

**BEXAR COUNTY CRIMINAL DISTRICT COURTS
PLAN**

**STANDARDS AND PROCEDURES RELATED TO
APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS**

The following Local Rules replace the current local rules, Part 5, Section E., subsections 5.19 through 5.25. These subsections affect the Criminal District Courts only. These rules are adopted pursuant to Texas Government Code §74.093. These amended local rules are effective November 1, 2015.

E. INDIGENT DEFENSE

5.19 The rules in this section will govern criminal procedures in all criminal district courts in Bexar County, and will take precedence over any other local rule to the contrary.

5.20 Procedures for Timely Appointment of Counsel

a. The rules in this subsection were originally promulgated with the cooperation of the City of San Antonio Magistrate's Office. As of November 1, 2007, Bexar County Magistrates appointed by the Criminal District Court Judges will be performing all magistration duties.

b. The person making the arrest or the person having custody of the arrested person shall take the arrested person before a magistrate within 48 hours after arrest, which is the current common practice in Bexar County.

c. Whenever an arrested person is first brought before a magistrate, the magistrate shall perform the duties described in Article 15.17 of the Code of Criminal Procedure, conducting what will hereinafter be referred to as an Article 15.17 hearing, which will include the following:

1. The magistrate shall specifically inform the person arrested of the person's right to request appointment of counsel if the person cannot afford counsel.

2. The magistrate shall specifically ask the person arrested whether the person wants to request appointment of counsel.

3. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel.

4. The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the time of the Article 15.17 hearing.

5. If the arrested person does not speak and understand the English language or is

deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31 of the Code of Criminal Procedure.

d. In each case in which an arrested person is taken before a magistrate for an Article 15.17 hearing, the magistrate will make a written record on a form titled “Magistrate Warning” and available in both English and Spanish, of the following information:

1. That the magistrate informed the person of the person’s right to request appointment of counsel;
2. That the magistrate asked the person whether the person wanted to request appointment of counsel; and
3. Whether or not the person requested appointment of counsel.

e. If the arrested person requests appointment of counsel, the magistrate shall transmit or cause to be transmitted to the Bexar County Pre-Trial Services Department the name of the arrested person requesting appointment of counsel, for their assistance in filling out the necessary forms and to interview them to determine if they qualify for a court appointed attorney. This transmittal will occur no later than 24 hours after the request is made to the magistrate.

f. Counsel shall be appointed in the manner specified in Rule 5.21 below, as soon as possible, but not later than the end of the first working day after the date on which the Pre-Trial Services Department receives the defendant’s request for counsel. “Working day” means Monday through Friday, except for official county holidays. Also, a Magistrate or Judge will advise unrepresented defendants of the right to counsel and procedures for obtaining counsel according to CCP Article 1.051(f-2).

g. For persons arrested on out-of-county warrants, the magistrate will ask the defendant if he/she would like to request appointed counsel. The magistrate will record the response, and if counsel is requested, the magistrate shall transmit or cause to be transmitted to the Bexar County Pre-Trial Services Department the name of the arrested person requesting appointment of counsel, for their assistance in filling out the necessary forms. The Bexar County Pre-Trial Services Department will transmit the forms to the appointing authority in the county issuing the warrant within 24 hours of the request being made.

5.21 Procedures and Financial Standards for Determining Whether a Defendant is Indigent

a. After the Article 15.17 hearing, if the arrested person has informed the magistrate that he/she does not want to request court appointed counsel, this will be reflected on the Magistrate Warning form. If at any time after magistration the arrested person decides that he/she would like to be interviewed after telling the magistrate that they did not want to request court appointed counsel, he/she will be referred to the Pre-Trial Services Officer for an interview (see below). If at any time after magistration the arrested person

decides that he/she does not want to be interviewed for court appointed counsel, after making the request with the magistrate, he/she will be referred to the Pre-Trial Services Office to sign a form reflecting the declination.

b. After the Article 15.17 hearing, if the arrested person has informed the magistrate that he/she wants to request court appointed counsel, the arrested person will be interviewed by the Pre-Trial Services Clerk whether or not they are able to make bond. If the defendant makes bond, this interview will take place before release on bond.

