

Supplement to Harris County Monitoring Report (2021): Additional Observations on Attorney Qualifications

Part I. Performance Indicators

TIDC has historically monitored how counties admit attorneys to lists, but not how counties review their performance.¹ TIDC is piloting key performance indicators related to attorney representation—caseloads, investigation, and client contact—to assess counties’ procedures for ensuring effective and ethical representation. For this supplemental report, TIDC is relying on counties’ expenditure reports and indigent defense plans, interviews and surveys, and additional sources as available.

During this pilot period, the following observations about attorney performance are not policy monitoring findings and do not affect TIDC funding. No response is required, though TIDC welcomes feedback.

Since its passage, the Fair Defense Act has required local jurisdictions to review qualifications for attorneys on the appointment list. Under Article 26.04(b)(5) of the Code of Criminal Procedure, counties must adopt procedures that

ensure that each attorney appointed from a public appointment list to represent an indigent defendant perform the attorney’s duty owed to the defendant in accordance with the adopted procedures, the requirements of this code, and applicable rules of ethics.

Performance Review

TIDC reviewed Harris County’s indigent defense plans and interviewed local officials, staff, and defense attorneys to learn about procedures for performance review. Harris County has indigent defense plans for district, county, and juvenile courts, and each use a hybrid system for appointment of counsel. This assessment focuses on the district and county courts, which use contracts (“long term assignments” to one court for more than one week to one year), an appointment wheel (for “short term assignments” to one court for one day or one week, and for individual cases), and a public defender. These systems are described in greater detail in TIDC’s policy monitoring report.

¹ Attorney qualifications for appointment lists are one of six core Fair Defense Act requirements that TIDC monitors. 1 TEX. ADMIN. CODE § 174.28(c)(3).

a. District Courts

In FY2019, 94% of felony cases were assigned to private assigned counsel or private contract defenders.² Some were assigned for terms of over a week,³ and so should have been subject to a contract. The district courts are developing contracts that specify caseload limits and performance standards.

Previously, private attorneys were appointed through individual case assignment or “term assignment” to a court, in which the court selects an attorney (or the public defender) from a list of ten randomly generated names.⁴ To be added to lists, attorneys must pass an exam and have training and courtroom experience. Judges assess courtroom performance and can demote or remove an attorney if “he intentionally or repeatedly does not fulfill his duties in representing indigent defendants.” Attorneys indicated in TIDC’s survey and interviews that judges (appropriately, many argued) provide limited oversight of attorney-client matters, and that the courts’ performance review procedures are not well known.

The Harris County Public Defender’s Office took 6% of felony cases in FY2019. The Office has a chief defender, division directors, and team leads who supervise staff and make case assignments. Supervisors in each division can review performance in a variety of ways, such as through group case reviews, file reviews and annual performance reviews. Because they work in teams, attorney work is also visible to, and supported by, their peers and supervisors. Attorneys indicated in TIDC’s survey and interviews that the Office has historically hired experienced attorneys and has taken an informal approach to oversight of them. The Office is now expanding and adding newer attorneys with more quality controls.

b. County Courts

In FY2019, 89% of misdemeanor cases were assigned to private assigned counsel. Some of these cases should have been subject to a written contract. Going forward, the county courts are moving from the contract defender system to a managed assigned counsel (MAC) program that will oversee attorney performance. Until that time, performance review is handled similarly to that in district courts, with judges determining whether attorneys remain on appointment lists and receive case or term assignments.

² Per FY19 Indigent Defense Expenditure Report, available at <http://tidc.tamu.edu/Public.Net/Reports/CountyFinancialReport.aspx?cid=101&fy=2019>.

³ TIDC estimates that 14% of cases were long-term assignments.

⁴ District court plan available at <http://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=294>. County court plan available at <http://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=442>.

The public defender took 11% of misdemeanor cases in FY19. An assistant public defender works in each court and takes mental health cases until they reach their caseload limit, at which point a mental health specialist is appointed from the list. As with felonies, supervisors review employees' performance.

Caseloads

Attorneys need to spend enough time on each case to perform their basic duties.⁵ TIDC, in partnership with the Public Policy Research Institute at Texas A&M University, studied the maximum number of cases an attorney could handle in a year while providing ethical representation.⁶ The study found that, in Texas, an attorney should dispose no more than 226 misdemeanors, 128 felonies, 31 appeals, or a weighted combination of these cases.⁷

Harris County has caseload limits by case type. The courts track caseloads for assigned counsel and notifies attorneys if they are approaching the limit. The Public Defender's Office tracks caseloads for its staff.

Table A. Harris County Caseload Limits by Attorney Type

Attorney Type	Felony Limit	Misdemeanor Limit
Term Assignments	5 new clients per day	600 cases per year, 7 new cases per day ⁸
Individual Case Assignments	2 new cases per day	
Solo Practitioner Guidelines	128 cases disposed per year	226 cases per year
Public Defender	150 cases disposed per year	350 cases per year
Public Defender Guidelines	138 cases disposed per year	239 cases per year

⁵ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01. (see commentary: "A lawyer's workload should be controlled so that each matter can be handled with diligence and competence.")

⁶ <http://tidc.texas.gov/caseloads>

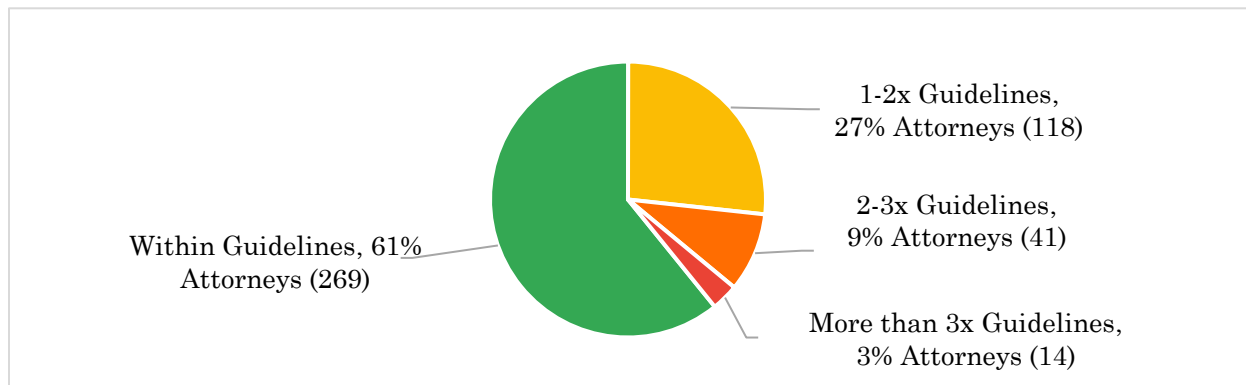
⁷ The study determined that public defenders can dispose more cases because they work in teams.

⁸ The plan also limits attorneys to 350 cases per year with defendants who are mentally ill or incompetent, and to 150 appeals, habeas corpus, or specialty court cases per year. The daily limit applies if "at least two of those clients are not present in court on the day of the appointment."

According to data reported by Harris County and local attorneys, in FY2019:

- Thirty-nine percent (173 of 442) attorneys who were paid for felony, misdemeanor, or appellate cases in Harris County had statewide indigent defense caseloads above the Texas caseload guidelines.⁹ Most of these attorneys (160) had indigent caseloads solely from Harris County above the guidelines.
- Some attorneys had especially high statewide indigent defense caseloads. One attorney, at 348% of the guidelines, had 429 felonies and 14 capital murders.¹⁰ Another, at 503% of the guidelines, had 562 felonies and 144 misdemeanors.
- The median caseload was 67% of the guidelines.
- Including non-indigent-defense cases, 79 attorneys had total caseloads more than twice the guidelines.¹¹
- Thirteen percent of 52 public defenders¹² (7) who took felonies, misdemeanors, or appeals had caseloads above the guidelines.
- Forty-one attorneys who were paid for Harris County appointments did not file practice time reports for Harris County.¹³

Figure 1: Harris County FY19 Attorney Caseloads vs. Texas Guidelines¹⁴



⁹ This estimate is from county auditor data, at <http://tidc.tamu.edu/public.net/>. This estimate does not include capital or juvenile indigent defense cases, civil appointments, or retained cases.

¹⁰ See previous note. Capital murder cases are not counted in caseload percentage estimates.

¹¹ This estimate combines county auditor data with data from attorneys on the percent of their practice time dedicated to indigent defense, also available at <http://tidc.tamu.edu/public.net/>. For this estimate, TIDC divides attorneys' statewide indigent defense caseload (excluding juvenile and capital cases) by their reported percent of practice time devoted to appointed criminal cases. The total of 79 attorneys does not include those who did not file a practice time report.

¹² Attorneys who reportedly received appointments but no payment from the courts.

¹³ Plans require attorney to file these reports, as does Code of Crim. Proc. art. 26.04(j)(4). Attorneys may not have filed reports if they finished work in FY18 and were paid in FY19.

¹⁴ The caseloads from this chart involved statewide appointments to Harris County attorneys.

Use of Investigators

Attorneys have a duty to investigate the facts of each case.¹⁵ Some investigation can be performed by attorneys. Other investigation requires an investigator, because, for instance, attorneys cannot testify to facts that the attorney has investigated, or because of the need for added capacity or specialization.¹⁶ TIDC's caseload guidelines recommend that, on average, for misdemeanors, 13.8% of case time (60 minutes) is spent on attorney investigation and 5.3% of case time (28.5 minutes) is spent on investigator investigation; for felonies, the guidelines are 12.3% (122.8 minutes) of case time on attorney investigation and 7.7% (85.3 minutes) on investigator investigation.¹⁷

For private assigned counsel, Harris County judges review case-by-case requests for investigators and fee vouchers, which include hours spent on investigation. Attorneys are not reviewed across courts, and courts did not report systematically reviewing use of investigators. Public defenders have investigators assigned to their cases and can enter case notes about investigation in the Office's database, though notes are not systematically reviewed.

According to data reported by the County, in Harris County, in FY2019:¹⁸

- One percent of total misdemeanor expenditures (\$78,756 of \$7,875,401) and 7.21% of total felony expenditures (\$2,183,188 of \$30,274,265) were for investigators.
- No spending on investigation was reported for 4,497 non-capital felony contract cases, which totaled \$2,467,450 in attorney fees.
- For all case types in which the public defender took cases, the public defender cases had a higher percentage of spending on investigation than did assigned counsel or contract cases.¹⁹
- The public defender took 8% of felony, misdemeanor, juvenile, and appeals cases and accounted for 35% of investigation spending in those cases.

¹⁵ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

¹⁶ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 3.08.

¹⁷ These recommendations are for cases that do not go to trial. More investigation time is recommended for cases that go to trial.

¹⁸ <http://tidc.tamu.edu/public.net/Reports/CountyFinancialReport.aspx?cid=101&fy=2019>

¹⁹ Payment data for the public defender does not measure how often the Office's investigators worked on cases (since investigators are salaried), though the survey and interviews of attorneys indicated that investigators are often on defense teams.

Table B: Harris County FY19 Investigation Spending

	Juvenile	Capital	Felony	Misd.	Appeals
Public Defender					
Total	\$1,377,086	N/A	\$5,327,891	\$2,401,546	\$2,134,884
Investig.	\$64,244	N/A	\$658,906	\$64,244	\$64,193
%	4.67%	N/A	12.37%	2.68%	3.01%
Assigned Counsel					
Total	\$3,021,382	\$6,408,857	\$24,946,374 ²⁰	\$5,473,855	\$535,823
Investig.	\$24,818	\$492,539	\$1,524,282	\$14,512	\$0
%	0.82%	7.69%	6.11%	0.27%	0.00%
Total					
Total	\$4,398,468	\$6,408,857	\$30,274,265	\$7,875,401	\$2,670,707
Investig.	\$89,062	\$492,539	\$2,183,188	\$78,756	\$64,193
%	2.02%	7.69%	7.21%	1.00%	2.40%

Client Contact

Attorneys have a duty to communicate with defendants about their case.²¹ Attorneys should be in regular contact, especially with clients who are in custody.²² They should also attempt to contact out-of-custody clients and discuss their cases out-of-court to ensure confidentiality²³ and time to prepare.²⁴ TIDC's caseload guidelines recommend that, on average, 13.9% (75 minutes) of misdemeanor case time and 16.1% (168.8 minutes) of felony case time is spent on client communication.²⁵

For private assigned counsel, Harris County judges review case-by-case fee vouchers, which include hours spent out-of-court, and may note client visits. There is not a consistent way of noting client visits, and no method for systematically reviewing them. For public defenders, client visits can be entered in case notes in the

²⁰ Total includes \$2,476,450 in contract attorney fees; there was no investigation spending for contract cases.

²¹ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.03. *See also* TEX. CODE CRIM. PROC. art. 26.04(j)(4)(1), requiring appointed attorneys to contact and interview clients as soon as practicable.

²² *Id.*

²³ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.05.

²⁴ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

²⁵ These recommendations are for cases that do not go to trial. More communication time is recommended for cases that go to trial.



Office's database, though are not systematically reviewed. There were not data about client contact tracked by the county or available to TIDC.

Summary

Harris County has a complex, hybrid indigent defense system that is undergoing major changes. In FY2019, almost all cases were appointed to private assigned counsel and contract attorneys, who were subject to judicial oversight of in-court performance, but otherwise had little systematic oversight. Many attorneys had excessive caseloads and rarely used investigators.

Going forward, more cases have been assigned to attorneys at the Public Defender's Office, who are more closely supervised and who have, on average, lower caseloads and greater use of investigators. Almost all misdemeanors will be assigned to attorneys through a MAC, which will independently and systematically review performance. Some felony cases may be assigned through a contract process, though most will continue to be short-term and individual assignments with limited oversight.

Part II. Indigent Defense Attorney Survey and Interview Results

In July 2020, with assistance from the Harris County District and County Courts and the Harris County Criminal Lawyers Association, TIDC distributed an online survey to Harris County attorneys and received 226 responses from indigent defense attorneys. TIDC conducted follow-up interviews with ten attorneys. Respondents were self-selected and may not be representative of local views.

Attorneys were asked about Harris County indigent defense practices, especially related to performance review, caseloads, investigators, and client contact, as well as how COVID-19 and online courts have affected their representation. Full responses are listed below, alphabetized and unedited, with identical responses collapsed in lists. Some notable observations were:

- **Performance Review**
 - Most assigned counsel attorneys (77%) did not know how performance is reviewed. Most public defenders (68%) did.
 - Attorneys disagreed about whether more oversight is needed, and by whom.
- **Caseloads**
 - Attorneys' caseloads estimates were consistent with TIDC's data.
 - A substantial minority of attorneys said that case assignment is not fair (36%), noting that some courts make assignments based on favoritism, and that it can cause high caseloads. Others believed that judges appropriately use their discretion to select the best-qualified attorneys for their courts.
 - Thirty-nine percent of attorneys stated that they have observed caseloads interfering with quality of counsel. Some attorneys stated that it is not appropriate for them to monitor other attorneys' quality of representation.
- **Use of Investigators**
 - Attorneys' investigator use estimates were consistent with TIDC's data.
 - For misdemeanors, public defenders most frequently reported working with investigators "often" (44%) and assigned counsel most frequently reported working with investigators "never" (41%). For felonies, both public defenders and assigned counsel most frequently reported working with investigators "often" (52% and 46%, respectively).
 - Attorneys often stated that the need for an investigator is case-specific, and that most cases could benefit from one. Many said that serious

felonies (especially assault) almost always require an investigator, and some misdemeanors (especially drug possession) almost never do.

- Most attorneys reported no issues with getting court approval for investigators, though some reported that investigator pay is too low.

- **Client Communication**

- Before the pandemic, most attorneys reported meeting with clients often at their offices, the jail, or courthouse. Since the pandemic, most attorneys reported meeting with clients online or by phone.
- Since the pandemic, most attorneys (77%) did not report “always” being able to effectively communicate with clients, especially those in jail. Fourteen percent and 15% of attorneys, respectively, reported not being able to communicate with clients effectively or confidentially, before, during, or after hearings. Only 30% of attorneys reported being able to communicate effectively during virtual hearings, and only 19% of attorneys reported being able to communicate confidentially.
- Some attorneys noted problems with confidential communication at the jail, both before and during the pandemic. Many focused on privacy concerns with the Securus videoconferencing system. Others noted that their greatest barrier to communication has been reliable contact information for clients.

- **COVID-19 and Remote Courts**

- Some attorneys noted the downsides of virtual hearings (besides client communication issues), especially their inability to fairly conduct trials, resulting in an inability to negotiate pleas. Others noted upsides of virtual hearings, especially fewer unnecessary court settings, allowing them more time to communicate with clients and do other defense work.

- **Harris County**

- Attorneys disagreed about whether the indigent defense system needs improvement, and if TIDC, judges, commissioners, or defense attorneys should be more or less involved.
- Many attorneys expressed concern about the MAC micromanaging them and fostering favoritism.
- For those who recommended improvements, common suggestions were:
 - Hourly pay, rather than by court setting
 - Higher pay, especially for out-of-court work
 - More free training
 - Expanded managed assigned counsel program
 - Expanded public defender office

Survey Responses

Performance Review

1. Which type of attorney are you? [Provided answers: Public Defender, Assigned Counsel, Other] 12
2. Do you know how private assigned counsel in Harris County have their performance reviewed? [Provided answers: Yes, No, Other] 12
3. Do you know how public defenders in Harris County have their performance reviewed? [Provided answers: Yes, No, Other] 12
4. Do you have comments on performance review procedures? 13

Caseloads

5. About how many indigent defense cases do you have per year in Harris County? [Provided answers: Fewer than 50, 50-100, 100-200, 200-300, 440+, I don't know, Other] 16
6. Do you practice in other areas of law besides indigent defense? [Provided answers: Yes, No, Other] 17
7. Do you practice indigent defense in places besides Harris County? [Provided answers: Yes, No, Other] 17
8. Does your overall law practice and indigent defense caseload allow you enough time to provide quality representation to your indigent defense clients? [Provided answers: Yes, No, Other] 18
9. Have you observed appointed attorneys' caseloads interfering with their ability to provide quality representation in Harris County? [Provided answers: Yes, No, Other] 19
10. Are Harris County cases fairly distributed among attorneys? [Provided answers: Yes, No, Other] 20
11. Do you know of TIDC's caseload guidelines? [Provided answers: Yes, No, Other] 22
12. Do you have additional comments on measuring caseloads or assigning cases? 22

Investigation

13. How often do you request an investigator for a misdemeanor case? If you're a public defender, how often do you work with an investigator? [Provided answers: Always (Every Case), Often, Sometimes, Rarely, Never (No Cases)] .. 26
14. About how many times in the past year did you request an investigator for a misdemeanor case? If you're a public defender, how many times did you work with an investigator? [Provided answers: 0 Times, 1-3 Times, 4-10 Times, More than 10 Times, Not Applicable] 26
15. How often do you request an investigator for a felony case? If you're a public defender, how often do you work with an investigator? [Provided answers: Always (Every Case), Often, Sometimes, Rarely, Never (No Cases)] 27
16. About how many times in the past year did you request an investigator for a felony case? If you're a public defender, how many times did you work with an investigator? [Provided answers: 0 Times, 1-3 Times, 4-10 Times, 11-20 Times, More than 20 Times, Not Applicable] 27

17. What types of cases almost always require an investigator?	28
18. What types of cases almost never require an investigator?.....	34
19. Have you had any difficulties getting approval for investigation expenses in Harris County? If you're a public defender, what obstacles have you had to working with investigators?	39
20. Have you observed other attorneys in Harris County failing to investigate indigent defense cases? [Provided answers: Yes, No, Other].....	42
21. Do you have additional comments on investigation?	43

Client Communication

22. Before the COVID-19 pandemic, where did you mostly meet with clients? [Provided answers: Office, Courthouse, Jail, Online or on the Phone, Other. Select all that apply.]	46
23. Since the COVID-19 pandemic began, where have you mostly met with clients? [[Provided answers: Office, Courthouse, Jail, Online or on the Phone, Other. Select all that apply.]	46
24. Since the COVID-19 pandemic began, how often have you been able to effectively communicate with clients? [Provided answers: Always (Every Case), Often, Sometimes, Rarely, Never (No Cases), Other]	47
25. Since the COVID-19 pandemic began, at what times have you been able to effectively communicate with clients? [Provided answers: Before Hearings, During Hearings, After Hearings, None of these times, Other. Select all that apply.].....	48
26. Since the COVID-19 pandemic began, at what times have you been able to confidentially communicate with clients? [Provided answers: Before Hearings, During Hearings, After Hearings, None of these times, Other. Select all that apply.].....	48
27. What are your biggest barriers to communicating with clients, either in-person or remotely?	52
28. Do you have additional comments on client communication?	59

COVID-19 and Remote Courts

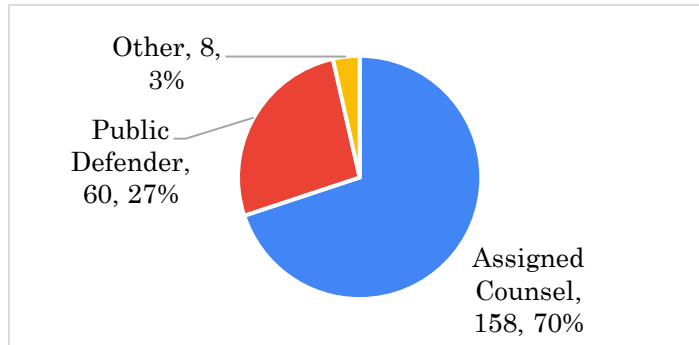
29. How have remote court proceedings and other changes from the COVID-19 pandemic affected your ability to provide quality representation?.....	62
30. Do you have additional comments on procedural changes from COVID-19 and remote courts?.....	70

