



TIDC
TEXAS INDIGENT DEFENSE COMMISSION

Criminal Justice Planners

May 29, 2015
Sam Houston State Criminal Justice Center
Huntsville, TX

tidc.texas.gov



TIDC
TEXAS INDIGENT DEFENSE COMMISSION

The mission of the Texas Indigent Defense Commission is to provide financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.



Chair: The Honorable Sharon Keller,
 Presiding Judge, Court of Criminal Appeals
 Vice-Chair: The Honorable Olen Underwood
 Executive Director: Mr. James D. Bethke

Ex Officio Members:

Honorable Sharon Keller
 Honorable Nathan Hecht
 Honorable John Whitmire
 Honorable Royce West
 Honorable Roberto Alonzo
 Honorable Abel Herrero

Members Appointed by Governor:

Honorable Olen Underwood
 Honorable Sherry Radack
 Honorable Jon Burrows
 Honorable B. Glen Whitley
 Honorable Linda Rodriguez
 Mr. Anthony Odiorne
 Mr. Don Hase

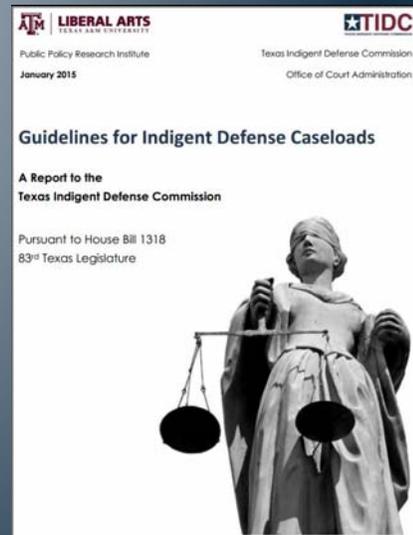
Closing the Gap Analysis	2001 Baseline Expenditures (in millions)	FY13 Expenditures (in millions)	FY13 State Grants (in millions)	FY13 Gap (in millions)
Harris County (4.4 million)	\$10.9	\$31.7	\$4.3	\$16.5
Dallas County (2.5 million)	\$16	\$26	\$2	\$8
Tarrant County (1.9 million)	\$5.7	\$14.4	\$1.4	\$7.3
Bexar County (1.8 million)	\$4.9	\$11.3	\$1.2	\$5.2
Travis County (1.1 million)	\$4.7	\$8.7	\$0.81	\$3.19
Five County Total (11.7 million)	\$42.2	\$92.1	\$9.71	\$40.19
Texas (26.6 million)	\$91.4	\$217.1	\$27.4	\$98.3

House Appropriations Committee



Vice-Chair Sylvester Turner

Texas Weighted Caseload Study Overview



House Bill 1318

Not later than January 1, 2015, the Texas Indigent Defense Commission shall conduct and publish a study for the purpose of determining guidelines for establishing a maximum allowable caseload for a criminal defense attorney that... allows the attorney to give each indigent defendant the time and effort necessary to ensure effective representation.



Rep. Sylvester Turner
District 139



Rep. Armando Walle
District 140



Sen. John Whitmire
District 15



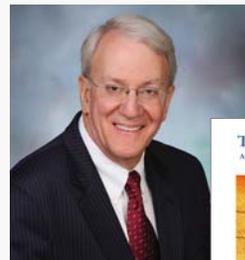
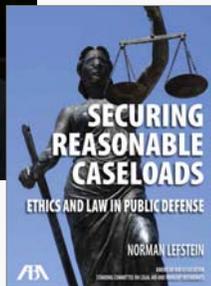
Sen. Rodney Ellis
District 13



Sen. Sylvia Garcia
District 6

National Caseload Experts

Prof. Norman Lefstein
Indiana State University

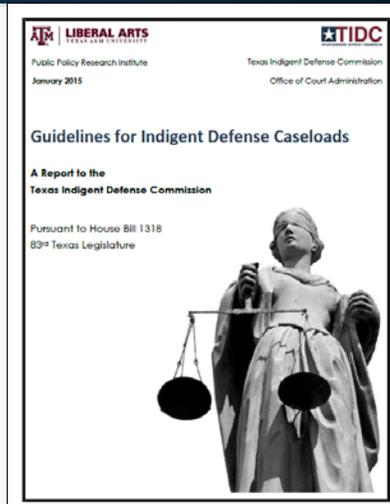


Adjunct Prof. Steve Hanlon
St. Louis University School of Law

WCL Advisory Panel



Texas Path to Indigent Defense Caseloads



1. Attorney Timekeeping



- 196 attorneys
- Average 15 years' experience
- Telephone recruitment from 39 largest counties
- 60,000 time entries; 8,151 cases

How much time "is" currently being spent on the defense of court-appointed criminal cases?

