expenses must state, as applicable:

- (1) The type of investigation to be conducted or the type of expert to be retained;
- (2) Specific facts that suggest the investigation will result in admissible evidence or that the services of an expert are reasonably necessary to assist in the preparation of a potential defense; and
- (3) An itemized list of anticipated expenses for each investigation or each expert.

b. The court shall grant the request for advance payment of expenses in whole or in part if the request is reasonable. If the court denies in whole or in part the request for expenses, the court shall:

- (1) State the reasons for the denial in writing;
- (2) Attach the denial to the confidential request; and
- (3) Submit the request and denial as a sealed exhibit to the record.

7.02 Procedure Without Prior Court Approval

Appointed counsel may incur investigative or expert witnesses without prior approval of the court. On presentation of a claim for reimbursement, the court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. Unreasonable or unnecessary expenses will not be approved.

PAYMENTS TO COURT APPOINTED ATTORNEYS

7.03 Hourly or Fixed Rates

a. Counsel shall be paid an hourly rate of a minimum of \$75.00 and not more than \$100.00 for services performed under the Plan, or:

1. \$550.00 for a plea on a driving while intoxicated case plus \$100.00 for each additional case pled with the same offense date;
2. \$450.00 for a dismissal or for all non-driving while intoxicated pleas plus \$100.00 for each additional case pled with the same offense date;
3. \$2,500.00 for a jury trial of any case, including a motion for new trial; or
4. \$1,250.00 for a trial before the court of any case;
5. \$2,500.00 for the appeal of any case, including motions for rehearing;
6. \$1,000.00 for a dismissal or plea at the time of trial.

b. Supplemental payment in addition to an hourly or flat fee up to \$1,250.00 for miscellaneous items including, but not limited to: cases involving persons with mental illness or mental retardation, speedy trial motions, motions to suppress, expunctions, writs of habeas corpus, etc., with court approval.

Plan Documents

Collin County Court Affidavit of Indigence.doc (11/30/2009 1:55:09 PM) [view](#)

Collin County Court Amendment to MHMC Attorney Director Contract.pdf (10/25/2013 10:57:10 AM) [view](#)

Collin County Court Annual Renewal Application to Receive Court Appointments.doc (11/30/2009 3:54:23 PM) [view](#)

Collin County Court Annual Renewal Application to Receive Misdemeanor Court Appointments.docx (1/15/2013 11:26:23 AM) [view](#)

Collin County Court Application Process for Misdemeanor Court Appointments.docx (1/15/2013 11:25:36 AM) [view](#)

Collin County Court Attorney Application for Appointment.docx (1/15/2013 11:24:32 AM) [view](#)

Collin County Court Attorney Application for MHMC Program Appointment.docx (10/25/2013 9:38:35 AM) [view](#)

Collin County Court Attorney Fee Schedule.pdf (10/28/2015 12:04:04 PM) [view](#)

Collin County Court Attorney Fee Voucher.pdf (11/30/2009 1:58:40 PM) [view](#)

Collin County Court Collin County Amendment to MHMC Attorney Director Contract.pdf (10/20/2015 11:25:20 AM) [view](#)

Collin County Court Collin County Annual Renewal Application to Receive Misdemeanor Court Appointments.pdf (10/20/2015 11:20:38 AM) [view](#)

Collin County Court Collin County order Requiring Defendant's Contribution for Attorney Fees.docx (9/16/2015 3:37:32 PM) [view](#)

Collin County Court Contracts for Indigent Defense Services.pdf (11/7/2013 12:28:55 PM) [view](#)

Collin County Court Magistrates Warning Form.doc (11/30/2009 2:46:49 PM) [view](#)

Collin County Court Managed Assigned Counsel Plan of Operation.docx (10/31/2013 7:49:59 AM) [view](#)

Collin County Court Order Finding Probable Cause.doc (11/30/2009 1:25:07 PM) [view](#)

Collin County Court Order Requiring Defendant's Contribution for Attorney Fees.pdf (10/24/2013 4:36:13 PM) [view](#)