

# **Alicia Franklin Submitted CPS Pay Vouchers to Harris County That Simply Cannot Be True**

**by Greg Enos**  
September 2, 2014

Alicia Franklin is now a Family District Judge. Franklin worked as an attorney until June 13, 2014, when Governor Perry appointed her to be judge. Most of Franklin's legal work in the last five years has been as an attorney appointed by a judge to represent children or their parents in CPS cases. Since January 2010, of the 1,574 attorneys who were recipients of county funds for court appointments, Franklin ranked number 22, having been paid **\$806,005** by Harris County through June 2014.

I have analyzed CPS pay vouchers submitted by Franklin for just four days in May 2014 and determined that Franklin submitted pay vouchers to the county that simply cannot be true. I have obtained hundreds of pay vouchers submitted by Franklin in the last four years and I am having them analyzed, but that effort will take weeks.

Franklin is just one part of a big problem in Harris County family and juvenile courts involving a small group of attorneys who are making huge amounts of money from court appointments from just a few judges. Harris County has paid over **\$160 million** to court appointed attorneys in the past four years. One politically connected attorney, Gary Polland (the former Chair of the Harris County Republican Party), was paid **\$1.9 million** by Harris County tax payers since January 2010 for court appointments. I intend to analyze CPS pay vouchers I have ordered from the Harris County Auditor for Mr. Polland as well.

However, Alicia Franklin is now a judge and her role in this scandal is of public interest because now she herself is appointing attorneys to CPS cases and approving their fee requests.

I am not flatly accusing Judge Franklin of committing a crime. I am sadly and reluctantly pointing out 100% provable facts which create a reasonable suspicion that something wrong has been done. I really wish Judge Franklin would provide her side of the story to convince us all otherwise.

I do want to make this clear - most of the hard working attorneys who accept CPS appointments are doing great jobs for the children and parents they represent and honestly earning every cent they are paid. Most of the Harris County Family Court judges and one of the Harris County Juvenile Court Judges are fairly rotating appointments between lawyers and not playing favorites. But, we have a huge problem with a few judges and a few attorneys they are making rich off tax payers and abused children.

## Alicia Franklin's CPS Pay Vouchers

Attorneys, like Alicia Franklin, appointed by judges to represent abused children or their parents in CPS cases must sign the pay vouchers they submit to the county. In the family courts, the vouchers say that they are submitted "under penalty of perjury." However, all of these CPS pay vouchers, even those used in the juvenile courts, are government records.

		JUL 14 2014	
		TOTAL	1,225.00
ALL VOUCHERS MUST BE SUBMITTED FOR COURT APPROVAL IMMEDIATELY FOLLOWING THE HEARING FOR WHICH THE COURT TIMES OR OUT OF COURT HOURS ARE BEING REQUESTED			
PERSONAL INFORMATION			
Social Security Number (last 4 digits) XXX-XX	Telephone Number ( )	Bar Card Number The Law Offices of Alicia K. Franklin, P.C.	
Mailing Address: (Number, Street, Suite, City, State, Zip Code)		Alicia K. Franklin 408 Main, Suite 401 Houston, Texas 77002 Phone: (713) 223-0754 Email: alicia@akfranklin.com	
CERTIFICATION			
I, <u>Alicia K. Franklin</u> , Attorney at Law, certify under penalty of perjury that the Harris County Auditor may rely upon the information contained above to make payment according to the fee schedule adopted by the Board of District Judges Trying Family Cases pursuant to Section(s) 107.015 and/or 157.164 of the Texas Family Code. I further certify that I have not received, nor will receive, any other money or anything else of value in this case except for payment ordered by the court for representing the child, indigent party or respondent served by publication.			
Date Submitted for Payment <u>May 28</u> , 20 <u>14</u> .		Attorney at Law (Signature)	
APPROVED FOR PAYMENT: <u>6/4/14</u> Date <u>3/0</u> Court		Presiding Judge	

Attorneys appointed in CPS cases are paid more in the family courts than they are in the juvenile courts for some reason. About 80% of the county's CPS cases are pending in the three juvenile courts.

The CPS pay vouchers used in both the juvenile and family courts consist of two pages: the cover page which totals the attorney's fees and which shows hours billed for "in court" time and the judge's signature approving the fee, and a second page that lists the details of work the attorney did out of court.

No. 2008-02442J

IN RE:

CHILD(REN).

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

313 TH DISTRICT COURT

## ORDER

The Court, having appointed Aliecia K. Franklin as the attorney/guardian ad litem to represent the interests of the child in the above referenced cause of action, finds that at this time the parents of the child are indigent and that following fee to be paid to the Appointee is in accordance with Section 107.015 (c), Texas Family Code.

