

## **Williamson County**

### **CPS Local Rules Adopting Standards and Procedures for the Appointment of Counsel for Indigent Persons in Williamson County (“CPS Local Rules”)**

These CPS Local Rules govern establishing qualifications and the appointment and compensation of counsel engaged in the defense of indigent persons for CPS cases in Williamson County, pursuant to Texas Family Code 107.015, Texas Code of Criminal Procedure Art. 26.04 (appointment procedure), Art. 26.05 (compensation), Texas Government Code Chapter 37 (Appointments of Attorneys Ad Litem, Guardians Ad Litem, Mediators and Guardians), Texas Family Code Ch. 51, and other applicable law. All appointments of counsel and payments made to counsel under these CPS Local Rules shall be made and paid in accordance with the schedule of fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying CPS cases. (“CPS Judges”). Art. 26.05(b). The CPS Judges have adopted fee schedules taking into consideration those factors required by applicable law including reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates. Art. 26.05(c). It is the intent of the CPS Judges that these CPS Local Rules are fully compliant with applicable law, but if ever there is a conflict between the two, applicable law shall control.

The CPS Judges have adopted these CPS Local Rules effective on October 1, 2021.

**1.0 Attorney Qualifications for Child Protective Services (“CPS”), Guardian Ad Litem, and Attorney Ad Litem List Qualifications** – In order to be considered a qualified attorney, an attorney seeking inclusion on the CPS, Guardian Ad Litem, Guardian and Attorney Ad Litem case list must meet the following criteria (1.0.1 – 1.0.15):

- 1.0.1** The attorney shall maintain a physical office in Williamson County and/or within 50 miles of the Williamson County Courthouse, capable of receiving clients, U.S. Mail, deliveries from private couriers, email, fax, and telephone calls during normal business hours. The attorney must also maintain a cell phone capable of receiving email and text messages and be readily available and responsive to appointed clients in a similar fashion to retained clients.
- 1.0.2** The attorney must submit a completed application, sworn or attested to under penalty of perjury, to the CPS Judge whose list the attorney is requesting to be included. The attorney shall affirmatively represent that the Attorney is qualified as defined by the CPS Local Rules.
- 1.0.3** The attorney must be licensed and be in good standing with the State Bar of Texas.
- 1.0.4** The attorney must attend a 1-hour course each year, or more frequently as may be required by the Board of Judges, regarding the policies and

procedures for handling, invoicing, and obtaining payment for handling court-appointed cases in Williamson County. All attorneys must annually file with the Board of Judges a CLE report attesting to the completion of this required course.

- 1.0.5** The attorney must not have been the recipient of any public disciplinary action by the State Bar of Texas or any other attorney-licensing authority of any state of the United States, or any United States District Court or United States Court of Appeal, within the last 10 years.
- 1.0.6** The attorney must not have been indicted or convicted of any felony charge, unless in the case of indictments, the indictment is dismissed.
- 1.0.7** The attorney must not have been charged or convicted of any Class A or B misdemeanor within the last ten (10) years, unless in the case of charges, the information is dismissed.
- 1.0.8** The attorney must not be the subject of a Protective Order under Title 4 of the Tx. Family Code or Chapter 17 of the Tx. Code of Criminal Procedure.
- 1.0.9** The attorney must not have been found by a court of competent jurisdiction, by final judgment or order upheld on appeal, to have provided ineffective assistance of counsel to a client.
- 1.0.10** The attorney must be readily available to appear at hearings and trials at such times as they may be scheduled by the Court without the burden of repeated scheduling requirements and/or conflicts of the attorney. By accepting court appointments, attorneys recognize that hearings and trials must generally be set at the convenience of the court in order for the courts to manage their dockets efficiently.
- 1.0.11** In all instances of inclusion on the appointment list, including annual renewals, to be considered qualified, the attorney must have established a record of fulfilling the duties required of appointed counsel by these rules during any past periods of being included on the list of attorneys qualified to receive appointments on Williamson County cases, and attorney acknowledges that inclusion and renewal is at the sole discretion of the CPS Judges.
- 1.0.12** An attorney shall have a minimum of 3 years of experience practicing in the area of CPS, Ad Litem representation, and/or family law;
- 1.0.13** Complete and maintain the Guardianship Ad Litem Certification required by State Bar of Texas;

