


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

<http://tidc.texas.gov>



Due November 3, 2014

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

Vice Chair:
 The Honorable Olen Underwood

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

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

Executive Director:
 James D. Bethke



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

Indigent Defense

- The Right to Attorney for Indigent Defendants is a Constitutional Right
- 6th Amendment Right to Counsel

Fair Defense Act of 2001

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

Technical Support & Grants

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

The commission shall:

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

83rd Texas Legislature - HB 1318

New Reporting Requirements

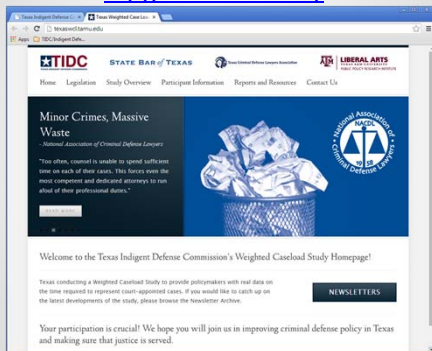
- Weighted Caseload Study (State – TIDC)
- Judicial Reporting Requirements – (all Courts and Juvenile Boards)
- Attorneys Reporting Requirements (all attorneys receiving an appointment)
- County Reporting Requirements (Auditors and Treasurers)

Weighted Caseload Study

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

Weighted Caseload Study Site

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



Judicial Reporting Requirements

Starting **November 1, 2013**

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

New Attorney Reporting Requirement

Starting October 15, 2014

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

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

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

New Attorney Reporting Requirement

Starting October 15, 2014

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

Attorney Reporting Page 1

https://tidc.tamu.edu/AttorneyReporting/Default.asp

Texas Indigent Defense Commission Attorney Reporting Form

Under Article 26.04(j)(4), Code of Criminal Procedure, attorneys are required to report the percentage of their practice time devoted to appointed criminal and juvenile offender cases under Article 26.04, Code of Criminal Procedure, and Title 3, Family Code, in each county.

The statement submitted to each county must describe (1) the percentage of an attorney's total practice time (time spent in legal practice in all jurisdictions) that was dedicated to work on trial and appeal appointments in adult criminal cases in that county's district and county courts during the fiscal year beginning on the preceding October 1; and (2) the percentage of an attorney's total practice time that was dedicated to work on trial and appeal appointments in juvenile delinquency cases (cases alleging delinquent conduct or conduct indicating a need for supervision) in that county's district and county courts during the fiscal year beginning on the preceding October 1.

The percentages reported in the practice-time statement submitted to each county should not include time dedicated to work on appointments to cases (such as CPS cases and guardianship cases) that are not adult criminal or juvenile delinquency cases, and should not include time dedicated to federal criminal appointments.

There is also an optional Attorney Practice Time [Worksheet](#) available to assist you in calculating these percentage figures. It provides a tool to help you consider all of the types of cases you handle when calculating the percentage of time spent on criminal and juvenile appointed work.

[Additional information](#), including a 15 minute training video, on the reporting requirements is also available.

Please begin by entering your Texas State Bar Card Number:

Continue Close

<https://tidc.tamu.edu/AttorneyReporting/>

Attorney Practice Time 1

https://tidc.tamu.edu/AttorneyReporting/AttorneyReporting.asp

Texas Indigent Defense Commission Attorney Practice Time Report 2014 Fiscal Year

Under Article 26.04(j)(4), Code of Criminal Procedure, attorneys are required to report the percentage of their practice time devoted to appointed criminal and juvenile offender cases under Article 26.04, Code of Criminal Procedure, and Title 3, Family Code, in each county.

Name: DAVID M. ...
License Date: 1984-06-15

If this is not you, please click on the "Not Me" button and re-enter your Bar Card Number.

This Attorney Report was submitted 9/16/2014 2:34:09 PM

For each county in which you represent indigent defendants paid by the county, please enter the appropriate percent of your total practice time for the preceding fiscal year (October 1, 2013 through September 30, 2014) devoted to indigent defense cases in each such county. Please note that the total will be less than 100% if you had any retained legal work or non-criminal appointed work (e.g. child support or estate).

County	Adult Criminal Defense Percent of Total Practice Time	Juvenile Delinquency Defense Percent of Total Practice Time
Calhoun	0%	0%
DeWitt	0%	0%
Furt Bend	81%	0%
Goliad	3%	0%
Jackson	13%	2%
Hidalgo	3%	0%
Select County	0%	0%
Total	96%	

This represents the reported values as of 10/8/2014 1:45:05 PM

https://tidc.tamu.edu/AttorneyReporting/AttPracticeTimeWorksheet.xlsx

AttPracticeTimeOptionalWorksheet.xlsx

Optional Attorney Practice Time Reporting Worksheet

*Attorneys and MCT required to complete or submit this worksheet

Instructions for using this optional worksheet:
Enter percentages (0-100) in the pre-specified fields below. Then, by entering percentages of practice time in the (Non-Judicial) Defense Fields. Then, enter percentages in the Judicial Defense Fields. Only entries for the Judicial Defense Fields should be reported in the online attorney portal. The figures you enter for all of the fields are automatically summed on the Grand Total. See at the bottom of the worksheet and should equal 100% when completed.

