

**New Reporting Requirements and the IDER**  
**AND**  
**Fiscal Monitor Review / Findings**

<http://tidc.texas.gov>



**Due November 3, 2014**

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**Chair:**  
The Honorable Sharon Keller  
Presiding Judge, Court of Criminal Appeals

**Vice Chair:**  
The Honorable Olen Underwood

**Ex Officio Members:**  
Honorable Sharon Keller  
Honorable Nathan Hecht  
Honorable John Whitmire  
Honorable Royce West  
Honorable Roberto Alonzo  
Honorable Abel Herrero

**Members Appointed by Governor:**  
Honorable Olen Underwood  
Honorable Sherry Radack  
Honorable Jon Burrows  
Honorable B. Glen Whitley  
Honorable Linda Rodriguez  
Mr. Anthony Odiorne  
Mr. Don Hase

**Executive Director:**  
James D. Bethke




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**The mission of the Texas Indigent Defense Commission is to provide financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.**

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### Indigent Defense

- The Right to Attorney for Indigent Defendants is a Constitutional Right
- 6<sup>th</sup> Amendment Right to Counsel

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### Fair Defense Act of 2001

1. Established Texas Indigent Defense Commission (formerly the Task Force)
2. Appropriated State Funds
3. Required Judges to Develop a Plan for providing Indigent Defense services
4. Required Auditors (or Treasurers) to Report Financial and Case information
5. Set time frames and other portions not covered today

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### Technical Support & Grants

*Section 79.037, Local Gov't Code, provides that:*

**The commission shall:**

- a. **Assist** counties in improving their indigent defense systems;
- b. **Promote** compliance by counties with req't's of State law;
- c. **Provide** Grants;
- d. **Monitor** each county that receives a grant and enforce compliance by the county with the conditions of the grant.

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### 83<sup>rd</sup> Texas Legislature - HB 1318

#### New Reporting Requirements

- Weighted Caseload Study (State – TIDC)
- Judicial Reporting Requirements – (all Courts and Juvenile Boards)
- Attorneys Reporting Requirements (all attorneys receiving an appointment)
- County Reporting Requirements (Auditors and Treasurers)

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### Weighted Caseload Study

- TIDC partnering with Public Policy Research Institute at Texas A&M (PPRI) to conduct the study
- Attorneys tracked how they used their time and on what types of cases for up to 12 weeks
- Results will document what it takes to represent defendants in various case types

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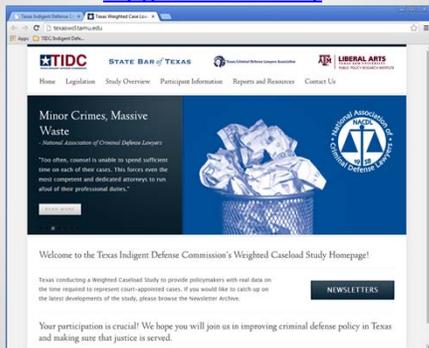
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### Weighted Caseload Study Site

<http://texaswcl.tamu.edu/>



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**Judicial Reporting Requirements**

Starting **November 1, 2013**

- Summary of documents that must now be submitted with Indigent Defense Plans which were due Nov 1, 2013 (if applicable):
  - Public Defender Plan or Proposal under Article 26.044, Code of Criminal Procedure
  - Managed Assigned Counsel Plan of Operation under Article 26.047, Code of Criminal Procedure
  - Contracts for Indigent Defense Services

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**New Attorney Reporting Requirement**

Starting October 15, 2014

Code of Criminal Procedure Article 26.04. Procedures for Appointing Counsel.

(j) An attorney appointed under this article shall: ...

(4) not later than October 15 of each year and on a form prescribed by the Texas Indigent Defense Commission, submit to the county information, for the preceding fiscal year, that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in the county under this article and Title 3, Family Code.

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**New Attorney Reporting Requirement**

Starting October 15, 2014

- Report covers prior 12 months (Oct 1-Sept 30)
- TIDC promulgated optional worksheet in 2014 to assist attorneys estimate their practice time
- Report applies to public defenders, contract attorneys, and all assigned counsel
- Penalties for failing to submit practice-time statement by October 15 due date may be set by judges
- Penalties may include an attorney's removal from appointment list as many do for late CLE report

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### Practice Time Paper Form Submission

- If attorneys were directed in the local plan to use paper form then the “county” will need to report attorney practice-time figures

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### Additional Information

**For questions related to the attorney reporting and plan submission requirements, contact Deputy Director/Special Counsel Wesley Shackelford**

[wshackelford@tidc.texas.gov](mailto:wshackelford@tidc.texas.gov)  
512-936-6997

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### New County Reporting Requirement Starting November 1, 2014

Government Code Section 79.036. Indigent Defense Information.

