



# Indigent Defense Expenditure Report Manual Fiscal Year 2021

October 2021<sup>1</sup>

<b>Report Due Date November 1, 2021</b> <b>Key Steps to Complete this Report</b>
1. Collect case and expense information for each court from the county’s general ledger or invoices for payments made to represent indigent defendants or juvenile respondents (for the Criminal/Juvenile Delinquency Indigent Defense sections) <u>and legal representation of parents and children associated with Child Protective Services cases (summary totals only for the Parent and Child CPS Representation sections in FY2021).</u>
2. <u>Review the information to ensure that expenditures related to indigent defense in criminal and juvenile delinquency cases are separated from expenditures for parent or child representation related to Child Protective Services cases, which must be reported separately.</u>
3. Ensure that general government costs and any court costs other than criminal indigent defense and CPS representation are excluded.
4. Log into TIDC’s data collection webpage <a href="https://tidc.tamu.edu/">https://tidc.tamu.edu/</a> and enter case counts and expenditure data for each court. <u>Each court will have one page for criminal and juvenile delinquency indigent defense and another page for CPS representation.</u>
5. Submit attorney detail for criminal and juvenile delinquency indigent defense sections <b>only</b> for each court by clicking the Attorney Detail Report link on each court page or e-mail Excel worksheet (see pg. 9). <u>(The CPS report does not require attorney detail breakdowns.)</u>
6. Confirm the court page information and the countywide totals against the general ledger totals from county records.
7. Click the “submit” button and print the resulting confirmation page.

<sup>1</sup> New content in this edition is underlined.

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# I. Introduction

## The Indigent Defense Expenditure Report

All Texas counties are required to submit the Indigent Defense Expenditure Report (**IDER**) annually to the Texas Indigent Defense Commission by Government Code § 79.036(e). This report includes all eligible criminal and juvenile delinquency indigent defense expenditures, case counts and attorney information for each court, sorted by level of case, type of expenditure and attorney. Beginning with the 2021 report, counties will also report summary data for each court on parent and child representation associated with Child Protective Services (CPS) cases, pursuant to Government Code § 71.0355. In FY2022, counties will begin to break down CPS case data by representation category.

The IDER captures criminal and juvenile delinquency indigent defense expenditures for attorney fees, investigators, expert witnesses, and other direct litigation costs. The passage of House Bill 1318 by the 83<sup>rd</sup> Legislature amended Government Code § 79.036 required counties to break down that data by attorney. The passage of Senate Bill 560 by the 86<sup>th</sup> Legislature added expenditures and appointment data regarding CPS cases. Additional information on allowable and unallowable costs is provided later in this manual. The report is organized by court. Counties must track and report expenditures, case counts and attorney information separately for each court.

**Due Date and Reporting Period** -- The report must be submitted by **November 1, 2021**, and covers the period **October 1, 2020 through September 30, 2021**.

**Officials Responsible for Filing** -- The county auditor is responsible for preparing and filing the IDER. If a county does not have an auditor, the commissioner's court designates the person responsible for the report, generally the county treasurer.

### Changes for FY2021

#### **1. Parent and child representation in Child Protective Services cases.**

The Legislature directed the Texas Judicial Council to begin to collect reports from counties regarding attorney appointments and expenditures in CPS cases. To simplify the submission of this new data and avoid a separate report, OCA worked with TIDC to add a new section to the existing IDER to collect this newly required data. For 2021, only summary expenditure data must be reported. Beginning in FY2022, counties will be asked to categorize the data as shown in the reporting matrix. See Appendix C for sample report pages.

#### **2. Uniform guidance to count cases only upon disposition/conclusion across all case types.**

Previous guidance was to count capital cases each year there was an expenditure. Capital cases should be counted in the case count section only for the year in which the case is disposed, regardless of interim payments. Any payments should continue to be reported in the year made.

#### **3. New guidance on habeas writs regarding failure to file charges within statutory timelines.**

Expenditures for the defense to file such writs are eligible indigent defense expenses. These writs should not count as a separate case from the underlying criminal matter, even if associated with a new case number unique to the writ proceeding.

**Criminal and Juvenile Indigent Defense Defined** -- Indigent defense refers to the legal requirement under the U.S. and Texas Constitutions and Texas statute for the government to provide an attorney and other defense costs on behalf of adult defendants and juvenile respondents whose life or liberty are at stake and who are financially unable to employ an attorney or pay other defense costs.

**Suits Affecting the Parent-Child Relationship (SAPCR) and suits requesting court-ordered services filed by the Texas Department of Family and Protective Services (TDFPS)** – Texas statute requires that a court must appoint an attorney for a child who is named in a SAPCR filed by TDFPS and for an indigent parent who appears in opposition to the suit. Additionally, in SAPCRs filed by TDFPS, Texas statute requires that a court appoint an attorney for a parent cited by publication, unknown fathers, different types of alleged fathers, and parents who are alleged to have a mental deficiency making them unable to care for their child. Courts are also statutorily required to appoint an attorney for children and parents named in suits filed by TDFPS seeking that a parent be ordered by a court to complete services. Beginning with FY2021, the IDER will include summary expenditure data regarding court-ordered representation in CPS cases.

**The Importance of the IDER** – Each year the Commission distributes formula grants to Texas counties to be used to support indigent defense programs. The criminal and juvenile delinquency indigent defense expenses (attorney fees or public defender costs, investigation expenses, expert witness costs and other direct litigation costs) reported in the IDER are used in the calculation of the Formula Grant in each subsequent year.

The data is also used as the basis for policy evaluation and decisions of the Commission. Accurate data collection and timely submission of the report are essential to ensure that limited indigent defense resources are used effectively. Errors in the IDER could result in counties being awarded more funds in the Formula Grant and may result in a reduction in award or return of grant funds. The data is made available to the public online at: <http://tidc.tamu.edu/public>.

While many local governments have experienced increases in costs associated with CPS representation, the state has limited data to understand the full scope of the needs in this area. The new data collection regarding CPS appointments will document the growing pressure CPS representation places on county budgets and will help policymakers take steps to ensure quality court-ordered representation for both children and parents. The data will be available to the Legislature and other policymakers as they allocate resources in the future.

**How to Use this Manual** -- In addition to providing guidance on the preparation of the IDER, this manual may be used by county financial officers to establish a framework by which to develop and monitor accounts payable and fiscal recording of indigent defense and CPS case expenses. Counties implementing a solid data collection framework consistent with these instructions will simplify data collection needed to complete the report. While this manual is written primarily for county fiscal officers and employees responsible for completing the IDER, other involved stakeholders, including commissioner's court members and judges, would also benefit by understanding the report requirements and the data that must be collected.

Below are explanations of the three basic components of the IDER: eligible expenditures, case counts and attorney information.

## II. Identifying Eligible Expenditures

The IDER is organized by court and must be submitted for every court in the county that hears criminal or juvenile delinquency cases and/or CPS cases.

Beginning in FY2021, the report includes *two* reporting forms for each court: one for Indigent Defense in Criminal and Juvenile Delinquency Cases and another form for Parent and Child Representation in CPS cases. It is very important to ensure that reports properly distinguish between these two types of cases and that expenditures and case/appointment counts are only reported on the appropriate report section. No other types of cases or expenses should be included on the IDER.

The Criminal and Juvenile Delinquency Indigent Defense Court Report tracks expenses for legal services provided in the county to indigent defendants and juvenile respondents during each fiscal year in four categories: 1) attorney fees; 2) investigation expenses; 3) expert witness expenses; and 4) other litigation expenses. Additionally, the Commission requires that expenses be sorted by case type: capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals. On the criminal and juvenile delinquency report only, counties must also complete the Attorney Detail, which breaks down attorney fees and case counts per attorney. The Commission may permit certain cases and expenditures to be reported under magistrate courts or as case filed with no court identified.

