TRAVIS COUNTY CRIMINAL COURTS FAIR DEFENSE ACT PROGRAM

GUIDELINES, STANDARDS, AND PROCEDURES

OCTOBER 23, 2015

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VII. APPENDIX

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

The criminal district and county court at law judges of Travis County (hereinafter referred to as the "criminal court judges") are committed to providing timely and quality legal representation to indigent criminal defendants, to guaranteeing fair and neutral procedures for attorney selection, and to ensuring that minimum competency standards for court-appointed attorneys are established, while striving to wisely expend public funds. In administering the Travis County Fair Defense Plan (hereinafter referred to as The Plan), these rules are adopted by the criminal court judges to ensure compliance with the above stated goals and principles.

Pursuant to the Texas Code of Criminal Procedure (hereinafter referred to as TCCP) Articles 26.04 (a), 26.04 (f-1) and 26.047 the criminal court judges by majority vote authorized the presiding criminal court judge to petition the Travis County Commissioners Court to apply for a grant from the Texas Indigent Defense Commission to help implement a Managed Assigned Caseload Program to administer court appointed criminal cases assigned to the Travis County district and county courts. The Austin Bar Association and the Austin Criminal Defense Lawyers Association have created the Capital Area Private Defender Service (CAPDS), a non-profit corporation whose purpose is to manage court appointed cases in accordance with this plan. The CAPDS shall serve as the Program Administrator for The Plan.

The CAPDS shall incorporate the rules of The Plan into its Plan of Operation in order to meet or exceed the standards for indigent defense and to be in compliance with the Fair Defense Act of 2001. The CAPDS shall manage approved appointed attorneys appearing in the Travis County Criminal County Courts at Law and the Criminal District Courts. Each attorney accepted to provide legal representation under this plan shall be provided a copy of these rules and procedures by the MAC.

I. PROMPT MAGISTRATION

A. When the Right to Appointed Counsel Attaches.

1. If the defendant is arrested pursuant to a warrant the detaining authority must present the defendant before the magistrate within 48 hours of arrest.

2. If the defendant is arrested without a warrant for a misdemeanor and a magistrate has not determined probable cause, the defendant must be released on bond, not to exceed $5,000, not later than 24 hours after arrest.

3. If the defendant is arrested without a warrant for a felony and a magistrate has not determined probable cause, the defendant must be released on bond, not to exceed $10,000, not later than 48 hours after arrest.

4. If the prosecutor files an application, a magistrate may postpone the release of the defendant for not more than 72 hours after arrest.

B. Magistration of Defendants Arrested WITH OR WITHOUT a Warrant.

1. Persons in custody brought before a magistrate shall be informed by the magistrate of the right to request counsel under TCCP Article 15.17 Subsection (e) and (f). A record will be made of these proceedings and shall be preserved as required by TCCP Article 15.17.

2. If the arrested person does not speak or 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 TCCP Articles 38.30 and 38.31.

3. If the defendant asks that an attorney be appointed, the magistrate shall instruct pretrial services officer to assist the defendant in filling out the Indigence Application and request for appointed counsel.

4. A pretrial services officer shall interview a defendant in jail after arrest to determine personal bond status AND collect information regarding a person's ability to pay for an attorney. If the defendant requests appointed counsel, pretrial staff will provide the defendant with reasonable assistance filling out the Indigence Application in accordance with criminal court judges' instructions and protocol. If a defendant does not request and meet the qualifications to receive an appointed attorney, the person will sign and date the Indigence Application at the appropriate top section indicating counsel is not requested. TCCP Article 17.033.

5. For a defendant arrested on an out-of-county warrant, the magistrate must ask if the defendant wants to request counsel, inform the defendant of the procedures for requesting counsel, and ensure the defendant is provided reasonable assistance in completing the necessary forms for requesting counsel in the county issuing the warrant [Art. 15.18(a-1), CCP]

6. Requests for counsel made by defendants arrested on out-of-county warrants must be transmitted to the appointing authority of the county issuing the warrant within 24 hours of the request being made. [Art. 15.18(a-1), CCP]

II. INDIGENCE DETERMINATION STANDARDS

A. Financial Standards for Determining Indigence. These standards shall apply to each defendant equally, regardless of whether the defendant is in custody or has been released on bail.

B. Criteria in Determining Indigence. The following criteria as incorporated in the Travis County Indigence Application apply in determining whether a defendant is indigent:

1. The defendant's annual income
2. Source of income
3. Assets
4. Property owned
5. Outstanding obligations
6. Necessary expenses
7. The number and ages of dependents
8. Spousal income available to defendant; and
9. Any other inquiries by a court
10. Whether the defendant has posted bail shall not be considered, except to the extent that it reflects the defendant's financial circumstances.

C. Presumption of Indigence.

1. The defendant's current household income does not exceed 125% of the current Federal Poverty Guidelines.
2. The defendant is currently receiving food stamps, Medicaid, temporary assistance for needy families, social security assistance or public housing.
3. The defendant is currently serving a sentence in a correctional facility, mental health institution or other sentence.

D. Judicial Determination of Indigence.

A judge may determine that a defendant who does not meet any of the financial standards set forth above is nevertheless 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:

1. the nature of the criminal charge(s);
2. the anticipated complexity of the defense;
3. the estimated cost of obtaining competent legal representation for the matter charged;
4. and the amount needed for the support of the defendant and the defendant's dependents.

