

# TEXAS TASK FORCE ON INDIGENT DEFENSE

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Presiding Judge, 2nd Administrative Judicial Region

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May 16, 2011

The Honorable Dale Spurgin  
Constitutional County Court Judge  
Jones County Courthouse  
PO Box 148  
Anson, TX 79501

**Re: Jones County Fiscal Monitoring Visit**

Dear Judge Spurgin:

A monitoring visit of your county was conducted on March 22, 2011. The financial aspects of the county were monitored to adequately review fiscal records and documentation to ensure compliance with the Task Force on Indigent Defense grant.

A copy of the final monitoring report including your county response is enclosed. The Task Force on Indigent Defense would like to thank county officials and employees for their assistance and courtesy during the course of the monitoring visit. We greatly appreciated the time and cooperation of Jones County's staff.

If you have any questions or need further clarification, do not hesitate to contact me at (512) 936-7561.

Sincerely,



Carol Conner  
Fiscal Monitor

cc: The Honorable Brooks Hagler, Local Administrative District Court Judge  
Mr. Dennis Brown, County Auditor  
Ms. Gwen Bailey, Assistant Auditor  
Mr. Bryan Wilson, Grants Administrator, Task Force on Indigent Defense  
Mr. Wesley Shackelford, Deputy Director, Task Force on Indigent Defense  
Mr. James D. Bethke, Director, Task Force on Indigent Defense



# **TEXAS TASK FORCE ON INDIGENT DEFENSE**

## **Fiscal Monitoring of Indigent Defense Expenses**

**Jones County, Texas**

**March 22, 2011**

**Final**  
**May 16, 2011**

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## I. INTRODUCTION

Jones County on-site fiscal monitoring visit was conducted on March 22, 2010. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of the Task Force grant.

### Summary of Indigent Defense System

Jones County is located on the West Texas prairies, bounded on the north by Stonewall and Haskell counties, on the east by Shackelford County, on the south by Taylor County and the city of Abilene. Anson, the county seat, is twenty-five miles northwest of Abilene. The county has an estimated population of 20,202.

Jones County's court system is comprised of a county court and district court with criminal jurisdiction. In 2010, the county received \$14,035 in formula grant disbursement. Additionally, the county received \$1,593 in equalization disbursement for the increased cost of indigent defense services. The county collected \$18,606 for reimbursement of attorney fees from defendants.

<b>Jones County Indigent Defense Expenditures</b>			
<b>Expenditures</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Population Estimate	20,297	20,297	20,202
Juvenile Assigned Counsel	\$8,015	\$6,237	\$7,625
Adult Misdemeanor Assigned Counsel	\$14,002	\$13,832	\$12,650
Adult Felony Assigned Counsel	\$47,384	\$72,214	\$64,952
Adult Felony Assigned Counsel Appeals	\$8,125	\$3,403	0
Licensed Investigation Expenses	0	0	0
Expert Witness Expenses	0	0	0
Other Direct Litigation Expenses	0	0	0
Total Indigent Defense Expenditures (court and administrative)	\$92,382	\$98,292	\$85,227
Formula Grant Disbursement	\$14,626	\$14,102	\$14,035
Equalization Disbursement	n/a	\$1,382	\$1,593
Reimbursement of Attorney Fees	\$15,504	\$17,310	\$18,606
Total Assigned Counsel Cases	408	404	312

Source: Task Force on Indigent Defense records

## **Task Force Background**

In January 2002, the 77<sup>th</sup> Texas Legislature established the Task Force on Indigent Defense (Task Force). The mission of the Task Force is to improve the delivery of indigent defense services through fiscal assistance and professional support to State, local judicial, county, and municipal officials. The purpose of the Task Force 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 Texas. As a result of the legislative requirement, the Task Force promulgated Section 173.401(a), Texas Administrative Code, which provides, “the Task Force 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.”

## **Objectives**

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.
- 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 fiscal year 2010. The fiscal monitor reviewed records located in the Jones County courthouse.