The Parent and Child Representation (CPS) Court Report tracks expenditures for legal services provided in the county to parties in CPS matters in five categories: 1) attorney fees; 2) social worker expenditures; 3) expert witness expenditures 4) investigation expenditures; and 5) other litigation expenses. For FY2021, TIDC will require only summary data on CPS expenditures to be reported. Beginning in FY2022, counties will categorize appointments and expenditures by the following representation categories: custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and children appeal. **The CPS reporting form in the FY2021 IDER displays these categories, but only summary total lines are fillable. The more detailed categorization will open in the FY2022 report.**

### **Allowable Costs**

Allowable costs on the Indigent Defense in Criminal and Juvenile Delinquency sections include direct costs paid by the county or managed assigned counsel program on behalf of a defendant or juvenile respondent to provide a defense to the charges brought by the State, to provide mitigating evidence related to the commission of a crime, or to assist in an appeal after a conviction. This includes attorney fees, licensed investigator fees, expert witness fees, lab fees incurred by the defense, transcript fees (only when prepared for the defense in connection with an appeal or when necessary to preparing a defense), mental health defense experts (see page 6 for details), immigration status impact consultation (i.e., *Padilla* consultations regarding the immigration-related collateral consequences of plea or conviction), and other costs paid by the county to assist the defendant in mounting his or her defense against the charges brought by the State. Counties should include on the report

indigent defense expenses otherwise required to be reported that may be funded wholly or partially by TIDC grants.

Allowable costs on the Parent and Child Representation sections include direct costs paid by the county or managed assigned counsel program to provide legal representation for a party in a suit affecting the parent-child relationship or a suit requesting that a parent be ordered by a court to complete services filed by the Texas Department of Family and Protective Services (i.e., CPS cases). Eligible expenses include attorney fees, social worker costs, expert witness costs, investigation costs, and other litigation expenses necessary to provide the legal representation.

## **Unallowable Costs**

TIDC has adopted the [Texas Grant Management Standards](#) (TxGMS) to provide guidance on eligibility of costs and unallowable costs for all Commission grants. The same principles are used to report counties' indigent defense costs (See TxGMS for more detail regarding unallowable costs and standard financial management principles:

<https://comptroller.texas.gov/purchasing/docs/grant-management-reader.pdf>

Specifically, in accordance with statute, TxGMS, and/or Commission policy, the following costs are not allowable and should not be included in any section of the IDER:

- **General government costs;**
- **Costs of law enforcement, prosecution, incarceration, or supervision;**
- **Replacing existing county funding with grant funds** (supplanting);
- **Prosecution costs** such as attorney fees, licensed investigator fees, expert witness fees, lab fees, transcript fees, mental health evaluations, sociological evaluations, copying fees, or any other costs paid by the county to prosecute a defendant;
- **Cost of operating court systems** including docketing, general case management systems, or court and administrative personnel unrelated to the provision of indigent defense;
- **Court reporters** – The routine fees and costs associated with court reporting are not allowable. Counties that expend additional funds for transcription fees (statement of facts) on behalf of an indigent defendant's appeal or when otherwise prepared for the defense as necessary in defending a case may claim the additional direct costs as "Other Litigation Expenses".
- **Court Interpreters** – Interpreters are required to be provided by courts regardless of a person's indigent status; therefore, it is considered a general government cost;
- **Evaluations of competency to stand trial;**

- **Expenses, including equipment used for county offices, not directly involved in the provision of indigent defense services** (e.g., computer for prosecutor's office; expert witness or mental health evaluation provided for the prosecution, etc.
- **Indirect costs** such as cost allocation plans, general county administration, human resources, or other administrative fees.
- **Some Civil Cases** – Prior to FY2021, the IDER did not allow reporting of any civil cases other than payments to attorneys appointed to represent juveniles on cases arising from Title 3 of the Texas Family Code (Juvenile Justice Code). Beginning with the FY2021 report, counties will report summary data on one category of civil case expense: parent and child representation in connection with CPS cases. Each court now has a separate page for indigent defense in criminal and juvenile delinquency cases and a page for parent and child representation in connection with CPS cases. Except for the reporting of court-ordered appointments in CPS cases filed by TDFPS and related expenditures in the designated sections, no other civil cases should be reported on the IDER. Civil case-related expenditures that should NOT be included on any section of the IDER include child support enforcement and associated contempt cases, domestic violence intervention and protection not filed by TDFPS, various civil county-appointed *ad litem* (probate or other civil matter), or in *forma pauperis* civil cases.

### **Eligibility of Mental Health Evaluation Expert Fees on the Criminal and Juvenile Delinquency Sections**

Generally speaking, experts requested and hired by the defense to conduct a psychological evaluation are considered eligible indigent defense expenditures and should be included in the Expert Witness sections of the IDER. Not all psychological evaluations of a defendant who is indigent are eligible, however. For example, competency evaluations ordered by the court are not eligible defense costs.

To determine whether fees for mental health experts are eligible indigent defense expenditure to include on the IDER, auditors should determine whether the expert was working for the defense under derivative attorney-client privilege to assist in the criminal defense of indigent defendants. If the expert fees in question were initiated through an *ex parte* motion by the defense, the resulting reports would be privileged information provided to the defense attorney and these costs should be included on the IDER. By contrast, psychological evaluations ordered by the court and which yield expert reports made available directly to the court or to all parties would not be counted as eligible indigent defense expenditures. While an order granting an *ex parte* defense motion requesting funds for a mental health defense expert is generally sufficient to establish eligibility as an indigent defense expenditure, evaluations of competency to stand trial are not eligible indigent defense expenditures regardless of the origin of the referral for the competency evaluation.

## **Allocation of Costs**

Counties must follow allocation guidelines established in TxGMS for grant fund use when completing the report. If indigent defense grant or county funds are used to pay for goods or services that benefit other programs in addition to indigent defense, the cost of those goods and services must be allocated among the programs so that grant funds are not used for or credited to purposes unrelated to the indigent defense program. As with any grant fund, allocation documentation must be maintained locally and available for review.

### **III. Reporting Case Counts and Appointment Counts**

The top section of each court report (both criminal and CPS) captures expenditures. The bottom section captures the number of cases (in the criminal report) or the number of appointments (in the CPS report). All cases where an attorney is appointed to represent a criminal defendant or juvenile respondent or a person in a CPS matter must be counted and reported on the IDER at the time they are concluded. For criminal and juvenile delinquency cases, this is when the case is paid after final disposition in the assigned counsel, managed assigned counsel and contract counsel systems. (Cases are counted when disposed in the public defender system.) CPS appointments should be counted when representation concludes and final billing is submitted.<sup>2</sup> TIDC has promulgated a model CPS representation voucher (see Appendix D) that captures whether a voucher is an interim payment for ongoing representation or final payment.

In criminal cases, the law requires that attorneys be appointed within one to three working days (depending on the size of county) of a defendant's request being transferred by the magistrate to the local appointing authority (typically a judge). This is prior to the information or indictment being filed in most jurisdictions. When an attorney is appointed on a case that the prosecutor does not file or dismisses and the county pays for the legal services, then the money paid and the case(s) should be included in the IDER under the court of the judge that authorized the payment. Public defenders should count these unfiled and dismissed cases as disposed.

In criminal matters, one defendant often has multiple cases and multiple levels of representation on an invoice submitted by an attorney or counted disposed by a public defender. **Counting cases should not be confused with counting attorney fee vouchers or payments.** Each **case** reflected on the invoice or disposed by final order by the public defender must be counted in its proper category. To meet the statutory requirement, counties must use processes where invoices are itemized to reflect each of the cases and expenses that correspond to the fee schedule adopted by the judges in the local indigent defense plan.

In CPS matters, counting appointments should also not be confused with counting vouchers or payments. Counties should begin tracking when a CPS representation voucher represents final billing to ensure accurate reporting of total number of appointments.