Instructions for completing the Non-Judicial Defense Fields:
Enter values into each field below representing the percentage of practice time devoted to each type of Non-Judicial Defense case or other practice type.

Field	Description	Field	Description	Field	Description
1	Total practice time devoted to retained legal work	2	Total practice time devoted to retained legal work	3	Total practice time devoted to retained legal work
4	Child Support/Child Custody/Child Protective Services/Child Abuse/Neglect	5	Guardianship	6	Other

Instructions for completing the Judicial Defense Fields:
For retained and juvenile indigent defense, click a field under the "County" heading. Then, select the county name from the drop down list for each county in which you handled appointed criminal and juvenile cases in state or county courts and enter the respective percentage of practice time for each county and case type. Once you have completed the entire worksheet and the Grand Total equals 100%, please enter the county and upload below into the online attorney portal.

County	% Total Practice Time in Adult Criminal Cases Per County	% Total Practice Time in Juvenile Delinquency Cases Per County
Calhoun		
DeWitt		
Furt Bend		
Goliad		
Jackson		
Hidalgo		
Select County		
Grand Total	0% (Should Equal 100%)	

For additional information about the Texas Indigent Defense Commission, please visit our website at tidc.tamu.edu

Practice Time Paper Form Submission

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

Additional Information

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

wshackelford@tidc.texas.gov
512-936-6997

New County Reporting Requirement Starting November 1, 2014

Government Code Section 79.036. Indigent Defense Information.

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

County Report- Number of Appointments by Attorney

- Attorney level case reports build on existing infrastructure -Indigent Defense Expenditure Report (IDER) which requires aggregate figures:
 - Cases paid by case type (Juvenile, Capital Murder, Adult Felony, Adult Misdemeanor, Juvenile Appeals, Felony Appeals, and Misdemeanor Appeals)
 - By court each year by November 1st (the same date as the new reporting requirement)
- Above information must be reported by attorney with total amount paid to each attorney

Court Attorney Report

- Total of Court Attorney Report should be the IDER Court Report

Sample Template Errors So far

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

IDER

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

The Transaction

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

IDER

Completing the Report

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

IDER

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

Formula Grant

- Only to Counties
- November 21, 2014

APPENDIX - SAMPLE FORMS

Sample County Page –

All counties complete this portion of the report

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

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

Reimbursements

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

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

Regional Indigent Defense Programs

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

Court Report

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

To add or remove a court from the list below contact Jim VanBeek at jvanbeek@ppri.tamu.edu.

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

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

Indigent Defense Increased Administrative Expenditure Report Addendum

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

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

Attorney Court Time Reporting Percentages

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

Summary

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

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

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

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

<BLANK> Court

Expenditures

October 1, 2013 - September 30, 2014

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

Expenditures
October 1, 2013 - September 30, 2014

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

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

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

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

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

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

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

Sample Court Attorney Report Page –

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

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

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

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

Sample Administrative Expenses Page –

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

Indigent Defense Expenditure Report, Increased Administrative Expenditures, County

Increased Administrative Expenditures

October 1, 2013 - September 30, 2014

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

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

Notes to Commission:

