



OFFICE OF COURT ADMINISTRATION

COUNTY INDIGENT DEFENSE PROCEDURES REPORT – COVER SHEET

COUNTY/COUNTIES Travis County, Austin, Texas

- Presiding Criminal Judge of Travis Country Judge Julie Kocurek
Name
- OR**
- Local Administrative Statutory County Court Judge/County Judge _____
Name
- OR**
- Chairman of the Juvenile Board or Designee _____
Name

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PLEASE INDICATE THE COURTS COVERED BY THIS REPORT:	
<input checked="" type="checkbox"/>	This is a combined report for all criminal courts in the county.
<input type="checkbox"/>	This is a separate report for the District Courts trying criminal cases in the county.
<input type="checkbox"/>	This is a separate report for the County Court and Statutory County Courts trying criminal cases in the county.
<input type="checkbox"/>	This is a report of the Juvenile Board for the Juvenile Courts trying juvenile cases in the county

PLEASE INDICATE WHETHER YOU ARE SUBMITTING A PLAN:	
<input checked="" type="checkbox"/>	This report includes the indigent defense plan and procedures for the courts indicated above.
<input type="checkbox"/>	This report does not include the indigent defense plan and procedures for courts indicated above. Please use the plan and procedures submitted previously and currently found on the Task Force’s website. (Must also complete Adult or Juvenile Indigent Defense Plan Summary)

Please email your Cover Sheet, Plan Summary (if applicable) and updated plan and forms to djohnson@ppri.tamu.edu. A Word template for the Cover Sheet, Plan Summary and plan is available for download at www.courts.state.tx.us/tfid.

Alternatively, you may **mail** the Cover Sheet, Plan Summary, and plans/procedures described above to:

Office of Court Administration
 Attn: Task Force on Indigent Defense
 P.O. Box 12066
 Austin, Texas 78711

Contact Person for Out of County Arrests: This is the person who should be contacted to arrange for appointments of counsel when a person is arrested in another county based on an arrest warrant or directive to apprehend issued in your county on behalf of your jurisdiction (District, County, or Juvenile Courts):

Name: Jeanette Deleon
Title: Judicial Aide
Telephone Number: 512-854-9244
Fax Number: 512-854-4681
Email Address: jeannette.deleon@co.travis.tx.us



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Travis County Criminal Courts Fair Defense Act Program Guidelines Standards and Procedures

These rules are adopted by the District Judges and the County Court at Law Judges and are applicable to all attorneys certified to handle felony and misdemeanor criminal appointments. Each attorney accepted on the court appointment list shall be provided a copy of these rules and procedures by the office of Court Administration (CCA).

The Director of Criminal Court Administration shall manage the appointment system. The Director will ensure that all indigents in need of appointed counsel are assigned an attorney in a timely manner. The Director or designee will monitor compliance with the requirements and regulations of the court appointment system.

Sec. 1: Prompt Magistration

- a. Local law enforcement agencies shall ensure that persons arrested are taken before a magistrate without unnecessary delay and not more than 48 hours after arrest. If a person is in jail after being arrested without a warrant and the magistrate has not determined probable cause within the time limits set forth in Art. 17.033, Texas Code of Criminal Procedure, local law enforcement personnel shall comply with the requirements of that provision.
- b. Persons in custody brought before a Magistrate shall be informed by the Magistrate of the right to request counsel under Article 15.17 Subsection (e) and (f) of the Texas Code of Criminal Procedure. A record will be made of these proceedings and shall be preserved as required by Article 15.17.
- c. If the arrested person does not speak and understand the English language or is deaf, the Magistrate shall ensure that the information and assistance are provided with the assistance of an interpreter consistent with Articles 38.30 and 38.31 of the Code of Criminal Procedure.
- d. The Pretrial Services Department staff shall interview defendants in jail after arrest to determine personal bond status and screen for the person's ability to hire an attorney. If defendant requests appointed counsel, Pretrial staff will provide the person with reasonable assistance filling out the Indigence Form. Pretrial Staff will make a recommendation as to whether the defendant meets the eligibility standards for appointment of counsel. If a determination of indigence is made, the Order Appointing Attorney Form is approved by the District and County Court-at-Law Judges or their designee.
- e. Pretrial Services shall transmit the completed Indigence Form/Order Appointing Attorney Form to CCA no later than 24 hours after the request is made.

Sec. 2: Indigence Determination Standards

- a. A defendant is considered indigent if the defendant's household income does not exceed 150% of the Poverty Guidelines as established and revised annually by the U.S. Department of Health and Human Services and the difference between the defendants' monthly net income and reasonable necessary expenditures is less than \$500.
- b. A defendant is considered indigent if, at the time of requesting appointed counsel, the defendant, or the defendant's dependents have been determined to be eligible to receive Food Stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, or public housing.
- c. A defendant is considered indigent if the defendant is currently serving a sentence in a correctional institution, is currently residing in a public mental health facility, or is the subject of a proceeding in which admission or commitment to such a mental health facility is sought, and has no assets or property in excess of the amounts specified above.
- d. A defendant who does not meet any of the financial standards above shall nevertheless be determined indigent if the defendant is otherwise unable to retain private counsel without substantial hardship to the defendant or the defendant's dependents, taking into account the nature of the criminal charge(s), the anticipated complexity of the defense, the estimated cost of obtaining competent private legal representation for the matter charged, and the amount needed for the support of the defendant and the defendant's dependents.
- e. If a defendant does not request an appointed attorney, the person will sign and date the Indigence Form at the appropriate top section indicating counsel is not requested.

