



Follow-up Review of Bexar County's Indigent Defense Systems

July 30, 2012



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MISSION

The Texas Indigent Defense Commission provides 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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Monitoring Background

The Texas Indigent Defense Commission (Commission) conducted a policy monitoring visit of Bexar County in the spring of 2010. Staff issued a report with twelve recommendations in August 2010. Bexar County responded to these recommendations with proposed action plans.

This follow-up visit was conducted in April 2012 to ensure that Bexar County has successfully implemented the action plans to meet our recommendations. Staff made visits to the County from April 10 to April 13, 2012 and again from April 25 to April 26, 2012. In this report, the term “monitor” is used to refer to actions conducted by Commission staff. This report examines whether the County successfully implemented procedures that address each of our recommendations. The monitor did not examine areas in which the County did not receive a recommendation in the 2010 report.

In this report, each issue is grouped according to the category in which the recommendations were listed in the 2010 report. A brief description of statutory requirements is noted at the beginning of each category, followed by the relevant 2010 recommendations, next by a description of local processes, and then by an evaluation of whether the jurisdiction has addressed the recommendations from the 2010 report.

Summary of Past Recommendations and Current Findings

Timely Appointment of Counsel – Adults

2010 Recommendation: Bexar County must examine the appointment process to ensure persons requesting counsel receive application assistance and timely assignments. **(Resolved)**

2012 Commendation: TIDC staff commend Bexar County for creating processes that ensure timely appointments of counsel in adult cases.

Timely Appointment of Counsel – Juveniles

2010 Recommendation: Bexar County must set up a process to appoint an attorney for unrepresented juveniles regardless of the meeting status between parents and Pre-Trial Services. Under Texas Family Code § 51.101(b), the attorney appointed for the detention hearing continues to represent the child until the case is terminated, the family retains new counsel, or the court appoints new counsel. **(Resolved)**

2010 Recommendation: If no parent or guardian appears for the juvenile's detention hearing, the court must appoint a guardian ad litem per Texas Family Code § 54.01(d). An attorney appointed for the detention hearing may act as a guardian ad litem. **(Resolved)**

2010 Recommendation: Bexar County must ensure that there is proper documentation regarding attorney appointments for detention hearings. Ideally, detention hearing forms would always list when attorneys appeared on behalf of juveniles. **(Resolved)**

2012 Commendation: TIDC staff commend Bexar County for creating processes that ensure timely appointments of counsel in juvenile cases. The County's processes also ensure that all juveniles have a parent, guardian, or guardian ad litem present for juvenile detention hearings.

Fair, Neutral, and Non-Discriminatory Selection

Distribution of Misdemeanor Cases

2010 Recommendation: The statutory county courts must review their misdemeanor appointment procedures to ensure that appointments are made in a fair, neutral, and non-discriminatory manner. **(Resolved)**

2010 Recommendation: The county courts must follow the standard method for appointing counsel as set in the local indigent defense plan. **(Resolved)**

2010 Recommendation: Article 26.04(a) of the Code of Criminal Procedure requires the courts to appoint attorneys from a public appointment list. The misdemeanor courts must ensure that all misdemeanor appointments are made from a public appointment list. **(Resolved)**

2012 Commendation: The statutory county courts have adopted procedures for making in-court appointments from the appointment list in a consistent manner across all courts.

2012 Commendation: Data showing the distribution of misdemeanor cases paid for FY2011 were within the Commission's threshold for presuming that the jurisdiction's appointment processes are fair, neutral, and non-discriminatory.

Distribution of Felony Cases

2010 Recommendation: Bexar County must review its felony appointment procedures to ensure that appointments are made in a fair, neutral, and non-discriminatory manner. Specifically, standard operating procedures for making in-court appointments should be reviewed, or created, to ensure that courts coordinate to provide a fair method of allocating appointments that is consistent with its indigent defense plan. **(Resolved)**

2010 Recommendation: Article 26.04(a) of the Code of Criminal Procedure requires the courts to appoint attorneys from a public appointment list. The felony courts must ensure all felony appointments are made from a public appointment list. **(Resolved)**

2012 Commendation: The felony courts have adopted procedures for making in-court appointments from the appointment list in a consistent manner across all courts.

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Distribution of Juvenile Cases

2010 Recommendation: Bexar County must review its juvenile appointment procedures to ensure that appointments are made in a fair, neutral, and non-discriminatory manner that is consistent with its indigent defense plan. **(Resolved)**

2012 Commendation: Data showing the distribution of juvenile cases paid for FY2011 were within the Commission's threshold for presuming that the jurisdiction's appointment processes are fair, neutral, and non-discriminatory.