**1.0.14** Be familiar with the American Bar Association’s standards of practice for attorneys who represent children in abuse and neglect cases, the suggested amendments to those standards adopted by the National Association of Counsel for Children, and the American Bar Association’s standards of practice for attorneys who represent children in custody cases;

**1.0.15** An attorney shall have prior relevant experience as 1st or 2nd chair in at least 10 cases involving CPS, or 10 contested family law cases involving children. The styles (appropriately redacted as necessary) and cause numbers of these cases shall be listed on the Williamson County Application for Public Appointment form. Qualifying experience may consist of paid or pro bono representation including those in which an attorney serves as pro bono 2nd chair to a court-appointed counsel for indigent persons in a CPS case in Williamson County.

**1.0.16** An attorney shall complete a minimum of 6 hours of CLE annually in the area of parent and child representation, one hour of which shall be in the area of ethics relevant to serving as an attorney or guardian ad litem. All attorneys on the appointment list shall file by November 1<sup>st</sup> of each year the “Certificate of Compliance” with the designated Williamson County Court Coordinator attesting to the completion of the required CLE or submit documentation showing that the attorney is board-certified in family law and/or child welfare law by the Texas Board of Legal Specialization or other certifying organization recognized as such by the State Bar of Texas.

- a. The designated reporting period shall be from October 1st to September 30th unless otherwise designated by the Board of Judges.
  - i. For applications/reports submitted in 2021, the designated reporting period shall begin one year prior to the effective date of the CPS Local Rules (October 1, 2020-date of submission).
  - ii. For applications/reports submitted in 2022, attorneys shall complete training in Trauma Informed Practices ,which may count toward the 3 hours of child-representation CLE in that year.
- b. Continuing legal education completed within the 1-year period immediately preceding an attorney’s initial reporting period may be used to meet the educational requirements for the initial year.
- c. Continuing legal education completed during any reporting period exceeding the minimum of 10 hours for such period may be applied to the following period’s requirement as provided below up to 5 hours but shall not apply to the ethics requirement or the 1-hour course required under 1.0.4.

**2.0 CPS Appointment Lists.** A separate Child Protective Services list shall be maintained by each court of Williamson County handling CPS cases and shall include, subject to later disqualification and removal as provided for by the CPS Local Rules, all attorneys who have: sought inclusion on the CPS Appointment List, complied with the application process set forth in these CPS Local Rules relevant to the CPS list, and been approved by the CPS Judge presiding over said list.

**3.0 Disqualification and Removal.** At the request of an Attorney's indigent client, the judge presiding over the case may remove the Attorney from the particular appointment for good cause shown after the judge provides the attorney notice and an opportunity to be heard with respect to the indigent client's reason for seeking removal of the attorney. Additionally, an attorney may be removed from a list on which the attorney is included if the CPS Judge presiding over said list finds good cause exists for removal, after notice is provided to the attorney of the basis for removal from the list and the attorney is given an opportunity to be heard. Such opportunity to be heard may constitute of permitting the attorney to submit a written response to the Court's allegation that good cause exists for removal. The CPS Judge may, but is not required to, appoint counsel to investigate the potential cause for removal and provide a report to the CPS Judge. If an attorney is removed from a list while continuing to represent clients pursuant to an appointment received by reason of his inclusion on that list, his or her continuation of such representation(s) shall be addressed by each of the presiding trial judge(s) assigned to those cases on a case-by-case basis. At the discretion of the trial judge assigned to each case, such attorney may be removed from individual case(s) on which the attorney has been appointed. The following is a non-exhaustive list of grounds that may constitute good cause for removal from a particular case and/or from a particular CPS list. The grounds listed are in no particular order of significance or priority.

