

# Future Indigent Defense Leaders

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Raising the Criminal Defense Bar in Texas

## Program Manual



# Future Indigent Defense Leaders

## Raising the Criminal Defense Bar in Texas

### Welcome

Congratulations on being selected for the first class of Future Indigent Defense Leaders in Texas. This is the first statewide program in Texas dedicated to training the next generation of highly skilled, client-centered defense attorneys to uphold the constitutional right to counsel and to be leaders in their criminal justice systems. Over the next three years, we hope that you will join us in shaping this program and bringing it to other members of the bar. We look forward to your leadership.

### Acknowledgements

The Future Indigent Defense Leaders (FIDL) program was developed in partnership between the Texas Indigent Defense Commission (TIDC), the Texas Criminal Defense Lawyers Association (TCDLA), the Harris County Public Defender’s Office (HCPDO), and Gideon’s Promise. FIDL is funded by a grant from TIDC.

The materials in this manual are based on those of the HCPDO Future Assigned Counsel Training (FACT) Program, which was created with a grant from the U.S. Department of Justice, Bureau of Justice Assistance. This manual is also informed by *Indigent Defense Attorney Mentoring in Texas: A Guide to Establishing a Mentorship Program*, a TIDC publication prepared by the National Legal Aid & Defender Association with a grant from the Office of the Texas Governor.

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### Contact

If you have questions about FIDL, contact Kathleen Casey-Gamez at 512-463-2573 or [kcasey@tidc.texas.gov](mailto:kcasey@tidc.texas.gov).

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## Program Overview

### Components



#### Training

- Gideon's Promise Core 101 (for mentees) and Trainer Development (for mentors)
- TCDLA CLE courses



#### Networking

- TCDLA membership
- Regional meetings
- Statewide meetings
- Listserv



#### Mentoring

- Gideon's Promise mentor
- Local mentor

### Requirements

- ✓ Participate in Gideon's Promise training and mentorship programs.
- ✓ Meet **monthly** with your local mentor or mentee.
- ✓ Meet **quarterly** with mentors and mentees in your region.
- ✓ Meet **annually** with all Texas mentors and mentees.
- ✓ Fill out the mentoring **meeting log, checklist, and surveys.**
- ✓ Check in with your FIDL point of contact **every six months.**
- ✓ Meet the expectations listed below.

## Expectations

### Mentors:

- Answer questions.
- Ensure that their mentees gain access to the people and professionals that will support their practice.
- Listen to ideas, plans, doubts and fears.
- Reveal their previous mistakes and lessons learned, as well as share successful strategies and "war stories."
- Respect generational differences and other differences in background with their mentees.
- Reach out to and support other FIDL mentors and mentees.

### Mentees:

- Ask questions.
- Support their mentors.
- Make sure their mentors are aware of their talents and expertise.
- Maintain strict confidentiality.
- Respect generational differences and other differences in background with their mentors.
- Reach out to and support other FIDL mentors and mentees.

**If you have questions, reach out to the FIDL point of contact:**

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### Timeline

Mentors and mentees are expected to meet in pairs at least once a month and to participate in these activities:

June 2020	Statewide kick-off meeting
June/July 2020	Check-in with FIDL point of contact (submit survey)
August 2020	Postponed: Gideon's Promise Core 101 summer institute for mentees
By September 2020	Regional meeting (Summer 2019)
By December 2020	Regional meeting (Fall 2019)
January 2021	Gideon's Promise Trainer Development program for mentors*
January 2021	Gideon's Promise Core 101 semi-annual meeting for mentees
January 2021	Check-in with FIDL point of contact (submit meeting log, checklist, and survey)
By March 2021	Regional meeting (Winter 2020)
June 2021	Statewide meeting (in lieu of regional meeting for Spring 2020)
July 2021	Gideon's Promise Core 101 semi-annual meeting for mentees
July 2021	Check-in with FIDL point of contact (submit meeting log, checklist, and survey)
By September 2021	Regional meeting (Summer 2020)
By December 2021	Regional meeting (Fall 2020)
January 2022	Gideon's Promise Core 101 semi-annual meeting for mentees
By March 2022	Regional meeting (Winter 2021)
June 2022	Statewide final meeting
July 2022	Gideon's Promise Core 101 semi-annual meeting for mentees
July 2022	Check-in with FIDL point of contact (submit meeting log, checklist, and surveys)
January 2023	Gideon's Promise Core 101 final semi-annual meeting for mentees*

	2020							2021												2022						
	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
Gideon's*			■					■						■						■						■
Statewide	■												■													■
Regional				■			■			■					■				■			■				
Check-in		■						■					■							■						■

\* Some mentors have already completed the Trainer Development program; all mentees will attend a final Core 101 meeting in January 2023.

