

Attorney Reporting Instructions and Form

Attorney Reporting Requirements Contained in Article 26.04, Code of Criminal Procedure

Background

Beginning in 2014, Article 26.04(j) of the Code of Criminal Procedure will require all attorneys who accept appointments in adult criminal and juvenile delinquency cases to submit an annual statement that describes the percentage of their practice time that is dedicated to work on those appointed cases. Attorneys must submit this statement to each county in which they accept appointments, and the county will forward the information contained in the attorney practice-time statements to the Texas Indigent Defense Commission. The Commission will add this information to other indigent defense information that is made available to the public via the Commission website.

In addition to this attorney reporting requirement, Texas counties will be required to report the number of appointments made to every attorney who accepts appointments in the county. When viewed together, the appointment information submitted by the county and the practice time information submitted by the attorney will provide an overview of the average amount of time an attorney allocated to the representation of each indigent client.

The Legislature also has directed the Commission to conduct and publish a study on criminal defense attorney caseloads “for the purpose of determining guidelines for establishing a maximum allowable caseload for a criminal defense attorney that . . . allows the attorney to give each indigent defendant the time and effort necessary to ensure effective representation.” That study is due to be completed by January 1, 2015.

Instructions

Every year, an attorney is required to submit a practice-time statement to each county in which the attorney accepted an appointment in an adult criminal or juvenile delinquency case during a fiscal year period that begins on October 1 and ends on September 30. The statement is due no later than October 15 immediately following the close of each fiscal year. For example, if, during the fiscal year that begins on October 1, 2013 and ends on September 30, 2014, an attorney who accepts appointments in County A and County B must submit separate practice-time statements to County A and to County B by October 15, 2014.

The statement submitted to each county must describe (1) the percentage of an attorney’s total practice time (time spent in legal practice in all jurisdictions) that was dedicated to work on trial and appeal appointments in adult criminal cases in that county’s district and county courts during the fiscal year beginning on the preceding October 1; and (2) the percentage of an attorney’s total practice time that was dedicated to work on trial and appeal appointments in juvenile delinquency cases (cases alleging delinquent conduct or conduct indicating a need for supervision) in that county’s district and county courts during the fiscal year beginning on the preceding October 1.

The percentages reported in the practice-time statement submitted to each county should not include time dedicated to work on appointments to cases (such as CPS cases and guardianship cases) that

are not adult criminal or juvenile delinquency cases, and should not include time dedicated to federal criminal appointments.

The attorney may submit the practice-time statement via the Commission's electronic attorney reporting portal, on the attached Commission reporting form, or on any other physical or electronic form specified by the county that captures all of the information requested on the Commission form. A county may require attorneys who accept appointments in that county to use a specific method to submit their practice-time statements.

The Commission recognizes that attorneys who accept criminal appointments use a variety of case management systems, and attorneys are not required to use any single methodology to complete the practice-time statement. However, the statement should provide percentages that are as accurate as possible given the attorney's chosen case management system.

The Commission will also work with the criminal defense community to promulgate a worksheet that may help attorneys calculate the percentages that must be included in the practice-time statement submitted to each county. Attorneys are not required to use or submit the worksheet to the county or to the Commission.

Attorneys who keep time records for all or a portion of their caseload may use those records to calculate their practice-time percentages or, in the case of partial records, to complete some of the lines on the worksheet. Time records will provide the most accurate method for calculating practice-time percentages.

Attorneys who do not keep time records may consider using a case-counting methodology to calculate practice-time percentages. This methodology involves looking at the number and types of cases in an attorney's total caseload, and calculating practice time percentages based on the number of cases in different case type categories. An attorney may keep track of the number and types of different cases the attorney handles during an entire fiscal year, or may choose to base the calculation on the number of cases the attorney has open at a specific point in time.

For example, an attorney who is appointed to 50 adult criminal cases in County A and is retained by 50 individual clients may calculate that 50% of the attorney's practice time is dedicated to adult criminal appointments in County A, if the appointed cases and retained cases are similar in complexity. The attorney may adjust the percentages as necessary to account for any significant difference in the degree of complexity of cases in each category.