Sec. 3: Qualifications for Court Appointed Attorneys

a. General Qualifications

1. An attorney must have on file with CCA a completed application approved by the Criminal Court Judges. This form must be notarized. All attorneys on the appointment list must ensure all information on their application is correct and current.
2. An attorney must be a licensed practicing attorney and a member in good standing of the State Bar of Texas.
3. An attorney must live in Travis County, or if residing in an adjoining county, shall maintain an office within Travis County.
4. An attorney shall attend any CLE course required by the District and County Court-at-Law Judges.
5. a. An attorney shall complete a minimum of ten hours of CLE in the area of criminal law and procedure each year. All attorneys on the appointment list must file a CLE affidavit with CCA each year attesting to completion of the required CLE.

- b. In lieu of the CLE affidavit, an attorney who is currently certified in criminal law by the Texas Board of Legal Specialization may show proof of that certification.
6. An attorney must have a secretary, receptionist, answering service, or a regularly monitored voice mail system. An attorney must have an active e-mail account to receive court appointments and notices regarding procedural changes. In addition, an attorney must respond promptly to a phone call from the Court.
7. An attorney shall notify CCA promptly, in writing, of any matter that would disqualify the attorney by law, regulation, rule or under these guidelines from receiving appointments to represent indigent defendants.
8. After approval by the Judges, attorneys must attend a general orientation conference regarding the operation of the County Court's appointment process and first setting procedures.

b. Qualifications for Misdemeanor Court Appointed Attorneys

1. Must have met General Qualifications.
2. Must have a minimum of one-year work experience in criminal law.
3. Must have a minimum of experience as lead counsel in at least 2 jury trials. Experience as 2nd chair in a felony case may substitute for 1 misdemeanor trial. The styles and cause numbers of these cases should be listed in the County Courts appointment application form.
4. To be assigned appeals an attorney must have prior appellate experience.

c. Qualifications for Mental Health Court Appointed Attorneys

1. Must have met the General Qualifications.
2. An attorney applying for mental health court appointments must have served in a county or district attorney's office for at least two years or have practiced criminal defense law on a regular basis for a minimum of two years.
3. An attorney must have the recommendations of at least two Judges who believe the applicant is qualified to represent defendants with mental health issues.
4. An attorney must have been lead counsel in at least 3 mental health cases (whether misdemeanor or felony) with one of the following issues presented: competency, sanity or court ordered mental health treatment. The styles and cause numbers of these cases must be listed in the appointment application form.
5. An attorney must have received 3 hours of CLE in mental health criminal issues or receive training within 3 months of placement on the list.

6. An attorney must be knowledgeable concerning criminal law and the Texas Mental Health Code.
7. An attorney applying for the felony mental health list must meet requirements for placement on the Category B felony list.

d. Qualifications for Felony Court Appointed Attorneys

1. Must have met the General Qualifications.
2. An attorney must have served in a county or district attorney's office for at least two years or have practiced criminal defense law on a regular basis for a minimum of two years.
3. An attorney must have the recommendations of at least two Judges who believe the applicant is qualified to represent defendants charged with felony offenses.
4. An attorney must have been lead counsel in at least 3 misdemeanor jury trials or first or second chair in at least two felony jury trials. The styles and cause numbers of these cases must be listed in the District Courts appointment application form.
5. There are two felony appellate appointment lists.
 - a. The A appellate list shall be comprised of attorneys with prior experience in felony level appellate work. At least two prior felony appellate briefs, along with any other requested data shall be submitted for review. The brief submission requirement contemplates the submission of a fully developed brief. An Anders brief alone will NOT satisfy the brief submission requirement. The complexity of the appellate work done will be a factor in determining eligibility and placement on the A level appellate list. The list will include: non-death capital cases, 1st degree felony cases, and those cases involving habitual or 1st degree punishment ranges. A lawyer on this list may be appointed to any felony appeal (except a death penalty case).
 - b. The B level appellate list shall be comprised of attorneys with experience in appellate work at the misdemeanor, class A or B levels. At the time of application, a brief evidencing prior appellate experience shall be submitted for review with any other relevant information. A lawyer on the B list may be appointed to appeal only felony cases of a 2nd degree level or lower.
 - c. Those attorneys ineligible for the felony appellate list, i.e. without the above qualifications for either list, will not be eligible for felony appellate appointments. Those seeking such experience are encouraged to discuss their interest with the County Court at Law Judges in order to gain experience in misdemeanor appellate law.
6. Movement of an attorney on the felony or misdemeanor list to a higher list shall be requested by submitting a Status Change Application to CCA and will be reviewed by the District Judges along with new applications twice each year.