E. Process of Determination.

1. The defendant shall swear under oath before a pretrial officer, clerk or judge that the information provided by the defendant is true.
2. If a defendant is determined to be indigent, he/she is presumed to remain indigent for the remainder of the proceedings in the case unless a material change in the defendant's financial circumstances occurs.
3. The defendant's Indigence Application shall be transmitted to the Travis County Criminal Court Administrator's Office, (hereinafter referred to as TCCA) no later than 24 hours after the defendant appears before the magistrate. TCCP Art. 15.17(a).

III. MINIMUM ATTORNEY QUALIFICATIONS

The Program Administrator may establish additional criteria to determine which attorneys are qualified to represent persons charged with class A and B misdemeanors, 1st, 2nd, 3rd degree and state jail felonies as well as appeals. The qualifications adopted by the Program Administrator shall maintain or exceed the standards that are currently set forth below:

A. General Minimal Qualifications for All Court Appointed Attorneys. The following standards apply to each attorney who applies to be on the appointment list and wants to remain on that list:

1. An attorney must have on file with the Program Administrator a completed and sworn application, which is approved by the Review Committee. Attorneys must ensure all information on their application is correct and current by submission of an electronic oath or by an oath before a notary.

2. An attorney must be a licensed practicing attorney and a member in good standing with the State Bar of Texas.

3. An attorney must either live in Travis County, or live in an adjoining county and maintain an office within Travis County.

4. An attorney must attend any CLE course required by the Program Administrator. The program administrator will adopt a minimum number of CLE hours meeting or exceeding 10 hours in the area of criminal law and procedure each year plus one hour of ethics relating to the practice of criminal law. All attorneys on the appointment list must file a CLE report with the Program Administrator each year attesting to completion of this required CLE.

5. An attorney must have a secretary, receptionist, answering service, or a cell phone with texting capabilities. An attorney must have an active e-mail account to receive court appointments and notices regarding procedural changes. An attorney must register a phone number consistent with the requirement above with the Travis County Sheriff to receive calls from incarcerated clients. Attorneys are encouraged to enable the use of video-conferencing. In addition, an attorney must respond promptly to a phone call or text from the court or from the Program Administrator.

6. An attorney shall notify the Program Administrator promptly, in writing, of any matter that would disqualify the attorney by law, regulation, and rule or under these guidelines from receiving appointments to represent indigent defendants.

7. After approval by the Review Committee, attorneys must attend a general orientation conference regarding the operation of the appointment process and first setting procedures.

8. Pursuant to TCCP Article 26.04(j)(4), an attorney shall submit by October 15th of each year a statement that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for adult criminal cases and juvenile delinquency cases for the prior 12 months that begins on October 1 and ends on September 30. The report must be submitted through the online form to the Texas Indigent Defense Commission.

9. An attorney must meet other standards adopted by the Program Administrator that do not fall below the standards set forth in this Plan.

B. Minimum Qualifications for Misdemeanor Court Appointed Attorneys.

1. Must meet the General Minimal Qualifications.

2. Must have a minimum of one-year work experience in practicing criminal law.

3. The evaluation of experience and competency is done when the applicant applies to be on the appointment list and on a periodic basis thereafter. Factors to be considered are:
   a) Competence, diligence, and skill
   b) Years actively engaged in the practice of criminal law
   c) Certification as a criminal law specialist
   d) Attendance at advanced criminal law courses
   e) Any other special skills

4. Must have at least the experience of being lead counsel in 2 misdemeanor 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 attorney's application.

5. Alternatively, attorneys will be qualified for the misdemeanor panel after successful completion of the Capital Area Private Defender Service mentoring program. Attorneys may be assigned misdemeanor cases while in the mentorship program.

6. Must have prior appellate experience to be assigned appeals.

7. Attorneys on the misdemeanor appointment list may qualify for one or more of the following panels based upon experience and competency:

   a) Misdemeanor Appointment Panel
   b) Misdemeanor Mental Health Appointment Panel
   c) Misdemeanor Appeal Appointments will be made from the Felony Appellate B Appointment Panel.

8. An attorney must meet other experience and competency requirements as deemed appropriate by the Program Administrator that do not fall below the standards set forth in this Plan.

C. Minimum Qualifications for Mental Health Court Appointed Attorneys. The following standards apply to each attorney who is appointed to represent a defendant on the specialized mental health dockets accused of a criminal offense.

1. An attorney must meet the general qualifications.

2. An attorney applying for mental health court appointments must have served as a prosecutor 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. The evaluation of experience and competency is done when the applicant applies to be on the appointment list and on a periodic basis thereafter. Factors to be considered are:
   a) Competence, diligence, and skill
   b) Years actively engaged in the practice of criminal law
   c) Certification as a criminal law specialist
   d) Attendance at advanced criminal law courses
   e) Any other special skills

4. An attorney must have been lead counsel in at least 3 mental health cases (whether misdemeanor or felony) with at least 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.

5. The Program Administrator will adopt minimum training standards in the area of mental health each year. An attorney must have received 3 hours of CLE in mental health criminal issues or received training within 3 months of placement on the mental health appointment list.

6. An attorney must be knowledgeable concerning criminal law related to defendants with mental health issues and the Texas Mental Health Code.

7. An attorney applying for the misdemeanor mental health court appointment list must meet requirements for placement on the misdemeanor list.

8. An attorney applying for the felony mental health court appointment list must meet requirements for placement on the Category B felony list.

