

Bell County Indigent Defense System Evaluation:

A Component of the Bell County
Attorney Training, Mentoring, and Evaluation Program

Prepared for Bell County by the
Managing to Excellence Corporation

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Table of Contents

Background.....	1
Methodology and Limitations.....	1
Results.....	4
Time to Magistration.....	5
Time to Appoint.....	7
Appointment Rates across Wheels.....	9
Quantitative Motion Review.....	11
Quantitative Reset Review.....	13
Case Outcomes.....	16
Time to Disposition.....	20
Time to and Types of Bond; Bond Amounts.....	23
Payment Analysis.....	26
Conclusion.....	32
Appendix A: Bell County TME Attorney and System Evaluation Measures.....	33
Appendix B: Bell County Criminal Defense Survey.....	66
Appendix C: Prosecutor Indigent Defense System Survey.....	95
Appendix D: Bell County TME: System Evaluation Data Request.....	97

Bell County System Evaluation

Background

At the end of FY2011, Bell County was awarded a Technical Support award from the Texas Indigent Defense Commission (TIDC) to develop and implement an Attorney Training, Mentoring, and Evaluation program. Continuing Legal Education has been offered to criminal defense attorneys through the training component, and experienced local attorneys have served as mentors to newer attorneys for the last two years to help them gain the experience they need to become qualified to handle more complex cases.

To fulfill the requirements of the evaluation component, a stakeholder group comprised of representatives from TIDC, Bell County defense attorneys, and Bell County judges met on several occasions to develop a set of attorney measures that would provide the judges with the information needed to make informed decisions about attorneys' placement on the court appointment wheels. As required by the indigent defense plan, each attorney will reapply to the wheel at the end of their third year of providing court-appointed representation, and these measures are meant to quantify the types of work that are conducted in cases and to provide insight into the qualitative elements of representation. The measures are not meant to place a normative judgment on each attorney's work; rather, they are meant to provide judges with the information needed to make informed decisions about whether attorneys meet the qualifications for each wheel.

In addition to the attorney measures, the stakeholder group also developed a series of system measures that would analyze the overall health of the indigent defense system (full list of measures and presentation materials available in Appendix A). The system evaluation would also provide context for the results of the individual attorney measures and help the county to grow and maintain the indigent defense system gains made in recent years. This report provides a baseline analysis of the Bell County indigent defense system and develops a foundation upon which future analyses can be built. Wherever possible, the evaluation team has also provided data and systems insights that can help facilitate future analyses and ensure that the new jail and courts' data management systems can support an analysis of this type.

Methodology and Limitations

To conduct this analysis, several sources were consulted. First, surveys were conducted with both the defense attorneys who are on the court appointment wheels and the prosecutors in the District and County Attorneys' Offices. These surveys were developed by the TME evaluation measures team and as part of the system analysis. Web-based surveys were developed for both groups, and the attorneys were provided links to the surveys, which they were asked to complete between October 16 and October 22, 2013. Where appropriate, the results of the surveys are used to support the analyses of the clerks' and FIDo data described and presented below, but the complete results are available in Appendices B and C.

One general limitation of survey data is that it is self-reported; therefore it was used to support or provide additional insight into the data obtained from the other sources.

Second, much of the data related to indigent defense activities required by the Fair Defense Act was obtained from the Fair Indigent Defense Online (FIDo) system. Because much of this data is tied to “front-end” criminal justice processes (appearance before the magistrate, appointment of counsel, etc.) that do not require cases to be closed, complete, electronic data from 2013 was available for analysis. The evaluation team examined FIDo records from January 1 through September 27, 2013, for this report. This gives the most up-to-date information regarding statutory timelines, distribution of appointments, and the like. It also provides a very representative picture of current practices in Bell County because all records could be examined; there was no need to take a random sample because all available data was analyzed.

The FIDo data is somewhat limited in certain areas, however, because during development of the system, the County made the decision to postpone interfaces with other systems until both the new jail and court data systems were in place. Therefore, only records for those who request counsel are contained in FIDo. While this has no bearing on some analyses that are only appropriate for those who request counsel, such as the time to appointment or attorney payments, it does exclude some data from measures that apply to all arrestees, such as the time to magistration measure.

Next, the analysis relied upon publicly available information obtained from both the District and County Clerks’ offices. The measures that are built upon this data fall at various points of the criminal justice process from filing to case disposition, so a larger sample that depended upon more historical data was required. In order to ensure the greatest likelihood of obtaining multiple and complete data points for cases under examination, the evaluation team reviewed cases filed between January 1, 2010, and December 31, 2012.

Unlike the FIDo data, not all requested data points could be pulled into one report from the clerks’ systems. Instead, a sampling methodology was used to examine a random selection of cases that were filed during the time period in question. The sample was selected by taking the total number of cases and applying two factors to determine sample size. The first consideration is confidence interval, which refers to the reliability of the results. In this case, a confidence level of 95% was selected, which means that all results are 95% reliable. The second consideration is the confidence interval. This is the “+/-” indicator one sees on survey data, such as polling data. News reports often say Candidate X is in the lead with support from 52% (plus or minus three) of likely voters. In this analysis, a confidence interval of five was selected to guide sample size.

To select the specific samples for this analysis, both clerks’ offices provided the evaluation team with all criminal cause numbers that were added to the docket during the analysis period. On the county clerk’s side, this resulted in just over 9,000 cases available for analysis in 2010 and just over 10,000 in both 2011 and 2012, which amounted to about 31,000 total cases for analysis. Applying a confidence level of 95% and confidence interval of five, this provided a sample size of 380 cases. Because the numbering for cause numbers on the county side starts over with the number one each year, cases were selected from the

individual years based on their percentage of the overall total. The cases from 2010 represented about 31% of the overall total, so 118 random cases were selected from 2010 for analysis. Both 2011 and 2012 represented about 35% of the overall total of cases, so 131 random cases were selected for analysis from each year. Random numbers were generated for each year, and the cases for analysis were selected. One of the issues discovered during analysis was that the total number of misdemeanor cases included Class C misdemeanors as well as Classes A and B. Whenever a Class C misdemeanor was discovered in the random sample of cases, the next criminal cause number for a Class B or Class A cause was selected for review instead.

Sample selection on the district clerk's side was more straightforward, as cause numbers for felonies are continuous across years. This resulted in about 4,000 total cases and 350 cases required for analysis. A random number generator was used to select the 350 cause numbers that fell across all three years under review.

The main limitation of the clerk data is that it does not automatically pull in information contained in the jail system, such as date and time of arrest, date and time of magistration, and bond information. While this is not unusual, it does make system analysis of this type much more difficult because it is extremely time-consuming to pull a consistent sample across both systems. In Bell County, the linking pin is the SID number. In order to pull information from both systems about the same cases from time of arrest through disposition, a sample would first have to be selected from either the jail or the courts and the SID number recorded. Then the evaluator would have to go to the companion system to search for that SID number and the particular case or arrest (depending on which system was consulted first) associated with that arrest or case to finish the data collection. This creates multiple steps where data streamlining may be possible with the implementation of the new jail and court data systems.

There are additional complexities connected with the above description of the current data situation as well. For example, a person with multiple charges resulting from one offense will have one arrest, which makes starting sample selection with the jail system very complicated from the clerks' side. When starting with clerk data, however, one discovers that the offense codes are only six digits on the main screen instead of eight digits, which differs from the coding done in the jail. These differences make determining the correct arrest date for a SID number recorded from the clerks' system for a person that has multiple arrests extremely difficult. To initiate discussions around these issues, the evaluation team spoke with Bell County staff who work with the jail and clerks' data systems to begin to raise the issues of data collection for the purposes of evaluation across the systems, to talk about the kinds of data under analysis, and to get all parties thinking about how to streamline and reduce duplicate, manual data entry across systems (a full list of data points required to conduct this analysis is provided in Appendix D).

The final limitation of the clerks' data is that the use of a sample rather than full data required the evaluation team to reduce the number of divisions that could be made with the data. Specifically, the evaluation team was only able to examine the measures presented with regard to offense level, attorney type, and whether the defendant posted bond. While this certainly provides us with valuable insights, there are many other factors that may also influence the course and outcome of a case, such as criminal history, arrest and charging practices, mental health or immigration status of the defendant, or type of

crime (property, drug, violent, etc.) in addition to the divisions based on offense level and attorney type. For this analysis, these would be too specific of categories that would leave very few cases in each category. Additional data and time would be required to examine the impact of these factors on the measures presented here, which was not available or feasible for this first-blush study. Analysis at this level would make the results much less representative of the overall data, so the evaluation team divided the data into groups based on offense level and attorney type. Future evaluations should, however, examine the possibility of isolating or controlling for additional factors to continue to refine the system evaluations and results.

For the purposes and time constraints of this particular evaluation, the team relied exclusively upon data contained in the clerks' files rather than both the jail and clerk systems. This certainly leaves out some data that could be collected in the county, but the evaluation team believes that ample data was collected to reveal insights into the Bell County system. Those results are presented below.

Results

Below are the results of the system evaluation data collection conducted in September of 2013. For each measure, the definition, data source, and analysis description are provided. A brief narrative for the results of each measure is also provided. This does deviate from the presentation format devised by the evaluation development team (see Appendix A), but the evaluation team believed that the supporting narrative was especially important for the baseline system analysis.

In addition, many of the measures present the statistics of minimum, first quartile, median, third quartile, maximum, and average responses. These numbers provide the lowest and largest responses, as well as the responses at the 25%, 50%, and 75% marks. In other words, the first quartile means that 25% of all responses fell below that value. The median is the middle points, so 50% of all responses fell above and below that value, and 75% of all responses fell below the third quartile value. The research team believes this type of presentation provides the most representative information to readers of the report.

Each of these measures is supported by data that is presented in a supplement to this report, with the exception of spreadsheets used to calculate time to magistration, time to appointment, and all voucher spreadsheets due to their incredibly large size. All information not included in the supplement is easily accessible through the FIDo system. Those who are interested in the data in its rawest form may make additional inquiry to the evaluation team.

Time to Magistration

Measure	Data Source	Analysis Description
Time to Magistration: Descriptive statistics of the hours from arrest to magistration	FIDo Jan-Sept 2013	TIDC assumes compliance if 98% of magistrations occur within 48 hours of arrest

To collect magistration data, the FIDo report named “Time to Magistration” was run, which generates a list of all magistrations in the system. The magistration from 2013 were selected for analysis and resulted in the following times to magistration.

Table 1: Magistration Statistics

# Magistrations:	4644
# Timely Magistrations:	4543
% Timely Magistration:	97.8%
Magistration Statistics: In Hours	
Min:	0.00
1Q:	9.22
Med:	15.40
3Q:	20.72
Max:	4766.90
Ave:	23.33

In all, FIDo records revealed 6,193 total magistrations in the system between January and September of 2013. This analysis looked only at records for which there was both a valid date and time of arrest and magistration, which excluded 878 records that did not contain one or both of the required dates and 194 records for which there was a negative number of hours to magistration. In addition, the sample excluded 477 instances in which the person was re-arrested due to a bond revocation that did not result from the commission of a new offense and did not require the arrestee to be brought before the magistrate. In other words, the person was simply re-arrested for an offenses for which they had an already been taken before the magistrate. This left over 4,600 instances in the sample, of which 97.8% were timely. For all intents and purposes, this does meet the standard set by TIDC for a presumption of timely magistration. The evaluation team further believes that analysis into the maximum value records would reveal entry errors that would likely push the timely percentage firmly over the 98% mark. The evaluation team believes it is very likely that Bell County is one of the few jurisdictions in the state that meets this standard and can easily present the data to support compliance with the Fair Defense Act and TIDC policy monitoring rules.

One piece of magistration data that was captured through the clerks’ files was the use of waivers of magistration, which is limited to misdemeanor arrests. In the review of misdemeanor offense records, 320 contained identifiable magistration information, 50 entries of which were for waivers of magistration. This represents 15 percent of the overall total, as demonstrated below.

Table 2: Magistration Waivers in Misdemeanor Cases

Waivers of Magistration in Misdemeanor Cases	
Total # Mag	320
# Mag Waivers	50
% Mag Waivers	15.63%

Because the review team did not view any of the actual waiver forms, we encourage the county to examine local processes and the recent Attorney General letter opinion on waivers of magistration to ensure compliance with statute.

Time to Appoint

Measure	Data Source	Analysis Description
Time to Appoint: Descriptive statistics of the working days to appoint or deny counsel	FIDo Jan-Sept 2013	TIDC assumes compliance if 90% of appointments or denials occur within one working day

To calculate the time between request for counsel and appointment, the FIDo report called “Time to Appoint” was run and the 2013 data was selected for analysis. In total, FIDo records revealed 6,580 appointments of counsel between January and September of 2013. Just as with time to magistration, only valid records were utilized in the calculation, which eliminated 281 cases with no request or appoint date. That left 6299 records for analysis, of which 6211 were timely. The breakdown of the time to appoint is presented below, followed by some additional contextual information.

Table 3: Appointment Time Statistics

# Appointments:	6299
# Timely Appointments:	6211
% Timely Appointments:	98.8%
Appointment Time Statistics:	In Working Days
	Min: 0
	1Q: 0
	Med: 0
	3Q: 0
	Max: 571
	Ave: 1.13

To make the calculation of working days to appoint, several considerations had to be taken into account:

- **The existing system report calculates total days rather than working days.** This has been fixed in the testing version of FIDo, and it has been pushed to the full Bell County FIDo site at the time of this writing. On the date the data was collected, however, the evaluation team had to utilize the “net working days” formula contained in Excel. This does not take into account Bell County holidays.
- **Because the evaluation team had to utilize a predefined Excel formula to calculate working days to appoint, consideration could not be provided for request date versus magistration date.** In Bell County, arrestees may request counsel prior to magistration, at magistration, or at any time after magistration. The “clock” to working days to appoint, however, does not start until the latest of those events because the right to counsel does not attach until the initiation of adversarial proceedings, i.e., at magistration. The statutory time clock for those who request counsel prior to magistration, then, does not actually begin until magistration. This complicated the use of a “start date” in the Excel calculation utilized by the evaluation team. To minimize the error, the research team utilized the date counsel was requested rather than magistration date, even

though that actually skews the result toward noncompliance rather than compliance. The reason is that those who first request counsel after magistration generally request days or even weeks after magistration. Those who request counsel prior to magistration generally request a few hours prior to magistration. The decision was made to use a calculation that skews a greater number of cases a small amount of time than a smaller number of cases for a much longer amount of time.

- **What all of this means is that Bell County is even *more* in compliance with statute than the 98.8% timeliness number would indicate.** The new working days to appoint report should be able to easily demonstrate this for county stakeholders.

The research team believes that analysis of the maximum value records and calculation that takes into account both magistration and request dates would show that the actual rate of timeliness would approach 100 percent.

Appointment Rates across Wheels

Measure	Data Source	Analysis Description
Appointment Rates across Wheels: Calculate the expected share of appointments and actual appointments on all wheels	FIDo Jan-Sept 2013	TIDC assumes fair, neutral, and nondiscriminatory appointment if the top 10% of attorneys who receive appointments have less than three times their respective share of cases.

To calculate the rates of appointment across all wheels, a FIDo report was generated to show all appointments between January and September, 2013. The appointments were divided by wheel, and appointment statistics were calculated. Then the 10 percent of attorneys who received the highest number of appointments were compared to the TIDC standard. That standard assumes compliance with the Fair Defense Act if the top 10 percent of attorneys receive less than three times the expected appointments. This was calculated by dividing the total number of appointments by the number of attorneys who received appointments. This number was multiplied by the number of attorneys who represent the top 10% of attorneys and multiplied again by three. The results of these calculations are provided in the table below.

Table 4: Attorney Appointment Rates by Wheel

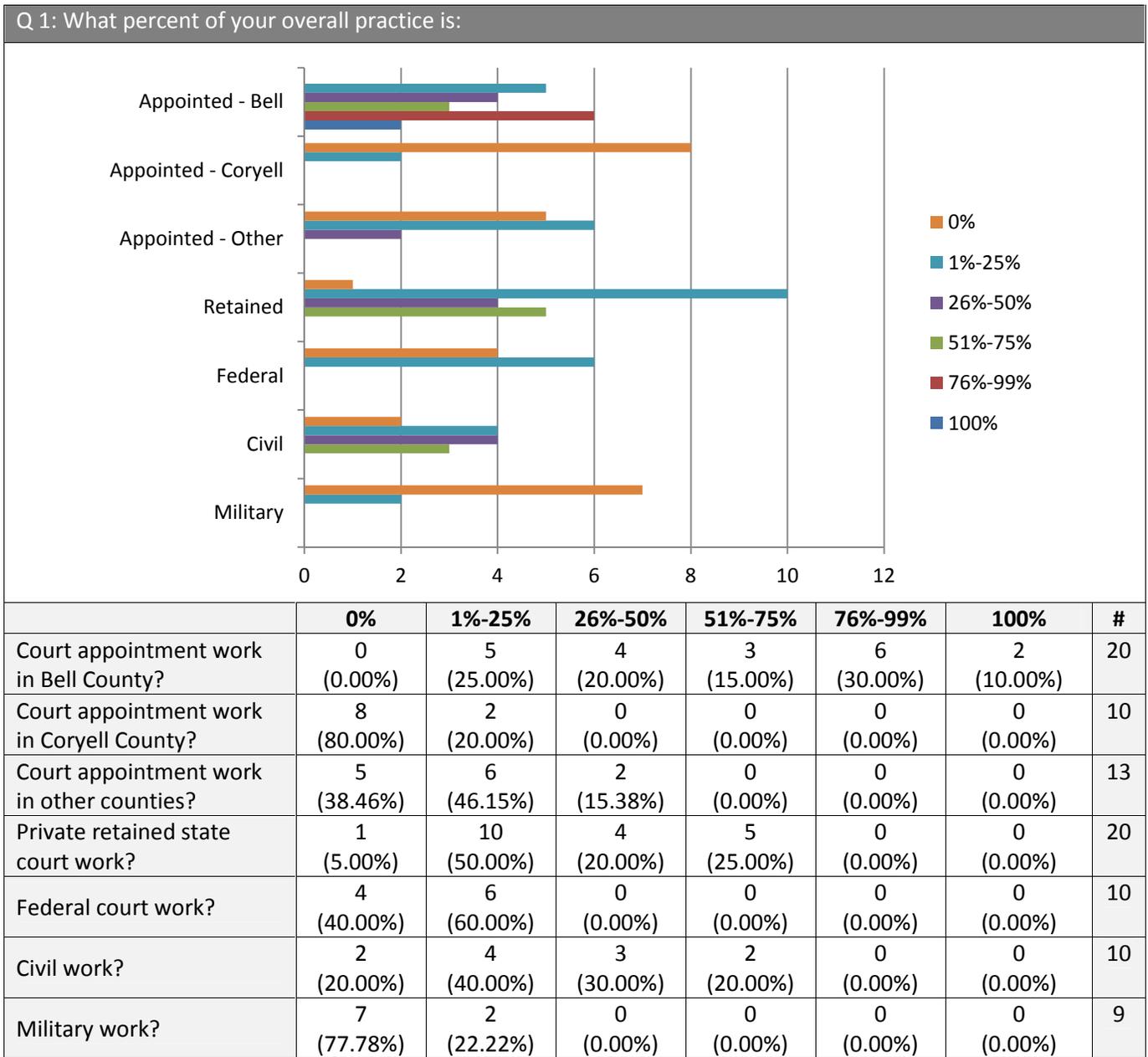
	Wheel			
	F1/F2	F3/SJF	F Appeal	Misd
# Attorneys who received appointments	33	58	13	75
Minimum appointments	1	2	1	4
1Q appointments	3	8	3	47
Median appointments	19	21.5	3	73
3Q appointments	21	25	3	79
Maximum appointments	26	32	5	124
Average appointments	14	18	3	64
# Total appointments	461	1032	39	4790
# Attorneys	33	58	13	75
# Appointments per Attorney	14	18	3	64
Top 10% Attorneys	3 attys	6 attys	1 atty	8 attys
3X respective share*	126	320	9	1533
Actual appointments for top 10%	73	174	5	828

*upper threshold for presumed TIDC compliance

Based on the rule set by TIDC that presumes compliance if the top 10 percent of attorneys who receive appointments on each wheel receive less than three times their respective share of appointments, Bell County is in compliance on each of the wheels. This is demonstrated if you look at the lower half of the table above, especially the bolded boxes. It shows that in each instance, the actual appointments for the top 10 percent of attorneys who receive appointments were approximately 45 percent below the threshold for compliance established by TIDC. There was only one misdemeanor appeal appointment made in the time period under review, so that wheel was not included in this analysis.

Surveys with the Bell County court-appointed attorneys indicate that court appointments make up a varying proportion of attorneys' overall workload. When asked to indicate the percentage of their work that was made up of appointments in Bell County and Coryell County, as well as other categories of work, the attorneys indicated the workload levels as presented below.

Figure 1: Percentage of Work by Practice Area



Most attorneys reported that they receive three to four misdemeanor appointments and one to two felony appointments per month in Bell County. Outside of Bell and Coryell Counties, the defense attorneys indicated appointments are accepted in Bexar, Brazos, Caldwell, Comal, Lampasas, Travis, and Williamson Counties.

Quantitative Motion Review

Measure	Data Source	Analysis Description
Quantitative Motion Review: Descriptive statistics on the number of and percentage of cases with motions among types of counsel/types of offenses	Clerks' files Jan 2010 – Dec 2012	Analyze differences in motion based on type of crime and type of counsel

The quantitative review of motions was meant to merely count the number of motions that were filed in cases. No examination of the content of the motion was conducted, but the quantitative look gives us a view of the kinds of case activity that typically occur in cases in Bell County. Of important note is the fact that most attorneys do not file discovery motions in Bell County because of the open file policies in the Bell County prosecutors' offices. This count also excluded motions to withdraw or substitute counsel (provided as a separate measure in the table above), as well as agreed upon motions for continuances, but included writs and defense requests documented in the clerks' files.

