

Did Alicia Franklin Work as a Lawyer and Charge Harris County for CPS Work After She Became Judge?

By Greg Enos
September 2, 2014

There is a specific provision in the Texas Canons of Judicial Ethics, Canon 4(G), that says a judge cannot practice law. I checked with the Texas Commission on Judicial Conduct and they confirmed that a district judge simply cannot practice law. They said that "winding down" a law practice cannot include a court appearance or billing the county for work done by the judge as a lawyer.

Alicia Franklin was appointed Judge of the 311th Family District Court of Harris County by Governor Rick Perry on June 13, 2014. Franklin promptly had her friend and mentor, Judge Lisa Millard, swear Franklin in as judge on the same day, June 13.

I obtained from the Texas Secretary of State, a copy of the oath which Franklin signed, dated June 13.

Form #2204 Rev. 10/2011

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Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334




OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

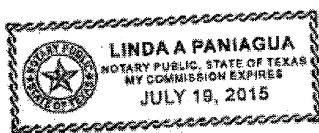
I, Alicia K. Franklin, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Judge of the 311th District Court of Harris County of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

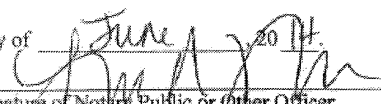

Signature of Officer

State of TEXAS
County of HARRIS

Sworn to and subscribed before me
this

(seal)



13th day of June, 2014.

Signature of Notary Public or Other Officer
Administering Oath
LINDA A PANIAGUA
Printed or Typed Name

On June 24, Judge Franklin herself e-mailed me and clearly told me she had been sworn in by Judge Millard on June 13. This is an excerpt from the full e-mail, which also described changes in court personnel and policies which Franklin wanted me to know about. In this June 24, 2014 e-mail to me, judge Franklin says:

I was sworn in the day of my appointment by the Governor, June 13th, by Judge Lisa Millard. There will be a public ceremony that will take place in the ceremonial courtroom on the 17th floor of the civil courthouse on Friday, August 15, 2014 at noon with a catered reception to follow in the courtroom adjacent the ceremonial courtroom on the 17th floor.

On August 24, 2014, I shared with Judge Franklin (via e-mail to Doug York) Franklin's own CPS pay vouchers which made it look like she had been working as a lawyer and billing the county after she became a judge. I had received those vouchers from Sherri Cothrun, Franklin's Democratic opponent in this November's election. Cothrun asked me to share with Franklin some documents which Cothrun planned to discuss when Franklin and Cothrun met with the *Houston Chronicle* editorial board the next day. Cothrun thought it would only be fair for Franklin to see the documents before she was confronted with them.

On August 25, Franklin tried to mislead the *Houston Chronicle* editorial board in replying to the allegation that she had worked as a lawyer after becoming a judge by telling them that she started work on the bench on June 18, 2014. Franklin knew she had to tell the editors that she started work on June 18 because she had submitted a handwritten invoice for CPS work signed by her on June 17 for legal work she had done on June 13, 16 and 17, including one hour of "in court appearance" on June 17. Legally, Franklin became a judge when she was sworn in on June 13.

For years, Franklin has worked as a lawyer accepting court appointments to represent children and parents in CPS cases. Such court appointed attorneys must submit a pay voucher to the judge who appointed them in order to get paid on a case. Each such voucher is supposedly reviewed and approved by the judge before the voucher is paid by Harris County.

Below is a pay voucher which Franklin submitted in Cause no. 2012-03856J in the 314th District Court of Harris County. This voucher is signed by Franklin and was approved and signed by Judge Phillips on June 19, 2014. This first page of the invoice is signed by Alicia Franklin and bills for one hour of a non-trial, in court appearance on June 17, 2014 after Franklin was sworn in as judge on June 13.

No. 2012-03856J

Appar 16

IN RE:

IN THE DISTRICT COURT OF

CHILD(REN)

HARRIS COUNTY, TEXAS

2.36
JL

3/4 TH DISTRICT COURT

ORDER

The Court, having appointed Alicia K. Franklin,
 T# 74040930, hereinafter referred to as the "Appointee," as the
 attorney/guardian ad litem to represent the interests of 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	Dates in Court	Fixed Rate	Minimum	Maximum	Amount
Non-trial	1.0	6/17/14		\$75	\$150	125
Trial				\$100	\$300	
For trial of 5 days or more			Up to \$2,500			
Out of Court Time and Expenses [Expenses must have prior court approval and be documented.]	Dates of out of court work	Number of Hours/10 Hours Maximum	Hourly Rate	Minimum	Maximum	Amount
Out of Court Hours	Please see attached	1.75	\$30 to \$50		\$500	17.50
Expert Testimony				\$200	\$800	
Investigation					\$600	
Appeals - Fixed Rate of \$500-\$2,500						Amount
Total						Total 217.50

PERSONAL INFORMATION The Law Office of Alicia K. Franklin, P.C.

Name:	Alicia K. Franklin 408 Main, Suite 401 Houston, Texas 77002 Phone: (713) 223-0754 SSN: 24040930	
Social Security Number or Tax ID Number	Telephone Number	
Mailing Address		

CERTIFICATION

I, Alicia 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 26.05, Code of Criminal Procedure, effective September 1, 1987, and amended March 1, 1991.

