

**HIDALGO COUNTY
PUBLIC DEFENDER'S OFFICE**



Policy and Procedures Manual
(Revised July 1, 2008)

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HIDALGO COUNTY PUBLIC DEFENDER'S OFFICE Policy and Procedures Manual

This manual is designed to function as the working guide to the operation and utilization of the Hidalgo County Public Defender's Office (PDO). The policies and procedures outlined in this manual have been developed by the Public Defender under the guidance of the Hidalgo County Commissioner's Court Oversight Committee. These guidelines are subject to the organizational agreement between the Public Defender and the Commissioner's Court. Policies and procedures described in this manual are subject to change on an "as needed" basis as the needs and capabilities of the office and the county change.

I. PERSONNEL

Detailed job descriptions for each position in the Public Defender's office are attached as Appendix "A" to this document. The positions that are envisioned for the Public Defender's Office are:

A) Attorneys

- a. Chief Public Defender;
- b. First Assistant Public Defender; and
- c. Assistant Public Defender.

B) Investigation

- a. Chief Investigator

C) Support Staff

- a. Jail Intake Officer; and
- b. Administrative Assistant

D) Conduct/ Ethical Guidelines

As employees of attorneys, staff members are bound by the same ethical standards as attorneys. First and foremost, this includes the attorney-client privilege. Anything we learn from a client is confidential and will not be shared with anyone outside this office without the clients' permission. This includes friends and family of the client.

Secondly, all members of the PDO should be respectful of the witnesses and other parties that we come across during the course of our representation of a client. While there will be individuals who will make it difficult or impossible to do that, always go into the situation as respectfully as possible. You should also show respect to the victims who agree to speak with us. Finally, you should seek a parent or guardian's permission before speaking to a juvenile witness or victim.

E) Dress Code

The office has a business professional dress code. Women wear dresses, blouses with skirts or dress slacks, while men wear dress pants, shirts and ties.

In compliance with Hidalgo County Sheriff's Office policy, all PDO personnel visiting clients in custody at any Hidalgo County Jail facility shall wear approved uniformed clothing

(blouses/shirts with visible Hidalgo County seals and the employee's name) designating themselves as employees of the Hidalgo County Public Defender's Office.

F) Sick/ Vacation/ Cover Leave

Sick and vacation leave are to be governed under the guidelines and policies of Hidalgo County. "Cover leave" is to be governed by the PDO. Whenever an attorney or a member of the support staff are requesting leave, either sick or vacation, they will try to the best of their ability to have another attorney or support staff cover their court docket or office duties. Furthermore, a phone call shall be made to the Chief or 1st Assistant advising of the reason for the absence. A "cover request" is to be filed out, if possible, by both the employee requesting leave and the employee accepting covering duties. The "cover request" is then to be submitted to either the Chief Public Defender or 1st Assistant for approval. A copy of the "cover request" is attached as Appendix "B".

G) Outside Employment

Employees may not accept or continue outside employment that would give rise to, or the appearance of, a conflict of interest without the Chief Public Defender's approval. Employees may not accept or continue legal employment involving restricted clients (inmates/ clients, inmate's/ client's immediate families, or individuals referred by inmates/ clients or their families) or restricted defendants (state and federal governments, state agencies, cities, municipalities, and counties) or legal employment in an area of law with high potential for conflict (Deportation, Expungements, Family Law, Immigration, and Misdemeanor Appeals) without the Chief Public Defender's approval.

Employees may accept legal employment in an area of law with low potential for conflict without the Chief Public Defender's permission except when such employment gives rise to or may give rise to a conflict of interest or the appearance of impropriety. In those instances, the employee must obtain the Chief Public Defender's approval.

If the nature of an employee's outside employment changes such that it becomes, or the employee learns that it is or may be a conflict of interest to continue such employment, the employee must notify the Chief Public Defender and obtain his approval for continuing said employment.

The use of county assets in support of outside employment is strictly prohibited. This prohibition includes local and long distance telephone use and both incoming and outgoing calls. Outside employment is not to be conducted while on county time or on county property; with the exception that the use of private cell phones to contact clients or employers, courts, etc. Outside employment is allowed on county property during scheduled breaks or lunchtime.

II. TRAINING

Training is an integral part in developing personnel who can provide vigorous and zealous defense of their clients. Although all office personnel share a responsibility of providing services to the client, these needs are most keenly felt at the attorney and investigator positions. An overview of the proposed training program for these positions follows. This plan is subject to modification depending upon the skills and training already possessed by new employees.

A) Attorney Training