Fee Schedules and Payment Processes

2010 Recommendation: When considering attorney requests for expense reimbursements, the judges must comply with Article 26.05(d) that states attorneys shall be reimbursed for reasonable and necessary expenses. **(Resolved)**

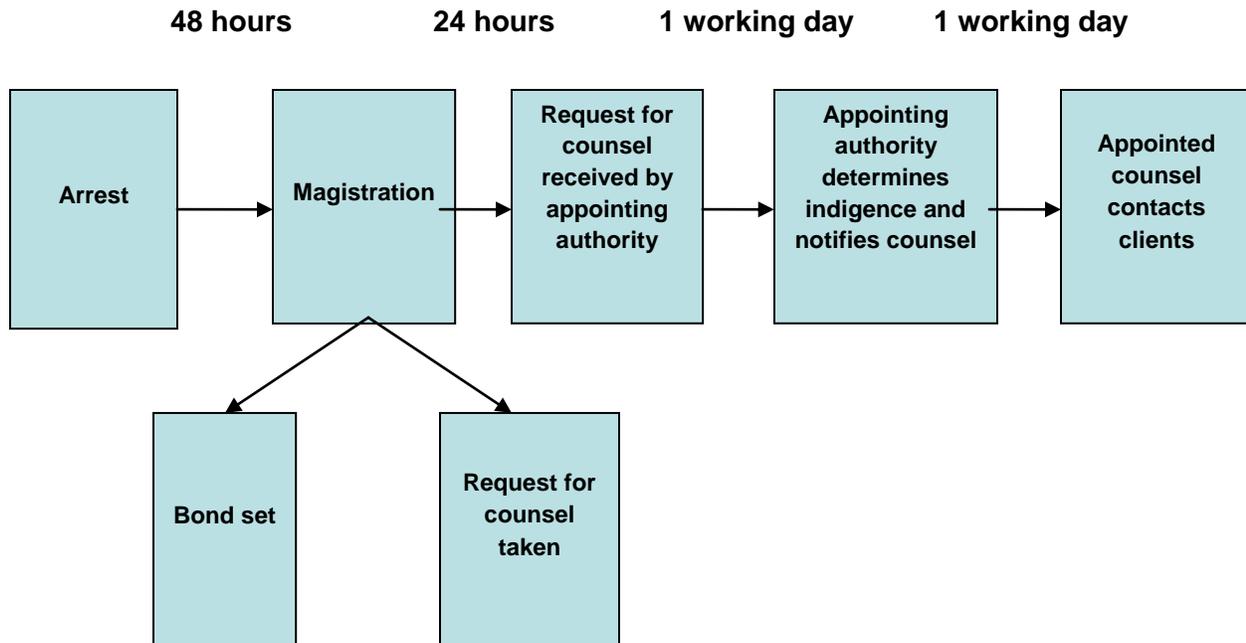
2010 Recommendation: If a judge reduces a request for payment, the judge must make written findings as to why the request is being reduced. **(Resolved)**

2012 Commendation: TIDC staff commend Bexar County for creating processes that ensure that when fee vouchers are cut that the reason for the reduction is listed according to Article 26.05(c) of the Code of Criminal Procedure.

Timely Appointment of Counsel – Adults

Article 1.051(c) of the Code of Criminal Procedure requires appointment of counsel (for counties with a population over 250,000) to occur within one working day of the court receiving the request.

Figure 1: Statutory Attorney Appointment Timeline Model for Counties with Populations Over 250,000



2010 Recommendation: Bexar County must examine the appointment process to ensure persons requesting counsel receive application assistance and timely assignments.

In Bexar County, requests for counsel made at magistrations are transferred to the Pre-Trial Services department. Pre-Trial Services uses the financial information submitted by the defendant to make a determination of indigence and then to appoint counsel from the appointment wheel. Pre-Trial Services also handles requests for counsel made after magistrations, but before a court appearance. In an effort toward making dockets more efficient, Pre-Trial Services has begun making calls to defendants with upcoming court dates to see if these defendants have retained counsel. If the defendant wishes to request counsel at this time, Pre-Trial Services screens the defendant for indigence. In this way, a greater number of defendants appear at their initial court appearance with counsel, and so the docket can be used as a means toward obtaining a disposition.

When a defendant makes an in-court request for counsel, the defendant is given a financial affidavit to complete. The court makes a prompt determination of indigence, and appoints counsel at the docket if indigence is found.

In 2010 the monitor examined county and district clerk files to determine the timeliness of attorney appointments. From these samples, misdemeanor appointments were 85.6% timely and felony appointments were 83.7% timely. These percentages were suspect, however, because

they did not include cases in which an application for appointed counsel was denied because the applicant did not meet the county’s standard of indigence.

The data that the monitor reviewed in 2010 covered a time when the County’s procedures for taking requests for counsel were slightly different. At that time, arrestees would sometimes indicate that they wanted to request counsel, but rather than complete the affidavit of indigence, would attempt to bond out of jail. The result was that the magistration form would indicate a request for counsel, but there would be neither an appointment of counsel nor a denial of indigence. Bexar County changed its magistration procedures so that all arrestees must now wait until all affidavits have been completed. An arrestee no longer has the option to seek a bond prior to completing the affidavit of indigence.

In our 2012 visit, the monitor examined data from the Pre-Trial Services Department rather than from clerks’ files. This allowed the monitor to take denials of indigence into account so that a more accurate portrayal of timely appointments could be obtained. The monitor examined 301 cases in which persons requested counsel between March 26, 2012 and March 30, 2012. All of these requests had timely appointments of counsel. See the following table for a description of this data.

