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# Cameron County Receives Gideon Award for Indigent Defense System Improvements

## County Highlights

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138th District Court Judge Arturo Nelson, of Cameron County, accepts the Gideon Award from Texas Indigent Defense Commission (TIDC) chair Sharon Keller and TIDC Executive Director Jim Bethke during a commission meeting held on Aug. 21 in Austin.

On May 23, 2008, Cameron County Judge Carlos Cascos and 138th District Court Judge Arturo Nelson cosigned a letter to the then-named Texas Task Force on Indigent Defense (now called the Texas Indigent Defense Commission (TIDC)). The letter asked the task force to help the county to help in improving its indigent defense processes.

At the time, the task force had just denied the county a discretionary grant that would have helped the county pay for the costs of developing a new indigent defense system. But the county leaders understood that even without the additional funding, improvements to its system were necessary. The county had been using a contract attorney system but had no method for appointing counsel prior to the filing of a case, no method for tracking case loads and no central point of contact to rule on requests for counsel, a situation that violated the Texas Fair Defense Act and had already led to a costly lawsuit in another Texas county.

But last month, the TIDC recognized the county with a Gideon Award for its innovative and successful indigent defense processes. Thanks to hard work, cooperation and a determination to provide quality indigent defense counseling, the county now boasts a transparent and well-tracked indigent defense program that follows established best practices.

"When Judge Nelson took over the reins, he knew the challenges that he had before him. He really singlehandedly pulled together a somewhat disparate group, both at the county level, the district level and the county court at law judges," said TIDC Executive Director Jim Bethke, recalling the transformation while presenting the award to Nelson during the Aug. 21 commission meeting.

To fix its problems, the county took advice from other agencies and again applied for a one-year discretionary grant. It created its Pre-trial Services Office in October 2008 with the hiring of four new staff members. The office screens arrested individuals for indigence and appoints qualified defense counsel using a rotational wheel method.

"The creation of an office to screen all persons requesting counsel was a very ambitious project, as Cameron County has many points at which defendants may request counsel," states the county's Gideon Award nomination form. "Arrestees may request counsel from magistrates every day of the week, and so the department has had to maintain staff available to handle all of these requests. The logistics for managing this process has not been easy, but the office has been able to appoint counsel within one working day of request for over 90 percent of persons requesting counsel."

To achieve that 90 percent, the county applied for a second one-year discretionary grant to hire two additional staff members to handle weekend requests. The county has since taken on the responsibility of funding a total of nine staff positions, including that of Pretrial Services Director Kevin Saenz.

In recognizing the county for its indigent defense system, the TIDC also noted that county departments and stakeholders have worked collaboratively to track and identify inmates who have been in jail for a long period of time because of an inability to pay bond. The office has also kept electronic and paper records of every counsel assignment since its creation.

TIDC established the Gideon Award to commemorate the 1963 U.S. Supreme Court case *Gideon vs. Wainwright*, in which justices ruled that the Fourteenth Amendment requires courts to provide counsel to indigent criminal defendants, and to promote innovative, high performing policies that are replicable in other counties, said TIDC chair Sharon Keller, the presiding judge of the Texas Court of Criminal Appeals.

According to award criteria, high performing programs are those that:

Provide transparency and allow for public review of appointment data, including fees paid;

Promote independence of defense counsel;

Screen defendants for indigence according to a set financial standard;

Promptly assign counsel following a person's arrest, detention or request;

match the assigned attorney's qualifications and training to the complexity of the case;

Promote an equal distribution of resources between the prosecution and the defense; and

Provide adequate compensation to attorneys for all case work, among other characteristics.