9. An attorney must meet other experience, training, and competency requirements as deemed appropriate by the Program Administrator that do not fall below the standards set forth in this Plan.

D. Minimum Qualifications for Felony Court Appointed Attorneys. The following standards apply to each attorney who is appointed to represent a defendant accused of a felony.

1. An attorney must meet the general qualifications.

2. An attorney must have served as a prosecutor 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 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 attorney's application.

4. Attorneys on the felony appointment list may qualify for one or more of the following panels based upon experience and competency:
   a) Felony A Appointment Panel
   b) Felony B Appointment Panel
   c) Felony C Appointment Panel
   d) Felony Mental Health Appointment Panel
   e) Felony Appellate A Panel
   f) Felony Appellate B Panel is also utilized to appoint misdemeanor appeals.

5. The evaluation of experience and competency is done when the applicant applies to be on the appointment list and on a periodic basis thereafter. Factors to be considered are:
   a) Competence, diligence, and skill
   b) Years actively engaged in the practice of criminal law
   c) Certification as a criminal law specialist
   d) Attendance at advanced criminal law courses
   e) Any other special skills

6. Other experience and competency as deemed appropriate by the Program Administrator that do not fall below the standards set forth in this Plan

7. Alternatively, attorneys may qualify for a felony panel after successful completion of the Capital Area Private Defender Service felony mentoring program. While in the mentoring program attorneys may receive felony cases with the assistance of their mentor attorney and at the direction of the Program Administrator. Before admittance to any panel through the felony mentorship program, the felony mentoring program must be approved by the Travis County District Court Judges.

E. <u>Felony Panels:</u>

1. Capital Cases: Attorneys will qualify and receive appointments pursuant to TCCP Article 26.052 and are subject to the Third Judicial Region's Capital Attorney Selection Committee's rules and procedures.

2. A Panel: Attorneys must have 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 attorney. Attorneys must meet general qualifications and have completed, as lead counsel, at least two first degree felony jury trials to be considered for this panel.

3. B Panel: Attorneys must have 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 pre-trials and probation revocations; capable and knowledgeable but lacking experience in serious/aggravated felony cases. Attorneys must meet general qualifications and have completed, as lead counsel, at least one felony jury trial.

4. C Panel: 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.

F. Minimum Qualifications of Appellate Attorneys. The following standards apply to each attorney who is appointed to represent a defendant in an appeal.

1. Appellate A Panel: Attorneys placed on this list must have 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.

2. Appellate B Panel: Attorneys placed on this list must have 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.

3. Alternatively, attorneys may qualify for each appellate panel after successful completion of the Capital Area Private Defender Service mentoring program. While in the mentoring program attorneys may receive appellate cases with the assistance of their mentor attorney and at the direction of the Program Administrator. Before admittance to any panel through the mentorship program, the mentoring program must be approved by the Travis County District Court judges.

G. Determining Qualification

1. The Program Administrator through its Review Committee will determine the appropriate panel placement for each attorney.

H. Duties of Newly Appointed Attorneys.

1. An attorney is notified of an appointment by e-mail. The attorney shall, within three working days of receiving notice of appointment, enter into the Assignment Management Portal ("AMP"), an 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. Text messages alone are not considered a reasonable effort.

2. In felony cases, court appointed attorneys must visit all appointed clients incarcerated at the Travis County jail in person (or utilize videoconferencing) at the earliest possible time and that initial visit shall not be later than ten days from notification of assignment. This visit shall be noted in AMP by the attorney within three working days.

3. In misdemeanor cases, court appointed attorneys must visit all appointed clients incarcerated at the Travis County jail in person (or utilize videoconferencing) at the earliest possible time and that initial visit shall not be later than five days from notification of assignment. This visit must be noted in AMP by the attorney within three working days.

4. Additionally, duties of assigned counsel shall include:

a) Make every reasonable effort to:

(1) Contact the client by the end of the first working day after the date on which the attorney is appointed; and

(2) Interview the client as soon as practicable after the attorney is appointed, but not later than the requirements mandated by this plan;

b) Represent the client until:

(1) Charges are dismissed;

(2) The client is acquitted;

(3) Appeals are exhausted; or

(4) The attorney is relieved of his duties by the court or Program Administrator. Program Administrator may relieve an attorney with good cause if the case is not on the jury docket. If the case is on the jury docket, the Judge may relieve an attorney.

c) Where appropriate, an attorney has an obligation to secure release of the client through conditions most favorable to the client.

d) Investigate, either by self or through an investigator, the facts of the case and be prepared to present any factual defense(s) that may be reasonably and arguably available to the client;

e) Brief the law of the case, file appropriate motions, and be prepared to present any legal defense(s) that may be reasonably and arguably available to the client;

f) Be prepared to negotiate with the prosecutor for the most favorable resolution of the case as can be achieved through a plea agreement;

g) Be prepared to try the case to conclusion either with or without a jury;

h) Be prepared to file post-trial motions, give notice of appeal and appeal the case pursuant to the standards and requirements of the Texas Rules of Appellate Procedure;

i) Maintain reasonable communication and contact with the client at all times and keep the client informed of the status of the case, preferably by in person visits;

j) Advise the client on all matters involving the case and such collateral matters as may reasonably be required to aid the client is making appropriate decisions about the case.

k) Perform the attorney's duty owed to the client in accordance with these procedures, the requirements of the Code of Criminal Procedure, and applicable rules of ethics; and

l) Manage attorney's workload to allow for the provision of quality representation and the execution of the responsibilities listed in these rules in every case.