Table 1: Timeliness of Indigent Determinations

	Sample Cases	Number of Timely Appointments of Counsel	Number of Timely Denials of Indigence	Percent of Timely Determinations of Indigence
Misdemeanors	190	179	11	100%
Felonies	111	110	1	100%
Total	301	289	12	100%

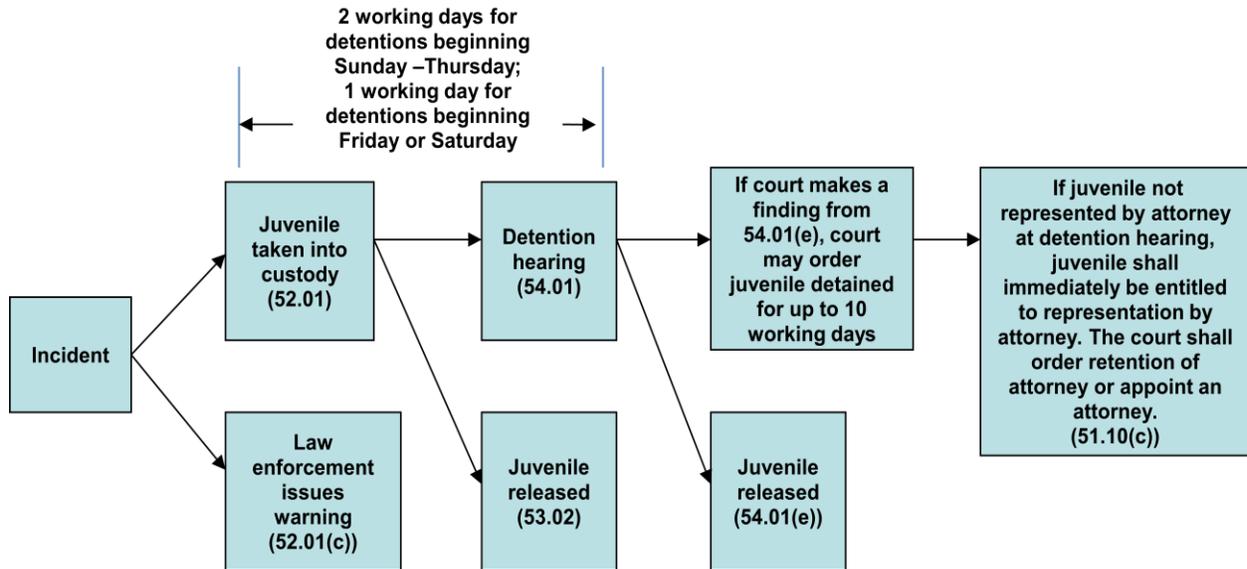
Commendation: TIDC staff commend Bexar County for creating processes that ensure timely appointments of counsel in adult cases.

Timely Appointment of Counsel – Juveniles

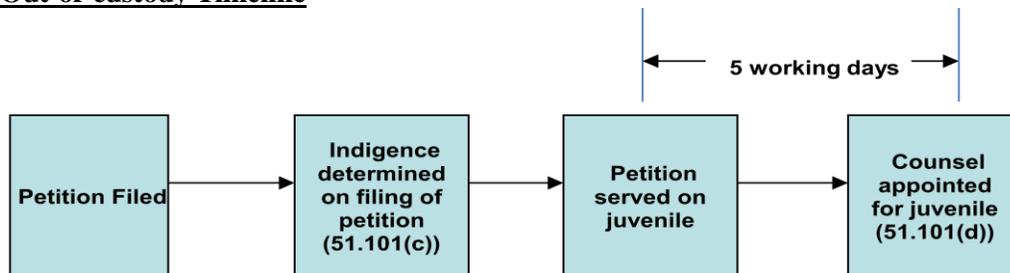
For juveniles, Section 51.10(c) of the Family Code requires that if a juvenile does not have counsel at a detention hearing, counsel must be immediately appointed if there is a decision to detain the juvenile. For juveniles who are not in custody, if a petition is filed by the prosecutor, counsel must be appointed within five working days of the petition being served on the juvenile.

Figure 2: Statutory Attorney Appointment Timeline for Juveniles
(relevant Texas Family Code references are listed in parentheses)

In-custody Timeline



Out-of-custody Timeline



2010 Recommendation: Bexar County must set up a process to appoint an attorney for unrepresented juveniles regardless of the meeting status between parents and Pre-Trial Services. Under Texas Family Code § 51.101(b), the attorney appointed for the detention hearing continues to represent the child until the case is terminated, the family retains new counsel, or the court appoints new counsel.

2010 Recommendation: If no parent or guardian appears for the juvenile's detention hearing, the court must appoint a guardian ad litem per Texas Family Code § 54.01(d). An attorney appointed for the detention hearing may act as a guardian ad litem.

2010 Recommendation: Bexar County must ensure that there is proper documentation regarding attorney appointments for detention hearings. Ideally, detention hearing forms would always list when attorneys appeared on behalf of juveniles.

In 2010, the monitor found that Bexar County's processes for ensuring that counsel was appointed when a petition was served on the juvenile met the Commission's presumed threshold that a timely appointment process was in place. However, when juveniles faced a detention hearing and there was a decision to detain the juvenile, the County did not meet the Commission's threshold for ensuring that a timely appointment process was in place.

Since our 2010 visit, Bexar County has amended its processes for appointing counsel in juvenile detention hearings. Now, if a juvenile does not have an attorney at his/her initial detention hearing and if the parent/guardian does not interview with Juvenile Pre-Trial Services to qualify for an appointed attorney, counsel is automatically appointed for the juvenile. This process requires a fair amount of coordination between the courts and Juvenile Pre-Trial Services in order for Juvenile Pre-Trial Services to become aware of the need for the immediate appointment.