(a-1) Not later than November 1 of each year and in the form and manner prescribed by the commission, each county shall prepare and provide to the commission information that describes for the preceding fiscal year the number of appointments under Article 26.04, Code of Criminal Procedure, and Title 3, Family Code, made to each attorney accepting appointments in the county, and information provided to the county by those attorneys under Article 26.04(j) (4), Code of Criminal Procedure.

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**Sample Template Errors So far**

- Blank Lines Inserted
- Not using the bar number (counties had duplicate payee numbers with slightly different names)
- Subtotal lines
- Using wrong data type in field (text in place of interger)

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**IDER**

- The statute (Texas Code of Criminal Procedure Article 26.05 (c)) states that “no payment shall be made under this article until the form for **itemizing** the services performed is submitted to the judge presiding over the proceedings .....”

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**The Transaction**

1. Qualification (ID Plan and fee schedule)
  - Defendant was informed of Rights, asked if they want attorney, a record of the response in county
  - Defendant Requested Counsel
  - Magistrate or Court Designees determined defendant qualified
2. Legal Authority Appoints Attorney (TLGC §262.022. (6))
3. Service is Rendered (ID Plan and fee schedule)
4. Invoice Submitted By Attorney (TxCCP Art. 26.05)
5. Invoice Approved by Judge (TxCCP Art. 26.05)
6. Invoice Paid (TLGC §113.064)

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**IDER**

**Completing the Report**

1. Arrange Information by Court
  - a. Amount Spent
  - b. Cases Disposed on Itemized Invoice
  - c. Other Costs
  - d. Special Considerations (PD, MAC, Contract)
2. Complete Report On-line
  - a. Input Information by Court
  - b. Ignore Case Filing Arrangements in Clerks' Office
  - c. Ensure All Payments are sorted to Statutory Categories
3. Final Review by Stakeholders

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**IDER**

- **4 Items of Costs Mentioned in Statute**
  - Attorney Fees
  - Licensed Investigators
  - Expert Witness
  - Other Direct Litigation Costs
- **2 Types of Systems Mentioned in Statute**
  - Private Attorney – Includes Assigned Counsel, Managed Assigned, and Contract Counsel Systems
  - Public Defender
- **4 Types of Courts**
  - district, county, statutory county, and appellate court

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**Formula Grant**

- Only to Counties
- November 21, 2014

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# APPENDIX - SAMPLE FORMS

## Sample County Page –

All counties complete this portion of the report

**Texas Indigent Defense Commission  
Indigent Defense Expenditure Report  
BLANK County, FY14**

Fiscal Year Used by County	October 1 - September 30
Reporting Period:	October 1, 2013 - September 30, 2014
County's Accounting Method:	Select Method
Financial Officer	<NAME>, County Auditor <ADDRESS1> <CITY>, TX <ZIP> phone: <PHNUMBER> email: <EMAIL>
Contact Person, email address, and phone (if other than above) for report issues	

### Reimbursements

Do not subtract the following reimbursement amounts from other sections on this report.

Reimbursements: Total Amount Collected From Defendants Pre or Post Disposition.	<input type="text"/>
Reimbursements: Total Amount Received From the State Comptroller for 11.071 Writs of Habeas Corpus Costs.	<input type="text"/>
Reimbursements: Total Amount Received For Indigent Defense Costs From Other Private or Government Grants.	<input type="text"/>

### Regional Indigent Defense Programs

Total funds received from participating counties	<input type="text"/>
Total funds paid to participating counties	<input type="text"/>
Unobligated Fund Balance or Carryover from all money received from participating counties as of September 30, 2014	<input type="text"/>

### Court Report

Complete one chart of expenditures for each court (i.e., constitutional county court, statutory court, district court and/or appellate court) in the county that hears criminal cases and criminal juvenile matters. The County Magistrate Court and Juvenile Court have been included for the cases where the costs and numbers cannot be assigned to a specific court otherwise listed.