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## Mentoring Meeting Log

Please contact your FIDL point of contact for an Excel version if you would like to keep track of your meetings digitally.

Month	Date	Location	Mentor	Mentee
July 2020				
August 2020				
September 2020				
October 2020				
November 2020				
December 2020				
January 2021				
February 2021				
March 2021				
April 2021				
May 2021				
June 2021				
July 2021				
August 2021				
September 2021				
October 2021				
November 2021				
December 2021				
January 2022				
February 2022				
March 2022				
April 2022				
May 2022				
June 2022				

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## Raising the Criminal Defense Bar in Texas

### Mentoring Checklist: Short Form Side One

Part 1. Legal Community		
1.a.	Meet at mentor's office.	
1.b.	Attend bar association meeting.	
1.c.	Meet courthouse personnel.	
1.d.	Discuss training opportunities.	
1.e.	Meet community advocates.	

Part 2. Rules and Standards		
2.a.	Discuss Guidelines Sec. I.	
2.b.	Discuss Creed and Rules of Conduct.	
2.c.	Discuss ethical issues.	
2.d.	Discuss attorney misconduct.	
2.e.	Discuss caseload guidelines.	
2.f.	Discuss client-centered practice.	
2.g.	Discuss local etiquette.	

Part 3. Initial Procedures		
3.a.	Discuss Guidelines Sec. II.	
3.b.	Visit client in jail.	
3.c.	Review competency issues.	
3.d.	Observe client meeting.	
3.e.	Discuss bond options.	
3.f.	Discuss bondsmen.	
3.g.	Observe bond hearing.	
3.h.	Review grand jury packet.	

Part 4. Case Preparation		
4.a.	Discuss Guidelines Sec. III.	
4.b.	Review online resources.	
4.c.	Pull file from clerk's office.	
4.d.	Review charges.	
4.e.	Discuss investigators.	
4.f.	Interview witness.	
4.g.	Visit two crime scenes.	
4.h.	Discuss translators.	
4.i.	Discuss expert witnesses.	
4.j.	Review public information request.	
4.k.	Review subpoenas.	

Part 5. Motions Practice		
5.a.	Discuss Guidelines Sec. IV.	
5.b.	Review common motions.	
5.c.	Discuss case reset options.	
5.d.	Assist in pretrial motion hearing.	
5.e.	Assist on motion to suppress.	

Part 6. Plea Negotiations		
6.a.	Discuss Guidelines Sec. V.	
6.b.	Observe plea negotiation.	
6.c.	Observe client plea consultation.	
6.d.	Discuss alternative resolutions.	
6.e.	Discuss probation officers.	
6.f.	Discuss specialty courts.	
6.g.	Discuss collateral consequences.	

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### Mentoring Checklist: Short Form Side Two

Part 7. Trial		
7.a.	Discuss Guidelines Sec. VI.	
7.b.	Sit second chair in three trials.	
7.c.	Observe jury selection.	
7.d.	Observe opening statements.	
7.e.	Observe cross examination.	
7.f.	Observe direct examination.	
7.g.	Observe charge conference.	
7.h.	Observe closing argument.	

Part 8. Sentencing		
8.a.	Discuss Guidelines Sec. VII.	
8.b.	Observe PSI hearing.	
8.c.	Observe sentencing hearing.	
8.d.	Review motion to revoke.	
8.e.	Observe revocation hearing.	

Part 9. Post-Trial		
9.a.	Discuss Guidelines Sec. VIII.	
9.b.	Assist on motion for new trial.	
9.c.	Assist on petition for expunction.	

Part 10. Appeals		
10.a.	Discuss Guidelines Sec. IX.	
10.b.	Discuss appellate decision.	
10.c.	Discuss CCA litigation.	

Part 11. Law Office Management		
11.a.	Discuss law office fundamentals.	
11.b.	Discuss mentor's office.	
11.c.	Review client contract.	
11.d.	Discuss research services.	
11.e.	Discuss PDO structure.	
11.f.	Discuss MAC structure.	
11.g.	Discuss PDO administration.	
11.h.	Discuss private office administration.	