I. Suspension or Removal of Attorney from Appointment List and Readmission to List

1. General Competence/Review by Program Administrator.

a) Appointed attorneys are reviewed annually by the Program Administrator through its Review Committee. The judges shall submit an annual evaluation of all appointed attorneys to the Review Committee. These evaluations will be used in the Review Committee's assessment of each attorney's performance. The district judges will evaluate the felony list attorneys and the county court at law judges will evaluate the misdemeanor list attorneys. Each judge will evaluate each attorney's performance and indicate whether the attorney: exceeds expectations, meets expectations, or is below expectations.

b) General Criteria

(1) Efficiency:

(a) Punctuality-Court appearances, motions, briefs, etc.

(b) Preparation in all areas

(c) Efficient use of court time

(2) 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.

(3) Skill:

(a) Ability to communicate and conduct business with Judges, court staff, and district/county 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, present objections and perform jury trial skills.

(4) Ethics:

(a) Follows rules of professional conduct

(b) Honesty in dealings with court, other attorneys, staff, and clients

c) TCCA will assist in compiling the judicial evaluations and will forward the reviews to the Program Administrator. At the judges' discretion judicial evaluations may be anonymous. An attorney who receives at least two "below expectations" ratings from the judges will be presented to the Review Committee for review. A majority of the Review Committee shall vote to take one of the following actions:

(1) remove the attorney from the appointments list; or

(2) communicate observations and concerns through the Review Committee Chairman or the CAPDS Director on behalf of the body of judges to the attorney; or

(3) place the attorney on a lower list (felony appointments only); or

(4) place the attorney on probation for a specific period.

d) Terms and period of a probation term will be defined and communicated by the Program Administrator to the attorney. Attorneys placed on probation, may re-apply at the expiration of the probationary period, and the Review Committee will re-evaluate the attorney's performance. A majority of the Review Committee shall vote to either:

(1) remove the attorney from probation; or

(2) suspend the attorney from the list for a longer period; or

(3) place the attorney on a lower list (felony appointments only)

e) If the Review Committee votes to impose a sanction, the Program Administrator shall communicate the attorney's status and any other information relevant thereto as provided by the Review Committee.

f) In the event an attorney is incapacitated physically, mentally, or otherwise, in such a way as to call into question his/her ability to provide adequate representation, the attorney's level of proficiency may be reviewed by the Program Administrator through its Review Committee.

(a) The Review Committee may vote to reduce the attorney's classification to a lower level or remove the attorney from the list. A majority vote is required to remove or reclassify an attorney. The notice for an attorney to meet with the Program Administrator shall generally inform the attorney of the areas of deficiencies.

(b) A mentor may be appointed by the Program Administrator and/or Review Committee from a list of mentors which are approved by the Program Administrator.

(c) If an attorney is removed from the list or reclassified to a lower level, the Program Administrator shall communicate the attorney's status and any other information relevant thereto as provided by the Review Committee.

g) If an attorney is held to have rendered ineffective assistance of counsel by a court of record, and all appeals from said holding have been exhausted, the Program Administrator may remove the attorney from the appointment list for a minimum of one year. The attorney may reapply for the appointment lists at the end of the probationary period. If an attorney is removed from the list due to this provision, Program Administrator shall inform the attorney of the specific period of removal upon the rendering of the final judgment in the case.

h) The Program Administrator shall have the authority to limit the number of attorneys on the appointments list, at all levels, to maintain the integrity of the process, insure adequate representation of all indigent defendants, and to comply with all requisite legal standards designed to insure appropriate and competent representation of all defendants inclusive of all ABA standards.

i) All unexcused absences from court and failures to visit clients in a timely fashion should be reported to the Program Administrator so the office can maintain a cumulative record for all district and county courts at law. When the Program Administrator observes a recurring problem with an attorney it should be brought to the Review Committee's attention at the earliest appropriate time. The Review Committee will take appropriate action, to include written warning or suspension under these rules and report the action taken to the criminal court judges within weeks of said action.

j) The Program Administrator shall have the authority to adopt other standards and review procedures as the Program Administrator deems necessary that do not fall below the standards set forth in this Plan.

2. Specific Incidents of Misconduct Observed by or Reported to a Judge. 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 request an investigation by the Program Administrator.

a) 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 Program Administrator immediately suspend the attorney from the appointment list.

b) The Program Administrator shall suspend the attorney and 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 Program Administrator.

c) The Program Administrator shall circulate any response to all Review Committee Members and the suspension shall be voted on by the Review Committee at its next regular meeting. The judges will make a recommendation to the Program Administrator. Three or more votes ratify the suspension, which shall remain in effect until a majority of the Review Committee votes to return the attorney to the list.

3. Specific Incidents of Misconduct Observed by Program Administrator. If the Program Administrator becomes aware of actions by assigned counsel that require review by the Review Committee, the Executive Director may suspend an attorney for up to seven days and shall refer the case to the Review Committee. If the Review Committee does not have a regularly scheduled meeting within seven days, the Executive Director may renew the period of suspension for an additional seven days.

4. 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.

a) 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 Program Administrator a copy of the order imposing sanction within 30 days of the said order.

b) An attorney may provide a written supplement of the disciplinary sanction when providing the order imposing sanctions.

c) Program Administrator shall circulate the order imposing sanctions and the written supplement to the review committee and the judges. The vote of a majority the Review Committee is required to suspend or remove the attorney from the appointment list.