To add or remove a court from the list below contact Jim VanBeek at [jvanbeek@ppri.tamu.edu](mailto:jvanbeek@ppri.tamu.edu).

Click on a court name to submit expenses for the selected court.

- [Blank District Court](#) <CTNUMBER>
- [Blank District Court](#) <CTNUMBER>
- [County Court](#) <CTNUMBER>
- [County Court at Law](#) <CTNUMBER>

### Indigent Defense Increased Administrative Expenditure Report Addendum

If a county has increased administrative costs due to indigent defense, complete this chart.

[Complete Increased Indigent Defense Administrative Expenditure Report Addendum](#)

### Attorney Court Time Reporting Percentages

[Open Attorney Reporting List for County to review percent of reporting time for attorneys.](#)

### Summary

Total of Court Expenditures:	\$0.00
Total of Administrative Expenditures:	\$0.00
Total of Court and Administrative Expenditures:	\$0.00

<input type="button" value="Save"/>	<input type="button" value="Submit"/>	<input type="button" value="Reset"/>	<input type="button" value="Cancel"/>
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## Sample Court Page—

All counties complete these pages for each court that hears criminal or juvenile cases.

Indigent Defense Expenditure Report, Court Report, <BLANK> County

<BLANK> Court

Expenditures

October 1, 2013 - September 30, 2014

Category of Services	Attorney Fees	Investigation Expenditures	Expert Witness Expenditures	Other Litigation Expenditures
<b>Juvenile</b>				
Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contract Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Capital Murder</b>				
Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contract Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Adult Non-Capital Felony</b>				
Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contract Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Adult Misdemeanor</b>				
Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contract Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Total</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Juvenile Appeals</b>				
Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contract Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Adult Felony Appeals</b>				
Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contract Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Adult Misdemeanor Appeals</b>				
Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Expenditures**  
October 1, 2013 - September 30, 2014

Category of Services	Attorney Fees	Investigation Expenditures	Expert Witness Expenditures	Other Litigation Expenditures
Contract Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Total</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Provide the total number of cases paid to indigent defense counsel in this court for each of the following categories.

	Assigned Counsel Cases	Contract Counsel Cases	Managed Assigned Counsel Cases	Public Defender Cases
Juvenile Cases	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Capital Murder Cases	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Adult Non-Capital Felony Cases	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Adult Misdemeanor Cases	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Juvenile Appeal Cases	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Felony Appeal Cases	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Misdemeanor Appeal Cases	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Total Cases</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

[Click to add attorney case counts and total paid.](#)

If you are unable to follow the instructions in the IDER manual please check one or more of the boxes:

- Cases reported above are based on information from a clerk's office and not associated with the payment information in the attorney fee voucher.
- The financial figures are estimates or are for some other reason unreliable.
- The case counts are estimates or are for some other reason unreliable.

Notes (Please include any information needed by the Commission related to this report.)

### Sample Court Attorney Report Page –

All counties complete this detail sheet for each court that hears criminal or juvenile matters. Counties may complete the Court Attorney Report Template in Excel and submit via e-mail to Jim R. VanBeek (JVanBeek@ppri.tamu.edu)

**Court Attorney Reporting for FY2014 <BLANK> County <Blank> District Court**

Instructions: Enter a bar card number, the number of cases for each category, and the total amount paid to the attorney. Then click on the "Save" button. The screen will refresh with the name populated based the bar card number. A new line will be provided to enter an additional attorney. Click on "Save" and then click on "Close" when you are done.

Bar #	Attorney Card	Attorney Name	Juvenile Cases Paid	Capital Murder Cases Paid	Adult Felony Cases Paid	Adult Misdemeanor Cases Paid	Juvenile Appeals Cases Paid	Felony Appeals Cases Paid	Misdemeanor Appeals Cases Paid	Total Paid
1	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

## Sample Administrative Expenses Page –

Only counties that are claiming increased administrative costs will complete this page.

### Indigent Defense Expenditure Report, Increased Administrative Expenditures, County

#### Increased Administrative Expenditures

October 1, 2013 - September 30, 2014

Counties reporting increased administrative expenditures for FY14 over the FY01 baseline may report those costs on this form. Reported costs must be related to indigent defense and follow cost principles established in the Uniform Grant Management Standards.