- 3.0.1** The attorney failed or is failing to provide adequate and/or effective legal representation to a person in an assigned case.
- 3.0.2** The attorney failed or is failing to be reasonably communicate and/or be responsive to the client and/or Court.
- 3.0.3** The attorney failed to timely appear without reasonable justification and/or advance notice at one or more court settings in an assigned case.
- 3.0.4** The attorney regularly failed to reasonably accommodate the Court's scheduling or case management needs.
- 3.0.5** The attorney submitted a claim for legal services not performed and/or expenses not incurred by the attorney and/or which the attorney could not substantiate.
- 3.0.6** The attorney submitted a claim for legal services and/or expenses which contained false or misleading information.
- 3.0.7** The attorney submitted a claim for legal services that included inflated time entries and/or entries that exceeded those that were reasonable and necessary;
- 3.0.8** The attorney submitted claims for expense reimbursements that are not reasonable and necessary.

- 3.0.9** The attorney accepted an assignment of a case or continued an assignment of a case after a conflict of interest arose;
- 3.0.10** The attorney fails to comply with the requirements of this plan or the policies or orders of the court;
- 3.0.11** The attorney no longer meets the qualifications of this plan and/or the specific qualifications for the list from which the attorney was appointed/listed.
- 3.0.12** Current information about the client and the case involving the client indicate that another qualified attorney is more appropriate under the particular facts of the case and that a re-assignment is in the best interest of the client. Such may include, but is not limited to the matters described in 3.0.13, 3.0.14, and 3.0.15 below:
- 3.0.13** The client's primary language is one other than English and the appointed attorney does not speak the client's primary language, but other available counsel does;
- 3.0.14** An attorney other than the one appointed possesses special expertise, competence or background that is relevant to the case and it would be in the best interest of the client to reassign the appointed counsel.
- 3.0.15** Appointed counsel requests and demonstrates good cause for being removed from a particular case, including but not limited to illness, workload, client relationship issues, scheduling difficulties, and/or compliance with the rules of professional responsibility.
- 3.1** By seeking inclusion on the list of qualified attorneys available for court appointments, each attorney represents and agrees inclusion on the list is at the discretion of the CPS Judges. They further represent and agree that removal or exclusion from the list is at the discretion of the CPS Judges.
- 3.2** Neither these CPS Local Rules, nor any provision in these CPS Local Rules, constitutes a contract or otherwise bestows rights on attorneys or other persons in addition to those which might otherwise exist under applicable law. Attorneys appointed to represent indigent clients in Williamson County, Texas do so at the discretion of the judge presiding over the particular cases to which they are appointed and/or the appointment list from which the attorney was selected.

#### **4.0 Methods of Appointment:**

- 4.0 Individual case assignments.** A private attorney acting as an independent contractor and compensated with public funds is appointed to provide legal

representation and services to an indigent individual with respect to a single identified case. By seeking inclusion on one or more of the lists of qualified attorneys available for court appointments, and by accepting a case assignment, private attorneys represent and agree that, with respect to each person to whom they are appointed, they will provide legal representation in keeping with the standard of care and rules of professional responsibility applicable to attorneys in Texas.

- 4.1 Term Assignments.** A private attorney can be appointed for a particular increment of time in a particular court such as to represent indigent persons, or for each indigent person appearing on a particular docket. or for a half-day, day, or longer term to represent indigent persons in a particular court during that time period. Such attorneys will serve for the duration of the term to which they are assigned and shall be selected from the lists using the same procedures used to assign attorneys in CPS cases.
- 4.2 Assignment of Attorneys in Cases.** The following method shall be used to assign attorneys for all indigent persons in a CPS case seeking attorney ad litem, guardian ad litem, or guardians.
  - 4.2.1** The selection and appointment of counsel for indigent persons shall be in accordance applicable law, including but not limited to Texas Government Code § 37.004. To the extent these CPS Local Rules are invalid, inconsistent, or violative of state law for any reason, the invalidity, inconsistency, or violation does not affect other provisions or applications of these CPS Local Rules that can be given effect without the invalid, inconsistent, or violative provision or application. To this end the provisions of these CPS Local Rules are severable.
  - 4.2.2** When a finding of indigency has been made by a court, legal counsel shall be appointed by the court or the court's designee on rotation from the appropriate appointment list as soon as possible, but not later than the end of the first working day after the court made the finding of indigency. "Business day" means Monday through Friday, except for official Williamson County holidays or closings.
  - 4.2.3** The court or its designee shall appoint the attorney whose name appears first (next in order) on the relevant public appointment list.
  - 4.2.4** On a finding of good cause, the Court may appoint a person included on the applicable list whose name does not appear first on the list, or a person who meets statutory or other requirements to serve on the case and who is not included on the list, and agrees to accept the compensation authorized by these CPS Local Rules, if the appointment of that person as attorney ad litem, guardian ad litem, or guardian is required on a complex or specialized matter and that person:

**4.2.4.1** Possesses relevant specialized education, training, certification, skill, language proficiency, competence or background that is relevant to the case and it would be in the best interest of the client to reassign the appointed counsel;

**4.2.4.2** Has relevant prior involvement with the parties or case; or

**4.2.4.3** Is in a relevant geographic location.

**4.2.5** When an attorney is appointed out of order under the above-stated provisions (4.2.3), that attorney's name will be moved to the last place and any lawyer who was not appointed will remain at the top of the list until appointed or removed from the list.

**4.2.6** In the event of a state of disaster, the Court may appoint an individual as permitted by Texas Government Code § 37.004(d-1).

**4.2.7** Each attorney appointed under these procedures shall represent the client until final disposition of the case or until released by the Court.

**4.2.8** At the conclusion of all proceedings in the trial court, including post-trial motions, if an indigent person wishes to file an appeal, the appointing judge or the judge's designee shall appoint the lawyer whose name appears next in order on the Appellate List. The appointment is subject to the same rotation provisions as those listed for trial attorneys.

**4.2.9** If an attorney is removed from representation of an indigent person, replacement counsel shall be selected from the list using the rotation method described above and appointed immediately, unless another provision of applicable law and these CPS Local Rules allows otherwise.

**4.3 Restrictions to appointments of court appointed counsel in Williamson County:**

**4.3.1** Specifically, but not by way of limitation, attorneys shall not accept assignments that create a conflict of interest. By accepting an assignment, Counsel represents that they have performed a conflict check and no conflict or foreseeable potential conflict of interest exists.

**4.3.2** Specifically, but not by way of limitation, attorneys shall not accept assignments that create an ongoing or repeating scheduling conflict with other cases in which the attorney is representing other persons, or which conflict with personal or professional commitments of the attorney such that the attorney cannot be readily available to handle hearings and trial on the merits of an assigned case at the convenience of the court. Courts may

occasionally accommodate the schedules of attorneys, but Courts must not be unduly encumbered by the schedules of attorneys.

## **5.0 Duties of Attorney.**

**5.0** Every attorney appointed must notify the court within 24 hours of receipt of the appointment and acceptance thereof. Failure to do so may result in the case being reassigned and the attorney moved to the bottom of the list.

**5.1** The attorney must also make every reasonable effort to:

**5.1.1** Contact the client by the end of the first working day after the date on which the attorney is appointed; and

**5.1.2** Interview the client in person (unless otherwise authorized by the court) as soon as practicable after the attorney is appointed but no later than 7 days from the date of appointment.

**5.2** The attorney must also:

**5.2.1** Represent the client in compliance with the applicable standard of care for Texas attorneys and the Texas Rules of Professional Responsibility until the case is fully resolved (the case is dismissed, the defendant is acquitted, final judgment is entered, and/or appeals are exhausted if appointed for the appeal pursuant to 4.2.8) or the attorney is permitted or ordered by the Court to withdraw as counsel for the defendant after a finding of good-cause is entered on the record;

**5.2.2** Comply with these CPS Local Rules;

**5.2.3** Manage the attorney's workload to allow for the provision of quality representation and the execution of the responsibilities listed in these rules in every case without interfering with the Court's docket management;

**5.2.4** Be readily available for hearings and court appearances at the court's discretion at all times in which the particular case for which the attorney is appointed might be heard;

**5.2.5** Accurately keep track of attorney's time working on tasks related to the assigned case and accurately itemize time and charges to the tenth of an hour;

**5.2.6** Accurately keep track of receipts for case-related expenses; and

**5.2.7** Other than Class C level traffic offenses, promptly report in writing any criminal arrests, charges, indictments, convictions, protective orders, bar



disciplinary action, professional sanctions, allegations of professional misconduct, negligence or findings of ineffective assistance of counsel, or instances where you have been removed from any other court appointment list to the Board of Judges.