<sup>2</sup> Depending on the data available, for FY2021 counties may report the total number of unique CPS appointments associated with the expenditures reported. Future year reports should count appointments only upon conclusion of the representation and final billing.

Fiscal officers should prepare the IDER based on the financial records in their offices. A cause number or group of cause numbers attributed to one defendant may have several distinct appointments and representation events. For example, a defendant with three original cases on an invoice may have probation revoked on one case and have an appeal all in the same year using the same cause number.

### ***Definition of “Case” for Purposes of Criminal Sections of IDER***

“For the purpose of these reports, the number of criminal cases reported on this monthly reporting form should be based on the number of defendants named in an indictment or information (*documents filed to bring charges against a person*).

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, Texas Code of Criminal Procedure), report this as one case and report the case under the category for the most serious offense alleged.”

## ***Counting Cases for the IDER***

The number of cases and appointments reported must be associated with the expenses reported.<sup>3</sup>

### **Criminal/Juvenile Delinquency Indigent Defense Categories**

- **Juvenile Cases** - Cases where the attorney fee vouchers reveal that the cases paid are reported as juvenile cases, regardless of offense level or classification.
- **Capital Murder Cases** – Cases where the defendant is charged with capital murder. Interim payments are common for capital cases. While capital case expenditures should always be reported in the year made, the case should be counted only in the year the case is finally disposed.
- **Adult Felony Cases** – Cases where the attorney fee vouchers reveal that the cases paid are reported as felonies. This includes motions to revoke community supervision (probation) cases classified as felonies. This figure should exclude capital murder cases since they are reported separately.

<sup>3</sup> When interim payments on a case are made, it is possible to report expenditures in multiple fiscal years, but the corresponding case or appointment is only reported in the year the case was disposed or the representation concluded.

- **Adult Misdemeanor Cases** - Cases where the attorney fee vouchers reveal that the cases paid are reported as misdemeanors. This includes motions to revoke community supervision (probation) cases classified as misdemeanors.
- **Juvenile Appeals** – Cases where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus). Motions to modify disposition are counted above as juvenile cases.
- **Felony Appeals** – Cases where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus). Motions to revoke probation are counted above as felony cases.
- **Misdemeanor Appeals** - Cases where the attorney fee vouchers reveal that the cases being paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writ of habeas corpus). Motions to revoke probation are counted above as misdemeanor cases.

Cases with multiple attorneys appointed will be reported as one case for the court portion of the report and one case for each attorney on the court attorney detail portion of the report. In cases where attorneys within a law firm perform incidental tasks associated with case representation (such as stand in for a single hearing or providing direction to parents, etc.), report the case under the originally assigned contract attorney.

Indigent defense cases and expenditures required to be reported by statute that are funded wholly or partially by TIDC grants must still be included in the IDER.

## **Special Cases**

- **Writs of habeas corpus** filed in connection with a criminal case in which charges were not filed within statutory time limits should not be counted as separate cases from the underlying criminal case, even though the writ may have its own cause number. Expenditures associated with such writs are eligible indigent defense costs.
- **Out-of-state extradition cases** should be categorized in the court where the payment was issued. Whenever possible, classify the expense in the best-known corresponding case level. Usually, extradition cases are capital or non-capital felony cases. A footnote on the report indicating the prevalence of these cases can be included but is not required. There may be other cases in jurisdictions that are similar in nature to out-of-state extraditions that could also be captured in this box.
- **Appointments for motion to revoke** community supervision (probation) are considered separate cases for the purposes of the IDER. There is usually a lapse in time from the original case to the subsequent revocation hearing. These cases usually have the same cause number and can occur in the same fiscal year. Appeals to a revocation of community supervision would be counted as a separate appeal.
- **Unfiled drug court, pre-trial release, or pre-trial diversion cases** that have a court appointed attorney are counted in the court where the payment was issued. Whenever possible, classify the expense in the best-known corresponding case level. If the activity is part of existing district or statutory county court processes, report the case and attorney payment information in that court.
- **Appeals** must be counted as a separate case from the original trial level case. Appeals from an order revoking community supervision (probation) are counted as an appeal.

**Appointments for Limited Scope Representation at Article 15.17 Magistration Hearings or Automatic Bail Review Hearings** – Counties that appoint private defense counsel for the limited purpose of representation at the Article 15.17 magistration hearing or automatic bail review hearing and separately from any appointments for the underlying case should track the number of defendants represented and associated attorney fees for each attorney. This data should be reported in the new Limited Scope Addendum to the IDER linked on the main page of the report. Counties that do not have expenditures for these types of limited scope representation should not complete this addendum. Please contact TIDC with questions regarding the applicability of this addendum to a county’s particular circumstances. If the same attorney or a different attorney is appointed to represent a defendant beyond the Article 15.17 magistration hearing, the case should also be counted and attorney fees for the subsequent representation should be recorded under the court in which the case is disposed. (Counties that provide this type of representation with public defenders should consult the FY2021 Public Defender Addendum to the IDER Manual.)

### **CPS Appointment Categories**

The FY2021 report will only include summary data regarding CPS cases. For each court, please report the number of unique appointments in CPS matters associated with the expenditures reported.<sup>4</sup> Beginning in FY2022, counties will report the number of CPS appointments upon conclusion of the representation and final billing. (The TIDC model voucher includes a section for attorneys to indicate whether a voucher is for an initial payment, interim payment, or final payment.) Starting in FY2022, counties will be asked to categorize the appointment counts by the following categories:

- Custodial Parent
- Non-Custodial Parent (including Alleged Fathers and Unknown Fathers)
- Non-Parent Conservator
- Child
- Adult Appeal
- Child Appeal

For purposes of IDER reporting the terms “Custodial Parent”, “Non-Custodial Parent”, and “Non-Parent Conservator” have the following meanings:

- Custodial Parent:
  - For individual appointments for a mother or father:
    - Child is living with this parent at the time of the legal filing.
    - If child is living with the father, paternity has also been established.
  - If the court appoints one attorney for both a mother and father living with the child at time of legal filing, the mother and father are considered a custodial parent regardless of paternity establishment.

<sup>4</sup> Depending on available data, counties may need to estimate the number of unique appointments associated with the reported expenditures in FY2021. Any qualification of the reported number of appointments may be explained in the notes field of the CPS court report.

- Non-Custodial Parent:
  - Child is not living with this parent at the time of the legal filing and/or paternity has not been established.
  - An alleged father who is living with the child at the time of legal filing but is not living with the mother is considered a non-custodial parent regardless of where the child is living.
- Non-Parent Conservator: Person who is not a parent and has previously been named on a court order as the conservator of the child.

#### **IV. Attorney Level Detail of Court Expenditure Report (Criminal/Juvenile Delinquency Indigent Defense Sections Only)**

Each county is required to submit an attorney-level detail report for each court showing the number of cases paid for each attorney for criminal and juvenile delinquency cases (sorted by case level) and total attorney fees paid to each attorney. (The attorney level detail portion of the court expenditure report should not be confused with the Attorney Practice Time Report discussed in Section IX below.)

**The amounts reported on the attorney level detail portion of the court expenditure reports should only include attorney fees paid, not payments that may have been made to attorneys that are reimbursements for other expenses the attorney may have incurred, such as for investigators, experts, or other litigation expenses. The amounts reported should only reflect the underlying detail of attorney fees paid that is reported for each court.**

Counties report the aggregate number of cases paid by case level (Juvenile, Capital Murder, Adult Felony, Adult Misdemeanor, Juvenile Appeals, Felony Appeals, and Misdemeanor Appeals). Using the same case levels, the Attorney Detail of the court expenditure report must include the number of disposed cases paid to each attorney by court and the total amount paid to each attorney for the period of October 1 – September 30 for the preceding fiscal year. Coordination with the Chief Public Defender and Managed Assigned Counsel program director is needed to complete the report in counties with such programs.

