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Burnet County Public Defender Office earns Gideon Recognition Award from Indigent Defense Commission

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By Maria Sprow



Texas Indigent Defense Commission Chair Judge Sharon Keller (left) presents Burnet County Attorney Eddie Arredondo, County Judge Donna Klaeger and Chief Public Defender Michelle Moore with the Texas Gideon Recognition Award last month.

Just two years ago, officials in Burnet County decided the county's indigent defense program was not performing up to par. Rather than stick with the status quo, they began the process of transforming its contract defender system into a public defender office that has improved the quality of justice available to the county's poor, replicated best practices models and saved taxpayer dollars.

In March, the Burnet County Public Defender Office (PDO) became the second office in the state to receive the Gideon

Recognition Award from the Texas Indigent Defense Commission (TIDC).

The TIDC created the Gideon Recognition Award to recognize local governments that strive to innovate and improve their indigent defense programs or that already have proven and exceptional high-performing indigent defense offices. Programs earning the award follow best practices in indigent defense, such as screening clients for eligibility, caseload monitoring and reviews of attorney performance. To be considered, counties must complete a nomination form available on the TIDC website, www.txcourts.gov/tidc. Forms can be submitted year-round.

"Burnet County's successful innovations have made real and valuable improvements to indigent defense and the overall criminal justice system," said TIDC Chair Sharon Keller, the presiding judge of the Texas Court of Criminal Appeals, in a statement. "Their public defender office helps to ensure effective representation through oversight, accountability and standards development, all while monitoring compliance with the Fair Defense Act and at substantial savings to taxpayers compared with the previous system."

Among other notable improvements and accomplishments, the public defender's office implemented caseload standards, utilized videoconferencing technology to create a more efficient office and worked with the county's magistrate judge to streamline the process for mentally ill defendants, stated the TIDC.

“The Burnet County PDO program has proven to have a measurable and significant increase in productivity and has improved services to indigent defendants,” states the county’s nomination form. “The program exemplifies several of the (American Bar Association’s) 10 principles of indigent defense. It ensures that defense counsel’s ability, training and experience match the complexity of the case and promotes parity between defense counsel and the prosecution with respect to resources.”

The office, spearheaded by County Judge Donna Klaeger with the help of the county auditor’s office and grant administrator, first opened its doors in December 2011. Its five-member staff — three attorneys, an investigator and a legal assistant — immediately inherited more than 200 misdemeanor, felony and juvenile cases.

But the PDO isn’t the only recent improvement Burnet County has made to its indigent defense system in recent years. Prior to the office’s opening, the county’s justices of the peace provided magistration and processed applications, but often the defendants wouldn’t be assigned an attorney until arraignment, so the county was paying for defendants to sit in jail. The county first tried to address the problem by hiring an indigent defense coordinator to visit defendants in jail and review applications before passing the applications along to judges, but the process was still taking too long, according to the county’s Gideon nomination form.

Eventually, the county combined the part-time coordinator position with a full-time jail magistrate position, so that applications can be processed the same day as magistration.

But the county was still experiencing other problems with its contract defender system. The county couldn’t control attorney caseloads. Attorneys didn’t keep in continued contact with defendants and occasionally missed court appearances. Mentally ill defendants weren’t receiving the specialized help they needed.

“Jail, court and transportation costs soared because of the lack of controls,” states the county’s nomination form.

The county turned to the TIDC and gained approval for a grant to create the PDO.

“Burnet County established the PDO with an eye toward parity between the District Attorney’s Office and the defense side,” states the nomination form.

The office has allowed the county to take advantage of video conferencing. Now, each courtroom has video conferencing capabilities, allowing defendants to enter pleas and attend hearings from jail if needed.

Under the direction of Chief Public Defender Michelle Moore, the PDO has created a more efficient and effective justice system for the county. Under the prior contract defender system, the county’s average cost per case was \$504, while attorneys appointed outside of the contract defender system charged an average of \$980 for a felony case and \$156 for a misdemeanor case. That cost has dropped to just \$309 for felony cases and \$173 for misdemeanor cases.

“The main goal is to insure that the client is represented by qualified counsel as soon as possible,” states the nomination form.



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