2. Time Sufficiency Survey



- 319 attorneys
- Average 18 years' experience
- Large county appointment lists and TCDLA member roster

Recommend adjustments to Timekeeping results if needed to ensure effective assistance of counsel.

Time Sufficiency Survey Data Collection Form

Trial Level MISDEMEANORS

Please recommend adjustments (if needed) to ensure Effective Assistance of Counsel.

Effective Assistance of Counsel: Competent legal representation without errors that would result in the denial of a fair trial.

Hours when Performed

Percent of Cases

Time Categories (Hover for definitions)	Hours per Case When Task is Performed			Percent of Cases Where Task Should Be Performed		
	Attorney Responses	Your Opinion	No Adjustment Needed	Attorney Responses	Your Opinion	No Adjustment Needed
Client Communication	1.7		<input type="checkbox"/>	46 %	%	<input type="checkbox"/>
Negotiation/Meetings	1.0		<input type="checkbox"/>	20 %	%	<input type="checkbox"/>
Discovery/Investigation	1.3		<input type="checkbox"/>	22 %	%	<input type="checkbox"/>
Legal Research/Trial Preparation	3.5		<input type="checkbox"/>	11 %	%	<input type="checkbox"/>
Court Time	3.9		<input type="checkbox"/>	68 %	%	<input type="checkbox"/>
Case Management	2.7		<input type="checkbox"/>	11 %	%	<input type="checkbox"/>
Investigator's Time	2.5		<input type="checkbox"/>	0.3 %	%	<input type="checkbox"/>
Case-Specific Office Support	1.7		<input type="checkbox"/>	17 %	%	<input type="checkbox"/>

3. Delphi Panel of Experts



- 18 attorneys
- Average 25 years' experience
- Iterative process of anonymous surveys and group discussion to reach consensus

How much time "should be" spent to achieve reasonably effective representation?

3. Delphi Process

MAKE REASONABLE
JUDGMENTS ABOUT
AMOUNTS OF TIME
REQUIRED IN ORDER
TO PERFORM A WIDE
VARIETY OF DEFENSE
TASKS



HB 1318 Charge

WHAT IS REQUIRED FOR AN:

**“ATTORNEY TO GIVE EACH INDIGENT
DEFENDANT THE TIME AND EFFORT
NECESSARY TO ENSURE EFFECTIVE
REPRESENTATION”**

**“STUDY MUST BE BASED ON RELEVANT
POLICIES, PERFORMANCE GUIDELINES, AND
BEST PRACTICES”**

SOURCES FOR POLICIES, GUIDELINES, AND BEST PRACTICES

1. Court Decisions
2. Texas Rules of Professional Conduct
3. SBOT Performance Guidelines
4. ABA Standards for Criminal Justice,
Defense Function Standards

United States v. Cronin 466 U.S. 648 (1984)

*“ . . . the constitutional right to effective assistance of counsel is the right of the defendant to require that the government’s case survive the **crucible of meaningful adversarial testing.**”*

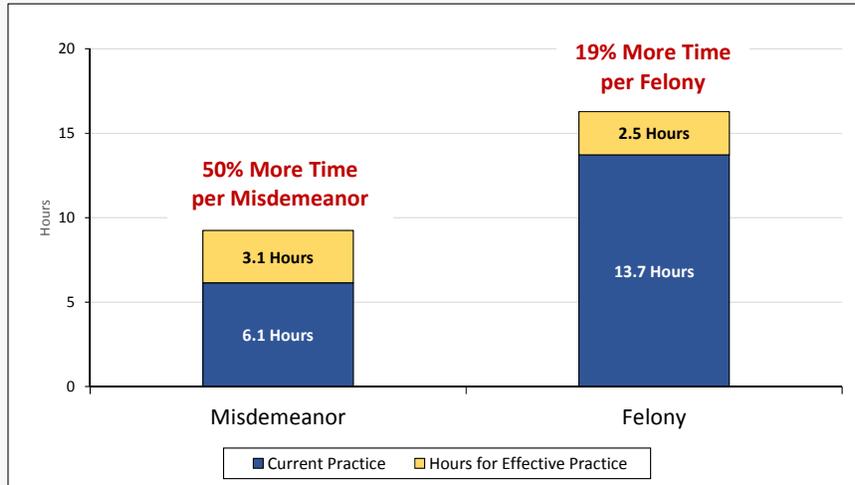
“If I had 100 cases... I couldn’t see my client until I walked into the courtroom...”