It is therefore Ordered that the General Fund of Harris County shall pay Appointee as follows:

In Court Appearance	Number of Days in Court	Days in Court	Fixed Rate	Minimum	Maximum	Amount
Pre-trial				\$75	\$150	
Trial	4/3/14	1.0		\$100	\$200	5.00
For trial of 1 day or more			Up to \$2,500			
Out of Court Time and Expenses (Appointee must have prior court approval and be substantiated.)	Number of Days out of court work	Number of Hours/10 Hours Maximum	Hourly Rate	Minimum	Maximum	Amount
Out of Court Hours	Hours set attached	10.0	\$30 to \$50		\$500	500
Expert Testimony				\$300	\$600	
Investigation					\$600	
Appeals - Fixed Rate of \$500-\$2,500						Amount
Total						550

Name: _____		408 Main, Suite 404
Social Security Number _____	Telephone Number _____	Houston, Texas 77001
or Tax ID Number _____		Phone/Fax: (713) 866-0751
Mailing Address _____		

I, Aliecia K. Franklin, attorney at law, swear or affirm to the Court that I have not received nor will I receive any other money or anything else of value in the case except for payment ordered by the Court according to the fee schedule adopted by the Board of Judges pursuant to Article 26.03, Code of Criminal Procedure, effective September 1, 1987, and amended March 1, 1991.

\_\_\_\_\_  
Attorney

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Judge Presiding

Legal REPT. APPROVAL DATE: _____	APPROVED BY: _____
TRACER NO: _____	CERICAL ACCOUNT: _____
AMOUNT: _____	PROCESS DATE: _____
ACCOUNT NO: 1008-100-76-5123	RECEIVED DATE: _____

T.B.F.S. - For use in CPS cases wherein both parents are found to be indigent.

OUT OF COURT BOURS LOG - FAMILY DISTRICT COURT

Court number	Case Number	Party or Child's Name
3/14	2008-02442J	

Date	Time	Activity	Amount Approved by the Court
4/1/14	1.0	Research	
4/1/14	.50	Comm w/ Counsel + co. atty	
4/1/14	1.0	Comm w/ Clerk, cps, + counsel	
4/1/14	.25	e-Filed Answers	
4/1/14	1.0	Draft Answers + prepared to fax to Counsel + prepared to mail	
4/1/14	.50	draft letter to client + cps	
4/1/14	.25	post office run	
4/1/14	.25	Comm w/ CPS	
4/1/14	1.0	Revised pleadings, prepared fax + Comm w/ CPS	
4/1/14	1.0	Research case law	
4/25/14	.25	Research	
5/1/14	.25	Receive correspondence	
5/1/14	1.0	Research	
5/1/14	.25	Comm w/ CPS	
5/1/14	.25	Comm w/ client	
5/1/14	.25	Comm w/ CPS	
5/1/14	.25	prepare to mail correspondence to client	
5/1/14	.25	post office run	
5/1/14	.25	Receive Report + printed	
5/1/14	.25	Comm w/ client	
Total Hours Submitted		Total Amount Approved	
10.0			

val

Presiding

Attorney at Law  
Alicia K. Franklin  
704.740.930

Franklin's CPS pay vouchers are all handwritten (presumably in her own hand) and she bills in quarter hour increments. That means that if she only spends three minutes on a task, she still bills the county for 15 minutes. In contrast, other CPS ad litem attorneys submit typed pay vouchers that appear to be created by billing software. Other CPS attorneys bill in time increments as short as 0.05 hours or 3 minutes, which is a much better bargain for the county. Here are samples of the time sheets submitted by Franklin and three other ad litem attorneys for "out of court" work:

### Alicia Franklin

OUT OF COURT HOURS LOG - FAMILY DISTRICT COURTS

Date	Case Number	Party or Child's Name
9/20/14	2013-01943	

Date	Time	Activity	Amount Approved by the Court
9/23/14	1.0	Setup file, Research, Review file	
10/1/14	1.0	Interviewed client on all parties	
10/1/14	2.5	Grand Jurors in Court, prepare to stand with OFFER, answer by CPS, Draft Answer, Answer, 300 to attorney, Richard Adams	
10/1/14	1.0	Legal Reimbursement	
10/1/14	2.5	Meeting with CPS	
10/1/14	2.5	Meeting with client's mother	
10/1/14	2.15	Meeting with client, requested position of Attorney, when we return to the court, client takes to court, prepare	
10/1/14	1.0	Legal fee request	
10/1/14	1.0	Review signed file, prepare	
10/1/14	2.5	Meeting with CPS	

Total Hours Submitted: 10.0

Total Amount Approved: \$100.00

Attorney at Law: Alicia Franklin  
Main 700-0000

### Ronnie Harrison

Copy

Ronnie E. G. Harrison  
Harrison Law Office, P.C.  
411 Fennell, Suite 350  
Houston, TX 77002  
(713) 224-6004 office  
(713) 224-7000 fax

Case No. 2013-08962; In the Interest of Child; in the 311<sup>th</sup> Judicial District Court, Harris County, Texas

CLIENT: CWM - C

Date	Hours	Description
02/23/2014	0.25	Review Interrogatories to Defendant
02/23/2014	0.05	Review Rule 194 Request for Disclosure
02/23/2014	0.05	Review Respondent's Request for Production of Documents
02/23/2014	0.05	Review Respondent's Certificate of Western Discovery
02/28/2014	0.25	Prepare for Special Status Hearing

