



TEXAS INDIGENT DEFENSE COMMISSION

Fiscal Monitoring Report

Nueces County, Texas

FY 2014 Indigent Defense Expenses

Final Report

January 5, 2016

TABLE OF CONTENTS

EXECUTIVE SUMMARY 3
 Summary of Findings..... 3
 Objective..... 3
 Scope..... 3
 Methodology..... 3
DETAILED REPORT 4
 BACKGROUND INFORMATION 4
 County Background 4
 Commission Background..... 4
 Formula Grant..... 4
 Discretionary Grant..... 4
 DETAILED FINDINGS AND RECOMMENDATIONS..... 5
APPENDIXES 14
 APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT 15
 APPENDIX B – CRITERIA..... 17
 APPENDIX C – SAMPLE ATTORNEY FEE VOUCHERS SUBMITTED 18
 APPENDIX D – SAMPLE COUNTY COURT AT LAW ATTORNEY FEE VOUCHERS
 FOR CONSIDERATION 22
 APPENDIX E – DISTRIBUTION LIST..... 25

EXECUTIVE SUMMARY

Nueces County's on-site fiscal monitoring visit was conducted May 11-15, 2015. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of the Texas Indigent Defense Commission grants.

The expenditure period of October 1, 2013 to September 30, 2014 (FY2014) was reviewed during the fiscal monitoring visit.

Summary of Findings

- General court expenditures were included with the criminal indigent defense expenses in the FY 2014 Indigent Defense Expense Report (IDER) submitted under Texas Government Code Section 79.036(e).
- Written explanations from judges for variance in amounts approved and amounts requested on attorney fee vouchers were not present as required by Article 26.05(c) of the Texas Code of Criminal Procedures.
- Each court had adopted its own attorney fee voucher form for itemizing services in contravention of Article 26.04(a) and Article 26.05(c).
- Some payments to attorneys do not appear to be made in accordance with the published fee schedule as required by Code of Criminal Procedure Article 26.05.
- The number of cases reported disposed on the county's FY2014 IDER was not substantiated by the records provided.

Objective

The objectives of this review were to:

- determine whether grant funds were used for authorized purposes in compliance with laws, regulations, and the provisions of the grant;
- validate policies and procedures relating to indigent defense services;
- provide recommendations pertaining to operational efficiency; and
- assist with any questions or concerns on the indigent defense program requirements.

Scope

The county's indigent defense expenditures were monitored to ensure compliance with applicable laws, regulations, and the provisions of the grants during FY2014. Records provided by the Nueces County Auditor's Office as well as records from the office of the District Court Administrator, were reviewed.

Methodology

To accomplish the objectives, the fiscal monitor met with the assistant county auditor and staff members, the administrative county judge, and the administrative district judge as well as the juvenile judge. The fiscal monitor reviewed:

- random samples of paid attorney fees for verification;
- accounts payable ledger transactions provided by the Nueces County Auditor's Office;
- IDER and attorney fee schedule;
- public attorney appointment list, attorney applications, attorney criminal and juvenile continuing legal education training documentation, any applicable contracts; and
- the county's local indigent defense plan.

DETAILED REPORT

BACKGROUND INFORMATION

County Background

Nueces County is part of the Corpus Christi, Texas Metropolitan Statistical Area. The County serves an estimated population of 352,776. The County is a political subdivision of the State of Texas. The County occupies an area of 1,166 square miles, of which 327 square miles is water. The County borders the Gulf of Mexico and neighboring counties are San Patricio, Kleberg and Jim Wells.

Commission Background

In January 2002, the 77th Texas Legislature established the Texas Task Force on Indigent Defense. In May 2011, the 82nd Texas Legislature changed the name of the Texas Task Force on Indigent Defense to the Texas Indigent Defense Commission (Commission) effective September 1, 2011. The Commission remains a permanent standing committee of the Texas Judicial Council, and is administratively attached to the Office of Court Administration (OCA).

The Commission provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the constitution and state law.

The purpose of the Commission is to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and the State of Texas. The Commission conducts these reviews based on the directive in Section 79.037(c) Texas Government Code, to “monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant,” as well as Section 173.401(a), Texas Administrative Code, which provides that “the Commission or its designees will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of the grant.”

Formula Grant

The County submitted the FY 2014 indigent defense on-line grant application to assist in the provision of indigent defense services. Nueces County met the formula grant eligibility requirements and was awarded \$527,653 for FY 2014.

Discretionary Grant

Nueces County did not apply for a discretionary grant for FY 2014; therefore grant funds were not available to review.

