

**Williamson County
District Courts
Georgetown, Texas**



**Texas Indigent Defense Commission
Technical Support Grant – 212-TS-246
Williamson County, Texas
Final Project Report
July 30, 2014**

Williamson County requested Technical Support funding from the Task Force on Indigent Defense to conduct an evaluation of the county's indigent defense practices. Williamson County's evaluation was intended to generate specific recommendations which the judiciary/local policy makers could consider for possible implementation to improve indigent defense services within the county. During the initial planning phase for the request, many county officials expressed a desire to identify strategies and technological improvements that could allow for a greater degree of coordination between the various components of the county's indigent defense system. County officials also wanted to identify ways to increase the efficiency of the system during the rapid population growth that has been experienced by the county. The evaluation was to provide the county and court officials with a review of the system from point of arrest to payment of attorney vouchers in order to obtain accurate and quantifiable data which could inform decision makers on possible efficiencies that could be considered to improve the indigent defense system.

On August 26, 2012 the Texas Indigent Defense Commission awarded Williamson County \$100,000 through Grant Number 212-TS-246 to pursue these goals. The county prepared a detailed project plan, prior to issuing Request for Proposal Number 13RFP00110. Proposals were received from recognized consultants in court administration and indigent defense to conduct a system-wide evaluation of Williamson County indigent defense practices. Responses were received and opened on November 27, 2012 in the Williamson County Purchasing Department. Williamson County received responses from the Sixth Amendment Center, Managing to Excellence, and the Justice Center – Council of State Governments. A county review team evaluated the respondents for: experience; resumes; background/experience of team members; references; reports; location; and overall plan/approach.

The Council of State Governments was selected and a consulting services agreement was signed that included tasks to be performed, deliverables to be produced, and a project timeline for milestone deliverables. After contract negotiations with the Council of State Governments to arrive at a not-to-exceed compensation amount of \$62,815, the Williamson County Indigent Defense grant project began with a “Kick-off” meeting on October 18, 2013. The Project Team which included representatives from the following offices: County Attorney, District Attorney, Sheriff’s Office, District Clerk, County Clerk, Commissioners Court, Magistrate Office, Juvenile Services, Information Technology, Defense Bar, Adult Probation, County Court at Law Judges, and District Judges, attended the kick-off meeting. During the kick-off meeting the Counsel of State Governments provided the Project Team with timeline and goals of the project, preliminary data analysis on the county’s growing population and caseload trends.

The Council of State Governments during the next six months analyzed case-level data provided by the county and publically available aggregate data. As part of the assessment process, the Council of State Governments interviewed every elected member of the judiciary hearing criminal cases, as well as their court coordinators. In addition, interviews took place with the County Attorney, the First Assistant District Attorney, the District Clerk, County Clerk, Magistrate, employees of the IT Department, County Auditor, and defense attorneys serving on the court appointed lists.

On April 25, 2014, the Counsel of State Governments presented the “Indigent Defense Systems Assessment: Williamson County, Texas” (Assessment) to the Project Team and representatives of the Texas Indigent Defense Commission. The Findings in the Assessment for compliance with the Fair Defense Act were summarized as:

- County IT Department should work toward automation of reports and collection of data through the Odyssey system
- Williamson County incorporated all six standards of the Fair Defense Act (magistration; indigence requirements; attorney qualifications; prompt appointment; fair, neutral and non-discriminatory attorney selection; and payment) into its Local Rules Plan
- The attorney appointment process could be made more efficient
- The County needs to continue proactive planning for continued growth in the criminal justice system
- The County demonstrated prompt appointment in a random sample of cases analyzed, as required by the Texas Administrative Code, but Saturday and Sunday requests were slightly above the allotments and could be improved upon.

The following are recommendations from the Council of State Governments:

Recommendation #1 - *"The county must learn unused function of Odyssey to extract data through report generation."*

The District Judges and the County Court at Law Judges recognize the importance of office staff learning all current available functions of Odyssey that would promote more thorough report generation. To accomplish that goal, they are in support of a training opportunity on the Odyssey system that would include individual follow-up with each court, to review knowledge learned and answer any questions remaining. The County IT Department is planning a training opportunity for all courts using the Odyssey system. The training is expected to occur in September 2014.

Recommendation #2 – *"Improve the functionality of the Odyssey system to be able to fully report on all compliance items."*

The District Judges and County Court at Law Judges approve of this recommendation and are supportive of the County IT Department's participation in the Urban Counties Tech Share project to achieve enhancements to the Odyssey system.

Judges would also like clear and understandable updates on enhancements that will become available in Odyssey to improve the functionality of the system through Urban Counties' Tech Share project.

Recommendation #3 – *"Update the County Indigent Defense Plan to reflect improvements in reporting/data capture, and adjust the qualifications to be included on the appointment list to meet the county's needs".*

After review of the Assessment, the District Judges and County Court at Law Judges will update the County Indigent Defense Plan, as needed. The following categories are areas in which the judiciary will review, and if necessary make amendments to the plan.

