

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 reqt'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/>

The screenshot shows a web browser window with two tabs: "Texas Indigent Defense Co..." and "Texas Weighted Case Load...". The address bar shows "texaswcl.tamu.edu". The page features a navigation menu with links for Home, Legislation, Study Overview, Participant Information, Reports and Resources, and Contact Us. The main content area is split into two columns. The left column has a dark background with the text "Minor Crimes, Massive Waste" and a quote from the National Association of Criminal Defense Lawyers. The right column has a blue background with an image of a trash can full of crumpled money and the logo of the National Association of Criminal Defense Lawyers (NACDL). Below this is a welcome message and a "NEWSLETTERS" button.

Texas Indigent Defense Commission

STATE BAR of TEXAS

Texas Criminal Defense Lawyers Association

ATM LIBERAL ARTS TEXAS A&M UNIVERSITY PUBLIC POLICY RESEARCH INSTITUTE

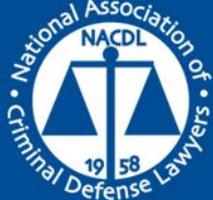
Home Legislation Study Overview Participant Information Reports and Resources Contact Us

Minor Crimes, Massive Waste

- National Association of Criminal Defense Lawyers

"Too often, counsel is unable to spend sufficient time on each of their cases. This forces even the most competent and dedicated attorneys to run afoul of their professional duties."

[READ MORE](#)



Welcome to the Texas Indigent Defense Commission's Weighted Caseload Study Homepage!

Texas conducting a Weighted Caseload Study to provide policymakers with real data on the time required to represent court-appointed cases. If you would like to catch up on the latest developments of the study, please browse the Newsletter Archive.

[NEWSLETTERS](#)

Your participation is crucial! We hope you will join us in improving criminal defense policy in Texas and making sure that justice is served.

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

Dominic Gonzales Home | x Attorney Reporting Page f x

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

Apps TIDC/Indigent Defe...

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/>

[Dominic Gonzales Home](#) | [Attorney Practice Time Re](#) | [\[Redacted\]](#) | [\[Redacted\]](#)

<https://tidc.tamu.edu/AttorneyReporting/AttorneyReporting2.asp>

Apps | TIDC/Indigent Defe...

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.

Bar Card Number: 58955
 Name: DAVID [Redacted]
 License Date: 1984-05-

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 3:34:05 PM

For each county in which you represent indigent defendants paid by the county, please enter the approximate 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 protection cases). You may also see [Additional Information](#) about this report including a 15 minute training video on the reporting requirements is also available, as well as the optional Attorney Practice Time [Worksheet](#).

County	Adult Criminal Defense Percent of Total Practice Time	Juvenile Delinquency Defense Percent of Total Practice Time
Calhoun	<input type="text" value="5"/> %	<input type="text" value="0"/> %
DeWitt	<input type="text" value="9"/> %	<input type="text" value="0"/> %
Fort Bend	<input type="text" value="61"/> %	<input type="text" value="0"/> %
Goliad	<input type="text" value="3"/> %	<input type="text" value="0"/> %
Jackson	<input type="text" value="13"/> %	<input type="text" value="2"/> %
Refugio	<input type="text" value="3"/> %	<input type="text" value="0"/> %
Select County ▾	<input type="text" value="0"/> %	<input type="text" value="0"/> %
Total		96%

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

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

**Indigent Defense Expenditure Report, Court Report, Anderson County
3rd District Court**

These pages are being made available early for review. You may enter data, but prior to the start of the fiscal year, all data will be deleted. This will be done before the official data collection process begins. Send a description of any issues or suggestions to jvanbeek@ppri.tamu.edu

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

Category of Services	Attorney Fees	Investigation Expenditures	Expert Witness Expenditures	Other Litigation Expenditures
Juvenile				
Assigned Counsel				
Contract Counsel				
Managed Assigned Counsel				
Capital Murder				
Assigned Counsel				
Contract Counsel				
Managed Assigned Counsel				
Adult Non-Capital Felony				
Assigned Counsel				
Contract Counsel				
Managed Assigned Counsel				
Adult Misdemeanor				
Assigned Counsel				
Contract Counsel				
Managed Assigned Counsel				
Total				
Juvenile Appeals				
Assigned Counsel				
Contract Counsel				
Managed Assigned Counsel				
Adult Felony Appeals				
Assigned Counsel				
Contract Counsel				
Managed Assigned Counsel				
Adult Misdemeanor Appeals				
Assigned Counsel				
Contract Counsel				
Managed Assigned Counsel				
Total				

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				
Capital Murder Cases				
Adult Non-Capital Felony Cases				
Adult Misdemeanor Cases				
Juvenile Appeal Cases				
Felony Appeal Cases				
Misdemeanor Appeal Cases				
Total Cases				

[Click to add attorney case counts and total paid on Court Attorney 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 court information in the attorney fee report.
- 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.)

Felony Appeal Cases

Misdemeanor Appeal Cases

Total Cases

[Click to add attorney case counts and total paid on Court Attorney 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

Court Attorney Report for FY14 Anderson County 3rd District Court
Court ID: 320010003

These pages are being made available early for review. You may enter data, but prior to the start of the fiscal year, all data will be deleted. This will be done before the official data collection process begins. Send a description of any issues or suggestions to ivanbeek@ppri.tamu.edu. This page is still undergoing a few minor revisions.

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.

Sort by ▼

#	Bar 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	1	NATHAN L. HECHT	20							
2	2	PAUL W. GREEN	0							
3	<input type="text"/>	<input type="text"/>								

Save

Reset

Cancel

County Report- Number of Appointments by Attorney

- Templates with a standard Excel data format have been provided on Commission website to permit county auditors to complete and then upload the report rather than manually entering the data into the website

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

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).

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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	112012	AMANDA [REDACTED] TOLSON	CS#18224 R BUSTAMANTE	18224	2	1,200.00	441141C
0-/							
10/22/2012	112012	[REDACTED]	CS#43997 CHILDREN	43997	1	300.00	441142C
10/24/2012	112012	[REDACTED]	CS#43562 FATHER	43562	1	400.00	441142C
10/24/2012	112012	[REDACTED]	CS#34075 FATHER	34075	1	400.00	441142C
10/30/2012	112012	[REDACTED]	CS#45145 MOTHER	45145	1	525.00	441142C
1/31/2013	122012	[REDACTED]	CS#45669-MOTHER	45669	1	575.00	442460C
00/							
10/29/2012	112012	C H [REDACTED] C.	CS#3314 JUVENILE	3314	1	100.00	441169C
10/29/2012	112012	C H [REDACTED] C.	CS#3350 JUVENILE	3350	1	250.00	441169C
1/3/2013	122012	C H [REDACTED] 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#45603 CHILD	45603	1	450.00	441180C
10/22/2012	112012	D, 8& C	CS#45031 CHILD	45031	1	1,800.00	441179C
11/29/2012	112012	D, 8& C	AUTO VOID CHECK	20121129	-1	-1,800.00	441179V
0./							
9/21/2012	102012	JAMES F [REDACTED] Z	CS#15997 R GARCIA	15997	1	300.00	440744C

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

9/21/2012	102012 JAMES P	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
10/12/2012	102012 JAMES P	CS#39865-S E HOLT	39865-S	1	400.00	440962C
10/12/2012	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