In our current visit, the monitor observed detention hearings for 62 different juveniles between the dates of April 10 and April 13, 2012. All juveniles had a parent, guardian, or guardian ad litem present for their hearings. In some instances, this required short delays so that a guardian ad litem could be appointed to the case. Of the hearings observed, the courts made a decision to detain juveniles in 41 of the cases observed. All of the cases in which the courts made a decision to detain the juvenile had an attorney appointed for the juvenile by the end of the day.

In our examination of hearings, in some instances, the monitor examined juvenile records to verify the status of a detention hearing. From these records, the monitor was able to verify whether an attorney appeared on behalf of the juvenile and whether the juvenile was detained.

<p>Commendation: TIDC staff commend Bexar County for creating processes that ensure timely appointments of counsel in juvenile cases. The County's processes also ensure that all juveniles have a parent, guardian, or guardian ad litem present for juvenile detention hearings.</p>

Fair, Neutral, and Non-Discriminatory Selection

Under the Commission's administrative rules, a county is presumed to be in substantial compliance with having a fair, neutral, and non-discriminatory attorney appointment system, if in each level of proceedings (felony, misdemeanor, and juvenile cases), the percentage of appointments received by the top 10 percent of recipient attorneys does not exceed three times their representative share.

In the Commission's prior review, the monitor examined FY2009 payment data provided by the county auditor. None of the court levels met the Commission's threshold for presumption of a fair, neutral, and non-discriminatory system.

Distribution of Misdemeanor Cases

2010 Recommendation: The statutory county courts must review their misdemeanor appointment procedures to ensure that appointments are made in a fair, neutral, and non-discriminatory manner.

2010 Recommendation: The county courts must follow the standard method for appointing counsel as set in the local indigent defense plan.

2010 Recommendation: Article 26.04(a) of the Code of Criminal Procedure requires the courts to appoint attorneys from a public appointment list. The misdemeanor courts must ensure that all misdemeanor appointments are made from a public appointment list.

In 2010, the monitor examined the methods for appointing counsel for misdemeanor cases in the statutory county courts. The monitor found that when counsel was appointed based on a request made at magistration, the method for appointing counsel through Pre-Trial Services followed the appointment wheel. However, when appointments were made based upon in-court requests for counsel, the methods of selecting counsel varied across courts. This group of in-court appointments included requests for counsel in cases with a motion to revoke probation. The courts did not have a coordinated method for ensuring that appointments were made in a fair, neutral, and non-discriminatory manner.

Since the Commission's 2010 report, the statutory county courts have made some changes to their in-court appointment processes. First, appointments for cases with a motion to revoke probation now follow the appointment wheel. Second, the Statutory County Courts Administrator now assigns groups of about 30 attorneys from the appointment list to each court for in-court appointments to be made over a one month period. The courts may only make in-court appointments from this group. Each group of attorneys is rotated to a new court at the end of the month.

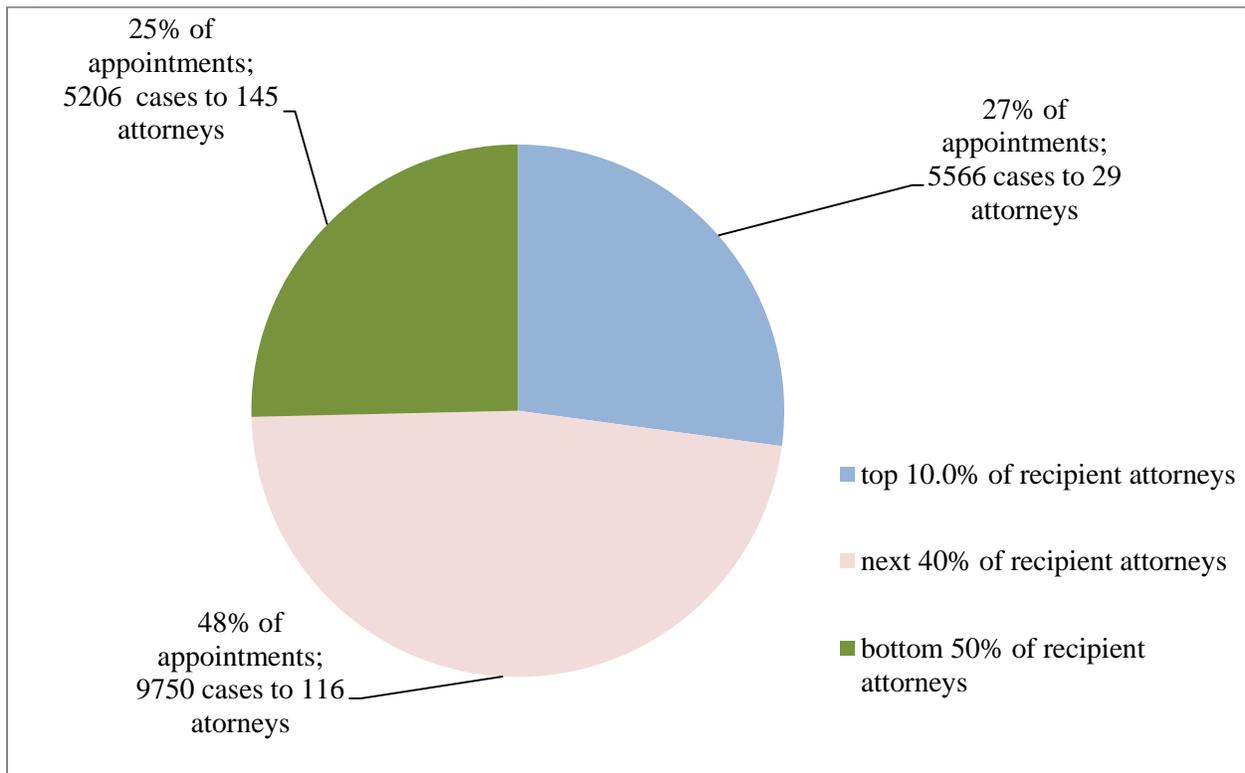
Commendation: The statutory county courts have adopted procedures for making in-court appointments from the appointment list in a consistent manner across all courts.