## **Methodology**

To accomplish the objectives, the fiscal monitor met with judges, county auditor, assistant auditor, and court coordinator. The fiscal monitor reviewed:

- random samples of paid attorney fee vouchers for verification of expenses;
- general ledger transactions detail and invoices;
- indigent defense expenditure report, attorney fee schedule, and financial statements;
- public appointment list, attorney applications, attorney criminal continuing legal education training; and
- county’s local indigent defense plan.

The expenditure period of October 1, 2009 to September 30, 2010 (FY 2010) was reviewed during the fiscal monitoring visit.

<b>Jones County's Courts</b>			
<b>Courts</b>	<b>Courts</b>		<b>Percent Sampled</b>
	<b>Total</b>	<b>Reviewed</b>	
County Court	1	1	100%
District Court	1	1	100%

Percent Sampled: courts reviewed / courts total

**Summary of Findings**

- The county did not have written accounting procedures relating to criminal indigent defense expenses.
- The county incorrectly placed six (6) other direct litigation expenses (\$463.63) in the attorney fee category of services.
- The county incorrectly placed \$500 in expert witness expenses in the attorney fee category of services.

**II. INDIGENT DEFENSE GRANT**

**A. Formula Grant**

The county submitted the FY2010 indigent defense on-line grant application to assist in the implementation of the provisions of the Fair Defense Act. Jones County met the formula grant eligibility requirements.

**B. Indigent Defense Expenditure Reporting (IDER)**

Under Section 71.0351 of the Texas Government Code, counties are required to annually submit data showing the expenses and respective cases expended to provide indigent defense services. For FY2010, Jones County reported spending: \$64,952 on 134 felony cases; \$12,650 on 158 misdemeanor cases; and \$7,625 on 20 juvenile cases.

**Monitor Comment**

The county maintains fiscal accountability and support documents of formula grant and indigent defense expenditures. The annual indigent expenditure report is critical in establishing grant eligibility.

**III. ACCOUNTING OPERATIONS**

**Accounting Procedures**

The county did not have written accounting procedures to include staff responsibilities and oversight relating to criminal indigent defense expenses.

**Recommendation**

Task Force recommends that the county develop and maintain indigent defense accounting procedures. Written procedures provide instruction and guidance; uniformity and completeness; and ensure correct and secure processing of fiscal information. The Uniform Grants Management Standards (UGMS) requires grantees financial systems to provide an “effective control and accountability of funds, property and assets...” (para 20, page 68).

**Jones County Action Plan**

Agree. Jones County formulated a written accounting procedures guide to be used for attorney fee voucher processing and subsequent reporting. This manual was reviewed by the auditor, assistant auditor, and the district judge. It is included as an attachment to the response report.

**Contact person(s):** Plan Coordinator

**Completion date:** May 5, 2011

Note: The accounting procedures guide was provided to fiscal monitor on May 6, 2011.

**IV. INDIGENT DEFENSE PAID VOUCHERS**

**A. Summary of Attorney Fee Payments**

**1. Fee Schedule**

The attorney fee vouchers reviewed were paid in accordance with the fee schedule adopted by the formal action of the judges hearing criminal cases.

**2. Reviewed Attorney Fee Vouchers**

In FY 2010, the attorney fee payments ranged from \$200 to \$21,190 per attorney with an average of \$4,264 and a median of \$2,115.

<b>Attorney Fee Vouchers</b>	
District Court	270
County Court	21
<b>Total</b>	<b>291</b>

<b>Jones County Courts</b>				
<b>October 1, 2009 to September 30, 2010</b>				
<b>20 Paid Different Attorneys</b>				
<b>Courts</b>	<b>Paid Vouchers</b>	<b>Total</b>		
		<b>Attorney Fee Vouchers</b>		
		<b>Fees</b>	<b>Reviewed</b>	<b>Reviewed Value</b>
259 <sup>th</sup> District Court	288	\$77,602	270	\$76,820
County Court	21	\$7,625	21	\$7,625
<b>Total</b>	<b>309</b>	<b>\$85,227</b>	<b>291</b>	<b>\$84,445</b>

Jones County’s FY 2010 Indigent Defense Expenditures as reported to the Task Force.