DETAILED FINDINGS AND RECOMMENDATIONS

Finding One

The County included some general court expenditures with the criminal indigent defense expenses in the FY 2014 Indigent Defense Expense Report (IDER) submitted under Texas Government Code Section 79.036(e). The County Auditor's office provided the general ledger of activities for expert witness, investigation, and other direct cost which supported the amounts reported on the IDER. Forty-three (43) invoices from the general ledgers for expert witness, investigation, and other direct cost were reviewed. Of these invoices seven (7) were for court reporter time for either a full day in court or a half day in court. There was one (1) invoice within the sample for a deaf and hearing interpreter. Although the defense attorney may request copies of the court reporter transcripts on appeal cases and these cost are allowed on the IDER, the original time paid to a court reporter is considered a general court cost as the court reporter would be necessary whether the defendant was indigent or not and the same applies to an interpreter. Nine (9) invoices were for competency/psychological evaluations that were not readily determined to have been requested by the defense counsel. If these evaluations were requested by the defense counsel they are permitted however if they are requested by the judge or prosecuting attorney they would not be allowed as an indigent defense expense. Support that the expense is requested by the defense attorney should be documented. An invoice for a mediation cost for a child protection (CPS) case and an invoice for a court reporter on a CPS case were also selected in the sample. As CPS cases are civil cases, these expenses should not be included on the IDER.

General court expenditures should not be included in the criminal indigent defense expense report. The IDER overstated the county's criminal indigent defense expenditures due to the inclusion of these general court costs. This could mean that the FY 2015 formula grant for Nueces County was greater than would have been authorized if reported without the ineligible expenses. Please refer to the Indigent Defense Expenditure Report Procedure Manual: <http://www.tidc.texas.gov/media/25884/FY2014IDERManualFinalRevised0912.pdf>

Recommendation:

The county must review all invoices within the categories of investigation, expert witness and other direct litigation costs to identify the general court expenditures that were inadvertently reported in the IDER. The county should submit corrected figures for these categories in order for the Commission to consider effect on formula grant calculation.

The County could maintain separate general ledger accounts for the categories of Expert Witness, Investigation, and Other Direct Litigation Cost as they relate to indigent defense costs from the general court cost. Administrative personnel should be trained to know and identify the difference between indigent defense expenses and general court expenditure expenses. Procedures should also be developed to facilitate differentiating indigent defense expenses from other expenses. An example of such a procedure would be that each indigent defense attorney submit the invoice for expert witness or investigator, etc. which would also include the judge's approval order. This would clearly identify the expense as an indigent defense expense.

County Response:

In accordance with Article 26.05 of the Texas Code of Criminal Procedure, appointed counsel shall be reimbursed for reasonable and necessary expenses, for investigation and for mental health and other experts. Expenses incurred with prior court approval shall be reimbursed in the same manner provided for the Articles 26.052(f) and (g), of the Texas Code of Criminal Procedure and expenses incurred without prior court approval shall be reimbursed in the manner provided for by Article 26.052(h) of The Texas Code of Criminal Procedure.

- a) One (1) of the seven (7) invoices for court reporter time is for additional direct cost. The invoice specifies that the work performed at the time of the service provided includes transcription fees. Nueces County agrees that the remaining six (6) invoices were court expenditures included in the 2014 IDER.
- b) The one (1) invoice for a deaf and hearing interpreter is for a civil case and should not be included in the criminal indigent defense expense report.
- c) Seven (7) invoices for competency/psychological evaluations are requested by defense counsel. The remaining two (2) invoices do not include enough documentation to prove that were requested by defense counsel, and due to this situation we will remove them from the IDER since we cannot invest more time in this matter to search for more documentation.
- d) Nueces County agrees that the invoice for a mediation cost for a child protection (CPS) case and an invoice for a court reporter on a CPS should not be included in the criminal indigent defense expense report.

Per your request on October 8, 2015 we have reviewed total expenditures from our general ledger for Fiscal Year 2014. After an exhaustive examination, we determinate the total amount of \$23,495 expenditures to decrease (the amount includes expenses discussed previously). From the \$ 23,495, we determinate that the amount of \$9,137 corresponds to court reporters time, \$5,258 to transcripts for civil cases and mediation cost, \$3,350 for interpreters for civil cases and administrative hearings, and \$5,750 to competency evaluations that do not include enough documentation to prove that were requested by defense counsel and we can't invest more time in this matter to do a research.

Nueces County Action Plan

Nueces County will submit corrected figures excluding the expenditures that should not be included in the IDER. The County will establish policies and procedures, including requirements for proper documentation. However after an exhaustive examination of the county's criminal defense expenditures for FY 2014, we determinate that there are expenditures that were not included on the IDER for the amount of \$29,335.35. This situation is due to that expenditures were posted after submitting the report. Nueces County will submit per your recommendation these expenses in the IDER for FY2015.