Sample Managed Assigned Counsel Administrative Expense Page —

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

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

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

Managed Assigned Counsel Administrative Expenditures

October 1, 2013 - September 30, 2014

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

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

Fund Balance or carryover as of September 30, 2014

Fiscal Monitor Review/Findings

Debra Stewart

<http://tidc.texas.gov>



Request for Information

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

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

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

Request for Information

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

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

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

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

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

Re-create IDER

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

Findings from G/L support

- Expenditures for Civil Cases included with Criminal Cases

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

Examples of Findings for Expenditures of Civil Cases included with Criminal

INDIGENT DEFENSE REPORTING
DISTRICT COURT
OCTOBER-DECEMBER 2012
010.435.419 CONTRACT SERVICES

DATE	pp	VENDOR NAME	DESCRIPTION	INV#	CASES	AMOUNT	CHK#
10/31/2012		AMAND	CS#18224 R BUSTAMANTE	18224	2	1,200.00	441141C
0/							
10/22/2012	11		CS#43997 CHILDREN	43997	1	300.00	441142C
10/24/2012	11		CS#43562 FATHER	43562	1	400.00	441142C
10/24/2012	11		CS#34075 FATHER	34075	1	400.00	441142C
10/30/2012	11		CS#45145 MOTHER	45145	1	525.00	441142C
1/31/2013	122		CS#45669-MOTHER	45669	1	575.00	442460C
X/							
10/29/2012	112012	C H	C. CS#3314 JUVENILE	3314	1	100.00	441169C
10/29/2012	112012	C H	C. CS#3350 JUVENILE	3350	1	250.00	441169C
1/3/2013	122012	C H	C. CS#3352 JUV	3352	1	150.00	442048C
/3 500.00 ./							
10/22/2012	112012	D, B & C	CS#37774 FATHER	37774	1	400.00	441180C
10/22/2012	112012	D, B & C	CS#45121 FATHER	45121	1	400.00	441180C
10/22/2012	112012	D, B & C	CS#45003 CHLD	45003	1	450.00	441180C
10/22/2012	112012	D, B & C	CS#45031 CHLD	45031	1	1,800.00	441179C
11/29/2012	112012	D, B & C	AUTO VOID CHECK	20121129	-1	-1,800.00	441179V
0/							
9/21/2012	102012	JAMES F	CS#15997 R GARCIA	15997	1	300.00	440744C

Findings for Expenditures of Civil Cases included with Criminal, continued...

9/21/2012	102012	JAMES F	CS#15997 R GARCIA	15997	1	300.00	440744C
9/21/2012	102012	JAMES P	CS#17260 J SOLIS	17260	1	100.00	440744C
9/24/2012	102012	JAMES P	CS#18560 A GARCIA	18560	1	400.00	440744C
10/1/2012	102012	JAMES P	CS#18423 M HILL	18423	2	400.00	440744C
10/1/2012	102012	JAMES P	CS#39865-S E HOLT	39865-S	1	400.00	440962C
10/1/2012	102012	JAMES P	CS#41089 N HERNANDEZ	41089	1	400.00	440962C
10/12/2012	102012	JAMES P	CS#40978 FATHER	40978	1	400.00	440962C
10/12/2012	102012	JAMES P	CS#44491 FATHER	44491	1	400.00	440962C
10/22/2012	112012	JAMES P	CS#18616 G GRAHAM	18616	3	600.00	441215C
10/24/2012	112012	JAMES P	CS#45286 CHILDREN	45286	1	1,500.00	441215C
10/24/2012	112012	JAMES P	CS#45435 CHILD	45435	1	1,250.00	441215C
11/14/2012	112012	JAMES P	CS#18617 G GRAHAM	18617	1	400.00	441429C
12/11/2012	122012	JAMES P	CS#18495 S CUNNINGHAM	18495	2	400.00	441847C
12/12/2012	122012	JAMES P	CS#18254 V MANCIAZ	18254	1	500.00	441847C

Findings from G/L support

- Case Count Errors

One example of an error found was in regards to the District Court invoices. An attorney had a portion of his invoices paid to a second vendor and the reviewer found that the case count for the invoice was added to both the attorney voucher line and the second vendor line doubling the case count for that invoice. Another voucher was split to two vendors and then neither line item had the case count added to it. In regards to the County Court invoices, the reviewer noted one invoice that listed four cause numbers yet the count only indicated one case closed. Another line item described the cause number as various cases yet the count listed only one case.

Examples of Errors in Case Count

This screenshot shows a detailed case count report with multiple columns. Several rows are highlighted in yellow, indicating specific errors or discrepancies in the data.

Examples of Errors in Case Count

This screenshot shows another example of a case count report. A handwritten note "01,395 ASD" is visible in the bottom left corner, likely referring to a specific data point or correction.

Examples of Errors in Case Count

2	416.67 408.33		416.67 13-223/227-K.SPA 408.33 13-223/227-K.SPA
2	389.58	0 10 0	389.58 12-361/362-B
2	160.42		160.42 12-361/362-B
	389.58		389.58 12-225-CAR
	60.42		60.42 12-225-CAR

Findings from G/L support

• Case Count Errors (Cont'd)

Upon further review of the case count data it was noted that case counts were added for Expert witness, investigator and other expenses invoices. The IDER manual state that the report should "use cases paid as reported on attorney fee voucher" for the case count. Per the data provided the attorney fee vouchers indicated that [REDACTED] cases were paid. The reviewer noted that a process to eliminate cases for multiple checks dispersed was initiated. However, if the description of the case number was "()Various" with number of cases in parenthesis any duplication was not eliminated. This duplication appeared to happen as invoices with the same description were entered with multiple lines for various time periods the invoices covered.

