



BUILDING A MANAGED ASSIGNED COUNSEL PROGRAM: KEY DECISION POINTS

Building a managed assigned counsel program (MAC) requires several key decisions. This worksheet will help you. If you would like TIDC to draft a MAC planning study, please (1) fill out this worksheet; (2) have one or more elected officials sign the request for a planning study on the last page; and (3) return this document to Kathleen Casey-Gamez (kcasey-gamez@tidc.texas.gov) or Scott Ehlers (sehlers@tidc.texas.gov).

A. REASONS FOR A MANAGED ASSIGNED COUNSEL PROGRAM

1. Why does your county want to build a MAC? (check all that apply)

- Improve the quality of representation
 - Increase accountability and oversight of the defense function
 - Provide more support services to assigned counsel and their clients, including social workers, investigators, immigration consultations, and administrative support
 - Improve court efficiency
 - Other: _____
- _____
- _____

B. GOVERNANCE AND LEADERSHIP

Who will serve on the MAC oversight board? Consider:

- An odd number of seats
- Between 5 and 11 seats
- Avoiding board members with conflicts (*e.g.*, sitting judges)

Potential Options:

- Commissioner's Court Representative
- Retired Judge
- Bar Association Representative
- Community Representative
- Former Indigent Defense Client/Family Member
- University Professor
- Other (list below)

C. GOVERNMENT OR PRIVATE ENTITY

Should the MAC be a government agency, nonprofit corporation, or operated by a bar association?

All are permissible under TX Code of Criminal Procedure 26.047. Select any combination that you would like TIDC to model.

- Government Agency
- Nonprofit Corporation
- Bar Association
- Don't know. We would like to discuss with TIDC.

D. COUNTY OR REGIONAL OFFICE

- 1) Should the MAC appoint counsel in only one county, or should it operate as a regional program? What counties should be included?
- 2) What county should be the sponsor for a regional MAC? (Sponsors serve as the program hub.)
- 3) What local officials must be consulted on this project? Consider commissioners court members, judges, attorneys, and community groups.

Single County: _____

Regional (list counties below and circle the sponsor)

Local officials to consult on building a MAC (please list names, titles, and email or phone):

E. CASE COMPOSITION

What types of cases should the MAC handle?

Note: If your county only has an assigned counsel system, we will model the MAC to handle 100% of those types of cases that the MAC will oversee. If your county has a public defender office, we will model the MAC to oversee all cases that the public defender office is not handling in those types of cases you would like the MAC to oversee. Under current law, MACs cannot oversee appointments in capital cases. TIDC's preference is for a MAC that oversees all cases with assigned counsel.

- Misdemeanors
- Felonies
- Juvenile
- Mental Health
- Specialty Court
- Appeals
- Other

F. STAFFING AND SALARIES

1. TIDC recommends pay parity with the county attorney and district attorney offices, and public defender (if applicable). Please provide salary schedules for those offices below or as an attachment to this document.

2. Please list the county fringe benefit rate below or as an attachment (healthcare, retirement, etc.).

If the office is a regional MAC, please include the salary schedules and fringe benefit rates of the lead/sponsor county.

1a. Salary schedule of county attorney's office staff (below or attached):

1b. Salary schedule of district attorney's office staff (below or attached):

1c. Salary schedule of public defender's office staff (below or attached, if applicable):

2. County fringe benefit rate (below or attached):

G. OPERATIONS

1. Is there existing physical space for the MAC? If not, what is the estimated cost to lease or build out an office?

2. If a regional office is considered, where will the office(s) be located?

Existing physical space or estimated cost to lease or build out an office:

Proposed location(s) of office(s) for the MAC.

OFFICIAL REQUEST FOR A PLANNING STUDY

I, _____, an elected official in
_____ County, formally request that the Texas
Indigent Defense Commission conduct a planning study on the feasibility of
a managed assigned counsel program in my county.

Signature

Title

Date

Additional Elected Officials Submitting Request

Name

Title

Signature

Name

Title

Signature