c. As soon as possible following the Article 15.17 hearing, a Pre-Trial Services Clerk shall interview each arrested person who wants to request appointment of counsel, and the arrested person will provide under oath the necessary information concerning the person's financial resources. The Pre-Trial Services Clerk shall input this information into the computer for the arrested person.

d. The financial data requested from the arrested person during the interview with the Pre-Trial Services Clerk will include but is not limited to the defendant's income, source of income, assets, property owned, outstanding obligations, necessary expenses, the number and ages of dependents, and spousal income that is available to the defendant. Whether the defendant has posted or is capable of posting bail will not be considered in determining indigency, except to the extent that it reflects the defendant's financial circumstances as measured by the considerations listed above.

e. At the conclusion of the interview with the Pre-Trial Services Clerk, the arrested person will be asked to swear to and sign a "Financial Data Report Affidavit".

f. Based on the financial data given by the arrested person, the computer will calculate and determine whether the person meets the financial standard for indigence in Bexar County. Pursuant to the Code of Criminal Procedure Article 26.04(o), before a determination of indigence is made the arrested person signs an "Indigent Attorney Appointment Affidavit". The standard for determining indigence is outlined as follows:

1. The defendant's necessary expenses will be subtracted from the defendant's gross income, including spousal income if applicable. The resulting number will be referred to as the defendant's "net income".
2. "Necessary expenses" should include but are not limited to: rent or mortgage, food/groceries, car payment, car insurance, utilities.
3. The defendant's "net income" will be used to determine if the individual is indigent based on the income for one person under the Federal Poverty Guidelines. If the defendant's "net income" is \$981.00 or more a month, they will not qualify for a court appointed attorney. If the defendant's "net income" is less than \$981.00 a month, they will qualify for a court appointed attorney. This amount will be adjusted annually pursuant to the Federal Poverty Guidelines.

g. A defendant who is determined to be indigent 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. If there is a material change in financial circumstances after a determination of indigency or nonindigency is made, the defendant, the defendant's counsel, or the attorney representing the state may move for reconsideration of the determination.

h. A written or oral statement elicited from the defendant during this process or evidence derived from the financial data provided may not be used for any purpose, except to determine the defendant's indigency or to impeach the direct testimony of the defendant.

i. A defendant may request a court appointed attorney at any time, and the criminal district court judge who presides over the defendant's case has the discretion to appoint an attorney to that defendant, according to the method of assignment outlined in Rule 5.22 below.

5.22 Selection and Appointment of Counsel

a. Attorneys shall be appointed to represent indigent defendants from public appointment lists using a system of rotation as described later in this subsection.

b. The judges hereby establish the following public appointment lists from which counsel for indigent defendants shall be appointed:

1. A State Jail Felony list;
2. A Second and Third Degree Felony list;
3. A First Degree and 3(g) Felony list;
4. An Appellate list for State Jail and Third Degree Felonies;
5. An Appellate list for First, Second, and 3(g) Felonies.

c. Appointment of counsel to represent a defendant in a motion to revoke probation proceeding or a motion to adjudicate guilt proceeding shall be from any of the first three lists outlined above.

d. Twice a year, by a posted date in June and December, attorneys may apply to be included on one or more of the public appointment lists. Attorneys do not need to re-apply for lists they are already on, but may apply for additional lists if they have met the qualifications.

e. To be eligible for placement on each public appointment list, attorneys must meet the following minimum qualifications:

1. To qualify for any felony appointment, including appeals, an attorney must have completed ten hours of CLE in criminal law or procedure in the past year, including carryover from the previous year only. Also, a State Bar approved Legislative Update Seminar must be attended in any year the Legislature meets.

2. To qualify for the State Jail Felony list, an attorney must have at least one year prior experience in criminal litigation, and prior experience as lead or co-counsel in at least three criminal jury trials.

3. To qualify for the Second and Third Degree Felony list, an attorney must have at least two years prior experience in criminal litigation, and prior experience as trial counsel in two or more felony jury trials, as lead or co-counsel.

4. To qualify for the First Degree and 3(g) Felony list, an attorney must either be board certified in criminal law, OR

- have at least four years prior experience in criminal litigation; and
- have prior experience as trial counsel in four felony jury trials in the last five years, having served as lead counsel in at least two of those trials; and
- have completed twelve hours of CLE in criminal law or procedure in the last calendar year. Suggested courses are: The Criminal Law Institute (offered annually by the SABA), Advanced Criminal Law Course (offered in San Antonio once every four years), The Short Course (offered annually by the TCDLA). Other courses authorized by the State Bar of Texas in criminal law or procedure are acceptable.