The attorney level detail portion of the court expenditure report may be entered directly on the online Attorney Detail reporting form. Alternatively, to simplify attorney level reporting for counties with many appointed attorneys, the Commission has published the Court Attorney Detail Report Template at <http://www.tidc.texas.gov/oversight/submit-data-and-reports/>. This Excel spreadsheet with standard data fields may be downloaded by the auditor, completed, and then submitted via email to [JVanBeek@ppri.tamu.edu](mailto:JVanBeek@ppri.tamu.edu) when the IDER is submitted online. The case numbers for each attorney and total attorney fees paid to each attorney must be **submitted separately for each court**.

The following fields are included in the online reporting system and on the Court Attorney Reporting Template:

FiscalYear	CourtID
BarCard	AttorneyName
JuvenileCasesPaid	CapitalMurderCasesPaid
AdultFelonyCasesPaid	AdultMisdemeanorCasesPaid
JuvenileAppealsCasesPaid	FelonyAppealsCasesPaid
MisdemeanorAppealsCasesPaid	TotalPaid

The template will be used to import the data into the database and, if this submission method is used, the file must meet stringent requirements. First, the column names must match the template so that the data can be mapped properly to the fields in the database. The data in the columns must be in the proper format. A numeric field cannot contain extraneous dollar signs or comments. The file should not contain any header rows other than the first row with the column titles and there should not be any extra rows for totals, subtotals, or notes. For numeric fields that have no value, such as juvenile case counts for an attorney that only has adult cases, leave them empty or enter a zero. Do not use other representations for null values. The key fields for the fiscal year, court ID, and Bar Card Number must be populated for every row in the data and not just included for the first row in a group as in visual reports. Please see the template description for details on the data types and data dictionary of the fields.

## V. Reporting Under Different Types of Indigent Defense Systems

Statute requires that counties report indigent defense expenditures and case information associated with those expenditures regardless of appointment system – assigned counsel, managed assigned counsel, contract, or public defender. This is not a duplication of data collected by the Office of Court Administration through the district and county clerks’ monthly court activity reports. **A county that reports the attorney appointment data by utilizing information obtained from the district or county clerks rather than the attorney fee voucher from auditor’s/treasurer’s office has not correctly completed this report.**

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:

The **assigned counsel** system requires a payment to be made to a defendant's appointed counsel after the attorney submits an invoice to the court and the court approves the invoice. In this way, the number of cases disposed and related payments can both be included in the IDER. Cases disposed under discretionary grant-funded programs must be included in this portion of the report. Report interim payments in the year they are made, however only count the case or appointment upon final disposition or conclusion of representation.

The **contract system** requires periodic payment of the amount specified in the contract regardless of the number of cases handled or the workload involved in the period. Article 26.05 (c), Texas Code of Criminal Procedure applies to contract systems since "*no payment*" can be made without an itemized invoice. Automatic contract payment distributions without attorneys' invoices would not meet the standard set by this statute. Counties must adopt an invoice that meets the statutory requirement and provides the data to complete the IDER and should clearly indicate which cases were disposed. If invoices also include information on non-capital cases that were worked on but not disposed, counties must implement procedures to ensure that IDER case counts are based on disposed cases only. Contract expenditures and the number of cases disposed must both be reported in the IDER. Contract systems must have a written policy instructing contract attorneys when cases will be counted as disposed on the invoice submitted each month (examples: disposition by court; when judgment is filed; at time of brief or at appeals court disposition, etc.). Cases disposed under TIDC grant funded programs should be included in this portion of the report.

The **public defender system** (as described in Article 26.44, Texas Code of Criminal Procedure) handles cases as a county department or non-profit corporation. Both expenditures and cases disposed must be reported in the IDER. This requires a case management or tracking system to report the cases disposed for the corresponding expenditure period. Counties that have attorneys representing clients with multiple case levels must track time to properly assign costs in the IDER. Counties must develop policies to ensure that the number of cases reported by the public defender are accurate and consistent with the same period as the expenses. Cases disposed under discretionary grant funded programs must be included in this portion of the report. Expenditures will be reported in a separate public defender addendum.

The **managed assigned counsel** (as described in Article 26.47, Texas Code of Criminal Procedure; may be referred to as a "private defender") program provides that an entity created by the county and courts manage the indigent defense process. Amounts paid are reported for all court pages on the "managed assigned counsel" line for the four report categories (attorney expenses, investigation expenses, expert witness expenses, or other litigation expenses). Cases will be reported under the "managed assigned counsel" column by case level. The administrative costs associated with the managing attorney, investigators, social workers, and other non-attorney support staff, need to be reported in the county's managed assigned counsel administrative expense page. The county auditor must meet the requirements of reporting even if the county's contract requires payments to attorneys and other legal services providers to be made by an outside party. Cases disposed under discretionary grant-funded programs must be included in this portion of the report.

### **Counsel Type for Parent and Child Representation**

Most counties provide legal representation in CPS cases by appointing private attorneys. Such appointments and associated expenditures should be categorized under "Assigned

Counsel.” If the county contracts with an attorney or firm in advance to provide representation for persons in CPS cases during a specified period, such appointments and associated expenditures should be categorized under “Contract Counsel.” A small number of counties provide representation in some CPS matters through a dedicated CPS representation office or a division of a public defender office. Such appointments should be categorized under “Public Defender” and program expenditures for such programs should be reported in the CPS Public Defender Office Expenditure Addendum, linked on the main page of the IDER for appropriate counties. While no counties currently provide CPS representation through a managed assigned counsel program as described above, they could do so and the “Managed Assigned Counsel” category is available in the CPS report.

<b>Types of Indigent Defense Systems</b>		
<b>System</b>	<b>Accounts Payable Instrument</b>	<b>Method to Count Cases</b>
<b>Assigned Counsel System</b>	Invoice submitted by attorney on each case or defendant and approved by judge	Use cases paid as reported on attorney fee voucher (Cases marked for final payment if interim payments are permitted)
<b>Contract System</b>	Invoice submitted by attorney for each period and approved by judge	Use cases disposed as reported for attorney fee voucher period
<b>Public Defender System</b>	No invoice submitted. PD salaries paid sorted by case level (Capital, felony, misdemeanor, juvenile, and appeals). <b>See Public Defender Supplement to the IDER Manual</b>	Cases disposed tracked on PD database and reported to auditor.
<b>Managed Assigned Counsel System</b>	Invoice submitted by attorney on each case or defendant and approved by the director of the program. County fiscal officers may need to depend upon contractors or intergovernmental agreements, but still have the legal obligation to perform duties under Texas Government Code 79.036 and must develop procedures to ensure that data is correct. Invoice or salaries paid for managing attorney and non-attorney support staff is reported on Managed Assigned Counsel Addendum to the IDER.	Use cases paid as reported on attorney fee voucher. (Cases marked for final payment if interim payments are permitted)

## VI. Reporting for Counties with Public Defender Offices

A supplemental reporting manual has been developed to address IDER issues that are unique to counties with public defender offices. ***Counties with public defender offices must use the forms and methods described in the Public Defender Office Supplemental Manual.*** For assistance with reporting for public defender offices, contact TIDC's Grant Program Manager.

## VII. Regional Indigent Defense Program Requirements

Counties that participate in regional public defender offices or other regional indigent defense programs have special reporting requirements. The administrative county will report all costs and their own cases on the IDER. The administrative county must provide to participating counties the number of cases disposed by the regional program for each court in each county. The participating counties will report their contribution to the administrative county on the main IDER page under the Regional Indigent Defense Programs section "payments to other counties for regional programs" and report their cases handled by the regional program in the appropriate courts. Regional administrative counties must report any fund balance from counties that paid them or carryover funds from third party providers.

