

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-2.1.8

DATE: 12/13/06

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SUPERSEDES: 05/29/97

SUBJECT: FEE AFFIDAVITS AND REGISTRATION OF ATTORNEYS

AUTHORITY: TEXAS GOV'T CODE ANN. § 508.083, 508.084, 508.085

PURPOSE: To establish guidelines for processing Attorney Fee Affidavit Forms and Attorney Representation Summary Reports.

PROCEDURE: Attorneys who represent inmates for compensation in Parole matters are required by law to register with the Parole Division using the Fee Affidavit Form (RRP-12), which must be completed properly. Additionally, all attorneys who have represented inmates during the previous calendar year in parole matters before the Board must file the Representation Summary Report (RRP-110) annually by January 31. Designated Parole Division staff are responsible for verifying that each document is complete and includes the information required by statute.

I. RECEIPT OF NOTIFICATION OF REPRESENTATION

- A. The Fee Affidavit Form (RRP-12) and/or Attorney Representation Form (RRP-110) shall be submitted to the Central File Coordination Unit (CFCU), 8712 Shoal Creek Blvd., Austin, TX 78757, ATTN: Fee Affidavit Desk. Forms may be mailed or faxed.
- B. If the forms are received by entities other than CFCU, they shall be forwarded to the Central File Coordination Unit (CFCU), ATTN: Fee Affidavit Desk as soon as possible, but no later than the next business day after receipt.
- C. Documents received at CFCU prior to 1 p.m. daily are to be processed that day. All forms received after 1 p.m. are to be processed no later than the end of the next business day.

II. CENTRAL REVIEW OF DOCUMENTS (RRP-110/RRP-112)

- A. The Fee Affidavit Form shall be reviewed for accuracy and completeness. Incomplete forms shall be returned to the attorney with a standard letter indicating the areas needing completion. The letter shall be suspended for 30 days.
- B. Once the fee affidavit has been completed correctly, attorney information shall be verified

to ensure that the attorney representing the offender for compensation is licensed by the state. Verification is found on the State Bar of Texas website at <http://www.texasbar.com>.

III. MAINFRAME DATA ENTRY

- A. All registered attorneys shall be entered in the Attorney Fee Affidavit database located on the TDCJ Mainframe menu.
- B. If an attorney sends notification that they no longer desire to represent a specific offender, then the attorney record shall be marked as inactive effective the date of the letter.

IV. PROCESSING CORRESPONDENCE

The original Fee Affidavit shall be placed in the attorney's case file and a copy of the form placed in the offender's case file within three (3) business days of receipt. Attorney case files are maintained by calendar year and arranged in alphabetical order by last name.

V. OFFENDER REPRESENTATION SUMMARY REPORT (RRP-12)

- A. An Offender Representation Summary Form shall be submitted by every attorney who is required to register annually with the Parole Division, listing each offender represented during the calendar year.
- B. Notification that the summary is due by January 31st shall be mailed to all attorneys who have registered with the division. The standard notification letter and Offender Representation Form shall be mailed no later than December 15th. The request to the Information Technology (IT) Division to generate the form letter (notification) shall be completed by the Program Specialist V or designee not later than November 1st.
- C. A reminder letter shall be sent by February 1st to any attorney who failed to provide an "Offender Representation Summary Form" and suspend the response for 30 days.
- D. If an attorney still fails to respond, a second reminder letter shall be sent and the response suspended for 30 days. If the attorney fails again to respond, an Office of the Inspector General (OIG) letter is prepared and sent to the attorney with notification that the matter is being referred to the OIG for further action.
- E. When the Attorney Representation Summary Form is returned, the information shall be cross-checked against the mainframe to ensure that each offender who appears on the form is also on the master listing maintained by the division. Any correction to the information shall be made at this time as well as verification that a current Fee Affidavit Form is on file for every offender appearing on the Attorney Representation Summary Form.

- F. Discrepancies shall be reported to the Administrative Assistant IV in the chain of command for disposition. The Administrative Assistant IV shall verify the information on the form and report the findings in writing to the Program Specialist V in the chain of command.

Bryan Collier
Director, Parole Division