5. To qualify for the Appellate list for State Jail and Third Degree Felonies, an attorney must have at least two years prior experience in criminal litigation and/or appellate experience, and at least one brief filed in a criminal or juvenile case.

6. To qualify for the Appellate list for First, Second, and 3(g) Felonies, an attorney must have at least three years prior experience in criminal litigation and/or appellate experience, and at least two briefs filed in a criminal or juvenile case.

7. An Attorney shall submit by October 15th 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. [Note: This is the language suggested by the Texas Indigent Defense Commission per the new requirement from HB 1318.]

f. In addition to the above qualification requirements, in order to be placed on one or

more of the felony and/or appellate appointments lists, a majority of the criminal district court judges must vote to approve the attorney's placement on each such list.

g. In lieu of the above qualification requirements, for both felony and appellate appointments, in extraordinary circumstances, an attorney may be deemed qualified by a majority of the criminal district court judges.

h. If an attorney does not meet the qualifications to accept cases of a certain degree, but would like the judges to consider qualifying him/her for that list under the provision above, he/she can fill out a form called "Application for Exception to Qualifications to Receive Court Appointments" and turn that in with his/her application.

i. At least twice a year, following the submission of attorney applications for the public appointment lists by the posted dates in June and December, the criminal district court judges shall evaluate the new applicants for each list and the attorneys already on the lists. The judges will vote on the new applications and any new exceptions to the qualifications received. Attorneys approved by a majority of the votes of the judges will be placed on the public appointment lists.

j. An attorney may be removed from one or more of the public appointment lists by vote of a majority of the criminal district court judges for any of the following reasons:

1. Whenever the judges determine that the attorney no longer meets the objective qualifications for that list or is not fully competent to adequately handle the category of cases associated with that list. The judges may in their discretion remove an attorney from one or more lists, while continuing to approve the attorney for other lists.

2. When an attorney intentionally or repeatedly violates the requirement that the attorney make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed.

3. When, after a hearing, it is shown that the attorney submitted a claim for legal services not performed by the attorney.

4. When, after a hearing, it is shown that the attorney requested and/or received any money or anything else of value for representing the accused, other than what is paid or anticipated to be paid to them by the county, without approval from the court in writing.

k. In certain extraordinary circumstances, such as incarceration or institutionalization, an attorney may be temporarily removed from the felony court appointed attorney lists.

l. If an attorney is arrested at any time while on the felony court appointed attorney lists, that attorney must report the arrest to Criminal District Courts Administration by the end

of the first business day after arrest.

m. The following method shall be used to assign attorneys from the appropriate public appointment list to represent indigent defendants:

1. After the defendant has been interviewed by the Pre-Trial Services Clerk and the computer has completed the calculation and determined that the defendant meets the standard of indigency in Bexar County, the Pre-Trial Services Clerk will ask the computer to determine the next attorney's name on the appropriate list.

2. The computer will select and provide an attorney's name to the Pre-Trial Services Clerk, after analyzing the individual requirements of the request and utilizing the following filters:

- Language
- Degree of Offense
- Availability of Attorney
- Date of Last Appointment.

3. The attorney's name selected by the computer to be appointed to the case should be one that meets any language requirement (if possible), is qualified to take appointments for that degree of offense, is not unavailable, and has the oldest date of last appointment. This will result in a system of rotation.

4. Criminal District Courts Administration will receive a master list every working day containing the names of all defendants who were arrested the previous day or weekend and were assigned court appointed counsel by the Pre-Trial Services Clerk. This master list will include the court appointed attorney's name and bar number, as well as the case numbers and offenses charged. This master list will be taken to the presiding criminal district court judge for a signature, making all appointments reflected therein official.

5. Persons arrested in other counties on Bexar County warrants must be assigned court appointed counsel from the rotational list of qualified attorneys, by Bexar County, within one working day of receipt of the request for counsel by Bexar County.