## VIII. How to Submit the IDER

Questions about the report, time periods, or content may be directed to Edwin Colfax, Grant Program Manager for the Commission at [ecolfax@tidc.texas.gov](mailto:ecolfax@tidc.texas.gov) or 512-463-2508. If you experience any technical difficulties with the website or instructions provided below, contact Heather Caspers at [hcaspers24@ppri.tamu.edu](mailto:hcaspers24@ppri.tamu.edu) or (979) 845-6754.

1. Go to the PPRI Commission website at <https://tidc.tamu.edu>.
2. Enter your username and password:

**Contact Heather Caspers at [indigentdefense@ppri.tamu.edu](mailto:indigentdefense@ppri.tamu.edu) or (979) 845-6754 to retrieve username and log in information. Lost passwords may also be automatically reset by clicking on the link on the login page.**

3. Ensure that the "SELECT YEAR:" field is set to **FY2021**.
4. After reaching the PPRI Commission Home Page, locate the menu of options on the left. Under the heading labeled "ID Expenditure Report," select the subheading "Edit <County> FY2I Report." This will bring up the forms you need.
5. The main page reflects general report and county contact information to be completed by the person reporting. The specific court report pages are below the general information.
  - a. **Fiscal Year Used by County** – Use the drop-down menu to select the correct period that the county uses for its fiscal year.
  - b. **Reporting Period** – is set by the Commission as October 1, 2020 - September 30, 2021.
  - c. **County's Accounting Method** – Use the drop-down menu to select the accounting method used by the county.

- d. **Financial Officer** – This information is pre-loaded from the county’s homepage. If a change needs to be made, please back up to that screen.
  - e. **Contact Person** – If someone other than the county auditor/treasurer needs to be contacted about the report, please type their name and information here.
  - f. **Reimbursements** – Report any funds deposited into the county’s accounts from reimbursement of court appointed fees collected by clerks or probation departments. **Do not report TIDC grant payments to the county under this section.** Report funds received from other state agencies or other sources that offset indigent defense costs here. Contact TIDC with any questions.
6. After completing or verifying the main report page, click on each court link or the addendum link and the report page will appear. (You may want to print the blank form for reference while gathering the requested information.) Complete the financial section at the top of each court page and case or appointment data at the bottom. Complete all pages associated with the county. See Appendix C for sample report pages. **If the county has indigent defense or CPS appointment expenses in a court that is not listed, please contact TIDC immediately to add that court to your report.**

### ***Individual Court Report Page***

The statute requires that the information be reported by court. The county’s accounts payable system must capture case and expenditure data by each court over which each judge presides. Financial officers must use an attorney fee voucher to capture data required in the statute and attribute both expense and case data to the court of the judge who approved payment and/or disposed the case. Payments authorized by visiting judges and magistrates will be attributed to the judge for whom they were serving at the time of payment approval. This is a fiscal collection issue and does not affect issues of judicial administration related to case filings and blended dockets.

Each court will have a link to an Indigent Defense for Criminal and Juvenile Delinquency page and a Parent and Child Representation (CPS) page. Click on each court link that is listed for the county. If the court does not hear criminal or juvenile matters (for the criminal report) or CPS matters (for the CPS report), enter “0” in any space (not all) to make clear that the report was reviewed and save the report. If the financial officer is not able to submit the data in the manner prescribed in this manual, please provide an explanation in the notes box. Complete the data for each box applicable. Failure to report for each court could result in suspension of grant payments and possibly loss of grant funds.

If a county believes it has authority to combine court reports rather than to separate expenses for specific courts, then the county must provide written justification why it believes it is exempt from the IDER statute. The county must provide statutory citation to the exemption and any supporting documents. Otherwise, each court in the county hearing criminal or juvenile matters must report case and expenditure data as described in these instructions based on the model of *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 and the judge approves the payment.*

## **Category of Services**

To complete the online court report pages for criminal indigent defense pages, determine from the attorney fee vouchers or general ledger summary what type of expenses (assigned counsel, contract, managed assigned counsel, or public defender) each court pays and which of the reportable expenses (investigator expenses, expert witness, or other direct litigation cost) are associated with the attorney payments. Then complete the juvenile section and the adult section as follows:

If the court hears juvenile cases and pays attorneys as assigned counsel, then complete row 1 column 1 with the amount paid to the assigned attorneys. In the next columns, enter the expenses paid to investigators, expert witnesses, and other direct litigation expenses associated with the assigned counsel payments in row 1 column 1. Enter all contract attorney-related expenses in the second row, followed by the other expenses in the following columns. Do the same for the managed assigned counsel system. For the public defender only list investigator expenses, expert witness, or other direct litigation cost authorized by the court and paid by the county for a public defender. The attorney salaries and investigator expenses, expert witness, or other direct litigation cost paid by the public defender's office will have separate reports in the Public Defender Addendum to the IDER. If the court uses more than one type of representation system, then total expenses must be recorded in the appropriate rows and columns.

In the court or administrative pages, "Save" allows the user to stop at any point and save the data entered. "Save" will store updated information and return the user to the Expenditure Cover Sheet page. Please use "Save" often to avoid data loss.

Complete the same information for adult cases below the juvenile section. Repeat this process for all courts in the county hearing juvenile or criminal cases.

**Important:** Some judges/courts allow attorneys to submit the attorney fee voucher with the investigator, expert witness, and other direct litigation costs included in the invoice. In accordance with the reporting statute, the financial officer must separate these expenses for reporting purposes.

For the Parent and Child Representation pages for each court, while the appointment categories will be visible, only summary total lines of the report will be fillable. Beginning in FY2022, all categories of the report matrix will be fillable and should be completed as applicable, similar to the criminal indigent defense pages described above.

## **Attorney Level Detail Reporting (Criminal Indigent Defense Sections Only)**

Below the case count section of each court report is a link to enter the Attorney Level Detail Report. The case counts and amounts may be entered directly on this page. Alternatively, the Excel spreadsheet template described above may be used and submitted via email to [JVanBeek@ppri.tamu.edu](mailto:JVanBeek@ppri.tamu.edu). **Amounts on the Attorney Level Detail portion of the reports should only include attorney fees paid, not reimbursements to the attorney for other case expenses.**

**Administrative Expense Addendum Page** – The administrative page is an *optional* page for counties that do not operate a managed assigned counsel program. Many Texas counties do not collect administrative expenditure data in a way that separates general court operations expenses from their indigent defense program costs. Personnel costs may include indigent defense coordinators, but not court administrators, unless there is clear documentation of the costs attributable to administration of indigent defense services. These costs are described in detail below in Appendix C.

**Managed Assigned Counsel Administrative Expenditures Addendum** –Counties that operated a managed assigned counsel program must include administrative expenditures and personnel costs (contract or wages) for managing attorneys, social workers, investigators and/or other non-attorney staff in the MAC addendum administrative expenditure page linked on the main IDER page below the listing of individual courts. (This addendum will only appear in counties with managed assigned counsel systems.) Contact TIDC if you believe your county should report MAC administrative expenditures and the MAC Administrative Expenditure Addendum link is not included on your main IDER page.

7. When finished entering all court and administrative data, select one of the two buttons at the bottom of the cover sheet page:
  - a. **“Save”** allows the user to stop at any point and save the data entered. “Save” will store updated information and return the user to the Commission homepage.
  - b. **“Submit”** posts all of the data recorded by the county into the system. A confirmation number will appear, along with a note indicating that the report has been submitted.
8. Print the confirmation page and retain for your records.

If corrections are required after the report has been submitted, you must coordinate necessary changes with TIDC to coordinate access for any needed updates or corrections.

## **IX. Other Requirements**

### ***Monitoring and Auditing***

The Commission operates a fiscal monitoring program to ensure accurate reporting and to assist counties in meeting requirements. Records must be made available to the Commission or its designees upon request. (See Texas Administrative Code, Title 1, Rule §173.401 for more details.)

### ***Record Retention Requirements***

Counties must maintain records related to the report activity for at least three years after the end of the submission of the report. Counties operating a Managed Assigned Counsel Program must require through Contract the records be maintained for at least three years after the end of the submission of the report. Records may be stored electronically.