Attorneys who do not keep time records or use the case counting methodology will be encouraged to use the worksheet to help them consider all of the types of cases they handle when calculating their practice-time percentages. The worksheet will be designed to help attorneys avoid over- or under-estimating the percentage of time they spend on appointments and report to the county.

Penalties

Penalties for failing to submit a required practice-time statement by the October 15 due date may be prescribed by the judges trying criminal cases in each county. Penalties may include an attorney's removal from the list of attorneys eligible to receive future court appointments.

TEXAS INDIGENT DEFENSE COMMISSION
ATTORNEY REPORTING FORM

PLEASE COMPLETE THIS FORM ON THE
WEBSITE BELOW:

<https://tidc.tamu.edu/attorneyreporting/>

After you have completed the form, please
PRINT and submit to Dallas County Court
Manager's Office no later than
January 15th of each year.

MISDEMEANOR COURT APPOINTMENTS ATTORNEY QUALIFICATIONS

Attorneys requesting placement on the misdemeanor court appointment wheel pursuant to the Dallas County Criminal Courts indigent defense plan must be qualified to represent criminal defendants charged with misdemeanor offenses. The qualifications are:

Mandatory:

A. General Qualifications

1. An attorney must be in good standing with the State Bar of Texas.
2. An attorney must have a secretary, receptionist, local area code-answering service, or a local area code-regularly monitored answering machine.
3. An attorney must have a functioning fax machine and an e-mail address, both available 24 hours a day.
4. An attorney shall have on file with the Court Managers Office a completed sworn application approved by the Judges of the County Criminal Courts.
5. An attorney shall promptly notify, in writing, the Court Manager Office and each individual Court Coordinator of any changes to the information contained in the application for appointments.
6. An attorney shall promptly notify, in writing the Court Manager of any matter that would disqualify the attorney by law, regulation, and rule or under these guidelines from receiving appointments in representing indigent defendants.
7. *An attorney must complete three hours of Immigration continuing legal education before applying for the Misdemeanor Wheel.*
8. An attorney shall annually file with the Court Manager's Office each year a copy of his/her State Bar of Texas Continuing Legal Education annual reporting form which demonstrates the completion of **at least six hours of criminal law continuing legal education AND one hour of Immigration continuing legal education** (related to criminal law consequences). *None of the seven hours of CLE may be self-study, juvenile, civil, or family. Your CLE report must be filed by January 15th of each year to remain eligible on the wheel or you must reapply the next quarter. Hours are counted by calendar year, not birth month.*
9. *An attorney must be licensed for at least one year before applying for the Misdemeanor Wheel.*
10. *An attorney must either live in Dallas County or have an office within Dallas County.*

11. An attorney shall meet any additional requirements that may be later imposed by the Judges of the County Criminal Courts trying the misdemeanor cases
12. Submit an **Attorney Reporting** form annually.
Pursuant to Article 26.04(j) of the Code of Criminal Procedure, I hereby swear and affirm that I will submit an **Attorney Reporting** Form to Dallas County, I understand this form is used to report all adult criminal cases that I have been appointed during a fiscal year period that begins on October 1 and ends on September 30. I understand that the statement is due no later than **January 15th** following the close of each fiscal year. [For example, if, during the fiscal year that begins on October 1, 2013 and ends on September 30, 2014, an attorney accepts appointments in Dallas County, he/she must submit separate practice-time statements to Dallas County by **January 15, 2015**].
13. An attorney must demonstrate good moral character and fitness as a lawyer to gain and maintain admission to the attorney wheel.

B. Experience

Licensed to practice law for at least one (1) year **AND** provide proof of participation in a law school criminal clinic; or attend either the Criminal Defense Lawyers Project Criminal Trial Advocacy Institute (held at Sam Houston State University in Huntsville, in March each year); or The National Institute of Trial Advocacy Course, (held in Dallas, at SMU every June); **or Texas Tech University School of Law Legal Clinic; or Texas A&M University School of Law Legal Clinic.** *Participation in a law school criminal clinic must be within thirty (30) months of being placed on the Misd. Wheel, or*

Licensed to practice law and have been lead counsel in two (2) or more criminal jury trials class B or higher; or

Licensed to practice law and have sat as co-counsel in 3 or more criminal jury trials in the last ten (10) years.