6. If a defendant is arrested in Bexar County based on another county's warrant, Bexar County will assign court appointed counsel from the rotational list of qualified attorneys in Bexar County, or from the Bexar County Public Defender's Office, to represent the defendant in any matter under the Code of Criminal Procedure Chapter 11 (Habeas Corpus) or 17 (Bail) if, on the eleventh day after the arrest, the defendant is still in Bexar County's custody.

7. By standing order, the Bexar County Public Defender's Office is appointed to

represent indigent arrested persons who suffer from a mental illness during the arrested person's appearance before the magistrate at the Central Magistration (CMAG) facility, if the arrested person requests counsel, does not already have counsel on record, and financially qualifies. The appointment of the Bexar County Public Defender's Office shall be for the limited purpose of representation of the indigent arrested person during the magistration process and related solely to the determination of the bond and the conditions of the bond for the mentally ill arrested person. The limited appointment of the Bexar County Public Defender's Office is concluded upon the termination of the magistration proceedings and no motion to withdraw is necessary. At that point the indigent arrested person shall be appointed counsel according to the procedures outlined in this plan, to represent that person for the remainder of the case.

8. If at any time after magistration the arrested person decides that he/she would like to request court appointed counsel, he/she may contact the Bexar County Pre-Trial Services Department or the court coordinator of the court where the case is set, to be interviewed and provided with the necessary forms. If qualified, the arrested person will then be assigned counsel as provided in this plan.

9. Regarding Motions to Revoke Probation, Motions to Enter an Adjudication of Guilt, and in the case of appeals that are not referred to the Bexar County Public Defender's Office, appointments will be made from a rotational list of qualified attorneys in the same manner as other felony cases.

10. At any time, a defendant may appear before the judge presiding over the defendant's case and request a court appointed attorney, and the judge has the discretion to appoint a qualified attorney or a qualified member of the Bexar County Public Defender's Office to represent that defendant. The attorney or member of the Bexar County Public Defender's Office must be qualified to take that degree of offense, and may be chosen from the next five names on the wheel, as provided by the Criminal District Courts Administration Office, or a request can be made for the system to make an automatic appointment. The judge may make a finding of good cause on the record for appointing out of order, and may appoint any qualified, willing attorney or a qualified, willing member of the Bexar County Public Defender's Office, regardless of whether the attorney's name is among the next five names on the appropriate list. "Qualified" in the context of this rule means that the particular individual attorney filled out the appropriate application form, met all of the qualifying appointment requirements, and was approved by a majority of the Criminal District Court Judges.

n. Each attorney appointed under this subsection to represent the defendant shall represent the defendant until charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is permitted or ordered by the court to withdraw as counsel for the defendant after a finding of good cause is entered on the record.

o. Before withdrawing as counsel for the defendant after trial or the entry of a plea and

sentencing where the right to appeal was not waived, the appointed trial attorney shall advise the defendant of the defendant's right to file a motion for new trial and a notice of appeal. If the defendant wishes to pursue a motion for new trial and/or notice of appeal, it is the trial attorney's responsibility to file the notice and pursue the motion for new trial. If no motion for new trial is filed, it is still the trial attorney's responsibility to file a notice of appeal if the defendant so wishes. Once these steps have been completed, the court appointed trial attorney's representation of the defendant is concluded, and a motion to withdraw should be filed. The trial court may then appoint the Bexar County Public Defender's Office on the appeal. If the Bexar County Public Defender's Office refuses the appointment pursuant to the Code of Criminal Procedure Article 26.044(j), the trial court may appoint a lawyer from the next five names on the appropriate Appellate list, as provided by the Criminal District Courts Administration Office, or a request can be made for the system to make an automatic appointment. The judge may make a finding of good cause on the record for appointing out of order, and may appoint any qualified, willing attorney regardless of whether the attorney's name is among the next five names on the appropriate list.