## ***Include All Eligible Expenditures***

All indigent defense expenses made by the county, including eligible costs reimbursed under TIDC grants, must be included in this report. General government costs may not be allocated to indigent defense.

## **X. Related Report on Attorney Practice Time**

The Attorney Practice Time Report required under Article 26.04(j) of the Code of Criminal Procedure is **not** part of the IDER, but it is related. **The Attorney Practice Time Report should not be confused with the Attorney Level Detail of the Court Expenditure Report** described in section IV above. The Attorney Practice Time Report captures the percentage of time each attorney handling indigent cases devotes to indigent defense. Judges were given the option to direct attorneys receiving court appointments to complete their report of percentage of practice time devoted to indigent defense directly on a [website](https://tidc.tamu.edu/attorneyreporting) provided by the Commission (<https://tidc.tamu.edu/attorneyreporting>) or to send paper forms to the county. If judges required paper forms to be used then the counties may enter the information submitted by attorneys into a [template](http://www.tidc.texas.gov/media/22354/AttorneyPractice-TimeReportingTemplate.xlsx) (<http://www.tidc.texas.gov/media/22354/AttorneyPractice-TimeReportingTemplate.xlsx>) and e-mail the completed template to [JVanBeek@ppri.tamu.edu](mailto:JVanBeek@ppri.tamu.edu). Counties may instead type the local attorney responses into the on-line system.

If the appointed attorneys in your county use the online reporting system, then a link will show up in the IDER that lists the practice-time figures that they reported for your county. The system will show the attorney's name, bar card number, and the percentage figures the attorney entered. If one or more of the attorneys did not submit their practice time report online then you will need to enter the attorneys information into the website to report the cases paid to that attorney. The system will have every licensed attorney in the state in the database so that when you enter either the attorney's name or bar number it will populate the other fields to confirm the identity of the attorney. Once an attorney's case information is reported in one year, his/her name will automatically appear the following year so that you do not have to reenter it.

If an attorney does not report the practice time data prior to the time you need to submit this report (November 1<sup>st</sup>), you should submit the cases paid information and leave the percentage of time report field blank. The county may enter the missing information later.

### **Attorney Practice Time Reporting for Public Defender Offices, Managed Assigned Counsel Systems, and Contract Defender Programs**

Attorneys who work in public defender offices will also need to complete the practice time report if they handle criminal or juvenile delinquency cases. It is anticipated that in most cases this percentage will total 100%; however, in some offices, attorneys may be permitted to maintain a small private practice. Attorneys working in regional public defender offices will also need to report their practice time in each county in which they have had cases in the prior year.

Each county will then also need to report the number of cases disposed by each attorney in the public defender's office. County auditors already report the aggregate number of cases disposed by case level and by type in the current IDER. Since the Chief Public Defender is typically appointed in individual cases and then assigns those cases to individual attorneys

in the office, the county should coordinate with the Chief Public Defender to gather and report this information. In regional programs the Chief will need to coordinate with each county served by the public defender's office.

In jurisdictions with managed assigned counsel (MAC) systems, each attorney will need to report their practice-time statement to the county in the same manner as other attorneys. Likewise, the county will need to report the number of cases paid to each attorney in the program. Since the MAC program director typically handles the actual assignment of cases to individual attorneys, rather than the courts, the county should coordinate with the MAC program director to gather and report this information.

In the case of contract defender programs, please have any contract attorneys report their practice time as any other attorney handling cases. Then report the number of cases paid by case level as you would for assigned counsel attorneys.

## **XI. Contact Information**

### **Report Content, Accounting Issues, General & Policy Questions:**

**Edwin Colfax**  
Grant Program Manager  
[ecolfax@tidc.texas.gov](mailto:ecolfax@tidc.texas.gov)  
512-463-2508 (Direct)

**Debra Stewart**  
Fiscal Monitor  
[dstewart@tidc.texas.gov](mailto:dstewart@tidc.texas.gov)  
512.936-7561 (Direct)

Texas Indigent Defense Commission  
209 W. 14th Street, Suite 200  
Austin, Texas 78701  
866-499-0656 TIDC Toll Free Line  
[www.tidc.texas.gov](http://www.tidc.texas.gov)

### **Connecting to Website (username, password) or Technical Difficulties:**

**Heather Caspers**  
Public Policy Research Institute  
[indigentdefense@ppri.tamu.edu](mailto:indigentdefense@ppri.tamu.edu)  
(979) 845-6754 (Direct)

PPRI  
Texas A&M University  
4476 TAMU, College Station, Texas  
77843-4476  
<https://tidc.tamu.edu>

### **Questions on CPS Reporting**

**Crystal Leff-Pinon**  
TIDC Senior Policy Analyst  
[CPSData-info@tidc.texas.gov](mailto:CPSData-info@tidc.texas.gov)  
(737) 279-9461 (Direct)

## Appendix A: Glossary of Terms

**“Attorney Fees”** means the amount of money paid by the county or managed assigned counsel program to a licensed attorney in accordance with the statute and local fee schedule for legal services rendered to an indigent defendant, juvenile respondent, or party in a suit affecting the parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases).

**“Attorney Fee Voucher”** means an itemized invoice submitted for payment by an attorney that has been approved by a judge for service rendered. 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.*” Attorney Fee Voucher and Invoice are often interchanged for purposes of this report.

**“Case”** means the same definition used by the Office of Court Administration/Judicial Council reporting instructions for monthly court activity reports which states:

“For the purpose of these reports, the number of criminal cases reported on this monthly reporting form should be based on the number of defendants named in an indictment or information (*documents filed to bring charges against a person*). 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, Texas Code of Criminal Procedure), report this as one case and report the case under the category for the most serious offense alleged.”

**"Charge"** means a case where an attorney was appointed to provide representation prior to the information or indictment being filed for an alleged crime. Charges are included as cases for counting purposes in this report.

**"Crime"** means:

- (A) a misdemeanor punishable by confinement; or
- (B) a felony.

**"Defendant"** means a person accused of a crime.

**"Discretionary Grant"** means funding approved by the Commission for a specific program designed to improve the quality of indigent defense services.

**“Expert Witness Fees”** means money paid by the county or managed assigned counsel program to a person/entity qualified by the court or by special certifications in a field of study or expertise to provide assistance to a licensed attorney in preparing or presenting a defense for an indigent defendant.

**"Formula Grant"** means funding allocated to counties in a fair manner through a formula based upon population figures or other criteria approved by the Commission.

**"Fee Schedule"** means a list of the fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county. The juvenile board in each county shall also adopt a fee schedule for payments in juvenile delinquency proceedings. Each fee schedule adopted will state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and will provide a form for the appointed counsel to itemize the level of services performed.

**"Indigent Defense"** means the legal requirement for government to provide an attorney and other defense costs on behalf of adult defendants and juvenile respondents whose life or liberty are at stake and who are financially unable to employ an attorney or pay other defense costs.

**"Interim Payments"** refer to payments made by the county while the case or representation is ongoing before the disposition of a case or the conclusion of representation. These may be multiple payments within a reporting year or payments on the same case made across more than one fiscal year.

**"Invoice"** means the accounts payable instrument that is submitted by an attorney, licensed investigator, expert witness, or other entity that itemizes the goods or services provided to the court or director of a managed assigned counsel program on behalf of an indigent defendant. 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."* Attorney Fee Voucher and Invoice are often interchanged for purposes of this report.

**"Licensed Investigator Fees"** means money paid by the county or managed assigned counsel program to a person licensed as an investigator or otherwise legally able to conduct investigations for a licensed attorney in preparing a defense for an indigent defendant.

**"Other Direct Litigation Costs"** means money paid by the county or managed assigned counsel program to a person or entity for materials, supplies, or services determined by the attorney or court necessary for the licensed attorney to prepare an adequate defense for an indigent defendant.