Total Amount of Hours: 0.45

FILED

Child Support  
District Clerk

MAR - 3 2014

Time: 1:00 PM

By: [Signature]

### George Clevenger

Law Office of  
GEORGE CLEVINGER & ASSOCIATES, P.C.  
12209 Shepherd Avenue Road, Suite 8  
Houston, Texas 77060  
(281) 780-5007 - BH (281) 588-6541

Period ending 01-31-14

Attorney at Law's Statement  
For Out of Court Services

Re: Cause No. 2013-74344; In the Interest of Child; 311<sup>th</sup> Judicial District Court, Harris County, Texas

Date	Description of Services Rendered	Time	Expenses
12-13-13	See appointment as ad litem for child; review copy of Petition and Supporting Affidavit	.2	
12-13-13	Appear in 311 <sup>th</sup> District Court; no show intended; court appearance compensated for on separate voucher	.3	
12-13-13	Meet with CPS case worker and County Atty; Obtain and review copies of Original Petition and Supporting Affidavit; Emergency Order and Order Appointing as Ad Litem for Child; meet with CPS representative; discuss background and child's parents' contact information; obtain case # of mother's prior terms and discuss fees	.7	
12-13-13	Meet with District Clerk; locate Mother's prior files (when mother was child and mother's term of child custody; obtain copies of changed documents and review	1.0	
12-16-13	Participate in show cause hearing by telephone; no time entered; court appearance compensated for on separate voucher	.3	
12-17-13	see, see and call Notice of Show Cause Hearing for December 18, 2013	.2	
12-18-13	review pleadings; call to CPS Central Records and County Atty; open file;	1.2	
12-19-13	Prepare correspondence to CPS	.4	
12-20-13	see and see returned call from Heather Hughes marked Not deliverable at this address (8822 Seabreeze Drive #170 Houston, TX 77061); update info	.3	
1-2-14	see and see new fax communication plan and CHM Caregiver Resource Form; update info	.4	
1-3-14	see, see and call Notice of Status Hearing for 2-10-14	.2	
1-7-14	prepare e-mail to case worker (Natalie Pope) Re: child's current placement info	.2	
1-7-14	see mother's status response; unable to send to address for Natalie Pope; call and get caseworker information	.2	
1-23-14	see, see and call Notice of FC meeting for February 3, 2014 @ 10:00 AM	.2	
TOTAL TIME THIS PERIOD		5.2	

### Heather Hughes

OUT OF COURT HOURS LOG - FAMILY DISTRICT COURTS

Date	Time	Activity	Amount Approved by Court
5-30-14	1.5	Communication with caregiver, home visit with child and caregivers	\$150.00
4-21-14	.1	Review notice of hearing	\$10.00
5/14	.2	Review status report	\$20.00
4/14	.1	Review letter from CPS	\$10.00
4/14	.1	Review order of withdrawal	\$10.00
5/14	.4	Prepare original answer	\$40.00
		E-filing fee	\$2.08

TOTAL HOURS SUBMITTED: 2.4

TOTAL AMOUNT APPROVED: \$242.08

Approved: [Signature] Heather M. Hughes

At any given time, Franklin was an attorney on 12 to 20 CPS cases at a time. Franklin submitted invoices at irregular intervals and her vouchers covered a time period of one to six weeks in the past. Charges for work Franklin claimed to have done on May 1, for example, would be on several different vouchers. It was necessary to go through dozens of vouchers to extract the charges Franklin made on the four specific days in May covered by this article.

## **The Crime of Tampering With a Government Record**

Texas Penal Code Sec. 37.10 states in part:

*37.10. TAMPERING WITH GOVERNMENTAL RECORD. (a) A person commits an offense if he: (1) knowingly makes a false entry in, or false alteration of, a governmental record; (2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;....*

Sec. 37.01(2) defines a "government record" to mean:

*(A) anything belonging to, received by, or kept by government for information, including a court record;*

One example of how attorneys can run afoul of this law arose in San Antonio recently:

*Former defense attorney Hilda Valadez, who pleaded guilty to charges of forging judges' signatures and double billing the county for indigent defense work, was sentenced Monday to 10 years in prison.*

*....*

*Valadez, 52, was once regarded as the county's busiest court-appointed defense attorney. She was paid nearly \$600,000 from 2008 to 2011, according to the district attorney's office.*

"Lawyer Sent to Prison for Billing Scheme," MySA.com, April 21, 2014.

The tampering with a government record statute has been applied to a deputy constable who submitted false time sheets for pay to the county in *State v. Collier*, 285 S.W.3d 133, 136-37 (Tex. App.-Houston [1st Dist] 2009, no pet.).

Tampering with a government record is a Class A misdemeanor,"unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony." Sec. 37.10(c). A lawyer who knowingly submits a false CPS pay voucher to the county is defrauding the county and therefore each false pay voucher constitutes a state jail felony.