Harris County

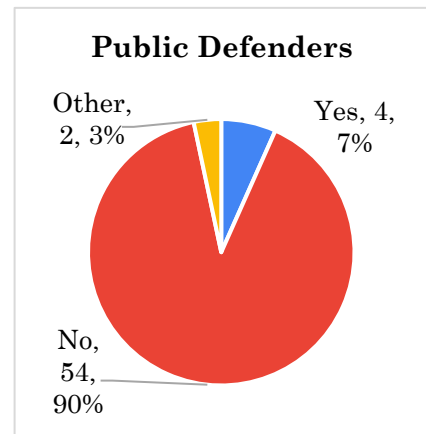
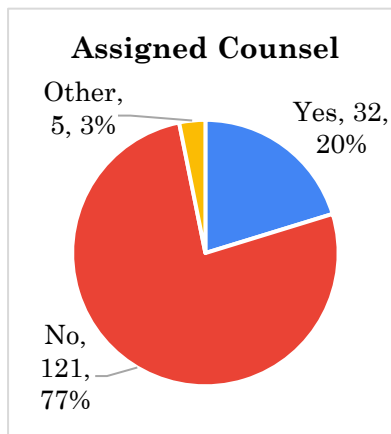
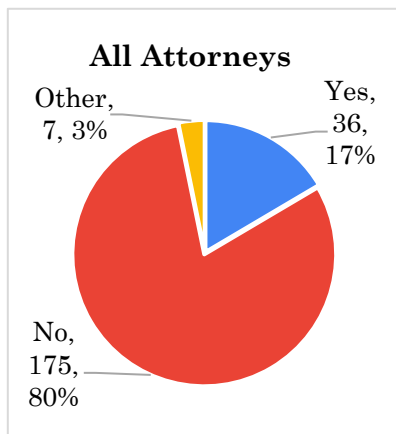
31. What is working well in Harris County's indigent defense system?.....	74
32. What is not working well in Harris County's indigent defense system?	80
33. Do you have comments on the misdemeanor managed assigned counsel system coming to Harris County?	86
34. How could TIDC help improve indigent defense in Harris County?.....	92
35. If you would like TIDC to follow up with you, please provide your name and contact information:	96

Performance Review

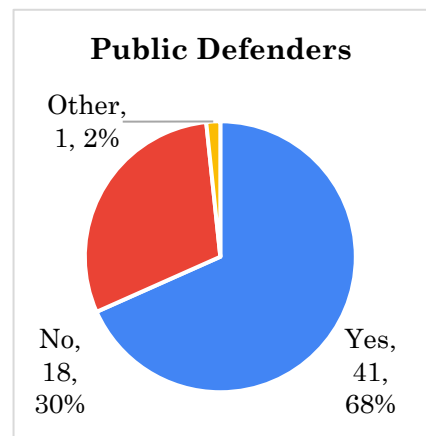
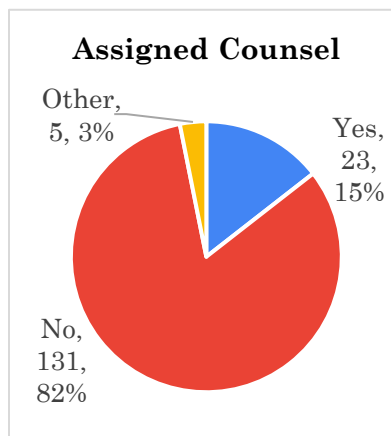
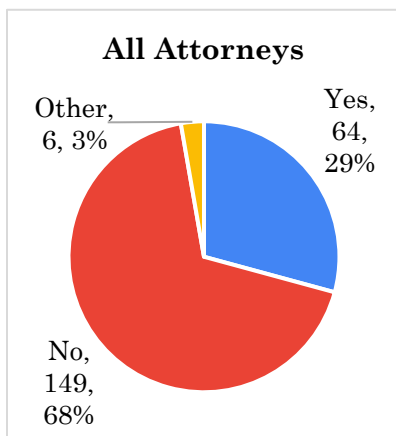
- 1. Which type of attorney are you?** [Provided answers: Public Defender, Assigned Counsel, Other]



- 2. Do you know how private assigned counsel in Harris County have their performance reviewed?** [Provided answers: Yes, No, Other]



- 3. Do you know how public defenders in Harris County have their performance reviewed?** [Provided answers: Yes, No, Other]



4. Do you have comments on performance review procedures?

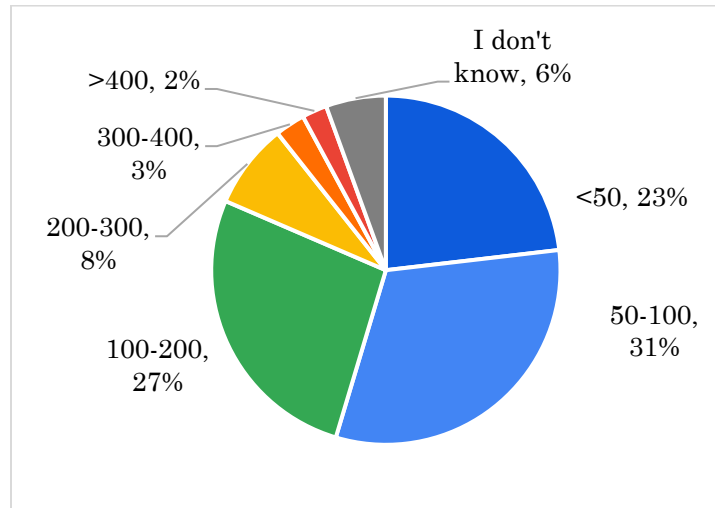
1	Another bureaucracy on it's way no doubt. Instead of doing this, why not allocate resources toward improving performance rather than studying studies? Decent free CLE to supplement that provided by the public defender's office, for starters. With decent written/digital materials. Or perhaps there is an abundance of taxpayer funds to mint our fund another level of administrators and mint another millionaire to oversee the oversight.
2	As a private lawyer I would resent any one other than my clients reviewing my pergormamnce
3	Clients are not truthful and treat court appointed lawyers poorly regardless of their training and experience.
4	Did not know such existed.
5	Don't agree with the MAC system
6	How can I comment on something of which I have no knowledge.
7	I am against it. The SBOT and courts both have procedures in place. Adding a layer of bureaucracy to this system will not help anything. Many excellent lawyers, myself included, will simply stop taking appointments.
8	I am interested in how my performance is reviewed
9	I am unaware that any private assigned counsel have their performance reviewed.
10	I believe attorneys who are appointed to represent clients should be reviewed to ensure they are performing proficiently. As I career public defender I view things differently, I feel they should be committed to defense work since the clients they are representing their liberties are at stake.
11	I cannot give you comments unless I see what kind of review procedures there are. I have never seen any such procedures other than thanks from clients.
12	I don't know anything about it.
13	I have been a crim defense atty for 40 years. Would not agree to any atty looking over my shoulder! What an insult to the integrity of defense attys who perform thankless but vigorous defense of indigent clients daily!
14	I know that private counsel does NOT have their work reviewed. And they like it that way.
15	I think it is a slippery slope when it comes to indigent criminal defense due to the clients not always understanding the law and evidence against them and having unreasonable expectations on the outcome of their case.
16	I think performance reviews should be more closely tied to who gets raises and who does not. The choices right now seem arbitrary.
17	I wasn't aware they existed, outside of annual reviews I assume the PDO does as part of a large organization (for promotions, raises, etc.).
18	I would just like to note that I do not think dismissal rates should be used to value the quality of an attorney. While it does play a part, some cases are just not cases that will ever get dismissed. The outcome of the case - other than a dismissal - can be just as much of a victory.
19	I would like to be informed about how my performance is reviewed if it is. I work exceedingly hard for my clients and welcome the review.
20	I would like to know how reviews are conducted and the results of my personal review.

21	I'd like to learn more about performance review standards, guidelines, and procedures. Have I had a performance review? What were the results? How is the performance review transmitted to the subject?
22	If individual judges are reviewing private counsel, I don't know how public defenders are reviewed
23	It should be done by other criminal defense lawyers who have experience doing court appointments
24	It should be done fairly.
25	It should include Judge, ADA's and court staff who are also privy to the attorney's effectiveness and ability
26	It would be nice to know how we are reviewed. I think it is entirely unfair that judges who we never practice in front of have any say whatsoever over our reviews and whether we are promoted up a degree level on the appointment list. I was rejected from the second degree list because judges didn't vote and/or they voted against me despite not knowing me, while the half dozen or so judges who I regularly practice before love me and my work.
27	I've never heard of any procedure for performance review of appointed counsel.
28	Judges and State bar disciplinary records
29	Judges provide appropriate oversight
30	Judges who approve appointments give consistent feedback based upon their observations. Since there are no "promotions" aside from moving up on the list [based upon trials and experience] then performance reviews seem like a loaded question.
31	Just make it fair.
32	N/A
33	Never knowingly been a part of shch review
34	No
-	
81	
82	No idea how they do it, if they even do it.
83	No not really, reviews ,second calls to work or staff feedback is a good indication
84	No, since I'm not aware of the procedures.
85	No.
86	No.
87	None
88	None
89	None at this time
90	Not at this time
91	Not informed enough to give an intelligent review
92	Not really.
93	Nothing at this time
94	PDO has a great review process that helps provide great service to clients and protects attorneys.

95	Performance review is informal. While this may be appropriate for more experienced lawyers, formal review may be more desirable for newly licensed attorneys.
96	Performance review procedures for assigned counsel should be similar to that of public defenders.
97	Performance reviews for private assigned counsel is ridiculous. Assigned counsel does a good job representing clients or does not. One's work speaks for itself.
98	Please do it more and quick!
99	Private counsel can be taken off the appointment list if the judges believe they are not providing acceptable representation. Private counsel can be excluded by a judge for receiving new appointments. When a judge selects that attorney for an appointment, it is an affirmation of the lawyer's good performance. The MAC that this body is pushing for is an infringement on the 6th Amendment, and is an improper usurpation of the appropriate power given to the elected judiciary.
100	Public Defenders have layers of supervision. While discipline for lack of performance may not be well defined, at least performance can't be hidden from immediate supervisors.
101	Review should be done by experienced criminal defense lawyers with actual experience in trial work and managing cases
102	Since I am not familiar with the review procedures I have no pertinent comments.
103	Thanks; do not know what they are. Probably okay with them.
104	The criteria for private assigned counsel should have been made available online for attorneys to review. It also should be available in writing at each individual court, and wherever the Judge differs from the standard procedures (whether by having more or less factors to be considered), that information should be readily available to attorneys.
105	The judge that appoints should be a part of the review procedure, not necessarily the client because sometimes they have unrealistic expectations.
106	The person who is in the best position to evaluation performance reviews of appointed counsel are the judges. They see us each and every day. The DA's office is not a good choice for performance evaluation, because of the inherent conflict in representation. Commissioner's Court is not a good choice, as they are far removed from the daily court procedures, and all they seem to want to do is to cut the budget for private appointed counsel and to expand the public defender's office regardless of costs and outcomes to clients.
107	The review is inherently flawed with bias towards quickly resolving cases over quality work.
108	There is no formal procedure for private attorneys to be evaluated by their peers. It seems the people taken off the list are at the discretion of the judges.
109	They are working well.
110	Wouldn't know how to comment
111	Yes, I welcome rule by committee when it comes to defending the accused, in the style of Politburo Standing Committee.
112	Yes. I have no idea how they are done. I'd like to have a website or PDF emailed to me with details.
113	Yes. Need to know procedures

Caseloads

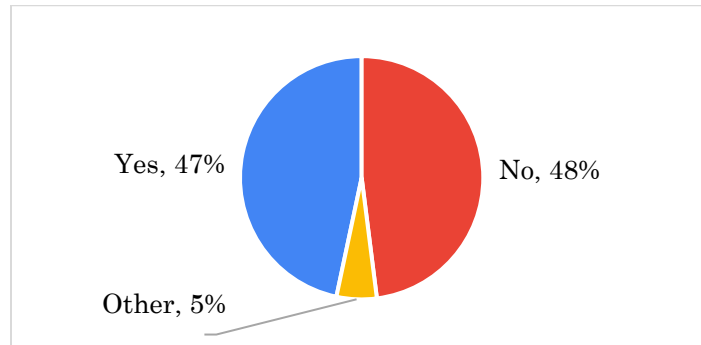
- 5. About how many indigent defense cases do you have per year in Harris County?** [Provided answers: Fewer than 50, 50-100, 100-200, 200-300, 440+, I don't know, Other]



Other responses:

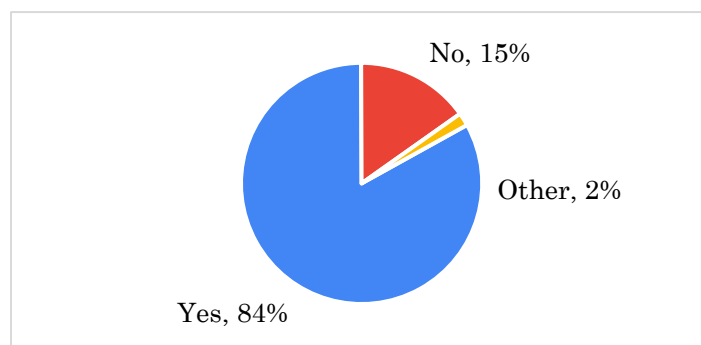
1	95 - 120
2	Differs every year. I had 1 in 2016, in 2019 it may be 100-200
3	Have not been in the system long enough, but I will not have more than 50
4	I am an immigration attorney/assistant public defender. I work with appointed counsel advising of immigration consequences of charges and plea offers.
5	I am the attorney for 2 mental health dockets. These dockets create a case count of cases assigned to me but only active 2-3 hours per year. Other than those cases, I have fewer than 50.
6	I don't know. I recently completed my first year at the Public Defender's Office. I haven't made an assessment regarding the number of clients that I've had in the last year.
7	In the Bail Division 15-25 clients for bail hearing purposes five days per week
8	It varies based on misdemeanor assignments. We get more there. I also do felony.

6. Do you practice in other areas of law besides indigent defense?
[Provided answers: Yes, No, Other]



1	Both retained and appointed
2	CPS Cases
3	CPS litigation
4	Hired Criminal Defense
5	I have some retained cases and a niche sports law practice.
6	Occasional retained criminal and juvenile defense.
7	Occasionally I will handle other civil or family matters... usually once per 2 years.
8	Personal Injury
9	Retained cases
10	retained defense cases
11	Yes, but approximately 95% is indigent defense
12	Yes, wealthy defense but their is a limited market

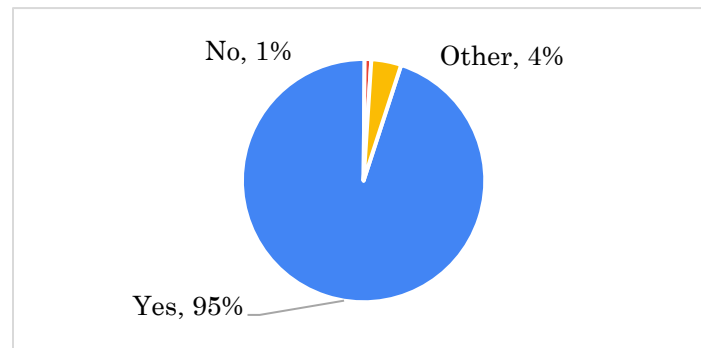
7. Do you practice indigent defense in places besides Harris County?
[Provided answers: Yes, No, Other]



1	federal court
2	Fort Bend

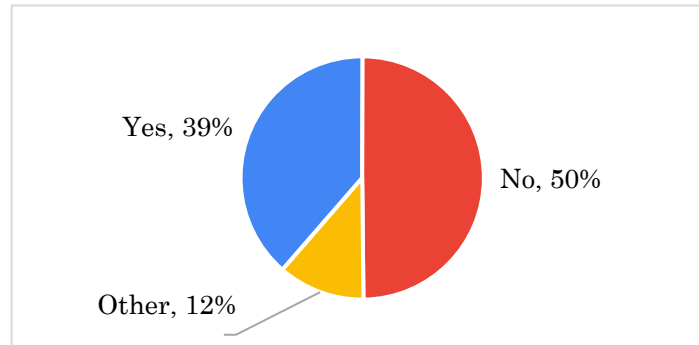
3	Fort Bend
4	Only the Federal CJA Panel.

8. Does your overall law practice and indigent defense caseload allow you enough time to provide quality representation to your indigent defense clients? [Provided answers: Yes, No, Other]



1	A lighter indigent defense caseload would allow for better quality representation
2	But that is a silly question ,who is going to answer in the negative!?
3	I am an assistant public defender/immigration attorney.
4	I currently work in the Bail Hearing Division and do not have a caseload.
5	N/A; I'm only a public defender and do not have a law practice other than indigent defense.
6	Normally yes. During the Covid emergency it has become much more difficult to meet with clients to the extent that I feel is necessary spend
7	Of course - if any lawyer felt otherwise they could and should lessen the caseload.
8	We are not paid nearly enough per case, so we have to take more cases than we should. If I was paid fairly, I would accept fewer cases. I do, however, feel that I give my clients excellent representation. I makes literally no sense that in Harris County we are paid twice as much for court appearances than we are for actually working our cases out of court. The incentive should be THE OTHER WAY AROUND, especially during covid. While public defenders and prosecutors and court staff (including court reporters who recently recieved a raise to \$115,000 [plus what the get paid to edit transcripts]) continue to recieve full pay and full benefits while the court private court appointed counsel are having to work twice as hard to make half as much thanks to courts reseting virtually 90% of our cases off docket.
9	We can always do better. Quality is subjective, no. Perhaps the standard on review for 6th Amend purposes should be changed from "Reasonably effective" to "Quality Representation." I'd be fine with that. That being said, more resources spent toward improving performance (such things as free CLE to supplement that provided by the public defender's office, with decent written/digital materials. Free access to Westlaw or Lexus etc. if the goal is equally representing the indigent citizens, why not have equal tools?

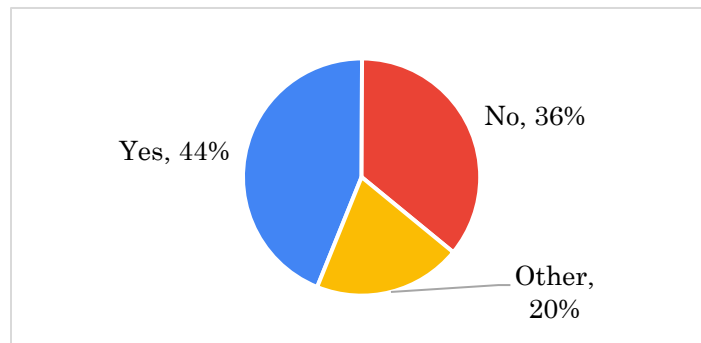
9. Have you observed appointed attorneys' caseloads interfering with their ability to provide quality representation in Harris County?
[Provided answers: Yes, No, Other]



1	Don't know
2	Don't know
3	Hard to say
4	Have not been in a position to observe this first hand. I have heard Judges complain of lawyers with large caseloads.
5	I do not know.
6	I don't know if it's their caseloads or abilities.
7	I don't pay attention to it.
8	I don't have enough information to answer this.
9	I don't know enough to answer that
10	I don't think it is necessarily caseload as much as it little pay.
11	I have observed attorneys with heavy caseloads, but I know nothing about support staff, other lawyers helping them, and any other factors, so its hard to tell.
12	I suspect it but how would I know?
13	I would not know the answer to that, how would I know the reasons?
14	I wouldn't know
15	I wouldn't know.
16	If the attorney is responsible in the number of appointments they accept, then it is not a problem. Some attorneys take as many appointments as they can and that results them in not being able to do the necessary work on their cases.
17	No idea
18	Not specifically, but it would not surprise me if that happened. There are still many who benefit from less than random appointments. Selective appointments are presumably what the Fair Defense Act was implemented to avoid, yet the exception had become the rule in many Courts. Those lawyers who benefit from such selectivity seem to have divided loyalties and I cannot fathom how such a lawyer's caseload would not interfere with that ability (as well as their incentive to advocate fully for their clients).
19	NOT SURE

20	Occasionally. It depends on the attorney.
21	Possibly.
22	Reported, not directly observed
23	The people who have too many cases, yes
24	There are lawyers in every field of law that are incompetent !
25	Too many appointed cases prevents thorough, quality representation
26	yes, in the past

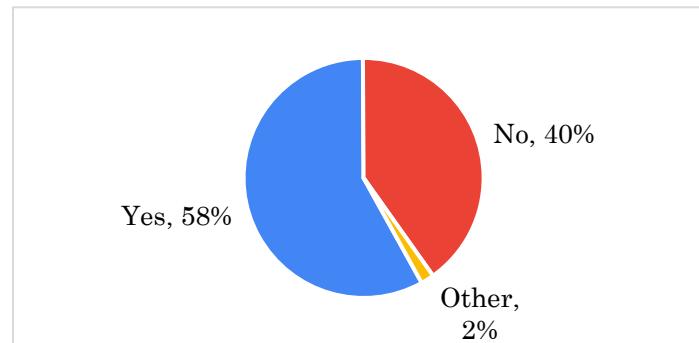
10. Are Harris County cases fairly distributed among attorneys?
[Provided answers: Yes, No, Other]



1	As far as I can tell, yes.
2	Can't say
3	DO NOT KNOW
4	Do not know.
5	Don't know
6	Don't know
7	Don't know. I am removed from that process.
8	Far more so under the newly elected judges
9	Have not been in a position to observe this.
10	I am not aware of distribution to attorneys
11	I am not familiar with other attorneys' case loads
12	I do not have any way to gauge this, but I receive adequate appointments.
13	I do not keep track of the distribution.
14	I do not know
15	I do not know
16	I do not know
17	I do not know how many cases other attorneys receive nor whether it is fair how they receive them
18	I do not know.