Table 5: Motions Statistics by Offense Level and Attorney Type

	F1/F2		F3/SJF		Misd		
	Appointed	Retained	Appointed	Retained	Appointed	Retained	Pro Se
# Cases Reviewed	90	14	166	36	182	71	86
# Cases w/motion*	31	5	33	10	2	0	0
% Cases w/motion*	34.44%	35.71%	19.88%	27.78%	1.10%	0.00%	0.00%
# Motions filed*	78	7	59	29	2	0	0
# Motions/case*	2.5	1.4	1.8	2.9	1	0	0
# Motions to withdraw or substitute	28	2	29	7	16	4	0

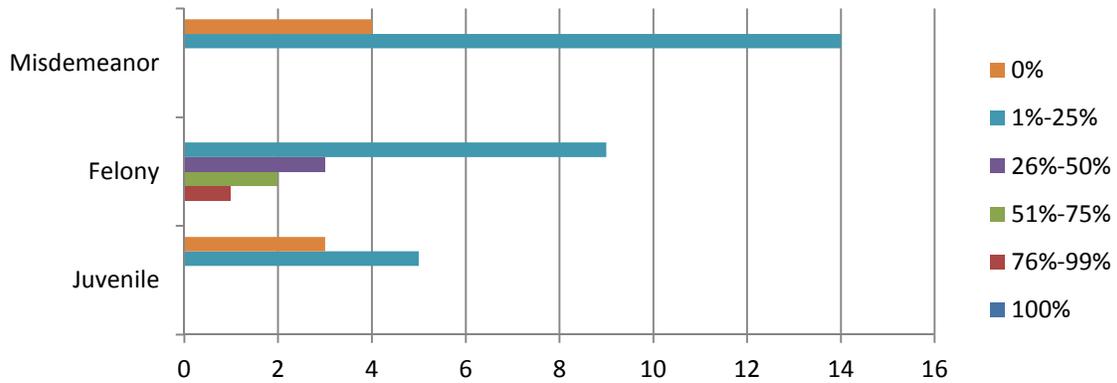
*Excluding motions to withdraw or substitute

The analysis shows us that the percentage of cases in which a motion is filed is fairly even across appointed and retained counsel by offense levels. As is perhaps to be expected, the most serious offenses had substantive motions filed in the highest percentage of cases, followed by less serious felonies and misdemeanors. It is also worth noting that the motion practice in misdemeanors cases is, for all intents and purposes, nonexistent. This may be somewhat surprising when examined in the context of the time to filing, time to bond, and time to disposition information for misdemeanors presented later in this report. With a median time to filing of 28 days for misdemeanors, one may expect to see more motions for bond reduction, writs of habeas corpus, and/or use of PR bonds. This is not to say that the attorneys are doing anything "wrong"; it is simply an observation that arises from the data that could lead to additional analysis, if the county so desired.

Defense attorneys were also asked about their use of pretrial motions in the defense survey in both their appointed and retained cases, and the results, presented below, demonstrate that the attorneys reported a relative low rate of pretrial motions in their appointed and retained cases.

Figure 2: Pretrial Motions in Appointed Cases

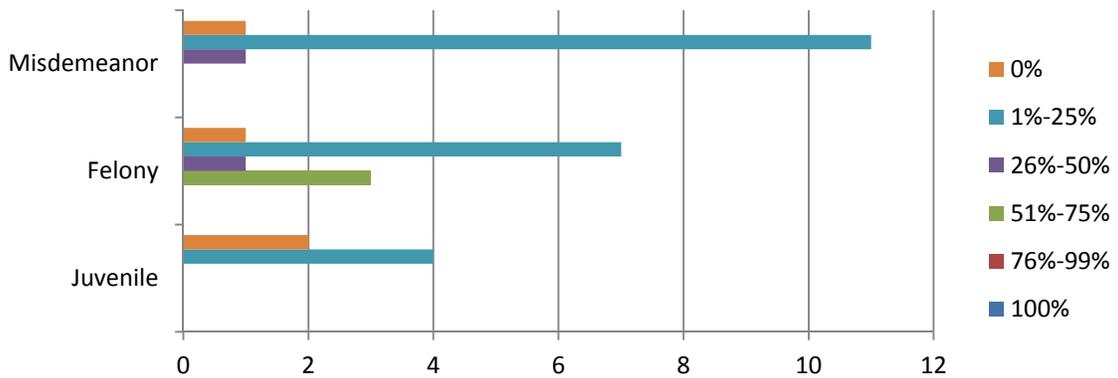
Q 12: In what percent of court-appointed cases in Bell County do you typically file pre-trial motions? Answer for each type of case you accept.



	0% of Cases	1%-25% of Cases	26%-50% of Cases	51%-75% of Cases	76%-99% of Cases	100% of Cases	# Responses
Misdemeanor	4 (22.22%)	14 (77.78%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	18
Felony	0 (0.00%)	9 (60.00%)	3 (20.00%)	2 (13.33%)	1 (6.67%)	0 (0.00%)	15

Figure 3: Pretrial Motions in Retained Cases

Q 21: In what percent of retained cases in Bell County do you typically file pre-trial motions? Answer for each type of case you accept.



	0% of Cases	1%-25% of Cases	26%-50% of Cases	51%-75% of Cases	76%-99% of Cases	100% of Cases	# Responses
Misdemeanor	1 (7.69%)	11 (84.62%)	1 (7.69%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	13
Felony	1 (8.33%)	7 (58.33%)	1 (8.33%)	3 (25.00%)	0 (0.00%)	0 (0.00%)	12

Quantitative Reset Review

Measure	Data Source	Analysis Description
Quantitative Reset Review: Descriptive statistics on the number of resets among types of counsel/types of offenses	Clerks' files Jan 2010 – Dec 2012	Analyze differences in resets based on type of crime and type of counsel

Before presenting the analyses of the number of resets in cases, it is important to note that **all numbers below are estimates**. The clerks' view of the data system does not reliably document case resets, and this is particularly true on the district court's side. In order to estimate the number of resets by felony case, the evaluation team had to examine each docket notation that a "letter was issued" by the district courts, taking into consideration that multiple letters on consecutive days were likely not resets, but rather additional or changed information about that particular case setting. On the county side, there were "reset" notations in the files, but the evaluation team did not count multiple resets that occurred on the same days or on consecutive days. This leads the research team to caveat that although the exact numbers may not be correct, the general trends should be fairly representative of actual data, assuming the clerks enter the information the same way within offices and the evaluation team was consistent in which notations to count.

Table 6: Estimated Resets by Offense Level, Attorney Type, and Bond

	Felony 1/Felony 2				Felony 3/State Jail Felony				Misdemeanor				
	Appt	Ret	Bond	No Bond	Appt	Ret	Bond	No Bond	Appt	Ret	Pro Se	Bond	No Bond
#	90	13	55	48	159	37	126	71	167	57	83	205	107
Min	0	0	0	0	0	0	0	0	0	0	0	0	0
1Q	1	1	1	1	1	1	1	1	1	3	0	2	0
Med	3	3	3	3	2	3	2	1	3	6	1	4	1
3Q	4	6	4.5	5	3	5	4	3	5.5	9	3	7	2
Max	12	9	12	9	11	15	15	10	20	37	13	37	9
Ave	3	4	3	3	2	4	3	2	4	7	2	5	1

The general trends in the estimated number of resets per case seems to indicate that there is fairly consistent resetting practices among appointed and retained counsel for about 75% of all felony cases, as well as for those who do and do not post bond. This consistency also carries across those who post bond and those who do not. The differences begin to appear on the felony side as we approach the top 75% of estimated resets. These are likely to be the most serious cases, the most complex cases, or cases that proceed to trial. Additional analysis of primary source data (physical docket sheets) may provide insights into reset practices that could not be gathered from this baseline survey.

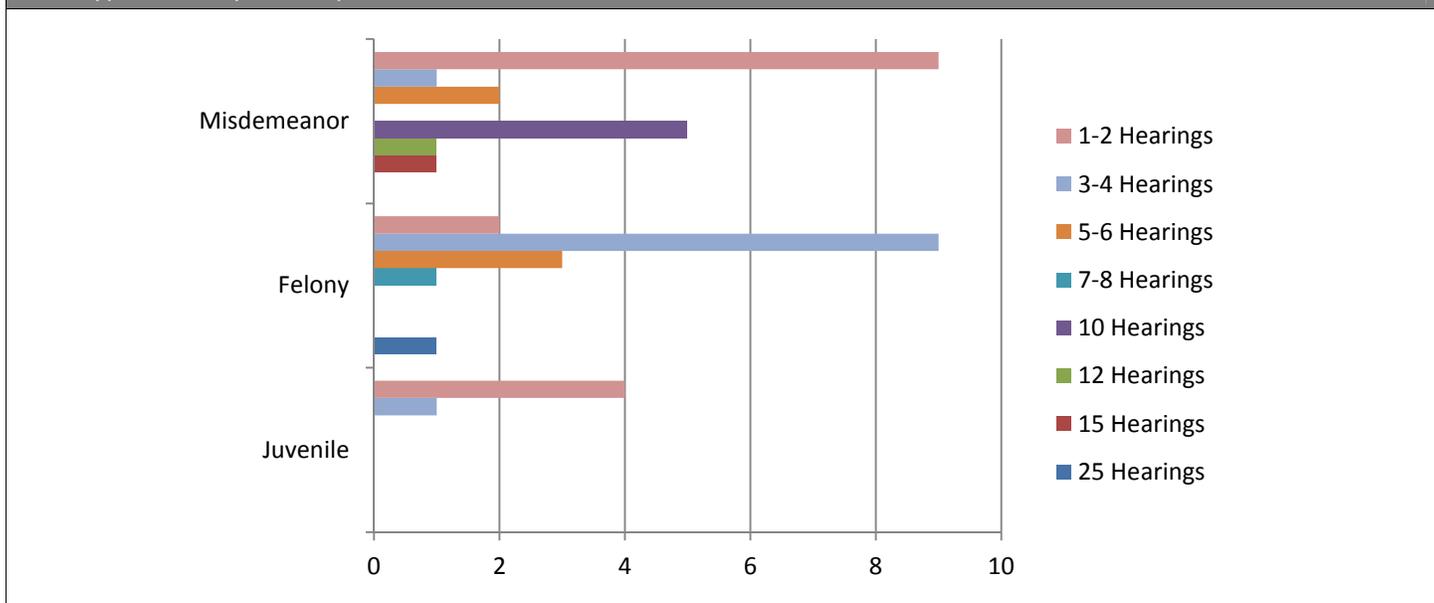
On the misdemeanor side, the differences in resets begin to appear at about the midpoint in the estimated number of resets for both the attorney and bond conditions. The median number of estimated resets for appointed counsel was three, the median for retained counsel was six, and the median for pro se

defendants was one reset. The disparities continue to grow at the third quartile and maximum number of resets and are also found when comparing those who were able to post bond to those who were not.

The defense attorney survey also asked attorneys to report the number of court appearances required to dispose of both their appointed and retained cases, and they reported differences between misdemeanor and felony offenses. As the table below demonstrates, over 35 percent of attorneys reported that it requires 10 or more appearances to dispose of appointed misdemeanor cases, compared to six percent for appointed felony cases.

Figure 4: Appearances to Dispose Appointed Cases

Q 10: How many court appearances does it typically take to dispose court-appointed cases in Bell County? Answer for each type of case you accept.

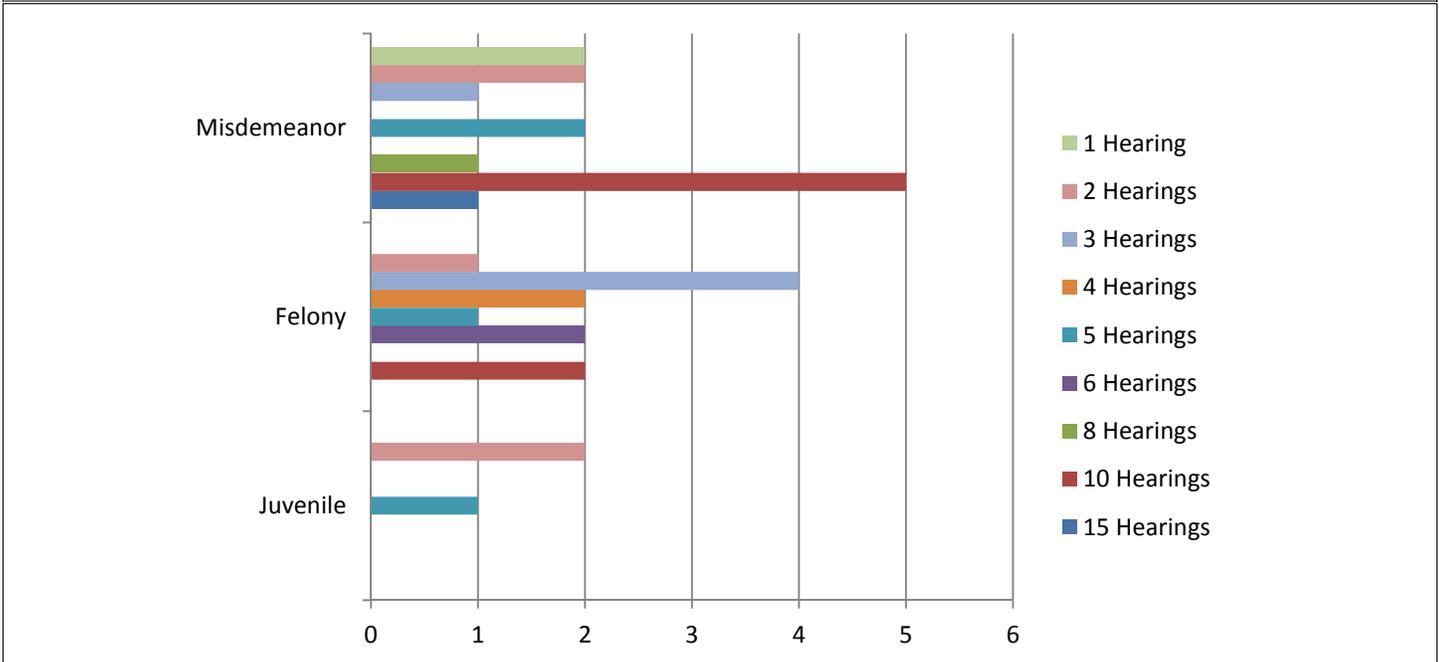


	1-2 Hearings	3-4 Hearings	5-6 Hearings	7-8 Hearings	10 Hearings	12 Hearings	15 Hearings	25 Hearings	# Responses
Misdemeanor	9 (47.37%)	1 (5.26%)	2 (10.53%)	0 (0.00%)	5 (26.32%)	1 (5.26%)	1 (5.26%)	0 (0.00%)	19
Felony	2 (12.50%)	9 (56.25%)	3 (18.75%)	1 (6.25%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	1 (6.25%)	16

Similar results were reported for retained cases, with over 40 percent of attorneys stating that misdemeanor cases require 10 or more appearances to dispose, with 16 percent of attorneys reporting the same for felony cases. It should be noted, however, that the highest number of reported appearances for retained cases was 15, while the highest number of reported appearances for appointed cases was 25.

Figure 5: Appearances to Dispose Retained Cases

Q 19: How many court appearances does it typically take to dispose retained cases in Bell County? Answer for each type of case you accept.



	1 Hearing	2 Hearings	3 Hearings	4 Hearings	5 Hearings	6 Hearings	8 Hearings	10 Hearings	15 Hearings	#
Misd	2 (14.29%)	2 (14.29%)	1 (7.14%)	0 (0.00%)	2 (14.29%)	0 (0.00%)	1 (7.14%)	5 (35.71%)	1 (7.14%)	14
Felony	0 (0.00%)	1 (8.33%)	4 (33.33%)	2 (16.67%)	1 (8.33%)	2 (16.67%)	0 (0.00%)	2 (16.67%)	0 (0.00%)	12

There are likely several factors that play into the number of resets found in misdemeanor cases, just a few of which are considered here. For example, due to the large number of military service men and women in the area, it is likely that some of these resets were required by deployment overseas, and the evaluation team did see a few notations of such in the files. Second, many misdemeanor cases involve assault cases that depend upon a victim to ask that charges be filed or are dependent upon that victim’s testimony. Cases are sometimes reset while those victims are located. Third, cases are often reset for those who do not have counsel to give them time to attempt to retain counsel, to allow them to reinstate licenses for DWLI cases, to pay any fines or restitution, or the like. The comparatively large number of resets for those who are on bond may also indicate that the dockets are quite full and the dockets have to prioritize those who remain in jail. This is certainly understandable, but if these factors start to push case dispositions for those on bond further and further away from the time of arrest, it may begin to impact the types and methods of disposition that are available to misdemeanor defendants. At the same type, the identification of this data may also provide an opportunity for the county to examine how and when cases are set, the workload for each docket, and other issues related to the organization and administration of misdemeanor dockets.

Case Outcomes

Measure	Data Source	Analysis Description
Case Outcomes: Descriptive statistics on case disposition by types of counsel	Clerks' files Jan 2010 – Dec 2012	Analyze differences in disposition types based on type of crime and type of counsel

Case disposition information was obtained in a review of files in the County and District Clerks' records. As stated in the Limitations section of this report, the evaluation team notes that the results presented below only examined the relationship between attorney type and case outcome, as well as whether the defendant posted bond and case outcome. Additional case factors, such as criminal history, current Bell County arrest and charging practices, mental health or immigration status of the defendant, or the type of crime (property, drug, violent, etc.), were not considered in this analysis. In addition, the results should be read as correlations rather than causations. In other words, the report does not indicate that a certain type of attorney *caused* a particular outcome. Rather, a particular attorney type is *correlated with* a particular outcome or outcomes. The report is not able to isolate whether the attorney caused that outcome or whether some other variable that is present in appointed counsel, retained, or pro se cases caused that outcome; the data simply indicate that as the attorney type changes, the outcome tends to change as well. The same correlational relationships apply for the bond/no bond conditions. With additional time and improvements in the electronic data available for analysis, future evaluations may be able to isolate the effects a variety of variables have on case outcomes.

Due to the large number of columns required to present dispositions for all offense levels, attorney types, and bond status, the outcomes are presented in two separate tables for felony and misdemeanor cases. Each table lists the number and percentage of dispositions that met the following conditions:

- **Confinement:** Defendant is sentenced to a term of confinement in county jail, a state jail facility, or other TDCJ facility, including pleas to time served.
- **Reduced offense:** Defendant pled guilty to a lesser offense. For felonies, the defendant pled to a misdemeanor. For misdemeanors, the defendant pled to a Class C offense.
- **Deferred or Probation:** Judgment in the defendant's case was deferred or the defendant's sentence was probated.
- **Dismissed with other case:** The case under consideration was dismissed, but the defendant pled guilty to another offense, was sentenced in another state or federal case, the case was refiled, etc.
- **Dismissed:** The case under consideration was dismissed due to insufficient evidence, lack of complaining victim, or the like.
- **Incompetent:** Defendant was found to be incompetent to stand trial for the case under consideration.
- **Acquitted:** Defendant was found not guilty by either a judge or jury.

Table 7: Case Dispositions by Offense Level, Attorney Type, and Bond: Felonies

	Felony 1/Felony 2				Felony 3/State Jail Felony			
	Appt	Ret	Bond	No Bond	Appt	Ret	Bond	No Bond
Confinement*	50 55.56%	3 23.08%	17 30.91%	37 77.08%	80 48.78%	11 29.73%	36 27.91%	57 77.03%
Reduced Offense	3 3.33%	2 15.38%	2 3.64%	1 2.08%	5 3.05%	4 10.81%	5 3.88%	2 2.70%
Deferred or Probation	33 36.65%	7 53.85%	33 60.00%	6 12.50%	72 43.90%	21 56.76%	79 61.24%	12 16.22%
Dismissed w/other case	4 4.44%	1 7.69%	2 3.64%	3 6.25%	3 1.83%	0 0.00%	0 0.00%	3 4.05%
Dismissed	0 0.00%	0 0.00%	0 0.00%	0 0.00%	3 1.83%	1 2.7%	4 3.10%	0 0.00%
Incompetent	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%
Acquitted**	0 0.00%	0 0.00%	0 0.00%	0 0.00%	1 0.61%	0 0.00%	1 0.78%	0 0.00%
Total	90 100%	13 100%	55 100%	48 100%	164 100%	37 100%	129 100%	74 100%

*Includes one guilty jury verdict **Trial in front of a judge

Table 8: Case Dispositions by Offense Level, Attorney Type, and Bond: Misdemeanors

	Misdemeanor*				
	Appt	Ret	Pro Se	Bond	No Bond
Confinement	102 59.30%	19 33.93%	61 70.93%	89 43.41%	92 80.70%
Reduced Offense	1 0.58%	0 0.00%	3 3.49%	4 1.95%	1 0.88%
Deferred or Probation	17 9.88%	16 28.57%	11 12.79%	42 20.49%	4 3.51%
Dismissed w/other case	32 18.60%	10 17.86%	3 3.49%	39 19.02%	9 7.89%
Dismissed	19 11.05%	11 19.64%	8 9.30%	30 14.63%	8 7.02%
Incompetent	1 0.58%	0 0.00%	0 0.00%	1 0.49%	0 0.00%
Acquitted	0 0.00%	0 0.00%	0 0.00%	0 0.00%	0 0.00%
Total	172 100%	56 100%	86 100%	205 100%	114 100%

*Records did not reveal any misdemeanor trials in the sample

As noted in the tables above, the disposition categories of confinement and deferred adjudication or probation account for the majority of the outcomes and will be further compared for the purposes of this analysis. What comes to light from that comparison is that both attorney type and whether the defendant is able to post bond have are strongly correlated with whether a defendant will receive deferred

adjudication or will be sentenced to a term of confinement. This is true across all offense levels and leads to the following correlations from the data, which are broken down by offense level:

Table 9: Felony 1 and Felony 2 Case Outcomes

	Felony 1/Felony 2			
	Appt	Ret	Bond	No Bond
Confinement	50 55.56%	3 23.08%	17 30.91%	37 77.08%
Deferred or Probation	33 36.65%	7 53.85%	33 60.00%	6 12.50%

1. Those Felony 1 and Felony 2 defendants with appointed counsel are over twice as likely to be sentenced to a term of confinement than those with retained counsel.
2. Those Felony 1 and Felony 2 defendants with retained counsel are 50 percent more likely to receive a deferred or probated sentence than those with appointed counsel.
3. Those Felony 1 and Felony 2 defendants who do not post bond are two and a half times as likely to be sentenced to a term of confinement than those who are able to post bond.
4. Those Felony 1 and Felony 2 defendants who post bond are almost five times more likely to be placed on deferred adjudication or probation than those who do not post bond.

Table 10: Felony 3 and State Jail Felony Case Outcomes

	Felony 3/State Jail Felony			
	Appt	Ret	Bond	No Bond
Confinement	80 48.78%	11 29.73%	36 27.91%	57 77.03%
Deferred or Probation	72 43.90%	21 56.76%	79 61.24%	12 16.22%

5. Those Felony 3 and State Jail Felony defendants with appointed counsel are 50 percent more likely to be sentenced to a term of confinement than those defendants with retained counsel.
6. The rates of deferred adjudication and probation among defendants with appointed and retained counsel is more evenly matched, but defendants with retained counsel are still more likely to receive deferred adjudication or probation than those with appointed counsel.
7. Those Felony 3 and State Jail Felony defendants who do not post bond are over two and a half times as likely to be sentenced to a term of confinement than those who do post bond.
8. Those Felony 3 and State Jail Felony defendants who post bond are almost four times as likely to receive deferred adjudication or probation than those who do not post bond.