Contact person(s): Dale Atchley, County Auditor

Completion date: October 15, 2015

Additional Reviewer Comment:

Based on the additional response from the auditor’s office, \$23,495 was reported as overstated IDER expenses for FY2014. Due to this overstatement, Commission staff calculated \$1,111 more than it should have in FY2015 formula grant awards. Board action taken in response to the overstatement is to reduce the next payment of the FY2016 formula grant award by the overstated amount of \$1,111. A note will be placed in the PPRI files about the overstatement but the amounts previously reported will not be changed due to the numerous publications that would be affected.

Finding Two

Of the 42 attorney fee vouchers reviewed for the district courts, 5 showed a variance in the amount requested to the amount approved with no explanation as to the reason for the difference. Of the 57 attorney fee vouchers reviewed for the county courts at law, 43 did not have an amount requested for payment by the attorney, and 2 showed a variance in the amount requested to the amount approved with no explanation as to the reason for the difference. Article 26.05 (c) of the Texas Code of Criminal Procedures, states “If the judge or director disapproves the requested amount of payment, the judge or director shall make written findings stating the amount of payment that the judge or director approves and each reason for approving an amount different from the requested amount.” Additionally, the attorney fee voucher forms in use do not provide a space for the judge to write an explanation for any variance of the requested amount to the approved amount. Without the explanation for the difference the county is not in compliance with the statute.

Recommendation:

District Courts

Judges must document the reason(s) for approving an amount other than the amount requested by the attorney. A space on the attorney fee voucher to document the written explanation should be available.

County Response:

Nueces County agrees with the finding that an explanation should be provided whenever a Judge awards payments to an attorney in variance to the requested amount.

Nueces County Action Plan

The attorney fee voucher used by the courts have been revised and amended to include a space for the judge's explanation when fee awards vary from the amount requested.

Contact person(s): The Honorable Nanette Hasette, 28th DISTRICT COURT

Completion date: August 16, 2015

County Courts at Law

Judges must document the reason(s) for approving an amount other than the amount requested by the attorney. A space on the attorney fee voucher to document the written explanation should be available.

Attorneys submitting vouchers must include the amount they are requesting to be paid. The voucher submitted with the indigent defense plan does not provide a space for the requested amount. Therefore a revision of the voucher to incorporate both the requested dollar amount and written explanation is necessary. Please see finding three for more information on the approved attorney fee voucher.

County Response:

Nueces County agrees with the finding that an explanation should be provided whenever a Judge awards payments to an attorney in variance to the requested amount.

Nueces County Action Plan

The attorney fee voucher used by the courts have been revised and amended to include a space for the judge's explanation when fee awards vary from the amount requested.

Contact person(s): The Honorable Mark Woerner, COUNTY COURT AT LAW 4

Completion date: September 24, 2015

Finding Three

Code of Criminal Procedure Article 26.04(a) requires the courts to adopt and publish written countywide procedures for providing indigent defense services, commonly known as an indigent defense plan. As part of these procedures, the judges must adopt an attorney fee voucher form consistent with CCP Article 26.05(c). Government Code Sec 79.036 requires that these countywide procedures be provided to the Commission bi-annually. Nueces County adopted and properly submitted separate District Court, County Court, and Juvenile Court plans. Each plan included an approved attorney fee voucher to be used for the respective level of court, however, the monitoring review revealed that a variety of additional attorney fee voucher forms were utilized by the appointed attorneys submitting vouchers.

The District Court approved voucher is not the voucher found to be utilized by the attorneys during the review period. Additionally, the form utilized does not provide space for the judge to write an explanation for any variance between the requested amount and the amount approved by the judge. Therefore an explanation was not found on invoices where the judge had approved a different amount, which is also required by Article 26.05 (c) of the Texas Code of Criminal Procedure.

Regarding the County Courts at Law, some of the attorneys utilized the form published with the indigent defense plan but a variety of other invoices were also utilized. For example County Court at Law No. 1 had two versions of a form titled "Itemized Fee Application for Time and Services for Court-Appointed Counsel" submitted by attorneys within the sample selected. County Court at Law No. 3 had two variations of a form titled Counsel's Certificate of Services Performed for Indigent Criminal Defendant." County Court at Law No 4 approved vouchers that included one of the variations of the form titled "Counsel's Certificate of Services Performed for Indigent Criminal Defendant" as used in Court 3 and another form entitled "Standard Fee Application for Time and Services." County Court at Law No. 2 appeared to utilize only the approved form.

The County Court at Law No 5 is the Juvenile court and the form utilized by the attorneys was the one submitted as part of the Juvenile Board's indigent defense plan.