e. Duties of Newly Appointed Attorney

1. Court-appointed attorneys will be notified of their appointment by e-mail. The attorney shall, within three working days of receiving notice of appointment, enter into the Travis County Appointment Management System (the internet based application) an acknowledgment of the appointment and a confirmation that the attorney made a reasonable effort to contact the defendant by the end of the first working day after the date of the appointment. Reasonable effort includes letter, fax, phone, videoconference, or personal visit.
2. In felony cases, Court appointed attorneys shall visit all appointed clients incarcerated at the Travis County jail in person (or utilize videoconferencing) at their earliest possible time and in no case shall that initial visit be later than ten days from notification of assignment. This visit shall be noted in the Travis County Appointment Management System by the attorney within three working days.
3. In misdemeanor cases, Court appointed attorneys shall visit all appointed clients incarcerated at the Travis County jail in person (or utilize videoconferencing) at their earliest possible time and in no case shall that initial visit be later than five days from notification of assignment. This visit shall be noted in the Travis County Appointment Management System by the attorney within three working days.

Sec. 4: Suspension or Removal of Attorney from Court Appointment List and Readmission to List

a. General Competence/Review by Judges

1. Once a year at a time set by the Judges all court appointed attorneys shall be reviewed. Each Judge shall review each attorney using the criteria deemed appropriate by the individual Judge. Below are listed some factors which a Judge may wish to consider. Each Judge will score each attorney on a scale on which 4.0 is the highest rating and below 2.0 is unacceptable.

Scores shall be rated A-F:

A	4.0	Excellent
B	3.0	Above Average
C	2.0	Average
D	1.0	Below Average
F	0.0	Failing

2. General Criteria

- Efficiency: A. Punctuality-Court appearances, motions, briefs, etc.
B. Preparation in all areas
C. Efficient use of court time
- Knowledge: A. Knowledge of individual court's rules and procedures
B. Knowledge of Criminal Law
C. Knowledge of Criminal Procedures
D. Knowledge of probation programs, sentencing options, etc.
- Skill: A. Ability to communicate and conduct business with Judges, court staff, and district attorney in a civil and effective manner
B. Ability to deal effectively with clients
C. Ability to present legal arguments to court
D. Ability to examine witnesses, make objections and argue to a jury - trial skills
- Ethics: A. Follows rules of professional conduct
B. Honesty in dealings with court, other lawyers, staff, and clients

3. All scores will be tendered to the Presiding Judge, who with the assistance of CCA shall determine the average score of each attorney. Any attorney whose average score falls below 2.0 shall be removed from the list. Such a suspension shall be for a minimum period of one year. The Judges may vote to allow an attorney to handle court appointed cases on a lower level if appropriate (felony appointments only).

4. In the event an attorney:

- a. scores an average below 2.5; or
- b. is removed from the misdemeanor court appointment list; or
- c. is incapacitated physically, mentally, or otherwise, in such a way as to call into question his/her ability to provide adequate representation;

the Judges shall discuss the attorney's level of proficiency and may vote to reduce his classification to a lower level or remove him from the list. Under these circumstances, a majority vote is required to remove or reclassify an attorney. If an attorney is removed from the list or reclassified to a lower level, the Presiding Judge shall schedule a meeting with CCA, Presiding Judge and attorney to discuss the reasons for the action.

5. Any attorney whose average score falls between 2.0 and 2.5, even if not reclassified, shall be requested to meet with the Presiding Judge to review his performance and receive feedback concerning reasons for his rating.
6. The notice to set the meeting under #5, above shall generally inform the attorney of the areas where the Judges noted deficiencies. In order to address noted deficiencies, and in addition to any other appropriate action, the Presiding Judge may appoint a mentor from a list of volunteers provided by ACDLA to work with the attorney until the next attorney review.

b. Specific Incidents of Misconduct

1. If a Judge experiences a specific problem with an attorney such as failure to attend court in a punctual manner, failure to timely visit clients, or other unethical or improper conduct, the Judge may informally request an investigation by CCA or undertake his own investigation.
2. If the matter is not resolved to the Judge's satisfaction or the Judge determines that the nature or circumstances of the conduct is sufficiently serious, the Judge may request that the Presiding Judge immediately suspend the attorney from the appointment list.
3. The Presiding Judge shall suspend the attorney and instruct Court Management Director to immediately notify him/her of said suspension. The notice shall further inform the attorney of the grounds for suspension and that the attorney has 7 days from date of notice to file a written response with the administrator.
4. The Court Management Director shall circulate any response to all Judges and the suspension shall be voted on at the next regular meeting. Three or more votes ratify the suspension, which shall remain in effect until a majority of Judges vote to return the attorney to the list.
5. As a matter of routine practice all unexcused absences from court and failures to visit clients in a timely fashion should be reported to CCA so the office can maintain a cumulative record for all district courts. When the administrator observes a recurring problem with an attorney it should be brought to the Judges' attention at the earliest appropriate time. The Judges will then take whatever action they deem appropriate, to include written warning or suspension under these rules.

c. Attorney Sanctions Pursuant to the Texas Rules of Disciplinary Procedure

Disciplinary sanctions imposed pursuant to the Texas Rules of Disciplinary Procedure may constitute grounds for suspension or removal from the appointment list.