Table 11: Misdemeanor Case Outcomes

	Misdemeanor				
	Appt	Ret	Pro Se	Bond	No Bond
Confinement	102 59.30%	19 33.93%	61 70.93%	89 43.41%	92 80.70%
Deferred or Probation	17 9.88%	16 28.57%	11 12.79%	42 20.49%	4 3.51%

9. The differences noted above carry over for misdemeanor defendants. Pro se defendants are well over twice as likely to be sentenced to a term of confinement than those with retained counsel. Those defendants with appointed counsel are almost twice as likely to be sentenced to a term of confinement than those with retained counsel.
10. Those misdemeanor defendants with appointed counsel were least likely to receive deferred adjudication or probation, falling below both those with retained counsel and pro se defendants. Fewer than 10% of misdemeanor defendants with appointed counsel had this outcome, compared to over 28% of defendants with retained counsel.
11. While the attorney differences are certainly important, the differences when bond comparisons are made may be even more striking. Over 80% of misdemeanor defendants who do not post bond are sentenced to a term of confinement, compared to 43% of those who do post bond.
12. Those misdemeanor defendants who post bond are almost seven times as likely to receive a deferred or probated sentence than those misdemeanor defendants who do not post bond.

One of the expectations for criminal justice systems that most people have when they think about case outcomes is that those who cannot post bond will be more likely to have appointed attorneys and to plead to time served – especially in misdemeanor cases. The questions that arise from this analysis, however, include what level of disparity is “acceptable” to the county and do the current outcomes meet that standard? Are there case processing or bond options that may help to equalize the probability of certain outcomes? How do we guard against predetermined outcomes that are based on whether defendants are in a financial situation to secure those outcomes? Are there other variables not visible in this analysis that factor into the outcomes? These are questions that cannot be answered by data alone. They require open communication among all criminal justice stakeholders in the criminal justice system to determine what is and what is not acceptable and appropriate for the needs of the local community.

Time to Disposition

Measure	Data Source	Analysis Description
Time to Disposition: Descriptive statistics on time to disposition by types of counsel/types of offenses	Clerks' files Jan 2010 – Dec 2012	Analyze differences in time to disposition based on type of crime and type of counsel

As part of the overall calculation of time to disposition, the evaluation team looked at the days between several points in the criminal justice process, including arrest, case filing, and final disposition. Calculations for each of the timeframes are presented below.

To calculate the time from arrest to case filed, the evaluation team analyzed all cases for which there was both an arrest date and a filed date in the clerks' data. The team also excluded cases in which an indictment or information was filed prior to arrest. This left 65 first- and second-degree felonies, 109 third-degree and state jail felonies, and 333 misdemeanor cases for review.

Table 12: Days from Arrest to Cases Filed by Offense Level

	F1/F2*	F3/SJF*	Misd**
#	65	109	333
Min	0	0	0
1Q	0	0	16
Med	1	1	28
3Q	2	1	37
Max	172	778	603
Ave	12	13	32

* Excludes 134 cases in which the person was indicted prior to arrest

**For all with information filed after arrest

As is indicated in the table above, the median time to filing for all felonies is one day, and the median time to filing in misdemeanor cases is 28 days. This disparity in time to filing is likely due to the fact that the District Attorney's office does intake screening of cases prior to case acceptance, and a complaint is often filed the day with the district clerk on the day the case is accepted. By contrast, a median of 28 days to filing misdemeanor cases may indicate the need for additional investigation into how data is entered into the system and, if accurate, provide an opportunity to examine the impact intake screening could make on the misdemeanor side.

Table 13: Days from Arrest to Disposition by Offense Level, Attorney Type, and Bond

	Felony 1/Felony 2				Felony 3/State Jail Felony				Misdemeanor				
	Appt	Ret	Bond	No Bond	Appt	Ret	Bond	No Bond	Appt	Ret	Pro Se	Bond	No Bond
#	90	15	56	48	163	36	128	73	167	53	85	203	106
Min	33	0	34	33	1	29	0	1	2	11	11	32	2
1Q	98	163	90	113	77	119	100	60	50	177	19	119	55
Med	161	201	161	186	127	202	166	104	124	304	84	193	30

	Felony 1/Felony 2				Felony 3/State Jail Felony				Misdemeanor				
3Q	255	395	261	258	208	269	250	161	220	466	150	342	57
Max	833	979	979	833	944	922	944	841	730	1052	709	1052	612
Ave	209	321	229	225	176	235	213	138	170	329	116	250	56

In addition to the days from arrest to case filing, the evaluation team also examined the days from arrest to disposition. In each case, the median time from arrest to case disposition is longer for those with retained counsel than for those with appointed counsel. The difference is particularly striking for misdemeanors, where the median days from arrest to disposition for those with retained counsel is more than double than for those with appointed counsel and more than triple for those pro se defendants.

The expectation from other research is that the days to disposition will be greater for those who are on bond than for those who do not post bond, and this was true for the sample cases in this analysis for third degree and state jail felonies and for misdemeanors. In first and second degree felonies, however, the median days to disposition for those on bond was actually less than for those who remained in custody. It may be that these represent the most serious offenses in which very high bonds were set or no bond was set at all. The differences between those who posted bond and those who did not, however, is again most striking in misdemeanor cases. The median days from arrest to disposition for those who posted bond was six and a half times greater than for those who did not. Further investigation is certainly warranted, but it may indicate that the number of in-custody misdemeanor defendants is large enough to significantly delay the time to disposition for those who are able to post bond. As mentioned previously, everything from case intake screening, use of pretrial bonds, or docket organization could play a role in the disparity in days to disposition.

Table 14: Days from Filed to Disposition by Offense Level, Attorney Type, and Bond

	Felony 1/Felony 2				Felony 3/State Jail Felony				Misdemeanor				
	Appt	Ret	Bond	No Bond	Appt	Ret	Bond	No Bond	Appt	Ret	Pro Se	Bond	No Bond
#	90	14	56	48	165	37	130	73	167	56	86	202	113
Min	18	57	18	30	6	48	19	6	0	4	2	21	0
1Q	91	160	89	112	90	165	124	71	37	134	3	92	3
Med	157	217	155	99	141	215	187	114	106	291	50	163	16
3Q	256	444	250	284	226	324	273	160	204	440	119	311	43
Max	1787	1248	1787	858	913	922	922	842	832	1028	693	1028	611
Ave	224	364	257	227	203	272	236	151	178	309	90	225	57

The sample from the clerks' files was also analyzed by the evaluation team to determine the number of days from case filed to disposition. (Note: The maximum values for some filed to disposition days are longer than some maximum arrest to disposition values because of missing arrest date values for some cases.) As expected by the previous analyses, the greatest disparities exist in misdemeanor cases. The differences hold when comparing days by attorney type or by whether the defendant posted bond. In the

sample analyzed for this measure, the median days from filed to disposition was 10 times greater for those misdemeanor defendants who posted bond compared to those who did not.

Time to and Types of Bond; Bond Amounts

Measure	Data Source	Analysis Description
Time to and Types of Bond; Bond Amounts: Descriptive statistics on the use of Pretrial Bonds for defendants, bond amounts set by judges, and the time to make bond	Clerks' files Jan 2010 – Dec 2012	Calculate any differences in types of bond, bond amounts, and time to bond by attorney type. Also analyze time to bond by bond type to ensure maximization of Bell County's Pretrial Bond program

In order to analyze the days between arrest and bond, the evaluation team relied upon information available in the clerks' data. The data generally noted the date that bond was posted prior to case filing, but any docket entry for pre-filing bond that did not include a distinct date that bond was posted was eliminated from the sample group. The bond amounts presented below are also the posted amounts, rather than the bond amount that was originally set by the magistrates. While this is often the same amount, any difference between bond set and posted will not be reflected in the analysis. In addition, all the data presented below was collected from the clerks' files. Additional analysis of data available at the jail may allow for a more nuanced view of bond setting practices, the numbers and percentages of those arrestees who make bond, and the types of bond conditions that are used in the pretrial bond program.

Table 15: Days to Bond by Offense Level and Attorney Type

	F1/F2		F3/SJF		Misd		
	Appt	Ret	Appt	Ret	Appt	Ret	Pro Se
#	35	13	85	31	72	32	23
Min	2	2	1	1	0	0	0
1Q	8	3	4	3	0	0	0
Med	39	6	16	4	1	0	1
3Q	74	17	63	11	4	1	1
Max	788	119	808	410	64	8	8
Ave	81	19	51	27	5	1	1

The analysis shows that in felony cases, the median days to make bond was significantly higher for cases with appointed counsel than with retained counsel. While this is not entirely counter-intuitive because those who can post bond are more likely to be able to hire an attorney, it is still somewhat surprising that there is such a large discrepancy when we consider that the purpose of a bond is to ensure that a defendant will appear at their court dates. Promoting and building upon Bell County's methods for safe and responsible pretrial release would also help to reduce the jail population and associated jail costs.

The same disparities in bond by counsel type did not appear strongly in misdemeanor cases. The average time to bond in misdemeanor cases was five days, versus one day for retained or pro se counsel, but the average may have been skewed by the top 75 percent of times to bond, as reflected by the third quartile and maximum measures. Looking at the median days to bond, however, there is greater consistency in misdemeanor cases than in either of the felony offense groups.

Table 16: Posted Bond Amounts by Offense Level and Attorney Type

	F1/F2		F3/SJF		Misd		
	Appt	Ret	Appt	Ret	Appt	Ret	Pro Se
#	42	14	95	34	115	61	44
Min	\$1,000	\$5,000	\$60*	\$1,000	\$1,500	\$1,000	\$1,500
1Q	\$1,750	\$25,000	\$5,000	\$8,125	\$1,500	\$1,500	\$2,000
Med	\$20,000	\$42,500	\$20,000	\$20,000	\$2,500	\$2,500	\$2,250
3Q	\$50,000	\$57,500	\$25,000	\$25,000	\$3,000	\$3,000	\$3,000
Max	\$100,000	\$100,000	\$100,000	\$50,000	\$10,000	\$10,000	\$5,000
Ave	\$25,036	\$46,429	\$19,648	\$20,971	\$2,822	\$2,607	\$2,739

*Likely a PR bond fee that was entered as the amount of the bond

In general, the bond amounts between attorney types were fairly consistent, with the exception of first and second-degree felonies. Due to the serious nature of these offenses and the small number of cases in the sample, however, this result is not particularly surprising. More detail on bond setting practices versus posted bond or differences within offense groups could be obtained from the jail system to further this analysis.

Table 17: Use of Pretrial Bonds by Offense Level

Bond Amounts	F – All Levels	Misd
# Total Bond	185	220
# PR Bond	73	38
% PR Bond	39.46%	17.27%
Min	\$60*	\$1,500
1Q	\$1,500	\$1,500
Med	\$10,000	\$1,500
3Q	\$30,000	\$2,500
Max	\$100,000	\$5,000
Ave	\$18,953	\$2,132

*Likely a PR bond fee that was entered as the bond amount

One of the ways in which Bell County has been able to achieve significant savings in jail costs has been through the development and implementation of a pretrial bond program (referred to as PR bonds). The evaluation team noted all pretrial bonds issued to defendants that were listed in the clerks' files, but this analysis could also be supplemented with data from the jail and pretrial bond department.

The results of the analysis of the clerk's data showed that PR bonds were utilized in almost 40 percent of cases in which a defendant posted bond, and the median bond amount was \$10,000. On the misdemeanor side, however, PR bonds were only utilized in about 17 percent of cases in which a defendant posted bond, and over half of the bonds were for \$1,500.

The significantly greater use of PR bonds on the felony side may be the result of several factors. First, misdemeanors bonds are lower and more people are able to post bond within a few days of arrest. This means that felonies are more likely to trigger the creation of a PR bond based on pretrial days in custody. Second, one of the district judges shared with the evaluation team that PR bonds are sometimes used on the felony side to allow defendants to meet with doctors, psychologists, or make other appointments that occur outside of the jail. Those bonds may also involve placement in a residential or other facility with bond conditions imposed and/or compliance conditions within the housing facility itself. If those conditions are violated, the bond are revoked and the defendants are placed back in custody. It does not appear that PR bonds are routinely used in this way for misdemeanor cases, which may skew the statistics. The verification of any skew or estimates of its size, however, cannot be calculated with the data available for this analysis.

Payment Analysis

Measure	Data Source	Analysis Description
Payment Analysis: Descriptive statistics of the time to payment and analysis of voucher modifications and associated cause, as well as the dollar amounts for each category of indigent defense expense	FIDo Jan – Sept 2013	Data collection should gather information on: 1) quartile and mean payments by wheel; 2) vouchers that are returned to attorneys and why; 3) vouchers that are modified; 4) time to payment; 5) attorney fees; investigative, expert, and other direct litigation expenditures

The FIDo payment information is recorded on the line-item level rather than voucher level to facilitate state reporting requirements. This allowed the evaluation team to analyze payment information on a much more detailed level. Below the analyses are presented on the line item level, and then line items were collapsed to analyze the information again on the voucher level. This is important for cases that involved trial preparation work, as those vouchers may have many individual line items that make comparison on the line-item level less revealing than on the voucher level.

Table 18: Total Lines, Reductions, and Increases

# lines reviewed	10218		Reductions	Increases
# lines reduced	612	#	612	81
% lines reduced	6.00%	Min	\$6	\$35
# lines increased	81	1Q	\$35	\$50
% lines increased	0.79%	Median	\$50	\$100
* Many of the largest increases in line items were for expert witnesses		3Q	\$125	\$100
		Max*	\$2897	\$2500
		Ave	\$96	\$220

During January through September of 2013, over 10,200 individual line items were approved for payment by Bell County judges. Of those, just 612, or six percent, were reduced. Eighty-one lines, which represents less than one percent of the overall total, were increased. Most of the largest increases in line items were due to expert witness fees that were initially entered as a zero amount in order to complete and submit the voucher. The breakdown of reductions and increases is provided to the right side of the table above.

Table 19: Total Line Items and Expenditures by Category

	Atty Fees	Expert Witness	Investigator	Allowable Expense
# Lines	10,132	13	11	62
Total \$	\$1,559,074.00	\$64,163.90	\$1,473.65	\$5,203.15

One of the requirements during the design of the FIDo system was to meet statutory reporting requirements. Each year counties report to the Texas Indigent Defense Commission the expenditures associated with indigent defense cases. Those expenditures are broken into the categories of attorneys' fees, expert witness fees, investigator fees, and other direct litigation expenditures. The table above

presents the overall fees for each category in all combined cases, while the table below breaks out those fees by offense level.

Table 20: Expenditures by Type and Offense Level*

	All Levels	F1/F2	F3/SJF	F Appeal	Misd
Atty fee lines	10,132	4370	1108	254	3994
Atty fee \$	\$1,559,074.00	\$286,706.90	\$347,916.60	\$36,772.25	\$873,950.00
Expert witness lines	13	5	0	0	0
Expert witness \$	\$64,163.90	\$1900.00	\$0.00	\$0.00	\$0.00
Investigator lines	11	9	1	0	0
Investigator \$	\$1,473.65	\$955	\$443.65	\$0.00	\$0.00
Allowable expense lines	62	31	1	6	7
Allowable expense \$	\$5,203.15	\$2431.66	\$2.00	\$370.50	\$1050.00
Total	\$1,629,914.70	\$291,993.56	\$348,362.25	\$37,142.75	\$875,000.00

* Some line items excluded from this analysis because of an “other rate” category that does not easily differentiate between the degrees of felony or between misdemeanor and felony cases.

The table above reveals that the largest number of line items for attorney fees was for the Felony 1 and Felony 2 attorney appointment wheel. This is to be expected, as these are the most complex cases that involve the most work and attorney time. The largest amount of expenditures, however, was for misdemeanor attorney fees, and this is due to the volume of cases that moves through the misdemeanor courts. The difference between line items versus vouchers really becomes apparent in the table below, which presents the number of vouchers by felony and misdemeanor cases. The felonies were not broken down further because of limitations in Excel subtotaling functions. Additional time and work with the spreadsheets could also help to separate out vouchers that contained multiple offenses and allow vouchers to be placed in a further refined offense level category.

Table 21: Voucher Payments by Offense Level

	Felony	Misd
# Vouchers	1184	2815
Min	\$0	\$0
1Q	\$450	\$300
Med	\$450	\$300
3Q	\$450	\$350
Max	\$10,570	\$3500
Ave	\$572.21	\$310.83
Total \$	\$677,499.10	\$875,000.00

The two tables demonstrate that felonies often rely upon multiple line items, although only about 25% of the voucher payments for felonies varied from the flat fees associated with pleas, dismissals, and the like. This indicates that the felony vouchers that are not flat fees depend upon a significant number of line items that reflect the necessary work required to prepare a felony case for pretrial or trial.

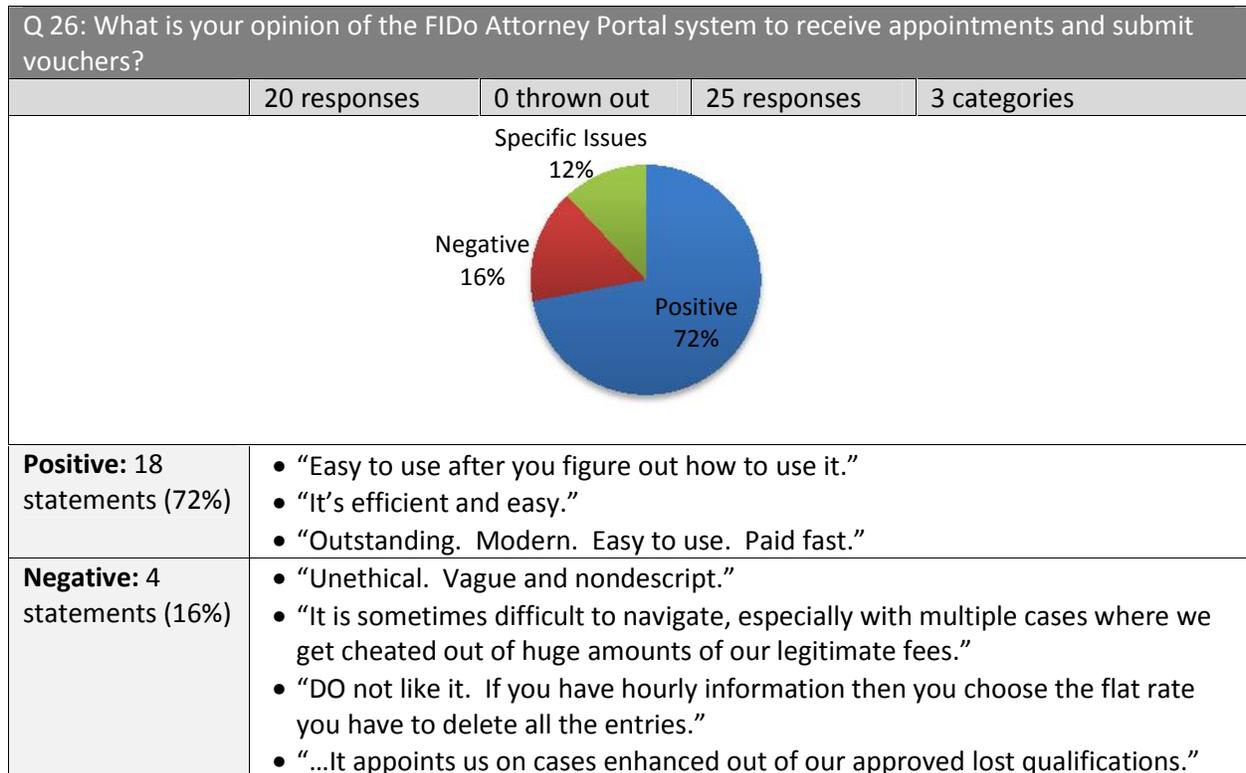
Table 22: Time to Voucher Approval by Judge

	All	Felony Courts			Misd Courts	
		Gauntt	Jezek	Trudo	DePew	Mischtian
# Lines	4125	423	401	424	1220	1657
Min	0	0	0	0	0	0
1Q	0	0	0	0	0	0
Med	0	0	1	1	1	0
3Q	3	1	4	4	2	3
Max	85	27	22	35	85	73
Ave	2	1	2	3	2	2

The time to payment analysis reveals that vouchers are paid in an extremely expeditious manner. The median time to voucher approval in all courts is one day or less, and 75 percent of all vouchers across all courts are approved in four days or less. The longest times to approval are likely related to vouchers that had to be returned to attorneys for modification or correction, defendants who are deployed, defendants who have absconded, or other issues related to motions for adjudication or probation revocation.

Defense attorneys were asked several questions regarding the payment system (and FIDo in general), and they generally had positive feedback about the system. When asked specifically about their opinion of the appointment and payment system, over 72 percent of attorneys responded favorably. As demonstrated in the figure below, they also had some constructive criticism of the system, which has already been forwarded to the technical development team.

Figure 6: Attorney Opinions of the Payment and Appointment System

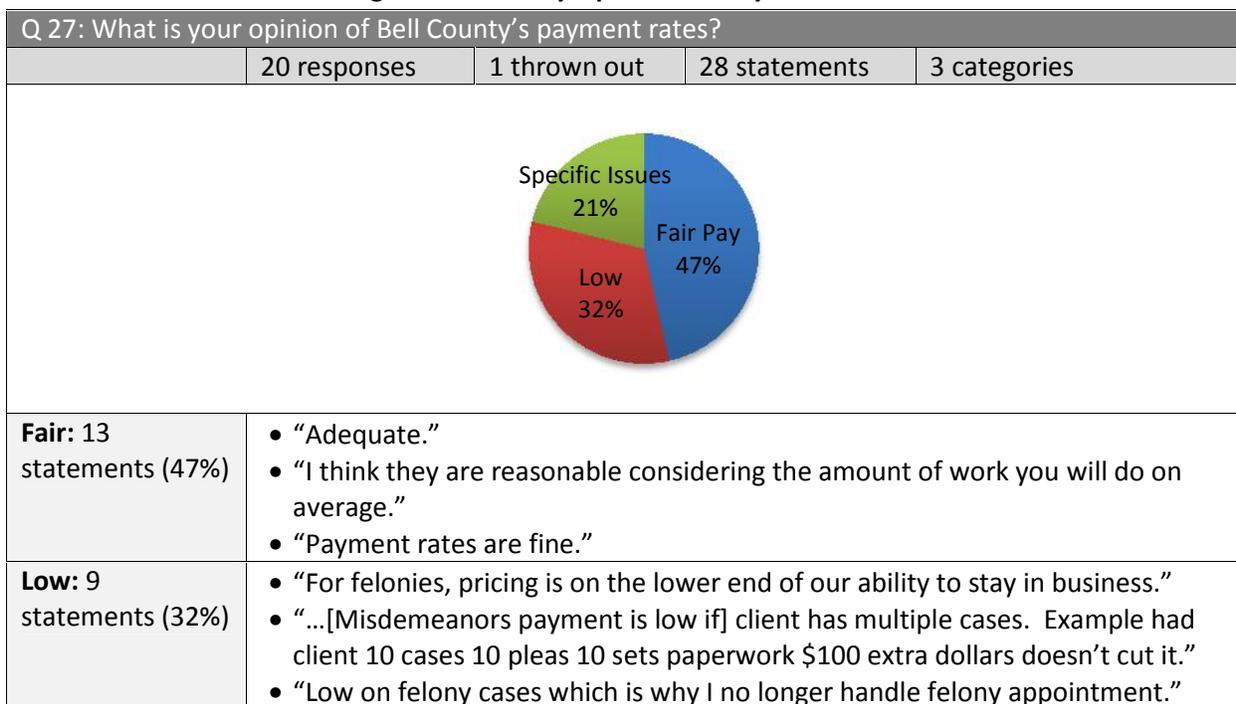


Specific issues: 3 statements (12%)	<ul style="list-style-type: none"> • “I would prefer to have access to the AS400 on the system.” • “It’s not fully accessible from the attorney work room to look at your appointment (there isn’t a PDF reader on those computers)... There are a lot of clicks involved to input a voucher, and if you miss a step you have to restart sometimes.” • “...We get no notice prior to payment of a judge’s payment order. This can cause problems with time deadlines applicable when we need to file an appeal of disapproved vouchers by the [Court].”
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Bell County should also consider adding a PDF reader to the computers in the attorney workrooms so they may have full access to the system when working on the terminals provided in the workroom.

