



Hidalgo County Indigent Defense

100 N. Closner Annex 1 Edinburg, TX 78539 (956) 318-2372

March 18, 2011

Mr. Joel Lieurance
Research Specialist
Texas Task Force on Indigent Defense
205 W. 14th St., Suite 700
Tom C. Clark Building
Austin, Texas 78711-2066

Re. Review of Hidalgo County's Indigent Defense Systems

Dear Mr. Lieurance:

On February 17, 2011 the Hidalgo County Board of Judges met to discuss the findings regarding your follow-up visit of our attorney selection process. The Board of Judges agreed to find alternative solutions to improve the distribution of attorney appointments. After further review of our current attorney distribution process, Hidalgo County has come up with a plan that will be implemented in three phases. The three phases are listed as followed:

Phase I Review of attorneys accepting court appointments

Concerns have been brought up by the Judges that attorneys applying to receive court appointments may have the proper credentials to be qualified on paper but are lacking the in court experience. For this reason the Judges may pass up attorneys that are next on the appointment list thus resulting in a disparity of case distribution.

The goal of this first phase is to ensure that all attorneys on the appointments list meet the qualifications and standards of the Judges. This is an effort to make the Judges feel more comfortable selecting appointed counsel based on the order of the attorneys on the list.

Phase II Consolidation of attorney list

Currently Hidalgo County has 9 felony attorney lists that the courts use when making appointments. They are as followed:

1. 2nd and 3rd degree
2. Capital
3. Direct appeals
4. First Degree
5. Motions to revoke/Motions to adjudicate
6. Non Death
7. Post Judgment Writs
8. Sexual Assault of a Child
9. State Jail

Attorneys may apply to be on multiple lists. For example Attorney X applied and qualified to be on 7 of the 9 felony attorney lists and Attorney Y applied and qualified to be on 1 of the 9 felony attorney lists. Attorney X will receive 6 more cases than Attorney Y resulting in a disparity of case distribution.

The goal of this second phase is to consolidate the 9 felony wheels and make one master felony list same would apply to the multiple juvenile lists. This is an effort to have a more even distribution of cases.

Phase III Pre assignment of counsel for in court appointments

Concerns have been brought up by the Judges that during court hearings attorneys that are next to receive appointments on the attorney list are not present in court to accept these appointments. For this reason the court will deviate from the order of the list and appoint an attorney that is present in the courtroom resulting in a disparity of case distribution.

The goal of the third phase is to pre assign attorneys to the different courts based on the rotation of the misdemeanor, felony and juvenile list. This is an effort to have a more even distribution of in court appointments.

I would like to commend The Texas Task Force on Indigent Defense and you for all the assistance you provide. Please continue the wonderful job you are doing to improve the delivery of indigent defense services throughout the State of Texas and the County of Hidalgo.

Please feel free to contact me if you have any questions or comments.

Sincerely,

Isidro Sepulveda, Jr.
Hidalgo County Indigent Defense Policy Director

cc: The Honorable Aida Salinas Flores, Local Administrative District Judge
The Honorable Fred Garza, Local Administrative Statutory County Judge
The Honorable Mario E. Ramirez, Jr., Chairman of Juvenile Board
The Honorable Ramon Garcia, Hidalgo County Judge