	misd	juv	felony	felony appeal	felony dismiss	not allowed				
7/25/2013 AP 04109 000000			1				450 12-403-JESSILYN PARR/FELONY			
7/25/2013 AP 04109 000000			1				400 13-238-KENNETH BURKHART JR/FEL			
7/25/2013 AP 04109 000000			2				250 13-234/235-MONICA ALLEN/FELONY			
7/25/2013 AP 04216 000000			1				450 13-078-DARELL BONNER/FELONY			
7/26/2013 AP 00812 000000			1				250 PRE INDICTED-D.G.PALACIOS/FELO			
8/1/2013 AP 04217 000000			1				300 10-134-C.VILLAREAL/FELONY			
8/6/2013 AP 03491 000000		1	100				100 13-092877 T.			
8/8/2013 AP 00812 000000			1				400 13-1665J-CHARLES HEBERT/FELONY			
8/8/2013 AP 03047 000000			1				400 13-128-CONNIE BARNES/FELONY			
8/8/2013 AP 03707 000000			1				400 13-273-CHRIS H.BOULGIN/FELONY			
8/8/2013 AP 03707 000000			2				475 12-352/354-JERRY REYES/FELONY			
8/8/2013 AP 03707 000000			2				475 13-076/077-WILLIAM BOEKER/FELO			
8/8/2013 AP 04217 000000			1				450 13-195-KERRY EARLS/FELONY			
8/10/2013 AP 03302 000000			1				400 13-1655J-EDWARD GUZMAN JR/FELO			
8/12/2013 AP 03047 000000			1				150 09-197-CT2-J.O'KEITH/FELONY			
8/12/2013 AP 04217 000000			1				400 13-2105I-K.NAYLOR/FELONY			
8/19/2013 AP 01115 000000			2				600 11-014,13-269-N.GOMEZ JR/FELON			
8/19/2013 AP 04216 000000			1				450 13-189-MASON CHAVEZ/FELONY			
8/19/2013 AP 04216 000000					1	160	160 13-0019J-J.A.			
8/20/2013 AP 03707 000000			2				200 13-199/200-N.JUAREZ/FELONY			
8/21/2013 AP 01570 000000			2				416.67 13-223/227-K.SPANN/FELONY			
8/21/2013 AP 03793 000000							408.33 13-223/227-K.SPANN/FELONY			
8/21/2013 AP 03793 000000			2				500 12-371,13-299-C.ZAMORA/FELONY			
8/21/2013 AP 03793 000000			1				400 13-177-J.MOORE/FELONY			
8/23/2013 AP 03047 000000			1				450 13-170-JAMES JERROLS JR/FELONY			
8/26/2013 AP 04109 000000			1				300 12-340-SARA GALLEGOS/FELONY			
9/6/2013 AP 03302 000000			2				550 13-212/213-CHARLES RAMIREZ/FEL			
9/6/2013 AP 03302 000000			2				475 13-030/031-ELMO GONZALES-FELON			
9/6/2013 AP 04217 000000			1				400 13-186-DARRIN ADAMS-FELONY			
9/9/2013 AP 00812 000000			2				475 13-060,13-292-E.L.VILLARREAL/F			
9/9/2013 AP 01115 000000			2				600 12-009,13-335-T.BLACKWELL,II-F			
9/9/2013 AP 01115 000000			1				300 12-240-A.F.WEBB/FELONY			
9/9/2013 AP 03302 000000			1				300 09-378-ARRON SANFORD/FELONY			
9/9/2013 AP 03707 000000			2				525 12-022,12-322-S.LEWIS/FELONY			
9/9/2013 AP 04215 000000			1				400 13-336-OTTO KIETZMAN/FELONY			
9/9/2013 AP 04217 000000			1				250 13-06-792-R.MCCULLERS/FELONY			
9/9/2013 AP 04217 000000			1				475 13-298-FRED MUNOZ/FELONY			
9/9/2013 AP 04385 000000			1				350 13-334-JERRY HARTFIELD/FELONY			
9/10/2013 AP 03707 000000			1				450 13-248-L.GARCIA, JR/FELONY			
9/13/2013 AP 04217 000000			1				300 12-365-BRIAN WHITE/FELONY			
9/16/2013 AP 03047 000000			1				300 12-035-SANTIAGO CANALES/FELONY			
9/17/2013 AP 03849 000000			4				625 13-270/271,12-285/286-AKA/FELO			
9/17/2013 AP 04346 000000			1				29.17 13-120-EDWIN PRICE/FELONY			
9/17/2013 AP 04346 000000			1				300 08-294-ESTEBAN CERVANTES/FELON			
9/17/2013 AP 03849 000000			1				370.83 12-120-EDWIN PRICE/FELONY			
	1		325.00 24	5,980.00 352	124,772.50 2	1,100.00 0	-	2	660.00	132,837.50

0,325.00

Report any dismissed under area that applies (misd,juv or felony)

Examples of Errors in Case Count

2	416.67		416.67	13-223/227-K.SPA
	408.33		408.33	13-223/227-K.SPA

2	389.58	0 14 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	count	DEFENDANT	CAUSE	CRT	CHECK	AF NO.	SU	DETAIL	JUDGE	Vendor Type
2/4/2013		M	\$750.00	1	GARZA DAVID	9536210	3	1283475	AF1301145	02	12/19/2012	P GARCIA	EXPERT
2/4/2013		M	\$750.00	1	DELGADO ALDO	9537063	3	1283475	AF1301145	03	12/18/2012	P	EXPERT
4/15/2013		M	\$750.00	1	SHADRICK CHARLES	9539916	3	1287803	AF1302059	01	1/22/2013	P	EXPERT
11/8/2012		M	\$165.00	1	AKINA EDG		3	1278277	AF1300102	01	10-19-12 DSMS	C	ATTORNEY
11/19/2012		F	\$454.50	1	MARTINEZ RICHARD	20120804206	4	1278945	AF1300250	01	10-01,11-05-12	M	ATTORNEY
10/22/2012		F	\$885.00	10	AINSWORTH RONALD	(10)VARIOUS	2	1276895	AF1204171	01	02-09,09-28-12	C	ATTORNEY
12/3/2012		F	3,058.50	10	ESPARZA EDGAR	(10)VARIOUS	1	1279820	AF1204369		11-18-11 9-13-12	F	ATTORNEY
12/3/2012		F	96.00	10	ESPARZA EDGAR	(10)VARIOUS	1	1279820	AF1204369		OTH EXP	F	OTHER EXPENSE
6/11/2013		F	\$1,000.00	13	REYES EDUARDO JR	(13)VARIOUS	2	1291814	AF1302822	02	05-17,05-22-13	C	INVESTIGATOR
2/11/2013		M	\$155.00	2	RIVERA DEREK	(2)VARIOUS	C	1283878	AF1301200	03	01-28-13 ORP	T	ATTORNEY
10/22/2012		M	\$210.00	2	KAYE DEONTRAY	(2)VARIOUS	C	1276992	AF1204112	01	09-05-12 PLEA	J	ATTORNEY
10/22/2012		M	\$655.00	2	MARQUEZ JORGE	(2)VARIOUS	C	1276877	AF1204114	01	01-12,09-25-12 MWA	C	ATTORNEY
10/22/2012		M	\$1,140.00	2	RESENDIZ JOEL	(2)VARIOUS	C	1277109	AF1204123	01	06-14-11,06-07-12 MW	S	ATTORNEY
10/22/2012		M	\$210.00	2	DE LA ROSA CARLOS	(2)VARIOUS	C	1277100	AF1204126	02	09-27-12 DSMS,PLEA	J	ATTORNEY
10/22/2012		M	\$210.00	2	RODRIGUEZ ARTURO	(2)VARIOUS	C	1277100	AF1204126	05	08-30-12 PLEA	A	ATTORNEY
10/22/2012		M	\$210.00	2	VALDEZ JANNELLE	(2)VARIOUS	C	1277100	AF1204126	01	09-28-12 PLEA	J	ATTORNEY
10/22/2012		M	\$1,017.50	2	SHAW STEPHEN	(2)VARIOUS	C	1276865	AF1204136	01	01-06,09-20-12 PLEA	A	ATTORNEY
10/22/2012		M	\$1,310.00	2	ESCO MARK ANTHONY	(2)VARIOUS	C	1277116	AF1204141	01	12-01-10,09-05-12 DS	J	ATTORNEY
10/22/2012		M	\$210.00	2	ROBLEDO JANETTE	(2)VARIOUS	C	1277068	AF1204142	01	09-13-12 DSMS,PLEA	A	ATTORNEY
10/22/2012		M	\$981.25	2	MARTINEZ OSCAR	(2)VARIOUS	C	1277071	AF1204143	01	08-15-11,08-16-12 PL	C	ATTORNEY
10/22/2012		F	\$512.50	2	ROCHA SAMUEL	(2)VARIOUS	1	1277553	AF1204186	01	07-19,10-18-12	L	ATTORNEY
10/22/2012		F	\$1,882.50	2	ENGLISH ROBERT	(2)VARIOUS	2	1277570	AF1204193	01	10-26-10,10-15-12	L	ATTORNEY
10/22/2012		F	\$902.50	2	RAMIREZ JENNIFER	(2)VARIOUS	4	1277571	AF1204199	02	04-08,10-04-12	N	ATTORNEY
11/5/2012		M	210.00	2	SERRATO CESAR	(2)VARIOUS	C	1278027	AF1204224		09-14-12PLEAORP	F	ATTORNEY
11/5/2012		M	210.00	2	GUERRERO JOSE	(2)VARIOUS	C	1278025	AF1204244		08-15-12DSMS PLEA	F	ATTORNEY
11/5/2012		M	210.00	2	PULIDO TANIA	(2)VARIOUS	C	1278025	AF1204244		09-05-12PLEA	F	ATTORNEY
11/5/2012		M	210.00	2	PINON AMBER	(2)VARIOUS	C	1277855	AF1204255		09-17-12PLEA	F	ATTORNEY
11/5/2012		F	630.00	2	VELARDE FERNANDO	(2)VARIOUS	2	1278001	AF1204266		02-23,10-26-12	C	ATTORNEY
11/5/2012		M	157.50	2	RODRIGUEZ JULISSA	(2)VARIOUS	C	1277726	AF1204268		08-20,08-30-152 MMWA	F	ATTORNEY
11/5/2012		M	270.00	2	PRANGER OTTO	(2)VARIOUS	C	1277852	AF1204269		07-03,08-8-12 PLEA	F	ATTORNEY
11/5/2012		M	820.00	2	KRIEGBAUM FRANK	(2)VARIOUS	C	1277739	AF1204277		12-08-11 8-14-12 DSMS	T	ATTORNEY
11/5/2012		F	1,535.00	2	ALARCON JOE	(2)VARIOUS	C	1278042	AF1204282		01-27,09-17-12	A	ATTORNEY
11/5/2012		F	527.50	2	DANIELL HOLLIE	(2)VARIOUS	3	1278130	AF1204283		06-24-11- 10-4-12	N	ATTORNEY
11/8/2012		F	1,307.50	2	QUIROZ JOE	(2)VARIOUS	1	1278251	AF1204304		07-27-11 10-19-12	S	ATTORNEY
11/8/2012		F	1,273.00	2	NOYA HECTOR	(2)VARIOUS	4	1278450	AF1204309		12-09-10 8-20-12	S	ATTORNEY
11/8/2012		F	272.50	2	VILLEGAS JUAN MANUEL	(2)VARIOUS	2	1278400	AF1204315		08-24,10-26-12	C	ATTORNEY
11/8/2012		F	24.00	2	VILLEGAS JUAN MANUEL	(2)VARIOUS	2	1278400	AF1204315		OTHER EXP	C	OTHER EXPENSE
11/8/2012		F	257.50	2	ESTRADA MARIELA	(2)VARIOUS	1	1278234	AF1204318		08-30,10-31-12	L	ATTORNEY