### **Franklin's CPS Pay Vouchers for May 1 - 6, 2014**

I looked at four consecutive work days in May 2014 and pulled her charges for these days from dozens of pay vouchers submitted by Franklin. I then added up the hours she billed for each day. Here is what I found Franklin had billed:

Thursday, May 1, 2014 - 21.0 hours

Friday, May 2, 2014 - 11.25 hours

Monday, May 5, 2014 - 23.50 hours

Tuesday, May 6, 2014 - 18.75 hours

Any lawyer would immediately know it is not possible to bill those kind of hours in one day and her pay vouchers for May 1, 5 and 6 simply cannot be true.

Franklin's billing on these days is only for the work on CPS cases that the county pays for and does not take into account any work she did on her private cases. All of this billing supposedly happened while she was campaigning like crazy for a runoff election three weeks away. Early voting for the runoff started May 18 and the election was May 27.

Out of curiosity, I checked to see how many hours I billed on those days in my private practice for clients and here is what I found I had billed my clients in total for those days:

May 1 - 9.45 hours

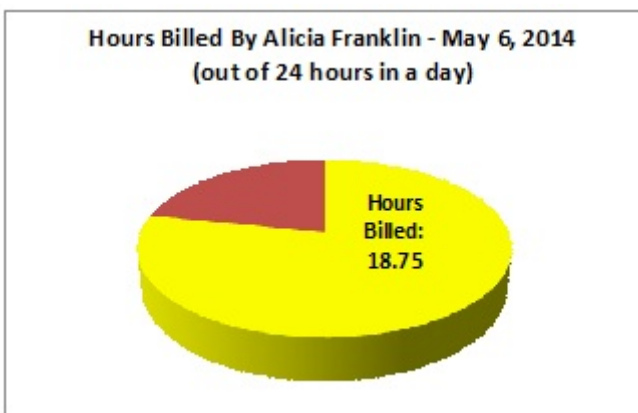
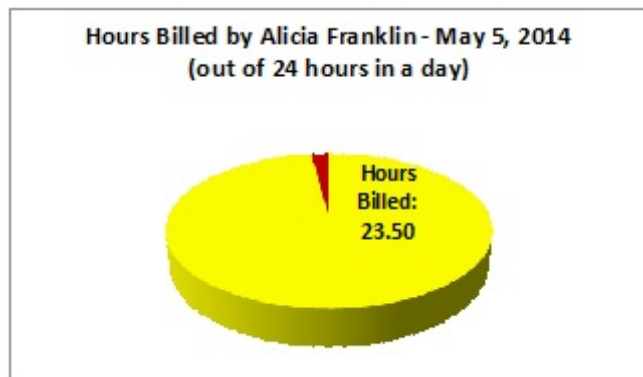
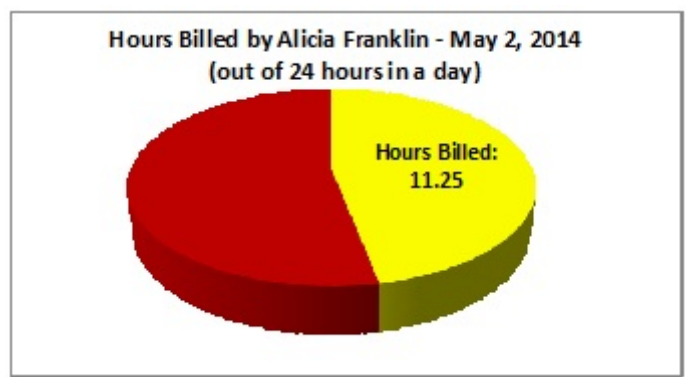
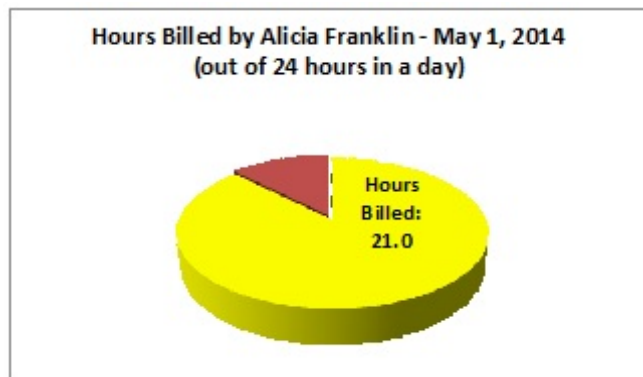
May 2 - 8.5 hours

May 5 - 6.65 hours

May 6 - 10.0 hours.

I work really hard as a lawyer and those hours billed by me are at the very high end of what I usually bill in total for one day. There are plenty of days when I bill three hours or less. The most hours I have billed in one day that I can recall in my 27 year legal career is 14 hours and that involved a jury trial.

