



Client Choice

Comal County's Experience
with Defendant Selection of
Counsel

Judge Dib Waldrip
433rd District Court

Joseph E. Garcia III
Attorney

Why Client Choice in Indigent Defense

- **Aligns attorney incentives with the interests of clients.**
- **Rather than being appointed just because it is their turn, lawyers must earn appointments by developing a reputation for effective representation.**
- **Introduces the “accountability of the marketplace.”**
- **May improve attorney-client relationships.**
- **Respects the autonomy of defendants by giving them more control in who will represent them; more parity with defendants of means.**

Client Choice in Indigent Defense

Client Choice enhances the independence of the defense function.

American Bar Association's

Ten Principles of a Public Defense Delivery System, #1:

“The public defense function, including the selection, funding and payment of defense counsel, is independent.”

Comal County Client Choice: Key Elements

- Optional (can opt for wheel appointment)
- Limited to attorneys approved by the board of judges to as qualified to handle indigent defense cases (at each level).
- Not a “voucher” program – attorneys submit vouchers and paid through same process
- Lawyers may pause new appointments any time if workload too high.



The Power of Choice

The Implications of a System Where Indigent Defendants Choose Their Own Counsel

M. Elaine Nugent-Borakove
Franklin Cruz
with contributions by Norman Lefstein

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An Evaluation of the Client Choice Program in Comal County, Texas

By The Justice Management Institute, commissioned by Comal County, with funding from the Texas Indigent Defense Commission

Key Takeaways

Proof of Concept – Client Choice can be implemented without significant expense or disruption.

“Another important finding is that **the majority of defendants who were offered the option to choose their attorney did so.** This finding, in and of itself, suggests that **defendants support the idea of having a voice in their representation**—and specifically who represents them.”

“This report is not a wholesale affirmation that Client Choice will resolve all of the limitations and criticisms of indigent defense systems in the United States, but it does present enough evidence to justify its replication, refinement, and further study as one mechanism to address many of these concerns.”



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