Part 12. Appointment Process		
12.a.	Discuss appointment lists.	
12.b.	Observe voucher submission.	
12.c.	Observe time reporting.	

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### Mentoring Checklist: Long Form

Complete each activity, as applicable to your practice, then mark the date and each partner's initials.

Materials referenced below, such as the FIDL Performance Guidelines, are available at [tidc.texas.gov/mentoring](http://tidc.texas.gov/mentoring).

	Part 1. Legal Community	Date	Mentee	Mentor
1.a.	<b>Meet at mentor's office.</b> Meet at a mentor's law office to get acquainted and discuss the mentoring plan. The mentor should introduce the new lawyer to other members of the mentor's law firm and law office personnel.			
1.b.	<b>Attend bar association meeting.</b> Discuss the national, state, and local bar associations that the mentee should consider joining and the advantages of joining each. Attend a meeting of an organized bar association together.			
1.c.	<b>Meet courthouse personnel.</b> Escort the new lawyer to the local courthouse(s), particularly those courts the new lawyer will primarily be appearing, and introduce the mentee to members of the judiciary, court personnel, and clerks.			
1.d.	<b>Discuss training opportunities.</b> Discuss opportunities for receiving Continuing Legal Education and supervised practice experience.			
1.e.	<b>Meet community advocates.</b> Meet members of local organizations working to improve the criminal justice system or provide resources to indigent defendants.			

	Part 2. Rules and Standards	Date	Mentee	Mentor
2.a.	<b>Discuss Guidelines Sec. I.</b> Review and discuss FIDL Performance Guidelines, Section I, pertaining to role, duties, and obligations of defense counsel.			
2.b.	<b>Discuss Creed Rules of Conduct.</b> Review the Texas Lawyer's Creed and the Texas Disciplinary Rules of Professional Conduct, particularly those having specific application to defense lawyers, prosecutors, and judges.			
2.c.	<b>Discuss ethical issues.</b> Discuss ethical issues that arise with some regularity in criminal defense. Discuss ways to resolve the issues, referring to experience as well as the Texas Disciplinary Rules of Professional Conduct.			
2.d.	<b>Discuss attorney misconduct.</b> Discuss the appropriate way to handle situations where the new lawyer believes another lawyer has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where the new lawyer has been asked by another lawyer to do something that is unethical or unprofessional.			

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<b>2.e.</b>	<b>Discuss caseload guidelines.</b> Discuss TIDC Guidelines for Indigent Defense Caseloads.			
<b>2.f.</b>	<b>Discuss client-centered practice.</b> Discuss how to provide client-centered representation. Discuss procedural justice practices (see FIDL website).			
<b>2.g.</b>	<b>Discuss local etiquette.</b> Discuss “unwritten” customary rules of civility and etiquette among lawyers and judges in your jurisdiction.			

	Part 3. Initial Procedures	Date	Mentee	Mentor
<b>3.a.</b>	<b>Discuss Guidelines Sec. II.</b> Review and discuss FIDL Performance Guidelines, Section II, pertaining to client interviews, initial appearance, competence, and grand jury.			
<b>3.b.</b>	<b>Visit client in jail.</b> Visit a client in jail, review the procedures at different facilities and contingencies like bringing a translator, expert, or a computer.			
<b>3.c.</b>	<b>Review competency issues.</b> Discuss signs of incompetence to stand trial and mental illness, and procedures to follow. Review a file of a client where competency was an issue and how the case was handled.			
<b>3.d.</b>	<b>Observe client meeting.</b> Observe a first meeting with a new or potential client.			
<b>3.e.</b>	<b>Discuss bond options.</b> Discuss standard bond amounts, “no bond” scenarios and strategies, and how to request a bond reduction.			
<b>3.f.</b>	<b>Discuss bondsmen.</b> Discuss how to work with a bondsman and if practical, introduce the mentee to a trusted bondsman.			
<b>3.g.</b>	<b>Observe bond hearing.</b> Observe or participate in a bond hearing.			
<b>3.h.</b>	<b>Review grand jury packet.</b> Review a grand jury packet and discuss the procedures for preparation and presentation. Assist in preparing a grand jury packet.			