Expenditure Category	Expenditures
<b>Administrative Expenditures</b>	
Personnel	<input type="text" value="\$0.00"/>
Travel and Training	<input type="text" value="\$0.00"/>
Equipment	<input type="text" value="\$0.00"/>
Other Direct Expenditures	<input type="text" value="\$0.00"/>
Total Administrative Expenditures	<input type="text" value="\$0.00"/>

Notes to Commission:

## Sample Managed Assigned Counsel Administrative Expense Page —

only counties that are operating a Managed Assigned Counsel System will see or complete this page.

A few counties have organized defense systems called Managed Assigned Counsel Systems (Article 26.047, Texas Code of Criminal Procedure). The cases and expenses will be reported in the court as required by law. The cost of administration will be reported on the screen below. Only counties that the Commission knows about operating this program have this screen. If you think it applies contact Commission staff.

### Indigent Defense Expenditure Report, Managed Assigned Counsel Administrative Expenditures, BLANK County

#### Managed Assigned Counsel Administrative Expenditures

October 1, 2013 - September 30, 2014

Counties reporting Managed Assigned Counsel administrative expenditures for FY14 may report those costs on this form. Reported costs must be related to indigent defense and follow cost principles established in the Uniform Grant Management Standards.

Expenditure Category	Expenditures
<b>Managed Assigned Counsel Administrative Expenditures</b>	
Personnel	<input type="text"/>
Travel and Training	<input type="text"/>
Equipment	<input type="text"/>
Other Direct Expenditures	<input type="text"/>
Total Administrative Expenditures	<input type="text" value="\$0.00"/>
Fund Balance or carryover as of September 30, 2014	<input type="text"/>

**Fiscal Monitor Review/Findings**

Debra Stewart

<http://tidc.texas.gov>

**TIDC**  
TEXAS INDIGENT DEFENSE COMMISSION

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**Request for Information**

Required prior to visit - Please forward electronically, if possible the following by **Date:**  
General Ledger of activities that support the FY13 Indigent Defense Expenditure Report (IDER).

Information Required during Site Visit - Please make available immediately upon our arrival:

- A copy of the published attorney fee schedules for criminal and juvenile cases.
- An itemized list of services performed or consistent with adopted attorney fee schedule.
- Any written accounting procedures as related to criminal indigent defense expenses.
- Policy and Procedures regarding grant reporting
- Copy of the public attorney appointment list
- The record of selection of the court appointed attorneys approved by the majority of the judges.
- The records that exist which document that an attorney applied to be included on the public appointment list.
- The records that exist that document continuing legal education (CLE) of attorneys on the public appointment list.
- If applicable, provide a copy of any written contract(s) for indigent defense services.
- If applicable, a copy of the open bidding and selection process used to solicit contract attorneys, such as a Request for Qualification.
- If applicable, documentation to support contractual and equipment expenses.
- If applicable, inventory records of grant funded equipment purchases.
- If applicable, records which outline equipment with more than 1 year of usefulness and items of equipment with an acquisition cost of \$5,000 or more.
- If applicable, documentation to support salaries allocated to Administrative Expense.

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**Request for Information**

Required prior to visit - Please forward electronically, if possible the following by **Date:**  
General Ledger of activities that support the FY13 Indigent Defense Expenditure Report (IDER).

Information Required during Site Visit - Please make available immediately upon our arrival:

- A copy of the published attorney fee schedules for criminal and juvenile cases.
- An itemized list of services performed or consistent with adopted attorney fee schedule.
- Any written accounting procedures as related to criminal indigent defense expenses.
- Policy and Procedures regarding grant reporting
- Copy of the public attorney appointment list
- The record of selection of the court appointed attorneys approved by the majority of the judges.
- The records that exist which document that an attorney applied to be included on the public appointment list.
- The records that exist that document continuing legal education (CLE) of attorneys on the public appointment list.
- If applicable, provide a copy of any written contract(s) for indigent defense services.
- If applicable, a copy of the open bidding and selection process used to solicit contract attorneys, such as a Request for Qualification.
- If applicable, documentation to support contractual and equipment expenses.
- If applicable, inventory records of grant funded equipment purchases.
- If applicable, records which outline equipment with more than 1 year of usefulness and items of equipment with an acquisition cost of \$5,000 or more.
- If applicable, documentation to support salaries allocated to Administrative Expense.