19	I do not know.
20	I do not know. I know strides have been made because before it was almost always subjective - if you were liked by the judge or contributed, you got work.
21	I don't know
22	I don't know
23	I don't know
24	I don't know
25	I don't know
26	I don't know
27	I don't know any more. My first response would normally be no, however the administration has changed so much that I simply don't know.
28	I don't know. I'm not privy to that information
29	I have no idea
30	I have no idea
31	I only practice in limited courts, so I cannot speak to this with knowledge.
32	I think courts have a duty to be fair to the Defendants in front of them, which is a far larger concern than whether or not a lawyer had enough cases "fairly distributed" to them.
33	I would not know. What is "fair"?
34	I'm not certain
35	It seems so but only a review of the numbers would tell. Harris County system is excellent in that you can turn your availability "on and off." I don't seem to have a problem getting appointments when I turn my availability on and request an appointment.
36	no idea
37	Not really sure.
38	Not sure
39	Not sure
40	On experience answer is yes
41	That is completely dependent on the Judge. Some judges have "contract" attorneys and no one else gets cases out of their courts. Some Judges just give cases to a select group of lawyers. Others use the wheel fairly.
42	They (the distributions) are FAR from random.
43	unknown
44	Unsure
45	What is fair? Based upon ability, experience, quality of representation, I would only be able to answer from what I know.

11. Do you know of TIDC's caseload guidelines? [Provided answers: Yes, No, Other]



1	Briefly. It's 118 pages.
2	I don't think so. Might have read them once or twice before, but distributing them at least once a year in an email with an appropriately descriptive subject line would be a good idea.
3	I think we discussed this at one of Judge Unger's meetings
4	TIDC needs to be following standards set out by the ABA

12. Do you have additional comments on measuring caseloads or assigning cases?

1	All cases are not created equal.
2	Assignments vary according to who the judge is on the bench.
3	Attorneys wouldn't feel so pressured to take on more cases if they were paid per appearance even if the case is still open. There are some cases that last inherently long but you are not paid until the case is complete resulting in you needing to take another shorter case to ensure you are able to provide for your family.
4	Case assignments are not random. Judges take into account such factors as experience and demonstrated competence.
5	Case load is not the only factor that needs to be considered; the pay for court appointed case work has not been commensurate in the past. \$35 per hr for out of court work is unacceptable.
6	Caseload suggestions should also take into account added time of providing holistic representation
7	Caseloads should be compared against disposed cases and level of cases. Don't just look at number of cases a particular attorney is given. Some Cases like suspended license shouldn't count towards the case load.
8	Certain attorneys receive more appointed cases than they can adequately represent. Many of these attorneys are very qualified, but often they do not appear to have sufficient time to effectively communicate with their clients.
9	Courts won't appoint cases to an attorney unless they actually know you regardless of the wheel
10	Enhanced crimes should be treated at enhancement level.

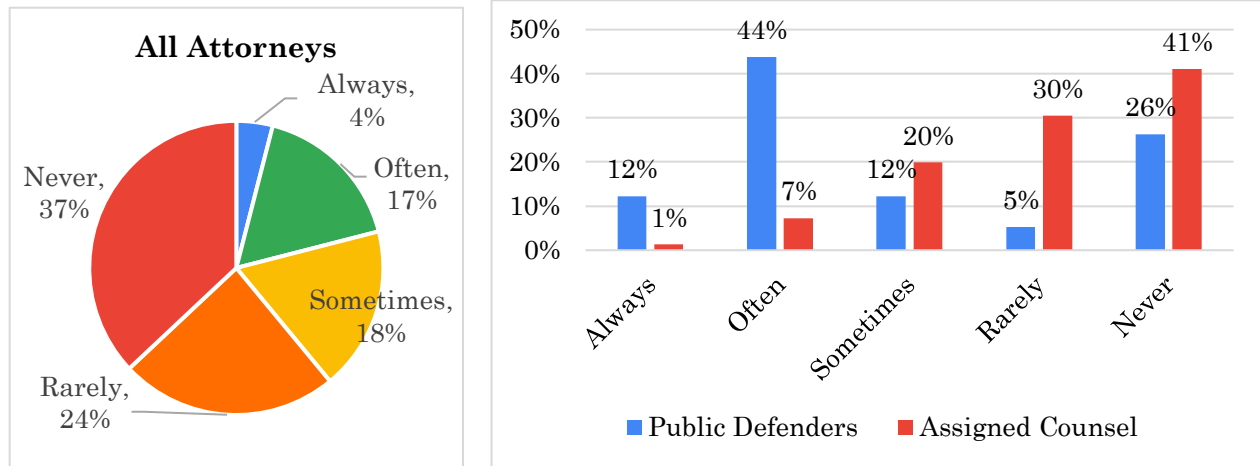
11	Everyone should receive the same amount of cases irrespective of ethic. To each according to his need, not ability.
12	Harris County courts are a miserable cesspit of incompetence and "pay-to-play" mentality. There are too many lawyers who sign resets, maximizing payout at minimal effort instead of diligently representing their clients.
13	Harris County's system of allowing 5 new clients per day for misdemeanors is antiquated and is about to implode as cases put off due to COVID-19 are assigned after a reopening of the courts. Harris Co. needs MANY more attorneys. Also, judges are way to lenient in considering indigency. I have many clients who have money to hire counsel. They often offer to retain me, thinking I'd do a better job if they were paying.
14	I am assigned because i am board certified in criminal law and help the courts on more serious cases and i have mental health experience as well. Licensed for 40 years
15	I am in the process of retiring. I have not accepted any additional clients since 2018. I have 2 clients left.
16	I am so glad someone has all the answers
17	I handle misdemeanors and I think the number of clients is relevant as well as the number of cases. Two or three misdemeanors cases for one person is not two or three times as much work as three different clients.
18	I have no idea how attorneys are picked. That is quite common among other attorneys as well.
19	I have not seen caseloads be the reason why attorneys do not provide quality representation. It's usually an attorney competency problem not a caseload problem.
20	I think there should be a weighted system of some sort. People do not do only felonies or only misdemeanors or only appeals. Also as far as assigning cases, I like the idea of a MAC but I wonder if all it is doing is going from the judges picking their favorites to someone else picking their favorites.
21	I try to be very careful to limit my number of pending cases. That's not always an exact science (especially during times when case disposition is dragged out - ie, Harvey, COVID-19). I also think there is a difference between "fairly" distributing cases and "equally" distributing them. Montgomery County, for example, used to equally distribute felony cases... and the felony judges opted for a contract system due to what they saw as a lack of quality representation across the "qualified attorney list." While I do think some attorneys in Harris County get chosen from the wheel more often than others, the judges would have better input re: the reasons people are chosen. I know there is a concern among members of the defense bar that some attorneys are chosen due to campaign donations, close relationships, etc. What never seems to be mentioned are the qualifications, experience and competency of the lawyers who are chosen.
22	If an attorney has too many cases according to guidelines and self-governance we are able to remove ourselves from appointments for periods of time. (FDAMS)
23	If assigning cases is done by the "wheel method," then that method needs to be consistently applied on a daily basis. In far too many cases, court favorites of the coordinators appear to be appointed.
24	It depends on the case as well. Someone could have 15 shoplifting cases, and someone else could have 2 aggravated robbery cases. They are all different.
25	It should be done.
26	I've don appointments prior to working at PDO. Cases (harris county) are not properly/fairly distributed. They are not random. Judges pick and tend to give to people they want who move docket and plea people out.

27	Judges and their staff do an excellent job of managing the cases assigned to lawyers. They do not need outside interference
28	Judges who have direct access to lawyers and the clients are in the best position to assess whether certain clients have needs that would be better served by certain lawyers with different skill sets. Judges should exercise their good judgment not only on whether a client should have indigent defense but also on whether a particular client could benefit from a particular personality or other skill set. Lawyers develop specialties even within specializations.
29	Make the Courts comply with the randomness fostered by the FDA, or change the FDA to remove the abused exceptions. Audit the individual Courts for randomization. Make the court coordinators report the numbers attributable to their appointments in a digital format that lends itself to examination and interpretation.
30	Much depends on the individual attorney when addressing the quality of representation and caseload.
31	My belief is this should be up to the Judges. They are in a position to see if we get our work done and how effective we are.
32	N/A
33	NA
34 - 69	No
70	No more than 5 a day
71	No.
72	No.
73	No.
74	no. I only do appeals and i have enough time to do them. I am not overworked.
75	None
76	None
77	None
78	None
79	None
80	None at this time
81	Not appropriate
82	Not at this time
83	Not at this time.
84	not really
85	Set number of cases equally too much work for one person logic does not follow. So people work hard and more efficiently than others.
86	Several. First, no system is going to be perfect. Second, one must realize that experience means that some folks will be able to handle a higher caseload than average. Third, caseload limits are meaningless unless people get paid by the hour for outside work done visiting the client, investigating, and researching.
87	The appointment of attorneys to specific courts do not seem random.

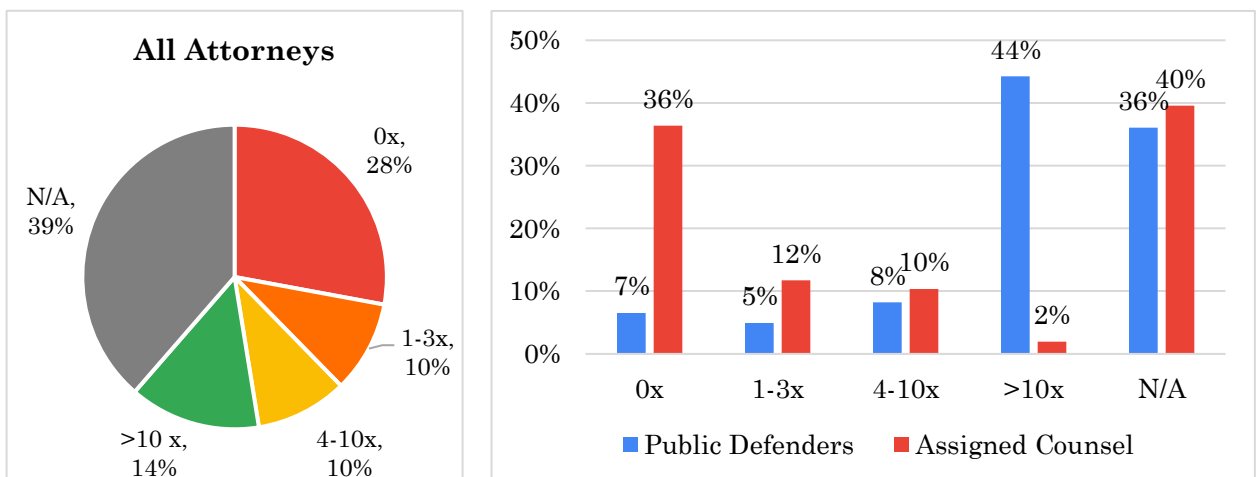
88	The caseload management should take into account staff and other attorneys employed by the attorney
89	The current system isn't broken. Don't fix it.
90	The manner in which cases are assigned appears to be unfair. I have observed, over many years, the same attorneys being appointed to large numbers of cases in particular courts... courts in which I have NEVER received an appointment after decades of practice. I have observed some courts show favoritism to male attorneys, particularly former DA's.
91	The only way to get assigned cases is if the judge likes you - and possibly if you donate to their campaigns. It is not an equitable system.
92	The requirements in Harris County to get appointments allows for many more former prosecutors to take appointed cases but not a lot of attorneys who choose criminal defense from the beginning. First-chair trials are very, very difficult to get as a young defense attorney, but many of them, after a few years, are more qualified to handle (at least misdemeanor) appointments than former prosecutors who have never handled a criminal case. The requirements seems to prevent very capable attorneys from being appointed to serious cases, but they allow older attorneys who do not provide quality representation to remain eligible indefinitely.
93	The same people always get term appointments in misdemeanor court.
94	The voucher system and software is confusing and doesnt account for work done outside of court appearances.
95	There is no measuring of caseloads in the private bar currently. The "wheel" is a joke. This is the worst kept secret amongst the defense bar. Public Defenders have supervisors to manage caseloads. There is no financial incentive for a PD to take "extra" cases.
96	TIDC is colluding with a crooked politician, Rodney Ellis, who has an agenda to self-promote and create an unnecessary organization (the MAC), which will only serve to drive the extremely talented and over-qualified private attorneys away from providing the kind of quality representation these indigent defendants could never afford on their own.
97	What's the point of TIDC recommendations if counties in Texas won't adopt them?
98	Yes. I think the scale should be based on how many cases an attorney has actively pending at a time rather than being measured against how many cases they handle a year. Otherwise the stats are misleading. A person could handle over 100 PCS less than a gram cases in a year with no problem, but if he or she was handling 10 capital murders in a year, that would be far too many. Yearly stats are not an effective way to judge.

Investigation

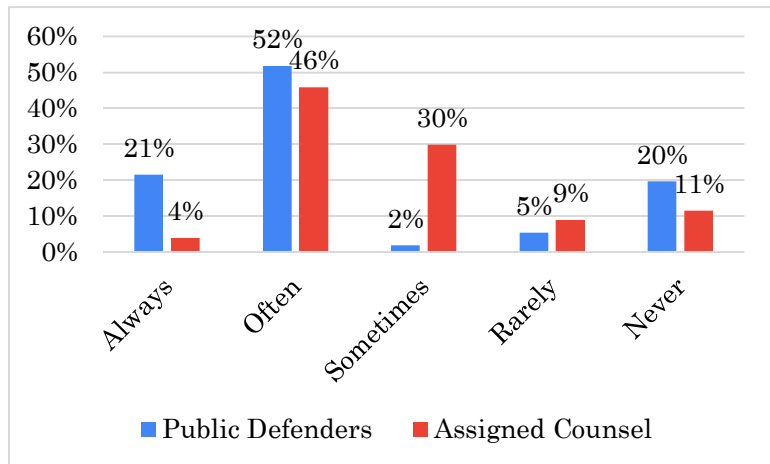
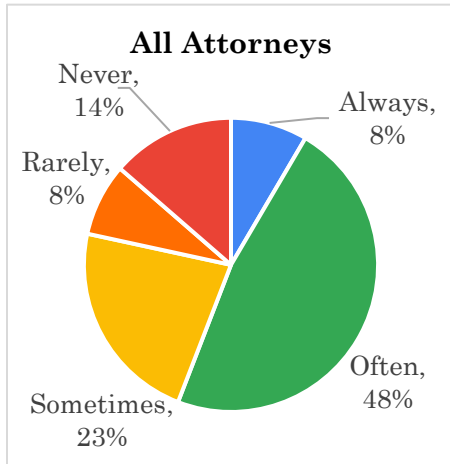
13. How often do you request an investigator for a misdemeanor case? If you're a public defender, how often do you work with an investigator? [Provided answers: Always (Every Case), Often, Sometimes, Rarely, Never (No Cases)]



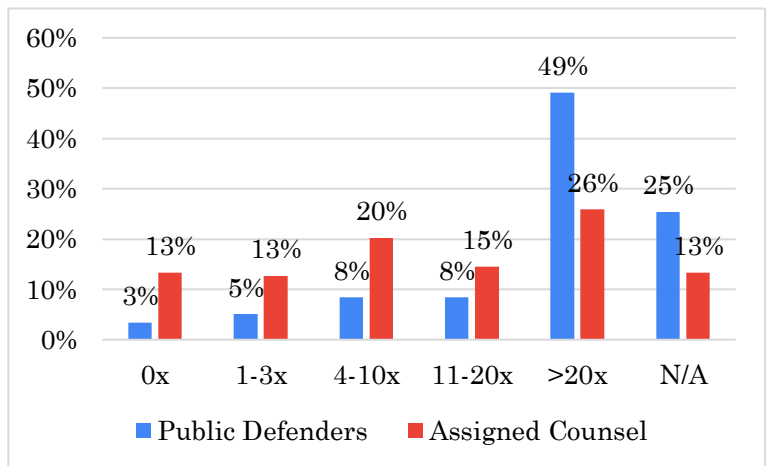
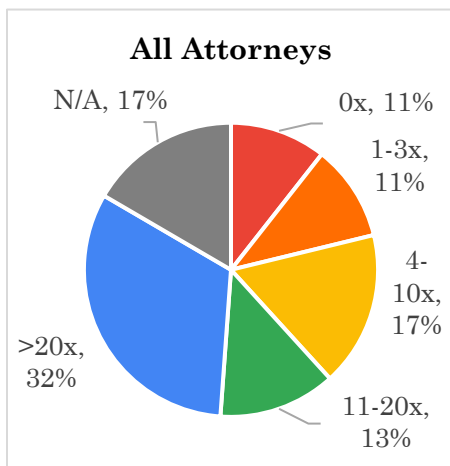
14. About how many times in the past year did you request an investigator for a misdemeanor case? If you're a public defender, how many times did you work with an investigator? [Provided answers: 0 Times, 1-3 Times, 4-10 Times, More than 10 Times, Not Applicable]



15. How often do you request an investigator for a felony case? If you're a public defender, how often do you work with an investigator?
[Provided answers: Always (Every Case), Often, Sometimes, Rarely, Never (No Cases)]



16. About how many times in the past year did you request an investigator for a felony case? If you're a public defender, how many times did you work with an investigator? [Provided answers: 0 Times, 1-3 Times, 4-10 Times, 11-20 Times, More than 20 Times, Not Applicable]



17. What types of cases almost always require an investigator?

1	Almost any felony. There are exceptions
2	**I handle post-conviction. So, in a direct appeal only if there are motion for new trial issues. In a writ, I request one if there are individuals to interview or documents to collect.
3	2nd and 1st degree
4	Adverse witnesses that need to be interviewed; death; trial
5	Agg assault, child endangerment, robbery, child sex assault and indecency, burg hab
6	Agg Assault, Robbery, Agg Robbery, Burglary of Hab, etc.
7	Agg Robbery murder complicated cases
8	Agg. Robbery, Agg. Sex Assault, Agg. Assault, Assault and Agg. Drug offenses.
9	Aggravated Assault
10	Aggravated Assault, Agg. Rob, Sex offenses
11	Aggravated Assault, Assault of any kind, sex cases
12	Aggravated case
13	Aggravated cases and 3 G cases
14	Aggravated cases or cases in which there are questions relative to the facts of the case
15	Aggravated felony cases, cases based on primarily or exclusively on witness testimony, cases involving extensive client background for mitigation.
16	Aggravated offenses
17	Aggravated Robberies and Murder
18	Aggravated Robbery, Murder, Aggravated Assault
19	Aggravated robbery, murder, and other violent cases.
20	Aggravated Robbery; assault
21	All
22	All
23	All
24	All
25	all cases
26	All complicated felony cases, especially if the client wants to fight the case. If the client is only interested in a plea and a reasonable plea can be worked out then perhaps an investigator is not needed.
27	All felony cases
28	All of them
29	All serious felonies
30	all types of assault cases, homicide
31	Almost all.
32	almost any case can depending on the issues present
33	Almost every case

34	answer varies...there is no answer. Cases that require information/evidence/witnesses not available and unresolved issues
35	Any "victim" crime where the case is made on the words of an individual. Cases with videos - private video or police body/dash cams.
36	Any case involving a complainant(s) or witness(es).
37	Any case involving a complaining witness
38	Any case that is going to be contested on any factual issue.
39	Any case where there is a complaining witness mostly AFM. Others- terr threat, BMV, burg hab/building
40	Any case where there is an alleged victim and where there are civilian witnesses
41	Any case with a complainant or witnesses
42	Any case with a complaining witness.
43	Any case with a scene..... any Cases with witnesses
44	any case with witnesses that are not police officers
45	any involving any witness
46	Any type case. The need is case specific.
47	Any type of sexual assault, complex family issues, complex business or theft issues
48	Anything with important witnesses; all violent felonies
49	Anything with potential surveillance, CW cases
50	Anytime with a bodycam, assaults
51	As a general rule, i think every case requires an investigator so that an attorney can have a full appraisal of the facts of his or her client's case.
52	assault
53	Assault
54	Assault
55	Assault
56	Assault
57	Assault
58	Assault cases
59	Assault cases , robbery case some thefts
60	assault cases, DWI cases
61	Assault Family Member and DWI's
62	Assault, aggravated assault, robbery, aggravated robbery, sexual assault
63	Assault, terroristic threat
64	Assault, terroristic threat
65	Assault-FV and serious felonies
66	Assaultive cases, Aggravated Robberies, Sexual Assaults/Indecency, really investigators are helpful in most cases.
67	Assaults
68	Assaults

69	Assaults
70	Assaults and Assault-FM cases--
71	Assaults on family members
72	Assaults or family violence type of cases
73	Assaults. DWI.
74	Assaults; thefts.
75	Assaults?
76	Capital Murders
77	Cases involving bodily injury to another person or sexual assault
78	Cases that involve multiple witnesses to avoid defense counsel making themselves a material witness. In cases in which a victim needs to be interviewed on sensitive matters
79	Cases where potential witnesses need to be located and interviewed; cases where the evidence is extensive; cases where the client strongly disputes the allegations; cases where there are multiple scenes and complainants.
80	Cases with children as complaining witness; habitual; 3g; he said / she said; alibi; most all cases
81	Cases with disputed facts, civilian witnesses, scene photography etc.
82	cases with Identity issues,Murder,vehicular offenses,
83	Cases with independent witnesses who the police neglected to speak with; cases where there may have been witnesses present; cases where me speaking to a witness would likely make me a witness; cases requiring finding a person.
84	Cases with missing evidence and credibility issues. Cases that involve recants or additional statements of witnesses.
85	Cases with witnesses.
86	Complex cases
87	Depends on facts
88	Depends on the facts and circumstances of the case.
89	Depends on the individual case
90	Depends on the situation
91	Domestic assault and drug cases
92	Domestic violence cases and murder. I'd like to point out that I handle a lot more felony than misdemeanor cases- this the discrepancy between how often I've asked for a private investigator.
93	Every case merits an investigator unless I can dismiss via a motion to quash because they got the pleadings wrong at intake.
94	Every case where there is an arguable issue requires an investigator. This applies to all classes of cases.
95	Family Assault, Cases with Victims
96	Family Violence
97	Family violence
98	Felonies
99	FELONIES

100	Felonies where my client absolutely denies the charges; any case where my client was grabbed because they were in the neighborhood. Sometimes just forcing the DA to look cases over results in a nonsuit. Last year I had an aggravated robbery nonsuited right after the initial detention hearing.
101	Felonies...some misdemeanors
102	Felony
103	Felony
104	felony
105	felony assaults, capital murder, murder, robbery, agg rob, sex asslt, sex asslt chld, burg hab, others, PCS,
106	Felony cases
107	Felony cases with disputed facts, evidence to be collected and preserved, witnesses whose interviews need to be preserved, and sometimes help with navigating the inner mechanisms of various LE agencies and their idiosyncratic protocols.
108	First degree
109	First degree felonies, victim cases.
110	Fist and second degree felonies, Capital Murder
111	Generally depends on available evidence vs what police and DA overlook in their case prep. No way to tell exactly
112	He said she said cases
113	Homicide
114	Homicide/Sexual Assault/Robbery
115	Homicides
116	Homocide
117	I am an appellate PD. I use investigators only in the context of investigating a motion for new trial. Motions for new trial are not filed that often.
118	I cant think of one that doesnt.
119	i only do direct appeals. sex assault cases
120	I think it is impossible to effectively handle a felony case without an investigator. Almost every felony case has something that needs investigative support.
121	In cases (but not exclusively) where client is stating that they are innocent and/or there is mitigation evidence to be obtained. In cases where things/evidence does not add up. In cases where witnesses or evidence need to be located. In cases where visual and audio need to be obtained to assist the trier of fact.
122	In misdemeanor cases, victim-related offenses where there may be complainant(s) and/or witnesses.
123	In my practice (SJ and 3rd degree felonies) I haven't identified any such case by type. The last time I requested an investigator was in connection with an assault family member case that went to trial. The factual allegations, witnesses, and quality of the law enforcement investigation and reporting are the determinants for needing an investigator, not the nature of the case.
124	It all depends.
125	It just depends on the facts.

