

Defense Attorney Reporting Instructions and Form

Article 26.04(j), Texas Code of Criminal Procedure

All attorneys who accept appointments in adult criminal and juvenile delinquency cases in Comal County are required to submit an annual statement describing the percentage of their practice time that is dedicated to work on those appointed cases.

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 the 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.

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. 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.

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.

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.

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**

_____ County, Texas

Under Article 26.04(j), Code of Criminal Procedure, attorneys are required to report to each county in which they accept appointments the percentage of their total practice time that is dedicated to appointed adult criminal cases and juvenile delinquency cases in that county. This form must be submitted annually to each county no later than October 15. Please see the Attorney Reporting Instructions published by the Commission for additional information about this form.

1. During the preceding fiscal year (October 1 – September 30), ___% of my total practice time was dedicated to work on adult criminal cases in which I was appointed to represent the defendant in _____ County, Texas.

2. During the preceding fiscal year (October 1 – September 30), ___% of my total practice time was dedicated to work on juvenile delinquency cases (cases alleging delinquent conduct or conduct indicating a need for supervision) in which I was appointed to represent the juvenile in _____ County, Texas.

3. The percentage of practice time reported was determined primarily by:
 - Time records;
 - Case counts;
 - Combination of time records and case counts.
 - Other _____

Attorney Name

State Bar of Texas No.

Attorney Signature

Date