Qualifications and Experience

- The District Judges have reviewed and will amend the County's Indigent Defense Plan to change the current qualifications and experience required for inclusion on the Felony Court Appointed List to the following:

State Jail and Felony 3

2 years of practice (from 1 year)

4 trials (from 5 trials)

Felony 1 and 2

3 years of practice (from 1 year)

7 trials (from 10 trials)

- County Court at Law Judges support the current qualifications of licensed to practice for six (6) months and a minimum of two misdemeanor or felony jury trials. But, the County Court at Law Judges agree to review these qualifications on a regular basis, and to make changes, if the need exists.

CLE Hours

- District Judges will consider changes to the number of CLE hours required for inclusion on the Felony appointment list, after further review of the comp counties and requirements of counties abutting Williamson County.
- The County Court at Law Judges support having the same CLE hours required for inclusion in the Misdemeanor List as the Felony Appointment List.

Mentoring Program

- District Judges and County Court at Law Judges would encourage and support the Williamson County local bar in efforts to create a mentoring program that could include a 2nd Chair opportunity for attorneys, allowing them to receive trial experience at no additional cost to the County.

Mental Health Training and Wheel

- District Judges and County Court at Law Judges support CLE opportunities for attorneys who desire to defend clients with mental health issues and support creation of a Mental Health Wheel for cases requiring special representation. It was proposed that mental health training could be coordinated by the Williamson County Mental Health Task Force.

CLE on Practice of Criminal Law in County

- District Judges and the County Court at Law judges support the concept of creating a video for CLE (with the assistance of the County's PIO officer or the expanded Indigent Defense Office) to explain the expectations of practicing criminal law in Williamson County. The video should explain attorney requirements when included on the Court Appointed Lists and clarify procedural policies throughout the process, from appointment to payment of attorneys.

CLE on Performance Guidelines for Non-Capital Defense Representation

- The District Judges and County Court at Law Judges will consider at a later date a CLE opportunity on the State Bar of Texas “Performance Guidelines for Non-Capital Defense Representation”.

Residency Requirements

- The District Judges will review and consider changes to residency requirements for court appointed attorneys participating in the Felony A and Felony B Lists.
- The County Court at Law Judges did not desire to make changes to residency requirements at this time. The Judges are concerned that doing so with the current number of case filings, would create an immediate shortage of qualified attorneys. They did not want to limit qualified attorneys, especially with cases that involve special needs, such as mental health issues, hearing impaired, language barriers, etc.

Policy Changes for Mixed Charges

- The District Judges and County Court at Law Judges are supportive of a policy change to require Felony A and B List attorneys who are appointed to a case to also defend accompanying Misdemeanor charges.

Recommendation #4 - “Centralize some or all aspects of attorney appointment list under Indigent Defense Coordinator.”

The District Judges and County Court at Law Judges support centralizing some duties of indigent defense and naming a dedicated point of contact for attorneys, defendants and judges.

Williamson County requests to use the remaining grant funding of \$37,093 to help implement recommendations identified in the Assessment, including hiring of a new position of “Indigent Defense Compliance Supervisor”. The proposed position would work with courts, attorneys, clerks, jail staff and other stakeholders to promote compliance with the Fair Defense Act and other related statutes. A draft of a job description and flow chart are attached as “Exhibit A” and “Exhibit B”. Some of the proposed duties of the position and staff would be:

- ❖ Interview defendants in office, jail and court room
- ❖ Receive applications from attorneys desiring inclusion on court appointment list

- ❖ Prepare packets with attorney application information and make recommendations to Judges, with Judges voting on inclusion
- ❖ Review CLE's of attorneys to ensure compliance and ability to remain on lists
- ❖ Report CLE and performance issues to Judges for possible action by Judges
- ❖ Verify eligibility of defendant applying for court appointed attorney
- ❖ In Felony cases make recommendations on assignment of court appointed attorney, with Judge and District Court staff making appointments
- ❖ In Misdemeanor cases appoint attorneys from appropriate wheel
- ❖ Notify court appointed attorney of assignment
- ❖ Notify defendant of appointment
- ❖ Accept, tract and review complaints on court appointed attorneys, for later action by Judges

Recommendation #5 - "Expand the concept of the IDC so this position becomes a centralized point of contact for indigent defense process coordination across all courts, which will standardize the application of indigence standards, among many other beneficial effects."

The District Judges and the County Court at Law Judges are supportive of this recommendation, with details being outlined above.

Recommendation #6 – "Williamson County should seriously consider the alternative to the use of a strictly assigned counsel system with the creation of a Misdemeanor Public Defender Office (MPDO).

Williamson County does not plan on creating a Public Defenders Office at this time.

Recommendation #7 – *"Integrate defense into the pretrial release decision process, and use public defenders for misdemeanors to control expenditures and improve results."*

Williamson County does not plan on creating a Public Defenders Office at this time.