126	It varies
127	It's fact specific.
128	missing witnesses
129	More serious felonies and cases where there is a dispute as to facts e.g. assault, burglary, theft, robbery and murder
130	Most cases
131	Most every case requires an investigator. Being effective as an attorney requires an independent investigation of the case, not relying on the State's discovery
132	Most often those with witnesses but others too; it depends.
133	Murder
134	Murder
135	Murder and sex assault cases
136	murder, aggravated robbery, aggravated assault
137	Murder, Aggravated Robbery, Aggravated Sexual Assault of a Child, iIntoxicated Manslaughter, Attempted Capital Murder
138	murder, aggravated robbery, any assault felony, any case involving a child, any case headed to trial
139	Murder, Robbery, Sex Assault, Assault
140	Murder, sex assault, robbery, assault
141	Murder, sex crimes, agg robberies. I prefer to do my own investigations. Most investigators are not worthy of the title.
142	murder, sexual assault (both of an adult or a child), aggravated robbery, complex family violence, complex drug distribution (major offender), intoxication manslaughter and assault.
143	Murder, Sexual Assault, Robbery, Family Violence
144	Murder/manslaughter: Aggravated cases
145	Murder; Sex Assault; Child Abuse; Aggravated Robbery.
146	Murders, Aggravated Robberies, Engaging in Organized Crime Cases, Child and Adult Sex Abuse cases, cases with difficult clients, cases where law enforcement has done a poor investigation.
147	murders, more complex aggravated robberies
148	murders, robberies, assaults, drug cases
149	Murders, sex cases
150	NA
151	No idea. All of them? Murders, sexual assaults, DWI?
152	not applicable to my cases
153	Not applicable. I advise on immigration consequences/plea offers.
154	Ones a skilled lawyer assesses a need for
155	Robberies, sex assault, murder, theft, assault
156	robbery
157	Robbery, burglary, assault, murder, sexual offenses. Cases where identity is an issue.

158	Robbery, Murder
159	SERIOUS CASES WHERE THE CLIENT IS REQUESTING A TRIAL
160	Serious felonies
161	Serious felonies, assaults, family violence especially, sex assaults
162	Serious felony
163	Serious victim felony cases - aggravated robbery, sexual assault, burglary of a habitation, etc.
164	Sex assault, Agg rob, some family violence, indecency cases
165	sex assault, assault, murder,
166	Sex assault, murder, drug delivery, assault, organized crime
167	Sex cases
168	Sex cases, Family Violence cases
169	sex cases, robbs, agg robs, homicides
170	Sexual assault
171	Sexual assault of a child
172	The majority
173	The use of an investigator depends on the facts and circumstances of each case.
174	There is no "type" as such.
175	There is no general answer. It is entirely case specific.
176	Those that require interview of numerous witnesses for trial
177	trial
178	Trial
179	Trial
180	Trial
181	Varies depending on the issues that exist in each case.
182	Victim cases - assaults, murders, sex assaults, burg habs, some drug cases.
183	Victim cases, cases with witnesses
184	victim crimes
185	Violent cases and drug cases
186	When facts are in dispute. Sometimes, for mitigation (punishment).
187	when witnesses need to be interview
188	where client was not arrested on scene, sex offenses, where there are several witnesses
189	Wife beating cases

18. What types of cases almost never require an investigator?

1	??
2	A better question is what to you want the investigator to do
3	Adjudication
4	Again, it's fact specific.
5	Alcohol offenses
6	All cases must be "investigated"!in
7	Any case may require an investigator.
8	Any case without a complainant or witnesses
9	Any felony case could require an investigator.
10	appeal
11	Appellate
12	Best interest of client to resolve
13	BWC establish offense committed and client insists on PG
14	Cannot answer. It is a case by case matter.
15	Can't say as it depends on the facts
16	Can't say there is one, but use investigators less often in drug and weapon cases.
17	Cases where clients admit guilt; cases where there is video surveillance (in some instances audio or other physical evidence) that tend to prove guilt.
18	Cases where everything is made available and all answers to issues are resolved
19	Cases where there is video evidence or solid confessions before I am appointed
20	Cases where there is video such as an Evading Arrest MV
21	Class B cases
22	Client says guilty and not want to contest state facts
23	Credit card abuse, some drug possession cases.
24	Criminal trespass
25	depends
26	Depends on the case
27	Depends on the facts of each case
28	Depends on the situation
29	Direct appeals
30	Driv While Lic Invalid, etc.
31	Driving while license invalid
32	driving while license suspended
33	Drug
34	Drug cases
35	Drug cases

36	Drug cases have the least need for an investigator but I still use one for interviews.
37	Drug cases, UUMV's, thefts, DWI's, and felonies that are technically enhanced misdemeanors (prostitution 4th, evading second, etc.).
38	Drug charges
39	Drug offenses
40	Drug offenses, DWI
41	Drug Possession
42	Drug possession
43	drug possession
44	Dwi
45	DWI
46	DWI
47	DWI
48	DWI
49	DWI
50	DWI
51	DWI
52	DWI
53	DWI, drug possession/traffic stop cases
54	DWIs
55	DWIs
56	DWIs- although I use an investigator to help with mitigation if needed
57	DWLI
58	Dwli. Retail Thefts.
59	Each case depends on the facts. Low level drug cases rarely do.
60	Each case is different
61	Evading
62	Evading Arrest
63	Every case is different. I can't give a clear answer on this question.
64	fail to id, theft on video, traffic stops that lead to a charge (if on video)
65	Failure to ID
66	Few Case almost never require an investigator
67	I am not sure there is a type.
68	I cannot imagine one.
69	I cant think of one.
70	I go on a case by case basis
71	I hate to say never.
72	In misdemeanor cases, DWI's.

73	In my practice (SJ and 3rd degree felonies) I haven't identified any such case by type.
74	It depends
75	It's a case by case basis
76	its not the type of case its the issues present.
77	License suspensions, retail theft
78	MAJ, theft by check, DWI
79	Minor drug cases, however, there are instances where an investigator would be useful
80	minor drug possession, DWI
81	minor PCS
82	Minor Theft
83	Misd
84	Misd becasue judges don't like to pay for them.
85	Misdemeanor
86	Misdemeanors
87	misdemeanors
88	Most all of my cases require an investigator
89	mostly theft cases
90	Motions to revoke probation or adjudicate guilt
91	n/a
92	N/A
93	NA
94	No idea. Criminal trespass, failure to ID?
95	none
96	None
97	None
98	None
99	None
100	None
101	None of Them
102	none.
103	None.
104	None. You could need an investigator for any kind of case. It just depends on the case.
105	NON-SERIOUS CASES WHERE THE CLIENT IS NOT CONTESTING THE CHARGE
106	Not a fair question, but maybe a drug case is more unlikely
107	not applicable to my cases
108	Not applicable.
109	not sure
110	Ones that skilled lawyer assesses there is no need for

111	pcs
112	PCS
113	PCS
114	PCS
115	PCS, felon in possession of a weapon, DWI, theft (shoplifting), evading
116	PCS/drug cases, thefts, some DWIs
117	Plea cases
118	Pocs less than a gram
119	Pom
120	Poss.of drugs, DWI
121	Possession
122	Possession cases, Thefts
123	Possession of a controlled substance
124	possession of a controlled substance, shoplifting
125	Possession of Controlled Substance
126	Possession of controlled substance
127	Possession of controlled substance (state jail felonies)
128	Possession of drugs, possession of a weapon cases - certain situations could arise, but generally investigators are less often required in those types of cases.
129	Possession of marijuana
130	Practically every case could use an investigator
131	Probably certain state jail felonies like: unauthorized use of a motor vehicle, credit card abuse, etc... Rarely need one where the client admits to me some or all of the allegations against him/her.
132	See above
133	See above
134	Shoplifting
135	shoplifting cases
136	Shoplifting; DWI; drugs; DWLI; bad checks
137	Simple drug possession.
138	Simple misdemeanor
139	simple possession drug cases (though there are exceptions)
140	simple possession of drug cases, DWI-3rd offender, theft from a person
141	Simple possession of misdemeanor drugs
142	Simpler non-victim felony cases - e.g. PCS buy/bust, DWI 3rd, evading - motor vehicle, etc.
143	Some property crime and some narcotics cases. I never rule out the need for an investigator.
144	Some property crimes depending on the facts
145	some simple drug cases

146	State jail
147	The rare case where there is no need for further discovery or investigation and you have a complete defense with all the evidence you need from the State's discovery or through subpoenas (i.e. there is a bulletproof legal defense like double jeopardy or the videotape undercuts every single point that the State is relying on). A case where the client refuses offers to investigate the case and demands to plead guilty on the first setting, despite your advice and wishes. Outside of those cases, I would say the majority of the time, investigators are necessities, not luxuries.
148	The use of an investigator depends on the facts and circumstances of each case.
149	Theft
150	Theft
151	Theft
152	theft (where there is a video), some small pcs cases
153	Theft , D W I ,PCS
154	Theft, Criminal Trespass, Failure to Identify
155	theft, PCS
156	theft, pcs, evading
157	Thefts
158	Thefts, DWIs
159	there is no case that never requires an investigator
160	There is no general answer. It is entirely case specific.
161	There is no such thing as a "type of case" that never requires an investigator.
162	Third offender theft.
163	Those with few or no other witnesses
164	Trespass, failure to ID
165	Unable to answer that question. Its fact specific and not case type specific
166	Undisputed facts plus an agreed sentence.
167	Varies depending on the issues that exist in each case.
168	very few - solo drug possession maybe
169	video of the incident, cases with paper trail
170	When facts are not in dispute.

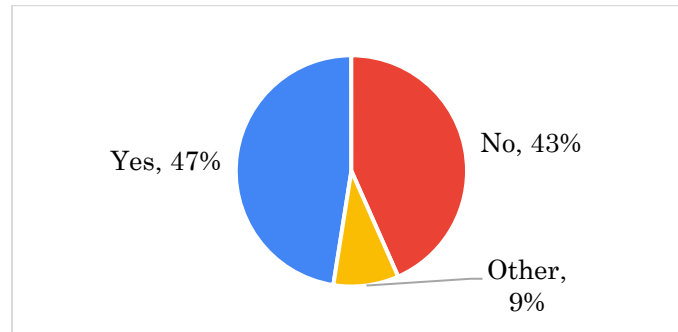
19. Have you had any difficulties getting approval for investigation expenses in Harris County? If you're a public defender, what obstacles have you had to working with investigators?

1	as a public defender, no significant obstacles
2	Depends on the judge
3	Generally, very few obstacles, but I think our office could use more investigators so that they could get to everyone's cases more quickly. The number of attorneys at our office has grown a lotttt, but the number of investigators has only grown a small amount.
4	I cannot recall a time when a judge disputed the need (request).
5	I have been fortunate to work with some of the best investigators in the office, and sometimes I think they might be the hardest working people in the office. They truly go above and beyond and respect the areas where I want them to be cautious in what they say or do.
6	I haven't had obstacles working with my investigators. They respond well and make sure that they understand my requests.
7	I only work on cases at the direct appellate stage. In the PD's office, the appellate division has separate lawyers who work on the appeal at the Motion for New Trial and they utilize investigative services from within our office.
8	I think we at the PDO need more investigators. They are worked very hard and sometimes it takes longer for tasks to be completed. They are completed, but the timeline could improved for us and for them.
9	I used to. Most of the current judges are much more reasonable about it.
10	I'm a public defender so I do not have any obstacles.
11	I'm still new, haven't requested one yet
12	In my 37 years of practice I have never been denied expenses for investigator. I am currently working a therapeutic drug community and resources are readily made available to us. I do not handle other cases on the felony level
13	In the past, Republican Judges would not give money for misdemeanor cases and if they did it would be a \$300.00 max. I have not had difficulty with any of the Democratic Judges. I hate to make this a party issue but it is the truth. Felony Republican Judges were better at giving funds for investigator but only when a person was incarcerated.
14	investigator case loads and not enough Spanish-speaking investigators
15	Investigator having a big caseload
16	Investigators' caseloads.
17	It is generally easy to have an investigator appointed to get what one needs.
18	Judges don't want to authorize enough Ake funds to get the job done
19	n/a
20	N/A
21	N/A
22	N/A
23	N/A
24	N/a I work bail division

25	NA
26	NA
27	never a problem.
28	Never had any difficulty with getting investigators approved, even over the guidelines when appropriate. Experts can be (are) another story, depending on the Court.
29	Never. On one or two occasions, I've had to justify some random charges in an investigator's voucher, but never a wholesale rejection of funding.
30	No
-	
117	
118	no difficulties
119	no obstacles
120	No obstacles
121	No obstacles
122	No obstacles as a public defender
123	No obstacles as I am a Public Defender, therefore, I have an assigned investigator.
124	No obstacles at the PDO
125	No obstacles to working with my investigator.
126	No obstacles, our office has investigators on staff.
127	No obstacles.
128	No problems
129	No!
130	No, I have not had difficulties getting approval for investigator's fees.
131	No.
-	
142	
143	No. At most I've had to approach and explain requests for additional funds on complex cases. I've never been denied an investigator or additional funds.
144	No. Getting them paid an adequate amount is difficult
145	No. I have always had my request approved.
146	No. In fact, I have successfully obtained approval for investigators in EVERY case where I have asked for one, including the few retained cases I handle per year, where the client was unable to afford the investigator.
147	No. I've never asked. What is the procedure?
148	No. Never
149	None
-	
159	
160	None recently. In the distant past it may have been difficult to get sufficient resources to thoroughly investigate.
161	None. We have investigators assigned to us, and they are extremely responsive.

162	None. Our office maintains investigators.
163	Not an issue at the PD office
164	Not anymore.
165	not applicable to my cases
166	Not applicable. Advise on immigration consequences of charges/plea offers.
167	Not easy.
168	Not enough investigators for number of attorneys
169	Not ever
170	Not in ultimately getting the approval, but rather in the judge timely signing the motion for appointment of a private investigator
171	Not much. Just the amounts paid
172	Overworked investigator. Prioritizing and time constraints. Some training issues as I have had to work closely for proper witness interviewing.
173	Overworked Investigators
174	Seldom
175	Some are overworked, big disparity in experience and skill between investigators. Some are very experienced, others are very new and don't have much training.
176	Some judges don't think it's a necessary expense or don't believe an investigator is needed
177	Some judges don't want to do it.
178	Sometimes issues with follow through
179	The only difficulty are the logistics of having an ex parte conversation with the judge, getting the motion filed under seal, and getting investigators paid with interim vouchers while the case is still pending without disclosing to the state and public that we have engaged an investigator and what work an investigator has done.
180	Wide range in skills among PD investigators.
181	YES
182	Yes
183	Yes
184	Yes
185	Yes
186	Yes
187	yes
188	Yes in the 174th
189	Yes on Ake motions
190	Yes sometimes
191	Yes until the new judges
192	Yes. Judge rejects voucher entirely because bill was \$60 over approved amount.
193	Yes. Sometimes Judges think they're not necessary although many of the newer Judges have been absolutely fantastic about granting funds.

20. Have you observed other attorneys in Harris County failing to investigate indigent defense cases? [Provided answers: Yes, No, Other]



1	Don't know.
2	Haven't noticed
3	I am unaware of other attorneys' practices in that regard
4	I cannot personally comment on what other attorneys are doing on their cases.
5	I can't say
6	I do not know
7	I don't know. I'm not a spy.
8	I don't pay much attention to other attorneys but have noticed that public defenders are usually attorneys who do not have the ability to earn a living in private practice. After failing in private practice they seek employment in the PDs office. My opinion is that they do not desire to work hard for their clients.
9	I don't monitor how other attorneys handle their cases.
10	I don't monitor other attorneys.
11	I try to mind my own business and not make assumptions.
12	I wish I could answer this but I cannot. The attorneys are scattered throughout the different floors and we do not see what is going on in other cases.
13	I wouldn't know
14	I wouldn't know.
15	Not enough observations to answer intelligently
16	Not specifically, but I've seen signs where I've assumed that an attorney has not done his homework.
17	Reported, not directly observed
18	This question is insulting. It is what indigent clients tend to state. Attorney's representing indigent defendants investigate and provide effective assistance of counsel. A good lawyer does not care whether the State or County is paying or the client is paying. They represent each client with zeal. I do not/have not observed good lawyers failing to investigate. I have observed lazy lawyers regardless of who paid them (County or Client) fail to investigate. If they are lazy lawyers, they do they do this whether court appointed or paid by the client.
19	unknown
20	Very rarely - and when it happens, it's usually retained counsel

21. Do you have additional comments on investigation?

1	A survey should be sent out inquiring of which specific Courts refuse or limit access to appointed experts (and investigators). It should ask lawyers about Courts in the Counties where they practice and accept indigent cases. Specific examples should be inquired of. All responses should be anonymous. The identity of those responding should be absolutely protected from discovery. If a threshold requirement is met, specific examples of denials should be brought to the Court's attention with ethical consequences short of remedial measures being undertaken by the Judge.
2	All defense attorneys should have access to an investigator. The public defenders office has an investigator in the office. If we have to wait to get approval for an investigator we would never get the cases resolved.
3	All judges, felony and misd, need to approve funds for investigators. Even a few felony judges can be difficult.
4	Attorneys must have the sole decision about obtaining investigators and who to obtain. Otherwise, that violates the client's 6th Amendment rights.
5	Criminal law is not a cookie cutter process. The work and investigation done in each case depends on the individual case and client.
6	Essential to get to heart of case and determine if state facts are correct, then can properly evaluate case for trial or plea
7	Experienced attorneys should know what to investigate, when and how.
8	Fees need to be raised
9	Get a good one
10	Harris County should budget for indigent defense with the ASSUMPTION that cases must be investigated. In serious cases, there should be a budget for a mitigation investigation as well. It is foolhardy and cost-ineffective to assume lawyers can investigate and prepare mitigation better than trained investigators.
11	I am an appellate lawyer so many questions don't apply.
12	I feel that I am blessed to have super investigators to work with. Appointed counsel have things more difficult in having to request investigators. Due to this, I believe that many appointed attorneys fail to request investigators in cases where they are necessary.
13	I feel the experienced investigators do enough work to thoroughly investigate or not paid enough
14	I have EXCELLENT investigators doing INCREDIBLE work for the clients I represent on an appointed basis. I am fully confident the clients are receiving the best possible defense and investigation!
15	I have never had a request for an investigation denied in felony or misdemeanor court.
16	I only handle post conviction, so my knowledge about other attorney's is limited.
17	I think Harris County judges do a great job giving us the resources we need to defend indigent clients.
18	I think that having an investigator appointed on a case is the Rule and it has few exceptions.
19	Interim vouchers need to be filed under seal for attorneys and investigators. Clients with appointed counsel are at a big disadvantage because anyone can look at how much we've been paid and what work we've done.