## **6.0 Attorney Compensation & Expense Reimbursement**

- 6.0** Each court shall approve for payment appointed attorney's reasonable and necessary fees in accordance with a uniform schedule of fees as adopted by the CPS Judges.
- 6.1** Appointed attorneys shall be paid for the following: (1) time spent in court making an appearance on behalf of the defendant as evidenced by a docket entry, time spent in trial, and time spent in a proceeding in which sworn oral testimony is elicited; (2) reasonable and necessary time spent out of court on the case, supported by any documentation that the court and these CPS Local Rules require; (3) preparation of an appellate brief and preparation and presentation of oral argument to a court of appeals in appellate cases; and (4) preparation of a motion for rehearing.
- 6.2** Compensation shall be based on the presumptively reasonable fee for a particular matter or task, referred to in these CPS local rules as a "Fixed Fee" adopted by the CPS Judges. In limited circumstances, CPS Judges may authorize compensation under 6.2.1 (Alternative Fee Calculation), below.
- 6.2.1** Alternative Fee Calculation. Only with prior authorization from the CPS Judge, and only for tasks specified under that authorization, appointed attorneys may be paid for time and labor spent on items set forth in 6.1. multiplied by an hourly rate within the minimum and maximum hourly rates set forth in 6.0 *et seq.* adopted by the CPS Judges. The authorization is only for the specific tasks articulated by the Court in authorizing the alternative fee calculation.
- 6.2.2** Hourly Rate. An hourly fee between \$75-\$125 per hour may be used for Alternative Fee Calculation with authorization in advance by the court, as set forth in CPS Local Rule 6.2.1.
- 6.3** Where an attorney's request for payment is based on an hourly rate multiplied by an increment of time, if the attorney represents more than one client during that increment of time, the attorney shall equally allocate the time among the clients to avoid an attorney being paid more than once for the same increment of time.
- 6.4** Attorneys shall not bill for off-duty time. Off-duty time includes, but is not necessarily limited to, time during breaks, waiting for hearings or meetings, meals, sleeping and/or otherwise not working on the case. Travel time shall be considered off-duty except for travel to and from locations more than 50 miles from the Williamson County Courthouse to perform tasks necessary to the representation.

Attorneys shall use telephone and videoconferencing (“Remote Conferencing”) to avoid travel whenever such Remote Conferencing is a reasonable alternative to in person meetings. Time spent on unnecessary travel shall not be billed and will not be paid.

**6.5** An attorney shall not be paid until:

**6.5.1** The attorney submits a completed form that complies with these CPS Local Rules including but not limited to 6.5.3, 6.6 and/or 6.7 below;

**6.5.2** Such amount is approved by the trial judge presiding over the case. The form may be submitted *ex parte*; and

**6.5.3** The attorney seeking compensation as counsel for indigent client(s) must verify under oath the accuracy of the facts set out in the form requesting payment as well as the accuracy and completeness of any other information provided in support of the request for payment. Compensation is based on the presumptively reasonable and necessary charges (Fixed Fees), unless the court has authorized, in advance, compensation for specific tasks based on the Alternative Fee Calculation in 6.2.1, above. In that case, a particularized showing of each previously authorized task for which compensation is being sought shall be made with the time relating to each task itemized to the tenth (1/10) of an hour. Only the form and that material initially provided with it, if any, is proper for consideration in deciding to approve or reject a particular request for payment. Failure to provide detail sufficient to allow the Court to fully assess whether a request is reasonable and necessary is in itself grounds for denial of the request.

**6.5.4** Invoices are due once per quarter as follows:

**6.5.4.1** First quarter – services rendered from January to March shall be billed between April 1<sup>st</sup> and May 30<sup>th</sup> in the year services were rendered;

**6.5.4.2** Second Quarter – services rendered from April to June shall be billed between July 1<sup>st</sup> and August 31<sup>st</sup> in the year the services were rendered;

**6.5.4.3** Third Quarter – services rendered from July to September shall be billed between October 1<sup>st</sup> and November 30<sup>th</sup> in the year the services were rendered; and

**6.5.4.4** Fourth Quarter – services rendered from October to December shall be billed between January 1<sup>st</sup> and February 28<sup>th</sup> in the year following the year the services were rendered.