Samples of Errors in Case Count

DATE	NAME	TYPE	AMOUNT	count	DEFENDANT	CAUSE	CRT	CHECK	AF NO.	SU	DETAIL	JUDGE	Vendor Type
2/4/2013		M	\$750.00	1	GARZA DAVID	9536210	3	1283475	AFI301145	02	12/19/2012	P. GARCIA	EXPERT
2/4/2013		M	\$750.00	1	DELGADO ALDO	9537063	3	1283475	AFI301145	03	12/18/2012		EXPERT
4/15/2013		M	\$750.00	1	SHADRICK CHARLES	9539916	3	1287803	AFI302059	01	1/22/2013		EXPERT
11/8/2012		M	\$165.00	1	ARRIA LUIS	120900109	M	1278317	AFI300162	01	10-19-12 DSMS		ATTORNEY
11/19/2012		F	\$454.50	1	MARTINEZ RICHARD	20120804206	4	1278945	AFI300250	01	10-01,11-05-12		ATTORNEY
10/22/2012		F	\$885.00	10	AINSWORTH RONALD	(10)VARIOUS	2	1276895	AFI204171	01	02-09,09-28-12		ATTORNEY
12/3/2012		F	3,058.50	10	ESPARZA EDGAR	(10)VARIOUS	1	1279820	AFI204369		11-18-11 9-13-12		ATTORNEY
12/3/2012		F	96.00	10	ESPARZA EDGAR	(10)VARIOUS	1	1279820	AFI204369		OTH EXP		OTHER EXPENSE
6/11/2013		F	\$1,000.00	13	REYES EDUARDO JR	(13)VARIOUS	2	1291814	AFI302822	02	05-17,05-22-13		INVESTIGATOR
2/11/2013		M	\$155.00	2	RIVERA DEREK	(2) VARIOUS	C	1283878	AFI301200	03	01-28-13 ORP		ATTORNEY
10/22/2012		M	\$210.00	2	KAYE DEONTRAY	(2)VARIOUS	C	1276992	AFI204112	01	09-05-12 PLEA		ATTORNEY
10/22/2012		M	\$655.00	2	MARQUEZ JORGE	(2)VARIOUS	C	1276877	AFI204114	01	01-12,09-25-12 MWA		ATTORNEY
10/22/2012		M	\$1,140.00	2	RESENDIZ JOEL	(2)VARIOUS	C	1277109	AFI204123	01	06-14-11,06-07-12 MW		ATTORNEY
10/22/2012		M	\$210.00	2	DE LA ROSA CARLOS	(2)VARIOUS	C	1277100	AFI204126	02	09-27-12 DSMS,PLEA		ATTORNEY
10/22/2012		M	\$210.00	2	RODRIGUEZ ARTURO	(2)VARIOUS	C	1277100	AFI204126	05	08-30-12 PLEA		ATTORNEY
10/22/2012		M	\$210.00	2	VALDEZ JANNELLE	(2)VARIOUS	C	1277100	AFI204126	01	09-28-12 PLEA		ATTORNEY
10/22/2012		M	\$1,017.50	2	SHAW STEPHEN	(2)VARIOUS	C	1276865	AFI204136	01	01-06,09-20-12 PLEA		ATTORNEY
10/22/2012		M	\$1,310.00	2	ESCO MARK ANTHONY	(2)VARIOUS	C	1277116	AFI204141	01	12-01-10,09-05-12 DS		
10/22/2012		M	\$210.00	2	ROBLEDO JANETTE	(2)VARIOUS	C	1277068	AFI204142	01	09-13-12 DSMS,PLEA		ATTORNEY
10/22/2012		M	\$981.25	2	MARTINEZ OSCAR	(2)VARIOUS	C	1277071	AFI204143	01	08-15-11,08-16-12 PL		ATTORNEY
10/22/2012		F	\$512.50	2	ROCHA SAMUEL	(2)VARIOUS	1	1277553	AFI204186	01	07-19,10-18-12		ATTORNEY
10/22/2012		F	\$1,882.50	2	ENGLISH ROBERT	(2)VARIOUS	2	1277570	AFI204193	01	10-26-10,10-15-12		ATTORNEY
10/22/2012		F	\$902.50	2	RAMIREZ JENNIFER	(2)VARIOUS	4	1277571	AFI204199	02	04-08,10-04-12		ATTORNEY
11/5/2012		M	210.00	2	SERRATO CESAR	(2)VARIOUS	C	1278027	AFI204224		09-14-12PLEAORP		ATTORNEY
11/5/2012		M	210.00	2	GUERRERO JOSE	(2)VARIOUS	C	1278025	AFI204244		08-15-12DSMS PLEA		ATTORNEY
11/5/2012		M	210.00	2	PULIDO TANIA	(2)VARIOUS	C	1278025	AFI204244		09-05-12PLEA		ATTORNEY
11/5/2012		M	210.00	2	PINON AMBER	(2)VARIOUS	C	1277855	AFI204255		09-17-12PLEA		ATTORNEY
11/5/2012		F	630.00	2	VELARDE FERNANDO	(2)VARIOUS	2	1278001	AFI204266		02-23,10-26-12		ATTORNEY
11/5/2012		M	157.50	2	RODRIGUEZ JULISSA	(2)VARIOUS	C	1277726	AFI204268		08-20,08-30-152 MMWA		ATTORNEY
11/5/2012		M	270.00	2	PRANGER OTTO	(2)VARIOUS	C	1277852	AFI204269		07-03,08-8-12 PLEA		ATTORNEY
11/5/2012		M	820.00	2	KRIEGBAUM FRANK	(2)VARIOUS	C	1277739	AFI204277		12-08-11 8-14-12 DSMS		ATTORNEY
11/5/2012		F	1,535.00	2	ALARCON JOE	(2)VARIOUS	C	1278042	AFI204282		01-27,09-17-12		ATTORNEY
11/5/2012		F	527.50	2	DANIELL HOLLIE	(2)VARIOUS	3	1278130	AFI204283		06-24-11- 10-4-12		ATTORNEY
11/8/2012		F	1,307.50	2	QUIROZ JOE	(2)VARIOUS	1	1278251	AFI204304		07-27-11 10-19-12		ATTORNEY
11/8/2012		F	1,273.00	2	NOYA HECTOR	(2)VARIOUS	4	1278450	AFI204309		12-09-10 8-20-12		ATTORNEY
11/8/2012		F	272.50	2	VILLEGAS JUAN MANUEL	(2)VARIOUS	2	1278400	AFI204315		08-24,10-26-12		ATTORNEY
11/8/2012		F	24.00	2	VILLEGAS JUAN MANUEL	(2)VARIOUS	2	1278400	AFI204315		OTHER EXP		OTHER EXPENSE
11/8/2012		F	257.50	2	ESTRADA MARIELA	(2)VARIOUS	1	1278234	AFI204318		08-30,10-31-12		ATTORNEY