In addition to utilizing a variety of attorney fee voucher forms, some of the forms utilized did not provide space for the attorney to submit an itemized invoice that provides all the information that the County Auditor would need to prepare the IDER as required by rule §174.10, Title 1, Texas Administrative Code. Basic information found missing within the County Court at Law reviewed vouchers were the court number in which the case was filed and a dollar amount requested to be paid by the attorney. It appears that the judge in these cases is completing the amount and not approving or disapproving the amount requested as required by Article 26.05 (c) of the Texas Code of Criminal Procedure.

Of the 42 attorney fee vouchers reviewed for the district courts, 5 showed a variance in the amount requested to the amount approved with no explanation as to the reason for the difference.

Of the 57 attorney fee vouchers reviewed for the county courts at law, 43 did not have an amount requested for payment by the attorney, 17 did not list the court, and 2 showed a variance in the amount requested to the amount approved with no explanation as to the reason for the difference.

In addition to the varying forms already outlined, a separate Magistrate Court attorney fee voucher form was found to be in use. This form also included a separate attorney fee schedule. The Magistrate Court form reviewed from the sample identified cases assigned to County Court at Law numbers 1, 2 and 4. This court appears to be an extension of the County Courts at Law. If so, the Magistrate Court should use the same attorney fee voucher form as that utilized by the County Courts at Law. The fee schedule in use on the form should also be incorporated into the attorney fee schedule of the County Courts.

The monitor found that countywide procedures for itemizing services performed on a standard attorney fee voucher were not in place. Each court appeared to be using its own form for itemizing services in contravention of Article 26.04(a) and Article 26.05(c).

The approved attorney fee vouchers submitted with the indigent defense plans for The District Court, County Courts, and Juvenile Court may be found in Appendix C.

Recommendation:

District Courts

The form submitted with the District Courts' indigent defense plan does not appear to be the form in use and the form currently in use does not provide a space to write an explanation for any variance. The district court judges should review the current form submitted by the attorneys as well as the one submitted to the TIDC as part of the indigent defense plan, and come to a consensus as to the form to be utilized countywide. The Judges should only accept vouchers submitted on the approved form and the approved form should be submitted to TIDC as part of the indigent defense plan.

County Response:

Nueces County agrees with the finding that an explanation should be provided whenever a Judge awards payments to an attorney in variance to the requested amount.

Nueces County Action Plan

On August 19, 2015 the Council of Judges approved a new Attorney Fee Voucher and the form provides a space to include details of services performed and an explanation for any variance. The form for the County Court at Law No.5 may differ due to that Juvenile cases involve different processes in accordance to the Juvenile Board's indigent defense plan. The forms will be submitted to TIDC as part of the indigent defense plan.

Contact person(s): The Honorable Mark Woerner, COUNTY COURT AT LAW 4

Completion date: September 24, 2015

County Courts at Law

The judges for the County Courts at Law should review the variety of attorney fee voucher forms in use locally, as well as the one submitted to the TIDC as part of the indigent defense plan, and come to a consensus as to the one form to be utilized countywide. The Judges should only accept vouchers submitted on the approved form and the selected form should be submitted to TIDC as part of the indigent defense plan.

Building on the approved voucher for the county courts at law included in the indigent defense plan, please find in appendix D a sample fee voucher for your consideration. This sample voucher adds only the styling for court identification and space for the attorney to request an amount.

County Response:

Nueces County agrees with the finding that an explanation should be provided whenever a Judge awards payments to an attorney in variance to the requested amount.

Nueces County Action Plan

On August 19, 2015 the Council of Judges approved a new Attorney Fee Voucher and the form provides a space to include details of services performed and an explanation for any variance. The forms will be submitted to TIDC as part of the indigent defense plan.

Contact person(s): The Honorable Nanette Hasette, 28th DISTRICT COURT

Completion date: August 16, 2015

Finding Four

Payments to attorneys do not appear to be made in accordance with the published fee schedule as required by Code of Criminal Procedure (CCP) Article 26.05.

Of the 57 attorney fee vouchers reviewed for the county courts at law, 12 did not appear to be paid based on the published fee schedule. In addition to the forms provided by the specific courts, attorneys also utilize a magistrate court fee voucher form. This magistrate court form lists a flat rate for the first offense of \$100.00 plus \$25.00 for each additional offense and \$75.00 for a motion to revoke probation. However, these amounts do not appear to be part of the fee schedules listed in the countywide procedures adopted by the judges. Six (6) of the reviewed invoices approved payments greater than the amount requested even though the amount requested was the amount prescribed for that case type on the magistrate court form. Three (3) invoices were paid a flat fee of \$100.00 when the case type would have required the \$175.00-\$450.00 range of payment based on the fee schedule. One (1) trial invoice was paid the flat rate of \$750.00 for full day trial but time in court was 17.5 hours which suggest more than one day in court. In addition, the same voucher included 14.85 hours

of out of court time. Another voucher was paid a flat rate of \$75.00 for a juvenile adjudication and disposition case which should have been paid on an hourly rate for in court and out of court time per the fee schedule. The remaining invoice was paid a flat rate on a bench trial instead of the hourly rates per the fee schedule. It is not known why these rates varied from the fee schedule but with the exception of the magistrate voucher forms, none of the vouchers had a request for an amount to be paid from the attorney.