Licensed to practice law and was employed as a public defender, district, county, or city attorney within the past three years.

If applying for appeals, you must have authored briefs on at least 3 appeals;

And, be of sound mind and good character.

C. Distribution of cases.

1. Appointments will be made from a rotating list of eligible attorneys.
2. The Court Appointed attorney list will be updated quarterly. All necessary applications and information should be delivered to the Court Managers Office by 4:00 pm on the following dates: March 1, June 1, September 1, and December 1, or the first Monday of that month if those dates fall on a weekend or holiday only.
3. **Court Appointed Attorneys are appointed to the defendant within 24 hours of the request. The court appointed attorney shall remain on that case through disposition/appeal.**
4. **Each Attorney Appointments will be at 250 per year.**

D. Removal from Misdemeanor Court Appointment List

1. An attorney shall be removed from the misdemeanor court appointment list for the following reason(s):
 - a. Conviction or deferred adjudication for any felony, or
 - b. Conviction or deferred adjudication for any crime or moral turpitude, or
 - c. Under indictment or formal charged with a felony or crime of moral turpitude, or
 - d. Intentional misrepresentation by the attorney on the application for misdemeanor court appointment.
2. An attorney may be removed from the misdemeanor court appointment list and from any case to which the attorney has been appointed for the following:
 - a. Failing to perform the attorney's duty owed to the defendant, or
 - b. A finding by the court that the attorney provided ineffective assistance of counsel, or
 - c. Failing to maintain compliance with each of the misdemeanor court appointed guidelines and qualifications. ****This includes failure to demonstrate good moral character and fitness.**
 - d. If after a hearing it is shown that the attorney submitted a claim for serviced not performed by the attorney, or for good cause at the discretion of the county criminal court judges.

- e. Any attorney called for an appointment that cannot appear or notify the court by 9:30am the following morning, will be removed from that appointment and his/her name will go back on the bottom of the list for appointments in the future. Excessive tardiness or failure to appear is grounds for removal from the wheel and case(s).
 - f. Disbarment or suspension by the State of Texas.
 - g. Refusing four (4) or more appointments during the fiscal year between October 1st and September 30th.
3. Removals from the list shall be for a minimum of one quarter or the next filing date for violations in Section 2 (a-g). Removals from the list may be probated. For removals or probated removals the judges require the completion of rehabilitative measures as a condition of the probation or re-application. Upon a showing of good cause the county criminal court judges may remove an attorney from the list for a period longer than one quarter or permanently.
 4. If you are removed from the attorney wheel you may make a written request for a hearing. If you are in danger of being removed from the attorney wheel, you will be notified via email.

E. Reinstatement

An attorney who is removed from the court appointed attorney list for the reasons stated in D. 1. a., b., or c., above, may be immediately reinstated upon providing proof that the charges were dismissed or that the attorney was acquitted.

Required Attachments

1. Your most recent reporting year CLE report from the State Bar of Texas.
2. If you have been sanctioned in any way by the State Bar Grievance Committee or the Commission of Lawyer Discipline in the last 10 years, attach the decision(s).
3. If you have been sanctioned for failure to appear before a Court in the last 10 years, attached any applicable court documents and a written explanation.
4. If a Court has found that you provided ineffective assistance of counsel in the last 10 years, attach any applicable court documents and a written explanation.
5. If you have ever been convicted of or placed on deferred adjudication for any offense other than a class C traffic offense, attach copies of all final order (or those deferring adjudication) and judgments.
6. If you are applying for appeals, list the last 3 appeals and case numbers in which you authored the briefs. Attach a copy of one appeal with the application.
7. If you have ever been removed from any court appointed attorney list in any county, state, or court, attach a copy of that decision.