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2/4/2013		M	\$750.00	1	DELGADO ALDO	9537063	3	1283475	AF1301145	03	12/18/2012	P	EXPERT
4/15/2013		M	\$750.00	1			3	1283475	AF1302059	01	1/22/2013	P	EXPERT
11/8/2012		M	\$165.00	1	ARRIA LUIS	120900109	M	1278317	AF1300162	01	10-19-12 DSMS	C	ATTORNEY
10/22/2012		F	\$454.50	1	MARTINEZ RICHARD	20120804206	4	1278945	AF1300250	01	10-01,11-05-12	M	ATTORNEY
10/22/2012		F	\$885.00	10	AINSWORTH RONALD	(10)VARIOUS	2	1276895	AF1204171	01	02-09,09-28-12	C	ATTORNEY
12/3/2012		F	3,058.50	10	ESPARZA EDGAR	(10)VARIOUS	1	1279820	AF1204369		11-18-11 9-13-12	F	ATTORNEY
12/3/2012		F	96.00	10	ESPARZA EDGAR	(10)VARIOUS	1	1279820	AF1204369		OTH EXP	F	OTHER EXPENSE
6/11/2013		F	\$1,000.00	13	REYES EDUARDO JR	(13)VARIOUS	2	1291814	AF1302822	02	05-17,05-22-13	C	INVESTIGATOR
2/11/2013		M	\$155.00	2	RIVERA DEREK	(2)VARIOUS	C	1283878	AF1301200	03	01-28-13 ORP	T	ATTORNEY
10/22/2012		M	\$210.00	2	KAYE DEONTRAY	(2)VARIOUS	C	1276992	AF1204112	01	09-05-12 PLEA	C	ATTORNEY
10/22/2012		M	\$210.00	2	MARQUEZ JORGE	(2)VARIOUS	C	1276875	AF1204112	01	09-05-12 PLEA	C	ATTORNEY
10/22/2012		M	\$1,140.00	2	RESENDIZ JOEL	(2)VARIOUS	C	1277109	AF1204123	01	06-14-11,06-07-12 MW	S	ATTORNEY
10/22/2012		M	\$210.00	2	DE LA ROSA CARLOS	(2)VARIOUS	C	1277100	AF1204126	02	09-27-12 DSMS,PLEA	J	ATTORNEY
10/22/2012		M	\$210.00	2	RODRIGUEZ ARTURO	(2)VARIOUS	C	1277100	AF1204126	05	08-30-12 PLEA	A	ATTORNEY
10/22/2012		M	\$210.00	2	VALDEZ JANNELLE	(2)VARIOUS	C	1277100	AF1204126	01	09-28-12 PLEA	J	ATTORNEY
10/22/2012		M	\$1,017.50	2	SHAW STEPHEN	(2)VARIOUS	C	1276865	AF1204136	01	01-06,09-20-12 PLEA	A	ATTORNEY
10/22/2012		M	\$1,310.00	2	ESCO MARK ANTHONY	(2)VARIOUS	C	1277116	AF1204141	01	12-01-10,09-05-12 DS	J	ATTORNEY
10/22/2012		M	\$210.00	2	ROBLEDO JANETTE	(2)VARIOUS	C	1277068	AF1204142	01	09-13-12 DSMS,PLEA	A	ATTORNEY
10/22/2012		M	\$981.25	2	MARTINEZ OSCAR	(2)VARIOUS	C	1277071	AF1204143	01	08-15-11,08-16-12 PL	C	ATTORNEY
10/22/2012		F	\$512.50	2	ROCHA SAMUEL	(2)VARIOUS	1	1277553	AF1204186	01	07-19,10-18-12	L	ATTORNEY
10/22/2012		F	\$1,882.50	2	ENGLISH ROBERT	(2)VARIOUS	2	1277570	AF1204193	01	10-26-10,10-15-12	L	ATTORNEY
10/22/2012		F	\$902.50	2	RAMIREZ JENNIFER	(2)VARIOUS	4	1277571	AF1204199	02	04-08,10-04-12	N	ATTORNEY
11/5/2012		M	210.00	2	SERRATO CESAR	(2)VARIOUS	C	1278027	AF1204224		09-14-12PLEAORP	F	ATTORNEY
11/5/2012		M	210.00	2	GUERRERO JOSE	(2)VARIOUS	C	1278025	AF1204244		08-15-12DSMS PLEA	F	ATTORNEY
11/5/2012		M	210.00	2	PULIDO TANIA	(2)VARIOUS	C	1278025	AF1204244		09-05-12PLEA	F	ATTORNEY
11/5/2012		M	210.00	2	PINON AMBER	(2)VARIOUS	C	1277855	AF1204255		09-17-12PLEA	F	ATTORNEY
11/5/2012		F	630.00	2	VELARDE FERNANDO	(2)VARIOUS	2	1278001	AF1204266		02-23,10-26-12	C	ATTORNEY
11/5/2012		M	157.50	2	RODRIGUEZ JULISSA	(2)VARIOUS	C	1277726	AF1204268		08-20,08-30-152 MMWA	F	ATTORNEY
11/5/2012		M	270.00	2	PRANGER OTTO	(2)VARIOUS	C	1277852	AF1204269		07-03,08-8-12 PLEA	F	ATTORNEY
11/5/2012		M	820.00	2	KRIEGBAUM FRANK	(2)VARIOUS	C	1277739	AF1204277		12-08-11 8-14-12 DSMS	T	ATTORNEY
11/5/2012		F	1,535.00	2	ALARCON JOE	(2)VARIOUS	C	1278042	AF1204282		01-27,09-17-12	A	ATTORNEY
11/5/2012		F	527.50	2	DANIELL HOLLIE	(2)VARIOUS	3	1278130	AF1204283		06-24-11- 10-4-12	M	ATTORNEY
11/8/2012		F	1,307.50	2	QUIROZ JOE	(2)VARIOUS	1	1278251	AF1204304		07-27-11 10-19-12	S	QUIROZ ATTORNEY
11/8/2012		F	1,273.00	2	NOYA HECTOR	(2)VARIOUS	4	1278450	AF1204309		12-09-10 8-20-12	S	QUIROZ ATTORNEY
11/8/2012		F	272.50	2	VILLEGAS JUAN MANUEL	(2)VARIOUS	2	1278400	AF1204315		08-24,10-26-12	C	ATTORNEY
11/8/2012		F	24.00	2	VILLEGAS JUAN MANUEL	(2)VARIOUS	2	1278400	AF1204315		OTHER EXP	C	OTHER EXPENSE
11/8/2012		F	257.50	2	ESTRADA MARIELA	(2)VARIOUS	1	1278234	AF1204318		08-30,10-31-12	L	ATTORNEY

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.

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.

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

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

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 judges 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) Juvenile board that has authority to establish an indigent defense plan and approve attorneys to represent indigent respondents in juvenile cases under §51.102, 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 unspecified indigent defendants who appear before a particular court or group of courts.

(3) Contracting Authority. The contracting authority is the entity that has the authority to conclude a contract and to obligate funds for the provision of indigent defense services.

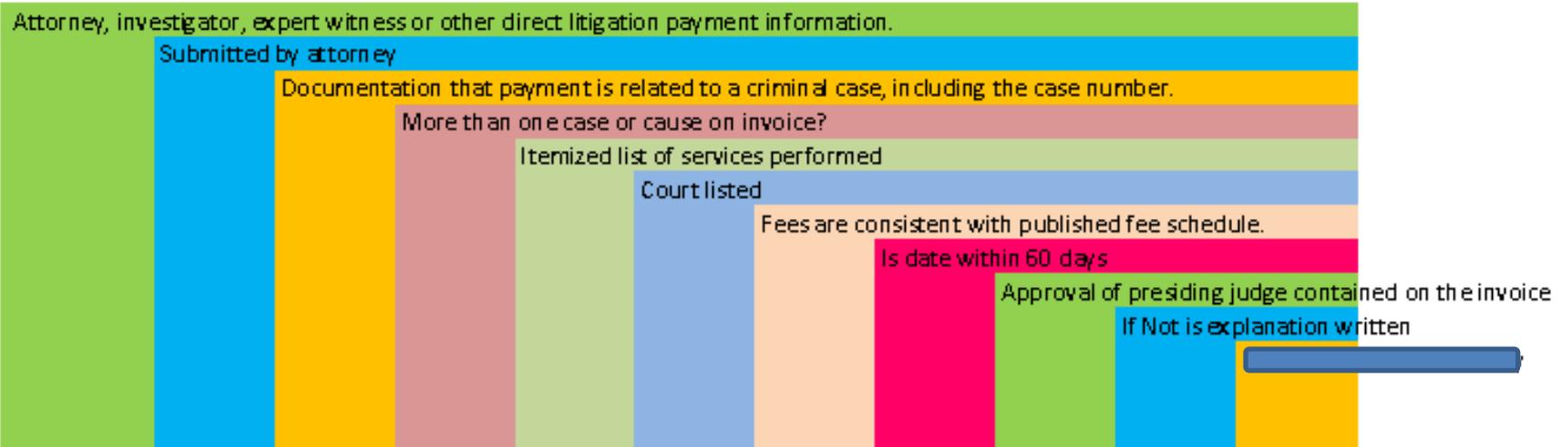
(4) Contractor. The contractor is an attorney, law firm, professional association, lawyer's association, law school, bar association, non-profit organization or other entity that can be bound by contract.