Recommendation:

County Courts

The payment amounts approved and authorized on the reviewed fee vouchers were not supported by the current published fee schedule. As this finding relates solely to the county courts at law vouchers, the judges for the county courts at law courts should review the fee schedule and take formal action, if necessary, to adopt a new fee schedule that outlines its current payment practices in accordance with the requirements of CCP Article 26.05(c). Any new fee schedule should also consider including fee authorized for payment in the magistrate court, which are currently included on the magistrate court fee voucher. Also, attorneys should itemize an amount to be paid based on their work and the published fee schedule so that the judge is in position to review and approve that amount.

County Response:

Nueces County agrees with the finding that any new fee schedule should include fee authorized for payment in the magistrate court and that attorneys should itemize an amount to be paid based on their work and the fee schedule.

Nueces County Action Plan

The Council of Judges approved a new Attorney Fee Voucher to ensure compliance with fee schedule. The forms will be submitted to TIDC as part of the indigent defense plan.

Contact person(s): The Honorable Nanette Hasette, 28th DISTRICT COURT

Completion date: August 16, 2015

Additional Reviewer Comment:

The newly approved District Court and County Court Attorney Fee Vouchers submitted with the Indigent Defense plans were reviewed by the fiscal monitor. They appear to support the necessary components to satisfy findings two, three and four for each level of court.

Finding Five

The Indigent Defense Expenditure Report (IDER) required under Texas Government Code Section 79.036(e) requires counties to report the number of indigent cases disposed at the time the cases are paid. Nueces County has procedures that require a separate invoice for each case, which in turn should allow for each case to be counted as one line item in the accounting system. However, when sorting the data file submitted for review by court and by case type the case count numbers did not match the numbers reported on the IDER. The figures were off by 424 cases across all courts. The dollar amounts paid did match the amount reported on the IDER. The IDER was prepared by one person that is no longer with the Auditor's office. The current staff indicated that with the IDER due on November 1st each year the report is prepared in a hurry with several manual adjustments. Documentation to support the manual adjustments were not provided by the current staff therefore compliance with accurately reporting case counts report was not met.

Recommendation:

The County Auditor must establish procedures to assure accurate reporting of the number of cases disposed as part of the IDER. During the monitoring visit two staff members of the County Auditor's office worked on the database information and learned what is required to complete the IDER. They indicated that possibly two separate reports could be automated to gather the information to complete the report. It is recommended that these automated reports be prepared monthly or quarterly throughout the year and reviewed for accuracy so as the end of the year procedures will not be so hectic. Training more than one person to prepare the report and documenting the procedures unique to Nueces County would allow for continuity of practice.

County Response:

On the report provided for revision, the data was sorted just by case type No Charge (AR) and Adult Felony (CR). The Indigent Defense Expenditure Report submitted on November 2014 includes Capital Murder cases (CM), Juvenile cases (JUV), Felony Appeals cases (APA), Adult Felony cases (CR) and Adult Misdemeanor cases (CCCR) in accordance with Section 79.036 of the Texas Government Code. As a result, the data shows discrepancies between the data sorted by just 2 types of cases and the report submitted. After an exhaustive examination of the data, we determinate a difference of 2 cases across all courts.

Nueces County Action Plan

The process for determining the count of cases involves a manual process to eliminate duplicates and this situation may cause errors. However we will create new procedures to ensure that this situation does not occur in the future and that our case counts comply with the manual and IDER.