In addition, almost half of the attorneys reported that they believe the payment rates in Bell County are fair. Several attorneys did express frustration, however, about reductions to vouchers with flat fee payments. To them, this is seen as a deviation from the fee schedule published in the indigent defense plan.

Figure 7: Attorney Opinions of Payment Rates



<p>Specific issues: 6 statements (21%)</p>	<ul style="list-style-type: none"> • "...I don't like feeling guilty about the time some 1/2nd degree felonies take when complex issues come up, combined with clients who write 20-30 letters full of questions that I'm ethically obligated to respond to... combined with the DA's office continually asking for continuances making the cases take longer than a year. Having the prosecutors wait until the eve of trial in some cases before they make a decent plea offer also raises costs to no fault of the defense attorney because they were ethically obligated to be prepared to go to trial by that point." • "[Judge's] personal reduction of the published rates for no valid reason is an insult." • "I would like to get paid for 4th and subsequent cases, especially misdemeanors. If my client has a bunch of cases, I do usually get a package deal, but I still... have to work with the prosecutors to figure out which ones to plead to, and which ones to dump.... The number of cases we're not getting paid for on that fee schedule isn't a whole lot of money, but \$50 to \$100 more per week can be a lot to solo practitioners." • "Juvenile detention hearings should pay more. I also think juveniles should be on the FIDO system with flat fees in lien with the misdemeanor scale for misdemeanors and felony scale for felonies." • "Also, Judges should not ever cut a flat fee." • "The implementation and adherence to those rates is nowhere near fair, just, or acceptable."
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Despite the fact that the attorneys generally believe the payment rates are fair, they do not believe that the flat fee structure incentivizes quality representation. While some stated that quality representation was an ethical rather than financial obligation, several stated concern that the existing fee structure encourages pleas rather than zealous representation.

Figure 8: Fee Structure and Quality Representation

Q 28: Does the fee structure offer incentives that encourage quality representation?												
	18 responses	0 thrown out	24 statements	3 categories								
<table border="1" style="margin: auto;"> <caption>Survey Results for Q 28</caption> <thead> <tr> <th>Response</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>No</td> <td>54%</td> </tr> <tr> <td>Ethics</td> <td>25%</td> </tr> <tr> <td>Yes</td> <td>21%</td> </tr> </tbody> </table>					Response	Percentage	No	54%	Ethics	25%	Yes	21%
Response	Percentage											
No	54%											
Ethics	25%											
Yes	21%											
<p>No: 13 statements (54%)</p>	<ul style="list-style-type: none"> • "No, the flat fee encourages a quick plea for quick payment." • "No! The system is structured to ensure MINIMAL adequate representation and discourages excellence!" • "...I would like to be paid past 3 or 4 cases (especially on misdemeanors). And, I would like to have the judges NOT have the authority to chop a bill without explanation on a flat fee case." 											

Ethical obligation: 6 responses (25%)	<ul style="list-style-type: none"> • “The code of ethics encourages quality representation.” • “I work as hard for every client whether appointed or retained.” • Quality representation is an ethical duty.”
Yes: 5 responses (21%)	<ul style="list-style-type: none"> • “For pleas yes.” • “I have to say yes because we know what we sign up for.” • “I believe it does. It could include a flat fee for the first contact visit.”

The evaluation team believes that the Bell County voucher submission, approval, and payment system is very likely to be the more efficient process of any county in Texas. In many jurisdictions, one of the biggest complaints about the indigent defense system is that it takes weeks or even months for vouchers to be approved and paid—something that was specifically praised by the defense attorneys in the survey. A slow payment process existed in Bell County prior to the implementation of the FIDo system, which allows for electronic submission, approval, and weekly payment of voucher, but FIDo allows attorneys to have a clear idea of what payment amount to expect and provides predictability in the payment cycle.

Conclusion

In summary, this analysis reports the findings of a Bell County indigent defense system evaluation conducted as one component of the TME Technical Support grant awarded to the County by TIDC. The analysis examined a variety of data points, workflows, and processes to gain a baseline understanding of the system so that the County can begin to monitor its indigent defense system over time. While this first attempt at system analysis did not isolate factors beyond attorney type and whether the defendant made bond (such as criminal history, arrest and charging practices, mental health or immigration status, or type of crime), the data provided give the county its first comprehensive look into the workings of the indigent defense and criminal justice systems. This report will also provide a point of comparison for the individual attorney evaluations the County is likely to conduct in the near future. Finally, this report is a tool to help Bell County think about its data needs for the future as the jail and courts software systems are developed and deployed.

DRAFT BELL CO TME ATTORNEY EVALUATION MEASURES

Measure	Data Source	How Collected/Analyzed
Education, Training, and Experience		
<p>CLE/Board Certification:</p> <ol style="list-style-type: none"> 1. CLE expiration date 2. # of criminal, juvenile, and/or MH CLE 3. Total CLE hours logged in FIDo 4. Reported Board Certification 	<p>FIDo report</p>	<p>Attorneys enter all CLE and/or Board certification into FIDo Attorney Portal. Report is run to demonstrate compliance with measure for the individual attorney under review. Board Certification may also be searched for individual attorneys on SBOT website.</p>
<p>Participation in Mentoring Program:</p> <ol style="list-style-type: none"> 1. Attendance at required meetings (orientation, mentor presentations, etc.) 2. Feedback from mentors 	<ol style="list-style-type: none"> 1. FIDo report: second chair appointments and mentee vouchers 2. Sign-in sheets as required meetings 3. Vouchers submitted by mentors 4. Mentor feedback 	<p>If the attorney under review participates as a mentee in the Mentoring Program, review the vouchers submitted by mentors to document any interaction with attorney under review and solicit feedback from mentors about the attorney under review. Run FIDo reports to document the cases in which the attorney under review is appointed as second chair and review associated vouchers to determine experience gained in trial preparation, working with investigators and experts, etc.</p>

Bell County TME Attorney Evaluation Measures

DRAFT BELL CO TME ATTORNEY EVALUATION MEASURES

Measure	Data Source	How Collected/Analyzed
Professionalism		
<p>Client Communication: 1. # of complaints in PTS log related to lack of communication or any related issues 2. # of letters sent directly to judges related to lack of communication or any related issues</p>	<p>1. Log of defendant requests maintained by Pretrial Services 2. Letters sent to judges</p>	<p>Review log of defendant requests to determine how many are related to the attorney under review. Data collection will focus on the number of complaints about a lack of attorney communication made by different defendants, as well as any requests for attorney contact information, State Bar number, requests to "fire" an attorney, and the like.</p>
<p>Caseload Control: Report the number of appointed and retained cases. Comparison to national standards as reference point only.</p>	<p>Appointed cases: FIDo report of appointment for attorney under review Retained cases and other cases: Attorney survey or report extracted from</p>	<p>Run FIDo report of appointments and compare to caseloads recommended by national best practices. Do the same for calculation of total caseload, calculate percentage of caseload that is appointed vs retained/other.</p>
<p>Timeliness: Counsel should appear timely for all caseload appearances in a client's case.</p>	<p>Judges who hear criminal cases</p>	<p>Judges should note any "frequent fliers" who are routinely late for or miss docket appearances without appropriate and timely notification.</p>
<p>Courtoom Demeanor: The attorney's demeanor is professional and conducive to effective representation.</p>	<p>SBOT Disciplinary History Judges who hear criminal cases.</p>	<p>Search SBOT webpage for any disciplinary for the attorney under review. Judges should note any attorneys who act in an unprofessional manner in the courtroom.</p>

Bell County TME Attorney Evaluation Measures

DRAFT BELL CO TME ATTORNEY EVALUATION MEASURES

Measure	Data Source	How Collected/Analyzed
Advocacy		
<p>Quantitative Motion Review:</p> <ol style="list-style-type: none"> 1. Total # of appointed cases in review period 2. Total # and % of appointed cases in which a motion was filed 3. Total # of motions filed in appointed cases 4. Total # of Motions to Withdraw in appointed cases 	Clerks' files	Using FIDo appointment to determine which appointed cases were handled by the attorney under review, data collection should analyze court files and count the number of motions filed, the number of cases in which motions were filed, and the types of motions filed. Of particular note will be motions to withdraw.
<p>Initial Jail Visit:</p> <ol style="list-style-type: none"> 1. Total # of appointed cases in review period 2. Total # of "stage 1" notices 3. Total # of "stage 2" notices 4. Total # of appearances before judges 	Attorney jail visits entered into FIDo Notifications sent to attorneys re: failure to visit clients in jail	PTS report on attorneys who are sent notices regarding initial jail visits.
Investigation/Experts/Other Resources		
<p>Use of investigators: Report # and % of cases with approved investigation expenditures.</p>	FIDo voucher review	Run report in FIDo to show vouchers for attorney under review; analyze detail for investigation payments.
<p>Use of experts: Report # and % of cases with approved expert witness expenditures.</p>	FIDo voucher review	Run report in FIDo to show vouchers for attorney under review; analyze detail for expert witness payments.

DRAFT BELL CO TME ATTORNEY EVALUATION MEASURES

Measure

Data Source

How Collected/Analyzed

Comparison to Select System Measures

Compare attorney to system outcomes on the following measures:

1. Quantitative motion review
2. Quantitative reset review
3. Case outcome and time to disposition

Bell County Attorney Evaluation

Attorney:

Evaluation Date Range:

Active Wheels

	Misdemeanor
	State Jail - 3rd Degree Felonies
	2nd Degree - 1st Degree Felonies
	Capital
	Misdemeanor Appeals
	Felony Appeals
	Juvenile - Misdemeanor
	Juvenile - Felony

Total # Appointments*:

Retain*	Appted	# Cases by Wheel
		Misdemeanor
		State Jail - 3rd Degree Felonies
		2nd Degree - 1st Degree Felonies
		Capital
		Misdemeanor Appeals
		Felony Appeals
		Juvenile - Misdemeanor*
		Juvenile - Felony*

*Estimates. Juvenile cases are not appointed through the FIDo system. Retained cases are not documented in the FIDo system.

Bell County Attorney Evaluation

Attorney: 0

Education, Training, and Experience

CLE and Board Certification

CLE Expiration Date:

CLE Hours

Criminal:

Juvenile:

Mental Health:

Board Certification:

Mentoring Program

Mentor/Mentee?

Mentoring events attended:

2nd Chair Appointments

Total # Cases:

at Offense Levels:

Trials:

Dispositions of 2nd Chair Appointments

Guilty Pleas:

Trial - Guilty:

Trial - Not Guilty:

Dismissed:

Feedback from Mentors

Bell County Attorney Evaluation

Attorney: 0

Professionalism

Client Communication

Total # Complaints in PTS Log:

Total # Letters Rec'd by Judges:

of Clients w/complaints:

Nature of Complaints

Haven't heard from attorney:

Want to "fire" attorney:

Want attorney contact info:

Want attorney bar #:

Caseload Control*

Retained	Apptments	Actual	Anticipated Maximum Caseload	
0	0	0	#DIV/0!	Misd
0	0	0	#DIV/0!	Felony

Timeliness

Judges' observations due to simultaneous start time of courts

Courtroom Demeanor

SBOT Disciplinary History:

Judges' observations

*Caseloads compared to ABA committee standards of 400 misdemeanors OR 150 felonies per year. Comparison for references purposes only.

Bell County Attorney Evaluation

Attorney: 0

Advocacy

Quantitative Motion Review

Total # Appointed Cases:	
Total # Motions Filed*:	
# Cases with Motion Filed*:	
% of Cases with a Motion*	
# Motions to Withdraw:	

*Excluding motions to withdraw

Total # Retained Cases:	
Total # Motions Filed*:	
# Cases in which Motion Filed*:	
% of Cases with a Motion*	
# Motions to Withdraw:	

*Excluding motions to withdraw

Initial Jail Visits

	# "Stage 1" letters sent to attorney
	# "Stage 2" letters sent to attorney
	# times placed on judicial hold

Bell County Attorney Evaluation

Attorney: 0

Investigators and Experts

ID Cases w/Investigator Expenses Paid

	#	%
Misdemeanor:		
State Jail/3rd Degree Felonies:		
2nd/1st Degree Felonies:		
Capital:		
Misdemeanor Appeals:		
Felony Appeals:		

ID Cases w/Expert Expenses Paid*

	#	%
Misdemeanor:		
State Jail/3rd Degree Felonies:		
2nd/1st Degree Felonies:		
Capital:		
Misdemeanor Appeals:		
Felony Appeals:		

*Excluding psychiatric experts appointed by the court

Bell County Attorney Evaluation

Attorney:

#VALUE!

Comparison to System Measures

Quantitative Motion Review

Violent Offenses

Sample of Motions in Violent Misd Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Violent SJF/F3 Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Violent F1/F2 Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Property Offenses

Sample of Motions in Property Misd Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Property SJF/F3 Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Property F1/F2 Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Drug Offenses

Sample of Motions in Drug Misd Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Drug SJF/F3 Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Drug F1/F2 Offenses

	Retained	Appointed	Pro Se	Atty
Reduce Bond				
Withdraw				
Other				
Column Total				

Quantitative Reset Review

Violent Offenses

Sample of Resets in Violent Misd Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Sample of Resets in Violent SJF/F3 Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Sample of Resets in Violent F1/F2 Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Property Offenses

Sample of Resets in Property Misd Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Sample of Resets in Property SJF/F3 Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Sample of Resets in Property F1/F2 Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Drug Offenses

Sample of Resets in Drug Misd Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Sample of Resets in Drug SJF/F3 Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Sample of Resets in Drug F1/F2 Offenses

	Retained	Appointed	Pro Se	Atty
Minimum				
Median				
Maximum				
Average				

Case Outcome & Time to Disposition by Attorney Type

Violent Offenses

Sample of Violent Misdemeanor Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Violent Misd

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

Sample of Violent SJF/F3 Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Violent SJF/F3

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

Sample of Violent F1/F2 Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Violent F1/F2

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

Property Offenses

Sample of Property Misdemeanor Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Property Misd

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

Sample of Property SJF/F3 Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Property SJF/F3

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

Sample of Property F1/F2 Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Property F1/F2

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

Drug Offenses

Sample of Drug Misdemeanor Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Drug Misd

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

Sample of Drug SJF/F3 Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Drug SJF/Fe

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

Sample of Drug F1/F2 Dispositions

	Retained	Appointed	Pro Se	Atty
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Drug F1/F2

	Retained	Appointed	Pro Se	Atty
Min:				
1Q:				
Med:				
3Q:				
Max:				
Ave:				

BELL CO TME SYSTEM EVALUATION MEASURES

Measure	Data Source	How Collected/Analyzed
Attorney surveys re: retained/appointed practice, opinions of the indigent defense system, etc.	Survey results	Provide link to a brief, web-based survey to Bell County defense attorneys based on survey developed by TIDC.
Client surveys: Client perspective on indigent defense system including screening process and attorney interactions.	Survey results	Distribute brief survey for clients to solicit feedback on indigent defense system. This survey will be distributed at the time of final disposition to achieve highest return rate possible.
Time to Magistration: Descriptive statistics of the time to magistration.	FIDo	FIDo reports document the time of arrest, and magistration. TIDC assumes compliance if 98% of magistrations occur within 48 hours of arrest.
Time to Appoint: Descriptive statistics of the time to appoint/deny counsel.	FIDo	FIDo reports document the time of request for counsel, and appointment of counsel. TIDC assumes compliance if 90% of appointments occur within statutory timelines.
Appointment Rates Across Wheels: TIDC assumes fair, neutral, and nondiscriminatory appointment if the top 10% of attorneys who receive cases have less than three times their respective share of cases.	FIDo report of appointments on each wheel	Generate FIDo report of all appointments on each wheel for a selected time period. Calculate the expected share of appointments and compare with the top 10% of attorneys who receive appointments on each wheel.
Quantitative Motion Review: Descriptive statistics on the number of and percentage of cases with motions among types of counsel/types of offenses (property, drug, violent).	Clerks' files	Collect motions as part of a larger case analysis. Analyze differences in motions based on type of crime and type of counsel.
Quantitative Reset Review: Descriptive statistics on the number of resets among types of counsel/types of offenses (property, drug, violent).	Clerks' files	Collect number of resets as part of a larger case analysis. Analyze differences in resets based on type of crime and type of counsel.

<p>Case Outcomes: Descriptive statistics on case disposition by types of counsel (including pro se)/types of offenses (property, drug, violent).</p>	<p>Clerks' files</p>	<p>Collect disposition information as part of a larger case analysis. Analyze differences in disposition types based on type of crime and type of counsel.</p>
<p>Time to Disposition: Descriptive statistics on time to disposition by types of counsel (including pro se)/types of offenses (property, drug, violent).</p>	<p>Clerks' files</p>	<p>Collect time to disposition information as part of a larger case analysis. Analyze differences in disposition types based on type of crime and type of counsel.</p>
<p>Time To and Types of Bond; Bond Amounts: Descriptive statistics on the use of Pretrial Bonds for indigent defendants, bond amounts set by magistrates, and the time to make bond.</p>	<p>Pretrial Services office, clerks' files</p>	<p>Collect bond information as part of a larger case analysis. Calculate any differences in types of bond, bond amounts, and time to bond by attorney type. Also analyze time to bond by bond type to ensure maximization of Bell County's Pretrial Bond program.</p>
<p>Payment Analysis: Descriptive statistics of the time to payment and analysis of voucher modifications and associated cause.</p>	<p>FIDo report of paid vouchers</p>	<p>Generate FIDo report of all vouchers paid to court-appointed attorneys. Data collection should gather information on: 1) quartile and mean payments by wheel 2) vouchers that are returned to attorneys and why; 3) vouchers that are modified; 4) time to payment.</p>

Bell County Attorney System Evaluation

Time Period:

System Measures

Quantitative Motion Review

Violent Offenses

Sample of Motions in Violent Misd Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Violent SJF/F3 Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Violent F1/F2 Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Property Offenses

Sample of Motions in Property Misd Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Property SJF/F3 Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Property F1/F2 Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Bell County Attorney System Evaluation

Time Period:

System Measures

Drug Offenses

Sample of Motions in Drug Misd Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Drug SJF/F3 Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Sample of Motions in Drug F1/F2 Offenses

	Retained	Appointed	Pro Se	Row Total
Reduce Bond				
Withdraw				
Other				
Column Total				

Quantitative Reset Review

Violent Offenses

Sample of Resets in Violent Misd Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Sample of Resets in Violent SFJ/F3 Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Sample of Resets in Violent F1/F2 Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Bell County Attorney System Evaluation

Time Period:

System Measures

Property Offenses

Sample of Resets in Property Misd Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Sample of Resets in Property SJF/F3 Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Sample of Resets in Property F1/F2 Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Drug Offenses

Sample of Resets in Drug Misd Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Sample of Resets in Drug SJF/F3 Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Sample of Resets in Drug F1/F2 Offenses

	Retained	Appointed	Pro Se
Minimum			
Median			
Maximum			
Average			

Bell County Attorney System Evaluation

Time Period:

System Measures

Case Outcomes & Time to Disposition by Attorney Type

Violent Offenses

Sample of Violent Misdemeanor Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Violent M

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Sample of Violent SFJ/F3 Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Violent SFJ/F3

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Sample of Violent F1/F2 Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Violent F1/F2

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Bell County Attorney System Evaluation

Time Period:

System Measures

Property Offenses

Sample of Property Misdemeanor Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Property Misd

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Sample of Property SJF/F3 Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Property SJF/F3

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Sample of Property F1/F2 Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Property F1/F2

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Bell County Attorney System Evaluation

Time Period:

System Measures

Drug Offenses

Sample of Drug Misdemeanor Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Drug Misd

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Sample of Drug SJF/F3 Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Drug SJF/F3

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Sample of Drug F1/F2 Dispositions

	Retained	Appointed	Pro Se	Row Total
Dismissed				
Deferred Adjud				
Guilty Plea				
Guilty Trial				
Not Guilty Trial				
Column Total				

Days to Disposition - Drug F1/F2

	Retained	Appointed	Pro Se
Min:			
1Q:			
Med:			
3Q:			
Max:			
Ave:			

Bell County Attorney System Evaluation

Time Period:

System Measures

Types and Time to Bond, Bond Amounts

Misdemeanors

Number of Bond by Attorney Type - Misd

	Retained	Appointed	Pro Se	Total
Cash				
Pretrial				
PR				
Total				

Days to Make Bond -- Appointed Misd

	Cash	Pretrial	PR
Minimum			
1Q			
Median			
3Q			
Maximum			
Average			

Bond Amounts -- Appointed Misd

	Cash	Pretrial	PR
Minimum			
1Q			
Median			
3Q			
Maximum			
Average			

State Jail and 3rd Degree Felonies

Number of Bond by Attorney Type - SJF/F3

	Retained	Appointed	Pro Se	Total
Cash				
Pretrial				
PR				
Total				

Days to Make Bond -- Appointed SJF/F3

	Cash	Pretrial	PR
Minimum			
1Q			
Median			
3Q			
Maximum			
Average			

Bond Amounts -- Appointed SJF/F3

	Cash	Pretrial	PR
Minimum			
1Q			
Median			
3Q			
Maximum			
Average			

Bell County Attorney System Evaluation

Time Period:

System Measures

First and Second Degree Felonies

Number of Bond by Attorney Type - F1/F2

	Retained	Appointed	Pro Se	Total
Cash				
Pretrial				
PR				
Total				

Days to Make Bond -- Appointed F1/F2

	Cash	Pretrial	PR
Minimum			
1Q			
Median			
3Q			
Maximum			
Average			

Bond Amounts -- Appointed F1/F2

	Cash	Pretrial	PR
Minimum			
1Q			
Median			
3Q			
Maximum			
Average			

Payment Analysis

Total Lines Paid:

Increased:

Reduced:

Line Items Paid by Wheel

	Misd	3F/SJR	1F/2F	Total
Atty Fees				
Investigator				
Expert				
Other				
Total				

Bell County Attorney System Evaluation

Time Period:

System Measures

Line Items Amounts Paid by Wheel

	Misd	3F/SJF	1F/2F	Total
Atty Fees				
Investigator				
Expert				
Other				
Total				

Days to Approve by Wheel

	Misd	3F/SJF	1F/2F
Minimum			
1Q			
Median			
3Q			
Maximum			
Average			

Reduction Amount by Wheel

	Misd	3F/SJF	1F/2F
Minimum			
1Q			
Median			
3Q			
Maximum			
Average			

Bell County Defense Attorney Evaluation Client Feedback Form

Bell County would like to get your feedback on your interaction with the Bell County justice system and the representation you received from your attorney in your recent criminal case. This feedback will be used to monitor general attorney performance in Bell County. You **DO NOT** have to answer any questions on the form. **Please do not tell us any information about your case that you want to remain private between you and the attorney, and do not include the name of your attorney on this form.** Thank you for your time and participation.