Invoices presented for payment outside of the timeframes listed above will not be approved.

- 6.6** In cases where the attorney only seeks amounts characterized as presumptively reasonable and necessary Fixed Fees in the fee schedule, the description of the services rendered can be a simple, plain statement of the services rendered with specific reference to the portion of the fee schedule that establishes such to be a Fixed Fee in the context of the services rendered.
- 6.7** In cases where the attorney is authorized to seek compensation under the Alternative Fee Calculation method in 6.2.1, above, the invoice and description of the services for which compensation is sought must reference the court's authorization for the Alternative Fee Calculation and must be a detailed and particularized showing by task performed, itemized to the tenth (1/10) of an hour, demonstrating that the services for which compensation is sought were actually performed and were reasonable and necessary to the representation under the circumstances of the case. The burden is on the attorney seeking payment to establish to the satisfaction of the judge presiding over the case that the services rendered were actually performed, reasonable and necessary, and in compliance with the requirements of these CPS Local Rules and fee schedule adopted therein. All such requests shall be submitted under oath and/or attested to under penalty of perjury and as officers of the Court.
- 6.8** Attorneys shall not submit requests for fees and expenses that exceed the amount of fees and expenses that are reasonable and necessary to the effective representation of the indigent person being represented by the appointed attorney. Presiding trial judges shall review all requests for payment of attorney fees and expenses, and the materials initially submitted in support of the invoice, and only approve for payment those attorney's fees and expenses that the judge finds to be reasonable and necessary based upon the supporting information and documents submitted with the initial request and consistent with the applicable fee schedule.
- 6.9** By seeking inclusion on the list of qualified attorneys available for court appointments, each attorney represents and agrees (1) that the applicable CPS Local Rules and fee schedule adopted therein are reasonable; (2) that they adequately and fairly compensate court-appointed attorneys for the legal services to be rendered to indigent persons; and (3) the attorney is willing to accept appointments from the Court under the terms of the CPS Local Rules and fee schedule of Williamson County.
- 6.10 Reimbursement for Travel.** The rate for mileage is \$0.545 dollars per mile.
- 6.10.1 Child and Client Visitations Beyond 50 Miles.** Videoconferencing is required for all visitation with children and parent clients living 50 miles or more from the Williamson County Justice Center. An attorney seeking reimbursement for travel beyond 50 miles from the Williamson County Justice Center must first seek preapproval from the court for such travel.

- 6.10.2 Travel by Alternate Means.** An attorney seeking reimbursement for travel made other than by private vehicle must first seek preapproval from the court for such travel. Approval will not be granted if the time and expense of traveling by the requested mode of travel is greater than the time and expense of traveling by private vehicle. It shall be the burden of the attorney to demonstrate to the satisfaction of the presiding judge that air travel or some other mode of transportation is reasonable and necessary in a particular case. The attorney shall seek alternative mode(s) of travel in those instances where travel by private vehicle would exceed the cost of commercially available alternative modes of travel such as airfare.
- 6.11** The Court may approve additional expenditures upon good cause shown and reserves the discretion to deviate upward or downward in awarding an attorney fee (whether by the hour or by the total awarded fee) depending on the time and labor required, the complexity of the case, the experience and ability of the appointed counsel. If the judge disapproves the requested amount of payment, the judge shall make written findings stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount. Tex. Code of Crim. Pro. art. 26.05(c).
- 6.12** The attorney whose request for payment has been disapproved in whole or in part, or has not been acted upon within 60 days of submission may, by written motion, file an appeal with the presiding judge of the administrative region pursuant Texas Code of Criminal Procedure Article 26.05.
- 6.13** An attorney, other than an attorney with a public defender's office, appointed to represent an indigent person under these CPS Local Rules shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with prior court approval shall be reimbursed in the same manner provided for capital cases by Articles 26.052(f) and (g), and expenses incurred without prior court approval shall be reimbursed in the manner provided for capital cases by Article 26.052(h). Nothing in this section shall prevent the Court from following the fee schedule as laid out in these CPS Local Rules.
- 6.14** Expenses incurred without prior court approval shall be reimbursed only upon a showing by the attorney, and finding by the presiding trial judge, that the expenses for which reimbursement is sought were reasonable and necessary and incurred in conformity with the CPS Local Rules and fee schedule. Failure to obtain prior *ex parte* approval of an expense is to the risk of the attorney foregoing prior approval.
- 6.15** Services shall be charged on one tenth (1/10) of an hour increments. Invoices for charges reported by or rounded to the quarter hour, or other time increment, shall not be approved.