Contact person(s): Dale Atchley, County Auditor

Completion date: September 24, 2015

APPENDIXES

APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

NUECES COUNTY INDIGENT DEFENSE EXPENDITURES			
Expenditures	2012	2013	2014
Population Estimate	348,746	349,613	352,776
Juvenile Assigned Counsel	\$112,920.00	\$127,269.00	\$109,751.00
Capital Murder	\$43,606.00	\$83,218.00	\$73,455.00
Adult Non-Capital Felony Assigned Counsel	\$1,865,711.00	\$1,804,705.00	\$2,349,094.00
Adult Misdemeanor Assigned Counsel	\$631,963.00	\$941,046.00	\$505,388.00
Juvenile Appeals	\$720.00	\$0.00	\$7,494.00
Adult Felony Appeals	\$138,983.00	\$87,089.00	\$90,678.00
Adult Misdemeanor Appeals	\$0.00	\$1,045.00	\$18,220.00
Licensed Investigation	\$34,160.00	\$11,660.00	\$27,612.00
Expert Witness	\$92,224.00	\$71,281.00	\$119,086.00
Other Direct Litigation	\$162,753.00	\$148,365.00	\$124,303.00
Total Court Expenditures	\$3,083,040.00	\$3,275,678.00	\$3,425,081.00
Administrative Expenditures	\$0.00	\$0.00	\$0.00
Funds Paid by Participating County to Regional Program	\$0.00	\$0.00	\$0.00
Total Court and Administrative Expenditures	\$3,083,040.00	\$3,275,678.00	\$3,425,081.00
Formula Grant Disbursement	\$150,155.00	\$282,754.00	\$527,099.00
Equalization Disbursement	\$123,857.00	\$0.00	\$0.00
Discretionary Disbursement	\$0.00	\$0.00	\$0.00
Reimbursement of Attorney Fees	\$198,517.69	\$180,904.00	\$115,802.00
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0.00	\$0.00	\$0.00
Total Assigned Counsel Cases	7239	7743	7631

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

Nueces County				
Year	2012	2013	2014	Texas 2014
Population (Non-Census years are estimates)	348,746	349,613	352,776	26,642,612
Felony Charges Added (from OCA report)	4,679	4,541	4,830	270,401
Felony Cases Paid	4,301	3,571	3,631	192,735
% Felony Charges Defended with Appointed Counsel	91.92%	78.64%	75.18%	71.28%
Felony Trial Court-Attorney Fees	\$1,909,317.00	\$1,887,923.00	\$2,422,549.00	\$104,577,627.50
Total Felony Court Expenditures	\$2,170,586.00	\$1,959,416.00	\$2,609,216.00	\$121,013,238.56
Misdemeanor Charges Added (from OCA report)	8,378	8,703	9,502	530,335
Misdemeanor Cases Paid	2,351	3,470	3,414	223,045
% Misdemeanor Charges Defended with Appointed Counsel	28.06%	39.87%	35.93%	42.06%
Misdemeanor Trial Court Attorney Fees	\$631,963.00	\$941,046.00	\$505,388.00	\$38,26,859.48
Total Misdemeanor Court Expenditures	\$645,691.00	\$960,714.00	\$528,225.00	\$39,406,492.35
Juvenile Charges Added (from OCA report)	NR	254	197	31,996
Juvenile Cases Paid	539	645	512	45,340
Juvenile Attorney Fees	\$112,920.00	\$127,269.00	\$109,751.00	\$10,901,190.88
Total Juvenile Expenditures	\$127,060.00	\$132,543.00	\$111,073.00	\$11,597,789.07
Total Attorney Fees	\$2,793,903.00	\$3,044,372.00	\$3,154,080.00	\$159,310,349.08
Total ID Expenditures	\$3,083,040.00	\$3,275,678.00	\$3,425,081.00	\$229,943,368.55
Increase In Total Expenditures over Baseline	110.37%	123.52%	133.71%	159.20%
Total ID Expenditures per Population	\$8.84	\$9.37	\$9.71	\$8.63
Commission Formula Grant Disbursement	\$150,928.00	\$282,754.00	\$527,099.00	\$36,739,158.25
Commission Equalization Grant Award	\$125,857.00			

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

APPENDIX B – CRITERIA

Criteria

- Uniform Grant Management Standards
- Texas Government Code, Section 79.036. Indigent Defense Information
- Texas Government Code, Section 79.037. Technical Support; Grants
- Code of Criminal Procedures Art 26.04 Procedures for Appointing Counsel
- Code of Criminal Procedures Art 26.05 Compensation of Counsel Appointed to Defend
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter A Rule 174.1
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter A Rule 174.2
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter B Definitions
- FY2014 Indigent Defense Expenditure Report Manual found at:
<http://www.tidc.texas.gov/media/25884/FY2014IDERManualFinalRevised0912.pdf>