Please answer the following questions by checking the box for Yes, No, or Don't Know.

Section 1: Pretrial Services			
	Yes	No	Don't Know
Did you request an appointed attorney to represent you? <i>If NO, please STOP. Do not answer any other questions.</i>			
Were you appointed an attorney to represent you in this case? <i>If NO, please answer SECTION 1 ONLY.</i>			
Did you understand the financial questions you were asked before you were appointed an attorney?			
Were you treated with respect by the person who took your financial information?			
Section 2: Communication with Your Attorney			
	Yes	No	Don't Know
Did your attorney communicate with you throughout your case?			
Did you talk to your attorney about your case before appearing in court?			
Did you have enough time to talk to your attorney about your case?			
Did your attorney speak to you with respect?			
Section 3: In the Courtroom			
	Yes	No	Don't Know
Was your attorney prepared for court?			
Was your attorney on time for court?			
Did your attorney act professionally in the courtroom?			
Do you understand what happened in your case?			

Bell County Defense Bar Survey

Training, Mentoring, and Evaluation Program

1. What percent of your overall practice is:
 - a. Appointed – Bell
 - b. Appointed – Coryell
 - c. Appointed – Other
 - d. Retained State
 - e. Federal
 - f. Civil
 - g. Military
2. Please list any counties **other than Bell and Coryell** where you accept appointments
3. How many criminal court cases are you typically appointed to in Bell County each month? Answer for each type of case you accept:
 - a. Misdemeanor
 - b. Felony
 - c. Juvenile
4. How soon after an appointment do you contact an appointed client who is:
 - a. In custody
 - b. On bond
5. How soon after appointment do you meet with an appointed client who is:
 - a. In custody
 - b. On bond
6. Typically, where is the first meeting with an appointed client who is on bond held?
7. Please list any challenges you face meeting with appointed clients in Bell County who are **in custody**.
8. Do you feel there is adequate confidential space to meet with clients in the Bell County Jail?
9. Please list any challenges you face meeting with appointed clients in Bell County who are **on bond**.
10. How many hearings does it typically take to dispose court-appointed cases in Bell County? Answer for each type of case you accept:
 - a. Misdemeanor
 - b. Felony
 - c. Juvenile
11. How many billable hours does it typically take to dispose a court-appointed case in Bell County? Answer for each type of case you accept:
 - a. Misdemeanor
 - b. Felony
 - c. Juvenile
12. In what percent of court-appointed cases in Bell County do you typically file pre-trial motions (excluding motions to withdraw)? Answer for each type of case you accept:
 - a. Misdemeanor
 - b. Felony
 - c. Juvenile
13. Only considering appointed cases in Bell County, in what percent of **Misdemeanor cases** do you perform the following types of investigation into the facts of a case?
 - a. Interview with client
 - b. Review of facts in the CA's file

- c. Staff employee performs investigation in the facts of case (speaks to witnesses, views crime scene)
 - d. Personal investigation into facts of case (speak to witnesses, view crime scene)
 - e. Hire investigator
14. Only considering appointed cases in Bell County, in what percent of **Felony cases** do you perform the following types of investigation into the facts of a case?
- a. Interview with client
 - b. Review of facts in the DA's file
 - c. Staff employee performs investigation in the facts of case (speaks to witnesses, views crime scene)
 - d. Personal investigation into facts of case (speak to witnesses, view crime scene)
 - e. Hire investigator
15. Only considering appointed cases in Bell County, in what percent of **Juvenile cases** do you perform the following types of investigation into the facts of a case?
- a. Interview with client
 - b. Review of facts in the CA/DA's file
 - c. Staff employee performs investigation in the facts of case (speaks to witnesses, views crime scene)
 - d. Personal investigation into facts of case (speak to witnesses, view crime scene)
 - e. Hire investigator
16. Only considering appointed cases in Bell County, in what percent of cases you request an expert witness? Answer for each type of case you accept:
- a. Misdemeanor
 - b. Felony
 - c. Juvenile
17. Is it difficult to obtain reimbursement for either investigation services or expert witness services if the case does not proceed to trial? Please explain.
18. How many retained criminal/juvenile cases do you typically accept each month in bell County? Answer for each type of case you accept:
- a. Misdemeanor
 - b. Felony
 - c. Juvenile
19. How many hearings does it typically take to dispose retained cases in Bell County? Answer for each type of case you accept:
- a. Misdemeanor
 - b. Felony
 - c. Juvenile
20. How many billable hours does it typically take to dispose a retained case in Bell County? Answer for each type of case you accept:
- a. Misdemeanor
 - b. Felony
 - c. Juvenile
21. In what percent of retained cases in Bell County do you typically file pre-trial motions? Answer for each type of case you accept:
- a. Misdemeanor
 - b. Felony
 - c. Juvenile

22. Only considering retained cases in Bell County, in what percent of **Misdemeanor retained cases** do you perform the following types of investigation into the facts of a case?
- Interview with client
 - Review of facts in the CA's file
 - Staff employee performs investigation in the facts of case (speaks to witnesses, views crime scene)
 - Personal investigation into facts of case (speak to witnesses, view crime scene)
 - Hire investigator
23. Only considering retained cases in Bell County, in what percent of **Felony retained cases** do you perform the following types of investigation into the facts of a case?
- Interview with client
 - Review of facts in the DA's file
 - Staff employee performs investigation in the facts of case (speaks to witnesses, views crime scene)
 - Personal investigation into facts of case (speak to witnesses, view crime scene)
 - Hire investigator
24. Only considering retained cases in Bell County, in what percent of **Juvenile retained cases** do you perform the following types of investigation into the facts of a case?
- Interview with client
 - Review of facts in the CA/DA's file
 - Staff employee performs investigation in the facts of case (speaks to witnesses, views crime scene)
 - Personal investigation into facts of case (speak to witnesses, view crime scene)
 - Hire investigator
25. Only considering retained cases in Bell County, in what percent of cases you request an expert witness?
Answer for each type of case you accept:
- Retained Misdemeanor
 - Retained Felony
 - Retained Juvenile
26. What is your opinion of the FIDo Attorney Portal system to receive appointments and submit vouchers?
27. What is your opinion of Bell County's payment rates?
28. Does the fee structure offer incentives that encourage quality representation? Please explain.
29. Do you think the process for being added to the appointment wheel is fair and effective? Please explain.
30. How satisfied are you with the indigence screening and appointment process in Bell County?
- Adult
 - Juvenile
31. Based on your perception, please rate your satisfaction with the overall quality of representation provided by attorneys on the appointment wheels.
- Misdemeanor
 - Felony
 - Juvenile
32. In your opinion, how does the indigent defense system in Bell County compare to other counties in Texas? Please explain.
33. What suggestions do you have for improving the delivery of indigent defense services in Bell County?
34. Is there anything else you would like Bell County to know?

Bell County Training, Mentoring, and Evaluation Program Prosecutor Indigent Defense System Survey

This survey is meant to gauge your opinion of the overall indigent defense system in Bell County. The results of the survey will be shared with the Bell County Board of Judges who hear criminal cases. Thank you for your time and participation.

Please respond to the following questions based on your beliefs/opinions of the indigent defense system as a whole, rather than an individual attorney or criminal defendant.

In general and from your point of view, please rate the following:

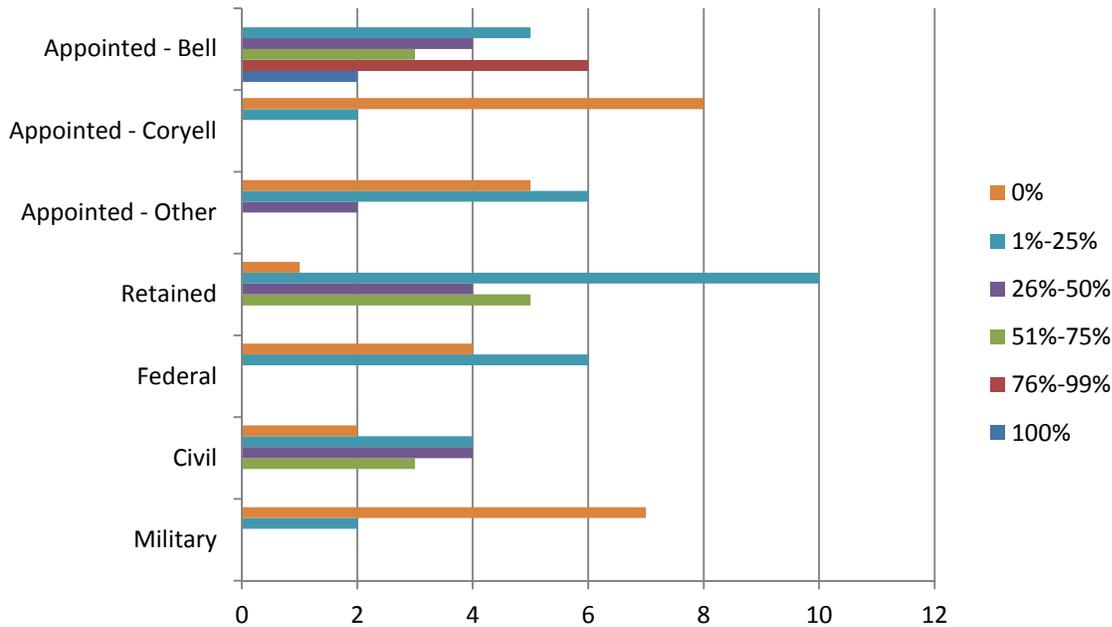
	Excellent	Good	Needs Improvement	Unacceptable
1. Timeliness of defense attorneys' communication with prosecutors regarding discovery and other case-related information				
2. Professionalism of defense attorneys' interactions with prosecutors and staff				
3. Quality of legal issues raised and legal knowledge demonstrated by the defense				
4. Defense attorneys' preparedness for court				
5. Overall quality of representation provided to indigent criminal defendants in Bell County				

If you responded "Needs Improvement" or "Unacceptable" to any of the above, please provide additional information or examples:

Appendix B: Bell County Criminal Defense Survey

As part of the indigent defense system evaluation conducted in Bell County, members of the Bell County court appointment wheels were asked to complete a survey regarding their practice and opinions of the indigent defense system. Emails were sent to all attorneys on the appointment wheels in the county from the Pretrial Services office. The survey was available to take online from October 16 through October 22. In all, 21 people responded to the survey. Their responses are recorded below.

Q 1¹: What percent of your overall practice is:

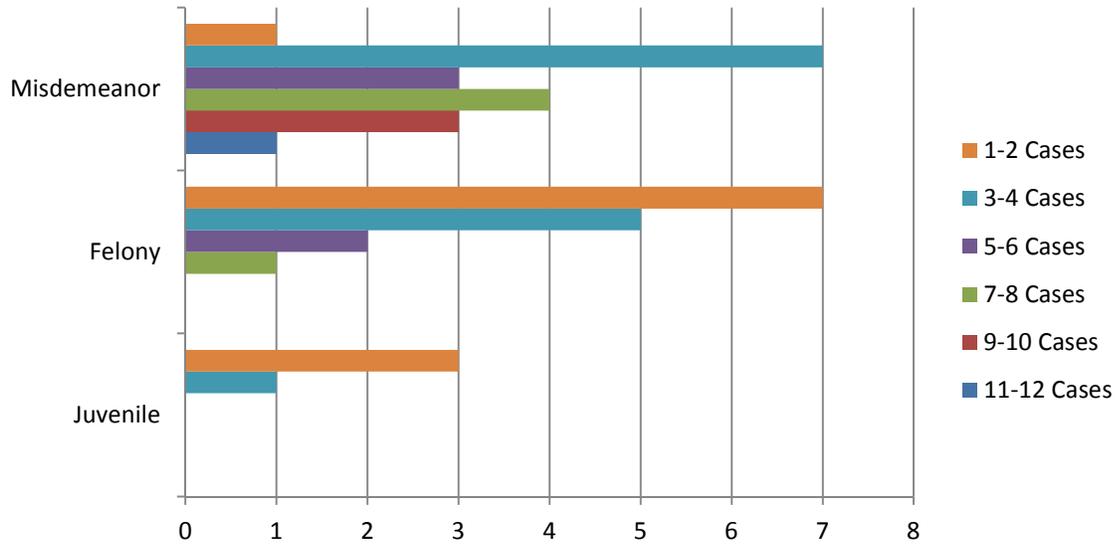


	0%	1%-25%	26%-50%	51%-75%	76%-99%	100%	#
Court appointment work in Bell County?	0 (0.00%)	5 (25.00%)	4 (20.00%)	3 (15.00%)	6 (30.00%)	2 (10.00%)	20
Court appointment work in Coryell County?	8 (80.00%)	2 (20.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	10
Court appointment work in other counties?	5 (38.46%)	6 (46.15%)	2 (15.38%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	13
Private retained state court work?	1 (5.00%)	10 (50.00%)	4 (20.00%)	5 (25.00%)	0 (0.00%)	0 (0.00%)	20
Federal court work?	4 (40.00%)	6 (60.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	10
Civil work?	2 (20.00%)	4 (40.00%)	3 (30.00%)	2 (20.00%)	0 (0.00%)	0 (0.00%)	10
Military work?	7 (77.78%)	2 (22.22%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	9

Q 2: Counties other than Bell and Coryell where attorneys take appointments:

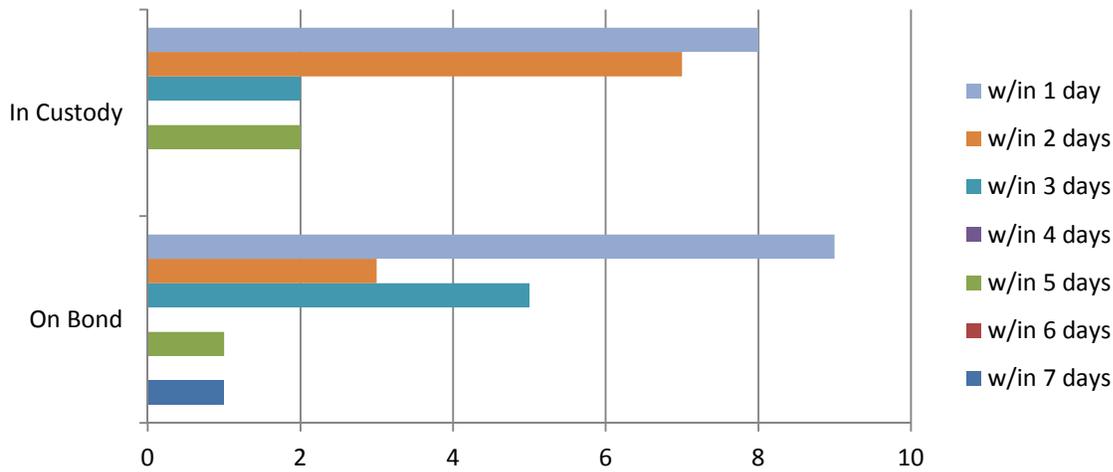
Bexar	1	Lampasas	1
Brazos	1	Travis	1
Caldwell	1	Williamson	2
Comal	1	# of Attorneys	5

Q 3:² How many criminal court cases are you typically appointed to in Bell County each month? Answer for each type of case you accept.



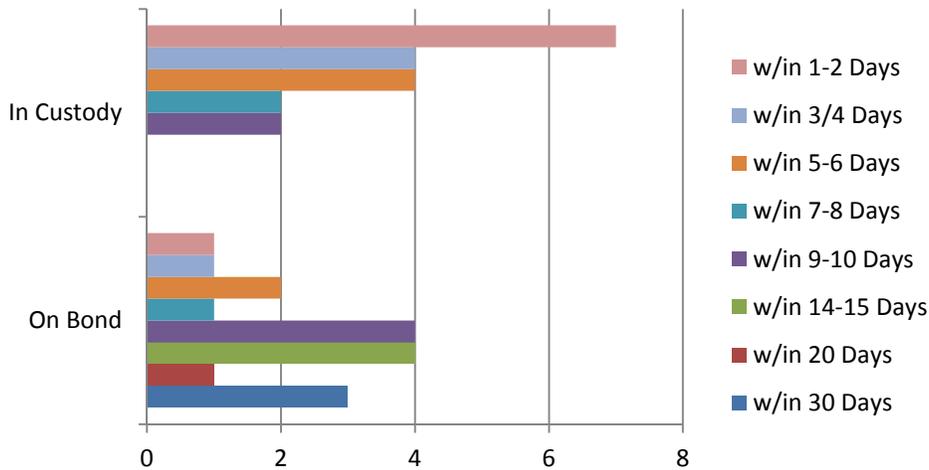
	1-2 Cases	3-4 Cases	5-6 Cases	7-8 Cases	9-10 Cases	11-12 Cases	# Reponses
Misdemeanor	1 (5.26%)	7 (36.84%)	3 (15.79%)	4 (21.05%)	3 (15.79%)	1 (5.26%)	19
Felony	7 (46.67%)	5 (33.33%)	2 (13.33%)	1 (6.67%)	0 (0.00%)	0 (0.00%)	15
Juvenile	3 (75.00%)	1 (25.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	4

Q 4: How soon after appointment do you contact an appointed client:



	1 day	2 days	3 days	4 days	5 days	6 days	7 days	# Responses
In Custody	8 (42.11%)	7 (36.84%)	2 (10.53%)	0 (0.00%)	2 (10.53%)	0 (0.00%)	0 (0.00%)	19
On Bond	9 (47.37%)	3 (15.79%)	5 (26.32%)	0 (0.00%)	1 (5.23%)	0 (0.00%)	1 (5.23%)	19

Q 5: How soon after appointment do you meet with an appointed client:



	1-2 Days	3-4 Days	5-6 Days	7-8 Days	9-10 Days	14-15 Days	20 Days	30 Days	# Responses
In Custody	7 (36.84%)	4 (21.05%)	4 (21.05%)	2 (10.53%)	2 (10.53%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	19
On Bond	1 (5.88%)	1 (5.88%)	2 (11.76%)	1 (5.88%)	4 (23.53%)	4 (23.53%)	1 (5.88%)	3 (17.65%)	17

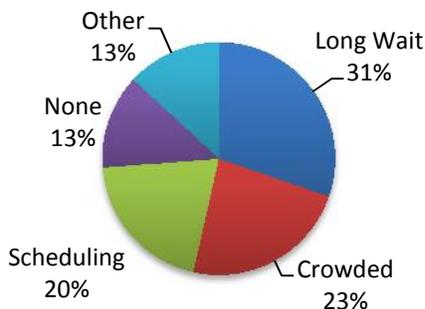
Additional text responses:

On Bond:

- "After discovery and offer."

Q 6: Typically, where is the first meeting with an appointed client held:	
	On Bond
Office	8
Office or courthouse	3
Courthouse	4
By phone	3
Varies	1
Total responses	19

Q 7: ³ List any challenges you face meeting with appointed clients in Bell County who are Jailed.				
	32 responses	0 thrown out	30 statements	5 categories

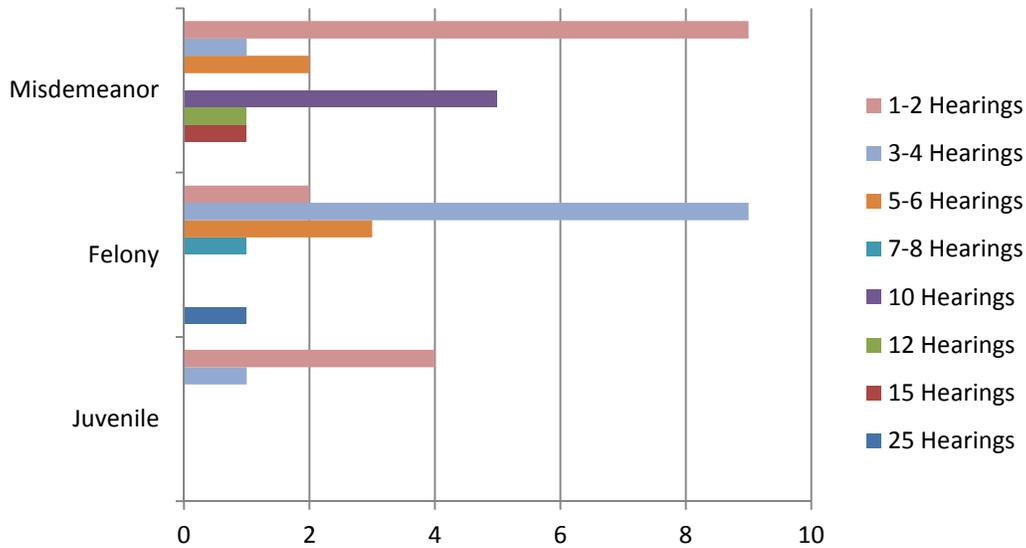


Long Wait: 9 statements (30%)	<ul style="list-style-type: none"> • “It takes a long time to see a client in person.” • “Slow for jail staff to get multiple clients.” • “Waiting time @ the jail can be long.”
Crowded: 7 statements (23%)	<ul style="list-style-type: none"> • “Lines at the jail are often long, clogged up with visitors.” • “...lines of visitors during general visiting hours.” • “There are only a few visitation spots available for attorneys, and they are full at times.”
Jail Scheduling: 6 statements (20%)	<ul style="list-style-type: none"> • “Shift change goes from 230-330 making visitation unavailable during that time.” • “Serving meal time; shift change.” • “Shift change unavailability.”
None: 4 statements (13%)	<ul style="list-style-type: none"> • “No real challenges.” • “None.”
Other: 4 statements (13%)	<ul style="list-style-type: none"> • “Not having any meaningful pretrial discovery in advance of the meeting – oftentimes, not even an affidavit of arrest. It can oftentimes be over a week before I get basic police report, etc.” • “The pass through is poorly designed. When the lid is open it is in the up position which blocks the view of the client.” • “Sometimes still at the city jail so it looks like they have bonded out.” • “Phone visit on client’s end no privacy.”