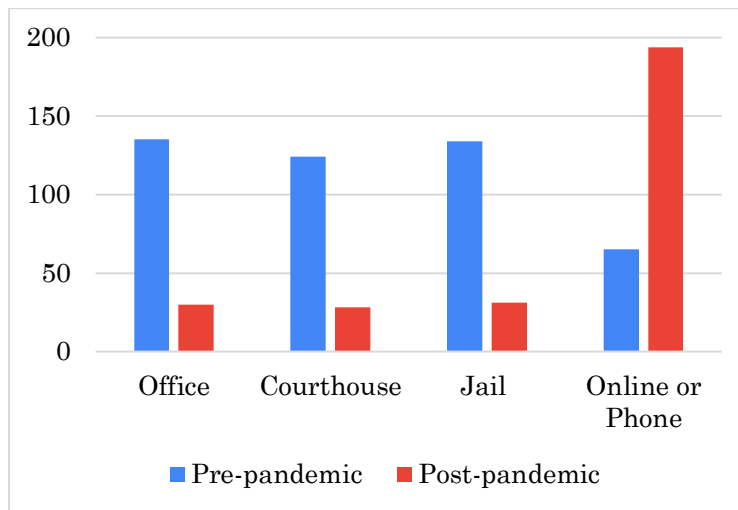
20	Investigation is essential. I cannot overstate how important this is, and how much it can change outcomes in a case. This is one reason why I sought to work at the Public Defender's Office.
21	Investigators are critical to success.
22	Investigators can be invaluable and should always be requested except in very few circumstances.
23	Investigators need a raise
24	Investigators pay scale is too low
25	It can make a difference in a case.
26	It might be helpful to have a CLE about obtaining an investigator and what they can be used for. There are some of us over exerting themselves doing things that can be delegated to an investigator simply because they aren't fully aware of how to use them.
27	It would be much more efficient for the PDO to employee a corps of investigators available to private assigned counsel. Attorneys need to be reminded of their ethical obligation to investigate. The police are not our investigators.
28	Many private appointed attorneys fail to properly investigate their cases.
29	N/A
30	N/A
31	NA
32	No
-	
72	
73	No.
74	No.
75	No.
76	No.
77	None
78	None
79	None
80	none
81	None
82	None
83	None at this time.
84	Not at this time
85	Not entirely sure how it works. Does the Court assign an investigator? Do I find an investigator? What are the eligibility requirements to being an investigator? If I am to find an investigator, what do I tell them in regards to payment? Do I receive the money and transfer it to investigator? Does the investigator bill the Court or County? I would love to have an independant witness (e.g. investigator) to all of my interactions with victims, other witnesses, etc.
86	Not really. I have never had a problem with getting a case investigated.

87	Private investigators in Houston are mostly ex-cops and do not understand client-centered defense.
88	Required mostly in felony cases
89	Some judges act like you are delaying your case by asking for an investigator.
90	Some of the specialty court attorneys don't even bother to get ORs before trying to plead their people out.
91	The attorney needs an investigator that they can trust to do the tasks requested, and to conduct interviews in ways the attorney wants. It takes years to vet investigators to find ones that mesh well with the attorney. It is a violation of the 6th Amendment to not allow attorneys to choose the investigators they deem best to assist the client in preparation of their defense.
92	The presumptive max for investigators should be much higher.
93	the process of approval needs to be streamlined, so that the attorneys can get access to the services of qualified and approved investigators. Perhaps a list of court-approved investigators would help the overall process.
94	There is a lack of mitigation investigation among many.
95	This survey clearly has an agenda.
96	Very few appointed attorneys in the juvenile system request money for investigators.

Client Communication

22. Before the COVID-19 pandemic, where did you mostly meet with clients? [Provided answers: Office, Courthouse, Jail, Online or on the Phone, Other. Select all that apply.]

23. Since the COVID-19 pandemic began, where have you mostly met with clients? [[Provided answers: Office, Courthouse, Jail, Online or on the Phone, Other. Select all that apply.]



Other responses to Question 22, regarding pre-pandemic communication:

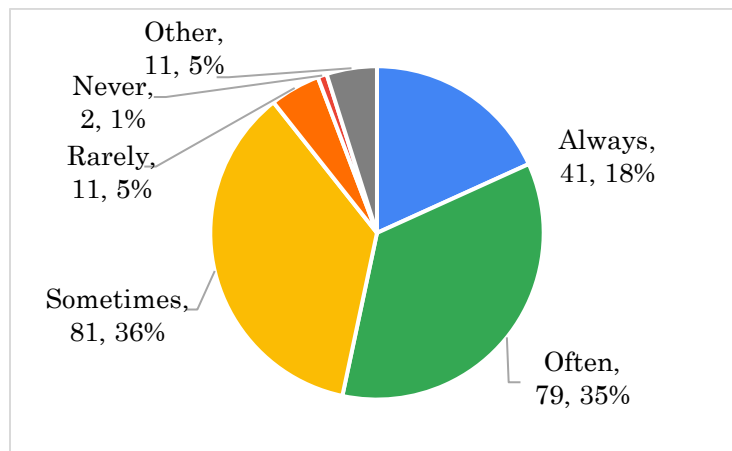
1	All of the above
2	All of the above, and by mail; regularly.
3	Anywhere
4	combination of the above
5	communications mostly by mail
6	I would also meet somewhere convenient for the family.
7	In the Juvenile Detention Center
8	Letter if they were in TDCJ
9	office is at courthouse so it includes both
10	Places of convenience to clients
11	Prison correspondence
12	TDCJ

Other responses to Question 23, regarding post-pandemic communication:

1	Mail
2	communications mostly by mail

3	Current assignment does not require many meetings.
4	i communicate with clients by letter.
5	In Court
6	In some cases, this has been almost impossible. Video links to some of the jails are of such poor quality that it is impossible to understand them.
7	jail via virtual visits
8	Letter
9	Mail.
10	Mail. I have written no less than 100 letters to clients.
11	N/A
12	Prison correspondence
13	Public Place
14	Securus
15	The client's home
16	Video Conference
17	Video Visitation for Clients in Jail
18	Video visits with jail inmates
19	Written or telephonic Communication
20	Zoom
21	Zoom and securus phone calls
22	Zoom or in person

24. Since the COVID-19 pandemic began, how often have you been able to effectively communicate with clients? [Provided answers: Always (Every Case), Often, Sometimes, Rarely, Never (No Cases), Other]

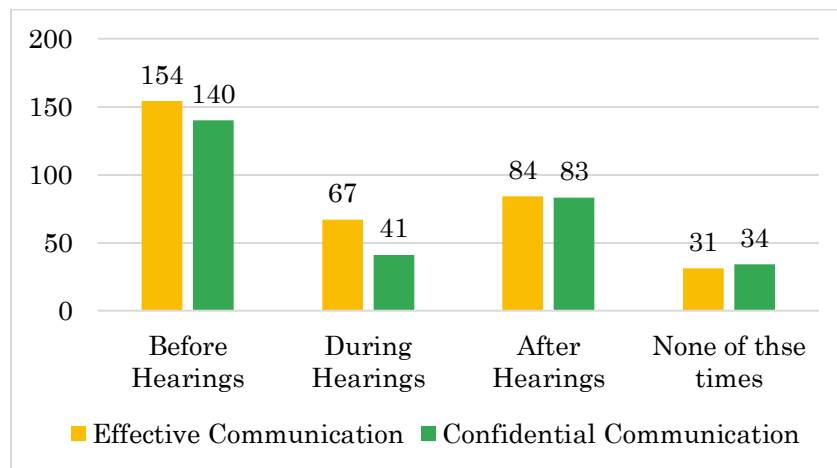


1	95%
2	Almost every case

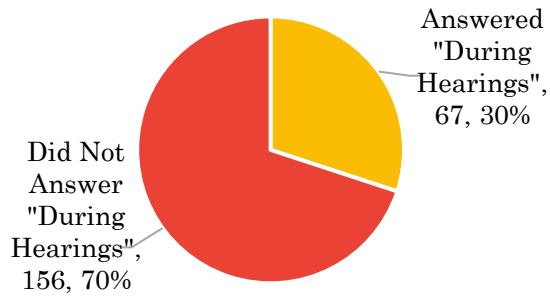
3	Bakar Street jails are a problem
4	Communications via Zoom are less effective than in person meetings.
5	Effective communication is tricky. I can communicate with all of my clients, but only my bonded clients have confidential communications. I do not believe in communicated confidential, or defense specific, information via Securus.
6	Folks not in jail -- often. In jail -- sometimes.
7	Having difficulties locating some clients because the phone numbers I had are no longer good numbers. Where I have good numbers and/or they have access to the internet communication has been good.
8	I communicate with client through counsel or by phone. Provide immigration advice.
9	I have had a few homeless clients that I lost track of...otherwise I keep good communication with all of my clients
10	N/A
11	Often via zoom, phone or text messages

25. Since the COVID-19 pandemic began, at what times have you been able to effectively communicate with clients? [Provided answers: Before Hearings, During Hearings, After Hearings, None of these times, Other. Select all that apply.]

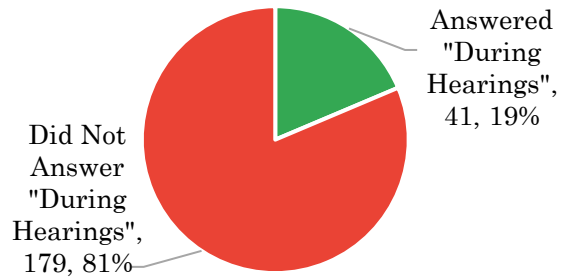
26. Since the COVID-19 pandemic began, at what times have you been able to confidentially communicate with clients? [Provided answers: Before Hearings, During Hearings, After Hearings, None of these times, Other. Select all that apply.]



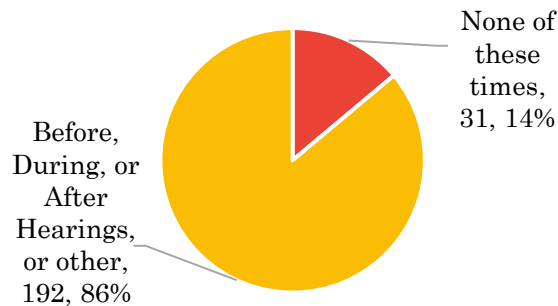
Effective Communication



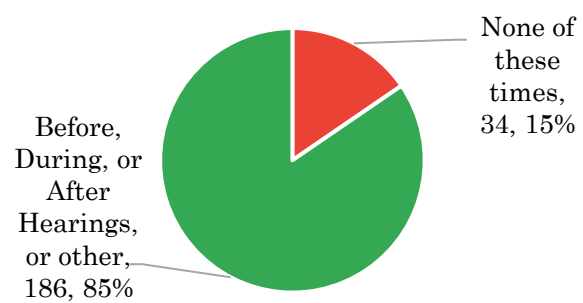
Confidential Communication



Effective Communication



Confidential Communication



Other responses to Question 25, regarding effective communication:

1	all times
2	all times of the day
3	Also after
4	Any time I feel they need information or I need information from them.
5	At any time via text message, mail, or jail visit as needed.
6	At different points
7	Between noon and 6-7 pm
8	Case by case
9	Communication in the holdover by phone is not adequate.
10	Definitely not during court dockets or hearing dates for inmates
11	During phone calls.
12	Haven't had any hearings
13	I am an appellate lawyer.
14	I communicate with client through counsel or by phone. Provide immigration advice.

15	I don't like the syntax of question
16	I have not had any hearings.
17	I'm not sure what is meant by hearing, but depends on the client. Outside of court via phone or video conference at jail. Times vary
18	It depends. It's been very difficult to communicate well with incarcerated clients, except by mail. Sometimes the video visits in the jail work, but not as well as an in person visit.
19	It has also been important just to check in on Clients even without a pending court date.
20	It's really hit or miss lately. It depends on how persistent you are with contact
21	It's all prison correspondence
22	N/A
23	office
24	Office appointments
25	On the phone
26	Outside of Court
27	reviewing plea discussions
28	set up a meeting
29	Since communications are mostly by phone. We effectively communicate by setting an appointment for a phone conference. Simply responding to a missed call in a timely manner is effective as well.
30	Supervisory role, no appointments
31	The reality is this is almost never. At least depending on where in custody clients are housed.
32	This question is too either-or
33	Through letter correspondence and TDCJ phone calls during the appellate process.
34	via letters and TDC calls
35	Was able to communicate with them whenever necessary.
36	We have not had hearings, but prior to pleas, if they're in custody, I am able to set-up appointments
37	Weekends
38	Weekly and bi-weekly
39	when in jail, to discuss moving forward in program
40	When needed.
41	Whenever I need to communicate with them
42	Whenever it was appropriate for the need.

Other responses to Question 26, regarding confidential communication:

1	All communications.
2	All correspondence is through mail or phone
3	All the time.
4	all times

5	all times of the day
6	And after hearings
7	At any time it was necessary, except when clients defeated the three way call system from the jail and called on a line I knew was recorded; in those instances, which happened before COVID as well, I handled the calls where things I believed should remain confidential were not discussed on the recorded line while I still tried to address the issues the client was calling about, while also admonishing them that three way calls violate SO rules and could create other problems for them.
8	At any time via text message, mail, or jail visit as needed.
9	At different points
10	Bond clients, any time before or after the hearing. Jail clients - none.
11	But not at all with incarcerated clients except by mail.
12	Case by case
13	Communications are made by private phone conversations at essentially any set time.
14	Don't like the syntax of question
15	During phone call
16	Haven't had any hearings
17	I communicate with client through counsel or by phone. Provide immigration advice.
18	I have been using Securus, Zoom and phone calls. It is all supposed to be secure but I don't have complete confidence in that.
19	I need to meet my clients on very rare occasions.
20	in writing assuming TDC is not opening the mail
21	It depends on how often I try to contact them
22	It varies
23	mail and securus, if that is confidential
24	N/A
25	None if incarcerated
26	None of these times
27	None of these times, Impossible when the Bailiff won't take them off speaker phone.
28	Not during court settings.
29	Often in office appointments
30	On matters that require confidentiality, I send my investigator to the jail to get confidential details. A scenario has not occurred yet where I had to go in person to communicate confidentially, but I would do so if needed. I don't trust the phone lines for confidential communication.
31	on telephone or in office
32	On the phone or at the jail.
33	Outside of court
34	Outside of Court
35	phone
36	same as above

37	Same as above
38	set up a call
39	Sometimes I'm unsure about confidentiality in the holdover. However before the pandemic there were other inmates there so I don't discuss certain issues there anyway.
40	Supervisory role, no appointments
41	There have been very few contested hearings. For contested hearings I have appeared in person, in court.
42	This is a HUGE issue. Especially if client is in custody. No way to do it here now
43	via phone or zoom calls into the jail.
44	Weekly and bi-weekly
45	When needed.
46	whenever I need to confidentially communicate

27. What are your biggest barriers to communicating with clients, either in-person or remotely?

1	1200 Baker has no video conferencing capability so I have to make those jail visits in person which is difficult with all day Zoom court proceedings.
2	2 Jails in Harris County do not have Zoom. There are issues with Securus. The State should fund attorney Zoom interactions with clients. Attorneys then do not have to worry about Securus recordings getting into the wrong hands. Also this would hopefully encourage more attorneys to meet with their client's at the jail. This would make attorneys more efficient and potentially save tax dollars for private attorneys in indigent cases billing for all that time to go to the jail to see clients.
3	A sense of urgency.
4	Access and privacy
5	Access to phones/securus cameras in the jail.
6	All my clients know to call me collect from the jail whenever they want to communicate with me.
7	Allowing the individual Sheriffs/Counties to adopt their own individual protocols regarding access. They should all use the same protocols. That would lead to increased communication and greater expediency. Courts should be required to post the procedures on their website. Courts should NOT be allowed to deviate from a set universal video conference program regarding public hearings which would also lend itself to efficiency. Courts should NOT have the ability to prevent people from access to digital courtrooms thereby denying the public the right to access. This has Constitutional implications. Anyone who wants in to view and listen should have the right to do so. They should not need to ask for an "entrance ticket" from a coordinator.
8	allowing to see evidence and still comply with 39.14
9	Because I work with juveniles, it becomes difficult communicating with out of custody kids during "regular business hours" because the adult in their life works. However, that is only a minor barrier.
10	Besides COVID-19 safety issues, clients change their number and don't update the attorney.

11	Bond clients don't want to communicate. Attempts to communicate by video don't work as the client is very often not brought out.
12	can't just call, have to make appointment. some Judges keep us locked out of courtroom on zoom, so no access to lawyers or clients. No posted list of holdover phone numbers
13	Clarity on court times etc
14	Client availability
15	Client based. Clients not turning on voicemail, paying phone bill, changing # without explanation, not responding to email, etc.
16	client interest in speaking
17	Client reluctance to come in or to travel during these times
18	Clients' access to technology. It varies from client to client, jail to jail.
19	Clients changing number or addresses and not communicating the change.
20	Clients don't care about case till last minute
21	Clients failing to provide reliable contact information, and failing to attend scheduled meetings
22	Clients failing to respond or update their contact info and not being able to send investigator out to find them.
23	Clients frequently change phone numbers and don't notify me.
24	Clients housed at 1200 get to use Zoom, which is easier to use, and much more secure and without the usual time limits. Those housed at 701, must use Securus, which is unreliable. Clients are often not brought up for their Securus meeting. The connections are usually poor and it is hard to communicate with these clients.
25	Clients in custody at 1201 Baker require a Zoom call, which takes more time and hassle to set up versus Securus at 701. N. San Jacinto or JPC.
26	Clients not following up
27	Clients not having good contact information, cell phones etc.
28	Clients on bond who have no phone. Harris County jail does not have video visitation for all inmates, which is needed during the pandemic.
29	Clients phone being disconnected
30	Clients' phone numbers change frequently, and they don't reach out to their lawyer. The courts and pre-trial services don't do an adequate job of obtaining good client contact information.
31	Clients will not stay in contact when on bond
32	Communicating with deputies in the jail regarding sending clients to phone for bail hearing interviews which are done remotely
33	Communication in the jail
34	Concerns over health
35	Contacting them
36	Correct contact information from Court
37	Covid
38	Covid
39	Covid 19

40	COVID Courthouse guidelines / CDC guidelines
41	COVID in the jail
42	Defendants make bond and dissappear.
43	Difficulty in holding in-person meetings; limitations of zoom format
44	Disconnected phone numbers for on bond, clients not being brought to Securus meetings at the jail
45	Do not feel comfortable reviewing discovery in person with in-custody clients because of COVID in the jail.
46	Do not trust the technology to keep it confidential
47	Don't want to get too close and Securus system is not trustworthy of being secure.
48	Effectiveness
49	Effectiveness
50	Effectiveness
51	For clients in custody, staff shortages in jails has made the most difficulty.
52	Getting the client to call back
53	Getting their correct number or email
54	Getting them on the phone, sometimes they just don't pick up or call back
55	Having good contact information for clients who are on bond; clients having access to the internet.
56	Having them answer the phone, some are homeless and do not have phones.
57	homeless clients, no phone #, disconnected #s
58	I don't trust securus and I don't want to risk jail visits
59	I have a few homeless clients that do not have phones, email, addresses, etc
60	I prefer face to face meetings.
61	If a client's cellphone is turned off, or if the changes their phone number, it is difficult to reach them directly.
62	If you are referring to now and specifically COVID-19, I am reduced to mail, jail calls, video conferences, but other than now, no problems. I go to the jail often when there isn't a pandemic.
63	In custody cases, hard to understand at times and unable to effectively show client discovery (photos, videos, etc).
64	In custody clients require numerous steps by multiple people to prepare for, schedule, appear via Zoom or Securus.
65	In person - do not want to subject myself to covid-19 virus. Remotely - the jail's communication system is highly suspect in terms of maintaining attorney-client privileged communication, as jail staff has been known to turn over recorded meeting sessions to DA's office in other jurisdictions.
66	In person communication is most effective, but right now it is risky. I send a lot of mail to the incarcerated clients. I had a client who told that he wrote me 3 letters while he was in the jail, and they all were returned to him. That later contained information essential to him getting a make-able bond. The fact that I did not get the first 3 letters caused my client to spend many more days in jail. We also need teleconferencing at the Baker Street jail and we needed it yesterday.

67	In person it would be nice to have more witness rooms to utilize. Remotely, it is difficult to capture every phone call bc there is such an influx now due to covid.
68	Inadequate remote access to some of the jails. Only one really has a working video conference system available.
69	It is always more effective to communicate in person. So Covid 19 has limited the ability to communicate.
70	It's impossible to stay 6 feet away from a client during a hearing. You have to discuss issues as they come up. The same with pleas. Virtual visits in the jail are ok, but they are limited to 40 min. Before Covid, it was not uncommon for me to spend over an hour with my clients. I still do so, but it takes multiple sessions.
71	Jail access, clients changing phone numbers
72	Jail infected
73	Jail is my biggest concern because although it is attorney-client protected i cannot guarantee to client that jail will not relay details of our case to DA. I have heard it happen in other counties and i do not trust that we can have a confidential communication
74	Keeping a good phone number for indigent clients on bond.
75	Knowing how to go about visiting with clients who are in jail.
76	Lack of privacy from detention officers and/or parents
77	Lack of trust using Securus and Zoom to communicate confidentially.
78	Lawyers know they can't trust Securus for confidentiality -- they got caught in Travis County recording lawyer communications and turning it over to the DA
79	like to go to jail Clients dont trust remote video
80	Limitations on jail visits
81	limited access into the jail. But the Zoom program set up at 1200 Baker has been amazing. I hope they keep it after covid.
82	Limited zoom time frames, lack of dedicated zoom line for attorneys during docket
83	limits of tec available and reliability
84	Logistics
85	Making sure TDCJ clears the room of correctional officers and/or are not monitoring the phone call.
86	Many of them have trouble keeping the same phone number
87	Most of my clients are only in the Harris Co. Jail the 1st 30 days after conviction. This is pre-covid. During covid there have not been many appointed appeal cases as there have been no trial.
88	My caseload is different than most lawyers in the office, and I have only a limited number of cases where I lead counsel and I must do all the communication. I haven't had much problem communicating in those cases.
89	N/A
90	N/a
91	No access at 1200 Baker
92	no barriers
93	No in-person meetings at this time due to covid-19, but no issues with phone conferences or video visits with clients in custody.