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

5. Readmission to List. An attorney suspended from the list may reapply after 1 year. The new application may contain any information the attorney deems relevant to readmission. The request should be submitted in writing to the Project Administrator. A majority vote of the Review Committee is required to reinstate an attorney.

6. Appellate Issues - Late Briefs.

a) An appellate attorney who receives notice from an appellate court that the deadline for filing a brief has not been met, shall immediately notify Program Administrator. The attorney shall be temporarily suspended from the appellate appointment list until the appellate brief has been filed. Once it has been filed with the appropriate court, a written or electronic copy of the brief and proof of filing must be provided to Program Administrator and to the presiding judge of the court wherein the case originated.

b) An appellate attorney who receives an order to show cause why he/she should not be held in contempt for 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, shall be permanently removed from the appellate appointment lists. An attorney so removed may apply for immediate reinstatement to the appellate appointment list by submitting proof of exceptional circumstances which reasonably prevented the attorney from responding to the notice of the brief being overdue. A majority vote of the Review Committee is required for such immediate reinstatement. Alternatively, the attorney may re-apply for the appellate appointment list at the next open application period, and include a statement of steps the attorney has taken to prevent a future recurrence of failure to timely file a brief.

c) These rules apply to all appeals by attorneys on the appointment list, without regard to whether the subject case is being handled by appointment or otherwise. A judge who receives notice of the above facts will notify the Program Administrator immediately.

7. Maximum Caseload Limits.

a) Felony Caseload Limits. An 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.

b) Misdemeanor Caseload Limits. An 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.

c) The Program Administrator may adopt additional standards that meet or exceed this standard.

8. Temporary Inactive Status

a) 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. The Program Administrator may adopt additional standards that meet or exceed this standard.

b) Temporary Inactive Status during Voluntary Leave. An attorney may request to be inactive for up to 90 days by submitting a written request to the Program Administrator. If an attorney has been inactive on the court appointment list for more than 90 days, he/she must submit a written request to reinstate along with proof of CLE compliance to the Program Administrator. The Program Administrator will decide if the attorney will be reinstated.

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

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 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 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 appointment list if he/she is under indictment or other formal criminal charge for any offense if a majority of the Review Committee determines 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 the client may petition the Program Administrator or the trial court for the appointment of another attorney.

e) An attorney who is charged with a crime and released on a bond to be supervised by the Office of Pretrial Services must agree to obtain the services of another attorney to deal with any matters involving his clients and the Office of Pretrial Services.

f) An attorney shall notify the Program Administrator in writing within 2 business days after being arrested for and/or charged with a class A or B misdemeanor or any felony offense.

g) An attorney may seek reinstatement to the appointment list when:

(1) the charges have been dismissed;

(2) the charges have not resulted in an indictment or other formal accusation within sixty days of arrest; or,

(3) any sentence or probation is completed.

10. Attorneys on List Accepting Remuneration from Appointed Clients.

a) 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 Program Administrator determines that there has been a change in status and approves such payment.

b) 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 Program Administrator.

IV. PROMPT APPOINTMENT OF COUNSEL

A. Defendants Arrested in Travis County.

1. On a daily basis, TCCA staff will obtain the completed Indigence Application from the Office of Pretrial Services. The TCCA through an electronic software program will appoint counsel from the lists provided by the Program Administrator. Counsel will be appointed no later than the end of the first working day after the date on which TCCA receives the defendant's request for counsel.

2. If a defendant is released from custody prior to the appointment of counsel, appointment of counsel is not required until the defendant's first court appearance or when adversarial judicial proceedings are initiated, whichever comes first. A standard of reasonableness shall be exercised in any judicial discretion utilized.

3. A Magistrate or Judge will advise unrepresented defendants of the right to counsel and procedures for obtaining counsel according to CCP Article 1.051(f2).

4. If a defendant wishes to request counsel prior to the initial appearance, the forms required to request counsel may be obtained from the Travis County Criminal Courts' website at: https://www.traviscountytx.gov/images/courts/Docs/indigence.pdf. Defendants may submit these forms to the court staff in which they been directed to appear. The court will rule on all requests for counsel submitted in this manner. [1TAC §174.51]

B. Out of County Arrests and Warrants

1. Defendants arrested in other counties on local warrants must be appointed counsel within one working day of receipt of the request.

2. Defendants arrested on out-of-county warrants must be appointed counsel if the person has not been transferred or released to the custody of the county issuing the warrant before the 11th day after the date of the arrest. [Art. 1.05(c-1), CCP]

3. Pretrial Services Staff will provide reasonable assistance filling out the indigence screening to defendants incarcerated on out-of-county warrants requesting court appointed counsel. Results of the screening will be transmitted via facsimile or email to the county of the originating warrant within 24 hours of request. [1TAC § 174.51]

V. ATTORNEY SELECTION

A. Attorney Assignment Process.

1. The Program Administrator will identify which of the appointment panels (discussed above re: attorney qualifications) is most appropriate for each attorney based on the accusations against the defendant and the level of experience of each attorney.