In 2010, the monitor reviewed the distribution of misdemeanor appointments in Bexar County using data provided by the auditor's office showing cases in which attorneys were paid in FY2009. In this analysis, the monitor found that the top 10 percent of attorneys (receiving misdemeanor appointments) received 3.2 times their representative share of cases. This exceeded the Commission's threshold for presuming that a jurisdiction's appointment process is fair,

neutral, and non-discriminatory. The Commission made a recommendation that the statutory county courts review their appointment procedures.

The monitor re-examined the distribution of misdemeanor appointments using cases paid data provided by the auditor's office for FY2011. The monitor compared this data to the appointment list of attorneys who appeared to be on a misdemeanor appointment list for all of FY2010.¹ The monitor found that there were 290 attorneys from this group who received payments for cases in FY2011. The top 29 attorneys from this list (top 10.0%) received 27.0% of the total cases paid, or 2.7 times their representative share. This distribution is within the Commission's threshold for presuming that a jurisdiction's appointment processes are fair, neutral, and non-discriminatory.

Figure 3: Distribution of Misdemeanor Appointments in FY2011



Commendation: Data showing the distribution of misdemeanor cases paid for FY2011 were within the Commission's threshold for presuming that the jurisdiction's appointment processes are fair, neutral, and non-discriminatory.

¹ This list of attorneys was obtained by only examining attorneys who were on both the January 2011 and October 2011 misdemeanor appointment lists.

Distribution of Felony Cases

2010 Recommendation: Bexar County must review its felony appointment procedures to ensure that appointments are made in a fair, neutral, and non-discriminatory manner. Specifically, standard operating procedures for making in-court appointments should be reviewed, or created, to ensure that courts coordinate to provide a fair method of allocating appointments that is consistent with its indigent defense plan.

2010 Recommendation: Article 26.04(a) of the Code of Criminal Procedure requires the courts to appoint attorneys from a public appointment list. The felony courts must ensure all felony appointments are made from a public appointment list.

In 2010, the monitor examined the methods for appointing counsel in the felony courts. The monitor found that the method for appointing counsel through Pre-Trial Services followed the appointment wheel, but appointments made in court varied across the courts. The courts did not have a coordinated method for ensuring that appointments were made in a fair, neutral, and non-discriminatory manner.

In 2012, the monitor spoke with the General Administrative Counsel for the District Courts and found two changes that have been made by the felony courts for making in-court appointments. First, in-court appointments are now made using the centralized appointment wheel (where all appointments are made based upon the order of the relevant appointment list). This process began in the middle of 2011, and so appointments made in this manner are partly but not fully reflected in the monitor's examination of the distribution of appointments. Second, during the 2011 legislative session, Article 42.12 §21(d) was amended to specifically require that procedures for appointing counsel in cases with a motion to revoke probation follow Article 26.04's requirement for a fair, neutral, and non-discriminatory system. Beginning in FY2012, the felony courts now appoint counsel from the wheel in cases with a motion to revoke probation.

Commendation: The felony courts have adopted procedures for making in-court appointments from the appointment list in a consistent manner across all courts.