**3. Summary of Investigations, Experts, and Other Direct Litigation Expenses**

<b>FY 2010 Investigations, Experts, and Other Direct Litigation Expenditures</b>				
<b>Expenditures</b>	<b>Total</b>		<b>Reviewed</b>	
	<b>Vouchers</b>	<b>Fees</b>	<b>Vouchers</b>	<b>Fees</b>
Investigation	0	0	n/a	n/a
Expert Witness	0	0	1	\$500.00
Other Direct Litigation	0	0	6	\$463.63

(a) As a result of reviewing expenses, the county incorrectly placed six (6) other direct litigation expenses (\$463.63) in the attorney fee category of services. Other direct litigation expenses are services other than counsel that may include but not necessarily limited to, postage, copies, and travel mileage.

**Other Direct Litigation Expenses**

<b>Services</b>	<b>Date</b>	<b>Court</b>	<b>Expense</b>
Postage and process service fees	11/8/2009	259 <sup>th</sup> District Court	\$182.59
Medical records, copies and postage	9/14/2010	259 <sup>th</sup> District Court	\$101.10
Copies and postage	5/12/2010	259 <sup>th</sup> District Court	\$110.96
Subpoena	9/27/2010	259 <sup>th</sup> District Court	\$50.00
Postage	11/8/2009	259 <sup>th</sup> District Court	\$9.58
Collect calls	2/26/2010	259 <sup>th</sup> District Court	\$9.40
		Total	\$463.63



- (b) In addition, the county incorrectly placed \$500 in expert witness expenses in the attorney fee category of services. Expert witness expenses include “money paid by the county to a person/entity qualified by the court in a field of study or *expertise* to provide assistance to a licensed attorney in preparing or presenting a defense for an indigent defendant” (Procedure Manual for the Indigent Defense Expenditure Report FY 2010).

**Expert Witness Expenses**

Examination	Date	Court	Expense
Marc Olnier, Ph.D. Abilene Professional Center	9/27/2010	259 <sup>th</sup> District Court	\$500.00

**Recommendation**

Task Force recommends that the county correctly place other direct litigation and expert witness expenses in the appropriate category of services in accordance with Section 71.0351, Texas Government Code. The correct classification of expenses is the precursor to accurate reporting under the Fair Defense Act. Please refer to Procedure Manual for the Indigent Defense Expenditure Report FY 2010, page 3-7 at: <http://www.courts.state.tx.us/tfid/pdf/FY10IDERManualFinal.pdf> and Uniform Grant Management Standards: [www.governor.state.tx.us/files/state-grants/UGMS062004.doc](http://www.governor.state.tx.us/files/state-grants/UGMS062004.doc).

**Jones County Action Plan**

Agree. New ledger accounts were established in order to properly classify attorney fees when entered thru accounts payable. This allows for accurate reporting of case information as well as placing other expenses in their proper category for IDER purposes.

**Contact person(s):** Plan Coordinator, County Auditor

**Completion date:** May 5, 2011

**B. Qualified Attorneys on the Public Appointment List**

**1. Approval of Qualified Attorneys by the Judges**

The documents on file indicated that the judges approved the attorneys on the public appointment list in accordance with Article 26.04(d)-(e), Code of Criminal Procedure.

**2. Applied for the Public Appointment List**

Jones County maintains applications of attorneys on the approved public appointment list in accordance with Article 26.04(d), Code of Criminal Procedure.

Courts	Number of Attorneys		Percent Sampled*
	public appointment list	applications reviewed	
County Court/ District Court	20	20	100%

\*Percent Sampled: documents reviewed / number on public appointment list

### 3. Continuing Legal Education (CLE) Requirements

Courts	Number of Attorneys			Percent Sampled*
	public appointment list	criminal/juvenile CLE documents		
		reviewed	met minimum hours	
County Court/ District Court	20	20	20	100%

\*Percent Sampled: documents reviewed / number on public appointment list

#### Monitor Comment

Task Force commends Jones County for ensuring that attorneys obtain the CLE hours according to the county's local plan and Title 1, Chapter 174, Texas Administrative Code.