2. The Program Administrator will appoint an attorney pursuant to the procedures adopted by the Program Administrator.

3. The currently approved panels are:
   a) Misdemeanor Panel: Attorneys approved for the misdemeanor list may be appointed to Class A and B misdemeanors.

   b) Misdemeanor Mental Health Panel: Attorneys approved for the misdemeanor mental health list may be appointed to any level of misdemeanor selected for the mental health docket.

   c) A Felony Panel: Only attorneys who are placed on the A List shall be assigned to any cases (including but not limited to motions to proceed with an adjudication of guilt and to revoke probation) wherein the maximum sentence does not exceed life, or 99 years in the Texas Department of Criminal Justice. This category includes 1st degree, 2nd degree, 3rd degree and state jail felony offenses as well as habitual offenders and enhanced punishment ranges.

d) B Felony Panel: Attorneys who are placed on the B list shall be assigned to all cases (including but not limited to motions to proceed with an adjudication of guilt and motions to revoke probation) wherein the maximum sentence does not exceed 20 years. This category includes 2nd degree, 3rd degree and state jail felony offenses.

e) C Felony Panel: Attorneys will be assigned to state jail felonies and motions to adjudicate and motions to revoke state jail felonies.

f) Felony Mental Health Panel: Attorneys approved for the felony mental health list may be appointed to any level of felony selected for the mental health docket.

g) A Appellate Panel will be assigned appeals from non-death capital cases, 1st degree felony cases, and those cases involving habitual or 1st degree punishment ranges. An attorney on this list may be appointed to any felony appeal (except a death penalty case).

h) B Appellate Panel will be assigned appeal from felony cases of a 2nd degree level or lower.

4. The Program Administrator may assign second-chairs pursuant to the Policy and Procedures of the Program Administrator.

5. Program Administrator shall solicit applications for new and status change attorneys at any time deemed appropriate by the Program Administrator. Deadlines and admission requirements shall be published in advance of the Review Committee's decision date. The Program Administrator may admit highly qualified attorneys to the list outside the open enrollment period for exceptional circumstances as determined by a majority vote of the Review Committee.

6. 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).

7. 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.

8. 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.

9. A judge may deviate from a 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 in compliance with TCCP, Article 26.04 and will notify Program Administrator of the appointment.

10. The presiding judge over a criminal case and the Program Administrator have the power to remove appointed counsel. The Program Administrator may remove appointed counsel upon a finding of good cause for such removal including but not limited to the following:

    a) Counsel's failure to appear in a court hearing;
    b) Counsel's failure to comply with the requirements of this Plan or the Program Administrator's written policies;
    c) Current information about the defendant and the charges against the defendant indicate that another qualified attorney is more appropriate for the defendant under these rules;
    d) The appointed counsel shows good cause for being removed, such as illness, workload or schedule difficulties;
    e) The defendant requests an attorney other than trial counsel, for appeal; or
    f) The defendant shows good cause for removal of counsel, including counsel's persistent or prolonged failure to communicate with the defendant.

11. 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.

12. 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 in which he/she has qualified. If a case is enhanced above an attorney's qualified level, the attorney shall notify the court or Program Administrator immediately, to ensure the appropriate level attorney is assigned.

13. Program Administrator will maintain all records on attorneys, and provide orientation training.

VI. 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 appointed counsel in felony and misdemeanor criminal cases pursuant to the TCCP, Article 26.05.

A. Compensation Rates and Requests for Payment. Schedules are set for in Appendix A, as follows:

1. Travis County Fee Guidelines for Appointed Counsel in Misdemeanor Criminal Cases
2. Travis County Fee Guidelines for Appointed Counsel in Felony Criminal Cases

B. Expenses

1. 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.

2. All major expenses, such as investigators and expert witnesses, will require written approval by the Program Administrator prior to the expense being incurred.

3. Expenses incurred without prior Program Administrator's approval will not automatically be reimbursed. Such expenses shall be reimbursed if the Program Administrator determines that they are reasonably necessary and reasonably incurred upon presentation of a claim for reimbursement.

C. Request for Payment.

1. At the conclusion of the case, the appointed counsel shall present the completed voucher to the Program Administrator for approval according to the fee schedules adopted by the district and county court at law judges.

2. No payment shall be made until the form for itemizing the services performed is submitted to the Program Administrator over the proceedings and the Program Administrator approves the payment.

D. Appeal of payment amount.

1. An attorney whose request for payment is disapproved is entitled to a copy of the Program Administrator's findings for approving an amount different from the requested amount.

2. The attorney may appeal the disapproval by filing a motion with the presiding Judge of the Administrative Judicial Region, as provided in TCCP Article 26.05(c).

APPENDIX

Effective: 7/30/14

TCIDA INDIGENCE GUIDELINES

Travis County 2014 -UPDATED

125% of Federal Poverty Guidelines

Household Size	Monthly
1	$1,215
2	$1,638
3	$2,061
4	$2,484
5	$2,907
6	$3,330
7	$3,753
8	$4,176
For each additional person, add	+$423

Source: http://aspe.hhs.gov

Entered ☐ SI _____

Defendant's Name: _____ (print) **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:		Court-Ordered Monies:	
Other Government Check:		Child Support:	
Other Monthly Income:		**TOTAL NECESSARY EXPENSES***	
TOTAL INCOME*			
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 connection with 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*

Revised 7/17/2014

NO _____

_____

_____

_____

THE STATE OF TEXAS

VS

_____

DOB: _____

IN THE _____ COURT

OF

TRAVIS COUNTY, TEXAS

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

THE STATE OF TEXAS	§	IN THE _____ COURT
	§	
V.	§	OF
	§	
	§	TRAVIS COUNTY

DOB:

FINDING OF INDIGENCY

In the above styled and numbered cause the court finds the Defendant is indigent and in need of legal services pursuant to the Code of Criminal Procedure, Article 26, to wit:

1) The Defendant is presumed indigent, as defined in the Travis County Fair Defense Act Program Standards and Procedures; or
2) The Defendant is otherwise unable to retain private counsel without substantial hardship to the Defendant or the Defendant's dependents.