1. If an attorney receives a disciplinary sanction pursuant to the Texas Rules of Disciplinary Procedure, other than a private reprimand, the attorney shall provide to CCA a copy of the order imposing sanctions within 30 days of the entry of said order.
2. An attorney may provide a written supplement of the disciplinary sanction when providing the order imposing sanctions.
3. CCA shall circulate the order imposing sanctions and the written supplement to all Judges and the order shall be considered at the next regular meeting. The vote of a majority of Judges is required to suspend or remove the attorney from the appointment list.

4. Failure to provide a copy of the order imposing a disciplinary sanction pursuant to the Texas Rules of Disciplinary Procedure to CCA within 30 days of the entry of said order may constitute independent grounds for removal from the appointment list.

d. Readmission to List

Any attorney suspended from the list may reapply after 1 year. The reapplication may contain any information the attorney deems relevant to readmission. The request should be submitted in writing to the Presiding Judge. After the request is reviewed, the Judges will make a determination on the request for reinstatement. A majority vote is required to reinstate an attorney.

e. Appellate Lawyers – Late Briefs

Any time a lawyer receives notice from an appellate court that the deadline for filing of a brief has not been met and the brief is overdue, the lawyer shall notify Court Administration. That lawyer shall be temporarily suspended from the appellate appointment list until the lawyer files the brief (or is permitted to withdraw) in that case, and submits a written or electronic copy of that brief to Court Administration.

Any time a lawyer receives an order to show cause why he should not be held in contempt for a failure to timely file a brief, or the appeal is abated to determine whether the defendant still wishes to pursue the appeal after appellate counsel has failed to respond to notice from an appellate court that his brief is overdue, the lawyer shall be permanently removed from the appellate appointment lists. A lawyer so removed may apply for immediate reinstatement to the appellate appointment list by submitting proof of exceptional circumstances which reasonably prevented the lawyer from responding to the notice of the brief being overdue. A unanimous vote of the Criminal District Judges is required for such immediate reinstatement. Alternatively, the lawyer may re-apply for the appellate appointment list at the next open application period, and include a statement of steps the lawyer has taken to prevent a future recurrence of failure to timely file a brief.

These rules apply whether the subject case is being handled by appointment or otherwise. Any local Judge receiving notice of the above facts will notify Court Administration immediately.

f. Maximum Felony Caseload Limits

Any attorney who has a pending felony caseload of 90 cases or more shall be suspended from all future felony appointments until the attorney reduces his caseload to less than 85 felony cases.

g. Maximum Misdemeanor Caseload Limits

Any attorney who has a pending misdemeanor caseload of 100 cases or more shall be suspended from all future misdemeanor appointments until the attorney reduces his caseload to less than 95 misdemeanor cases.

h. Temporary Inactive Status During Death Penalty Trials

Attorneys who are court appointed to represent defendants charged with capital murder in which the death penalty is sought will be temporarily inactivated on the felony appointment list starting 30 days before the beginning of voir dire and lasting for the duration of the case.

i. Attorneys on Court Appointment List(s) Charged with Criminal Offenses

1.
 - a. An attorney shall be automatically suspended from all court appointment lists if he/she is convicted of or receives a deferred adjudication sentence for any felony or crime of moral turpitude.
 - b. An attorney shall be automatically suspended from the misdemeanor court appointment list if he/she is charged with a Class A or B misdemeanor offense which is being prosecuted by the Travis County Attorney's Office and from the felony court appointment list if he/she is charged with a felony offense which is being prosecuted by the Travis County District Attorney's Office.
 - c. An attorney may be suspended from the court appointment list if he/she is under indictment or other formal criminal charge for any offense if a majority of the judges determine that the attorney's ability to fully and effectively represent his/her appointed clients is compromised or otherwise adversely affected by the pending charge.
 - d. Within seven (7) days of any suspension under this section the attorney shall notify his/her court appointed clients of the suspension and that they may petition the Office of Court Administration or the trial court for the appointment of another attorney.
2. An attorney who is charged with a crime and released on a personal bond to be supervised by Pretrial Services must agree as a condition of the bond to obtain the services of another attorney to deal with any matters involving his clients and Pretrial Services.
3. An attorney shall notify the Court Administration Office in writing within 7 days after being arrested for and/or charged with a Class A or B misdemeanor or any felony offense.

4. An attorney may seek reinstatement to the court appointment list when: (a) the charges have been dismissed; (b) the charges have not resulted in an indictment or other formal accusation within sixty days of arrest; or, (c) any sentence or probation is completed.

j. Attorneys on Court Appointments List Accepting Remuneration from Court Appointed Clients

An Attorney appointed to represent a client is not allowed to solicit or accept remuneration from the client on the appointed case(s) unless the Court determines that there has been a change in status and approves such payment. If the client is charged with new offenses or is in need of other legal services during the pendency of his appointed case(s), the appointed attorney cannot accept remuneration for representation in those matters without notice to, and approval by the Court.