- 6.16** Forms requesting payment or reimbursement shall not be considered submitted or on file until they are in compliance with the CPS Local Rules and fee schedules of Williamson County and submitted to the presiding trial judge assigned to the case with the applicable sworn form, if any, and any supporting required documentation. Failure to include sufficient detailed and particularized information to support the request is grounds for disapproval.
- 7.0 Fee Schedule.** For all cases in which an attorney is appointed under these CPS Local Rules, the presumptive reasonable and necessary attorney's fees for each case shall be as follows:
- 7.0.1 Hearing Attendance** **\$300**  
*The presumptive reasonable and necessary Fixed Fee for each hearing in which the attorney is personally in attendance for the entire hearing is \$300. Such includes compensation for attending the hearing and for the reasonable and necessary preparation for the hearing. For attorneys with a Child Welfare Law Certification from the Texas Board of Legal Specialization or the National Association of Counsel for Children, or who are board-certified in family law by the Texas Board of Legal Specialization, or who are fluent in Spanish in a Spanish language case as defined below, the fixed fee shall be increased \$50 per hearing.*
- 7.0.2 Hearing Preparation Client Meeting** **\$125/hearing**  
*The presumptively reasonable Fixed Fee for actually meeting in person with a client and/or on phone calls or videoconferencing preparing a client prior to a hearing is \$125 per hearing. For attorneys with a Child Welfare Law Certification from the Texas Board of Legal Specialization or the National Association of Counsel for Children, or who are board-certified in family law by the Texas Board of Legal Specialization, or who are fluent in Spanish in a Spanish language case as defined below, the fixed fee for meeting in person or video-conferencing with clients prior to a hearing shall be increased \$25.*
- 7.0.3 Advisement in Lieu of Personal Appearance at Hearing** **\$150**  
*The presumptive reasonable and necessary Fixed Fee for preparing and filing an advisement in lieu of a personal appearance at a hearing is \$150. Such includes compensation for preparing and filing the advisement. Such requires prior, written court approval of the judge presiding over the case.*
- 7.0.4 Participation in Permanency Meeting** **\$250**  
*The presumptive reasonable and necessary Fixed Fee for preparing and participating in a Permanency Meeting is \$250. Such includes compensation for preparing for and attending the meeting. For attorneys with a Child Welfare Law Certification from the Texas Board of Legal Specialization or the National Association of Counsel for Children, or who are board-certified in family law by the Texas Board of Legal*

*Specialization, or who are fluent in Spanish in a Spanish language case as defined below, the fixed fee shall be increased \$50 per meeting.*

**7.0.5 Court-Ordered Mediation** **\$400/half day**

*The presumptively reasonable and necessary fee for attending any court-ordered mediation is a fixed fee of \$400 per half-day. A morning session is considered a half day and an afternoon session is considered a half day. Such includes preparation for the mediation.*

**7.0.6 Trial (bench or jury)** **\$450/half day**

*The presumptively reasonable Fixed Fee for each half-day of trial shall be \$450, regardless of whether the trial is before a jury or the court. A court's morning session is considered a half day and its afternoon session is considered a half day. The presumptively reasonable Fixed fee for trial preparation shall be \$200 for trial preparation for each half-day of trial, regardless of whether the trial is before a jury or the court. For attorneys with a Child Welfare Law Certification from the Texas Board of Legal Specialization or the National Association of Counsel for Children, or who are board-certified in family law by the Texas Board of Legal Specialization, or who are fluent in Spanish in a Spanish language case as defined below, the fixed fee shall be increased \$50 per half day in trial.*