Samples of Errors in Case Count

DATE	NAME	TYPE	AMOUNT	ORGANIZATION	CASE	PERIOD	EXPLANATION	STATUS	EXPERT
11/13/2011
11/14/2011
11/15/2011
11/16/2011
11/17/2011
11/18/2011
11/19/2011
11/20/2011
11/21/2011
11/22/2011
11/23/2011
11/24/2011
11/25/2011
11/26/2011
11/27/2011
11/28/2011
11/29/2011
11/30/2011

Samples of Errors in Case Count

DATE	NAME	TYPE	AMOUNT	ORGANIZATION	CASE	PERIOD	EXPLANATION	STATUS	EXPERT
11/13/2011
11/14/2011
11/15/2011
11/16/2011
11/17/2011
11/18/2011
11/19/2011
11/20/2011
11/21/2011
11/22/2011
11/23/2011
11/24/2011
11/25/2011
11/26/2011
11/27/2011
11/28/2011
11/29/2011
11/30/2011

Samples of Errors in Case Count

DATE	NAME	TYPE	AMOUNT	ABBREVIATION	LOCATION	TYPE OF PAYS	PERIOD	JUDGE	Monitor Type
2/1/2011		M	676.00	UNEMPLOYED	05/26/10	01/20/11	01/20/2011		EXPENSE
2/1/2011		M	676.00	UNEMPLOYED	05/26/10	01/20/11	01/20/2011		EXPENSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE
11/10/2011		M	1,000.00	UNEMPLOYED	06/01/11	11/10/11	11/10/2011		ADVERSE

Request for Information

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

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

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

A copy of the published attorney fee schedules for criminal and juvenile cases.

An itemized list of services performed or consistent with adopted attorney fee schedule.

Documentation regarding procedures as related to criminal indigent defense expenses.

Policy and Procedures regarding grant reporting

Copy of the public attorney appointment list

The record of selection of the court appointed attorneys approved by the majority of the judges.

The records that exist which document that an attorney applied to be included on the public appointment list.

The records that exist that document continuing legal education (CLE) of attorneys on the public appointment list.

If applicable, provide a copy of any written contract(s) for indigent defense services.

If applicable, a copy of the open bidding and selection process used to solicit contract attorneys, such as a Request for Qualification.

If applicable, documentation to support contractual and equipment expenses.

If applicable, inventory records of grant funded equipment purchases.

If applicable, records which outline equipment with more than 1 year of usefulness and items of equipment with an acquisition cost of \$5,000 or more.

If applicable, documentation to support salaries allocated to Administrative Expense.

Request for Information

A copy of the published attorney fee schedules for criminal and juvenile cases.

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**Fiscal Monitoring
Payment Elements (Legal)**

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

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

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

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

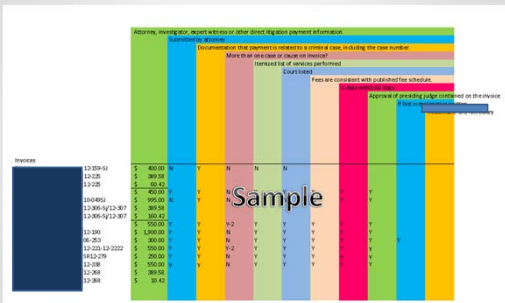
Minimum Required Itemization per IDER Instruction Manual

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

Invoice Attributes Tested



Fee Schedule and Attorney Invoices



Examples of Invoice Findings

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

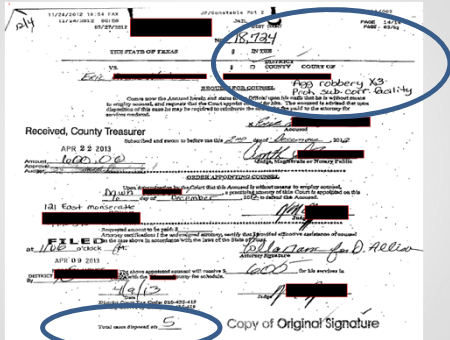
Examples of Invoice Findings

Examples of Invoice Findings

Examples of Invoice Findings

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

Examples of Invoice Findings



That is:

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

Examples of Invoice Findings

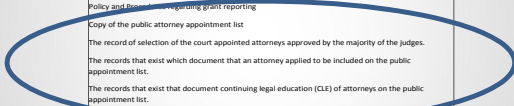
During the review period the attorney fee schedule changed and the auditor's office made corrections to the attorney fee vouchers to support the fee schedule in place on the date of service reported by the attorney's. As these invoices were changed to support the fee schedule in effect there was no evidence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

Examples of Invoice Findings

The image shows a complex legal invoice form with multiple sections for attorney fees, court costs, and other expenses. Handwritten numbers and signatures are present throughout. A blue circle highlights a section of the form, likely related to the findings mentioned in the text above.

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- Copy of the public attorney appointment list
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Thank you!

Dominic Gonzales
512-463-2573

Debra Stewart
512-936-7561