Sec. 5: Prompt Appointment of Counsel

- a. On a daily basis, CCA staff will obtain the Indigence Form/Order Appointing Attorney Forms from Pretrial Services personnel. CCA staff shall appoint counsel no later than the end of the first working day after the date on which CCA receives the defendant's request for counsel.
- b. If a defendant is released on bond prior to appointment of counsel, an attorney shall be appointed during the first appearance at CCA or during the first court appearance, after eligibility guidelines have been met.

Sec. 6: Attorney Selection Process

- a. Appointments shall be made using a rotation system following an alphabetical listing of the names of the eligible attorneys (taking into account the type of appointments they may receive).
- b. Appointments for Spanish speaking cases shall be made using a separate rotation system following an alphabetical listing of the names of attorneys eligible to receive Spanish-speaking clients.
- c. Appointments for Mental Health Attorneys and the Misdemeanor Mental Health Public Defender shall be made using a separate rotation system. Eligible attorneys will be appointed following an alphabetical listing of their names. In mental health cases involving misdemeanors, attorneys will be appointed from the misdemeanor mental health attorney rotation including the Mental Health Public Defender. In mental health cases involving state jail, 2nd or 3rd degree felony offenses, attorneys will be appointed from the felony mental health attorney rotation.
- d. A Judge may elect to appoint an attorney or Mental Health Public Defender without using the rotation system when the Judge finds it is in the best interests of all parties concerned.

The Judge making such appointment shall make a finding setting forth the reason for such appointment and shall notify CCA of the appointment.

- e. In misdemeanor cases, a joint jail reduction docket will be held daily by the County Courts at Law. Appointments will be made on a rotating basis, in alphabetical order. Cases in which the attorney does not appear will be reappointed in Court from the alphabetical rotation.
- f. In felony cases, an attorney may receive an appointment for the highest level of offense for which he/she is qualified and for any lower level offense he/she in which he has chosen to participate.
- g. Assignment of felony cases based on Category:
 - 1. Capital attorneys will be assigned to capital cases.
 - 2. Category A attorneys will be assigned to all cases (except capital cases).
 - 3. Category B attorneys will be assigned to all cases in which the maximum sentence does not exceed 20 years.
 - 4. Category C attorneys will be assigned to state jail felonies and motions to revoke community supervision.
 - 5. Appellate attorneys will be assigned to appeals.
- h. Court Administration will maintain all records on attorneys, and provide orientation training.
- i. CCA shall solicit applications for new and status change attorneys twice each year (two weeks in the spring and fall), with the exception of the mental health appointments lists. CCA shall solicit applications for new attorneys to the mental health court appointed attorney list on an as needed basis.
- j. Only District Judges may vote on attorneys appointed to felony cases, and County Court at Law Judges may vote on attorneys appointed to misdemeanor cases. The District and County Court-at-law Judges shall approve new applicants to the respective court appointment lists by majority vote.

Sec. 7: Felony Criminal Defense Attorney Rating System

- a. Attorneys on the appointment list shall be divided into five categories based on experience and competency. The criminal district Judges shall do this evaluation when the applicant applies to be on the list and on a periodic basis thereafter.

1. Capital- Most experienced. Criteria set by Judicial Region.
2. Category A – Significant experience with all phases of a criminal practice including aggravated and first degree felony jury trials as lead counsel; very knowledgeable concerning criminal law and procedure, and capable trial lawyer.
3. Category B – Experience trying misdemeanor and some felony trials to a jury and before the court and second-chairing serious felony cases; experience trying other contested matters such as felony pretrials and probation revocations; capable and knowledgeable but lacking experience in serious/aggravated felony cases.
4. Category C – Knowledgeable concerning criminal law and procedure and possessing trial skills but lacking significant felony trial experience. Some jury trial experience in misdemeanors and, at least as second chair, in felonies.
5. Appellate – Knowledgeable concerning criminal law and procedure and appellate procedure; prior experience analyzing appellate records and filing criminal appeals.

b. Factors Judges consider in their evaluation:

1. Competence, diligence, and skill
2. Experience in Travis County District or County Attorney's Office
3. Experience in any county or district attorney's office
4. Years actively engaged in the practice of criminal law
5. Certification as a criminal law specialist
6. Attendance at advanced criminal law courses
7. Special skills

Sec. 8: Compensation of Appointed Counsel

In consideration of reasonable compensation for court appointed counsel, taking into account necessary overhead costs and availability of qualified attorneys willing to accept the stated rates, the following guidelines shall be used to claim attorney's fees for court appointed counsel in Felony and Misdemeanor Criminal cases pursuant to the Code of Criminal Procedure, Art. 26.05.

a. Compensation Rates and Requests for Payment

See Appendix:

Travis County Fee Guidelines For Appointed Counsel in Misdemeanor Criminal Cases **Travis County Fee Guidelines For Appointed Counsel in Felony Criminal Cases**

- b. Court appointed counsel will be compensated for all necessary expenses, i.e., long distance telephone charges, copying expenses, auto mileage (IRS rate) outside of Travis County. All major expenses, such as investigators and expert witnesses, will require written approval by the Court prior to the expense being incurred.