(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 at 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:

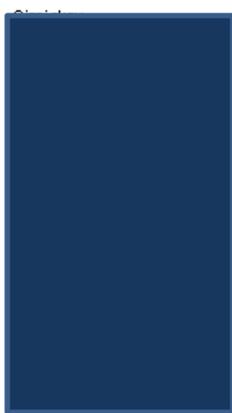
Invoice Attributes Tested



Fee Schedule and Attorney Invoices

Attorney, investigator, expert witness or other direct litigation payment information.		Submitted by attorney	Documentation that payment is related to a criminal case, including the case number.	More than one case or cause on invoice?	Itemized list of services performed	Court listed	Fees are consistent with published fee schedule.	Is date within 60 days	Approval of presiding judge contained on the invoice	If Not is explanation written	Reasonable and necessary
12-159-SJ	\$ 400.00	N	Y	N	N	N					
12-225	\$ 389.58										
12-225	\$ 60.42										
	\$ 450.00	Y	Y	N	Y	Y	Y	Y	Y		
10-049SJ	\$ 995.00	N	Y	N	N	N		Y	Y		
12-306-Sj/12-307	\$ 389.58										
12-306-Sj/12-307	\$ 160.42										
	\$ 550.00	Y	Y	Y-2	Y	Y	Y	Y	Y		
12-190	\$ 1,900.00	Y	Y	N	Y	Y	Y	Y	Y		
06-253	\$ 300.00	Y	Y	N	Y	Y	Y	Y	Y	Y	
12-221-12-2222	\$ 550.00	Y	Y	Y-2	Y	Y	Y	Y	Y		
SR12-279	\$ 250.00	Y	Y	N	Y	Y	Y	Y	Y		
12-338	\$ 550.00	Y	Y	N	Y	Y	Y	Y	Y		
12-268	\$ 389.58										
12-268	\$ 10.42										

Invoices



Sample

Attribute – Submitted by Attorney

IN THE DISTRICT COURT OF [REDACTED] TEXAS 1 TH JUDICIAL DISTRICT

1st Degree Felony _____ Misdemeanor _____ STATE OF TEXAS
 2nd Degree Felony _____ Capital _____ VS.
 3rd Degree Felony _____ Death _____ CASE No. 20130D02462
 State _____ Civil _____ JIMS No. _____

ATTORNEY [REDACTED] Saldivar Jr
ADDRESS 3160 Lee Trevino Ste 110A

FOR COUNTY AUDITOR'S OFFICE USE ONLY
 Atty Fee Number 901175 Date Entered 6/20/13
 Vendor Number _____
 Trans Code 200
 Index & Sub-Obj COUNCIL-6856

This case is set for: _____ at _____ m. in _____ Court.

CLAIM FOR SERVICES OR EXPENSES			
Service IN Court	Date	Hours/Tenths	This area for Auditor use only
A. Arraignment			
B. Bond / Bail	<u>5/30/13</u>	<u>1.0 hr</u>	PAID
C. Examining Trial			
D. Habeas Corpus			
E. Judge's Conference			
F. Pre-trial Motions			
G. Trial/Plea	<u>6/12/13</u>	<u>1.0 hr</u>	
H. New Trial Motions			
I. Revocation			
J. Other			
Multiply total in court time by \$75.00 per hour,		Total IN Court Claim: <u>\$ 150.00</u>	Total Time: <u>2.0 HR</u>

CLAIM FOR SERVICES OR EXPENSES			
Service OUT of Court	Date	Hours/Tenths	This area for Auditor use only
K. Interviews and Conferences	<u>5/16/13</u>	<u>.5 hr</u>	
L. Obtaining and reviewing records			
M. Legal research and writing	<u>5/29/13</u>	<u>.25</u>	
N. Other	<u>6/3/13</u>	<u>.25</u>	
Multiply total out of court time by \$60.00 per hour,		Total OUT of Court Claim: <u>\$ 60.00</u>	Total Time: <u>1.0</u>

COURT APPROVED REIMBURSABLE EXPENSES		** NOTE **
O. Long distance telephone service		All receipts for reimbursable items R,S, and T must be attached. Total Expenses: _____ Total Claim: _____
P. Copies		
Q. Photographs		
R. Witness fee		
S. Travel		
T. Mileage		
U. Other		

ATTORNEY CERTIFICATION
 I, the undersigned, do hereby certify and affirm the truth and correctness of the above statement. I CERTIFY THAT I HAVE NOT SUBMITTED ANOTHER VOUCHER ON THIS CASE OR; I CERTIFY I HAVE FILED A VOUCHER FOR \$ 577.50 ON 5/5/13 20____

Attorney Signature [Signature]
 State Bar No. [REDACTED]

JUDGE: _____ DATE: _____

ORDER APPROVING PAYMENT
 The above voucher is approved to the amount of \$ 250.00
 Excess payment approval

I further certify that no other funds from any other source have been received as payment on this case.
 I further certify that any other funds received from any other source in payment on this case are fully disclosed and attached.

ATTORNEY REQUIREMENTS-PROCESS FOR PAYMENT
 (1) Original to Court for signature, (2) Original and 1 copy to the Council of Judges Administration, (3) Council of Judges Administration signs off on voucher and retains a copy to be forwarded to the District Clerk, (4) Attorney forwards original to County Auditor's Office for payment.

Voucher for services on criminal cases must be submitted within 45 days after final court appearance. Failure to comply will result in forfeiture of fee. EFFECTIVE OCTOBER 1, 2010.

THE COURT APPROVES PAYMENT OF A VOUCHER ON CONDITION UPON DEFENDANT'S COUNSEL HAVING FILED A CURRENT SENATE BILL AFFIDAVIT WITH THE COUNCIL OF JUDGES ADMINISTRATION.

Attribute – Related to Criminal Case/ Court listed

IN THE DISTRICT COURT OF [REDACTED] TEXAS 1ST JUDICIAL DISTRICT

1st Degree Felony _____ Misdemeanor _____ STATE OF TEXAS
 2nd Degree Felony _____ Capital _____ VS.
 3rd Degree Felony _____ Death _____ CASE No. 2013002462
 State Jail Felony X Appeal _____ JIMS No. _____
 Civil _____

ATTORNEY [REDACTED] Saldivar Jr
 ADDRESS 3160 Lec Trevino Ste 110A

FOR COUNTY AUDITOR'S OFFICE USE ONLY
 Atty Fee Number 90175 Date Entered 6/20/13
 Vendor Number 200
 Index & Sub-Obj COUNCIL-6856

This case is set for: _____ at _____ m. in _____ Court.

