

**PROCEDURES FOR ATTORNEY FEE APPEALS
IN THE FOURTH ADMINISTRATIVE JUDICIAL REGION**

Article 26.05 of the Texas Code of Criminal Procedure allows court-appointed attorneys to appeal trial court decisions compensating them for attorney fees and other costs and expenses in criminal cases. The procedures stated below apply to appeals from the district and county courts of the twenty-two counties in the Fourth Region.

(1) **Article 26.05 supplemented.** Appeals must comply with the procedures stated in article 26.05 and with these procedures.

(2) **Decisions and failure to make a timely decision.** A court-appointed attorney may appeal either (a) a trial court's attorney-fee decision or (b) its failure to make a decision within the 60-day time period stated by article 26.05 (c).

(3) **Appeal documents.** The appeal must contain: (a) the written documentation that was sent to the trial court; (b) a copy of the court's decision and the written findings and reasons required by article 26.05; and (c) an explanation (with additional written documentation, if needed) why the trial court's decision should be modified. The explanation may be contained in a motion or a letter. These documents must be sent to the Presiding Judge and to the trial court.

(4) **Time for appeal.** An appeal is initiated by filing the appeal documents with the Presiding Judge within fourteen days after the attorney receives notice of the trial court's decision.

(5) **Place of filing.** The appeal documents must be sent to the Presiding Judge either by email (with attachments in pdf format) or by hard copy to one of the following addresses: dpeeples@bexar.org or Fourth Administrative Judicial Region, Bexar County Courthouse, 100 Dolorosa, Room 4.08, San Antonio, Texas 78205.

(6) **Modification of decision during appeal.** The trial court may modify the findings or the decision within five days of receiving the appeal documents. Any modification must be in writing and must be sent to the Presiding Judge and the attorney.

(7) **Decision.** The Presiding Judge will "determine the appropriate amount of payment" under article 26.05 (c) and will notify the attorney and the trial court of the decision.

(8) **Effective date.** These rules take effect and apply to decisions made by trial courts on or after January 20, 2017.

Signed: January 17, 2017



David Peeples, Presiding Judge