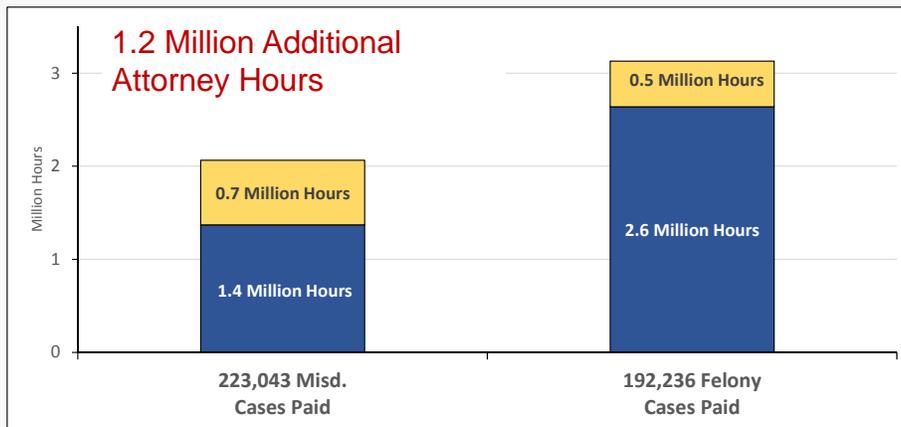
“... a system that is defrauding America out of its Constitutional rights.”