CLAIM FOR SERVICES OR EXPENSES

Service IN Court	Date	Hours/Tenths	This area for Auditor use only
A. Arraignment	5/30/13	1.0 hr	PAID
B. Bond / Bail			
C. Examining Trial			
D. Habeas Corpus			
E. Judge's Conference			
F. Pre-trial Motions			
G. Trial/Plea	6/12/13	1.0 hr	
H. New Trial Motions			
I. Revocation			
J. Other			

Multiply total in court time by \$75.00 per hour, Total IN Court Claim: \$150.00 Total Time: 2.0HR

Service OUT of Court	Date	Hours/Tenths	This area for Auditor use only
K. Interviews and Conferences	5/16/13	.5 hr	
L. Obtaining and reviewing records			
M. Legal research and writing	5/25/13	.25	
	6/3/13	.25	
N. Other			

Multiply total out of court time by \$60.00 per hour, Total OUT of Court Claim: \$60.00 Total Time: 1.0

COURT APPROVED REIMBURSABLE EXPENSES

O. Long distance telephone service
 P. Copies
 Q. Photographs
 R. Witness fee **
 S. Travel **
 T. Mileage to / from Jail Annex .40 cents a mile **

NOTE: All receipts for reimbursable items R, S, and T must be attached.
 Total Expenses: _____
 Total Claim: _____

5-16 / 6-12-13

ATTORNEY CERTIFICATION
 I swear and affirm the truth and correctness of the above statement. I CERTIFY THAT I HAVE NOT SUBMITTED ANY OTHER VOUCHER ON THIS CASE OR I CERTIFY I HAVE

ORDER APPROVING PAYMENT
 The above voucher is approved to the amount of \$210.00

Attribute – More than one Cause/Case Number

IN THE DISTRICT COURT OF [REDACTED] TEXAS [REDACTED] JUDICIAL DISTRICT

1st Degree Felony _____ Misdemeanor _____
 2nd Degree Felony _____ Capital _____
 3rd Degree Felony _____ Death _____
 State Jail Felony X Appeal _____
 Civil _____

STATE OF TEXAS
 VS.
LUIS GABRIEL [REDACTED] CASE No. 20130D02462
 JIMS No. _____

ATTORNEY [REDACTED] Saldivar Jr
 ADDRESS 3160 Lee Trevino Ste 110A
[REDACTED]

FOR COUNTY AUDITOR'S OFFICE USE ONLY

Atty Fee Number 901175 Date Entered 6/20/13
 Vendor Number _____ Trans Code: 200
 index & Sub-Obj: COUNCIL-6856

This case is set for: _____ m. in _____ Court.

CLAIM FOR SERVICES OR EXPENSES

Service IN Court	Date	Hours/Tenths	This area for Auditor use only
A. Arraignment	<u>5/30/13</u>	<u>1.0 hr</u>	PAID
B. Bond / Bail			
C. Examining Trial			
D. Habeas Corpus			
E. Judge's Conference			
F. Pre-trial Motions			
G. Trial/Plea	<u>6/12/13</u>	<u>1.0 hr</u>	
H. New Trial Motions			
I. Revocation			
J. Other			

Multiply total in court time by \$75.00 per hour, Total IN Court Claim: \$150.00 Total Time: 2.0HR

Service OUT of Court	Date	Hours/Tenths	This area for Auditor use only
K. Interviews and Conferences	<u>5/16/13</u>	<u>.5hr</u>	
L. Obtaining and reviewing records			
M. Legal research and writing	<u>5/25/13</u>	<u>.25</u>	
N. Other	<u>6/3/13</u>	<u>.25</u>	

Multiply total out of court time by \$60.00 per hour, Total OUT of Court Claim: \$60.00 Total Time: 1.0

COURT APPROVED REIMBURSABLE EXPENSES

O. Long distance telephone service		** NOTE ** All receipts for reimbursable items R,S, and T must be attached. Total Expenses: _____ Total Claim: _____
P. Copies		
Q. Photographs	<u>5-16 / 6-12-13</u>	
R. Witness fee **		
S. Travel **		
T. Mileage to / from Jail Annex .40 cents a mile **		

ATTORNEY CERTIFICATION
 swear and affirm the truth and correctness of the above statement. I CERTIFY THAT I HAVE NOT SUBMITTED ANY OTHER VOUCHER ON THIS CASE OR; I CERTIFY I HAVE FILED A VOUCHER FOR \$ 577.50
 ON 5/8/13 20____

Attorney Signature [Signature]
 State Bar No. [REDACTED]

ORDER APPROVING PAYMENT
 The above voucher is approved to the amount of \$210.00

JUDGE: [Signature] 6/12/13
 Excess payment approval

JUDGE: _____ DATE: _____

I further certify that no other funds from any other source have been received as payment on this case.
 I further certify that any other funds received from any other source in connection with this case are enclosed and attached.

Attribute - Itemized Services provided/ Fee schedule

IN THE DISTRICT COURT OF [REDACTED] TEXAS [REDACTED] TH JUDICIAL DISTRICT

1st Degree Felony _____ Misdemeanor _____
 2nd Degree Felony _____ Capital _____
 3rd Degree Felony _____ Death _____
 State Jail Felony X Appeal _____
 Civil _____

STATE OF TEXAS
 VS.
LUIS GABRIEL [REDACTED] CASE No. 20130D02462
 JIMS No. _____

ATTORNEY: [REDACTED] Saldivar Jr
 ADDRESS: 3160 Lee Trevino Ste 110A
 [REDACTED]

FOR COUNTY AUDITOR'S OFFICE USE ONLY
 Atty Fee Number: 901175 Date Entered: 6/20/13
 Vendor Number: _____
 Trans Code: 200
 Index & Sub-Obj: COUNCIL-6856

This case is set for: _____
 at _____
 in _____
 Court _____

CLAIM FOR SERVICES OR EXPENSES			
Service IN Court	Date	Hours/Tenths	This area for Auditor use only
A. Arraignment	<u>5/30/13</u>	<u>1.0 hr</u>	PAID
B. Bond / Bail			
C. Examining Trial			
D. Habeas Corpus			
E. Judge's Conference			
F. Pre-trial Motions			
G. Trial/Plea	<u>6/12/13</u>	<u>1.0 hr</u>	
H. New Trial Motions			
I. Revocation			
J. Other			
Multiply total in court time by \$75.00 per hour,		Total IN Court Claim: <u>\$150.00</u>	Total Time: <u>2.0HR</u>
Service OUT of Court	Date	Hours/Tenths	This area for Auditor use only
K. Interviews and Conferences	<u>5/14/13</u>	<u>.5hr</u>	Dates of Service Services performed Amount of Time
L. Obtaining and reviewing records			
M. Legal research and writing	<u>5/25/13</u>	<u>.25</u>	
N. Other	<u>6/3/13</u>	<u>.25</u>	
Multiply total out of court time by \$60.00 per hour,		Total OUT of Court Claim: <u>\$60.00</u>	Total Time: <u>1.0</u>
O. Long distance telephone service			** NOTE All receipts for reimbursable items R, S, and T must be attached. Total Expenses: _____ Total Claim: _____ ORDER APPROVING PAYMENT The above voucher is approved to the amount of <u>\$250.00</u>
P. Copies			
Q. Photographs	<u>5-16 / 6-12-13</u>		
R. Witness fee **			
S. Travel **			
T. Mileage to / from Jail Annex .40 cents a mile **			
ATTORNEY CERTIFICATION I swear and affirm the truth and correctness of the above statement. I CERTIFY THAT I HAVE NOT SUBMITTED ANY OTHER VOUCHER ON THIS CASE OR; I CERTIFY I HAVE FILED A VOUCHER FOR \$ <u>577.50</u> ON <u>5/5/13</u> 20			
Attorney Signature: <u>[Signature]</u> State Bar No: <u>[REDACTED]</u>			JUDGE: <u>[Signature]</u> <u>6/12/13</u> Excess payment approval JUDGE: _____ DATE: _____
<input checked="" type="checkbox"/> I further certify that no other funds from any other source have been received as payment on this case. <input checked="" type="checkbox"/> I further certify that any other funds received from any other source in payment on this case are fully disclosed and attached.			

COUNCIL OF JUDGES ADMINISTRATION | ATTORNEY REQUIREMENTS-PROCESS FOR PAYMENT

Attribute – Judges Approval

IN THE DISTRICT COURT OF [REDACTED] TEXAS [REDACTED] TH JUDICIAL DISTRICT

1st Degree Felony _____ Misdemeanor _____
 2nd Degree Felony _____ Capital _____
 3rd Degree Felony _____ Death _____
 State Jail Felony X Appeal _____
 Civil _____

STATE OF TEXAS
 VS.
LUIS GABRIEL [REDACTED]

CASE No. 20130D02462
 JIMS No. _____

ATTORNEY [REDACTED] Saldivar Jr
 ADDRESS 3160 Lee Trevino Ste 110A

This case is set for: _____
 at _____ m. in _____ Court.