Q 8: Do you feel there is adequate confidential space to meet with clients in the Bell County Jail?				
	19 responses	0 thrown out	20 statements	2 categories
<p>A pie chart with two segments. The larger segment, colored red, represents 'No' at 65%. The smaller segment, colored blue, represents 'Yes' at 35%.</p>				
No: 13 statements (65%)	<ul style="list-style-type: none"> • “No, probation, parole, and attorneys compete for the 3 contact spaces.” • “No – yelling thru the screen and shoving paperwork under the slit is a terrible environment for conducting an interview and to share/discuss paperwork.” • “Another contact room and another phone visit room would be nice.” 			
Yes: 7 statements (35%)	<ul style="list-style-type: none"> • No additional text beyond “yes” included in the responses. 			

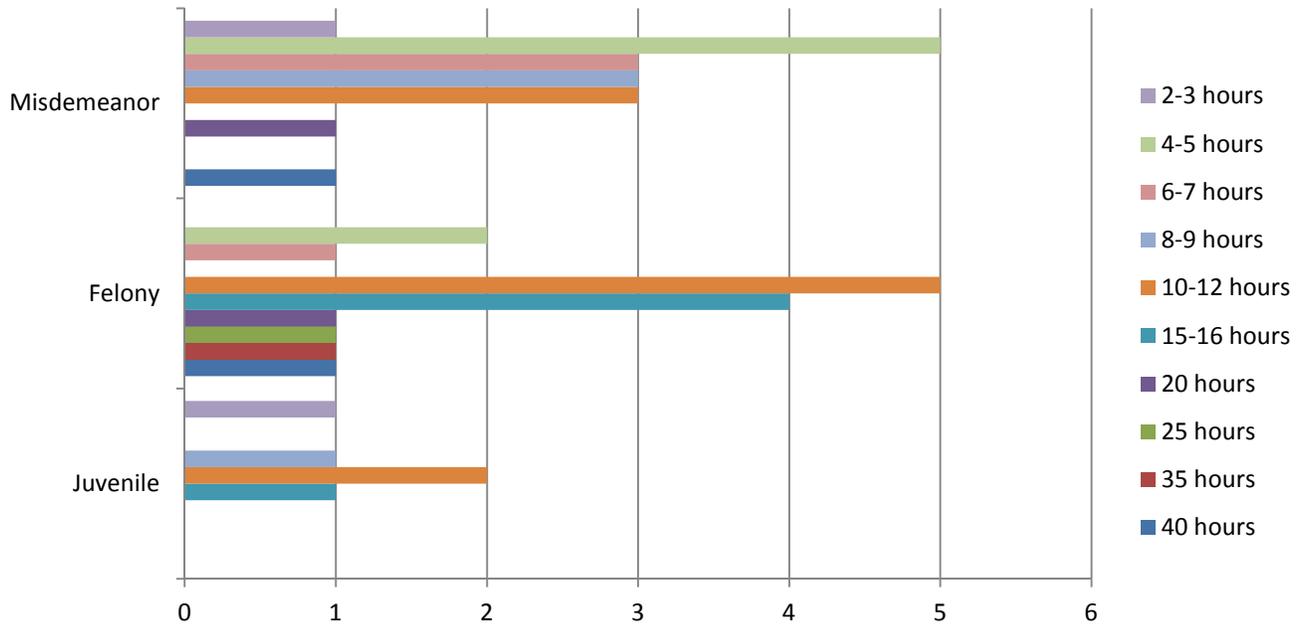
Q 9: List any challenges you face meeting with appointed clients in Bell County who are On Bond?				
	18 responses	0 thrown out	24 statements	6 categories
<p>A pie chart with six segments. Clockwise from the top: Unresponsive Client (25%, blue), Client (25%, red), Contact Info (25%, green), Scheduling (17%, purple), Client Cooperation (13%, orange), and None (12%, cyan). Other (8%) is represented by a small orange slice.</p>				
Unresponsive client: 6 statements (25%)	<ul style="list-style-type: none"> • “Clients do not respond to my letter of representation until the last minute.” • “They typically will not return calls or letter.” • “Getting them to contact me.” 			
Contact info: 6 statements (25%)	<ul style="list-style-type: none"> • “Occasionally the clients on bond have given incorrect telephone number and addresses to the IDC or bond companies....” • “Their addresses and numbers are frequently wrong.” • “Trying to keep a valid phone number is the most difficult problem.” 			
Scheduling: 4 statements (17%)	<ul style="list-style-type: none"> • “...Unwillingness or inability to adjust work or other schedule to make appointment during normal business hours...” • “It is common for a client to fail to appear at our appointed time.” • “Clients from other towns often reschedule numerous times or don’t show due to the distance ie: driving from Killeen to Belton.” 			
Client Cooperation: 3 statements (13%)	<ul style="list-style-type: none"> • “...General disrespect for the purpose for an appointment as a means of having uninterrupted focus on their case.” • “It is hard to get them into the office.” • “Client cooperation.” 			
None: 3 statements (12%)	<ul style="list-style-type: none"> • All statements were “none” without elaboration. 			
Other: 2 statements (8%)	<ul style="list-style-type: none"> • “I use the conference rooms at the courthouse a lot. Security when in conference rooms right outside the courtroom – would be better if there were windows on the doors so that people can look inside. Would be good if there was a panic button in case a client gets violent.” • “Transportation issues for client...” 			

Q 10: How many court appearances does it typically take to dispose court-appointed cases in Bell County? Answer for each type of case you accept.



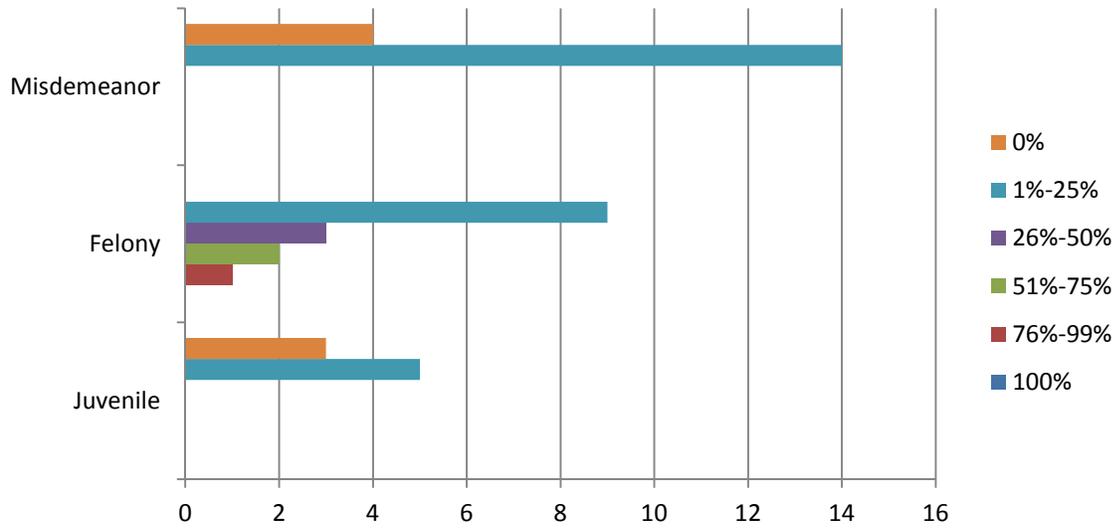
	1-2 Hearings	3-4 Hearings	5-6 Hearings	7-8 Hearings	10 Hearings	12 Hearings	15 Hearings	25 Hearings	# Responses
Misdemeanor	9 (47.37%)	1 (5.26%)	2 (10.53%)	0 (0.00%)	5 (26.32%)	1 (5.26%)	1 (5.26%)	0 (0.00%)	19
Felony	2 (12.50%)	9 (56.25%)	3 (18.75%)	1 (6.25%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	1 (6.25%)	16
Juvenile	4 (80.00%)	1 (20.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	5

Q 11: How many hours does it typically take to dispose a court-appointed case in Bell County? Answer for each type of case you accept.



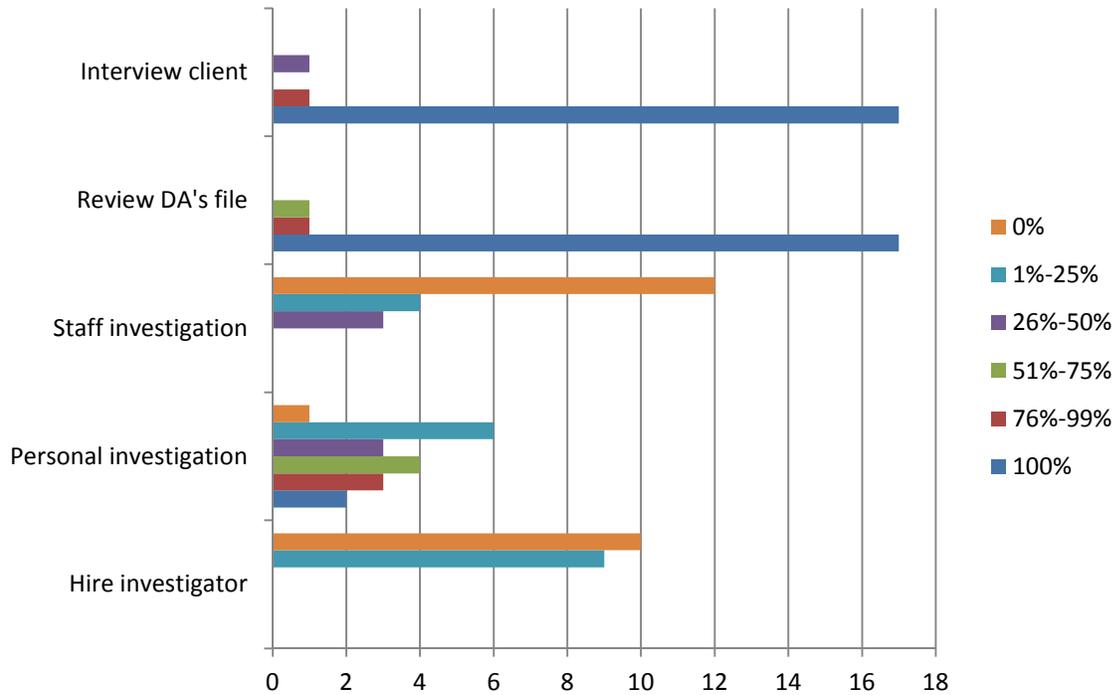
	2-3 hrs	4-5hrs	6-7hrs	8-9 hrs	10-12 hrs	15-16 hrs	20 hrs	25 hrs	35 hrs	40 hrs	#
Misd	1 (5.88%)	5 (29.41%)	3 (17.65%)	3 (17.65%)	3 (17.65%)	0 (0.00%)	1 (5.88%)	0 (0.00%)	0 (0.00%)	1 (5.88%)	17
Fel	0 (0.00%)	2 (11.76%)	1 (5.88%)	0 (0.00%)	5 (29.41%)	4 (23.53%)	1 (5.88%)	1 (5.88%)	1 (5.88%)	1 (5.88%)	17
Juv	1 (20%)	0 (0.00%)	0 (0.00%)	1 (20.00%)	2 (40.00%)	1 (20.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	5

Q 12: In what percent of court-appointed cases in Bell County do you typically file pre-trial motions? Answer for each type of case you accept.



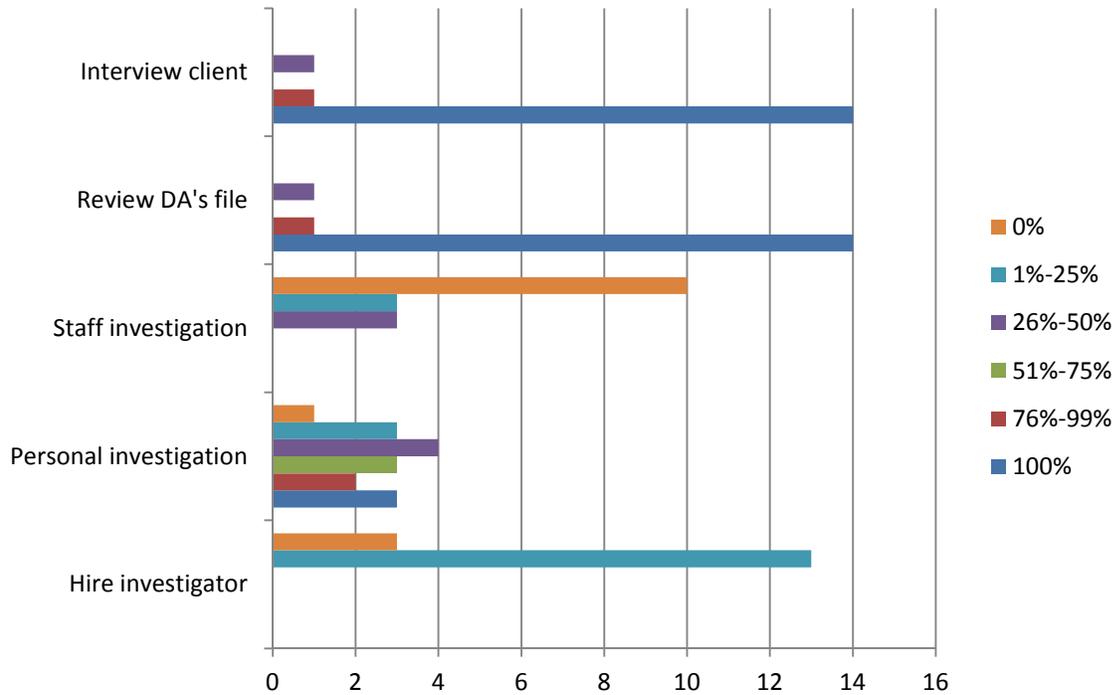
	0% of Cases	1%-25% of Cases	26%-50% of Cases	51%-75% of Cases	76%-99% of Cases	100% of Cases	# Responses
Misdemeanor	4 (22.22%)	14 (77.78%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	18
Felony	0 (0.00%)	9 (60.00%)	3 (20.00%)	2 (13.33%)	1 (6.67%)	0 (0.00%)	15
Juvenile	3 (37.50%)	5 (62.50%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	8

Q 13: Only considering appointed cases in Bell County, in what percent of cases do you perform the following types of investigation in the facts of a case? **Misdemeanor**



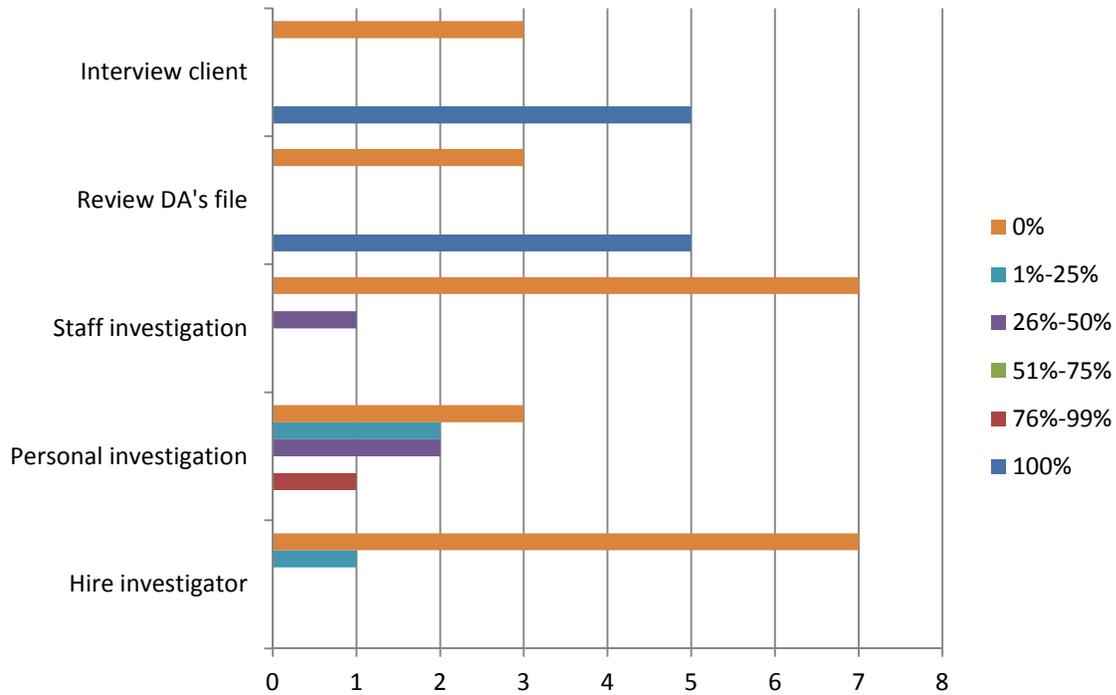
	0% of cases	1%-25% of cases	26%-50% of cases	51%-75% of cases	76%-99% of cases	100% of cases	#
Interview with client	0 (0.00%)	0 (0.00%)	1 (5.26%)	0 (0.00%)	1 (5.26%)	17 (89.47%)	19
Review of the facts in the County Attorney's file	0 (0.00%)	0 (0.00%)	0 (0.00%)	1 (5.26%)	1 (5.26%)	17 (89.47%)	19
Staff employee performs investigation in the case facts	12 (63.16%)	4 (21.05%)	3 (15.79%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	19
Personal investigation into facts of case	1 (5.26%)	6 (31.58%)	3 (15.79%)	4 (21.05%)	3 (15.79%)	2 (10.53%)	19
Hire investigator	10 (52.63%)	9 (47.37%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	19

Q 14: Only considering appointed cases in Bell County, in what percent of cases do you perform the following types of investigation in the facts of a case? **Felony**



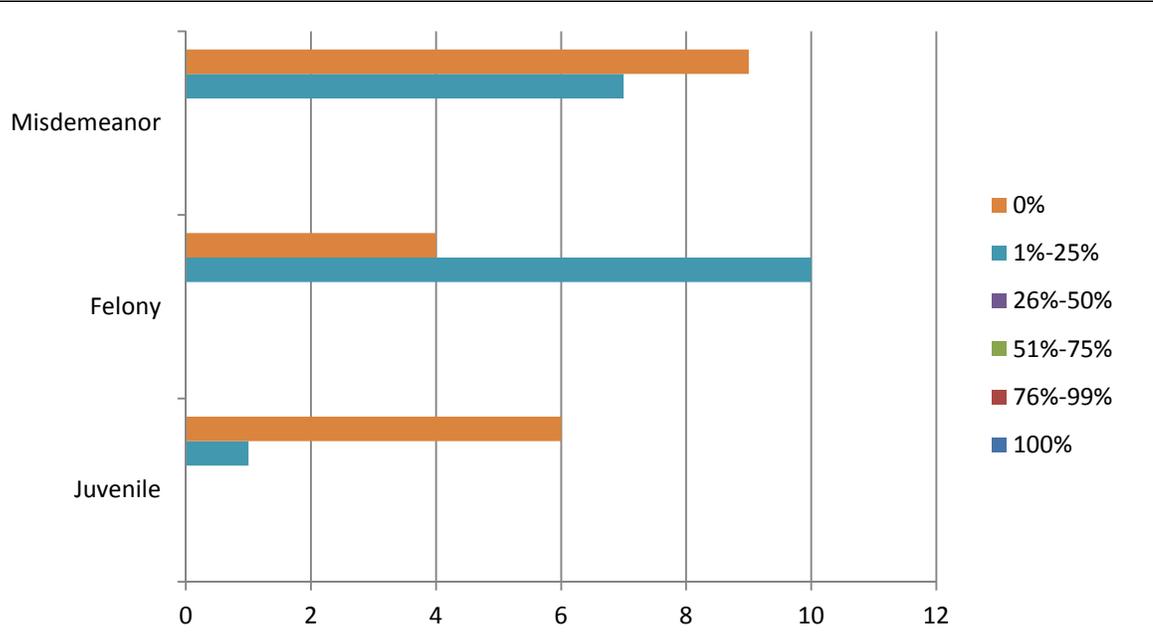
	0% of cases	1%-25% of cases	26%-50% of cases	51%-75% of cases	76%-99% of cases	100% of cases	#
Interview with client	0 (0.00%)	0 (0.00%)	1 (6.25%)	0 (0.00%)	1 (6.25%)	14 (87.50%)	16
Review of the facts in the District Attorney's file	0 (0.00%)	0 (0.00%)	1 (6.25%)	0 (0.00%)	1 (6.25%)	14 (87.50%)	16
Staff employee performs investigation in the case facts	10 (62.50%)	3 (18.75%)	3 (18.75%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	16
Personal investigation into facts of case	1 (6.25%)	3 (18.75%)	4 (25.00%)	3 (18.75%)	2 (12.50%)	3 (18.75%)	16
Hire investigator	3 (18.75%)	13 (81.25%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	16

Q 15: Only considering appointed cases in Bell County, in what percent of cases do you perform the following types of investigation in the facts of a case? **Juvenile**



	0% of cases	1%-25% of cases	26%-50% of cases	51%-75% of cases	76%-99% of cases	100% of cases	#
Interview with client	3 (37.50%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	5 (62.50%)	8
Review of the facts in the District Attorney's file	3 (37.50%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	5 (62.50%)	8
Staff employee performs investigation in the case facts	7 (87.50%)	0 (0.00%)	1 (12.50%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	8
Personal investigation into facts of case	3 (37.50%)	2 (25.00%)	2 (25.00%)	0 (0.00%)	1 (12.50%)	0 (0.00%)	8
Hire investigator	7 (87.50%)	1 (12.50%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	8

Q 16: Only considering appointed cases in Bell County, in what percent of cases do you request an expert witness? Answer for each type of case you accept.



	0% of cases	1%-25% of cases	26%-50% of cases	51%-75% of cases	76%-99% of cases	100% of cases	#
Misdemeanor	9 (56.25%)	7 (43.75%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	16
Felony	4 (28.57%)	10 (71.43%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	14
Juvenile	6 (85.71%)	1 (14.29%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	7

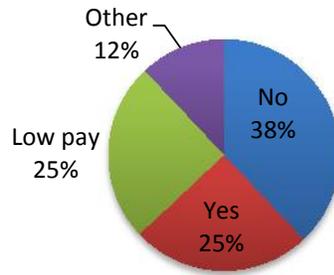
Q 17: Is it difficult to obtain reimbursement for either investigation services or expert witness services if the case does not proceed to trial? Please explain.

17 responses

5 thrown out

16 statements

4 categories



No: 6 statements (38%)

- “Judges are reluctant, but fair.”
- “Not difficult, because I get court approval in advance.”
- “I have had no problems.”