94	no physical meetings
95	none
-	
104	
105	nonnnnne
106	Non-verbal communication is better in person.
107	Not being able to speak face to face can be a barrier, especially when trying to assess mental health. But, the courts have done a good job utilizing the holdover phones for client communication.
108	Not confidential
109	Not confidential
110	Not having correct or current contact information for my clients.
111	Not having good contact info or means to reach client
112	Not meeting in person because of COVID-19
113	OCCASIONAL PROBLEMS WITH SECURUS OR ZOOM
114	One client's indifference.
115	One jail does not have reliable access to online communication line the other jail.
116	Only if I cannot get them via phone.
117	Other than getting their contact info if they bond out quickly, I've been able to communicate easily.
118	Poor people do not have working phones.
119	Privacy and the ability to effectively review discovery with my clients.
120	Quarantines
121	quiet settings inthe courthouse
122	Regarding remote communications, the hours available for us to meet with our clients and the period of time we can spend with our clients in addition to my lack of confidence that any of it is truly confidential are the biggest barriers.
123	Remote access
124	Safety of jail
125	scheduling
126	Scheduling
127	Scheduling and clients in quarantine
128	scheduling difficulties with jail video visits/tech problems
129	Securus audio is poor
130	Securus doesn't work and don't feel safe going to the jail.
131	Securus is a crappy service that spies on conversations and costs an exorbitant amount of money. 701 San Jacinto should have Zoom discussions like 1200 Baker does.
132	Securus is not a good service
133	Securus- it is a terrible system
134	Setting up the meetings and ensuring confidentiality

135	sheriff failing to present client for securus
136	Sheriff's refusal to allow client out of holdover which is very noisy and other inmates are nosy, lack of phones in hold over
137	Since the pandemic began, scheduling for video conferences with clients in custody was cumbersome at first but seems to be working adequately now. Occasionally jail quarantines have prevented contact, and sometimes the quality of the audio pickup in the jail on video conferencing makes it very hard to understand a client (echoing in masonry visitation booths).
138	social distancing and confidentiality
139	Some clients are in locations that do not utilize the zoom feature
140	some indigent clients do not possess technology such as laptops
141	Some indigent clients don't have phones
142	Some of my clients don't have telephone numbers because they are homeless, while others change their telephone numbers and fail to notify me.
143	Sometimes just getting access to speak to your clients. When you are able to reach them, there have been time getting able to confidential place to communicate.
144	TDCJ
145	Technological difficulties on the client's end.
146	technology
147	Technology. However, it usually gets resolved.
148	Technology. Securus is good, but there are glitches. Baker St. doesn't have Securus, so jail visits are limited from 8a - 3p.
149	The barrier is that it's just not the same as communicating in person. Something gets lost when communicating remotely.
150	The client having the time for a real meeting.
151	The client's ability to have the technology to communicate.
152	The clients not having a working cell phone.
153	The client's number changing or getting disconnected
154	The confidentiality of Zoom meetings or Securus video meetings with incarcerated clients.
155	The quality of phone call (Securus) and fear of being monitored or recorded.
156	The Securus system is scratchy and it's very difficult to hear or see client. Zoom is limited time wise, like bankers hours. Often have to be in court at same times. There is not enough man power dedicated by the sheriff to support visits. We need to be able to access clients after 5pm and on weekends. Also often need longer than 30 minutes.
157	The technology at the Harris County Jail and Courts
158	The virus outbreak in the jail prevents me from going to the jail
159	Them answering the phone. We also are frequently missing phone numbers on personal and surety bond documents.
160	There is a lot of concern over the security with Zoom and Securus at the jails, especially because Securus has been sued in Texas before for turning over confidential communication to the DAO, so that is worrisome but unavoidable at this point, in my eyes. Also, hearing via Zoom make it next to impossible to communicate with your client during a hearing or court proceeding whereas normally you would be able to whisper in their ear privately or ask the judge for time to discuss something. Also, with indigent defense, it's not uncommon for

	people's phone numbers to stop working, so without good contact information, it's very difficult to locate some clients in the first place, especially when we aren't even able to visit with them when we get appointed. Sometimes they are granted PR bonds and bond out before we are able to schedule a meeting with them at the jail to get contact information and introduce ourselves.
161	There's difficulty in reviewing evidence with clients remotely. Some items need to be reviewed but cannot be shared.
162	They are all in the custody of TDCJ
163	They change numbers and don't respond to calls or texts or emails.
164	They change their numbers, Baker Street jails do not have video meetings set up
165	They do not have a phone or have not provided me with a new phone number.
166	They do not update me when their numbers are disconnected or change
167	They don't always have a working phone or are homeless.
168	They don't write (call) or have family members do so either
169	This remote communication is an absolute violation of atty/client privacy and makes effective assistance of counsel impossible. The judges and district attys must be forced back to crt! This is like practicing law in a black hole. Tax payers are paying these people's salaries to be judges, prosecutors and bailiffs! Bring clients to crt house if not in quarantine, judges must be in crt and by all means the da's must be made to attend crt, in person!
170	time delay in scheduling, but the video conferencing capabilities are improving.
171	Time. I am always rushed for time. Not enough hours in the day to do everything that I want.
172	Tough to hear them with everyone wearing masks.
173	transportation to office or available time at online communications at jail
174	Trusting Secarus that they are not recording us
175	Usually their attitudes and false information passed around in the jail which makes them not listen / believe what a lawyer tells them. But this is in general.
176	Video jail visits are not a true substitute for in person visits with incarcerated clients. Additionally, the pandemic has caused additional instability for clients on bond as well, making it difficult to reach them at times.
177	Video problems
178	When they don't return phone calls, texts or emails
179	Yelling at each other over other inmates in the holdover, having to speak through masks, and general the quality of video or phone connections.
180	ZOOM access to all of the jails.
181	Zoom works very well

28. Do you have additional comments on client communication?

1	All of my clients have the ability to call me collect at any time. 95% of them do so routinely. I send a letter to those I haven't heard from, requesting that they call. If that doesn't work, I send my investigator for an in person meeting.
2	At this time, my clients are out on bond. However, over the years I have had EXTREME difficulty visiting my clients at the Harris County Jail. This is due to the lack of available handicap parking at the jail. HCSO employees arrive at the jail early and take all the parking spots. Whenever I attempt to see a client after court, I am not able to because there is no parking available for me. It can take me several attempts, over several days, to be able to see my clients in jail. Often, I have to go on a Saturday or Sunday morning to see my clients.... even then I have had occasions where there was no available handicap parking. I have made the Sheriff and various other employees aware of this problem and have been ignored.
3	Client communication has been the biggest problem since the pandemic began. I never used video visitation prior to the pandemic but I feel that is the only way to see clients now if I don't want to risk exposure to COVID-19 at the jail. It is very difficult to review evidence with clients. It is hard, if not impossible, to show a client a video when you are meeting with them remotely.
4	client confidentiality is nearly impossible during hearings to comply with social distancing
5	Clients think Covid=dismiss
6	Communication won't be adequate until the pandemic is over.
7	Courts should NOT be allowed to deviate from a set universal video conference program regarding public hearings which would also lend itself to efficiency. Courts should NOT have the ability to prevent people from access to digital courtrooms thereby denying the public the right to access. This has Constitutional implications. Anyone who wants in to view and listen should have the right to do so. They should not need to ask for an "entrance ticket" from a coordinator.
8	Covid has thrown most of the norms out of whack, to be fair.
9	Difficult because of the pandemic but zoom and phone does provide acceptable meetings
10	For my incarcerated clients being held at San Jacinto, my only way to conduct remote visits during the pandemic has been through Securus. While it works okay, it does not have near the capabilities as a Zoom visit. Zoom visits are only allowed at the Baker Street Jail. Zoom allows me to share my computer screen and have my client review, watch, and listen to the discovery in his/her case. The Zoom visits are more effective than an in-person visit in terms of discovery review.
11	Frankly, the jail video conferencing visitations (now that they are free, at least for now) is less time consuming and more likely to result in actual contact than physical jail visitation. Physical jail visitation is often hampered by LONG waits for a client to be delivered to a booth, and occasions when they are not delivered at all.
12	I am wasting a lot of time and taxpayer funds having to call my clients about reset cases every 2 months. This burden should be on the courts and/or pre-trial services. It is a waste to pay lawyers to do this kind of work when we should be investigating and evaluating our cases. Further, the inability to reach clients is creating a situation where thousands of defendants will no-show when the courts reopen.
13	I have actually increased communication with clients since the beginning of the pandemic
14	I have had no insurmountable issues communicating with clients during covid. In fact, in a strange way, I think my communication with clients has improved with the availability of

	zoom dockets (which free up a substantial amount of time that was otherwise spent standing around in court) and other technology.
15	I try to make myself available. However, there are too many different ways for people to contact me. It is hard to manage sometimes. I do my best to make sure I respond to client as soon as possible.
16	Impossible to communicate with client during a ZOOM hearing
17	Improving remote communication ability with in custody clients is an essential priority.
18	It can problematic arranging a good time to meet clients on bond due to work schedule, distance, transportation issues.
19	It is a basic requirement for effective assistance of counsel.
20	It would be great if indigent clients could provide a number in which they are able to receive texts when they are bonded out immediately to pretrial services or the bonding company.
21	Legal concepts are difficult for families to understand. Communicating them in another language is even more difficult. It takes time and sensitivity.
22	N/A
23	N/A
24	NA
25	No
-	
58	
59	No, see above
60	No.
61	No.
62	No.
63	None
64	None
65	None
66	None
67	None
68	None at this time
69	Not at this time
70	Not really.
71	Prosecutors are not available and do not communicate back which delays dockets
72	Requiring additional teleconferencing with jail inmates would be helpful.
73	Securus must provide the tech people to answer questions.
74	the best way to speak to inmates is at the jail exposing me to COVID
75	The biggest complaint I get from my clients is that their trial attorney did not listen to them or did not come to jail to discuss their cases with them in private.
76	The Covid 19 pandemic has made communication a challenge.
77	There is an appropriate procedure for concerns that clients have about the effective communication by the attorney. They can either file a complaint with the State Bar grievance committee, reach out to the State Bar client-counsel liaison, or communicate their concern directly to the judge. TIDC has no duty or right to usurp another organization (the

	State Bar) by creating a MAC, which would seek to provide the same oversight, but without the skill, experience, or proper checks and balances of the State Bar.
78	Very difficult to effectively communicate remotely
79	We need a more reliable solution than Securus.
80	We need Securus video conferencing at all Jail locations.
81	We need Zoom for both jails
82	Would be nice to have the Courts confirm contact information before appointing us to cases. Too often the number provided on the bond paperwork is incorrect.
83	zoom should be available for all HC jails, and on weekends and evenings

COVID-19 and Remote Courts

29. How have remote court proceedings and other changes from the COVID-19 pandemic affected your ability to provide quality representation?

1	2
2	A number of clients feel that something magical happens when they are on the chain and brought to court. By not doing that and keeping them at the jail on non-essential hearings, a number of them feel their cases are being ignored. Constant off-docketing definitely pushes some cases to lower priority as to-dos are not done in as expedient a fashion as they should. Bond clients feel lie they are in a cycle without end, too.
3	Actual interaction with the court is not a problem. Some simple contested hearings are equally easy. However, communicating with in custody clients is a tremendous problem.
4	Almost every one of them
5	As I am learning and utilizing the technology made available, it's my belief that remote courts have worked to everyone's benefit. Harris County's need for thousands of people to take off work and show up in person every three to four weeks to appear on their cases was oppressive. The remote settings have allowed the prosecutors, judges, and defense attorneys to conference and move cases forward without causing citizens to put their lives on hold making needless court appearances.
6	Been fine
7	Can't safely have jury trials
8	Communicating with new clients. Most courts send appointment information by email. Generally the contact information on bond paperwork or offense report is incorrect and it is more difficult to communicate representation. Also, every jail needs to have the video conference abilities. That has been a life saver for the jails that have it.
9	Communication is always the most difficult.
10	Conduct hearings with witnesses is a problem.
11	Difficult for live hearings with witnesses, but otherwise remote is better than live for routine settings.
12	Difficult to meet in private with client during ZOOM proceedings.
13	Difficulty with representing incarcerated clients on the issue of bond on the day of appointment because of the need to have a separate conversation with the client for additional information; difficulty with getting the ADA to review and evaluate cases for incarcerated clients
14	Drastically
15	efficiency
16	Enhanced it.
17	Everything is slower
18	Everything takes longer
19	Everything takes longer, communication is less frequent, and there are times that I'm only able to communicate a plea offer in court by phone the day the court wants to take the plea puts extra pressure on me and clients to enter guilty pleas without further negotiation

	(especially since trial isn't a realistic counter for anything but the most serious cases because of the time it will take to get there)
20	Everything takes longer.
21	Extremely slow to move cases and not able to provide my full quality representation
22	For pleas or important matters I have risked it and masked up and gone to Court.
23	FOR THE FEW CLIENTS OF MINE WHO REMAIN IN CUSTODY, IT HAS HARMED MY ABILITY TO PROVIDE QUALITY REPRESENTATION
24	Found other ways to communicate with and keep client informed during Covid-19 pandemic.
25	Greatly affected.
26	harder to meet with court, harder to communicate with everybody. DA's not available
27	Has not affected ability to provide quality representation.
28	hasn't
29	Have made it much more difficult mainly b/c ADA's not present and cases more difficult to resolve.
30	having clients in my office for in-person meetings and case preparation is curtailed.
31	Honestly, with no jury trials, and with the serious cases I am normally appointed to, it is not possible move forward on most of these cases, and it will never be possible because neither the client nor the DA has any pressure to truly evaluate their positions. Further, and since you asked, even the minor cases are not being worked out, except by very experienced and secure prosecutors who are not afraid of moving the docket to get non-violent cases closed out. So, minor cases are being stacked on the mountains of capital murders, murders, aggravated sexual assaults, aggravated robberies, aggravated assaults, true habituals, and so on and so forth, to be dealt with in the years to come.
32	I am having a difficult time with prosecutors obtaining discovery and responding to emails.
33	I believe I am still able to provide quality representation, just in a different way. Communication has suffered and that does make it more difficult, especially with the clients I have.
34	I believe my representation has actually improved because I am spending less time in court for random court appearances. These take time from my day to commute there and to wait in the courtroom. I am now able to Zoom in for court issues and handle matters faster, which leaves me with more time in my office to handle client's cases, investigate, do legal research, and meet and communicate with the client. I can not stress enough how much better it is since we do not have to attend random monthly court appearances in person just to reset the case.
35	I believe remote court proceedings work when it is more cut and dried. When it is a contested trial, it is not as effective.
36	I believe timely movement of cases has been impacted. It is sometimes difficult to get the DA to respond about a case. It is also difficult to have meaningful discussions regarding cases with the DA over the phone. We have not had Zoom meetings with the DAs. In addition, the DA has started saying if we cannot resolve the case "soon" they will seek an enhanced punishment range. This is unfair to the client and can have a lifelong impact on their lives.
37	I can still provide quality representation, the only difficulty is with making sure a client doesn't blurt out something they are not supposed to say.

38	I don't believe it has not other than sometimes losing touch with the client. When we had court you settings we knew we would be able to talk with them that day. Now it's more difficult.
39	I feel as though I have been able to provide quality representation although at a slower rate, which has a big impact, particular to those in custody
40	I have been successful in getting bonds for some, but otherwise there has not been too much of a significant change, once folks got used to the technology.
41	I have been unable to answer last minute questions that clients have had while in court. Although, efforts are made to confirm their full understanding prior to court, it is concerning when they begin to ask questions during proceedings and risk saying something detrimental.
42	I have more time to spend on my cases. The Harris County Courthouse is not set up for large dockets. Many people (defendants and attorneys show up for nothing). They miss work and are at risk of bond forfeiture and nothing is going on with the case. The state is still waiting on evidence, the state hasn't spoken to a witness, the state is waiting on felony to make a decision, etc.
43	I have only had one hearing and that was done via teleconferencing. That worked well simply because it was a bond matter. I have no new cases since the pandemic began and my older cases are reset far off, so my ability to effectively represent my clients hasn't been affected yet.
44	I have yet to participate in any.
45	I hope not.
46	I hope not.
47	I hope not.
48	I meet with my clients at detention before any stipulation.
49	i miss the personal contact and information exchange which takes place at court.
50	I still work every single case and communicate with my clients but without the prospect of trials in the foreseeable future, the DA's Office has no impetus to make reasonable offers.
51	I think communication is suppressed with clients but more so with prosecutors
52	I think I have disclosed more via zoom to the court than I would in person. More than anything, I have had to take more cases than I would like in order to try to make up for lost income due to all of the cases being continuously reset off docket.
53	I truly believe my representation of clients has improved with the "embracing" of technology. As previously mentioned, zoom dockets free up a substantial amount of time that was otherwise spent standing around in court. Clients are not being required to appear as often - which helps them in numerous ways (ie, employment, childcare, transportation issues/costs, etc.).
54	I understand the need for court appearances via zoom but nothing compensates for being there with the client. To the extent possible I try to be physically present for contested proceedings, or for certain very serious cases.
55	I'm actually more efficient now
56	If client appears in person and is ordered to turn phone off, is difficult for me to communicate via text with client when appearing remotely.
57	Impossible to communicate with client via zoom in the middle of a proceeding.
58	Inability to get a hold of prosecutors, can't negotiate cases during docket

59	Inability to get additional info from clients when situations calling for such presents itself.
60	It can be a challenge.
61	It has been a challenge but it has worked quite well
62	It has been good!
63	It has been much more difficult.
64	It has completely put a halt to the bulk of my work, which is helping lawyers try and litigate cases. There's no such thing as a speedy trial right now, and while I understand why, it's a problem.
65	It has gotten rid of needless settings. Judges are easily accessible via zoom. Contested hearings are difficult due to sound issues, court reporters inability to hear people with masks on.
66	It has it made it more difficult. I have immunodeficiency so I can't risk going to jail.
67	It has not affected my representation due to my current assignment with Felony Mental Health Court
68	It has not but with special cases I will go to court and meet them in person although I fear for my safety and the safety of my incarcerated clients.
69	It has only changed the manner in which I contact them. I actually have 20 to 30 more hours per week in which I can work on cases and effectively represent people. I don't have to travel wait in line wait for an elevator climb stairs and wait to talk to 3 to 4 different judges.
70	It has worked well so far. I discuss with the client before hand and either I zoom in (client doesn't have to), or both client and I go to court
71	It hasn't
72	It hasn't. Discovery is still available. Judges are available if you need them.
73	It hasn't. I love it
74	It helps to have access to judge. The prosecutors however do not respond to defense counsel and if judge isn't having both appear, clients are just in limbo.
75	It is different, but it allows me to help me clients. I think remote proceedings should continue past Covid, but not hearings or trials.
76	It is difficult to advocate effectively over zoom
77	It is difficult to get the prosecutors to evaluate evidence and there's nobody to hold their feet to the fire to get the discovery necessary to review. There is an incredible backlog and most DA's are currently scared to cut cases loose due to the micromanagement and scrutiny of the upper echelon of the DA's Office.
78	It is difficult. It is often difficult to contact ADAs. Clients are sitting in jail and courts reset their cases without informing anyone.
79	It is hard when you can't speak to a new client prior to approaching judge about a bond. On appointment weeks, we were able to speak to clients in holdover before approaching on bonds (pre-covid), now we have to approach almost blindly and then explain to judge we have not communicated with client.
80	It is near impossible to communicate with prosecutors.
81	It is sometimes difficult to hear and not speak over each other at the same time.
82	It is very difficult to communicate with your client during actual hearings over Zoom. Often it is necessary to limit or guide one's client in hearings, which is very difficult, if not impossible, to do over Zoom.

83	It is very hard to talk to clients before or after a hearing, while they are in the holdover.
84	It's altered how business gets conducted but has not altered the quality of my representation.
85	It's been difficult locating clients due to many of them lacking a working cell phone or internet connection.
86	It's much harder to finish cases quickly. Some courts aren't doing anything to bond cases. Prosecutors are unwilling to offer dismissals on cases that they should because they know they have plenty of time before they will be forced to trial. And it's difficult to explain to clients why I am in court, the judge is there, they are there, but I have to reset them because the prosecutor is not there to help me solve their case.
87	It's a terrible idea because of lack access to witnesses, etc.
88	It's actually allowed me more time to look at cases since I don't have to go to court
89	It's better in person
90	Its difficult to discuss the plea paperwork with individuals who are in custody
91	I've only had a couple of contested hearings. They were fine. Everybody seems to be working very hard to make the best of a really bad situation.
92	Just makes it harder in that it takes longer to get things done. And I can't meet with clients in court so I have to do more remote jail visits.
93	LACK OF COMMUNICATION WITH THE DA, PROCEDURES TAKE FOREVER
94	Less communication = greater delays in resolution of cases.
95	Less face to face contacts with clients
96	made it much more difficult
97	Made more difficult & time consuming
98	Makes it a bit more cumbersome, but have had no issues
99	Makes it harder
100	many of the "great deals" you get, comes from face to face communication with an ADA. You get worse deals when you have to email or communicate remotely. So much of the work we do involves facial expressions, which none of have anymore with masks on.
101	more difficult to have secure conversations and discussions with clients
102	More difficult to talk to clients
103	more time thanks to virtual appearances. Less personal interaction with clients which is necessary to build trust.
104	My clients feel vulnerable without me there in person. I can't speak to them privately in real time. The vast majority of my clients don't have the ability to Zoom in to courtroom proceedings. So I must rehash what happened or they show up in person.
105	My efforts are mostly hampered by lack of communication from prosecutors regarding open cases.
106	My staff say "no"
107	N/A
108	n/a
109	NA
110	Negatively. Few prosecutors are motivated to do anything.