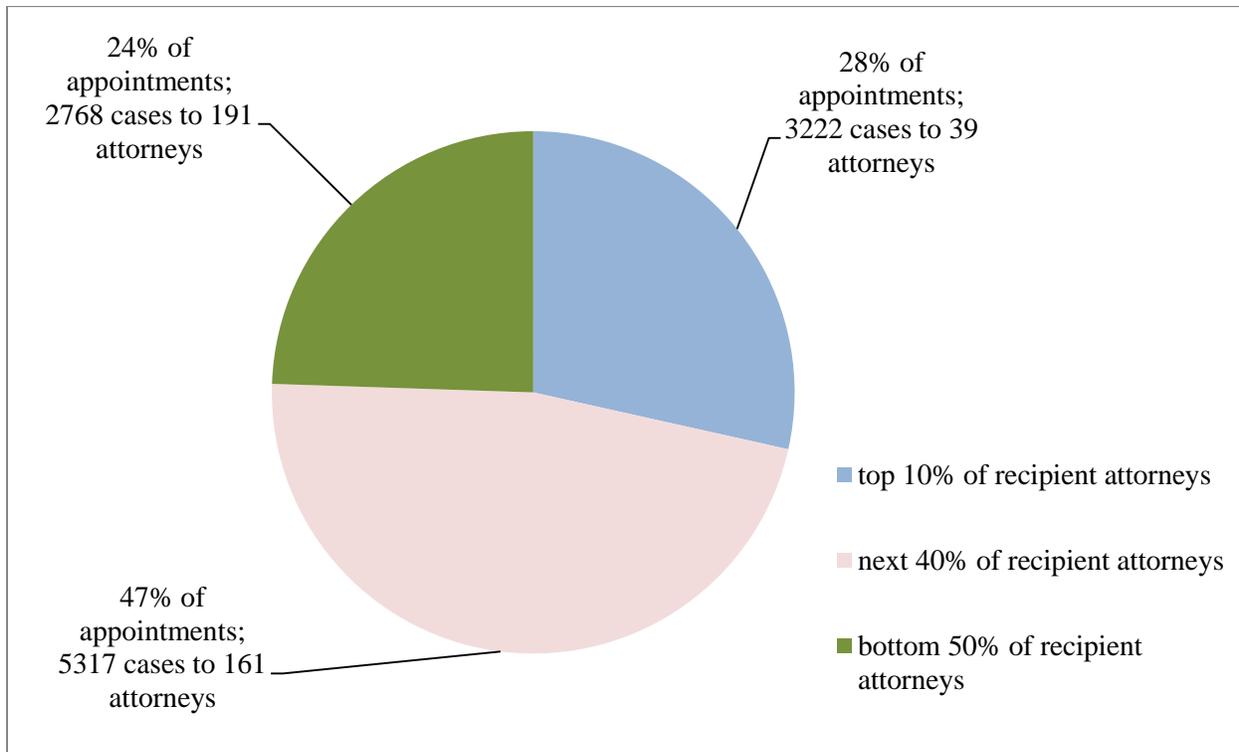
In 2010, the monitor reviewed the distribution of felony appointments in Bexar County using data provided by the auditor's office showing cases in which attorneys were paid in FY2009. In this analysis, the monitor found that the top 10 percent of attorneys (receiving felony appointments) received 3.3 times their representative share of cases. This was above the Commission's threshold for presuming that a jurisdiction's appointment process is fair, neutral, and non-discriminatory. The Commission made a recommendation that the felony courts review their appointment procedures.

The monitor re-examined the distribution of felony appointments using cases paid data provided by the auditor's office for FY2011. The monitor compared this data to the appointment list of attorneys who appeared to be on a felony appointment list for all of FY2010.² The monitor found that there were 391 attorneys from this list who received payments for cases in FY2011.

² This list of attorneys was obtained by examining the April 2012 felony appointment list, adding attorneys who had been on the list in 2011 but who asked to be removed in 2012, adding attorneys who had been on the list in 2011 but who had been removed in 2012, and removing attorneys who were added during or after 2011.

The top 39 attorneys from this list (top 10.0%) received 28.5% of the total cases paid, or 2.9 times their representative share. This distribution is within the Commission’s threshold for presuming that a jurisdiction’s appointment processes are fair, neutral, and non-discriminatory.

Figure 4: Distribution of Felony Appointments in FY2011



Commendation: Data showing the distribution of felony cases paid for FY2011 were within the Commission’s threshold for presuming that the jurisdiction’s appointment processes are fair, neutral, and non-discriminatory.

Distribution of Juvenile Cases

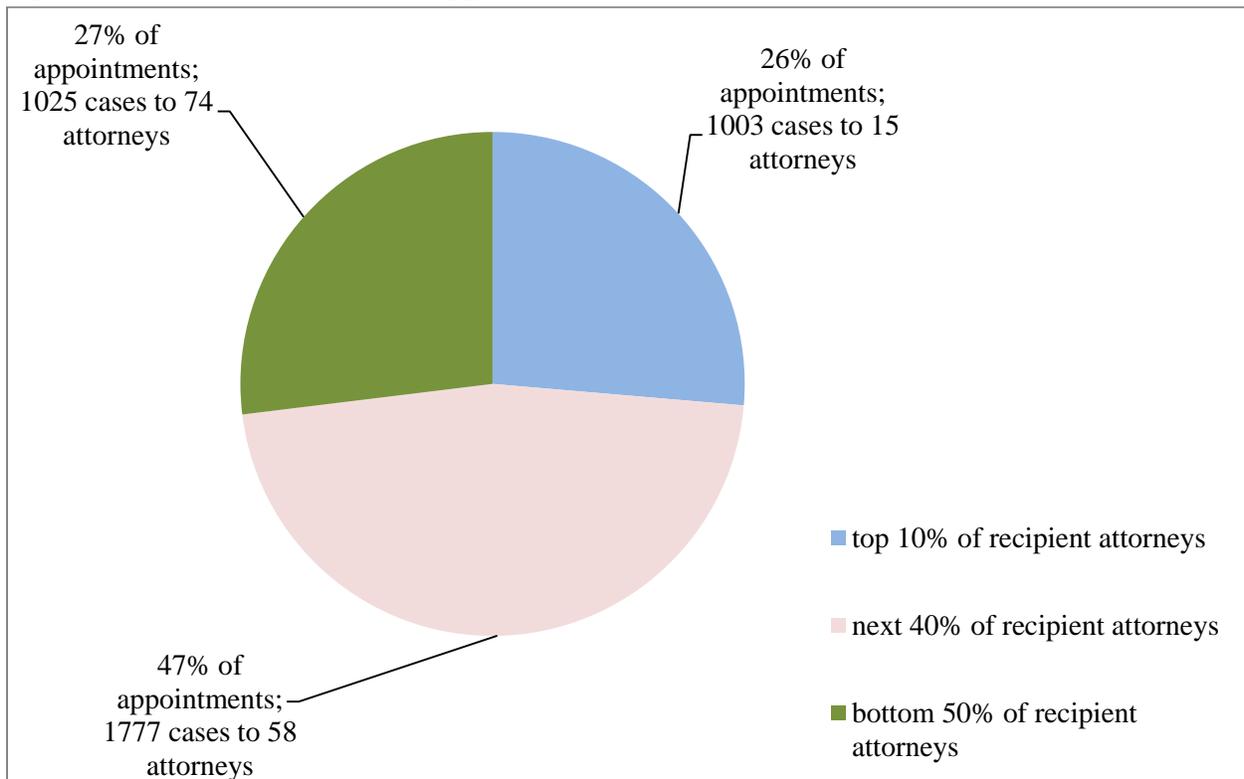
2010 Recommendation: Bexar County must review its juvenile appointment procedures to ensure that appointments are made in a fair, neutral, and non-discriminatory manner that is consistent with its indigent defense plan.