Yes: 4 statements (25%)

- “Generally, the judges discourage appointments in the first place.”
- “For misdemeanors, yes.”

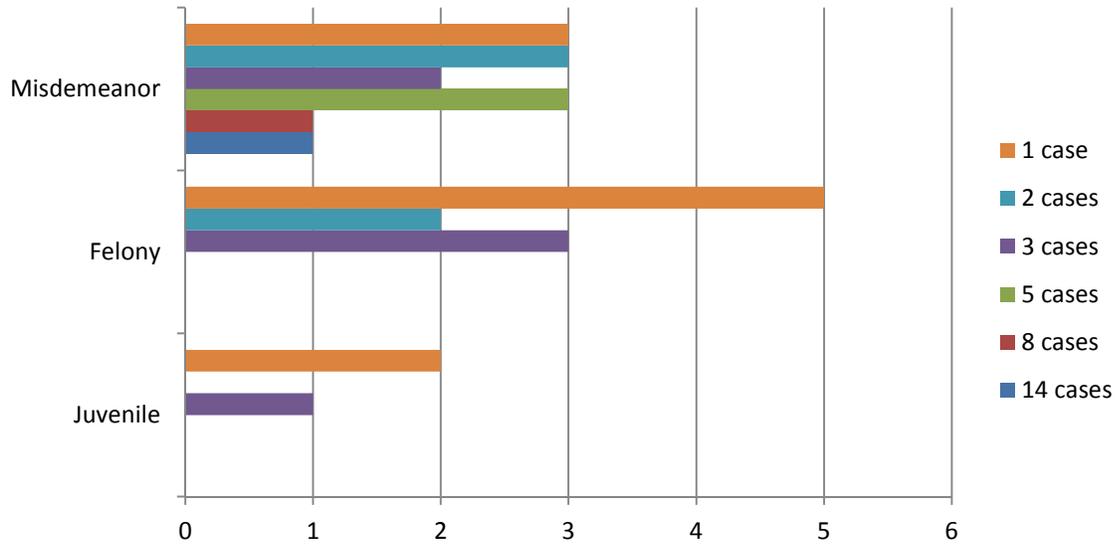
Low Pay: 4 statements (25%)

- “Bell County’s reputation among expert witnesses and investigators is poor.... I feel it is my ethical obligation to inform potential experts that they are most likely not going to be paid appropriately. As a result, no one will perform court-appointed work on Bell County cases.”
- “...Judges [tell] you up front how little they will pay limiting options.”
- “...The judges are stingy.”

Other: 2 statements (12%)

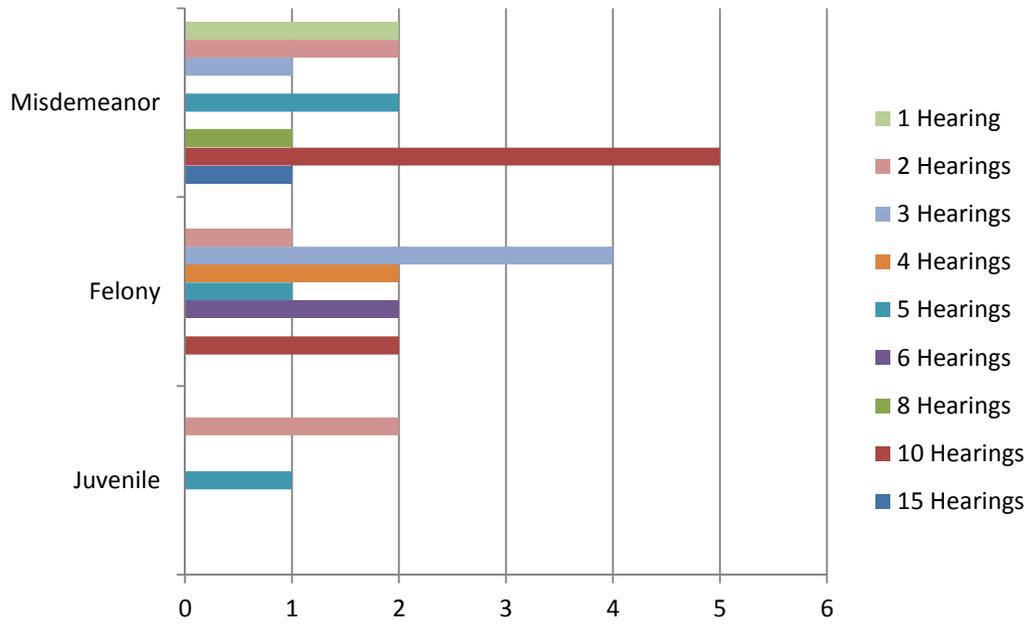
- “I do believe, however, under the current system the DA’s office has immeasurably more access to experts than the defense bar. I would think this gives the prosecution an advantage the Constitution didn’t intend.”
- “I needed an interpreter once, and I had to submit a paper voucher. It took longer than it should have to get that back.”

Q 18: How many retained cases do you typically receive each month in Bell County? Answer for each type of case you accept.



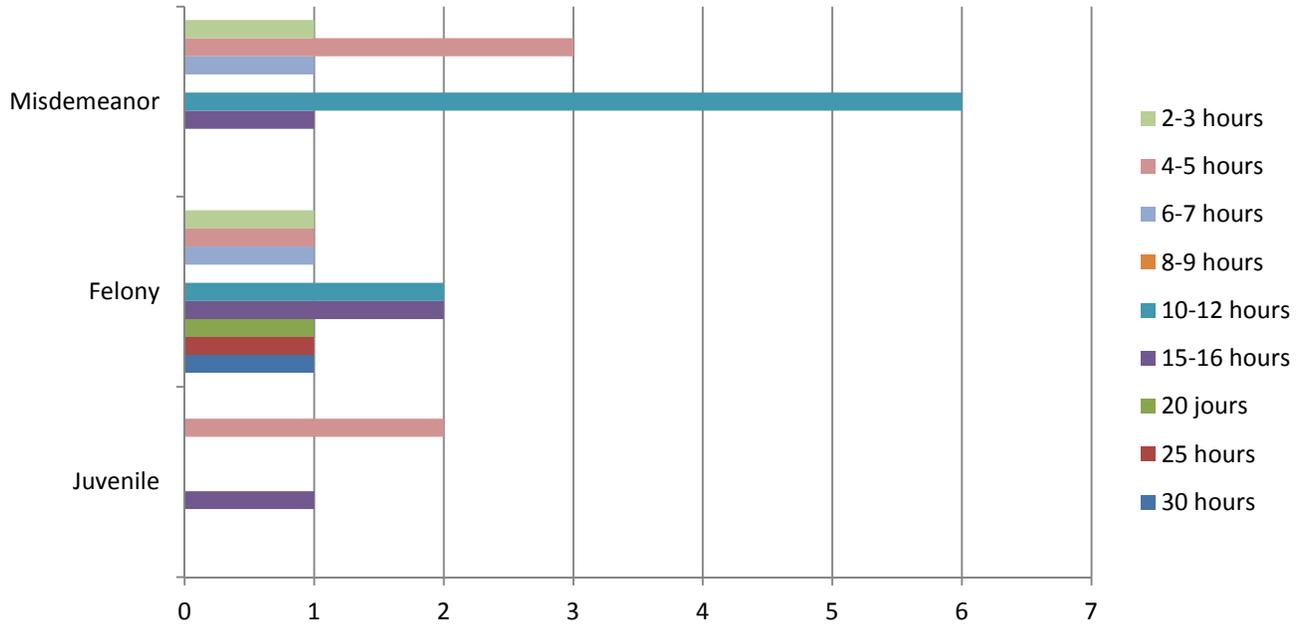
	1 case	2 cases	3 cases	5 cases	8 cases	14 cases	# Responses
Misdemeanor	3 (23.08%)	3 (23.08%)	2 (15.38%)	3 (23.08%)	1 (7.69%)	1 (7.69%)	13
Felony	5 (50.00%)	2 (20.00%)	3 (30.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	10
Juvenile	2 (66.67%)	0 (0.00%)	1 (33.33%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	3

Q 19: How many court appearances does it typically take to dispose retained cases in Bell County? Answer for each type of case you accept.



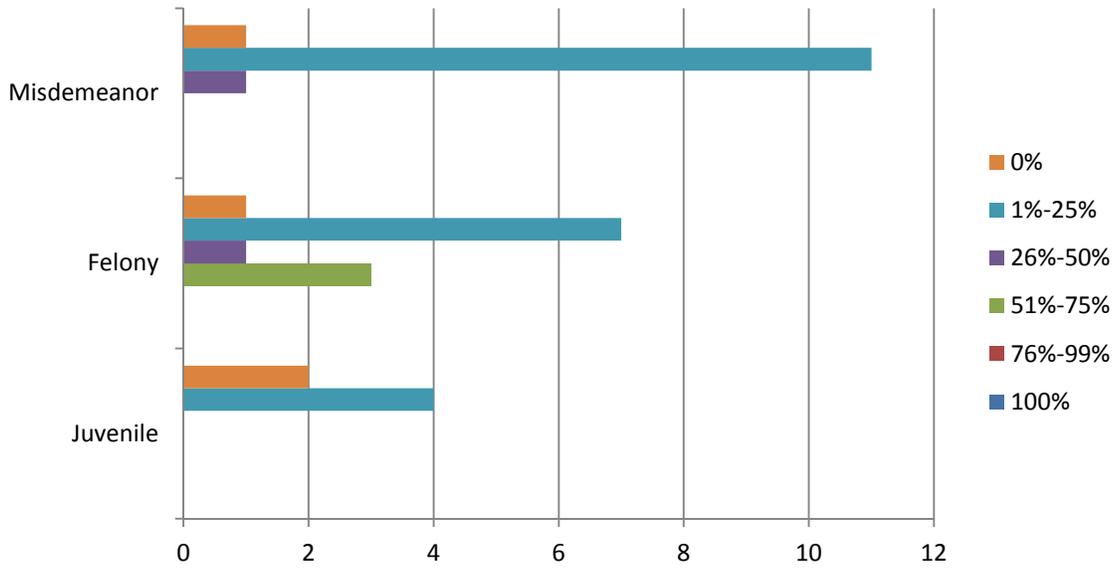
	1 Hearing	2 Hearings	3 Hearings	4 Hearings	5 Hearings	6 Hearings	8 Hearings	10 Hearings	15 Hearings	#
Misd	2 (14.29%)	2 (14.29%)	1 (7.14%)	0 (0.00%)	2 (14.29%)	0 (0.00%)	1 (7.14%)	5 (35.71%)	1 (7.14%)	14
Felony	0 (0.00%)	1 (8.33%)	4 (33.33%)	2 (16.67%)	1 (8.33%)	2 (16.67%)	0 (0.00%)	2 (16.67%)	0 (0.00%)	12
Juv	0 (0.00%)	2 (66.67%)	0 (0.00%)	0 (0.00%)	1 (33.33%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	3

Q 20: How many hours does it typically take to dispose a retained case in Bell County? Answer for each type of case you accept.



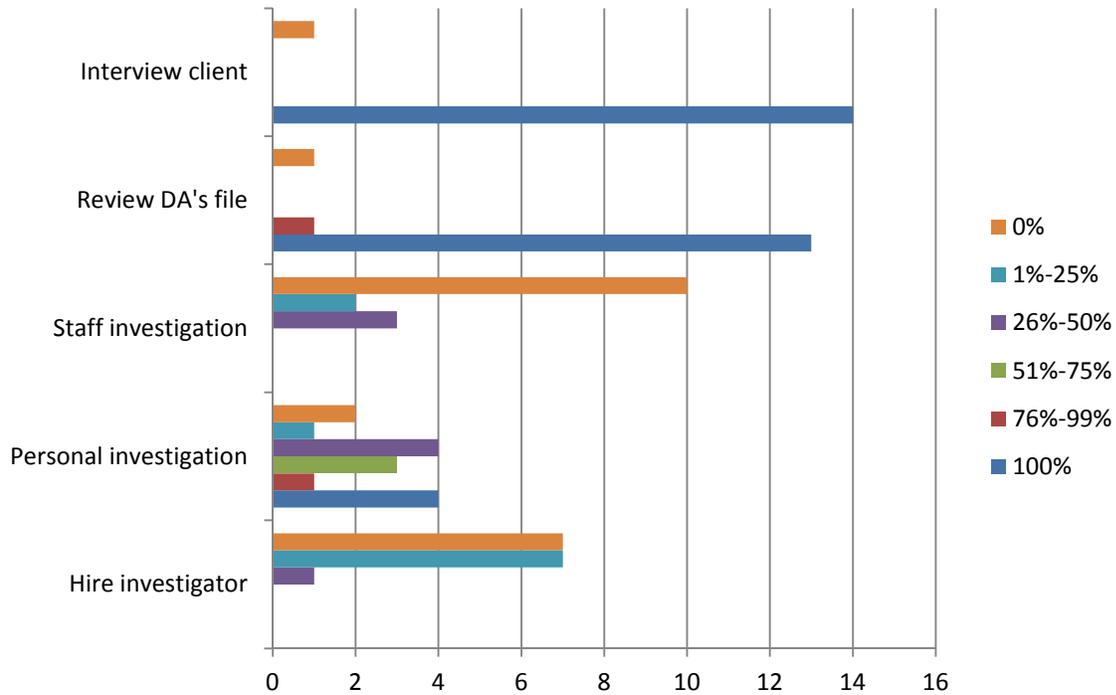
	2-3 Hours	4-5 Hours	6-7 Hours	8-9 Hours	10-12 Hours	15-16 Hours	20 Hours	25 Hours	30 Hours	#
Misd	1 (8.33%)	3 (25.00%)	1 (8.33%)	0 (0.00%)	6 (50.00%)	1 (8.33%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	12
Felony	1 (10.00%)	1 (10.00%)	1 (10.00%)	0 (0.00%)	2 (20.00%)	2 (20.00%)	1 (10.00%)	1 (10.00%)	1 (10.00%)	10
Juv	0 (0.00%)	2 (66.67%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	1 (33.33%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	3

Q 21: In what percent of retained cases in Bell County do you typically file pre-trial motions? Answer for each type of case you accept.



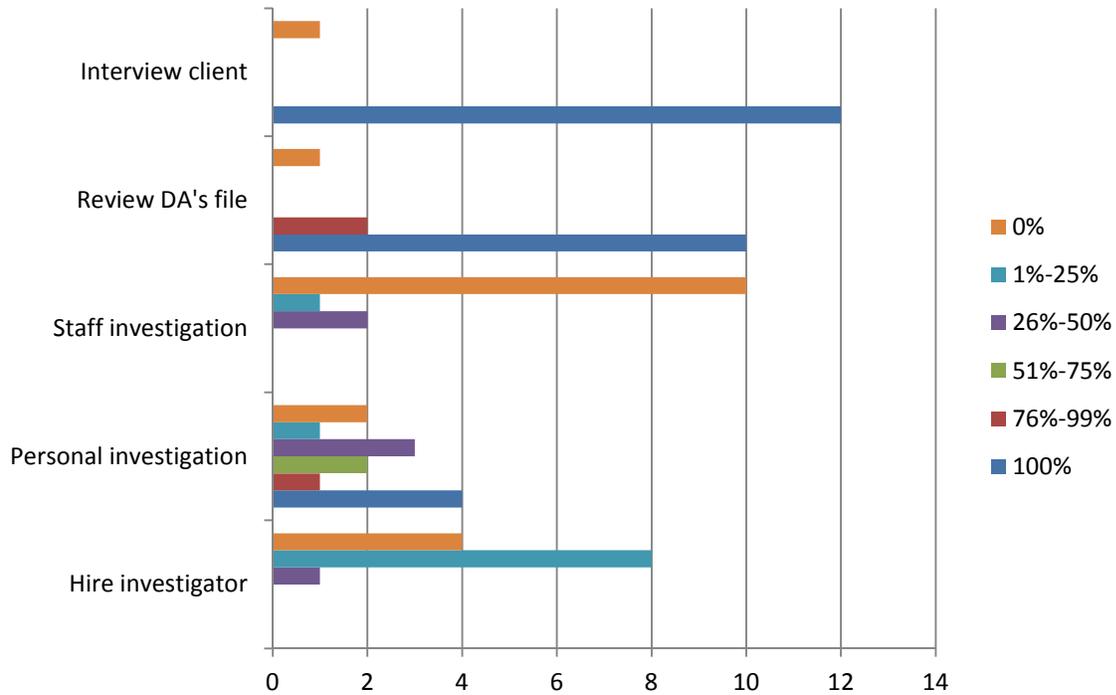
	0%	1%-25%	26%-50%	51%-75%	76%-99%	100%	# Responses
Misdemeanor	1 (7.69%)	11 (84.62%)	1 (7.69%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	13
Felony	1 (8.33%)	7 (58.33%)	1 (8.33%)	3 (25.00%)	0 (0.00%)	0 (0.00%)	12
Juvenile	2 (33.33%)	4 (66.67%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	6

Q 22: Only considering retained cases in Bell County, in what percent of cases do you perform the following types of investigation in the facts of a case? **Misdemeanor**



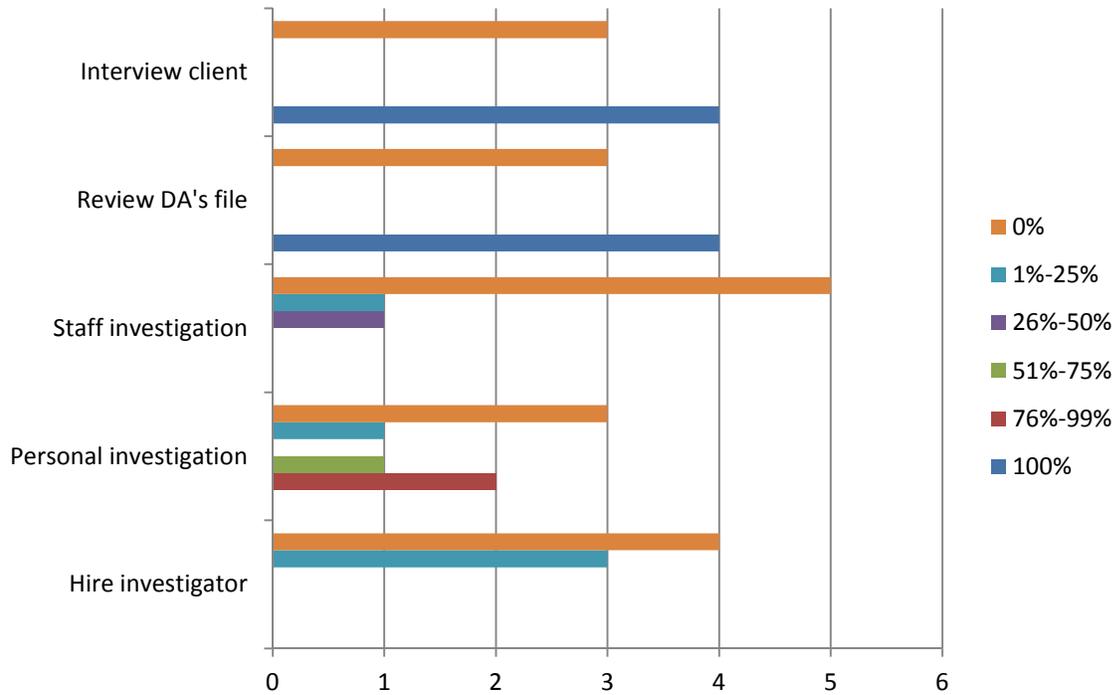
	0% of Cases	1%-25% of Cases	26%-50% of Cases	51%-75% of Cases	76%-99% of Cases	100% of Cases	#
Interview with client	1 (6.67%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	14 (9.33%)	15
Review of the facts in the District Attorney's file	1 (6.67%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	1 (6.67%)	13 (86.67%)	15
Staff employee performs investigation in the case facts	10 (66.67%)	2 (13.33%)	3 (20.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	15
Personal investigation into facts of case	2 (13.33%)	1 (6.67%)	4 (26.67%)	3 (20.00%)	1 (6.67%)	4 (26.67%)	15
Hire investigator	7 (46.67%)	7 (46.67%)	1 (6.67%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	15

Q 23: Only considering retained cases in Bell County, in what percent of cases do you perform the following types of investigation in the facts of a case? **Felony**



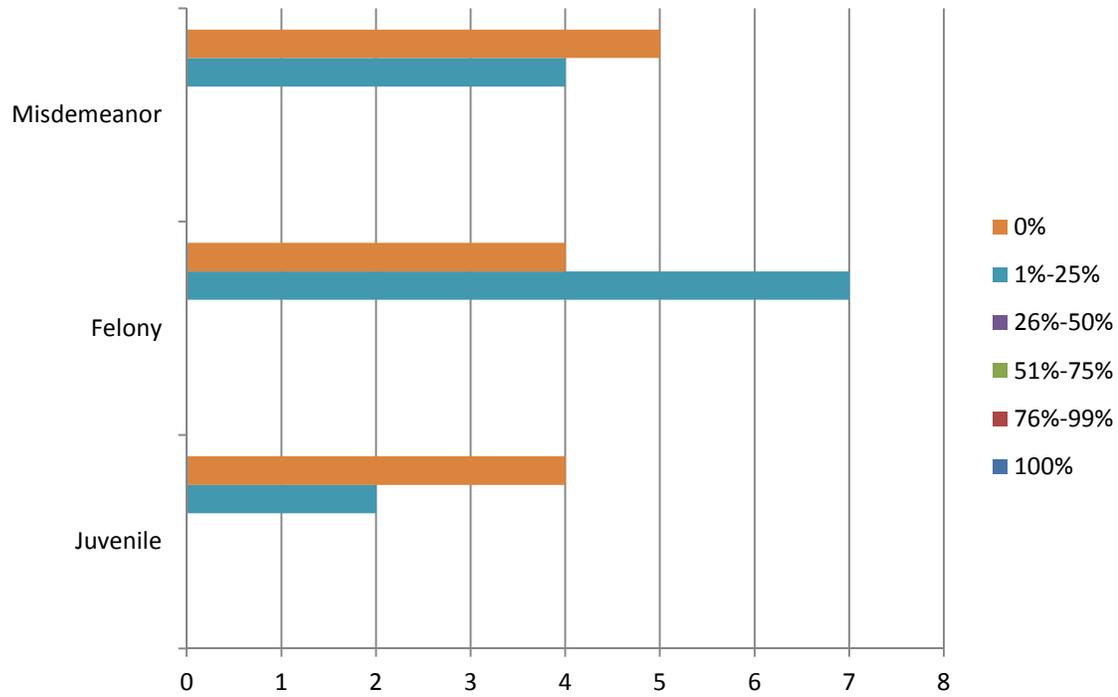
	0% of Cases	1%-25% of Cases	26%-50% of Cases	51%-75% of Cases	76%-99% of Cases	100% of Cases	#
Interview with client	1 (7.69%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	12 (92.31%)	13
Review of the facts in the District Attorney's file	1 (7.69%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	2 (15.38%)	10 (76.92%)	13
Staff employee performs investigation in the case facts	10 (76.92%)	1 (7.69%)	2 (15.38%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	13
Personal investigation into facts of case	2 (15.38%)	1 (7.69%)	3 (23.08%)	2 (15.38%)	1 (7.69%)	4 (30.77%)	13
Hire investigator	4 (30.77%)	8 (61.54%)	1 (7.69%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	13

Q 24: Only considering retained cases in Bell County, in what percent of cases do you perform the following types of investigation in the facts of a case? **Juvenile**



	0% of Cases	1%-25% of Cases	26%-50% of Cases	51%-75% of Cases	76%-99% of Cases	100% of cases	#
Interview with client	3 (42.86%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	4 (57.14%)	7
Review of the facts in the District Attorney's file	3 (42.86%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	4 (57.14%)	7
Staff employee performs investigation in the case facts	5 (71.43%)	1 (14.29%)	1 (14.29%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	7
Personal investigation into facts of case	3 (42.86%)	1 (14.29%)	0 (0.00%)	1 (14.29%)	2 (28.57%)	0 (0.00%)	7
Hire investigator	4 (57.14%)	3 (42.86%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	7

Q 25: Only considering retained cases in Bell County, in what percent of cases do you request an expert witness? Answer for each type of case you accept.