111	Negotiations are better done in person. It is harder to say no when a person is standing in front of you.
112	No
-	
125	
126	No jury trials is a problem for cases that I believe the State cannot prove. The State is not producing all evidence in a timely manner on cases where defendant is incarcerated and cannot bond out.
127	No problem
128	No.
129	No. I still appear in court for all my cases
130	None
131	none
132	None
133	None
134	None.
135	None.
136	Not able to do so
137	Not at all
138	NOT AT ALL
139	Not at all
140	not at all
141	not at all.
142	Not at all. Everything takes longer but quality of representation has not suffered.
143	Not at all. It works.
144	Not optimal, but the job is getting done
145	Not significantly
146	Obviously, it has slowed everything down, and without trials, there is very little pressure on the prosecutors to provide 39.14 discovery in a timely fashion. Also, judges have been overall pretty good about reducing bonds/granting PR bonds, but it seems that that has grown old to them after 3 months. I find it much harder to get a bond reduced now than toward the beginning of the pandemic, even under similar circumstances. Also, social services are harder to access right now with most things being online or by phone (e.g. AA classes, etc.) and because it's harder for clients to find work. Lastly, the remote plea process still requires that people, at a minimum, go down to the JPC and give a fingerprint, and for some people, that is not a good idea or impossible because of COVID concerns. So, they're cases just sit on the docket indefinitely.
147	one oral argument was postponed and has not been reset yet.
148	only in terms of clients not responding to my contact
149	Other than not being able to set a case for trial, not much, actually. I still appear physically when I feel it's needed (except for a period of isolation when I had COVID-19, when remote Court allowed me to continue to effectively practice).

150	Personally, I think remote proceedings are preferable to routine and often pointless settings. They need to improve the acoustics in some of the courtrooms. The ability, to conduct settings from my office desk has made my access to information easier and more efficient.
151	Prosecutors often do not respond to emails about cases, even after I send numerous follow-up emails. This makes it much more difficult to get timely dismissals or resolutions to cases.
152	Quality hasn't changed
153	Quality representation is a personal responsibility. Must keep line of communication with the client and the state open at all times.
154	Remote court proceedings have worked well for providing quality representation.
155	Remote court proceedings will not be effective for trial advocacy. For now it has worked.
156	Remote courts sre fine for discussions with judge and DA but require separate meetings by phone or Zoom with client
157	Remote hearings are very difficult. It takes a lot of time to get everyone together at one time. Also, our clients have no access to computers so they have to join by phone, sometimes sharing the phone with someone else.
158	Remote proceedings are fine. DA's do not return emails or phone calls.
159	Remote proceedings have worked well.
160	Remote proceedings lack human feelings /emotion
161	Setting cases for jury trial is not possible
162	Significantly impacted.
163	Slowed case progression
164	Slowed it down
165	So far have not. No trials yet, though, and that could be a problem.
166	Some communications are much more difficult on jail cases
167	Takes longer to communicate with clients and State.
168	The burden is more on the client to keep in touch with me, which is difficult for some of them and Pretrial Services is overwhelmed
169	The cases are taking longer to resolve because the prosecutors are working from home and you have to stay on top of them to do their job.
170	The conduct of hearings or trials remotely would prevent quality representation./
171	The only proceedings i have had in the trial courts have been in person during COVID-19
172	the plea paperwork process has become a major obstacle to quickly and efficiently handling resolution of cases through pleas.
173	The quality is greatly depreciated.
174	The remote hearings have been great for my clients
175	There is no substitute for in-person communications. That being said, I don't believe my representation of any of my clients has been diminished since the pandemic, but then again, most proceedings have been put off repeatedly.
176	There's a slight learning curve. Sometimes there are technical difficulties such as loss of signal or freeze frames in video conferencing.
177	They have not.

178	Time consuming. Technical difficulties
179	Time has been wasted resetting cases that could have been disposed with pleas. Also, there is no incentive for the District Attorney's Office to evaluate cases for trial or dismissal when they know they will have months, if not years, before they have to make a decision. In the meantime, people lives are affected by the stigma and stress of having open criminal charges.
180	Too much waiting, but little negative effect.
181	Unable to talk to all clients beforehand
182	very little as long as my clients take an active interest in their cases.
183	With appeals little has changed,
184	Without the reality of impending jury trials, parties are not realistic in resolving criminal matters. State has no incentive to make realistic offers, and clients have no incentive to take unrealistic offers made by the State. Other than that, the remote hearing process is working well enough for pretrial matters.
185	Yes
186	Yes
187	Yes
188	Yes
189	Zoom court lasts forever. It's slow.
190	Zoom has been fairly effective

30. Do you have additional comments on procedural changes from COVID-19 and remote courts?

1	A system to safely bring defendants before judges for pleas should be set up so we can have bond dockets.
2	Add Zoom lines for attorney-client talks, and attorney-prosecutor talks to negotiate
3	At this time, public health and safety should be of primary concern.
4	Clients can't have to wait for jury trials indefinitely but so far the proposed solutions in Harris County don't seem adequate to protect the safety of participants.
5	Do not like idea of hearings or trials remotely because cannot evaluate witness on a camera. Also Harris County is anticipating jury selection from a giant conference hall and we must go and talk to 60 people spread out over a vast area, also difficult to evaluate responses from such a large distance.
6	Every court needs to be UNIFORM in their procedures - it is overwhelming and confusing for the attorneys to keep up with the changes
7	For the most part fine, but hearings with witnesses hard to figure out remotely and securing service of subpoenas
8	Gotta be a better way
9	Great job by the courts in a difficult situation!
10	Having better access (particularly to your detained clients) prior to hearings is essential.
11	I do not believe that any measures put in place to have jury trials at this time will benefit my clients.
12	I DO NOT MIND REMOTE PROCEEDINGS BUT THE SITUATION IN GENERAL HAS BEEN A DISASTER
13	I do not support video conferencing for jury trials.
14	I hate zoom court dates
15	I hope one day we can get back to meeting in person but of course understand that we are in the middle of a pandemic.
16	I hope they remain as an option even after we beat the virus
17	I sincerely hope some of the changes become permanent.
18	I think clients and attorneys should have the option to participate remotely.
19	I think remote conferencing for courts is more efficient and time management is higher for me personally. I am able to spend much more time being a defense lawyer
20	I think the courts and lawyers are doing a great job.
21	I think we need to explore long term use of zoom and other technology
22	I think we should make clients appear remotely too so we can speak with them or update contact info.
23	I wasn't as technical savvy as other lawyers due to my age so it was challenging to me but I had the resolve to want to learn and I caught on pretty fast but it is so new to me .
24	I wish all the judges would put in order who is approaching
25	I wish scheduling to zoom with incarcerated clients was easier.
26	I wish there was a more efficient way for judges to see who logged on to Zoom court first and call on people in order of their arrival. Sometimes, judges just call on whichever

	attorney they know best, even if they were the last to arrive, which isn't fair to those who have waited longer and causes confusion among who goes next.
27	I won't pick juries via Zoom or with masks. Also, I suspect it will be difficult to convince lawyers to return to pre Covid court settings since it is obvious that many appearances and case issues can be handled from the office by video or phone conference. Physical appearances in court, at least on behalf of Attorney's, seems largely unnecessary. The District Attorney's Office hasn't had an attorney in the courtroom in approaching four months.
28	In case of another shutdown, misdemeanor & felony courts should begin (now) assigning counsel and completing paperwork remotely to prevent problems if/when the courts are closed again.
29	Inability to communicate with the DA's office. Many do not return emails or phone calls.
30	Increase availability of zoom conferencing with incarcerated clients.
31	It is often uncertain whether clients will be brought up for court or not. Cases are being reset without notice to counsel.
32	It works well for me and client
33	It's much better than in-person proceedings.
34	It's better than nothing
35	It's funny how some courts require the defendant on bond and the defense attorney to appear in court in person, facing exposure to the Coronavirus, but the judge and the DA appear via video.
36	Judges need to be one the bench
37	Judges need to get hip to the times. Much work can be done electronically
38	Judges should not be permitted to require nonessential hearings unless they themselves appear in person. When they zoom in to nonessential hearings where they have required the defendant's presence, it sends a strong "social distancing is good for me, but not for thee" callousness.
39	Judges should publish their desired process to handle queuing for Zoom calls. Some courts require parties to sit and wait for hours. That is an unnecessary waste of attorney time.
40	Less waiting would be better.
41	N/A
42	N/A
43	NA
44	Need Judges in Court more often to be more available
45	Needless court settings appear to have been reduced. However, it also takes the State much longer to produce evidence.
46	no
-	
73	
74	No easy remedy for the problems caused by the pandemic.
75	No remote hearing on critical issues
76	No, except it seems to be working surprisingly well--except for the problem of scheduling jury trials, of course.
77	No.

78	No.
79	No.
80	None
81	None
82	None
83	None
84	None
85	None at this time
86	Not adequate
87	Not at this time
88	Not requiring appearance by clients at all settings is a refreshing and over-due change.
89	Our leaders, judges etc. have failed the defense bar, Judge Susan Brown the Administrative judge for this reason, told me specifically that the defense bar will have no input into how cases are handled during this pandemic!
90	Remote courts are doing a wonderful job for docket settings and hearings. But they are not sufficient for jury trials.
91	Remote hearings are awful in every way. Impossible to communicate w client during hearings and scheduling has been a nightmare
92	Remote jury selection and remote jury trials are a terrible idea, at least given the constraints at the time of the survey.
93	SOME JUDGES DO NOT HANDLE THE DOCKET EFFECTIVELY AND IT IS PRACTICALLY IMPOSSIBLE TO HAVE MORE THAN ONE SETTING ON THE SAME DAY
94	That people realize this is affecting both clients and court personnel (everybody's rights and lives) are important
95	The Criminal Justice Center in Harris County is a complete mess. Thousand of citizens are required to leave their jobs/kids/etc. to appear for court needlessly. There is no reason for a citizen to appear for a setting when everyone knows the case will simply be reset. No fire marshal would ever approve what goes on in the elevators with people packing in way beyond capacity for fear that they may be late to court and have their bonds revoked. The remote settings have alleviated those concerns.
96	The District Attorney's Office has not been ordered to appear. However, I have seen some Judges attempt to mandate defense attorneys to appear. Each should be treated with the same dignity and respect. In addition, if attorney's have conflicts due to being in another county or court, Judges should keep the remote appearances available. Defendants should be allowed to come to a location and prove identity for Judgment/Fingerprinting purposes to avoid court appearances if they are not going into custody.
97	The idea of conducting trials with witnesses appearing remotely is extremely disadvantageous to criminal defendants. I believe that it substantially increases the chances of unfair trial results.
98	The judges and their court staff have been courageous and have done a tremendous job in creating a courtroom experience closely akin to the one we are used to. We have actually had increased access to speak to judges, prosecutors and court staff to what we had before the pandemic.

99	The Sheriffs need to adopt a universal program and universal times for visitation scheduling. The logistics involved are somewhat absurd. Once the appropriate data has been entered by a lawyer, he should be able to click on a radio button and set up an appointment, rather than jump through hoops to get it done. Imagine how quickly cases could be disposed of it were that easy? We have the tech, all we need to do is use it. Public officials simply won't unless they have to. It will require a tiny outlay at first, but the efficiency gained will save millions for a big county.
100	They r absurd!!!!'
101	Very ineffective. Cannot pick jurors under those conditions.
102	We all need to work together to figure out a way to hold safe meaningful trials where confrontation and jury selection are still possible in person.
103	We are all doing the best we can. I do not see jury trials until the COVID-19 situation is resolved. We can not have remote trials or masks as any part of trial. That will not be due process.
104	We need to be to talk remotely with all our client, not just ones in certain jails
105	While it may be convenient, judges should never put anyone in a zoom waiting room where they can't see or hear what is going on in court.
106	Yes. I think that judges should be conducting Zoom hearings in smaller meeting rooms with just the parties involved as unmuted participants. It is easier to hear and to focus than when a judge is having to yell into the computer in a large courtroom.
107	Zoom hearings violate the clients Right to confrontation
108	Zoom works great with meeting jail clients. Securus not so much. Zoom should be expanded in the jails.

Harris County

31.What is working well in Harris County's indigent defense system?

1	Court flexibility
2	A lot of experienced attorneys handle appointments
3	A MAC was approved in misdemeanor courts and the PDO operates well. Other than that - nothing.
4	Ability to have experts and investigators appointed in the courts in which I work regularly
5	access to resources
6	Accused persons can get Pre-Trial bonds, which was practically unheard of in years past.
7	Attorneys have High level of experience
8	Bail reform
9	Bail reform has helped.
10	competent representation
11	Cooperation of court coordinators, clerks, and judges in working through the issues.
12	courts
13	Courts and court coordinators have been very responsive. Remote courts have alleviated overcrowding in courts, unnecessary settings, and the burden clients had to miss work, drive downtown, and pay to park.
14	Courts have been willing to assign investigator and expert assistance as requested in every case. Courts are overall assigning work fairly in my experience.
15	Courts not requiring clients to regularly come to court.
16	Defendants are getting good representation from good attorneys
17	Don't know
18	Everyone trying to work with defendants
19	Everything - a well run system.
20	Everything. It is a fantastic system
21	Excellent team work in our Division, & development of an algorithm generating cases
22	Fair
23	Felony Mental Health Court is working well, I don't know about any other courts.
24	generally speaking clients have good representation
25	Good lawyers
26	good pool of lawyers appointed
27	Having a wheel and having attorneys certified at specific levels.
28	HCPDO provides outstanding representation to clients.
29	HCSO is working hard to help communication with jail defendants. Remote proceedings are getting easier.
30	Hugh pool of attorney's to choose from for representation
31	I believe most appointed attorneys diligently and effectively represent their clients

32	I believe our indigent clients are getting great representation.
33	I believe that Harris County has one of the best indigent defense programs. You have amazing highly experienced criminal offense lawyers handling trials and cases. Experience judges and court personnel are very aware of which lawyers handle cases efficiently professionally and ethically. They are the front line every day.
34	I believe that I can not accept a case and not have it held against me.
35	I believe that staff in the courts, probation and the detention center are making genuine attempts to provide access to our detained clients, though it is often difficult.
36	I do not know.
37	I do not see a problem with the current system.
38	I enjoy my work and caseload. I also enjoy working with the court staff.
39	I feel it is excellent.
40	I have not experienced any denial of investigative funds.
41	I like getting paid per day. Asking for court transcript was hassle-free.
42	I like the system
43	I see great attorneys work very hard for their clients - while being attacked by the powers at be.
44	I think the defense bar has come together on issues related to indigent defense in ways I have not witnessed before.
45	I think the open line of communication from the department heads, the Judges, attorney's and support staff is excellent. I am always getting updated via emails from department heads that keep us lawyers posted on all forthcoming changes and new regulations. We are fortunate to have alot of experienced people as administrators that keep our business as efficient as possible.
46	I think the whole system strives for zealous representation.
47	I think there are a lot more judges who want to positively reform the system and spend our time and energy more effectively, efficiently, and fairly. We seem to be less entrenched in the bad old days mentality.
48	I think we have several court appointed attorneys that are very, very good. I cringe when I see a client has given up a good court appointed attorney to hire an attorney they can scrap the money together for who is not nearly as qualified.
49	I'm biased, but other than the PDO, very little.
50	In general, all is good.
51	In the third most populous county in the country ... it functions.
52	It encourages attorneys that work hard for their clients to do well by them.
53	It is working well.
54	Judges interested in justice spread the work, are unafraid to approve vouchers over presumptive maximum, let attorneys work cases.
55	Judges know the capable attorneys and they receive cases. PD office will send whomever they assign to the court and are often overwhelmed. I worked there in felony and it was just too many cases. In misdemeanor there are plenty of qualified attorneys and the PD handles mental health cases.
56	Judges know which lawyers fight for their clients and provide effective assistance

57	Large pool of good lawyers to assign cases too. Very high quality of representation for felony defendants.
58	Lawyers are appointed cases based on their ability.
59	lawyers try hard
60	Linking up juveniles with qualified representation.
61	Longer term appointments in courts seem to allow attorneys to effectively dispose of most cases during their term.
62	More judges not questioning need for investigators and other services.
63	more objectivity in case assignments. Test for minimum qualifications.
64	Most attorneys are experienced and work hard for their clients.
65	Most judges are making good-faith efforts to work with lawyers and defendants in view of the huge obstacles
66	Most lawyers appointed to cases are ones with years of experience
67	Most of the new judges are dedicated and appointing people fairly. The public defender's office is working well because it stays within its lanes and keeps caseloads low.
68	Most private attorneys do a great job. There is obviously a campaign to attack these attorneys in favor of a PDs office. Most PDs were private attorneys who were being attacked as not doing their job. After failing in private practice they work for the PDs office. I'm not sure how good of a job the PDs office is doing but I do know most of their attorneys at failed private practice lawyers.
69	N/A
70	NO COMMENTS
71	Not much
72	Not much
73	Not much. It's a system that's about to collapse because attorneys are overworked.
74	Not sure
75	Not too much
76	Nothing.
77	online evidence portal.
78	our Public Defender's Office is a model of excellence in holistic defense and is constantly improving.
79	Outside of the concerns about whether Securus / Zoom calls at the jail are actually secure and protected, the system to sign up and have a call with an in-custody client works much better than I ever expected it to, and I've been impressed with it. That also includes the process to sign plea paperwork with an in-custody client via Zoom.
80	OVERALL QUALITY OF THE ATTORNEYS IS GOOD
81	Pandemic has made system dysfunctional
82	Payment
83	PDO
84	PDO
85	PDO
86	PD's Office

87	People do that their jobs effectively if not perfectly. There are issues in every system
88	pr bonds allowing an ability to work on a case more completely, rather than client being faced with accepting time served or staying jail
89	Private counsel appointments
90	Public Defender's Office
91	Public Defender's Office
92	Public Defender's Office provides a lot of resources and information for a holistic defense.
93	Public defender's office seems to be working well
94	Quality Attorneys
95	Quality of lawyers
96	relaxed court arrivals allowed
97	Remote appointments
98	remote hearings on bond issues
99	Resources for attorneys and CLE and other education.
100	Securus video and zoom video for jail visits has been very helpful in keeping consistent communication with inmates. I hope that we keep these options after COVID.
101	Securus waiving Fees
102	some better bonds
103	Specialty Court is my only type of practice. I am pretty isolated from general dockets.
104	Swift appointment of counsel, swift approval of vouchers, approval of funds for investigators/experts, an understanding judiciary (many of whom used to practice indigent defense), a "wheel" that provides randomized options for judges, rather than the ability to appoint whoever they want.
105	The ability for the Judges to pick their own attorneys and find the attorneys who work hard, who don't slack off, and who don't just reset cases to get paid.
106	The ability of courts to select an attorney with the right skills for the right case.
107	The amount of time allotted for cases is absurd in most situations. Judges realize that and grant requests to go over the presumptive max every time I have asked.
108	The attorney can control the amount of cases they receive by turning their availability on and off.
109	The court staff work hard and with a positive attitude
110	The Courts and Sheriff are doing their best, as is the PDO and DA's office.
111	The courts have been working very well with attorneys
112	The current system
113	The current system.
114	The current systems of appointments.
115	The Democratic Judges are fair with the exception of a few. They understand that indigent defendants do not have the same set of circumstances and are not similarly situated as client with access to financial or other resources. Many understand that people have jobs or are students and do not require appearances that will jeopardize a persons livelihood or academic record.