FOR COUNTY AUDITOR'S OFFICE USE ONLY

Ally Fee Number _____ Date Entered _____
 Vendor Number 90175
 Trans Code: 200
 Index & Sub-Obj: COUNCIL-6856

CA 6/20/13
VC

CLAIM FOR SERVICES OR EXPENSES

Service IN Court	Date	Hours/Tenths	This area for Auditor use only
A. Arraignment	<u>5/30/13</u>	<u>1.0 hr</u>	PAID
B. Bond / Bail			
C. Examining Trial			
D. Habeas Corpus			
E. Judge's Conference			
F. Pre-trial Motions			
G. Trial/Plea	<u>6/12/13</u>	<u>1.0 hr</u>	
H. New Trial Motions			
I. Revocation			
J. Other			
Multiply total in court time by \$75.00 per hour,		Total IN Court Claim: <u>\$ 150.00</u>	

Service OUT of Court	Date	Hours/Tenths	This area for Auditor use only
K. Interviews and Conferences	<u>5/16/13</u>	<u>.5 hr</u>	
L. Obtaining and reviewing records			
M. Legal research and writing	<u>5/25/13</u>	<u>.25</u>	
N. Other	<u>6/3/13</u>	<u>.25</u>	
Multiply total out of court time by \$60.00 per hour,		Total OUT of Court Claim: <u>\$ 60.00</u>	

COURT APPROVED REIMBURSABLE EXPENSES

O. Long distance telephone service			** NOTE ** All receipts for reimbursable items R,S, and T must be attached.
P. Copies			
Q. Photographs			
R. Witness fee **			
S. Travel **			
T. Mileage to / from Jail Annex .40 cents a mile **			Total Claim: _____

ATTORNEY CERTIFICATION

swear and affirm the truth and correctness of the above statement.
 I CERTIFY THAT I HAVE NOT SUBMITTED ANY OTHER VOUCHER ON THIS CASE OR; I CERTIFY I HAVE FILED A VOUCHER FOR \$ 577.50 ON 5/16/13 20

Attorney Signature [Signature]
 State Bar No. [REDACTED]

ORDER APPROVING PAYMENT

The above voucher is approved to the amount of \$210.00

JUDGE: [Signature] 6/12/13
 Excess payment approval

JUDGE: _____ DATE: _____

I further certify that no other funds from any other source have been received as payment on this case.
 I further certify that any other funds received from any other source in payment on this case are fully disclosed and attached.

COUNCIL OF JUDGES ADMINISTRATION **ATTORNEY REQUIREMENTS-PROCESS FOR PAYMENT**

Date Received: [Signature] (1) Original to Court for signature, (2) Original to County Auditor's Office for payment, (3) Original to the Council of Judges Administration, (4) Original to the District Clerk, (5) Original to the Attorney.

Received by: [Signature] forwards original to County Auditor's Office for payment.

VOUCHER FOR SERVICES ON CRIMINAL CASES MUST BE SUBMITTED WITHIN 45 DAYS AFTER FINAL COURT APPEARANCE. FAILURE TO COMPLY WILL RESULT IN FORFEITURE OF FEE. EFFECTIVE OCTOBER 1, 2010.

THE COURT APPROVES PAYMENT OF A VOUCHER ON CONDITION UPON DEFENDANT'S COUNSEL HAVING FILED A CURRENT SENATE BILL AFFIDAVIT WITH THE COUNCIL OF JUDGES ADMINISTRATION.

Attribute – Judges Approval

IN THE DISTRICT COURT OF [REDACTED] TEXAS [REDACTED] TH JUDICIAL DISTRICT

1st Degree Felony _____ Misdemeanor _____
 2nd Degree Felony _____ Capital _____
 3rd Degree Felony _____ Death _____
 State Jail Felony X Appeal _____
 Civil _____

STATE OF TEXAS
 VS.
LUIS GABRIEL [REDACTED]

CASE No. 20130D02462
 JIMS No. _____

ATTORNEY [REDACTED] Saldivar Jr
 ADDRESS 3160 Lee Trevino Ste 110A
 [REDACTED]

This case is set for: _____
 at _____ m. in _____ Court.

FOR COUNTY AUDITOR'S OFFICE USE ONLY

Ally Fee Number _____ Date Entered _____
 Vendor Number 90175
 Trans Code: 200
 Index & Sub-Obj: COUNCIL-6856

CA 6/20/13
VC

CLAIM FOR SERVICES OR EXPENSES

Service IN Court	Date	Hours/Tenths	This area for Auditor use only
A. Arraignment	<u>5/30/13</u>	<u>1.0 hr</u>	PAID
B. Bond / Bail			
C. Examining Trial			
D. Habeas Corpus			
E. Judge's Conference			
F. Pre-trial Motions			
G. Trial/Plea	<u>6/12/13</u>	<u>1.0 hr</u>	
H. New Trial Motions			
I. Revocation			
J. Other			
Multiply total in court time by \$75.00 per hour,		Total IN Court Claim: <u>\$ 150.00</u>	

Service OUT of Court	Date	Hours/Tenths	This area for Auditor use only
K. Interviews and Conferences	<u>5/16/13</u>	<u>.5 hr</u>	
L. Obtaining and reviewing records			
M. Legal research and writing	<u>5/25/13</u>	<u>.25</u>	
N. Other	<u>6/3/13</u>	<u>.25</u>	
Multiply total out of court time by \$60.00 per hour,		Total OUT of Court Claim: <u>\$ 60.00</u>	

COURT APPROVED REIMBURSABLE EXPENSES

O. Long distance telephone service _____
 P. Copies 5-16 / 6-12-13
 Q. Photographs _____
 R. Witness fee ** _____
 S. Travel ** _____
 T. Mileage to / from Jail Annex .40 cents a mile ** _____

ATTORNEY CERTIFICATION
 swear and affirm the truth and correctness of the above statement. I CERTIFY THAT I HAVE NOT SUBMITTED ANY OTHER VOUCHER ON THIS CASE OR; I CERTIFY I HAVE FILED A VOUCHER FOR \$ 577.50 ON 5/16/13, 2013

Attorney Signature [Signature]
 State Bar No. _____

ORDER APPROVING PAYMENT
 The above voucher is approved to the amount of \$ 210.00
 JUDGE: [Signature] 6/12/13
 JUDGE: _____

COUNCIL OF JUDGES ADMINISTRATION | **ATTORNEY REQUIREMENTS-PROCESS FOR PAYMENT**

I further certify that no other funds from any other source have been received as payment on this case.
 I further certify that any other funds received from any other source in payment on this case are fully disclosed and attached.

Received by: [Signature] (1) Original to Court for signature, (2) Original and 1 copy to the Council of Judges Administration, (3) Council of Judges Administration signs off on voucher and retains a copy to be forwarded to the District Clerk, (4) Attorney forwards original to County Auditor's Office for payment.

Attorney Requirements-Process for Payment
 Voucher for services on criminal cases must be submitted within 45 days after final court appearance. Failure to comply will result in forfeiture of fee. EFFECTIVE OCTOBER 1, 2010.

THE COURT APPROVES PAYMENT OF A VOUCHER ON CONDITION UPON DEFENDANT'S COUNSEL HAVING FILED A CURRENT SENATE BILL AFFIDAVIT WITH THE COUNCIL OF JUDGES ADMINISTRATION.

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

11/24/2012 10:54 FAX
11/24/2012 06:58
03/27/2012

JP/Constable Pct 2
JAIL
DIST COURT

001/002
PAGE 14/14
PAGE 02/02

NO. 18,724

THE STATE OF TEXAS § IN TUE

VS. § DISTRICT COURT OF COUNTY

ERIC [REDACTED]

Agg robbery X3
Proh sub. corr. facility

REQUEST FOR COUNSEL

Comes now the Accused herein and states to the Official upon his oath that he is without means to employ counsel, and requests that the Court appoint counsel for him. The accused is advised that upon disposition of this case he may be required to reimburse the county the fee paid to the attorney for services rendered.

Received, County Treasurer

Subscribed and sworn to before me this 2ND day of December, 2012

APR 22 2013

Amount: 1000.00

Approved: [Signature]

Auditor: [Signature]

Accused: [REDACTED]

Judge, Magistrate or Notary Public: [REDACTED]

ORDER APPOINTING COUNSEL

Upon determination by the Court that this Accused is without means to employ counsel, [REDACTED] a practicing attorney of this Court is appointed on this 10 day of December, 2012 to defend the Accused.

121 East m [REDACTED]

Requested amount to be paid: \$

Attorney certifications: I the undersigned attorney certify that I provided effective assistance of counsel on the case above in accordance with the laws of the State of Texas.

FILED at 1:00 o'clock P.M.

APR 09 2013

DISTRICT [REDACTED]

The above appointed counsel will receive \$ 1000 for his services in accordance with the [REDACTED] county fee schedule.