- c. Expenses incurred without prior court approval will not automatically be reimbursed. Such expenses shall be reimbursed if the Court determines that they are reasonably necessary and reasonably incurred upon presentation of a claim for reimbursement.
- d. At the conclusion of the case, the appointed counsel shall present the completed voucher to the presiding Judge for approval according to the fee schedules adopted by the District and County Court at Law Judges. No payment shall be made until the form for itemizing the services performed is submitted to the Judge presiding over the proceedings and the Judge approved the payment.
- e. An attorney whose request for payment is disapproved is entitled to a copy of the Judge's findings for approving an amount different from the requested amount. The attorney may appeal the disapproval by filing a motion with the presiding Judge of the Administrative Judicial Region, as provided in Article 26.05(c) Texas Code of Criminal Procedure.

APPENDIX



Travis County Criminal Courts Fair Defense Act Program

2011 INCOME ELIGIBILITY GUIDELINES

BASIC PROGRAM INCOME GUIDELINES

150% OF POVERTY GUIDELINES

Household Size	Annual	Monthly
1	\$16,332	\$1,361
2	\$22,056	\$1,838
3	\$27,792	\$2,316
4	\$33,516	\$2,793
5	\$39,252	\$3,271
6	\$44,976	\$3,748
7	\$50,712	\$4,226
8	\$56,436	\$4,703
9	\$62,172	\$5,181
10	\$67,896	\$5,658
11	\$73,632	\$6,136
12	\$79,356	\$6,613
13	\$85,092	\$7,091
14	\$90,816	\$7,568
15	\$96,552	\$8,046

Defendant's Name: _____ Date: _____ Cause # _____

DOB: _____ Address: _____ Special Needs _____

Booking No: _____

Indigence Form

To determine eligibility for Court Appointed Attorney, you must complete this form.

I will retain my own attorney: _____ *Date:* _____
Defendant's Signature

Do not continue filling out form if Defendant to retain own attorney

Size of family Unit Members of immediate family that you support financially (List name, age & relationship)		
Name:	Age:	Relationship:

Monthly Income		Necessary Mo. Living Expenses	
Employer:		Rent:	
Position:	How Long:	Mortgage:	
Your Salary:		Utilities (gas, electric, etc.):	
Spouse's Salary:		Transportation: Make: Model: Year:	
SSI/SSDI:		Clothes/Food:	
TANF:		Day Care / Child Care:	
Social Security Check:		Medical Expenses:	
Child Support:		Credit Cards:	
Other Government Check:		Court-Ordered Monies:	
Other Monthly Income:		Child Support:	
TOTAL INCOME*		TOTAL NECESSARY EXPENSES*	
Savings/401K Balance:			

STAFF USE ONLY:

Comments: _____

TOTAL MONTHLY INCOME:	
TOTAL MONTHLY EXPENSES:	-
DIFFERENCE (net income)	=

DEFENDANT MEETS ELIGIBILITY REQUIREMENTS
_____ YES _____ NO
_____ UNDETERMINED

I have been advised of my right to representation by counsel in the trial of the charge pending against me. I certify that I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for me. I swear that the above information is true and correct. The information I listed is accurate and I will immediately notify the court of any changes in my financial situation.

**All information is subject to verification. Falsification of information is a criminal offense.*

Signature of Defendant

Date

NO _____

THE STATE OF TEXAS

IN THE _____ COURT

VS

OF

TRAVIS COUNTY, TEXAS

DOB: _____

ORDER APPOINTING ATTORNEY

In the above numbered and entitled cause the court finds the following:

- 1) The defendant has been determined to be indigent and in need of legal services pursuant to the Code of Criminal Procedure, Chapter 26.
- 2) The attorney hereby appointed is duly qualified to represent the defendant.
- 3) The attorney is appointed in compliance with the procedures adopted by the Criminal Courts of Travis County or is appointed in a manner which deviates from the general appointment procedures, but with good cause; to wit:

- 4) Defendant is incarcerated/on bond at the time of this appointment.

THEREFORE, IT IS ORDERED that _____,
an attorney found by the Court to be competent to represent the defendant in this cause, is hereby appointed to represent the defendant in this cause until the case is concluded, including appeals, if any, or until released by order of the Court.

Date

Judge Presiding



**IN THE COUNTY COURTS AT LAW
OF TRAVIS COUNTY TEXAS**

Cause No(s). _____ Court _____

State vs. _____

Offense _____

Request for Payment for Services Rendered as Court Appointed Counsel

In the above numbered and entitled cause(s) I, the undersigned attorney, represent to the court the following are true and correct.