## V. SUMMARY

### General Comments

Task Force wishes to express its appreciation to all local county officials and employees of Jones County for the time and courtesy extended during the fiscal monitoring visit. In particular, my gratitude extends to Judge Dale Spurgin, Constitutional County Court; Judge Brooks Hagler, Local Administrative District Court; Mr. Dennis Brown, County Auditor; Ms. Gwen Bailey, Assistant Auditor; and Ms. Santa Franco, 259<sup>th</sup> Court Administrator, for accommodating the fiscal monitor activities. These activities included providing workspace, allocating time, and exercising flexibility in meeting the schedule of the monitor. Thank you for your time and cooperation during the visit.

### Jones County Response

Jones County wishes to express our thanks to the Task Force for their ongoing effort to improve indigent defense. We appreciated the opportunity to participate with Carol Conner in the monitoring visit. The recommendations made will assist us in providing accurate yearly reporting and insure compliance with the grant program.

## Appendix A

### **Texas Government Code, Section 71.0351. Indigent Defense Information.**

- a) In each county, not later than November 1 of each odd-numbered year and in the form and manner prescribed by the Task Force on Indigent Defense, the following information shall be prepared and provided to the Office of Court Administration of the Texas Judicial System:
- (1) a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure, including the schedule of fees required under Article 26.05 of that code;
  - (2) any revisions to rules or forms previously submitted to the office of court administration under this section; or
  - (3) verification that rules and forms previously submitted to the office of court administration under this section still remain in effect.
- (b) Except as provided by Subsection (c):
- (1) the local administrative district judge in each county, or the person designated by the judge, shall perform the action required by Subsection (a) with respect to all rules and forms adopted by the judges of the district courts trying felony cases in the county; and
  - (2) the local administrative statutory county court judge in each county, or the person designated by the judge, shall perform the action required by Subsection (a) with respect to all rules and forms adopted by the judges of the county courts and statutory county courts trying misdemeanor cases in the county.
- (c) If the judges of two or more levels of courts described by Subsection (b) adopt the same formal and informal rules and forms, the local administrative judge serving the courts having jurisdiction over offenses with the highest classification of punishment, or the person designated by the judge, shall perform the action required by Subsection (a).
- (d) The chair of the juvenile board in each county, or the person designated by the chair, shall perform the action required by Subsection (a) with respect to all rules and forms adopted by the juvenile board.
- (e) In each county, the county auditor, or the person designated by the commissioners court if the county does not have a county auditor, shall prepare and send to the Office of Court Administration of the Texas Judicial System in the form and manner prescribed by the Task Force on Indigent Defense and on a monthly, quarterly, or annual basis, with respect to legal services provided in the county to indigent defendants during each fiscal year, information showing the total amount expended by the county to provide indigent defense services and an analysis of the amount expended by the county:
- (1) in each district, county, statutory county, and appellate court;
  - (2) in cases for which a private attorney is appointed for an indigent defendant;
  - (3) in cases for which a public defender is appointed for an indigent defendant;
  - (4) in cases for which counsel is appointed for an indigent juvenile under Section 51.10(f), Family Code; and
  - (5) for investigation expenses, expert witness expenses, or other litigation expenses.
- (f) As a duty of office, each district and county clerk shall cooperate with the county auditor or the person designated by the commissioners court and the commissioners court in retrieving information required to be sent to the Office of Court Administration of the Texas Judicial System under this section and under a reporting plan developed by the Task Force on Indigent Defense under Section 71.061(a).

## Appendix B

### Uniform Grant Management Standards

\_\_\_\_ Paragraph 20, page 68. Standards for financial management systems [*This section does not apply to procurement contracts.*]

(b) The financial management systems of other grantees and subgrantees must meet the following standards:

- (1) Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or subgrant.
- (2) Accounting records. Grantees and subgrantees must maintain records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.
- (3) Internal control. Effective control and accountability must be maintained for all grant and subgrant cash, real and personal property, and other assets. Grantees and subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.
- (4) Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.
- (5) Allowable cost. Applicable OMB cost principles, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.
- (6) Source documentation. Accounting records must be supported by such source documentation as canceled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc.

