



## TEXAS INDIGENT DEFENSE COMMISSION

209 W. 14<sup>th</sup> St., Room 202  
Austin, Texas 78701

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**Contact: Marissa Kubinski**  
512-936-6994

### **Indigent Defense Commission Releases Caseload Guidelines for Court-Appointed Attorneys**

Austin – The Texas Indigent Defense Commission today released *Guidelines for Indigent Defense Caseloads* presenting the findings of the state’s first criminal defense weighted caseload study. Based on data collected from defense lawyers statewide, the report recommends caseload guidelines that will help ensure attorneys have enough time to devote to their cases. The full report is available [here](#) on the Commission’s website.

The *Texas Rules of Professional Conduct* limit criminal defense attorneys to a number of cases that will permit the provision of competent and diligent representation. Yet data collected by the Commission reveals that in the past year some attorneys defended between 500 and 1,400 court-appointed clients. For many this was only a portion of their total caseload.

**Commission member and defense attorney Don Hase stated, “When attorneys have too many cases, they may not have time to gather the facts needed to effectively challenge the prosecutor’s case.”** High caseloads have been responsible for costly litigation in a number of states. Most recently, the New York Civil Liberties Union reached a settlement in 2014 in a class action lawsuit against five New York counties for failing to provide adequate counsel to indigent defendants. In 2013, a federal district court concluded in the class action lawsuit of *Wilbur v Mount Vernon* that the public defense system in two towns in the State of Washington deprives indigent persons who face misdemeanor charges of their fundamental right to assistance of counsel due to excessive caseloads. The new *Guidelines* help define the point at which caseloads may become excessive.

Prior to the study, the best available caseload standards were published in 1973 by the National Advisory Commission (NAC) on Criminal Justice Standards and Goals. Since then important changes have occurred that extend the time required for competent and effective criminal defense. The *Guidelines* report recommends that for the delivery of reasonably effective representation, criminal defense attorneys should carry an annual full-time equivalent caseload of no more than 226 misdemeanors or 128 felonies, or 43% fewer misdemeanors and 15% fewer felonies than allowed under NAC standards.

Local jurisdictions can use these new Texas-specific parameters to better manage the number of cases assigned to attorneys. **“The caseload guidelines can enable state and local policymakers to determine appropriate funding levels to provide consistent, quality indigent defense representation across the state,”** said Commission Chair, Sharon Keller.

The study was conducted in collaboration with the State Bar of Texas and the Texas Criminal Defense Lawyers Association. The research was conducted by the Public Policy Research Institute at Texas A&M University. **Lead investigator Dottie Carmichael notes, “Because these new guidelines are based on the best available evidence, we have greater confidence that they are accurate for Texas.”**

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