	Part 3. Case Preparation	Date	Mentee	Mentor
<b>4.a.</b>	<b>Discuss Guidelines Sec. III.</b> Review and discuss FIDL Performance Guidelines, Section III, pertaining to investigation, discovery and theory of the case.			
<b>4.b.</b>	<b>Review online resources.</b> Review frequently used websites like the district clerk, criminal background databases, and legal research.			
<b>4.c.</b>	<b>Pull file from clerk’s office.</b> Go to the clerk’s office or website and pull a file, discuss procedures and resources available at the clerk’s office.			
<b>4.d.</b>	<b>Review charges.</b> Analyze different pending criminal cases and the entire clerk’s and DA’s files. Look up each relevant statute and discuss the elements of the offenses. Analyze the indictment language. Go over the offense report. Review potential jury charges to guide analysis.			
<b>4.e.</b>	<b>Discuss investigators.</b> Discuss when and how to get an investigator. Provide contacts for trusted investigators and make introductions.			
<b>4.f.</b>	<b>Interview witness.</b> Participate in the interviewing of a witness.			

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4.g.	<b>Visit two crime scenes.</b> Visit at least two crime scenes, with an investigator or lawyer, with regard to an active case.			
4.h.	<b>Discuss translators.</b> Discuss how to obtain and use translators in court and client meetings. Observe a meeting or hearing with a translator.			
4.i.	<b>Discuss expert witnesses.</b> Discuss the engagement and use of an expert witness. Observe a meeting or hearing with an expert witness. Provide contacts for trusted experts and make introductions.			
4.j.	<b>Review public information request.</b> Review the Public Information Act Handbook on the Attorney General's website and an actual PIA request and discuss commonly sought information and procedures.			
4.k.	<b>Review subpoenas.</b> Review how to draft, file, and serve subpoenas. Discuss strategy and consequences.			

	Part 5. Motions Practice	Date	Mentee	Mentor
5.a.	<b>Discuss Guidelines Sec. IV.</b> Review and discuss FIDL Performance Guidelines, Section IV, pertaining to types of pretrial motions and procedures for filing and arguing them.			
5.b.	<b>Review common motions.</b> Learn and review common motions, including how to draft and when to file.			
5.c.	<b>Discuss case reset options.</b> Learn how to reset a case and discuss variations in procedure and schedules in different courts.			
5.d.	<b>Assist in pretrial motion hearing.</b> Participate in a pretrial motion hearing.			
5.e.	<b>Assist on motion to suppress.</b> Observe or participate in a hearing on a motion to suppress.			

	Part 6. Plea Negotiations	Date	Mentee	Mentor
6.a.	<b>Discuss Guidelines Sec. V.</b> Review and discuss FIDL Performance Guidelines, Section V, regarding the plea negotiation process, the decision to enter a guilty plea, ramifications, procedures, and alternative resolutions.			
6.b.	<b>Observe plea negotiation.</b> Discuss what to expect in a plea offer, including standard offers on different types of cases. Observe or participate in a plea negotiation.			
6.c.	<b>Observe client plea consultation.</b> Assist in completing plea papers, going over them with the client, and preparing him or her for the plea.			
6.d.	<b>Discuss alternative resolutions.</b> Discuss options like pretrial diversions, special programs or classes, and reductions in charges.			
6.e.	<b>Discuss probation officers.</b> Discuss the role of the probation officer and how to use them as a resource			
6.f.	<b>Discuss specialty courts.</b> Become familiar with Drug Court, Mental Health Court, Veteran's Court or any other specialty dockets. Observe or participate in a specialty docket if available.			

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<b>6.g.</b>	<b>Discuss collateral consequences.</b> Discuss the various collateral consequences of a plea, deferred adjudication, and conviction. Consider when expunction or non-disclosure may be available			
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Part 7. Trial		Date	Mentee	Mentor
<b>7.a.</b>	<b>Discuss Guidelines Sec. VI.</b> Review and discuss FIDL Performance Guidelines, Section VI, regarding jury selection, opening statements, cross examination, presenting a defense, closing arguments, and jury instruction.			
<b>7.b.</b>	<b>Sit second chair in three trials.</b>			
<b>7.c.</b>	<b>Observe jury selection.</b> Observe or participate in jury selection.			
<b>7.d.</b>	<b>Observe opening statements.</b> Observe or participate in opening statements.			
<b>7.e.</b>	<b>Observe cross examination.</b> Observe or participate in a cross-examination.			
<b>7.f.</b>	<b>Observe direct examination.</b> Observe or participate in a direct examination of a testifying client.			
<b>7.g.</b>	<b>Observe charge conference.</b> Observe or participate in a charge conference.			
<b>7.h.</b>	<b>Observe closing argument.</b> Observe or participate in a closing argument.			