- 1) The defendant has been determined to be indigent and in need of legal services pursuant to the Code of Criminal Procedure Chapter 26.
- 2) The undersigned attorney was duly qualified and appointed by the court to represent the defendant in this cause according to local guidelines or in the interest of justice.
- 3) All services claimed below were rendered to the defendant in the disposition of this cause, and were reasonable and necessary.
- 4) **Attorneys must have approval of the Court in writing if a claim is to be based on fees in excess of the established rates. If such approval is not obtained in advance, a higher rate shall not be paid.**

FINAL CASE DISPOSITION: No Charges Filed Plea Trial Dismissal Appeal OR Attorney Released

Fixed Rates:

Fixed Rate Continued

- Obtaining jail release \$50
- Discovery and dismissal (single case only)
- \$50 each succeeding case \$175
- Pretrial (including preparation) \$150
- Plea and Sentence (1 defendant, 1 case) \$175
- Plea and Sentence (1 defendant,
multiple cases)* \$175
*\$50 each succeeding case \$ _____ (1st case)

- Misdemeanor 12.45's \$50
- Uncontested Competency \$100
- Appeals \$500
- Sub Total** \$ _____

Daily Rates:

- Trial before the Court \$350
- Jury trial (including discovery and
preparation; actual trial time) \$500

Daily Rate Total

Vouchers shall be submitted at the time the case is disposed of except for trials. In the case of trials, vouchers should be submitted within 30 days of the conclusion of the case. Failure to comply shall result in suspension from the court appointment list.

I RESPECTFULLY REQUEST PAYMENT IN THE TOTAL AMOUNT OF: \$ _____ FOR SERVICES PROVIDED

FROM: _____ TO _____ . (MM/DD/YY)

Pay to: _____ Vendor # _____

Attorney's Address: _____ Phone: _____
Street Address City Zip

Attorney signature as verification of claim accuracy: _____ Date Submitted _____

ORDER

Having reviewed the foregoing motion, and considering the facts of this case and the local guidelines for payment of counsel, I find that \$ _____ is proper, and order that payment be made in that amount.

Judge Presiding

Date



IN THE CRIMINAL DISTRICT COURTS
OF TRAVIS COUNTY TEXAS

Cause No(s). _____ Court _____

State vs. _____

Offense _____

Request for Payment for Services Rendered as Court Appointed Counsel

In the above numbered and entitled cause(s) I, the undersigned attorney, represent to the court the following are true and correct.

- 5) The defendant has been determined to be indigent and in need of legal services pursuant to the Code of Criminal Procedure Chapter 26.
6) The undersigned attorney was duly qualified and appointed by the court to represent the defendant in this cause according to local guidelines or in the interest of justice.
7) All services claimed below were rendered to the defendant in the disposition of this cause, and were reasonable and necessary.

Fixed Rates:

- Secure release from jail \$75
Case dismissed prior to indictment \$200
Case dismissed post indictment1 \$400
Non-evidentiary pre-trial (necessary motions) \$100
Evidentiary pre-trial (less than half day) \$250
Non-jury trial (less than half-day) \$500
Plea and Sentence (same setting)1 \$400
Plea and Sentence (separate settings)1 \$450
Boot camp or shock probation (3 settings)1 \$500
Probation Revocation (non-contested) \$250
Writ hearings \$250

Appeals

- Ander's Briefs, Motions to Revoke or Adjudicate \$1,000
1st, 2nd, 3rd Degree & State Jail Felonies \$2,000

1\$100 for each additional case.

Daily Rates: minimum 6 hours per day

- Evidentiary Pretrial \$500 x (# of days) \$
Non-jury trial \$750 x (# of days) \$
Jury trial \$1,000 x (# of days) \$

Hourly Rate Approved (see note 2 below)

Total out of court time from itemized statement (attached and incorporated) \$

Total in court time from itemized statement (attached and incorporated) \$

- Attorney Released \$
Other Necessary Expenses \$
(Specify) _____

2Attorneys must have approval of the Court in writing at the outset of a case if a claim is to be based on an hourly rate.

Vouchers shall be submitted at the time the case is disposed of except for trials. In the case of trials, vouchers should be submitted within 30 days of the conclusion of the case. Failure to comply shall result in suspension from the court appointment list.

I RESPECTFULLY REQUEST PAYMENT IN THE TOTAL AMOUNT OF: \$ _____ FOR SERVICES

PROVIDED FROM: _____ TO _____. (MM/DD/YY)

Pay To: _____ Vendor # _____

Attorney's Address: _____ Phone: _____

Street Address

City

Zip

Attorney signature as verification of claim accuracy: _____

Date Submitted

ORDER

Having reviewed the foregoing motion, and considering the facts of this case and the local guidelines for payment of counsel, I find that \$ _____ is proper, and order that payment be made in that amount.

Judge Presiding

Date

TRAVIS COUNTY FEE GUIDELINES
FOR APPOINTED COUNSEL IN MISDEMEANOR CRIMINAL
CASES

EFFECTIVE 10/01/06 FOR SERVICES RENDERED ON OR AFTER THAT DATE

The goal of these payment guidelines is to assure quality representation for indigent persons charged with misdemeanor crimes in Travis County. Those cases appropriate for trial should be tried and those appropriate for plea should be pled.