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**Required prior to visit - Please forward electronically, if possible the following by **Date:****

**General Ledger of activities that support the **FY13** Indigent Defense Expenditure Report (IDER).**

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**Re-create IDER**

- Can I verify that the information you are providing to me was used to prepare the IDER under review.
- Basically, Can I re-create the IDER with the information (i.e. General Ledger and or spreadsheets) provided? Do I have the universe of data to sample?
- Once information is verified, selection of sample invoices will be made.

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**Findings from G/L support**

- Expenditures for Civil Cases included with Criminal Cases

The county included civil expenses, such as child protective services and guardianship cases, with the criminal indigent defense expenses in the FY 2013 Indigent Defense Expense Report submitted under Texas Government Code 79.036 (e)

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**Fiscal Monitoring  
Payment Elements (Legal)**

- Attorney Fee Vouchers and Invoices
  - Itemized
  - Submitted
  - Approved
- Proper Payment
  - Classification of Expenses
  - Attorneys on Wheel w/Judge Approval
  - Attorneys CLE Requirements

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**Fiscal Monitoring  
Payment Elements (Legal)**

- Attorney Fee Vouchers and Invoices
  - Itemized
  - Submitted
  - Approved
- Proper Payment
  - Classification of Expenses
  - Attorneys on Wheel w/Judge Approval
  - Attorneys CLE Requirements

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**Texas Administrative Code  
TITLE 1 ADMINISTRATION  
PART 8 TEXAS JUDICIAL COUNCIL  
CHAPTER 174 INDIGENT DEFENSE POLICIES AND STANDARDS  
SUBCHAPTER B CONTRACT DEFENDER PROGRAM REQUIREMENTS  
DIVISION 1 DEFINITIONS  
RULE §174.10 Subchapter Definitions**

The following words and terms when used in this subchapter shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Appointing Authority.** The appointing authority is the:
  - (A) judge or judge who have authority to establish an indigent defense plan and approve attorneys to represent indigent defendants in criminal cases under Article 26.04, Code of Criminal Procedure; and/or
  - (B) justice of the peace that has authority to establish an indigent defense plan and approve attorneys to represent indigent defendants in juvenile cases under §51.105, Family Code.
- (2) **Contract Defender Program.** Contract Defender program means a system under which private attorneys, acting as independent contractors and compensated with public funds, are engaged to provide legal representation and services to a group of unrepresented indigent defendants who appear before a particular court or group of courts.
- (3) **Contract Defender.** A person who is engaged to provide legal representation and services to a group of unrepresented indigent defendants who appear before a particular court or group of courts.
- (4) **Contractor.** The contractor is an attorney, law firm, professional association, lawyer's association, law school, bar association, non-profit organization or other entity that can be bound by contract.
- (5) **Itemized Fee Voucher.** An itemized fee voucher is any instrument, such as an invoice, that details services provided by a contractor providing indigent defense services. The itemized fee voucher may be in paper or electronic form. It shall include as a minimum all the information necessary for the county auditor or other designated official to complete the expenditure report required to be submitted to the Office of Court Administration by §71.0351, Government Code.

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### Minimum Required Itemization per IDER Instruction Manual

Under Article 26.05(c) of the Code of Criminal Procedure, "...No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, to the director of the program, and until the judge or director, as applicable approves the payment. The information reported must be consistent with the fee schedule adopted by the courts for each level of case. Invoices approved by a judge or director must include at a minimum: 1) the payee; 2) the service(s) provided which must include the case(s), level by type; 3) the date(s); and 4) the amount. Public defenders do not use invoices. The only way that a fiscal officer will be able to reconcile courts, attorneys, and amounts or to establish veracity of the IDER is to list the cause numbers of the cases disposed for a specific defendant for any of the following systems:

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### Invoice Attributes Tested

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### Fee Schedule and Attorney Invoices

Invoice	Amount	Y	N	NA							
12-209-01	\$ 400.00	Y									
12-208	\$ 389.98										
12-205	\$ 10.42										
12-202	\$ 400.00	Y									
104-404	\$ 995.00	Y									
12-206-9/12-201	\$ 389.98										
12-206-9/12-207	\$ 302.42										
12-203	\$ 222.00	Y	Y-2	Y	Y	Y	Y	Y	Y	Y	Y
12-200	\$ 1,000.00	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
98-281	\$ 200.00	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
12-205-12-2022	\$ 500.00	Y	Y-2	Y	Y	Y	Y	Y	Y	Y	Y
101-179	\$ 200.00	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
12-208	\$ 500.00	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
12-204	\$ 389.98										
12-203	\$ 10.42										