5.23 Selection and Appointment of Counsel in Death Penalty Cases

a. When a defendant is arrested on capital murder charges, the District Clerk's Office will notify the district court where the case is filed on the first working day after arrest. The judge of that court will then have two working days to appoint counsel to represent the defendant. The presiding judge of the district court in which a capital felony case is filed shall appoint two attorneys, at least one of whom must be qualified under Article 26.052 of the Code of Criminal Procedure, to represent an indigent defendant as soon as practicable after charges are filed, unless the state gives notice in writing that the state will not seek the death penalty.

b. If an arrested person is charged with capital murder and requests a court appointed attorney at magistration, the Pre-Trial Services Clerk may interview the defendant to determine if the person meets the standard of indigency in Bexar County, but the computer will not select the name of an attorney to be appointed to that defendant. If the defendant qualifies for a court appointed attorney, the judge presiding in the court to which the capital murder case is assigned will make the appointments according to the rule above.

c. To be assigned as lead trial counsel in a death penalty case an attorney must:

1. Be on the list of attorneys approved by the local selection committee of the administrative judicial region for appointment in death penalty cases as provided in Article 26.052 of the Code of Criminal Procedure; and

2. Meet the following qualifications outlined in Article 26.052 of the Code of Criminal Procedure, as approved by the criminal district court judges in Bexar County:

- be a member of the State Bar of Texas;

- exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;
 - have not been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any capital case;
 - have at least five years of criminal law experience;
 - have tried to a verdict as lead defense counsel at least eight felony cases, including homicide trials and other trials for offenses punishable as second or first degree felonies or capital felonies;
 - have trial experience in the use of and challenges to mental health or forensic expert witnesses;
 - have trial experience in investigating and presenting mitigating evidence at the penalty phase of a death penalty trial; and
 - have completed 5 hours each year of continuing legal education relating to criminal defense in death penalty cases, with possible carryover of 5 hours for one year. Two of the five hours are allowed to be self-study.
- d. Other than the Bexar County Public Defender's Office, which may be appointed as provided by the guidelines established by the public defender's office pursuant to Code of Criminal Procedure Article 26.052 (b), to be assigned as lead appellate counsel in the direct appeal of a capital case, an attorney must:
1. Be on the list of attorneys approved by the local selection committee of the administrative judicial region for appointment in death penalty cases as provided in Article 26.052 of the Code of Criminal Procedure; and
 2. Meet the following qualifications outlined in Article 26.052 of the Code of Criminal Procedure, as approved by the local selection committee:
 - be a member of the State Bar of Texas;
 - exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;
 - have not been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any capital case;
 - have at least five years of criminal law experience;
 - have authored at least eight felony briefs, including one capital murder brief or five briefs which must either be a felony of the first degree or an offense described by Section 3g (a) (1), Article 42.12;
 - have trial or appellate experience in the use of and challenges to mental health or forensic expert witnesses;
 - have trial or appellate experience in the use of mitigating evidence at the penalty phase of a death penalty trial; and
 - have completed 5 hours each year of continuing legal education relating to appealing death penalty cases, with possible carryover

of 5 hours for one year. Two of the five hours are allowed to be self-study.

- e. In addition to the CLE outlined above, each attorney must present proof to the committee that the attorney has successfully completed the minimum continuing legal education requirements of the State Bar of Texas. The committee will review the list for CLE compliance no later than May 15th of every year.
- f. In addition to meeting the above listed qualifications and CLE requirements, in order to be included on the list of attorneys qualified for appointment in death penalty cases in the Fourth Administrative Judicial Region, a majority of the members of the local selection committee must vote to approve the attorney's placement on that list.
- g. To be assigned as second chair counsel in a death penalty case an attorney must meet the qualifications outlined in Rule 5.22(e)(4) for the First Degree and 3(g) Felony List.

5.24 Notice of Appointment, Determination, and Contact with the Defendant

- a. If the computer determines that a person who requests appointment of counsel is not indigent under the standards and procedures described in Rule 5.21, that finding will be entered on the person's "Indigent Attorney Appointment Affidavit", which will be filed in the court's file. The Pre-Trial Services Clerk will also hand the defendant a copy of this affidavit, including notice that they are not qualified for a court appointed attorney.
- b. If the computer determines that a person who requests appointment of counsel is indigent under the standards and procedures described in Rule 5.21, the computer will print the name, address, and phone number of the selected court appointed attorney, as determined according to Rule 5.22, on the "Indigent Attorney Appointment Affidavit", which will be filed in the court's file. The Pre-Trial Services Clerk will also hand the defendant a copy of this affidavit, including the attorney's information outlined above.
- c. At the same time the computer selects the court appointed attorney's name and it is provided to the defendant by the Pre-Trial Services Clerk, that attorney is receiving notice of the appointment by e-mail and/or fax.
- d. According to the Texas Code of Criminal Procedure Article 26.04(j)(1), the appointed attorney shall make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed. The initial contact may be by certified letter to the defendant.