Each Judge reserves the right to deviate from these guidelines in particular cases where the amount or quality or work performed is substantially above or below the norm.

Court appointed attorneys remain attorneys of record until final disposition of their cases unless a motion to withdraw or to substitute counsel is granted.

Expenses reasonably incurred by appointed counsel, such as long distance telephone charges or copying charges for documents will be reimbursed. Interpreters, investigators or expert witnesses must be approved in advance by written order of a Judge to assure reimbursement.

PAYMENT GUIDELINES

Obtaining jail release	\$50.00 per case
Discovery and dismissal	\$175.00 per case
Plea & sentencing (1 defendant/1 case)	\$175.00 per case
Plea & sentencing (1 defendant/multiple cases)	\$175.00 1st case \$50.00 each succeeding case
Misdemeanor 12.45's	\$50.00 per case
Pretrial (including preparation)	\$150 per case
Trial before the court (including discovery and preparation)	\$350 per day
Jury trial (including discovery and preparation)	\$500 per day actual trial time
Uncontested Competency	\$100 per case
Appeals	\$500

EXPENSES

Court appointed counsel will be compensated for all necessary expenses: i.e., collect or long distance phone calls, copying expenses, auto mileage (at IRS rate). All major expenses, such as investigators or expert witnesses, will require written approval by the court prior to the expense being incurred.

REQUESTS FOR PAYMENTS

Request-for-payment forms shall be submitted at the time the case is disposed of except for trials. Requests for payment after trials should be submitted within 30 days of the conclusion of the case. Failure to comply shall result in suspension from the court appointment list.

Payment for all of a defendant(s) cases should be requested on one form.

Payment for expenses such as investigators and expert witnesses should be requested on a separate form.

CAVEAT

In an unusual case, the considerations set forth in Texas Rules of Professional Conduct Rule 1.04(b) may dictate a fee that is less than or more than the one established by these guidelines.

TRAVIS COUNTY FEE GUIDELINES
FOR APPOINTED COUNSEL IN FELONY CRIMINAL CASES

EFFECTIVE 11/01/08 FOR SERVICES RENDERED ON OR AFTER THAT DATE

Pursuant to C.C.P. Art. 26.05, the following guidelines shall be used to claim attorney's fees for appointed counsel in criminal cases.

FIXED RATES

These fees will be the standard compensation for the following services:

Secure release from jail	\$75
Case dismissed prior to indictment	\$200
Case dismissed post indictment ¹	\$400
Non-evidentiary pre-trial (necessary motions)	\$100
Evidentiary pre-trial (less than half-day)	\$250
Non-jury trial (less than half-day)	\$500
Plea and Sentence (same setting) ¹	\$400
Plea and Sentence (separate settings) ¹	\$450
Boot camp or shock probation (3 settings) ¹	\$500
Probation revocation (non-contested)	\$250
Writ hearings	\$250
Appeals	
- Ander's Briefs, Motions to Revoke or Adjudicate	\$1,000
- 1 st , 2 nd , 3 rd Degree & State Jail Felonies	\$2,000

¹ \$100 for each additional case

DAILY RATES

Daily rates are premised on a minimum of six hours spent in court. If less time is spent the fee will be reduced. The Daily Rate fee includes compensation for preparation time.

Evidentiary pre-trial	\$500
Non-jury trial	\$750
Jury trial	\$1,000

HOURLY RATES

Attorneys must have approval of the Court in writing at the outset of a case if a claim is to be based on an hourly rate. If such approval is not obtained in advance an hourly rate shall not be paid.

Appointed counsel will be compensated for time actually required by an appointment at an hourly rate of \$70 to \$100 for in-court time and \$60 to \$90 for out-of-court time. The exact rate will be dependent upon the complexity of the case and the experience and ability of the appointed counsel. Claims for payment should reflect time expended to the nearest 1/10th of an hour.

If an hourly rate is approved, an itemized statement reflecting the date, service performed, and time expended, must be submitted with the request for payment form.

EXPENSES

Court appointed counsel will be compensated for all necessary expenses: i.e., collect or long distance phone calls, copying expenses, auto mileage (at IRS rate). All major expenses, such as investigators or expert witnesses, will require written approval by the court prior to the expense being incurred.

REQUESTS FOR PAYMENTS

Request-for-payment forms shall be submitted at the time the case is disposed of except for trials. Requests for payment after trials should be submitted within 30 days of the conclusion of the case. Failure to comply shall result in suspension from the court appointment list. If a case is disposed of prior to indictment or is a writ matter, the request-for-payment form should be submitted to the judge who signed the attorney appointment order. Payment for all of a defendant's cases should be requested on one form. Payments for expenses such as investigators and expert witnesses should be requested on a separate form.

CAVEAT

In an unusual case, the considerations set forth in Texas Rules of Professional Conduct Rule 1.04(b) may dictate a fee that is less than or more than the one established by these guidelines.