**"Respondent"** means a person accused of a juvenile offense.

**"Texas Indigent Defense Commission"** (Commission) is the governmental entity charged with developing policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in post-conviction proceedings. The Commission was formerly known as the Task Force on Indigent Defense.

## Appendix B: Statutory References

### Reporting Statutes Related to County Auditors

#### **Texas Government Code § 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.

(e) In each county, the county auditor, or the person designated by the commissioners court if the county does not have a county auditor, shall prepare and send to the commission in the form and manner prescribed by the commission and on a monthly, quarterly, or annual basis, with respect to legal services provided in the county to indigent defendants during each fiscal year, information showing the total amount expended by the county to provide indigent defense services and an analysis of the amount expended by the county:

- (1) in each district, county, statutory county, and appellate court;
- (2) in cases for which a private attorney is appointed for an indigent defendant;
- (3) in cases for which a public defender is appointed for an indigent defendant;
- (4) in cases for which counsel is appointed for an indigent juvenile under Section 51.10(f), Family Code; and
- (5) for investigation expenses, expert witness expenses, or other litigation expenses.

(f) As a duty of office, each district and county clerk shall cooperate with the county auditor or the person designated by the commissioners court and the commissioners court in retrieving information required to be sent to the commission under this section.

#### **Texas Government Code § 71.0355 PLAN AND REPORT ON COURT-ORDERED REPRESENTATION**

c) Each county auditor, or other individual designated by the commissioners court of a county, shall prepare and send to the council, in the form and manner prescribed in the plan, information on the money spent by the county during the preceding state fiscal year to provide court-ordered representation in suits affecting the parent-child relationship under Part 1, Subchapter B, Chapter 107, Family Code. The information must include:

- (1) the total amount of money spent by the county to provide court-ordered representation services; and
- (2) of the money spent under Subdivision (1), the amount of money spent:
  - (A) for appointments in each district court, county court, statutory county court, and appellate court in the county;
  - (B) for appointments of private attorneys for respondents, including parents, children, and alleged fathers, who are indigent;
  - (C) for appointments of public counsel for respondents, including parents, children, and alleged fathers who are indigent; and
  - (D) for investigation, expert witness, or other litigation expenses.

## Appendix C – Sample Report Screenshots

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# Sample IDER Main Page

**Texas Indigent Defense Commission  
Indigent Defense Expenditure Report  
County, FY21**

Fiscal Year Used by County  
Reporting Period:  
County's Accounting Method:  
Financial Officer

October 1 - September 30   
October 1, 2020 - September 30, 2021  
Select Method   
\_\_\_\_\_, Auditor  
[Auditor Contact Info]

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.

Reimbursements: Total Amount Received From the State Comptroller for 11.071 Writs of Habeas Corpus Costs.

Reimbursements: Total Amount Received For Indigent Defense Costs From Other Private or Government Grants. **Do not include any funds from TIDC here.**

### Regional Indigent Defense Programs

Total funds received from participating counties

Total funds paid to host counties for regional indigent defense programs

Unobligated Fund Balance or Carryover from all money received from participating counties as of September 30, 2021

### 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.

**(Admin Only) The CPS Reporting link in the last column of the court listing is a link to a demonstration page of the proposed reporting to begin next year. It is not required to be reported for the Fiscal Year 2020. (Shown to Admins only.)**

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.

Court	Court ID	Court Report		Attorney Detail Report		Differences		CPS Reporting
		Total Expenditures	Attorney Fees	Total Cases	Attorney Fees	Total Cases	Attorney Case Fees	
<a href="#">th District Court</a>	123456789							<a href="#">\$0.00, 0 appointments(s)</a>
<a href="#">th District Court</a>	123456789							<a href="#">\$0.00, 0 appointments(s)</a>
<a href="#">County Court at Law No. 1</a>	123456789							<a href="#">\$0.00, 0 appointments(s)</a>
<a href="#">County Court at Law No. 2</a>	123456789							<a href="#">\$0.00, 0 appointments(s)</a>

Optionally, the Attorney Detail Report for a county can be uploaded and imported at this [link](#). The file must meet stringent requirements to upload successfully. Manual entry is probably easier for most smaller counties.

### Limited Scope 15.17 / Automatic Bail Review Hearing Addendum

Counties should complete this addendum ONLY if they provide limited scope defense representation specifically for Article 15.17 Magistration hearings and/or Automatic Bail Review Hearings. Representation is considered "limited scope" when it is provided separately from any appointment to represent a defendant against alleged offenses. If unsure, contact TIDC for assistance.

[Complete Limited Scope Representation: Article 15.17 Magistration and Automatic Bail Review Hearings](#)

### 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 Practice Time Report

[Open FY2021 IDER Manual Time Report for County to review percent of indigent defense practice time reported for attorneys.](#)

**Sample Criminal/Juvenile Indigent Defense Court Report – (Top Section)**

**Criminal & Juvenile Delinquency Indigent Defense Court Report, \_\_\_\_\_ County**

\_\_\_\_th District Court

**Expenditures  
October 1, 2020 - September 30, 2021**

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"/>
Total				
<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"/>
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"/>
Total				

## Sample Criminal/Juvenile Indigent Defense Court Report – Bottom Section

**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"/>

[Click to add attorney case counts and total paid on the Attorney Detail of the Court Expenditure Report.](#)

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.)

Save

Reset

Cancel

# Sample Parent & Child Representation (CPS) Report –Top Section (Expenditures)

Parent and Child Representation Expenditure Report, Court Report  
 \_\_\_\_\_ County, \_\_\_th District Court  
 October 1, 2020 - September 30, 2021

For the FY2021 report, only summary totals are reported. Detailed reporting begins in 2022.

Category of Services	Expenditures				
	Attorney Fees	Social Work Expenditures	Expert Witness Expenditures	Investigator Expenditures	Other Litigation Expenditures
	<b>Custodial Parents</b>				
Assigned Counsel	<input type="text"/>	<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"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Non-Custodial Parents</b>				
Assigned Counsel	<input type="text"/>	<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"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Non-Parent Conservator</b>				
Assigned Counsel	<input type="text"/>	<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"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Children</b>				
Assigned Counsel	<input type="text"/>	<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"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Adult Appeal</b>				
Assigned Counsel	<input type="text"/>	<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"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Children Appeal</b>				
Assigned Counsel	<input type="text"/>	<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"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Totals</b>				
Assigned Counsel	<input type="text"/>	<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"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Expenditure Type Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Grand Total for CPS Cases</b>			<b>\$0.00</b>		

## Sample Parent & Child Representation (CPS) Court Report -- Bottom Section (Appointments)

### Number of Appointments

Provide the total number of appointments with final payments made in this court for each of the following categories.

	Assigned Counsel Appointments	Contract Counsel Appointments	Managed Assigned Counsel Appointments	Public Defender Appointments
Custodial Parents	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Non-Custodial Parents	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Non-Parent Conservator	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Children	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Adult Appeal	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Children Appeal	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Totals</b>				
Column Total	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Grand Total	0			

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

- Appointments 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 appointment counts are estimates or are for some other reason unreliable.

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

## Attorney Detail Page - Complete for Each Criminal Court Report

Attorney Detail for the Court Expenditure Report for FY20 for XXXXXXXX County rd District Court  
Court ID: xxxxxxx

Instructions: Enter a bar card number, the number of cases for each category, and the total amount paid to the attorney. If you enter a valid Bar Card number, the attorney name should appear. If the Attorney Name field says that the name was "not found", the Bar Card is most likely invalid. Then click on the "Save" button. The screen will refresh and a new line will be provided to enter an additional attorney. You may select the sort order in the drop down. Click on "Save" to update your changes and then click on "Close" when you are done. Click on [Load Previous](#) to add attorneys reporting for this court in the previous year.