It is therefore ORDERED that the Program Administrator, the Capital Area Private Defender Service, shall assign a qualified attorney to represent this defendant as authorized in Article 26.047 of the Texas Code of Criminal Procedure.

_____ Date

_____ Presiding Judge

ASSIGNMENT OF COUNSEL

The court having found this Defendant indigent, the Capital Area Private Defender Service, assigns _____ to represent the Defendant in this cause. Assignment of said attorney complies with the Travis County Fair Defense Act Program Standards and Procedures and all written polices of the Capital Area Private Defender Service.

_____
_____
_____
_____

THE STATE OF TEXAS	§	IN THE _____ COURT
	§	
V.	§	OF
	§	
	§	TRAVIS COUNTY

DOB:

EXIGENT CIRCUMSTANCES
FINDING OF INDIGENCY AND
ORDER APPOINTING AN ATTORNEY

In the above styled and numbered cause the court finds the Defendant is indigent and in need of legal services pursuant to the Code of Criminal Procedure, Article 26, to wit:

1) The Defendant is presumed indigent, as defined in the Travis County Fair Defense Act Program Standards and Procedures; or
2) The Defendant is otherwise unable to retain private counsel without substantial hardship to the Defendant or the Defendant's dependents.

FURTHER, the court, having found that exigent circumstances exist, ORDERS the Capital Area Private Defender Service to assign a qualified CAPDS Panel Attorney, to wit: _____ to represent the Defendant in this cause. As required in the Code of Criminal Procedure, Article 26, the court finds that good cause exists to deviate from the rotational assignment system prescribed in the Travis County Fair Defense Act Program Standard and Procedures and written polices of the Capital Area Private Defender Service, to wit:

_____

_____

_____ _____
Date Presiding Judge

White Copy - Clerk
Pink Copy - Court Administration
Yellow Copy - Attorney

Rev.8/2015

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	☐ Misdemeanor 12.45's	$50
☐ Discovery and dismissal (single case only)	$225		
- $50 each succeeding case		☐ Uncontested Competency	$100
☐ Pretrial (including preparation)	$150	☐ Appeals	$500
		Sub Total	$
☐ Plea and Sentence (1 defendant, 1 case)	$225	***Daily Rates:***	
		☐ Trial before the Court	$350
☐ Plea and Sentence (1 defendant, multiple cases)*	$225 (1st case)		
*$50 each succeeding case	$_____	☐ 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 # _____

Payment will be sent to the Attorney's Address currently on file with the Travis County Auditor's Department. Updates to the remittance address are only accepted by the Travis County Auditors Department. Should you need to change your address or other payment-related information, please contact the Auditor's Office at (512) 854-9125.

I further swear or affirm that I have not received nor will receive any money or anything of value for representing the accused, except as approved by the Court in writing or on the record.

Attorney signature as verification of claim accuracy: _____ _____

Attorney Signature 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

October 2013

ITEMIZED STATEMENT TO SUPPORT HOURLY RATE
OR DEVIATION FROM FIXED RATE

Date of Service	Description of Service: ☐ Case-in-Chief ☐ Appeal ☐ Habeas	Time In Court	Time Out of Court	Rate (Per hour)	Total
					$
					$
					$
					$
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					$
					$
	Totals:				$

Judge's Findings:

_____

_____

_____

_____

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.

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.

Fixed Rates:		*Daily Rates: minimum 6 hours per day*	
☐ Secure release from jail	$75	☐ Evidentiary Pretrial	
☐ Case dismissed prior to indictment	$250	$500 x _____ (# of days)	$_____
☐ Case dismissed post indictment[1]	$550	☐ Non-jury trial	
☐ Non-evidentiary pre-trial (necessary motions)	$100	$750 x _____ (# of days)	$_____
☐ Evidentiary pre-trial (less than half day)	$250	☐ Jury trial	
☐ Non-jury trial (less than half-day)	$500	$1,000 x _____ (# of days)	$_____
☐ Plea and Sentence[1]	$550	***Hourly Rate Approved (see note 2 below)***	
☐ Boot camp or shock probation (3 settings)[1]	$500	Total out of court time from itemized statement (*attached and incorporated*)	$_____
☐ Probation Revocation (non-contested)	$300		
☐ Writ hearings	$250	Total in court time from itemized statement (*attached and incorporated*)	$_____
Appeals			
☐ Ander's Briefs, Motions to Revoke or Adjudicate	$1,000		
☐ 1st, 2nd, 3rd Degree & State Jail Felonies	$2,000	☐ Attorney Released	$_____
		☐ Other Necessary Expenses	$_____
[1]$100 for each additional case.	$_____	*(Specify)*_____	

[2]**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.**

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 # _____

Payment will be sent to the Attorney's Address currently on file with the Travis County Auditor's Department. Updates to the remittance address are only accepted by the Travis County Auditors Department. Should you need to change your address or other payment-related information, please contact the Auditor's Office at (512) 854-9125.

I further swear or affirm that I have not received nor will receive any money or anything of value for representing the accused, except as approved by the Court in writing or on the record.