Application for Misdemeanor Court Appointment List
County Criminal Courts of Dallas, Texas
Original and 7 copies required
Application must be in Print or Type

Please check the boxes that apply:

- I am applying for appeals only I am also applying for the appointment wheel.
- I am a former Judge.
- I am a former or current assistant district attorney.

Where? _____ When? _____

- I am a former or current assistant public defender.

Where? _____ When? _____

- I am a former or current assistant city attorney.

Where? _____ When? _____

- I have completed the 6 hours of CLE in Criminal law and three hours of CLE in Immigration law as required (See attached documentation).

- I am currently on the Dallas County Felony Wheel qualified for _____ degree cases.

(It is required that you read the Dallas County Misdemeanor Court Appointment List Guidelines and Rules and Procedures before filing out this application.)

Last Name: _____ First Name: _____ DOB: _____

State Bar Number: _____ Date licensed to practice law: _____

You must have a business or home address in Dallas County.

Business Mailing Address: _____

Home Mailing Address: _____

Phones: Office: _____ **Mobile:** _____

Fax: _____ **Email:** _____

******* Describe legal experience: You must include the case numbers, the name of the County, and the name of the court(s) in which you participated. At least two of the cases must be criminal jury trials or you must have sat co-counsel in (3) or more criminal jury trials within the past 10 years. You must submit Second Chair Verification Form. *******

Physical Office Assets: Describe the physical office assets available to you that allow you to comply with the misdemeanor court appointments list guidelines. Attach additional pages(s) as necessary.

Are you a member in good standing with the State Bar of Texas? _____

Are you a board certified criminal law specialist? _____

List any school language(s) that you speak fluently. _____

Please Note: Your fluency will be tested before being listed as a Special Language Attorney. (Effective January 2018)

If you are a licensed interpreter, please list your license number. _____

Did you participate in a law school criminal clinic within the past 30 months? _____
If yes, which one and when? _____

Have you attended and completed the Criminal Defense Lawyers Project Criminal Trial Advocacy Institute? _____
If yes, When? _____

Have you attended and completed The National Institute of Trial Advocacy? _____
If yes, when? _____

Are you able to communicate with the deaf? _____

Are you interested working with special needs/mentally challenged offenders? _____
If yes, you may be required to take additional CLE hours to qualify for appointments.

If the answer to any of the following eight questions is yes, attach a copy of any orders, opinions, sanctions, etc., that were issued in connection with the matter. Also attach any further explanation.

1. Have you ever been sanctioned by the State Bar of Texas? _____
2. Do you have an appeal pending of any State Bar sanction? _____
3. Have you ever been sanctioned/ reprimanded for failure to appear before a court? _____
4. Have you ever been convicted of an offense other than a class C offense? _____
5. Are you currently under indictment or charges with an offense other than a class C misdemeanor? _____ What County? _____
6. Has a court ever found that you provided ineffective assistance of counsel? _____
7. Have you ever been removed from a court appointment list in any county? If so, why?

8. Have you ever been removed, fired or terminated from a job due to professional misconduct, and/or conduct that does not demonstrate good moral character or fitness? If so, why?

Oath

I, _____, the undersigned attorney, hereby state under oath that all the above information is correct, that I have read and understand the qualifications set out in the Dallas County Misdemeanor Court Appointment list Guidelines and the Rules and Procedures and I meet those qualifications. I understand that I have a duty to promptly notify the Court Manager and each Coordinator of any matter that may make me ineligible to receive appointments under the terms of the Dallas County Misdemeanor Court Appointment List and to notify the Court Manager and each Coordinator of any changes to the information contained in this application. I understand that I may be removed from the appointment list for failure to meet any qualifications stated in the Dallas County Misdemeanor Court Appointment Application Package.

Attorney

On this date personally appeared before me _____, who After being properly identified and placed under oath swore before me that all of the information stated on the foregoing Application for Placement on the Misdemeanor Court Appointment List is the truth.

Sworn to and subscribed before me on this _____ day of _____, 20____.

Name: _____

Office of person taking oath: _____

Dallas County, Texas

Oath may be administered by a county criminal court judge, county court clerk, or notary public. Notary seal and date commission expires necessary.