Date: 4/9/13

Judge: [REDACTED]

County Court Pay Center: [REDACTED]

Total cases disposed of: 5

Copy of Original Signature

Examples of Invoice Findings

Attorney Fee Voucher

1. Jurisdiction <input type="checkbox"/> District <input type="checkbox"/> County <input checked="" type="checkbox"/> County Court at Law Court # _____		2. County [REDACTED]	3. Cause Number <u>11-08858 MTR - Assault</u> Offense _____	4. Proceedings <input type="checkbox"/> Trial-Jury <input type="checkbox"/> Trial-Court <input type="checkbox"/> Plea-Open <input checked="" type="checkbox"/> Plea-Bargain <input type="checkbox"/> Other _____
5. In the case of: State of Texas v <u>Melissa Yutte</u> [REDACTED]				
6. Case Level <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Juvenile <input type="checkbox"/> Appeal <input type="checkbox"/> Capital Case <input type="checkbox"/> Revocation - Felony <input checked="" type="checkbox"/> Revocation - Misdemeanor <input type="checkbox"/> No Charges Filed <input type="checkbox"/> Other _____				
7. Attorney (Full Name) <u>Nora [REDACTED]</u>		9. Attorney Address (Include Law Firm Name if Applicable) <u>900 Austin Ave., Ste. 503</u>		10. Telephone [REDACTED]
8. State Bar Number [REDACTED]		8a. Tax ID Number [REDACTED]		
12. Flat Fee - Court Appointed Services				
13. In Court Services			Hours	Dates
Rate per Hour = _____			Total hours	
14. Out of Court Services			Hours	Dates
Rate per Hour = _____			Total hours	
15. Investigator			Amount	15a. Total Investigator Expenses \$ _____
16. Expert Witness			Amount	16a. Total Expert Witness Expenses \$ _____
17. Other Litigation Expenses			Amount	17a. Total Other Litigation Expenses \$ _____
18. Time Period of service Rendered: From <u>July 2013</u> to <u>Sep. 11, 2013</u>				
19. Additional Comments				20. Total Compensation and Expenses Claimed
21. Attorney Certification - I, the undersigned attorney, certify that the above information is true and correct and in accordance with the laws of the State of Texas. The compensation and expenses claimed were reasonable and necessary to provide effective assistance of counsel.				
<input type="checkbox"/> Final Payment <input type="checkbox"/> Partial Payment				9/11/13
2. SIGNATURE OF PRESIDING JUDGE: [Signature]				Amount Approved: <u>\$250.00</u>
Reason(s) for Denial or Variation				

PAID
SEP 23 2013

RECEIVED
SEP 13 2013

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

11/24/2012 10:54 FAX
11/24/2012 06:58
03/27/2012

JP/Constable Pct 2
JAIL
DIST COURT
PAGE 14/14
PAGE 02/02

214

NO. 18,734

THE STATE OF TEXAS § IN THE

VS. § DISTRICT COURT OF
COUNTY

Eric [REDACTED]

REASON FOR COUNSEL: Agg robbery X3
Prob sub. corr. facility

Comes now the Accused herein and states to the Court upon his oath that he is without means to employ counsel, and requests that the Court appoint counsel for him. The accused is advised that upon disposition of this case he may be required to reimburse the court for the fee paid to the attorney for services rendered.

[REDACTED] Accused

Received, County Treasurer

Subscribed and sworn to before me this 2nd day of December, 2012

APR 22 2013

Amount 1000.00

Approval _____
Auditor _____

Judge, Magistrate or Notary Public
[REDACTED]

ORDER APPOINTING COUNSEL

Upon determination by the Court that this Accused is without means to employ counsel, Mwn [REDACTED], a practicing attorney of this Court is appointed on this 16 day of December, 2012, to defend the Accused.

121 East Manseratte
[REDACTED]

Judge
[REDACTED]

Requested amount to be paid: \$ _____

Attorney certification: I the undersigned attorney, certify that I provided effective assistance of counsel on the case above in accordance with the laws of the State of Texas.

at 1106 o'clock AM

APR 09 2013

FILED

[REDACTED] The above appointed counsel will receive \$ 600 for his services in accordance with the [REDACTED] county fee schedule.

DISTRICT COURT
By [REDACTED]
Date 4/9/13
District Court Fax Code: 010-435-419
010-435-419

Attorney Signature
[REDACTED]

Judge
[REDACTED]

Total cases disposed of: 5

Copy of Original Signature

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

IN THE DISTRICT COURT [REDACTED] COUNTY, TEXAS 111ST JUDICIAL DISTRICT

1st Degree Felony _____ Misdemeanor _____
 2nd Degree Felony _____ Capital _____
 3rd Degree Felony Death _____
 State Jail Felony _____ Appeal _____
 Civil _____

STATE OF TEXAS
 VS.
Alexandra [REDACTED]

CASE No. 20110004210-171
 JIMS No. 20110004210

ATTORNEY Stuart [REDACTED]
 ADDRESS 1715 WYOMING

FOR COUNTY AUDITOR'S OFFICE USE ONLY

Atty Fees Number 1700013 Date Entered _____
 Vendor Number _____
 Trans Code: 206
 Index & Sub-Obj: COUNCIL-6856 CA 12/10/12

This case is set for _____ at _____ m. in _____ Court.

CLAIM FOR SERVICES OR EXPENSES

Service IN Court	Date	Hours/Tenths	This area for Auditor use only
A. Arraignment			
B. Bond / Bail			
C. Examining Trial			
D. Habeas Corpus			
E. Judge's Conferences	<u>10/1/12, 2/16/12, 3/29/12, 5/17/12, 7/24/12, 8/23/12</u>	<u>6</u>	
F. Pre-trial Motions			
G. Trial/Jury	<u>JURY TRIAL: 10/15/12, 10/16/12</u> <u>CASE DISMISSED</u>	<u>9.75</u> <u>No Charge</u>	<u>11-18 11/9-5-12</u>
H. New Trial Motions			
I. Revocation			
J. Other <u>Settlement Conference - 12/11/12</u>		<u>2.25</u>	
Multiply total in court time by \$65.00 per hour,		Total IN Court Claim: <u>\$1,237.50</u>	

Service OUT of Court

Service OUT of Court	Date	Hours/Tenths	This area for Auditor use only
K. Interviews and Conferences	<u>11/27/12, 12-6-12, 12-14-12, 12/12, 1-4-12, 7/28/12</u>	<u>11.75</u>	
L. Obtaining and reviewing records	<u>11/11/12, 2-21-12, 4-3-12, 5-8-12, 5-16-12, 10-10-12</u>	<u>16</u>	
M. Legal research and writing	<u>11/11/12, 1-7-12, 1-5-12, 1-3-12, 2-27-12, 10-7-12</u>	<u>5.5</u>	
N. Other <u>FILE FOR JURY TRIAL</u>	<u>10-3-12, 10-6-12, 10-5-12, 11-0-12, 11-0-12, 10-10-12, 10-12-12, 11-0-12, 11-14-12</u>	<u>6</u>	
Multiply total out of court time by \$50.00 per hour,		Total OUT of Court Claim: <u>\$485.00</u>	

COURT APPROVED REIMBURSABLE EXPENSES

O. Long distance telephone service _____
 P. Copies _____
 Q. Photographs _____
 R. Witness fee ** _____
 S. Travel ** _____
 T. Mileage to / from Jail Annex .40 cents a mile ** _____

**** NOTE ****
 All receipts for reimbursable items R, S, and T must be attached.
 Total Expenses: \$ 3102.50

Total Claim: \$1865

ATTORNEY CERTIFICATION
 I swear and affirm the truth and correctness of the above statement. I CERTIFY THAT I HAVE NOT SUBMITTED ANY OTHER VOUCHER ON THIS CASE OR I CERTIFY I HAVE FILED A VOUCHER FOR _____ ON _____ 20____

Attorney Signature [Signature]
 State Bar No. _____

ORDER APPROVING PAYMENT
 The above voucher is approved to the amount of \$3102.50

JUDGE: _____ DATE: 10/16/2012
 JUDGE: _____ DATE: 10-16-2012

I further certify that no other funds from any other source have been received as payment on this case.
 I further certify that any other funds received from any other source in payment on this case are fully disclosed and attached.

COUNCIL OF JUDGES ADMINISTRATION

Date Received: _____
 Received by: _____
 Vouchers for services on criminal cases must be submitted within 45 days after final court appearance. Failure to comply will result in forfeiture of fee. **EFFECTIVE OCTOBER 1, 2010.**

THE COURT APPROVES PAYMENT OF A VOUCHER ON CONDITION UPON DEFENDANT'S COUNSEL HAVING FILED A CURRENT SENATE BILL 7 AFFIDAVIT WITH THE COUNCIL OF JUDGES ADMINISTRATION.
 (Revised 8/28/11)

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 contracts.

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.

- **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.**

Fiscal Monitoring

Payment Elements (Legal)

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

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If applicable, 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.

Thank you!

Dominic Gonzales

512-463-2573

Debra Stewart

512-936-7561