In 2010, the monitor examined the distribution of juvenile appointments in Bexar County using data provided by the auditor’s office showing cases paid to attorneys in FY2009. In this analysis, the monitor found that the top 10 percent of attorneys (receiving juvenile appointments) received 3.1 times their representative share of cases. This was above the Commission’s threshold for presuming that a jurisdiction’s appointment process is fair, neutral, and non-discriminatory. The Commission made a recommendation that the juvenile courts review their appointment procedures. The juvenile courts noted that one reason the distribution of appointments was not equal was that the courts prioritize continuity of representation where an attorney appointed for a juvenile will later be appointed in successive cases against the juvenile.

This process would have the effect of giving more cases to attorneys who had been on the appointment list for an extended period of time, but it would also be to the benefit of juveniles being charged.

The monitor re-examined the distribution of juvenile appointments using cases paid data provided by the auditor's office for FY2011. The monitor compared this data to the appointment list from September 2011. The monitor found that there were 147 attorneys from this list who received payments for cases in FY2011. The top 15 attorneys from this list (top 10.2%) received 26.4% of the total cases paid, or 2.6 times their representative share. This distribution is within the Commission's threshold for presuming that a jurisdiction's appointment processes are fair, neutral, and non-discriminatory.

Figure 5: Distribution of Juvenile Appointments in FY2011



Commendation: Data showing the distribution of juvenile cases paid for FY2011 were within the Commission's threshold for presuming that the jurisdiction's appointment processes are fair, neutral, and non-discriminatory.

Effect of Appointment Procedures on Attorney Caseloads

In 1973, the National Advisory Commission on Criminal Justice Standards and Goals (NAC) published maximum standard caseloads for public defenders, which are detailed in Table 2.³

Table 2: NAC Caseload Standards

Type of Case	Maximum caseload
Felonies	150
Misdemeanors	400
Juvenile	200
Mental Health Act	200
Appeals	25

The NAC caseload standards represent the maximum number of cases for each category that are recommended to be handled by a single attorney in a twelve month period. Caseloads given for each category represent the recommended maximum for an attorney handling only cases in that category. For example, on average, an attorney who handles only felonies should not be assigned more than 150 felony cases annually. When an attorney handles a mixed caseload, the standard should be applied proportionally. For example, an attorney who is given 120 felonies annually is working at 80 percent of the caseload maximum and could not be assigned more than 80 misdemeanors (or 20% of the misdemeanor maximum).

The NAC standards are a good starting point in developing caseloads but should not be accepted as universal standards. They may not account for administrative work, travel time, or other professional requirements that reduce the time an attorney can spend on cases. They also are limited by the differences in work required by cases within a category. For example a case involving felony homicide may require significantly more work than a burglary case.

Adjustments in local appointment procedures have affected the appointed caseloads of attorneys. In the monitor's examination of FY2009 data, the monitor found 20 attorneys whose appointed caseloads exceeded the NAC recommendations. In that year, the attorney with the highest appointed caseload received appointments equivalent to 225% of the NAC recommendations. The median level of appointed caseload was 15.7% of the NAC recommendations. (This analysis understates total caseloads to some extent because it does not take into account an attorney's retained cases, appointed cases from other counties, or civil cases.)

In the examination of FY2011 data, the monitor found 13 attorneys whose appointed caseloads exceeded the NAC recommendations. For FY2011, the attorney with the highest appointed caseload received appointments equivalent to 174% of the NAC recommendations. The median level of appointed caseload was 17.1% of the NAC recommendations. While some attorneys continue to have appointed caseloads in excess of the NAC recommendations, the changes in local appointment methods appear to have had the effect of switching appointments from the top recipients of appointments to attorneys who had previously received fewer appointments. The monitor believes this trend where fewer attorneys exceed the NAC recommended caseload is likely to continue as appointments to cases with a motion to revoke

³ National Advisory Commission on Criminal Justice Standards and Goals, *Task Force on Courts*, Standard 13.12 (1973).

probation are now being made through the wheel, and these cases will begin showing up in data beginning in FY2012.