	0% of Cases	1%-25% of Cases	26%-50% of Cases	51%-75% of Cases	76%-99% of Cases	100% of Cases	#
Misdemeanor	5 (55.56%)	4 (44.44%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	9
Felony	4 (36.36%)	7 (63.63%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	11
Juvenile	4 (66.67%)	2 (33.33%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	0 (0.00%)	6

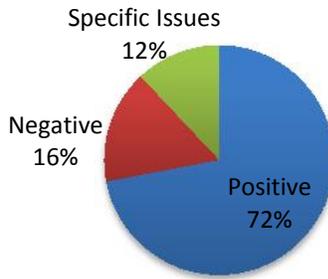
Q 26: What is your opinion of the FIDo Attorney Portal system to receive appointments and submit vouchers?

20 responses

0 thrown out

25 responses

3 categories



Positive: 18 statements (72%)

- “Easy to use after you figure out how to use it.”
- “It’s efficient and easy.”
- “Outstanding. Modern. Easy to use. Paid fast.”

Negative: 4 statements (16%)

- “Unethical. Vague and nondescript.”
- “It is sometimes difficult to navigate, especially with multiple cases where we get cheated out of huge amounts of our legitimate fees.”
- “DO not like it. If you have hourly information then you choose the flat rate you have to delete all the entries.”
- “...It appoints us on cases enhanced out of our approved lost qualifications.”

Specific issues: 3 statements (12%)

- “I would prefer to have access to the AS400 on the system.”
- “It’s not fully accessible from the attorney work room to look at your appointment (there isn’t a PDF reader on those computers)... There are a lot of clicks involved to input a voucher, and if you miss a step you have to restart sometimes.”
- “...We get no notice prior to payment of a judge’s payment order. This can cause problems with time deadlines applicable when we need to file an appeal of disapproved vouchers by the [Court].”

Q 27: What is your opinion of Bell County's payment rates?

20 responses

1 thrown out

28 statements

3 categories



Fair: 13 statements (47%)

- "Adequate."
- "I think they are reasonable considering the amount of work you will do on average."
- "Payment rates are fine."

Low: 9 statements (32%)

- "For felonies, pricing is on the lower end of our ability to stay in business."
- "...[Misdemeanors payment is low if] client has multiple cases. Example had client 10 cases 10 pleas 10 sets paperwork \$100 extra dollars doesn't cut it."
- "Low on felony cases which is why I no longer handle felony appointment."

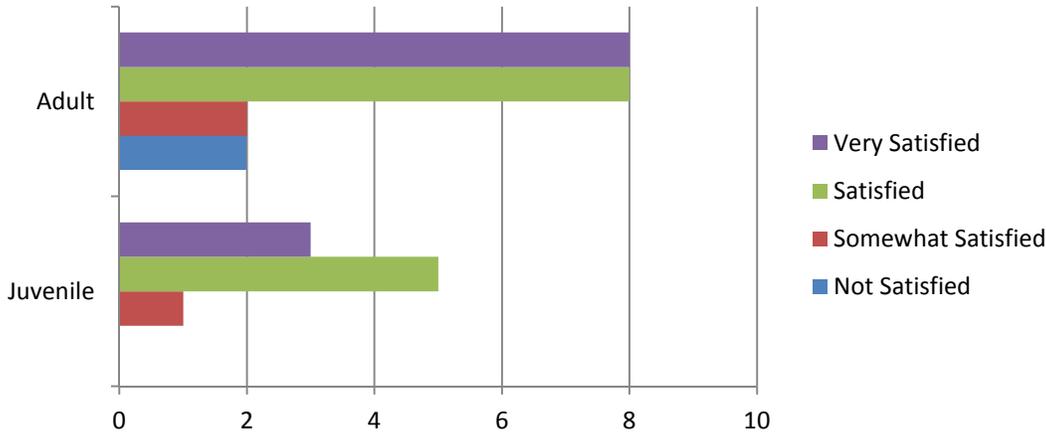
Specific issues: 6 statements (21%)

- "...I don't like feeling guilty about the time some 1/2nd degree felonies take when complex issues come up, combined with clients who write 20-30 letters full of questions that I'm ethically obligated to respond to... combined with the DA's office continually asking for continuances making the cases take longer than a year. Having the prosecutors wait until the eve of trial in some cases before they make a decent plea offer also raises costs to no fault of the defense attorney because they were ethically obligated to be prepared to go to trial by that point."
- "[Judge's] personal reduction of the published rates for no valid reason is an insult."
- "I would like to get paid for 4th and subsequent cases, especially misdemeanors. If my client has a bunch of cases, I do usually get a package deal, but I still... have to work with the prosecutors to figure out which ones to plead to, and which ones to dump.... The number of cases we're not getting paid for on that fee schedule isn't a whole lot of money, but \$50 to \$100 more per week can be a lot to solo practitioners."
- "Juvenile detention hearings should pay more. I also think juveniles should be on the FIDO system with flat fees in lien with the misdemeanor scale for misdemeanors and felony scale for felonies."
- "Also, Judges should not ever cut a flat fee."
- "The implementation and adherence to those rates is nowhere near fair, just, or acceptable."

Q 28: Does the fee structure offer incentives that encourage quality representation?				
	18 responses	0 thrown out	24 statements	3 categories
<p>A pie chart with three segments: a large blue segment for 'No' at 54%, a red segment for 'Ethics' at 25%, and a green segment for 'Yes' at 21%.</p>				
No: 13 statements (54%)	<ul style="list-style-type: none"> • “No, the flat fee encourages a quick plea for quick payment.” • “No! The system is structured to ensure MINIMAL adequate representation and discourages excellence!” • “...I would like to be paid past 3 or 4 cases (especially on misdemeanors). And, I would like to have the judges NOT have the authority to chop a bill without explanation on a flat fee case.” 			
Ethical obligation: 6 responses (25%)	<ul style="list-style-type: none"> • “The code of ethics encourages quality representation.” • “I work as hard for every client whether appointed or retained.” • Quality representation is an ethical duty.” 			
Yes: 5 responses (21%)	<ul style="list-style-type: none"> • “For pleas yes.” • “I have to say yes because we know what we sign up for.” • “I believe it does. It could include a flat fee for the first contact visit.” 			

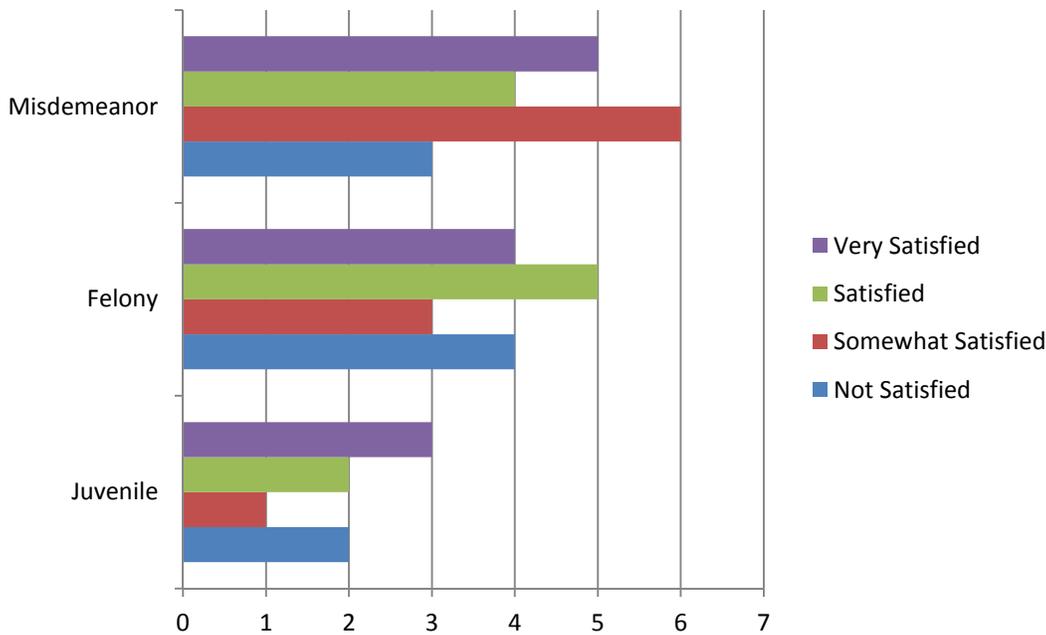
Q 29: Do you think the process for being added to the appointment list is fair and effective?				
	17 responses	2 thrown out	17 statements	2 categories
<p>A pie chart with two segments: a large blue segment for 'Yes' at 76% and a red segment for 'No' at 24%.</p>				
Yes: 13 statements (76%)	<ul style="list-style-type: none"> • “Yes. The only thing I would add would be to allow those with 6 months of experience to take state jail felony cases.” • “Yes, it’s not like learning to swim. You don’t just throw someone into the deep end of the trial court.” • “Yes, for a long time the older least qualified attorneys were being appointed to clients where their only goal was to plead the client. The courts had their favorite plea attorneys.” 			
No: 4 statements (24%)	<ul style="list-style-type: none"> • “No, out-of-town attorneys should not be on the list. The other counties the majority of these attorneys reside in (Williamson, Travis) require that attorney to reside in that county – not just have an office.... As a resident of Bell County, I want my taxes to be spend in Bell County for local businesses.” • “...It should be Bell County attorneys if that is the policy. There is no accountability at all to this rule, and other county attorneys flat out lie about having offices here.” 			

Q 30: How satisfied are you with the indigence screening and appointment process in Bell County?



	Very Satisfied	Satisfied	Somewhat Satisfied	Not Satisfied	# Responses
Adult	8 (40.00%)	8 (40.00%)	2 (10.00%)	2 (10.00%)	20
Juvenile	3 (33.33%)	5 (55.56%)	1 (11.11%)	0 (0.00%)	9

Q 31: Based on your perception, please rate your satisfaction with the quality of representation provided by attorneys on the appointment wheel.



	Very Satisfied	Satisfied	Somewhat Satisfied	Not Satisfied	# Responses
Misdemeanor	5 (27.78%)	4 (22.22%)	6 (33.33%)	3 (16.67%)	18
Felony	4 (25.00%)	5 (31.25%)	3 (18.75%)	4 (25.00%)	16
Juvenile	3 (37.50%)	2 (25.00%)	1 (12.50%)	2 (25.00%)	8

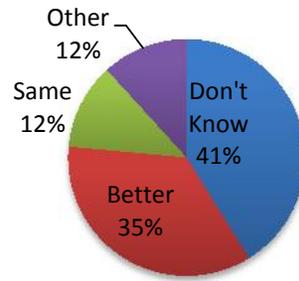
Q 32: In your opinion, how does the indigent defense system in Bell County compare to other counties in Texas? Please explain.

16 responses

2 thrown out

17 statements

4 categories



Don't Know: 7 responses (41%)

- "I've never worked in another county."
- "I have no information to draw a comparison."

Better: 6 responses (35%)

- "More fair."
- "The payment system is far better, faster, and more reliable than Williamson County."
- "The opportunity for training is better in Bell County than in other counties."

Same: 2 statements (12%)

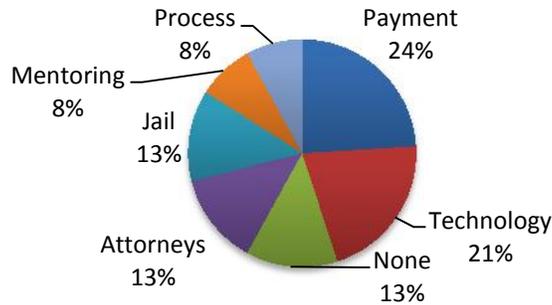
- "Similar."
- "It is comparable in talent."

Other: 2 statements (12%)

- "The better question may be to compare the indigent defense system here to the system 10 years ago.... I do not believe defendants get better quality representation than they did 10 years ago. Flat fees encourage minimum time expenditure."
- "...My salary has only been cut in Bell County and on a regular basis. Other counties don't try to kick attorneys off the list to punish attorneys they don't like or give the judges grief when defending their clients."

Q 33: What suggestions do you have for improving the delivery of indigent defense services in Bell County?

16 responses 1 thrown out 24 statements 7 categories



<p>Payment: 6 statements (24%)</p>	<ul style="list-style-type: none"> • “Better appeals process for challenging fee vouchers.” • “Pay hourly with an available minimum flat fee for the lawyers option.” • Removing judges ability to cut fees. Having a standard fee equal to what prosecutors pay for experts and investigators so defense can hire experts as well.” • “Pay a fair fee for indigent representation and discipline any judge who regularly cuts attorneys earned pay.” • “Stop cutting the court appointed fees.”
<p>Technology and Access: 5 statements (21%)</p>	<ul style="list-style-type: none"> • “Better access to the AS400.” • “Online discovery.” • “Ability to discuss case with prosecutors over emails.” • “Allow the flat rate to overwrite the hourly without having to delete the entries for the hourly rate.”
<p>None: 3 statements (13%)</p>	<ul style="list-style-type: none"> • “None.” • “None.” • “I have none at this time.”
<p>Attorneys: 3 statements (13%)</p>	<ul style="list-style-type: none"> • “Remove all out-of-county attorneys who do not reside in Bell County.” • “Make them have offices in Bell County.” • “Seem like there are A LOT of VERY old defense attorneys in Bell County accepting appointments who (1) no longer have an office (2) Haven’t been current on the law since the 1980’s.
<p>Jail: 3 statements (13%)</p>	<ul style="list-style-type: none"> • “Finding the way to spend more time at the jail.” • “Improve the number of jail visit rooms.” • “Fix the visitation room pass through door.”
<p>Mentoring: 2 statements (8%)</p>	<ul style="list-style-type: none"> • “The mentoring program has been a good platform for exchanging ideas, techniques, and best practice management. More attorneys should take advantage of this opportunity.” • “Provide better role models for the mentorship program.”
<p>Process: 2 statements (8%)</p>	<ul style="list-style-type: none"> • “Allow for the appointment of second chair in smaller cases.” • “Adhere to the indigent defense plan.”

Q 34: Is there anything else you would like us to know?				
	11 responses	0 thrown out	11 statements	2 categories
6 substantive statements	<ul style="list-style-type: none"> • “A lot of court appointed clients can pay for an attorney but know how to fill out their financial questionnaire to reflect the need for a court appointed attorney.” • “I think there needs to be an orientation on how the forms work, the computer systems work, and court policies.” • “Arranging with the jail to visit with inmates Monday through Fridays from 6:30 am to 8:30 am. At present, this is always shift change times so it knocks out visiting inmates prior to having to be in court. Require [Judge] to follow the Court’s published fee schedule.” • “The criminal courts have been run on the backs of the defense attorneys for years. You don’t see any judges or prosecutors taking pay cuts to save money for the county.” • “I think attorneys who are ‘squatting’ in a sham office from another county just to be on the appointment list should be culled out.” • “The Code of Criminal Procedure does not allow for budgetary concerns to be considered when approving payment. Such reasoning is not acceptable. The plan was advocated and passed, yet courts do not always follow it. In the best future, if this continues, our indigent defense representation will be conducted by out of town lawyers with ghost officers and attorneys that do not zealously represent their clients.” 			
5 “none” or “no” statements	<ul style="list-style-type: none"> • “No, I’ve already said enough to face retaliation.” 			

Endnotes

¹ In the original question, respondents were asked to report their practice levels in an open field. For ease of reporting, responses were collapsed into quartile and end points (0%, 1-25%, 26-50%, 76-99%, and 100%). This procedure was repeated for all similarly structured questions.

² This was an open field question that allowed respondents to enter any number. Levels were determined by respondents' answers. Responses that indicated a range were rounded to take the top number of the range. This was done consistently for all range responses throughout the survey.

³ A coding methodology was used to analyze the responses to all free-text questions, and codes are reported in the pie chart and table below. The table includes exemplars of each code. The coding process is comprised of the following steps: 1) All responses to a particular question are read for content and those that do not answer the question at issue or indicate that the question is not applicable to the respondent are eliminated from the sample. 2) The remaining content is divided into themes. 3) Responses are then coded according to the themes present in the responses. 4) A **statement** is a response or portion of a response that contains one theme. 5) Each response or portion of a response that contains a theme is counted as **one statement**. Responses may contain more than one statement.

Appendix C: Prosecutor Indigent Defense System Survey

To gather perspective on the indigent defense system from the State’s viewpoint, the following survey was developed and sent to all prosecutors in both the Bell County District and County Attorneys’ Offices. Prosecutors were emailed a link to a web-based survey and asked to complete the instrument between October 16 and October 22. In total, 16 responses were received and summarized below.

In general and from your point of view, please rate the following:

	Excellent	Good	Needs Improvement	Unacceptable	# Responses
Timeliness of defense attorneys’ communication with prosecutors regarding discovery and other case-related information	1 (6.25%)	8 (50.00%)	7 (43.75%)	0 (0.00%)	16
Professionalism of defense attorneys’ interactions with prosecutors and staff	5 (31.25%)	8 (50.00%)	3 (18.75%)	0 (0.00%)	16
Quality of legal issues raised and legal knowledge demonstrated by the defense	2 (12.50%)	9 (56.25%)	4 (25.00%)	1 (6.25%)	16
Defense attorneys’ preparedness for court	1 (6.25%)	7 (43.75%)	8 (50.00%)	0 (0.00%)	16
Overall quality of representation provided to indigent criminal defendants in Bell County	2 (12.50%)	9 (56.25%)	5 (31.25%)	0 (0.00%)	16

	Additional Text Responses
Timeliness of defense attorneys’ communication with prosecutors regarding discovery and other case-related information	<ul style="list-style-type: none"> • “Many attorneys are not requesting discovery until the day before pretrial which requires a case to be reset.” • “Defense attorneys tend to use the back log in the misdemeanor courts as an excuse not to engage with prosecutors in a timely fashion. There is nothing in the county system that prompts prosecutors to be pro-active in cases. In most cases, misdemeanors are simply reset and reset until they die a natural death – unless for some reason, a defense attorney puts a case on a trial docket, but why would they do so and bring attention to a case. Delay harms both sides – failing to introduce rehabilitation or punishment in a timely fashion decreases our ability to bring about true change, and for the state, makes it harder to prove cases and protect victims.” • “Many court appointed attorneys appear in the attorney workroom on the date the case is set for a guilty plea and have not even talked to a prosecutor about the case. This clogs the docket and creates a lot of unnecessary work for our office. i.e., talking to witnesses and sending out subpoenas. Most end up resulting in a plea bargain that should have been reached months and even up to a year earlier.”

Professionalism of defense attorneys' interactions with prosecutors and staff	<ul style="list-style-type: none"> • "There has been a trend toward a lack of civility of late, particularly from some of the newer attorneys. The idea that you much be obnoxious in order to be adversaries is unfortunate and sometimes leads to a less favorable outcome in the case for the client."
Quality of legal issues raised and legal knowledge demonstrated by the defense	<ul style="list-style-type: none"> • "As to legal issues, many seem not to take time to research the applicable law and, with respect to appeals tend ot argue anything to avoid an Anders Brief and will stretch the record almost to the point of misrepresenting it. It is very unfortunate that many, if not most refuse to avail themselves of the mentor program and other training and demonstrate either a false belief that they don't need it or that they do not care."
Defense attorneys' preparedness for court	<ul style="list-style-type: none"> • "The attorney does not meet with his client in a timely and effective manner, does not prepare jury charges, files motions in an untimely manner, many fail to request offers or bond reductions from the prosecutor."
Overall quality of representation provided to indigent criminal defendants in Bell County	<ul style="list-style-type: none"> • "I routinely see mediocre representation of clients. However, there usually may not be a lot of facts to work with. The defendant may be dead to right guilty and there is no defense. But this should be communicated to the client and work towards the best plea deal, not fight out the facts in court. These seems like a waste of judicial economy. Why not fight on the punishment." • "This is difficult to answer because the quality of representation changes significantly between court appointed attorneys. Most are excellent and take care of their cases quickly, professionally and competently. Some never ask for discovery, set their cases for pleas without talking to their clients, don't get discovery, are not prepared and are difficult to deal with."

One additional text response from a prosecutor read: "The survey needs a middle column between "good" and 'needs improvement.' Try 'average or fair.' That is the box I would have checked on all of this." While the evaluation team certainly appreciates the need for a sufficient number of response options to capture opinions of the indigent defense system, the last sentence provides the reason that an "average or fair" category was not included in the response options. The tendency is often to choose that middle ground category rather than to make decisions about whether the activity, work, or behavior falls on the "good" or "needs improvement" side of the middle.

Appendix D: Bell County Training, Mentoring, and Evaluation Program: System Evaluation Data Request

In order to complete a baseline analysis of the indigent defense system and comparison to other types of representation (retained, pro se), the evaluation team developed measures that require the following information for cases filed during the period of January 1, 2010 – December 31, 2012:

- Offense information:
 - Date of offense
 - Offense
 - Offense level
- Jail information:
 - Date/time of arrest
 - Date/time of magistration
 - SID #
- Bond information:
 - Whether bond was set and amount
 - Date defendant made bond
 - Amount of posted bond and type (PR, pretrial, commercial/cash)
- Case and court proceeding information
 - Date case was filed
 - Cause #
 - All motions filed
 - # resets
 - Date of disposition
 - Disposition
 - Method of disposition
- Attorney information
 - Date/time of request for attorney
 - Date/time attorney appointed
 - Date attorney retained
 - Any changes in counsel
 - Date waiver of counsel signed

This is an ideal list of data points. If all could be reviewed electronically, that would be preferable, but we have contingencies in place for paper review.