The hours billed by Alicia Franklin on the four days in May 2014 can be evaluated graphically by showing the number of hours she billed and claimed to have worked out of the total 24 hours in each day, as follows:





These total hours billed to the county by Alicia Franklin on these four days include these specific charges:

**May 1, 2014**

**Alicia Franklin Billing on CPS Cases**

<b>Cause No.</b>	<b>Court</b>	<b>Activity</b>	<b>Hours</b>
2013-01581 J	314	Research in Re to adoption records	1.00
2011-04867 J	314	Prepare Home Visit Report	1.00
2011-04867 J	314	Comm. w/CPS	0.25
2011-04867 J	314	Prepare for Hearing	1.00
2012-00744 J	314	Pulled Pleadings and Review	1.00
2012-00744 J	314	Prepare letter to client, communicate with CPS, Prepare to mail via CMRRR and Post Office Run	1.00
2012-00744 J	314	Interview Client	2.00
2012-00744 J	314	Comm. w/Ad Litem	0.25
2014-01943 J	313	Pulled closed file, requested petition & affidavit, comm. w/ crim. Atty for mom, draft letter to client, prepare copies for client	2.75
2014-01943 J	313	Review closed files, comm. w/ ad litem, post office run	1.00
2014-01943 J	313	Comm. w/CPS	0.25
2014-02035 J	313	Comm. w/CPS	0.25
2014-01943 J	313	Jail Visit	3.00
2014-02189 J	313	Interview client & talk to dad's atty, JB Bobbit & talk to child atty John Maisel	1.00
2014-02189 J	313	In Court - Non Trial	1.00
2013-41503	310	Comm w/client, Reviews leased, draft Motion for cont, order & comm w/counsel, e-file	2.00
2013-41503	310	E-Filed Document	0.25
2013-39931	310	Comm w/CPS	0.25
2013-39931	310	Receive Report & Printed	0.25
2013-39931	310	Review Report	1.00
2012-01622 J	247	Comm w/CPS	0.25
2009-23300	311	Comm. w/CPS	0.25
<b>May 1, 2014 Total Hours Billed</b>			<b>21.00</b>

**May 2, 2014**

**Alicia Franklin Billing on CPS Cases**

<b>Cause No.</b>	<b>Court</b>	<b>Activity</b>	<b>Hours</b>
2011-04867 J	314	Court	1.00
2012-00744 J	314	Comm w/attny & comm w/CPS	0.50
2011-04867 J	314	Comm w/CPS, CPS Supervisor, Comm w/co. attny, CPS Liason	1.00
2014-01943 J	313	Comm w/crim attny	0.25
2014-01943 J	313	Com w/co. attny, fax attny w/petition, comm w/investigator, prepare letter to client, comm w/attny, comm w/CPS	2.00
2008-08796 J	313	Receive Correspondence	0.25
2008-02442 J	313	Receive Correspondence	0.25
2013-41503	310	Prepare fax cover & fax to counsel, hand deliver to counsel, e-filed documents	1.00
2013-41503	310	Comm w/counselor, received correspondence, printed, comm w/client	1.00
2012-01622 J	247	Home visit in Huffman, TX - interviewed all family members	4.00
<b>May 2, 2014 Total Hours Billed</b>			<b>11.25</b>

May 5, 2014

Alicia Franklin Billing on CPS Cases

Cause No.	Court	Activity	Hours
2012-00744 J	314	Comm w/court, CPS, co. atty & client	1.00
2012-00744 J	314	Comm w/CPS	0.25
2012-00744 J	314	Comm w/CPS & caregivers, Received homestudy, printed, reviews & comm w/potential caregiver	2.00
2012-00744 J	314	Prepare for trial	1.00
2012-00744 J	314	Home visit	3.00
2011-04867 J	314	Receive Report & printed	0.25
2011-04867 J	314	Review Report	1.00
2014-02035 J	313	Receive correspondence, comm w/client, comm w/mom's counsel & cps	1.25
2014-01943 J	313	Comm. w/court	0.25
2014-01943 J	313	Comm. w/atty. Reviewed file of closed case, comm w/client	1.50
2013-41503	310	Prepare for Trial	1.00
2013-41503	310	Comm. w/co. attny	0.25
2013-41503	310	Comm. w/co. attny & client	0.50
2013-41503	310	Comm. w/co. attny, prepared for trial, Reviewed correspondence, reviewed supplemental discovery, comm. w/CPS, & potential caregiver	3.00
2013-41503	310	Comm w/client pre & post hearing & comm w/CPS	1.50
2013-39931	310	Comm w/CPS	0.25
2012-01622 J	247	ARD Meeting	1.50
2009-23300	311	Comm. w/caregiver	0.25
2012-04874 J	311	Comm. w/CPS, CPS supervisor, & client & client's caregivers	1.25
2012-04874 J	311	Comm. w/client, visit w/ Judge & client	2.50
<b>May 5, 2014 Total Hours Billed</b>			<b>23.50</b>