Attorney signature as verification of claim accuracy: _____ _____

Attorney Signature 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

October 23, 2013

ITEMIZED STATEMENT TO SUPPORT HOURLY RATE OR DEVIATION FROM FIXED RATE

Date of Service	Description of Service:	Time In Court	Time Out of Court	Rate (Per hour)	Total
					$
					$
					$
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					$
					$
					$
	Totals:				$

Judge's Findings:

_____

_____

_____

_____

In the County Courts at Law
Of Travis County Texas

Voucher #:

State vs.

County Court at Law #

Cause No(s).

Offense(s)

Request for Payment for Services Rendered as Assigned Counsel

In the numbered and entitled cause(s) contained in this voucher, I 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) I am duly qualified and assignedby the Program Administrator to represent the defendant in this cause according to the Travis County Fair Defense Plan.
3) All services claimed in this voucher were rendered to the defendant in the disposition of this cause, and were reasonable and necessary.

Fee Type	Quantity	Unit Cost	Extended 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 may result in suspension from the court appointment list.

I RESPECTFULLY REQUEST PAYMENT IN THE TOTAL AMOUNT OF: $. FOR SERVICES PROVIDED FROM

Pay To: **Vendor #:**

Payment will be sent to the Attorney's Address currently on file with the Travis County Auditor's Department. Updates to the remittance address are only accepted by the Travis County Auditor's Department. Should you need to change your address or other payment-related information, please contact the Auditor's Office at (512) 854-0125.

By submitting this voucher, I swear or affirm this voucher accurately represents services performed, and I have not received any money or anything of value except as approved by CAPDS. I am requesting compensation pursuant to the guidelines of the Travis County Fair Defense Plan and subject to the Policies of CAPDS.

Attorney submitting voucher, indicating verification of claim accuracy: Date Submitted:

Payment Authorization

Having reviewed the foregoing request, and considering the facts of this case and the local guidelines for payment of counsel, CAPDS finds that is proper, and authorize the payment be made in that amount.

Authorized by the Capital Area Private Defender Service DateTime:

X

In the Criminal District Courts Of Travis County Texas

Voucher #:

State vs.

District Court

Cause No(s).

Offense(s)

Request for Payment for Services Rendered as Assigned Counsel

In the numbered and entitled cause(s) contained in this voucher, I 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) I am duly qualified and assignedby the Program Administrator to represent the defendant in this cause according to the Travis County Fair Defense Plan.
3) All services claimed in this voucher were rendered to the defendant in the disposition of this cause, and were reasonable and necessary.

Fee Type	Quantity	Unit Cost	Extended 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 may result in suspension from the court appointment list.

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

Pay To: **Vendor #:**

Payment will be sent to the Attorney's Address currently on file with the Travis County Auditor's Department. Updates to the remittance address are only accepted by the Travis County Auditor's Department. Should you need to change your address or other payment-related information, please contact the Auditor's Office at (512) 854-0125.

By submitting this voucher, I swear or affirm this voucher accurately represents services performed, and I have not received any money or anything of value except as approved by CAPDS. I am requesting compensation pursuant to the guidelines of the Travis County Fair Defense Plan and subject to the Policies of CAPDS.

Attorney submitting voucher, indicating verification of claim accuracy:

Date Submitted:

Payment Authorization

Having reviewed the foregoing request, and considering the facts of this case and the local guidelines for payment of counsel, CAPDS finds that is proper, and authorize the payment be made in that amount.

Authorized by the Capital Area Private Defender Service

DateTime:

TRAVIS COUNTY FEE GUIDELINES
FOR APPOINTED COUNSEL IN MISDEMEANOR CRIMINAL CASES

EFFECTIVE JANUARY 1, 2015 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.

The Program Administrator 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.

PAYMENT GUIDELINES

Obtaining jail release	$50.00 per case
Discovery and dismissal	$225.00 per case
Plea & sentencing (1 defendant/1 case)	$225.00 per case
Plea & sentencing (1 defendant/multiple cases)	$225.00 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 Program Administrator 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 may 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.

Approved and Ordered this 10th day of November, 2014.

John Lipscombe
Judge, County Court at Law #3

Michael Denton
Judge, County Court at Law #4

Nancy Hohengarten
Judge, County Court at Law #5

Brandy Mueller
Judge, County Court at Law #6

Elisabeth Earle
Judge, County Court at Law #7

Carlos Barrera
Judge, County Court at Law #8

TRAVIS COUNTY FEE GUIDELINES
FOR APPOINTED COUNSEL IN FELONY CRIMINAL CASES

EFFECTIVE JANUARY 1, 2015 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	$250
Case dismissed post indictment[1]	$550
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[1]	$550
Boot camp or shock probation (3 settings)[1]	$500
Probation revocation (non-contested)	$300
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

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 capital cases or approval of the Capital Area Private Defender Service as the Program Administrator for all other cases* in writing at the conclusion of the pretrial hearings 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.

Adopted 11-10-14

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 Program Administrator 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 may 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 Program Administrator. 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, taking into account the considerations set forth in Texas Rules of Professional Conduct Rule 1.04(b) the Program Administrator may authorize a fee that is less than or more than the one established by these guidelines.

Approved and Ordered this 10th day of November, 2014

Judge Clifford Brown
147th District Court

Judge Julie Kocurek
390th District Court

Judge Karen Sage
299th District Court

Judge David Wahlberg
167th District Court

Judge David Crain
331st District Court

Judge Brenda Kennedy
403rd District Court

Jim Coronado
427th District Court