Fee Schedules and Payment Processes

Article 26.05 sets rules governing indigent payment processes. Attorneys are to be paid a reasonable fee for time spent in court and reasonable and necessary time spent out of court, supported by proper documentation. A fee schedule is to govern these payments, taking into account reasonable and necessary overhead costs. No payment is to be made to the attorney unless the judge approves the payment. If the judge disapproves the requested amount, the judge must make written findings stating the amount of payment and the reasons for any disapproval. An attorney whose request for payment is disapproved may appeal the disapproval. Counsel is to be reimbursed for reasonable and necessary investigation and expert witness fees. Expenses incurred without prior court approval must be reimbursed if the expenses were reasonably necessary and reasonably incurred.

2010 Recommendation: When considering attorney requests for expense reimbursements, the judges must comply with Article 26.05(d) that states attorneys shall be reimbursed for reasonable and necessary expenses.

2010 Recommendation: If a judge reduces a request for payment, the judge must make written findings as to why the request is being reduced.

Review of Fee Vouchers

In our 2010 review, the monitor examined 1655 attorney fee vouchers for cases paid during FY2009. In our review of FY2009 vouchers, the vast majority were paid as requested, but in ten cases, the judges reduced the requested payments. In nine of those reductions, there was no reason listed on the voucher as to the reason for the payment reduction. See the following table for a summary of our review of FY2009 fee vouchers.

Table 3: Summary of Review of FY2009 Fee Vouchers

	Number	Percent of Total
Total Cases Examined	1,655	
Felony Cases	683	41.3%
Misdemeanor Cases	680	41.1%
Juvenile Cases	292	17.6%
Flat Fee Rate	1252	75.6%
Hourly Rate	360	21.8%
Mix of Flat Fee and Hourly	43	2.6%
No Claim for Support Services	1,641	99.2%
Claim for Support Services	14	0.8%
Voucher Paid as Requested	1,645	99.4%
Voucher Reduced and Reason Listed	1	0.1%
Voucher Reduced without Reason Listed	9	0.5%
Conforms to Fee Schedule and Article 26.05 Requirements	1,646	99.5%

In our current review, the monitor examined 735 attorney fee vouchers paid in FY2011. The portion of this sample with voucher reductions increased from our FY2009 sample, but voucher reductions remained a small minority of total vouchers. See Table 4 for a summary of our review of FY2011 fee vouchers.

Table 4: Summary of Review of FY2011 Fee Vouchers

	Number	Percent of Total
Total Cases Examined	735	
Felony Cases	233	31.7%
Misdemeanor Cases	414	56.3%
Juvenile Cases	88	12.0%
Flat Fee Rate	587	79.9%
Hourly Rate	148	20.1%
Voucher Paid as Requested	725	98.6%
Voucher Reduced and Reason Listed	7	
Voucher Reduced without Reason Listed	3	
Conforms to Fee Schedule and Article 26.05 Requirements	732	99.6%

Our current sample contained three vouchers that were reduced without listing the reason for the reduction. Since FY2011, the courts have implemented procedures to always include the reason for the reduction on the voucher. In felony cases, the voucher review committee must now list reasons for their recommendation regarding voucher fees. In misdemeanor cases, a memo is now attached to every fee voucher that is cut. While our review did find vouchers without reasons listed for fee reductions, local processes have since been amended to ensure that fee voucher reductions always list the reasons for their reductions.

In our review of FY2009 vouchers, the monitor found some vouchers with reductions in reimbursement requests for necessary expenses such as paper copies of VHS copies. The monitor did not find such reductions in the review of FY2011 vouchers.

Commendation: TIDC staff commend Bexar County for creating processes that ensure that when fee vouchers are cut that the reason for the reduction is listed according to Article 26.05(c) of the Code of Criminal Procedure.

Use of Support Services

In our 2010 review, the monitor examined the use of support services for investigative and expert witness services. The review was able to examine itemized expenses but could not identify the number of cases in which support services were used. In our current review using FY2011 data, the monitor was able to examine the number of cases in which support services were used. See Table 5 below for a summary of the use of expert witness expenses and Table 6 for a summary of the use of investigative expenses. Many of the expert witness expenses appeared to be for mental health diagnosis.

Table 5: FY2011 Expert Witness Expenses

Case Level	Number of Cases with Expert Witness Expenses	Total Expert Witness Expenses	Total Number of Case Dispositions	Cases with Expert Witness Expenses as a Percentage of Total Dispositions
Felony	567	\$547,420	17,787	3.2%
Misdemeanor	135	\$75,825	41,107	0.3%
Juvenile	106	\$61,195	3,789	2.8%

Table 6: FY2011 Investigative Expenses

Case Level	Number of Cases with Investigative Expenses	Total Investigative Expenses	Total Number of Case Dispositions	Cases with Investigative Expenses as a Percentage of Total Dispositions
Felony	360	\$270,093	17,787	2.0%
Misdemeanor	51	\$15,050	41,107	0.1%
Juvenile	17	\$6,777	3,789	0.4%

Conclusion

The monitor found that Bexar County has done much to address the recommendations noted by the Commission in 2010. The County has successfully implemented processes for meeting each of those recommendations. We believe that this ability to continually improve methods of operations is a result of judges who are dedicated to advancing the performance of indigent defense services and of a conscientious and professional administrative staff.

The Commission would like to thank all officials and staff who assisted with our visit. Your help was greatly appreciated.