Part 8. Sentencing		Date	Mentee	Mentor
<b>8.a.</b>	<b>Discuss Guidelines Sec. VII.</b> Review and discuss FIDL Performance Guidelines, Section VII, regarding obligations of counsel at sentencing, sentencing options, preparation for sentencing, pre-sentencing reports, sentencing memorandum, and the sentencing process.			
<b>8.b.</b>	<b>Observe PSI hearing.</b> Observe or participate in a pre-sentence investigation (PSI) hearing.			
<b>8.c.</b>	<b>Observe sentencing hearing.</b> Observe or participate in a sentencing hearing with testimony.			
<b>8.d.</b>	<b>Review motion to revoke.</b> Review a Motion to Revoke Probation (MRP) or Motion to Adjudicate (MAJ) and discuss common procedures and strategies.			
<b>8.e.</b>	<b>Observe revocation hearing.</b> Observe or participate in an MRP or MAJ hearing.			

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	Part 9. Post-Trial	Date	Mentee	Mentor
9.a.	<b>Discuss Guidelines Sec. VIII.</b> Review and discuss FIDL Performance Guidelines, Section VIII, regarding duties in post-trial proceedings, motions for new trial, expunctions and sealing records, and deadlines.			
9.b.	<b>Assist on motion for new trial.</b> Review and discuss a motion for new trial. Participate in drafting a motion for new trial or observe a motion for new trial hearing if possible.			
9.c.	<b>Assist on petition for expunction.</b> Observe or participate in drafting and filing a petition for expunction or non-disclosure.			

	Part 10. Appeals	Date	Mentee	Mentor
10.a.	<b>Discuss Guidelines Sec. IX.</b> Review and discuss FIDL Performance Guidelines, Section IX, regarding the right to appeal, duties in direct appeal proceedings, bail pending appeal, direct appeal, petitions for discretionary review (PDR's), and petitions for certiorari.			
10.b.	<b>Discuss appellate decision.</b> Review and discuss a recent (past year) brief and decision in a Court of Appeals in your jurisdiction. Become familiar with the resources available on the websites of the courts of appeals			
10.c.	<b>Discuss CCA litigation.</b> Review and discuss a recent (past year) litigation on a PDR to the Court of Criminal Appeals (CCA).			

	Part 11. Law Office Management	Date	Mentee	Mentor
11.a.	<b>Discuss law office fundamentals.</b> Discuss the fundamentals of running a law office, including any good resources (websites, books, articles) on the topic.			
11.b.	<b>Discuss mentor's office.</b> Discuss how the mentor manages his or her practice.			
11.c.	<b>Review client contract.</b> Review a written client contract and fee agreements. Discuss associated ethical issues. Discuss fees, including how much to charge, when and how to take pro bono or "low bono" cases, and how to collect fees.			
11.d.	<b>Discuss research services.</b> Discuss legal research services.			
11.e.	<b>Discuss PDO structure.</b> Discuss how different public defender offices (PDOs) assign cases, assemble defense teams, evaluate attorney performance, and pay attorneys and other staff.			
11.f.	<b>Discuss MAC structure.</b> Discuss how different managed assigned counsel (MAC) systems assign cases, assemble defense teams, evaluate attorney performance, and pay attorneys and other defense team members.			

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11.g.	<b>Discuss PDO administration:</b> Discuss PDO administration, including working with administrative staff, filling out time sheets, scheduling, filing systems, retirement and insurance benefits.			
11.h.	<b>Discuss private office administration:</b> Discuss office management, including hiring and contracting, keeping time, structuring income and bank accounts, paying taxes, saving for retirement, incorporating as a business, and obtaining health insurance.			

	Part 12. Appointment Process	Date	Mentee	Mentor
12.a.	<b>Discuss appointment lists.</b> Discuss the process and qualifications for receiving appointments in your jurisdiction to represent indigent defendants in misdemeanor cases, felony cases, and appeals. Observe the process of reapplying for appointment lists.			
12.b.	<b>Observe voucher submission.</b> Review a voucher for payment of an appointed case in your jurisdiction. Observe the process of submitting a voucher for payment.			
12.c.	<b>Observe time reporting.</b> Discuss how to track time on retained and indigent cases. Observe the process of submitting a Practice Time Report to TIDC.			





Texas Criminal Defense  
Lawyers Association



Strengthening Public Defenders.  
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