May 6, 2014

Alicia Franklin Billing on CPS Cases

Cause No.	Court	Activity	Hours
2013-01581 J	314	Comm w/CPS & Comm. w/caregiver	0.50
2012-00744 J	314	Prepare answer & faxed & e-filed	1.00
2012-00744 J	314	Comm. w/counsel & CPS	0.50
2012-00744 J	314	Comm. w/co. attny office, Reviewed report	1.00
2012-00744 J	314	Comm. w/maternal grandparents	0.50
2012-00744 J	314	Comm w/co. attny	0.25
2011-04867 J	314	Comm. w/CPS	0.25
2014-02035 J	313	Prepare Letter to client, prepare to mail, & post office run	1.00
2014-01943 J	313	Comm. w/attny & CPS	0.50
2014-01943 J	313	Comm. w/court	0.25
2008-08796 J	313	Research & comm. w/co. attny	1.00
2008-02442 J	313	Research	1.00
2010-19352	310	Comm. w/CPS, caregiver, caregiver in CA & clients	1.50
2013-41503	310	Permanency Hearing	1.00
2013-41503	310	Comm w/client	0.25
2013-41503	310	Comm. w/NSC, client's mom, & CPS	1.00
2014-21258	310	Emergency Hearing	1.00
2014-21258	310	Pulled Pleadings & Review	1.00
2014-21258	310	Background check on all parties	1.00
2014-21258	310	Interviewed client	1.00
2013-39931	310	Prepare affidavit of due dilligence & prepare to e-file	0.50
2013-39931	310	Comm w/counsel	0.25
2012-01622 J	247	Comm w/potential family in FL	0.25
2012-01622 J	247	Comm w/CPS, potential caregiver & child advocates	0.75
2012-01622 J	247	Comm w/co ad litem	0.25
2009-23300	311	Comm w/CPS	0.25
2009-23300	311	Comm w/Caregiver	0.25
2012-04874 J	311	Comm w/client	0.25
2012-04874 J	311	Comm w/CPS	0.25
2004-31567	309	Communicate with co. attorney	0.25
<b>May 6, 2014 Total Hours Billed</b>			<b>18.75</b>

A March 8, 2013 Op-ed article in the *New York Times* entitled "The Tyranny of the Billable Hour" discussed billing expectations for young lawyers at large, slave-driving Manhattan law firms and said, "Most big firms require associates to bill at least 1,900 hours a year, according to a survey last year by NALP, the Association for Legal Career Professionals.... Billing 2,000 hours a year isn't easy. **It typically takes at least 50 hours a week to bill an honest 40 hours to a client.**"

A lawyer expected to bill 1,900 hours in a year would have to bill clients a total of 36.5 hours every seven days. In these four days in May, Ms. Franklin billed the county **74.50** hours on CPS cases and that did not include any work she did on her private cases. There were only a total of 96 hours in those four days. At the rate Franklin was billing during those four days, her total hours billed in a year would be over double what big New York City law firms expect of their overworked associate attorneys and those attorneys would not also be running for judge.

Given my firm belief that knowingly submitting a false pay voucher to the county is a crime, I desperately tried to think of a way to explain Franklin's billing that does not result in the conclusion she committed a crime. It does not help that Judge Franklin is not providing me any explanation for this billing. I e-mailed about a dozen really smart, experienced family lawyers with these facts and asked them to imagine what possible explanation for these billing totals could be. Other than the obvious excuse that Franklin made a mistake on her dates, sadly no one could think of any explanation. A "typographical" error on billing dates is an unlikely explanation because these vouchers are handwritten in Franklin's own neat, precise printing.

Rounding up from five minutes on a phone call to a quarter of an hour, as many lawyers in private practice do, is not an excuse for Franklin either because: (1) she has no contract with the county that allows her to round up and bill for work she did not actually do, and (2) I have checked and mathematically, that does not reduce the number of hours she billed on three of these days to a believable number.

The attorneys I e-mailed about this issue collectively represent a few centuries of combined legal experience, and all those who replied agreed with me that Ms. Franklin simply could not have worked the hours she billed the county for on these days.

I have asked Judge Franklin to provide me a written response to these issues and she has declined to do so, so I am left to believe that all of the documented facts in this article cannot be explained by her. I hear through others that Franklin is going to claim that her invoices on these days included work done by her associate attorney. The problem with that defense is that it proves her invoices were false because they clearly purport to show legal work done only by Alicia Franklin. The Texas Family Code speaks of an attorney ad litem as singular person, not a law firm. There is no statutory authority that allows a judge to appoint a specific person to represent a child and then allow another lawyer to work and bill in that appointed position. If Governor Perry were, through some miracle, to appoint me to the Board of Regents for the University of Texas, I could not send my brother to appear for me at board meetings and then bill the State as if I had done that work.

## “Repeat Billing” Is Really Double Billing

I truly hope that Franklin has not engaged in what CPS insiders call "repeat billing." This is one strategy developed by some of the attorneys who live off of CPS appointments to increase what they are paid by the judges. "Repeat billing" is a euphemism for illegal double billing and it involves submitting time for work on a case in one month and then perhaps two months, later submitting the same time on the same case. The judge on the second appearance cannot possibly recall what he approved on a voucher weeks before and he does not have all vouchers submitted in the case before him. If caught, the attorney can always claim it was an innocent clerical error. This allows the attorney to get paid twice for the same work.