## Appendix C

### Art. 26.04. [494] [558] [547] Procedures for Appointing Counsel

(a) The judges of the county courts, statutory county courts, and district courts trying criminal cases in each county, by local rule, shall adopt and publish written countywide procedures for timely and fairly appointing counsel for an indigent defendant in the county arrested for or charged with a misdemeanor punishable by confinement or a felony. The procedures must be consistent with this article and Articles 1.051, 15.17, 26.05, and 26.052. A court shall appoint an attorney from a public appointment list using a system of rotation, unless the court appoints an attorney under Subsection (f), (h), or (i). The court shall appoint attorneys from among the next five names on the appointment list in the order in which the attorneys' names appear on the list, unless the court makes a finding of good cause on the record for appointing an attorney out of order. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in order on the list.

(b) Procedures adopted under Subsection (a) shall:

- (1) authorize only the judges of the county courts, statutory county courts, and district courts trying criminal cases in the county, or the judges' designee, to appoint counsel for indigent defendants in the county;
- (2) apply to each appointment of counsel made by a judge or the judges' designee in the county;
- (3) ensure that each indigent defendant in the county who is charged with a misdemeanor punishable by confinement or with a felony and who appears in court without counsel has an opportunity to confer with appointed counsel before the commencement of judicial proceedings;
- (4) require appointments for defendants in capital cases in which the death penalty is sought to comply with the requirements under Article 26.052;
- (5) ensure that each attorney appointed from a public appointment list to represent an indigent defendant perform the attorney's duty owed to the defendant in accordance with the adopted procedures, the requirements of this code, and applicable rules of ethics; and ensure that appointments are allocated among qualified attorneys in a manner that is fair, neutral, and nondiscriminatory.
- (6) ensure that appointments are allocated among qualified attorneys in a manner that is fair, neutral, and nondiscriminatory.

(c) Whenever a court or the courts' designee authorized under Subsection (b) to appoint counsel for indigent defendants in the county determines that a defendant charged with a felony or a misdemeanor punishable by confinement is indigent or that the interests of justice require representation of a defendant in a criminal proceeding, the court or the courts' designee shall appoint one or more practicing attorneys to defend the defendant in accordance with this subsection and the procedures adopted under Subsection (a). If the court or the courts' designee determines that the defendant does not speak and understand the English language or that the defendant is deaf, the court or the courts' designee shall make an effort to appoint an attorney who is capable of communicating in a language understood by the defendant.

**Art. 26.04. Procedures for Appointing Counsel (Continued)**

(d) A public appointment list from which an attorney is appointed as required by Subsection (a) shall contain the names of qualified attorneys, each of whom:

- (1) applies to be included on the list;
- (2) meets the objective qualifications specified by the judges under Subsection (e);
- (3) meets any applicable qualifications specified by the Task Force on Indigent Defense; and
- (4) is approved by a majority of the judges who established the appointment list under Subsection (e).

(e) In a county in which a court is required under Subsection (a) to appoint an attorney from a public appointment list:

(1) the judges of the county courts and statutory county courts trying misdemeanor cases in the county, by formal action:

(A) shall:

- (i) establish a public appointment list of attorneys qualified to provide representation in the county in misdemeanor cases punishable by confinement; and
- (ii) specify the objective qualifications necessary for an attorney to be included on the list; and

(B) may establish, if determined by the judges to be appropriate, more than one appointment list graduated according to the degree of seriousness of the offense and the attorneys' qualifications; and

(2) the judges of the district courts trying felony cases in the county, by formal action:

(A) shall:

establish a public appointment list of attorneys qualified to provide representation in felony cases in the county; and

- (i) establish a public appointment list of attorneys qualified to provide representation in felony cases in the county; and
- (ii) specify the objective qualifications necessary for an attorney to be included on the list; and

(B) may establish, if determined by the judges to be appropriate, more than one appointment list graduated according to the degree of seriousness of the offense and the attorneys' qualifications.

(f) In a county in which a public defender is appointed under Article 26.044, the court or the courts' designee may appoint the public defender to represent the defendant in accordance with guidelines established for the public defender.