Sort by Bar Card Number ▼

#	Bar Card	Attorney Name	Juvenile Cases Paid	Capital Murder Cases Paid	Adult Non-Capital Felony Cases Paid	Adult Misdemeanor Cases Paid	Juvenile Appeals Cases Paid	Felony Appeals Cases Paid	Misdemeanor Appeals Cases Paid	Total Attorney Fees Paid	A% J%
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"/>	
Totals			0	0	0	0	0	0	0	\$0.00	

### Sample Limited Scope Representation Addendum

#### Indigent Defense Expenditure Report Limited Scope Representation: Article 15.17 Magistration and Automatic Bail Review Hearings Anderson County

Counties should complete this addendum ONLY if they provide limited scope defense representation specifically for Article 15.17 Magistration hearings and/or Automatic Bail Review Hearings. Representation is considered "limited scope" when it is provided separately from any appointment to represent a defendant against alleged offenses. If unsure, contact TIDC for assistance.

#### Expenditures and Defendants Represented October 1, 2019 - September 30, 2020

Counsel Type	Attorney Fee Expenditures	Number of Defendants Represented
<b>Limited Scope Representation for Article 15.17 Magistration Hearings</b>		
Assigned Counsel	<input type="text"/>	<input type="text"/>
Contract Counsel	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>
Public Defender	*	<input type="text"/>
<b>Limited Scope Representation for Automatic Bail Review Hearings</b>		
Assigned Counsel	<input type="text"/>	<input type="text"/>
Contract Counsel	<input type="text"/>	<input type="text"/>
Managed Assigned Counsel	<input type="text"/>	<input type="text"/>
Public Defender	*	<input type="text"/>
Total	\$0.00	0

\* PD expenditures associated with limited scope representation for these purposes should be reported in the Public Defender Addendum.

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

**Sample Managed Assigned Counsel Addendum**

**Managed Assigned Counsel Administrative Expenditures  
October 1, 2019 - September 30, 2020**

Counties reporting Managed Assigned Counsel administrative expenditures for FY20 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.

<b>Expenditure Category</b>	<b>Expenditures</b>
<b>Managed Assigned Counsel 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	\$0.00
Fund Balance or carryover as of September 30, 2020	<input type="text" value="\$0.00"/>

## Increased Administrative Expenditures Addendum (Optional)

The administrative page is an *optional* page for counties. Many Texas counties do not collect administrative expenditure data in a way that separates general court operations expenses from their indigent defense program costs. Personnel costs may include indigent defense coordinators, but not court administrators, unless there is clear documentation of the costs attributable to administration of indigent defense services. If a county chooses to provide information on these costs, guidance on what should be included is in the table below.

### Indigent Defense Expenditure Report, Increased Administrative Expenditures

#### Increased Administrative Expenditures October 1, 2020 - September 30, 2021

Counties reporting increased administrative expenditures for FY21 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 Administrative Expenditures	Expenditures
Personnel	<input style="width: 100px;" type="text" value="\$0.00"/>
Travel and Training	<input style="width: 100px;" type="text" value="\$0.00"/>
Equipment	<input style="width: 100px;" type="text" value="\$0.00"/>
Other Direct Expenditures	<input style="width: 100px;" type="text" value="\$0.00"/>
<b>Total Administrative Expenditures</b>	<b>\$0.00</b>

Notes to Commission:

<b>Examples of Increased Administrative Costs</b>		
<b>Expense/ Position</b>	<b>Description</b>	<b>Documentation Needed</b>
Personnel (Indigent Defense Coordinator, indigence screeners, managing attorney, etc.)	Full time or part-time position dedicated to coordinating the application of the Fair Defense Act requirements.	Job description of position dedicated to indigent defense processes and not general court administration. Personnel and payroll records of funded positions. If part-time positions are claimed, apply estimated percentage of time devoted to indigent defense.
Travel and Training	The travel or training for positions directly implementing the Fair Defense Act. If there are no allowable salaries, then there can be no allowable travel and training.	Travel and training receipts for persons funded as indigent defense coordinators.
Equipment	New equipment purchased and used exclusively for implementing Fair Defense Act requirements.	Location of equipment is consistent with use for indigent defense. Documentation indicating the purchase is mandatory to implement or complete reporting requirements of the Fair Defense Act.
Supplies	Materials purchased and used exclusively for implementing Fair Defense Act requirements. This may include cost of printing Affidavits of Indigency and Request for Court Appointed Counsel forms.	Receipts or invoices and normal records related to allocation of the expense.

## **Appendix D**

### **Model CPS Case Attorney Payment Voucher**

The voucher on the next page is not required but is recommended by TIDC to help auditors capture CPS appointment data required on the IDER.

### CPS Private Attorney Compensation Form

Check here for final payment  
Check here for interim payment  
Check for initial payment

*\*\*For initial payment requests please select when you were appointed to case\*\**

**Section I: Attorney Information**

Attorney Name:  
Bar Number:  
Tax ID #:  
Address:  
Phone #:  
Email Address:

Other

**Section II: Case Information**

Cause #: \_\_\_\_\_ Date of Appointment: \_\_\_\_\_  
Style (use initial for minors): \_\_\_\_\_  
Judge Presiding: \_\_\_\_\_  
In the District of: \_\_\_\_\_, Texas \_\_\_\_\_ Judicial district OR Child Protection Court

**Case ID (Select all that apply):**

Temporary Managing Conservatorship \_\_\_\_\_ Court Ordered Services (motion to participate in services) \_\_\_\_\_  
Permanent Managing Conservatorship \_\_\_\_\_ Appeal \_\_\_\_\_

Name of person(s) represented (use initial for minors) \_\_\_\_\_

Child or children \_\_\_\_\_ Number of children represented, \_\_\_\_\_

**Custodial parent (living with child at time of legal filing):**

Mother  
Father (paternity is established)  
Mother and Father

**Non-parent Conservator:**

Custodial Conservator (person with whom child was living at time of legal filing)  
Non-custodial Conservator (not living with child at time of legal filing)  
Unlocated Conservator (Identity known, location unknown)

**Non-Custodial parent (not living with child at time of legal filing and/or paternity not established)**

Mother  
Father  
Mother and Father  
Unknown father (Identity unknown)  
Unlocated father (Identity known, location unknown)  
Alleged Father (paternity not legally established)

Appeal - Adult  
Appeal - Child or Children

**Section III: Compensation Information:**

Dates of Service: \_\_\_\_\_ Through \_\_\_\_\_  
I Request Payment of: \$ \_\_\_\_\_  
This Represents: \_\_\_\_\_

**Attorney Hours (Attorney hours including):**

Hours of client contact (meeting/phone call)  
Hours of court time  
Hours of out of court time, at a rate of, \$  
Travel time hours, at a rate of, \$

**Total Hours:**

**Non-Attorney Hours:**

Paralegal hours, at a rate of, \$  
Investigators, at a rate of, \$  
Expert witness, at a rate of, \$  
Social worker, at a rate of, \$  
Other litigation expenses at a rate of, \$

**Total Hours:**

***I certify the hours worked were reasonable and necessary. The expenses incurred were reasonable and necessary. Accurate details are attached.***

**Signature**

\*Attachment: Attach a detailed list of dates worked, services performed, time, and expenses

**Fee Approval:**

Payment of fees as described in the above invoice is approved in the amount of \$ \_\_\_\_\_ because the Court finds this amount of reflect reasonable and necessary attorney fees to the disposition of the case.

The following adjustments were made to the fee request \$ \_\_\_\_\_, because the Court Finds this amount to reflect reasonable and necessary attorney fees to the disposition of the case and the payment of fees of \$ \_\_\_\_\_, amount has been approved.

The Court has determined that this individual is legally qualified and eligible for court appointment.

**DISTRICT JUDGE**

SIGNATURE

DATE

**ASSOCIATE JUDGE**

SIGNATURE

DATE