Weighted Caseload Study ***RESULTS***

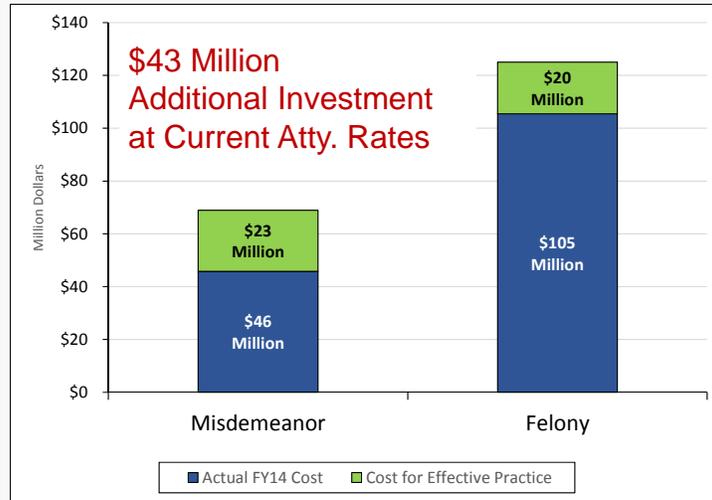
Additional Time Required



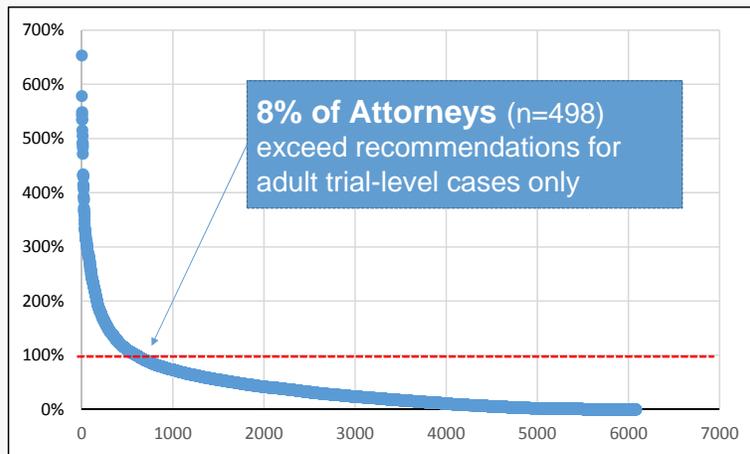
Additional Time Required



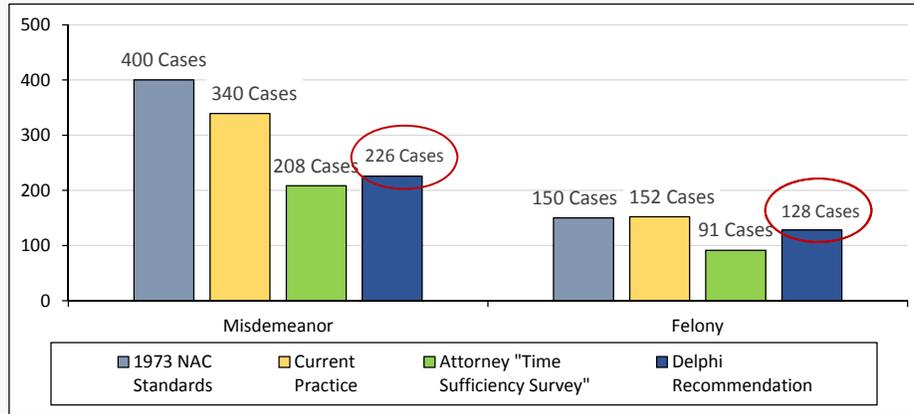
Fiscal Impact



Recommended Caseload Guidelines Exceeded



Bottom Line



Case Weights Applied

	This is the weight:		This is how it's applied:	
	Cases per 2,087 Hour Work Year	Current Annual Caseload	Case Weight Applied to Current Caseload	Percent of Recommended Limit
MA	236	45	45/236	19.1%
MB	216	104	104/216	48.1%
SJF	174	66	66/174	37.9%
F3	144	25	25/144	17.4%
F2	105	10	10/105	9.5%
F1	77	5	5/77	6.5%
Percent of recommended caseload this attorney is representing:				138.5%

Automatic Caseload Calculator

TIDC INCIDENT DEFENSE DATA FOR TEXAS
Released by the Texas Indigent Defense Commission's clearinghouse of information on indigent defense. The purpose of this website is to provide information to the public and to serve Texas counties.

Home | County Indigent Defense Plans | County Indigent Defense Expenditures | TEC Grants and Funding | County Dashboard

Quick Links

- Download the Caseload Calculator
- County of Purpose
- County Indigent Defense Plan
- County Dashboard
- List of Public Defender and Managed Assigned Counsel Offices

Texas Counties

Getting Started:
 Click a county on the map, or select a county from the drop-down in Quick Stats 2013 panel.

Quick Stats 2013

- Texas
- Current Population Estimate: 26,251,278
- Total Indigent Defense Costs: \$217,068,685.09
- Formula-Based Grant Amount: \$19,883,998.00
- Discretionary Grant Amount: \$1,755,923.01
- Non-Capital Felony Trial-Level Cases Paid: 191,558
- Misd. Trial-Level Cases Paid: 228,357
- Juvenile Trial-Level Cases Paid: 48,114
- Appellate Cases Paid: 3,093
- Capital Cases Paid: 487

	Misdemeanor B	Misdemeanor A	State Jail Felony	Felony 3	Felony 2	Felony 1
Recommended Caseload Limit	236	216	174	144	105	77
Current Annual Caseload						
Percent of Recommended Limit for Case Type	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Percent of Recommended Limit for All Case Types	0.0%					

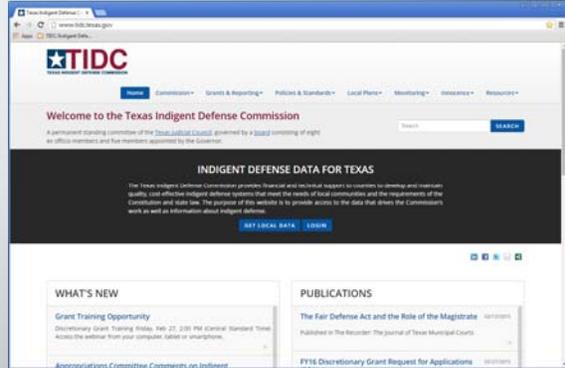
Past and Future



TIDC Online



<http://tidc.tamu.edu>



<http://tidc.texas.gov>



Robert O. Dawson Indigent Defense Distinguished Service Award

Bob Wessels