## Appendix D

### **Art. 26.05. [494a] Compensation of Counsel Appointed to Defend**

(a) A counsel, other than an attorney with a public defender, appointed to represent a defendant in a criminal proceeding, including a habeas corpus hearing, shall be paid a reasonable attorney's fee for performing the following services, based on the time and labor required, the complexity of the case, and the experience and ability of the appointed counsel:

(1) time spent in court making an appearance on behalf of the defendant as evidenced by a docket entry, time spent in trial, and time spent in a proceeding in which sworn oral testimony is elicited;

(2) reasonable and necessary time spent out of court on the case, supported by any documentation that the court requires;

(3) preparation of an appellate brief and preparation and presentation of oral argument to a court of appeals or the Court of Criminal Appeals; and

(4) preparation of a motion for rehearing.

(b) All payments made under this article shall be paid in accordance with a schedule of fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county. On adoption of a schedule of fees as provided by this subsection, a copy of the schedule shall be sent to the commissioners court of the county.

(c) Each fee schedule adopted shall state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and shall provide a form for the appointed counsel to itemize the types of services performed. No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment. If the judge disapproves the requested amount of payment, the judge shall make written findings stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount. An attorney whose request for payment is disapproved may appeal the disapproval by filing a motion with the presiding judge of the administrative judicial region. On the filing of a motion, the presiding judge of the administrative judicial region shall review the disapproval of payment and determine the appropriate amount of payment. In reviewing the disapproval, the presiding judge of the administrative judicial region may conduct a hearing. Not later than the 45th day after the date an application for payment of a fee is submitted under this article, the commissioners court shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the fee schedule for that county.

(d) A counsel in a noncapital case, other than an attorney with a public defender, appointed to represent a defendant under this code shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts.

### **Art. 26.05 Compensation of Counsel Appointed to Defend (Continued)**

Expenses incurred with prior court approval shall be reimbursed in the same manner provided for capital cases by Articles 26.052(f) and (g), and expenses incurred provided for capital cases by Article 26.052(h).

(e) A majority of the judges of the county courts and statutory county courts or the district courts, as appropriate, trying criminal cases in the county may remove an attorney from consideration for appointment if, after a hearing, it is shown that the attorney submitted a claim for legal services not performed by the attorney.

(f) All payments made under this article shall be paid from the general fund of the county in which the prosecution was instituted or habeas corpus hearing held and may be included as costs of court.

(g) If the court determines that a defendant has financial resources that enable him to offset in part or in whole the costs of the legal services provided, including any expenses and costs, the court shall order the defendant to pay during the pendency of the charges or, if convicted, as court costs the amount that it finds the defendant is able to pay.

(h) Reimbursement of expenses incurred for purposes of investigation or expert testimony may be paid directly to a private investigator licensed under Chapter 1702, Occupations Code, or to an expert witness in the manner designated by appointed counsel and approved by the court.



## Appendix E

### Texas Administrative Code

<b><u>Title 1</u></b>	Administration
<b><u>Part 8</u></b>	Texas Judicial Council
<b><u>Chapter 174</u></b>	Indigent Defense Policies And Standards
<b><u>Subchapter A</u></b>	Minimum Continuing Legal Education Requirements
<b>Rule §174.1</b>	<b>Appointment In Criminal Cases</b>

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An Attorney who meets the requirements of this rule may be appointed to represent an indigent person arrested for or charged with a crime, if the attorney is otherwise eligible under the procedures developed under Article 26.04, Code of Criminal Procedure. Crime has the meaning assigned by §173.2(2). An attorney may be appointed under this rule only if an attorney:

- (1) Completes a minimum of six hours of continuing legal education pertaining to criminal law during each 12-month reporting period. The judges of criminal courts of the county shall set the 12-month reporting period applicable to the jurisdiction. Continuing legal education may include activities accredited under Section 4, Article XII, State Bar Rules, self-study, teaching at an accredited continuing legal education activity, attendance at a law school class or legal research-based writing. The judges may require attorneys to complete more than the minimum number of hours of continuing legal education in criminal law in the procedures developed under Article 26.04, Code of Criminal Procedure; or
- (2) Is currently certified in criminal law by the Texas Board of Legal Specialization.