Alicia K. Franklin
Attorney

Signed this 19 day of June, 2014.

Judge Presiding

LEGAL DEPT. APPROVAL DATE:	APPROVED BY:
VENDOR NO:	CLERICAL ACCURACY:
AMOUNT:	PROCESS DATE:
ACCOUNT NO: 1000-100-26-6223	PAYMENT APPROVAL:

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

AUDITOR

OUT OF COURT HOURS LOG - FAMILY DISTRICT COURT

Date	Time	Activity	Amount Approved by the Court
6/13/14	.25	comm w/ court	
6/16/14	.25	comm w/ cps	
6/16/14	.25	comm w/ court	
6/17/14	.25	Comm w/ Co. atty	
6/17/14	.25	Comm w/ Court	
6/17/14	.50	Review deems + execute	
Total Hours Submitted		Total Amount Approved	
1.75			

pproved

Judge Presiding

Alicia K. Franklin
Attorney at Law
Alicia K. Franklin
TBN: 24040930

That clearly is Franklin's signature because of the unique way Franklin writes her "A."

Starting on June 20, 2014, CPS pay vouchers began to be submitted in Alicia Franklin's name by her associate attorney, Thao Tran. Here is one example:

VOUCHER#X-2X 287820

No. 2010-01887J Aggr 100

IN RE: [REDACTED]
[REDACTED]
CHILD(REN)

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
4:47 PM
3/4 TH DISTRICT COURT

ORDER

The Court, having appointed Alicia K. Franklin
TS# 24040930, hereinafter referred to as the "Appointee," as the attorney/guardian ad litem to represent the interests of Kida 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	Dates in Court	Fixed Rate	Minimum	Maximum	Amount
Non-trial	10	6/19/14		\$75	\$150	175
Trial				\$100	\$300	
For trial of 5 days or more			Up to \$2,500			

Out of Court Time and Expenses (Expenses must have prior court approval and be documented.)	Dates of out of court work	Number of Hours/10 Hours Maximum	Hourly Rate	Minimum	Maximum	Amount
Out of Court Hours	Please see attached	5.0	\$30 to \$50		\$500	250
Expert Testimony				\$200	\$800	
Investigation					\$600	

Appeals - Fixed Rate of \$500-\$2,500	Amount

Total	Total
	375.00

PERSONAL INFORMATION - The Law Office of Alicia K. Franklin, P.C.

Name:	Alicia K. Franklin	
Social Security Number or Tax ID Number	Telephone Number	400 Main, Suite 401 Houston, Texas 77002 Phone: (713) 223-0754 SRN: 24040930
Mailing Address	[REDACTED]	

Thao Tran Standing in for CERTIFICATION

Alicia 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 26.05, Code of Criminal Procedure, effective September 1, 1987, and amended March 1, 1991.

Thao Tran
Attorney

Signed this 20 day of June 2014

John Phillips
Judge Presiding

LEGAL DEPT. APPROVAL DATE:	APPROVED BY:
VENDOR NO:	CLERICAL ACCURACY:
AMOUNT:	PROCESS DATE:
ACCOUNT NO: 1000-100-26-6223	PAYMENT APPROVAL:

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

AUDITOR

Here is another example:

VOUCHER # X-2 **X** 287819

No. 2012-04187J

IN RE: _____ IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
CHILD(REN) _____ 2nd 13 TH DISTRICT COURT

ORDER

The Court, having appointed Alicia K Franklin
TS# 24040990, hereinafter referred to as the "Appointee," as the
attorney/guardian ad litem to represent the interests of Kids 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	Dates in Court	Fixed Rate	Minimum	Maximum	Amount
Non-trial	1.0	6/19/14		\$75	\$150	150
Trial				\$100	\$300	
For trial of 5 days or more			Up to \$2,500			

Out of Court Time and Expenses (Expenses must have prior court approval and be documented.)	Dates of out of court work	Number of Hours/10 Hours Maximum	Hourly Rate	Minimum	Maximum	Amount
Out of Court Hours	Please see attached	2.50	\$30 to \$50		\$500	125
Expert Testimony				\$200	\$800	
Investigation					\$600	

Appeals - Fixed Rate of \$500-\$2,500	Amount
Total	Total 275

PERSONAL INFORMATION

Name:	The Law Office of Alicia K. Franklin, P.C. Alicia K. Franklin	
Social Security Number or Tax ID Number	Telephone Number	495 Main, Suite 401 Houston, Texas 77002 Phone: (713) 223-0754 SBN: 24060830
Mailing Address		

CERTIFICATION

I, Alicia 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 26.05, Code of Criminal Procedure, effective September 1, 1987, and amended March 1, 1991.

Alicia K. Franklin by per m
Attorney

Signed this _____ day of _____, 20____.

It is not clear how or why Ms. Tran would be able to bill the county using Alicia Franklin's name, but presumably these invoices are for work Ms. Tran did on ad litem cases that Franklin had been appointed to. We also do not know if Ms. Tran shared any of these fees with her former employer, Ms. Franklin. I do know that Judge Franklin has now appointed her former associate, Ms. Tran, as an attorney ad litem and amicus attorney in cases in Judge Franklin's court.