5.25 Attorney Fee Schedule and Compensation of Appointed Attorneys

- a. Other than the Bexar County Public Defender's Office, counsel appointed to represent

a defendant in a criminal proceeding, including a habeas corpus hearing, shall be paid a reasonable attorney's fee for performing the following services, based on the time and labor required, the complexity of the case, and the experience and ability of the appointed counsel:

1. Time spent in court making an appearance on behalf of the defendant as evidenced by a docket entry, time spent in trial, and time spent in a proceeding in which sworn oral testimony is elicited;
2. Reasonable and necessary time spent out of court on the case, supported by any documentation that the court requires;
3. Preparation of an appellate brief and preparation and presentation of oral argument to a court of appeals or the Court of Criminal Appeals; and
4. Preparation of a motion for rehearing.

b. All payments shall be paid after judicial approval, in accordance with the attached fee schedule and guidelines which were adopted by formal action of the Criminal District Court Judges, with copies sent to the Commissioners Court of Bexar County.

c. This fee schedule takes into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates.

d. A voucher form and in-court and out-of-court itemization forms will be provided for appointed counsel to itemize the types of services performed. The appointed counsel must submit this voucher to the judge presiding over the case for which the appointed attorney seeks compensation, for the judge to approve the payment.

e. If a judge requests guidance on how to proceed in authorization of a voucher for payment or bill submitted by an attorney, an investigator, or a court appointed expert, he/she may forward the voucher or bill in question to the General Administrative Counsel for the Criminal District Courts for referral to the Voucher Recommendation Committee. This committee was formed to assist in pay voucher review on court appointed cases. This committee can also review vouchers where the judge has already disapproved all or part of the requested amount of payment. In this case, the voucher can be referred to the General Administrative Counsel for the Criminal District Courts by the judge, defense attorney, investigator, or expert, and the General Administrative Counsel for the Criminal District Courts will request review by the Voucher Recommendation Committee. The Voucher Recommendation Committee is composed of members of the local defense bar, one of whom is the current president of the San Antonio Criminal Defense Lawyers' Association. Members of the committee are selected by the current president, and their names are submitted for approval by a majority vote of the Criminal District Court Judges. Members serve two year terms. The committee has limited investigatory powers, such as access to jail records to verify jail visits, contact with the attorney who prepared the voucher, and requests to the attorney to produce information to corroborate

claims on the voucher. The committee then makes non-binding recommendations in writing to the judge presiding over the voucher. If the voucher involves an attorney and the attorney is not satisfied with the outcome, he/she may still pursue the statutory remedy outlined in Article 26.05(c) of the Code of Criminal Procedure.

f. An attorney who receives an appointment through the system outlined in this plan or through any other means is not allowed to receive any money or anything else of value for representing the accused, other than what is paid to them by the county, as approved by the court in writing.

g. If the judge disapproves the requested amount of payment, the judge shall make written findings stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount.

h. Regardless of whether an attorney's voucher has been reviewed by the voucher recommendation committee or not, an attorney whose request for payment is disapproved may appeal the disapproval by filing a motion with the presiding judge of the administrative judicial region, as provided under Article 26.05(c) of the Code of Criminal Procedure. This motion must be filed within twenty-one (21) days from the date the attorney receives notice of the disapproval of payment.

i. On the filing of a motion, the presiding judge of the administrative judicial region shall review the disapproval of payment and determine the appropriate amount of payment. In reviewing the disapproval, the presiding judge of the administrative judicial region may conduct a hearing. Not later than the 45th day after the date an application for payment of a fee is submitted, Bexar County shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the adopted fee schedule.

j. Bexar County will reimburse appointed attorneys for investigation and expert witness expenses incurred on behalf of an indigent defendant as provided under Articles 26.05(d) and 26.052(f) through (h) of the Code of Criminal Procedure, and that is in accordance with the adopted fee schedule.

k. The Bexar County Public Defender's Office shall be compensated through its budget as approved by the Bexar County Commissioners Court.

These Local Rules of Administration were approved by a majority of the Criminal District Court Judges in Bexar County at a meeting held on October 26, 2015.

Approved: _____

Larry Noll
Local Administrative Judge for Bexar County