**7.0.7 Spanish Language Case**

*A Spanish language case is defined as one where the client's primary language is Spanish and who would otherwise require the services of an interpreter to communicate with appointed counsel but for the ability of the appointed attorney to communicate with them in Spanish.*

**7.0.8 Appeals**

*Fees for completing an appeal from the trial court shall be calculated using the Alternative Fee Calculation Method, found in CPS Local Rule 6.2.1, and such fees may not exceed 35 hours of reimbursed time without preapproval from the court.*

**7.1 Litigation Expenses.** Attorneys appointed under the CPS Local Rules may request reimbursement for certain expenses with prior approval from the court. Such expenses include:

**7.1.1 Witness expense reimbursement.** Reimbursement of certain reasonable and necessary expenses associated with the appearance of particular witnesses may be permitted if such reimbursement is approved in advance by the court. The reasonableness of any reimbursement requested will be based on *State of Texas Comptroller of Public Accounts Witness Fee Claim and Guidelines*.<sup>1</sup>

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<sup>1</sup> <https://comptroller.texas.gov/programs/support/judiciary/guidelines.php>

- 7.1.2 Service of Subpoena.** Subpoenas shall be served through the Williamson County District Clerk and Constables Offices and *not* through private process servers. A reimbursement for fees associated with service of subpoena using private process servers is *not* a permissible expense, unless service is pre-approved by the court.
- 7.1.3 Depositions.** Attorneys shall request approval from the Court prior to conducting depositions, and any invoice for an approved deposition shall be limited to \$3.80 per page, the indigent rate currently charged by Williamson County Court Reporters.
- 7.2 Non-Compensable Activities.** Payments will not be approved or made under any Fee Schedule for time that is properly considered overhead and/or administrative such as the following services:
- 7.2.1** file set up;
  - 7.2.2** file maintenance;
  - 7.2.3** file review;
  - 7.2.4** filings;
  - 7.2.5** typing;
  - 7.2.6** word processing;
  - 7.2.7** preparing and submitting forms and invoices for payment and
  - 7.2.8** other administrative or secretarial work whether performed by a secretary, legal assistant/para-legal or attorney.
- 7.3 Procedure for Pre-approval of Alternative Fee Calculation for Certain Fees and Expenses.** If an attorney who has been appointed to represent an indigent person by a Williamson County District or County Court at Law believes certain tasks or expenses are required to adequately represent an indigent client, and such are not adequately compensated by the Fixed Fees identified as presumptively reasonable and necessary in the applicable fee schedule, the attorney *shall* file an *ex parte* motion under oath with the Court seeking pre-approval to be paid and/or reimbursed for such tasks and/or expenses under the Alternative Fee Calculation articulated in 6.2.1, above. The motion must fully and completely set forth the basis for the request, compliant with 6.5.3, 6.6 and/or 6.7 above, and be accompanied by documentation that makes a particularized showing with respect to any factual basis supporting the motion. The motion must be decided on the basis of the sworn pleading, affidavit, and its supporting documentation by the judge presiding over the case. Nothing herein shall be interpreted as limiting the presiding judge's right

to make credibility determinations with respect to the motion, affidavit, and/or supporting documentation and/or take judicial notice where appropriate. If approved, such time shall be paid within the minimum and maximum range of hourly rates approved by the CPS Judges for the type of case involved.

- 7.4** Invoices will be paid once per quarter on a schedule to be set from time to time by the Williamson County Auditor working in conjunction with the Williamson County Commissioners Court.
- 7.5** Each request for payment must include a sworn certification by the attorney seeking payment that the request truthfully and accurately represents time spent on the identified matter(s), that the time spent was reasonable and necessary, that expenses for which reimbursement is sought were reasonable and actually incurred on the identified matter(s), and that the request complies with the CPS Local Rules and fee schedule of Williamson County in effect at the time the services were rendered or expenses incurred. Each request for payment shall also constitute the attorney's acceptance of the CPS Local Rules and willingness to abide by the same.

Approved and adopted this 3<sup>rd</sup> day of August, 2021.



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Hon. Ryan Larson  
Judge, 395<sup>th</sup> District Court



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Hon. Betsy Lambeth  
Judge, 425<sup>th</sup> District Court



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Hon. Brandy Hallford  
Judge, County Court at Law No. 1