

Administrative Office of the District Courts

Harris County, Texas
1201 Franklin, 7th Floor
Houston, Texas 77002
(832) 927-6575

HARRIS COUNTY DISTRICT JUDGES TRYING CRIMINAL CASES

Response to TIDC Recommendations 2026

On behalf of the District Judges trying Felony Cases in Harris County, Texas, the Fair Defense Act Management Committee acknowledges the core Fair Defense Act (FDA) requirements and offers the following response to the two issues in which we were deemed non-compliant by the audit follow up report received January 2026.

REQUIREMENT #4

FDA Core requirement--The timeliness of indigence determinations in sample felony cases did not meet TIDC's threshold for presuming a jurisdiction's processes ensure timely appointments.

2021 FINDING AND RECOMMENDATION 2 (FELONY CASES): TIDC's sample of attorney appointments in felony cases fell below the Commission's threshold for presuming a jurisdiction's appointment system ensures timely appointment of counsel (90% timely). Article 1.051(c)(2) requires all district courts to rule on all requests for counsel within one working day (plus 24 hours allowed for transferring requests to the courts) of the request being made. The County must implement practices that satisfy Article 1.051(c)(2)'s timeline.

Previous remedies: We acknowledged in our 2021 response that delays in scheduling of first appearance settings had caused some appointments to be made outside the required timeline. We explained that such delays were primarily due to unforeseen events (such as Hurricane Harvey), which substantially impacted court operations in Harris County.

In response to the identified issue, the felony judges through District Court Administration (DCA) implemented a process of sending a daily list to coordinators of Defendants in custody who were not represented by counsel, as well as a list of defendants on bond who were unrepresented. For context, inquiry concerning a defendant's request for appointment of counsel are made at the 15.17 magistration hearing. This inquiry is coupled with and acted upon at the defendant's first appearance in district court following the 15.17 magistration hearing. The District Courts remedied the delay noted in the 2017 and 2021 reports by adjusting the automatic scheduling of first appearances to occur within 48 hours of the request, and providing the felony judge's court coordinator with a list of defendants requesting representation. As noted in the TIDC Second Follow-Up Report, "Felony dockets for defendants making bail frequently occur about 48 hours after the Article 15.17 hearing. This allows for appointments to occur within one working day (plus 24 hours for transmitting the request)." From the sampling taken in 2024, the felony courts were shown as 88% complaint. Committed to the fair administration of justice, the felony courts analyzed the

specific cases from 2024 in which TIDC noted a delay in appointment of counsel. The intent of the analysis was to determine if any patterns or specific impediments could be identified.

Proposed remedy: The analysis revealed that almost all delayed cases were “no arrest” cases. The automatic scheduling of a first appearance upon filing of the charge on “no arrest” cases required the setting to be rescheduled once the defendant was arrested on the outstanding warrant. The rescheduling of the first appearances in these cases were being calendared outside of the typical 48-hour timeframe. To address this issue, DCA created a new daily report that identifies the cases not accepted by the Public Defender’s Office and which still need appointment of counsel. This new report is separate from and in addition to the reports showing a defendant’s first appearance date. The new report allows judges to timely appoint counsel in cases while preserving statutory priority for the Public Defender’s Office.

The analysis additionally revealed that some defendants who had previously requested appointed counsel at the 15.17 hearing later requested time to hire their own attorney after being released on bond. While this is a common occurrence, there was no mechanism to capture the defendant’s withdrawal of their request for representation. Therefore, several cases facially appear to be noncompliant, with weeks-long delays on the defendant’s request for counsel, but in fact no request for representation was pending before the Court. To address this issue, the felony judges through DCA are devising a form or method to consistently and easily identify when a defendant withdraws a request for counsel and seeks instead to hire counsel or proceed *pro se*. A defendant can, of course, reassert the request for appointment of counsel.

Actions taken with justice partners and the Bar: Because justice never occurs in a vacuum, the new process has been communicated to the Chief Public Defender, Genesis Draper, who has assured that her office stands ready to receive this list and promptly assign cases to her attorneys, and has been communicated with the Defense Bar in the Quarterly meeting with the Bar.

REQUIREMENT 6:

PROMULGATE STANDARD ATTORNEY FEE SCHEDULE AND PAYMENT PROCESS

2026 RECOMMENDATION 3: TIDC examined cases in which payments were made without publicly available itemized documentation of the services rendered by appointed counsel. Under Article 26.05(b), courts must follow the fee schedule set by the judiciary and attorneys should properly document requests for payments. *Issue Pending.*

TIDC’s 2021 and 2024 Follow-Up Review of Harris County’s attorney fee schedule and payment processes identified issues with vouchers for capital cases. In 2024, TIDC examined vouchers submitted in 13 capital cases and found that lump sum amounts were requested and paid without “itemized support documentations, such as when attorneys incurred their time or the number of hours spent on specific types of work.”¹ The report went on to state that attorneys appointed to “capital and high-level felony cases often do not itemize the work they are billing.”² The Harris County District Courts Trying Criminal Cases recognizes the requirement for itemized vouchers in all appointed cases. The Courts also recognize that attorney invoices often contain attorney-client and attorney work-product privileged information entitled to protection. Vouchers submitted for capital

¹ TIDC Second Follow-up Fiscal and Policy Monitoring Review of Harris County’s Indigent Defense Systems. January 2026, page 16.

² *Id.*, page 17.

and high-level felony cases are approved in accordance with Texas Ethics Opinion 559. Payments for the services rendered were all made in accordance with the adopted fee schedule.

Proposed resolution: The electronic voucher processing system (VIPS) has been upgraded, in an effort to streamline the process for attorneys to upload time entries from their case management software directly into the VIPS platform. Attorneys will be reminded that they should submit vouchers through VIPS, itemize their vouchers for each case by date and time spent on the type of service performed, billed in 6-minute increments, and refrain from including in the voucher attorney-client or attorney work product privileged information.

Capital Cases: Interim and Final Vouchers: Attorneys should follow the guidance provided in Ethics Opinion 559 and provide only a general description of the services performed (Example: 1/1/2026 – 2.5 hrs – Legal Research). Attorneys on capital and higher-level cases may file interim vouchers to aid in the budgeting for indigent defense. For interim vouchers, attorneys will be allowed to file a “time spent” voucher in the VIPS system for interim vouchers. When submitting their request for payment, the attorney will be required to acknowledge their understanding and agreement with FDAMS Standard 12.4, which states that no payments will be authorized until an itemized voucher is submitted under seal.

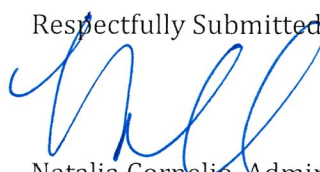
Though the itemized voucher is submitted under seal, the attorney should ensure to provide generalized descriptions of all tasks and services performed. Generalized descriptions protect the client, defense attorney, and the judge who is required to review and approve the voucher. Final vouchers with generalized task descriptions continue the attorney’s obligation to protect the client in the event the case is tried again in the future. Finally, all itemized vouchers in capital cases should be filed under seal and released only through judicial approval.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Melissa Morris', written over a horizontal line.

Melissa Morris, Chairperson
Fair Defense Act Management Committee

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'Natalia Cornelio', written over a horizontal line.

Natalia Cornelio, Administrative Judge
Harris County Felony District Courts