Here is one example of the many anomalies found in Franklin's billing: In Cause No. 2013-00868J, Franklin was appointed in the 314th Juvenile District Court to represent an alleged father of a child in CPS custody.

A February 19, 2014 voucher submitted by Franklin included charges for work on done on January 30: one hour - "research case law." Given the repetitive nature of almost all cases involving alleged fathers in CPS cases, it is not clear what legal research an experienced CPS attorney would need to do for an hour.

OUT OF COURT HOURS LOG - FAMILY DISTRICT COURT			
Court Number	Case Number	Party or Child's Name	
314th	2013-00868J	Alleged Father	
Date	Time	Activity	Amount Approved by the Court
1/30/14	1.0	Research case law	
2/5/14	.25	comm w/ court	
2/5/14	.25	comm w/ CPS	
2/14/14	1.0	Research case law	
2/14/14	1.0	prepare for hearing, research statute on due diligence, print out research	
2/19/14	1.0	Review order & execute, comm w/ court	

On March 6, 2014, Franklin submitted another invoice on the same case and again included billing for dates she had already billed for on February 19, including one hour on January 30.

**OUT OF COURT HOURS LOG - FAMILY DISTRICT COURT**

Court Number	Case Number	Party or Child's Name
919th	2013-00868J	

Date	Time	Activity	Amount Approved by the Court
1/29/14	.25	Receive + printed fax	
1/29/14	.25	Comm w/ Co. a lny	
1/29/14	1.0	prepared for trial, Comm w/ a lny	
1/29/14	1.5	Review report + printed, reviewed report,	
		Comm w/ CPS	
2/13/14	.25	Receive + printed fax	
2/13/14	.25	Comm w/ Court	
2/13/14	.25	Comm w/ Co. a lny	
2/13/14	.25	Comm w/ Court	
2/13/14	.25	Receive fax + printed	
2/13/14	.25	Review correspondence + printed	
2/13/14	.25	Receive correspondence + printed	
2/13/14	.25	Comm w/ CPS	
2/13/14	.25	Receive + printed fax	

Why wouldn't Franklin have submitted all of her hours worked on January 30 on her first voucher submitted February 18? In the first voucher, Franklin billed 1.0 hour on 2/18/14 for "review order & execute, comm w/ court" and then on the second voucher she billed another 0.25 hours on 2/18/14 for the exact same "comm w/ court."

I can only assume that Franklin will claim these were innocent clerical errors, although these forms are filled out by her in hand and signed by her. These time entries at least make it appear that Franklin is occasionally billing the county twice for the same work.

## Alicia Franklin Billed Harris County for Non-Lawyer Work

Alicia Franklin billed the county for one hour of work on May 6, 2014 in Cause No. 2014-02035J for "prepare letter to client, prepare to mail and post office run."

In Cause No. 2008-02442J, Franklin billed a quarter of an hour twice for "post office run" on April 10 and May 19, 2014. Attorneys simply do not bill their clients for running to the post office and Harris County tax payers should not be charged for such work either.

OUT OF COURT HOURS LOG - FAMILY DISTRICT COURT			
Court Number	Case Number	Party or Child's Name	
2008	2008-02442J		
Date	Time	Activity	Amount Approved by the Court
4/10/14	1.0	Research	
4/10/14	.50	consult w/ counsel + on phone	
4/10/14	1.0	consult w/ counsel, CPS, + counsel	
4/10/14	.25	at venue	
4/10/14	.25	2-Filed Affidavits	
4/10/14	1.0	draft Affidavit + prepared to fax to	
4/10/14	.25	counsel + prepared to mail	
4/10/14	.25	draft letter to client + CPS	
4/10/14	.25	post office run	
4/10/14	.25	consult w/ CPS	
4/10/14	1.0	Research, pleading, prepared for	
4/10/14	.25	consult w/ CPS	
4/10/14	1.0	Research, on file	
4/10/14	.25	Research	
4/10/14	.25	Review correspondence	
4/10/14	.25	Research	
4/10/14	.25	consult w/ CPS	
4/10/14	.25	consult w/ client	
4/10/14	.25	consult w/ CPS	
4/10/14	.25	prepare to mail correspondence to client	
4/10/14	.25	post office run	
4/10/14	.25	Review Report + prepare	



On May 1, 2014, Franklin billed the county in Cause No. 2013-41503 a quarter of an hour to electronically file a court document with the District Clerk (she wrote "e-file a document"). She did the same thing on May 7, 2014 in Cause No. 2013-39931 when she charged a quarter of an hour for "e-filed affidavit." Again, this is something clerical staff do in most law offices and I have never heard of lawyers billing clients for that sort of work.