APPENDIX C – SAMPLE ATTORNEY FEE VOUCHERS SUBMITTED

Attorney Fee Voucher Nueces County District Courts Court #		PO# <small>(One PO# per case)</small>	INSTRUCTIONS <small>Page 1 of 2</small>		
Cause No.:		Offense:		Degree:	
In the case of: State of Texas vs			AG#		
Case Level:					
<input type="checkbox"/> Felony (CR) <input type="checkbox"/> Misdemeanor (CR) <input type="checkbox"/> Revocation-Felony (CR) <input type="checkbox"/> Revocation-Misdemeanor(CR) <input type="checkbox"/> Dismissal (CR) <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Appeal (APA) <input type="checkbox"/> Juvenile (JUV) <input type="checkbox"/> Capital Case (CM) <input type="checkbox"/> No Charges Filed (AR) <input type="checkbox"/> Divert/Other:					
		Total Number of Hours/Days	Authorized Rates	Not to Exceed	Rates Charged
Guilty Plea or Plea of True			\$250 to \$450 Flat fee		Sub-total flat fee \$
Dismissal on State's Motion			\$100 to \$400 Flat fee		Sub-total flat fee \$
Nonjury Trial and Contested Hearings	In court		\$60 to \$80/hr		Sub-total \$
	Out of court		\$30 to \$60/hr		\$
Jury Trial	In court		\$500 to \$750/day \$250 to \$375/half		Sub-total \$
	Out of court		\$30 to \$50/hr		\$
Direct Appeal or Discretionary Review	Death sentence case		\$50 to \$75/hr	\$10,000	Sub-total
	Non-death capital, first or second degree case		\$50 to \$75/hr	\$3,000	
	Third degree or state jail case		\$50 to \$75/hr	\$2,500	
	Misdemeanor case		\$50 to \$75/hr	\$1,500	\$
Reimbursable costs (Please itemize on Page 2)					\$
Total					\$
Attorney Name:			Vendor No.:		
Mailing Address (Number, Street, Suite, City, State, Zip Code):			<i>For County Auditor Use</i>		
			Dept - Key Code: Secondary Reference:		
State Bar Number:	Telephone Number () ()		Fax Number: () ()		
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. I further swear or affirm that I have not received nor will receive any money or anything else of value for representing the accused, except as otherwise disclosed to the Court in writing.					
Time Period of Services Rendered: From _____ to _____ (Complete Page 2)					
(Circle one)					
Have previous vouchers been submitted for this case? YES or NO					
If yes, PO# required above.		Is this voucher for: <input type="checkbox"/> Final payment or <input type="checkbox"/> Partial payment?			
Signature of Trial Judge:			Signature and Date		
Reason(s) for Denial or Variation:			Date		
Amount			Recorded by: Patsy Perez, District Clerk by Deputy District Clerk (Signature)		

DETAILS OF SERVICES PERFORMED

Date of Service	Description of Service	Time
In Court Services:		
Total		
Out of Court Services:		
Conference with defendant:		
Conference with District Attorney:		
Conference with others:		
Other Services and Reimbursable Expenses:		
<small>(Reimbursable expenses must be itemized below and total amount carried over to Page 1)</small>		
Total		
Appeal to Court of Appeals:		
Total		
Petition for Discretionary Review:		PDR Appointment Date:
Total		

Nueces County Courts at Law Attorney Fee Voucher

State of Texas vs. _____

Cause Number: _____

Misdemeanor <input type="checkbox"/> Trial-Jury <input type="checkbox"/> Trial-Court <input type="checkbox"/> Plea-Open <input type="checkbox"/> Plea-Bargain <input type="checkbox"/> Appeal Proceedings <input type="checkbox"/> Dismissal <input type="checkbox"/> Motion to Revoke Hearing <input type="checkbox"/> Motion to Revoke Plea-Bargain <input type="checkbox"/> Other _____			
Date of Service	Description of Services		Time Rendered
	In Court Services	Out of Court Services	
Total Expert Witness Expenses		Total Investigator Expenses	Total Other Litigation Expenses
Additional Comments			
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 expenses claimed were reasonable and necessary to provide effective assistance of counsel.			
_____ Attorney's Signature		_____ Attorney's Printed Name	
_____ State Bar Number		_____ Vendor Number	
Amount Approved \$	Date	Judge Presiding	
Reason(s) for Denial or Variation			

APPENDIX D – SAMPLE COUNTY COURT AT LAW ATTORNEY FEE VOUCHERS FOR CONSIDERATION

*Nueces County Courts at Law
Attorney Fee Voucher*

State of Texas vs. _____ § IN THE COUNTY COURT

§ AT LAW NO. _____

Cause Number: _____ §

Misdemeanor Proceedings <input type="checkbox"/> Trial-Jury <input type="checkbox"/> Trial-Court <input type="checkbox"/> Plea-Open <input type="checkbox"/> Plea-Bargain <input type="checkbox"/> Appeal <input type="checkbox"/> Dismissal <input type="checkbox"/> Motion to Revoke Hearing <input type="checkbox"/> Motion to Revoke Plea-Bargain <input type="checkbox"/> Other _____			
Date of Service	Description of Services		Time Rendered
	In Court Services	Out of Court Services	
		Total Attorney Fee Requested	
Total Expert Witness Expenses		Total Investigator Expenses	Total Other Litigation Expenses
Additional Comments			
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 expenses claimed were reasonable and necessary to provide effective assistance of counsel.			
Attorney's Signature _____		Attorney's Printed Name _____	
State Bar Number _____		Vendor Number _____	
Amount Approved	Date	Judge Presiding	
\$			
Reason(s) for Denial or Variation			