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### Examples of Invoice Findings

County utilizes a streamlined form that consolidates the Request for Counsel, the Order Appointing Counsel and the Attorney Request for Payment (itemized invoice) even though these events happen at different times. The County made payments to attorneys that had not submitted an itemized invoice prior to the presiding judge receiving it for review. Attorneys are not completing the amount to be paid as evidenced by blank request amounts on the form. Attorneys do not always sign the form before it is presented to the presiding judge. This is evidenced by the judge signing on the line designated for the attorney. According to Article 26.05 of the Code of Criminal Procedure, "No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings...."

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### Examples of Invoice Findings

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### Examples of Invoice Findings

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### Examples of Invoice Findings

Attorneys do not include all cause numbers related to the cases disposed on the streamlined form. There were several of the consolidated forms submitted that listed one cause number; however, more than one case was indicated as disposed. Without a cause number for each case disposed, it

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### Examples of Invoice Findings

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That is:

1. If a single indictment or information names more than one defendant, there is more than one case: as an example, if three defendants are named in one indictment, count this as three cases.
2. If the same defendant is charged in more than one indictment or information, there is more than one case: as an example, if the same person is named in four separate indictments, count this as four cases.
3. Finally, if an indictment or information contains more than one count (Article 21.24, CCP), report this as one case and report the case under the category for the most serious offense alleged."

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### Examples of Invoice Findings

During the review period the attorney fee schedule changed and the auditor's office made corrections to the attorney fee vouchers to support the fee schedule in place on the date of service reported by the attorney's. As these invoices were changed to support the fee schedule in effect there was no evidence that the corrected amount was approved by the presiding judge and no written explanation by the judge as statutorily required.

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### Examples of Invoice Findings

The image shows a detailed legal invoice form from the State of Texas, Judicial District 11. It includes fields for attorney name, case number, and various fee categories. Handwritten notes and corrections are present throughout. A blue circle highlights a section of the form, likely related to the findings mentioned in the text above.

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### Request for Information

- Required prior to visit - Please forward electronically, if possible the following by Date:
- General Ledger of activities that support the FY13 Indigent Defense Expenditure Report (IDER).
- Information Required during Site Visit - Please make available immediately upon our arrival:
- A copy of the published attorney fee schedules for criminal and juvenile cases.
- An itemized list of services performed or consistent with adopted attorney fee schedule.
- Any written accounting procedures as related to criminal indigent defense expenses.
- Policy and Procedures regarding grant reporting
- Copy of the public attorney appointment list
- The record of selection of the court appointed attorneys approved by the majority of the judges.
- The records that exist which document that an attorney applied to be included on the public appointment list.
- The records that exist that document continuing legal education (CLE) of attorneys on the public appointment list.
- If applicable, a copy of any written contract(s) for indigent defense cases.
- If applicable, a copy of the open bidding and selection process used to solicit contract attorneys, such as a Request for Qualification.
- If applicable, documentation to support contractual and equipment expenses.
- If applicable, inventory records of grant funded equipment purchases.
- If applicable, records which outline equipment with more than 1 year of usefulness and items of equipment with an acquisition cost of \$5,000 or more.
- If applicable, documentation to support salaries allocated to Administrative Expense.



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- The record of selection of the court appointed attorneys approved by the majority of the judges.
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- ### Fiscal Monitoring Payment Elements (Legal)
- Attorney Fee Vouchers and Invoices
    - Itemized
    - Submitted
    - Approved
  - Proper Payment
    - Classification of Expenses
    - Attorneys on Wheel w/Judge Approval
    - Attorneys CLE Requirements

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If applicable, provide a copy of any written contract(s) for indigent defense services.  
If applicable, a copy of the open bidding and selection process used to solicit contract attorneys, such as a Request for Qualification.  
If applicable, documentation to support contractual and equipment expenses.  
If applicable, inventory records of grant funded equipment purchases.  
If applicable, records which outline equipment with more than 1 year of usefulness and items of equipment with an acquisition cost of \$5,000 or more.  
If applicable, documentation to support salaries allocated to Administrative Expense.

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Thank you!

**Dominic Gonzales**  
**512-463-2573**

**Debra Stewart**  
**512-936-7561**

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