Franklin also billed the county frequently for merely printing documents, something attorneys or their clerical staff do simply by pushing a button. I have never heard of attorneys charging clients to print documents. In Cause No. 2011-04867-J, on May 5, 2014, for example, Franklin billed the county for 15 minutes (0.25 hours) to print a CPS report on what must be a really slow printer and then Franklin, on the same day, billed the county one hour to review the report. It would be a very rare CPS report that was more than 6 - 8 pages long and an average reader can read such reports in ten minutes or less. Attorneys should not bill the county to just print documents.

OUT OF COURT HOURS LOG - FAMILY DISTRICT COURT			
Court Number	Cause Number	Party or Child's Name	
3/4/14	2011-04867-J		
Date	Time	Activity	Amount Approved by the Court
5/1/14	0.25	Comm w/ CPS, CPS Supervisors, Comm	
5/1/14	1.00	W/ Co-Attm, CPS Liaison	
5/1/14	0.25	Review report + permed	
5/1/14	0.25	Review report	
5/1/14	0.25	Comm w/ CPS	
5/1/14	0.25	Comm w/ adoptive parents	

Tax payers should not pay attorneys to print documents, e-file pleadings, lick envelopes or drive to the post office to put envelopes in the mail box. These amazing time entries are proof that the CPS lawyers submitting invoices have no shame and no fear of their bills being reviewed. It is definite proof that the judges do not even read the time entries being submitted before they approve them for payment.

### **A Criminal Investigation Should Be Launched**

A prominent female criminal defense lawyer in San Antonio was just sentenced to ten years in prison for illegally double billing Bexar County on criminal court appointments (and for forging judges' signatures on pay vouchers).

I do not think Franklin is the only attorney submitting false bills to the county for court appointments in CPS work. Unfortunately for her, Franklin's vouchers (ordered from the County Auditor) arrived before other vouchers I have ordered. Unlike the other attorneys who I believe are involved in this practice, however, Franklin is now a judge. That makes this a really big deal.

I would really like to think that Judge Franklin did not intentionally submit false CPS pay vouchers to the county. However, any defendant accused of such a crime would always claim "it was a clerical error." How will such a smart lady ever convince us she could make such mistakes?

This matter should be criminally investigated by someone other than District Attorney Devon Anderson, who first bungled the Judge Pratt investigation then let Pratt off the hook criminally once I found proof even the judge could not deny. Anderson is running on the same Republican ticket this year as Franklin and she is tied into the same political power brokers who are themselves involved with this CPS billing scandal. We need a "prosecutor pro tem" appointed who will actually look into this mess vigorously and objectively. This prosecutor should be from a city far from Houston and not have any ties to the political establishment that currently runs this county. If Franklin did nothing wrong, then a truly independent prosecutor should determine that (which is what I sincerely hope happens!).

The first thing law enforcement should look for are the actual time records kept by Alicia Franklin on her CPS cases. It is clear that these CPS pay vouchers I have seen were filled out by hand by Franklin all on the same day, so they are not contemporaneous records a lawyer would make at the time the work done to record his or her billable time. I sincerely hope that there are such time records to be found!

### **The Solution to This Scandal**

Lawyers are stealing tax payer dollars and the system in place at Harris County allows it. Here are the problems:

1. A paper based system from the 1950's is still in use. Lawyers fill out the pay vouchers by

hand, the judges sign the vouchers and then they go to the County Auditor, who pays the amounts approved by the judges, no questions asked.

2. A judge, who may approve dozens of pay vouchers a week, cannot see what an attorney is billing in other cases in that same court or in other courts.
3. No one until me ever took a mass of vouchers from one single attorney and extracted the fees charged on all cases for a particular day to see what the attorney is billing the county for on that day. This is how Alicia Franklin got busted billing 23.5 hours in one day. If I can "audit" vouchers, why can't the County Auditor?
4. The real problem is that no one has any incentive to closely monitor the CPS pay system. The judges are picking their pals for the appointments and therefore obviously want them to make money. The attorneys do not want their vouchers audited either. They have figured out that they can make a lot of money by submitting almost any hours they can make up and no one is ever going to care or catch them.

The simple solution is to go to an all electronic reporting system, like the State makes candidates use for reporting campaign contributions. Candidates must enter their information into a database program that automatically uploads the data to the State database that we can all on the Texas Ethics Commission web site.

The county should make ALL billing and pay information for appointed attorneys viewable on line by everyone, including judges and reporters.

Our family and juvenile judges should demand that all court appointments and all fees awarded to appointed attorneys be reported. The District Clerk is supposed to report all fees for court appointments of any type, but the vast majority of such fee awards are not being reported.

Simple transparency will eliminate a lot of the abuses.

It would also help if our County Auditor actually audited some attorney vouchers on a random basis to keep everyone honest. **However, the County Auditor is hired, fired and managed by the district judges of Harris County. How gung ho will the auditor be to audit the CPS invoices her bosses have already approved?**

Lastly, we need to replace every single judge involved in this dirty CPS court appointment business, which is about three judges in the family courts and at least two of the three juvenile courts.

The children and tax payers of Harris County deserve better!