Revised XX-XX-XX

Model Attorney Fee Voucher

The Task Force on Indigent Defense (Task Force) has developed a model payment voucher form. The form is intended to be instructional to assist counties formalize payment processes consistent with data elements required in statutes related to indigent defense. The Task Force realizes that many counties already have in place systems and forms that provide them with the necessary information. However, those that do not have a form or process may use this one as a model to develop a form that best meets the needs of the county and statutory reporting requirements. The counties are encouraged to download a version from the TFID website in MS Word that can be edited to fit the specific needs of the county.

The statute requires under Texas Code of Criminal Procedure §26.05 (b)-(c) that courts adopt a fee schedule and provide a form for itemization. The same section states that no payment shall be made until the itemized bill is submitted to the judge presiding over the proceedings and the judge approves the payment. Additionally, Texas Government Code §73.0351 (c) specifies data elements that must be reported to the Office of Court Administration by auditors or treasurers. Auditors/treasurers must report the total amounts expended for each district, county, and statutory county court:

- In cases for which a private attorney was appointed;
- In cases for which a public defender was appointed;
- In cases for which counsel was appointed for an indigent juvenile;
- Investigation expenses;
- Expert witness expenses; and
- Other litigation expenses.

This form captures all of the required elements except the public defender element (which would be handled outside of the billing process). The form can be altered to accommodate other fields the county needs added. The form can also be used as a guideline to creating contract billing systems. The Task Force may adopt rules in the future to specify required data elements on all forms.

Attorney Fee Voucher

1. Jurisdiction <input type="checkbox"/> District <input type="checkbox"/> County <input type="checkbox"/> County Court at Law Court # _____	2. County _____	3. Cause Number _____ Offense _____ _____ _____ _____	4. Proceedings <input type="checkbox"/> Trial-Jury <input type="checkbox"/> Trial-Court <input type="checkbox"/> Plea-Open <input type="checkbox"/> Plea- Bargain <input type="checkbox"/> Other _____		
5. In the case of: _____ <div style="text-align: center;">State of Texas v _____</div>					
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 type="checkbox"/> Revocation – Misdemeanor <input type="checkbox"/> No Charges Filed <input type="checkbox"/> Other _____					
7. Attorney (Full Name) _____		9. Attorney Address (Include Law Firm Name if Applicable) _____ _____			
8. State Bar Number _____		8a. Tax ID Number _____			
			10. Telephone _____		
			11. Fax _____		
12. Flat Fee – Court Appointed Services			12a. Total Flat Fee \$ _____		
13.	In Court Services		Hours	Dates	13a. Total In Court Compensation. \$ _____
	_____		_____	_____	
	_____		_____	_____	
	Rate per Hour =	Total hours	_____	_____	
14.	Out of Court Services		Hours	Dates	14a. Total Out of Court Compensation. \$ _____
	_____		_____	_____	
	_____		_____	_____	
	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 _____ Date _____ to _____ Date _____					
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 _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Signature _____ Date _____ </div>					
22. SIGNATURE OF PRESIDING JUDGE: _____					Amount Approved: \$ _____
Reason(s) for Denial or Variation _____ _____					

APPENDIX E – DISTRIBUTION LIST

The Honorable Samuel L. Neal Jr.
Constitutional County Judge
901 Leopard Street, Room 303
Corpus Christi, TX 78401

The Honorable Nanette Hasette
Local Administrative District Judge
901 Leopard Street, Room 803
Corpus Christi, TX 78401

The Honorable Mark Woerner
Local Administrative Statutory County Court Judge
901 Leopard Street
Corpus Christi, TX 78401

Mr. Dale Atchley
County Auditor
901 Leopard Street, Room 304
Corpus Christi, TX 78401

Mr. James D. Bethke
Executive Director, Texas Indigent Defense Commission
209 W. 14th Street, Room 202
Austin, TX 78701

Mr. Wesley Shackelford
Deputy Director/Special Counsel, Texas Indigent Defense Commission
209 W. 14th Street, Room 202
Austin, TX 78701

Mr. Edwin Colfax
Grant Program Manager, Texas Indigent Defense Commission
209 W. 14th Street, Room 202
Austin, TX 78701