116	The existing system. In my experience, the courts contact the lawyers they are confident will zealously represent indigent clients. Not everyone on the appointment list should be getting appointments because their work is sub par.
117	The fact that we work in a court for a certain amount of time is good. It allows us to reset our clients to be able to actually work on their cases without running around to different courts and leaving them waiting.
118	The felony system seems to work okay, but I seem to only be called by the same courts and rarely by some, which tells me that they do not utilize the system properly.
119	The hard work that the Defense Attorneys put into the cases.
120	The Harris County indigent defense system is one of the best in the nation. I have worked in Harris County for almost 20 years and I am amazed at the level of high quality attorneys Harris County has.
121	the judges
122	The Juvenile Probation Department responds quickly to our requests. Further, the Public Defender's Office consistently encourages career growth and keeping your client as your main focus.
123	the lawyers
124	The majority of lawyers being appointed by the District Court judges are doing incredible works for their clients.
125	The PDO
126	The PD's office
127	The PD's office
128	The private attorneys that sacrifice their time and money to provide gold standard representation that would cost the accused many thousands of dollars, were they to hire that attorney. The private attorneys forge on despite constant criticism and misrepresentation of facts from Rodney Ellis and his sycophants. The private attorneys rarely get thanks or recognition for taking on the most difficult of cases (most of which are not able to be handled by the subpar PD's Office), yet they fight on because they put their clients first. Anyone that truly knows this system knows that the State of Texas' most skilled attorneys are the private attorneys providing indigent defense to the accused of Harris County.
129	The process and court times
130	The process of adapting to the recent constant changing circumstances
131	The Public Defenders Office
132	The Public Defender's Office
133	The Public Defender's Office
134	The public defender's office is a fantastic place to be and i'd love to see PDOs grow throughout the state
135	The Public Defender's Office is amazing.
136	The remote jail visits.
137	The system is working well and does not need an additional layer of oversight
138	The understanding of court staff
139	The wheel
140	The zoom courts and court staffs

141	There are a large amount of skilled attorneys who are willing to take appointments for indigent defense and there are many judges who are former defense attorneys who understand and recognize good attorneys who will work hard for their clients. This creates a more effective system.
142	There has been more training for attorneys who practice indigent defense to ensure good quality and client-centered representation.
143	This question is far too broad to unpack. As a basic premise, attentive judges appoint good lawyers to handle appropriate cases, in general.
144	Unsure
145	Video conference in jails that have
146	WE have good lawyers working on tough cases, contrary to popular wisdom
147	What works well is (when cases are actually assigned randomly) that attorneys from all over the county, from all walks of life and varying life experiences get appointed to represent defendants. I think this generates greater creativity when it comes to defending clients; greater trust with the clients since private assigned attorneys are not seen as working for the government/DA's office.
148	Zoom
149	Zoom
150	Zoom
151	Zoom appearances. Understanding judges. Getting vouchers paid.
152	Zoom dockets.
153	ZOOM hearings and remote proceedings are working well right now.
154	Zoom in the jails
155	Zoom somewhat

32. What is not working well in Harris County's indigent defense system?

1	"Pay to play" still exists. Judges should not be allowed to appoint attorneys that provide campaign contributions.
2	Access to appointed cases by younger attorneys.
3	All parties having input on changes made
4	All parts need to work together/ communicate
5	Almost everything
6	Appointment process remains flawed, and fairness in appointments is still a goal.
7	as above
8	Baker street not having video conf
9	Because of the pay structure (only getting paid when work concludes) lawyers take on too many cases. If they could bill quarterly they wouldn't have to take so many and would Not arm twist to get clients to plead so they get paid. PDO is helping a great deal.
10	Certain private attorneys being appointed on too many cases.
11	Communicating with DAs at times
12	Communication of different courts procedures and resolution of cases
13	constraints on hiring expert witnesses
14	contact info on clients not there on GOB bonds
15	Contact with clients. Resetting cases with out them checking in
16	Court appointments, especially in the felony system, are not being done fairly. Why am I only being called by the same 5 felony courts? Why have misdemeanor courts only called me once in the past 4 months? People talk about a "wheel" and names coming up. I can tell you that is either being disregarded or hasn't been implemented.
17	Court communications
18	DA harder to contact .
19	DAs Office not responding to inquiries
20	Dealing with da
21	Detention hearings and zoom schedule
22	district attorneys
23	Don't know
24	dont know
25	Don't know.
26	Everything else.
27	Expert funds
28	Failure of courts to assign cases randomly, as was initially envisioned by the current assignment procedure. Judges have isolated themselves from the attorneys (compared to how things were in the old courthouse at 301 San Jacinto) and therefore have no connection with or knowledge of attorneys' qualifications or experience. Thus, they tend to appoint former colleagues (especially ex-DA's), campaign contributors, friends, etc... Some courts leave the appointments up to the court coordinators, who, from rumors I have heard, know

	how to manipulate the random "wheel" to get attorneys names they want to appoint cases to. There are many very good, creative attorneys I see who seldom get appointments.
29	Harris County Public Defender's Office
30	high bonds for indigent clients making it difficult to keep jobs, apartments and willingness to fight
31	Huge backlog of pending cases which can't be resolved due to lack of jury trials.
32	I believe Harris County has plenty of very qualified indigent assisting attorneys. Don't see issues with current system. New attorneys are added to the list and court staff & Judges know who they can trust and not trust with their cases.
33	I believe that Democratic judges have made a great move forward towards just bonds in misdemeanor cases.
34	i do not know what is not working well
35	I do not know.
36	I do not know.
37	I don't feel like our clients are being adequately rehabilitated.
38	I fear that some lawyers may gouge the county. I fear it reflects on all of us but I do not know how to prevent it. The Judges should really evaluate the vouchers that have claims over the limits. My vouchers are often over the limits and i expect the Judges to take a fair look at my time and if they have any questions to call me. I keep good records. Further, and since you asked, how hard would it be to run the number of hours any lawyer claims for a week, or a month, or six months and compare that to simply the number of hours in a day? And see if this is reasonable or even possible. I hope it would show that I have nothing to worry about. I feel strongly that this ability to check hours should be widely publicized. That is my comment on it.
39	I like the general order bonds, but without "Skin in the game" I find that I often care about the case more than they do....
40	I think it works well.
41	I'm not sure
42	In the misdemeanor division, all is well functioning
43	It appears that sometimes the letter of the law isn't being followed. Motions and Orders are not scanned in the system or turned over to defense. Poor people pay the price in this system despite the fact that there are so many new safeguards in place that didn't exist prior. Defense counsel doesn't have access to TCIC/NCIC reports for defendant or complaining witness in my experiecne thus far. Can defense counse see TCIC/NCIC if they are certified to do so? How can this happen when the prosecutors are never in court? The reports are meant to be guarded and confidential, however, defense has right to impeachment evidence against witnesses. Are we supposed to go visit the prosecutors at their office or home?
44	It's frustrating that each judge pays a different amount for out of court hours and that some take weeks to sign vouchers. Especially during the pandemic when it's so important to be getting paid. It's also frustrating that some judges pick the same people over and over to work in their court because these people may be a friend regardless of the performance of the person. I often have the 5 new cases I'm appointed to that day plus 5-7 resets and I don't get paid for the resets nor compensation of any way. This is frustrating because I am putting work on these cases and having to stay longer in court and often go to multiple courts to work on these cases and the resets are due to waiting on the state for evidence and no fault of my own.

45	Jail visits remotely during pandemic
46	Judges
47	Judges concerned about their docket size and revoking bonds.
48	Judge's favoritism
49	Judges focused too much on docket numbers and unwilling to give sufficient time to prepare cases.
50	Judges that set Bonds too high
51	Judges who favor big money appointed attorneys in their courts
52	Judicial interference
53	Jury trials; which is of course expected.
54	lack of communication with the State
55	lack of evidence based criteria for determining whether a person can truly afford to hire a lawyer
56	Lack of funding to meet the needs of indigent juveniles.
57	Lack of supervision of appointments and performance of the private appointed bar.
58	Lawyer regulation. The COVID-19 bond fiasco (failing to let out a sufficient number of inmates early enough). Lack of sufficient funding for State and Community-based resources for mental health services. Lack of funding for housing. In general, an inability to effectively treat some of the root causes of the problems in our client's lives.
59	Lawyers receiving appointments before they have sat 2nd chair as a defense lawyer
60	low pay, low hourly, low pay for experts and investigators.
61	Many attorneys that are in the appointment system do not care about the clients and some attorneys get way too many cases where it is impossible to be effective.
62	Moving cases. Some prosecutors (not all) seem to be taking this time period as a break and not working to resolve cases that can be resolved.
63	My biggest issue with the private bar is I do not see them investigate mitigation as much as I think they should. Additionally several of them do not both to talk with experts or call experts in sex cases because they believe they know enough due to the number of sex cases they have tried.
64	N/a
65	N/A
66	N/A
67	negotiations with the prosecutors
68	NO COMMENTS
69	No gripes
70	No idea
71	None, to my knowledge.
72	Not enough time for jail cases from observation
73	Not having MAC
74	Not knowing what court an appointed attorney's name appear on a term list assigned to a judge.

75	Not paying attorneys enough
76	nothing comes to mind
77	Nothing that I'm aware of.
78	Particular judges are assigning overwhelming amount of cases to a few attorneys. This is not a systemic problem, this is a problem with individual elected judges.
79	Pay and fairness in appt process
80	Pay could be better and more efficient while casework is pending. And work here could be spent on not handing out too many cases
81	Pay is too low for the hours worked.
82	Pay per setting; should be paid hourly for work not for court settings
83	Paying appointed attorneys a fair wage. It is shambolic that we can get paid so little for working on FELONY cases. We need higher out of court wages, ESPECIALLY when we are not being paid for court appearances.
84	Payment system
85	People trying to interfere with the current system
86	Poor pay. Favortism by judges in assigning counsel that will move cases. Counsel taking on way too many cases to provide effective representation (see poor pay). Judges refusing to sign interim vouchers and making lawyers wait until the disposition of case (sometimes years) before getting paid. Judges refusing to pay reasonable rates for experts so that hardly anyone good will serve as an expert on an appointed case.
87	Pretty much everything else.
88	Problematic communication with clients.
89	Resource availability ... not just financial. There is a complete dearth of creativity when it comes to solving the problems of crime and criminal justice and rehabilitation and generally making lives better. GET CREATIVE!
90	See above
91	See above
92	See above.
93	Some attorneys are favored over their relationships with the judges.
94	some bonds are too high and judges will not reduce. difficult to communicate when shut out of zoom "Waiting in the waiting room." Horse hockey. THat's the perfect time and place to communicate with DA's, other counssel, and clieints.
95	Some courts are not using the wheel fairly, and some of the attorneys have a high caseload.
96	SOME OF THE NEW JUDGES ARE CAPRICIOUS AND CRUEL AND DO NOT KNOW THE LAW
97	Some privte appointed attorneys have too many cases.
98	Some specific judges still not being fair about bonds which makes it harder to communicate. Also being too tight and questioning about funds with lawyers who have no "cheated" or abused the system.
99	Staying safe while social distancing while wanting to provide the best possible representation
100	Swift appointment of counsel sometimes leads to presumed-indigent clients who aren't actually indigent, pay could always be improved, some judges refuse to pay out-of-court hours (that are permitted by the system).

101	The appointed lawyers just need more work. It is tough to make ends meet with such little work due to the pandemic. Most of our savings have been depleted and we just need to be able to get back to work but we understand that staying safe our first priority.
102	The communication with the DA's office. The lack of uniformity in courts make it very confusing for clients to know and appear for their court dates.
103	The constant tinkering. It is not fair to indigent defendant's to give cases to all attorneys on the list out of some misguided sense of fairness because there are a number of lawyers on the list who are terrible and shouldn't represent any indigent defendants. Want to be fair? Pare down the list of qualified attorney's and then appoint across the list. Which is what most courts have been doing in my experience.
104	The contract attorneys that get assigned to one felony court seem to be overloaded and too focused on just getting a guilty plea in order to close the case and please the judge.
105	The contract lawyers and judges who promote a plea mill system
106	The current payment structure for private appointed counsel disincentivizes thorough case evaluation and preparation. Additionally, too many private attorneys simply do not have a commitment to client service, to keeping up on the law, and to really working up a case before trial. Too many fail to put on any mitigation case at all.
107	The DA's office is a mess.
108	The DA's office overcharging or duplicating charges where there is a felony and a misdemeanor out of the same transactions-- it is a waste of resources.
109	The desire to shove a MAC system down everybody's throat.
110	the entire private counsel appointment and non-existent review process
111	The general rule of pay as you complete cases is problematic. On one hand it could encourage lawyers to act against their client's interests in order to resolve cases sooner for payment. Lawyers can have irregular unpredictable income. A monthly invoice option regardless of case status would allow lawyers to bill based on their work to date versus need to resolve a case. Judges seem content to pay lawyers based on the work done generally versus the level of the charge, although complexity of the case is always a consideration (which in my experience the judges recognize).
112	The governor Abbott overrode all of the county's efforts to a) require masks, and b) reduce the jail population by releasing nonviolent defendants. To kill and injure even more people (inmates and staff) he suddenly forbade sheriffs from continuing to give good time credits. He should be thoroughly ashamed of himself.
113	The Harris County Public Defender's Office. They are comprised of subpar attorneys that could not support a private practice, and have joined the government for the reduced work hours the job affords them to go along with inflated salaries, not to mention highly costly benefits packages from Harris County. The PDs handle a comparably minuscule caseload, and yet they spend an inordinate amount of time manipulating statistics to oversell their importance and impact on this community.
114	The insistence by those outside the system that they know what is best for how things are run and how things operate within Harris County.
115	the judges
116	The judges and da's not coming to crt and thirsty refusal to bring jailed defendants to crt!
117	The judges trying to force us to pick juries at NRG and start up trials in the middle of the pandemic. We also need a better way for bond pleas to happen virtually. And judges need to push prosecutors to evaluate their cases.

118	The method for appointing counsel on cases. Judges have too much authority. It should not be the Judge's choice. Also Efforts to endanger everyone by conducting trials using NRG stadium.
119	the pay scale for defense attorneys
120	The PD's office should handle any case that has to do with mental issues.
121	The randomness of being selected as AOD or to pick up cases
122	The Sheriffs need to adopt a universal program and universal times for visitation scheduling and virtual plea papers The logistics involved are somewhat absurd. Once the appropriate data has been entered by a lawyer, he should be able to click on a radio button and set up an appointment, rather than jump through hoops to get it done. Imagine how quickly cases could be disposed of it were that easy? We have the tech, all we need to do is use it. Public officials simply won't unless they have to. It will require a tiny outlay at first, but the efficiency gained will save millions for a big county.
123	The specter of lawyers not being appointed cases based on their ability.
124	The terrible courthouse
125	The time a zoom docket takes to complete—I have waited more than 7 hours to be heard by the court.
126	The vouchers are not online for us to see when we are being paid.
127	The way cases are distributed. Should not be same few lawyers getting all the cases
128	The way some of our Judges appoint attorneys does not benefit clients. Some judges let attorneys withdraw from cases at crucial times during the representation of a client and without what seems like good cause at times.
129	There are a lot of defendants that don't do their part
130	There are attorneys with caseloads that are too high.
131	There are communication issues that did not exist prior to Covid. Due to people being spread out and working from home, it is often difficult to locate staff or prosecutors. This is particularly true in situations where one needs a quick and/or immediate response.
132	There are still attorneys who take on far too many cases than their personal dockets can handle and they don't devote time to their cases as all. These lawyers shouldn't be on the appointment list.
133	There is no control over how many cases someone gets.
134	There is no video access to 1200 Baker jail.
135	There should be a better practice of case distribution. It seems that an easy fix would be a software program to distribute cases.
136	There's a few lawyers who don't effectively advocate for their clients.
137	Those who just move dockets continue to dominate court appointments
138	Too few lawyers are getting way too many cases for them to handle.
139	Too much cronyism; pay is low; PD office is taking over the Bar
140	Understanding the time needed for investigations. Pushing to trial when not ready or received all evidence.
141	Unsure
142	Waiting for videos and other discovery items from the State
143	Zero communication from jail/court regarding inmates whereabouts and resets. I have a client who was taken to the hospital and I was never notified, and had no idea the status for

	our court date. Zero communication from court when cases are just reset without prior discussion or notice from the court.
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33. Do you have comments on the misdemeanor managed assigned counsel system coming to Harris County?

1	I have only heard about it once and I do not know how it works.
2	A good, qualified, experienced and fair coordinator should be selected.
3	All parts need to work together/ communicate
4	Am I a part the the misdemeanor managed assigned counsel system? What was the alternative? Judges pick the court appointment defense attorneys? How am I getting selected for the term assignments?
5	as above
6	Assigned attorneys should be automatically removed from bond forfeiture cases so that when defendants are back in jail, they can get a new attorney immediately without having to wait for their old attorney.
7	Attorneys not need a bureaucracy standing between them and their clients. We do not need to be micromanaged by nameless, faceless people overthinking every decision we make.
8	Bad idea. Horribly expensive and will result in poor representation
9	Don't no anything about it
10	Don't really believe it is necessary.
11	Dont know enough about it
12	Don't know much about it
13	Favoritism
14	Going to provide less qualified and experienced representation
15	Good idea
16	How is it that I , a certified first chair death penalty lawyer, am not "qualified" to take misdemeanor appointments?
17	I am excited about it
18	I am opposed to the managed counsel program. The idea that additional bureaucracy is going to improve the communication between an attorney and client is flawed. The system already in place, that requires testing, certain amount of experience, and CLE, ensures that the attorneys taking appointments are qualified. If there are individual current attorneys who are unqualified despite meeting the criteria, then the courts can adjust the qualification criteria. Requiring private counsel to report to a managed counsel program is a hassle that will create undue burden on assigned attorneys. Attorneys are already accountable for their representation in multiple ways: in their direct contacts with their client, through the monitoring of individual judges concerning the progress of the case over time, and the grievance process. If there are individual attorneys who are not complying with their ethical and constitutional representation requirements, the courts and the grievance process are already adequate to address those issues. Adding yet another layer of oversight will frustrate the process rather than improve it. Individual attorneys have different styles for what is effective, and if the attorney meets the qualifications to take appointments, the attorney should be able to retain latitude to make decisions about

	handling the individual case. Public defenders may have a top-down system that provides efficiency for the casework needs of a large office, but individual private attorneys are often able to accomplish superior results using non-standardized tactics, depending on the needs of the individual case. Certainly there is work that must be done on most every case regardless of the private/public defender status, but attorney compliance with those basic functions are adequately addressed by individual courts. For example, if an attorney fails to request or review discovery, and a judge becomes aware of it, that judge should handle the matter with the individual attorney, and if it becomes a pattern or practice, and report it to the judges who approve appointments for consideration of discipline or removal from ability to take appointments. If a client believes that an attorney is not adequately communicating with her, she can notify the court or file a grievance. The State Bar already has a grievance process designed to resolve these types of matters and an ombudsman; Harris County does not need to create a duplicate agency. A managed counsel program will not improve representation, but create additional burdens on attorneys that detract from actual handling of work on behalf of clients.
19	I am slightly concerned that it still may be a biased system rather than random
20	I am unfamiliar with what is proposed.
21	I believe the misdemeanor MAC system will be a very good thing for the County.
22	I do have concerns that some attorneys are appointed and take more cases than they can effectively handle.
23	I DO NOT BELIEVE THIS SYSTEM WILL BE EFFECTIVE. IT IS A HUGE WASTE OF TIME AND MONEY TO CURE AN IMAGINARY PROBLEM.
24	I do not do misdemeanor appointments.
25	I do not do misdemeanor work.
26	I do not handle misdemeanor work.
27	I don't do appointed misdemeanor cases
28	I don't handle misdemeanors.
29	I don't know anything about it nor have heard about any changes.
30	I don't know enough about it. I've only heard rumors.
31	I don't think it's necessary or going to work very well. I have worked as appointed counsel for more than 15 years won many trials and put my heart into them. It makes me feel like none of that work is appreciated
32	I don't do misdemeanor appointments
33	I don't know enough about it
34	I don't know enough about the logistics of it. Personally, I think a good judge appoints good attorneys and a MAC is unnecessary, but I understand the arguments from those who would disagree with that position.
35	I don't work often in misd
36	I have no info on the new system
37	I have not accepted misdemeanor appointed cases in over 12 years.
38	I have not been called in over a year.
39	I hope the program is meaningful and not perfunctory. Misdemeanor courts have long been a dark spot in Harris County, and that's saying a lot. Some of our new judges care more

	about the clients than some of the lawyers do, and that's a problem - lawyers should have an incentive to put in time outside the courtroom investigating and meeting with clients.
40	I really don't know enough about the dynamics of this future program. But if it comes to fruition I know that all of us collectively will want it to work and ultimately make it work.
41	I think experience with a Judge or court's procedures works in a defendant's favor so the MAC system of cycling through a bunch of attorneys on the misdemeanor level will create more backlog as attorneys will reset to come up to date with DA's, court procedures, etc. It could be analogized to how the cases require more time each time the DA's rotate in and out. Regarding felony, I think MAC could work but there will surely be a learning curve regarding each Judge's preferences.
42	I think it should help the favoritism issue currently plaguing the system.
43	I think it's going to help with the even and fair distribution of work.i just want to make sure vouchers are signed timely and whoever is evaluating our work understands we work for ourselves and are contractors to the state and that if they are going to evaluate us somehow they do it by watching us in court.
44	I think its a good thing
45	I think the idea of taking appointments out of the hands of Judges is good one. Having said that, there are court appointed attorneys in Harris County who do good work. A system that treats attorneys who do good work and attorneys who do bad work the same will not help clients any more than the current system does. The system should be designed to support good attorneys and train young attorneys who want to do good work.
46	I worry that appointments will be made not based upon experience. I have been practicing as a prosecutor and now defense attorney for 38 years, mostly indigent defense. Will the "good old boy" system rear it's head?
47	If it works great but I don't have a lot of faith in a new government program. When the PDs office was created everyone involved said it would be limited in size and cost. I predict will outnumber the DAs office in size and cost.
48	I'm not involved in that.
49	I'm not on the misdemeanor list
50	In theory, it looks good. We need to weed out the bad attorneys (of which there are many) and add many more good attorneys. Judges need to be more responsible about determining indigency, because the system has gone from one bad extreme to another.
51	Inform the attorney their name appears on Court #__ for appointments for this term.
52	It is a waste of money. The coordinators are perfectly capable of assigning attorneys. This "manages assigned counsel system" is set up by people that have no practical experience in the judicial system.
53	It is going to be the same system as it is now, except one person (or entity) will appoint lawyers without knowing the Judges, their policies (idiosyncrasies) and way of working, court staff
54	It may be workable for misdemeanor cases which generally are much less serious and complex and generally require less expert and investigator work. These issues at the felony level make the managed assigned counsel system impractical at best and most likely, disastrous. It is difficult to see how a remote manager who has no communication with a lawyer or a client or a prosecutor handling the case could assess the specific needs a client has in their indigent representation. No one person can address efficiently the countless issues multiple judges have to deal with on a daily basis. Criminal defense would be delayed not improved. Additionally , I would be hard pressed to be a private attorney who

	is subject to oversight by a manager who decides whether I can receive appointments or not (or whether I am subject to remedial discipline outside Bar proceedings) on criteria the manager does not have to mitigate, like client complaints or whether I ask for an investigator or not, my win loss rate (defense lawyers frequently lose cases because the evidence is actually against them), or how many cases I clear over time. These are all indexes of performance the MAC system potentially contemplates. Perhaps worst of all, the MAC has at some level been proposed to combat the ‘good old boy’ system where judges appoint their friends and contributors to cases in the court. The MAC system places the decision making in who gets cases in the hands of one person who is in turn selected either by the commissioners court or the judges. This does not eliminate the patronage problem - it exacerbates it. It allows the majority political party to put into position one single person who gets to decide where the tax payers’ money gets directed which in turn promotes those appointed attorneys to give money back to the party in power. Frankly, the MAC is constructed to promote political patronage, graft, and ultimately would be abused for political corruption. You won’t get appointed if you don’t donate to ‘x’. Instead of 22 independent decision makers in Harris County on this issue, there will ultimately be one. The fact that Rodney Ellis favors the MAC System and one of his senior staff from his time as State Senator is a director of TIDC has not gone unnoticed in his push to make MAC a system in Harris County.
55	It needs to be a MAC because of how the new judges are not fairly assigning cases.
56	It seems to add another layer of bureaucracy which takes away pay from the already underpaid lawyers doing the work. It also sets the stage for a different group of folks whose butts need kissing to receive "cherry" appointments
57	It was forced on the judiciary by corrupt politicians in Harris County. It will fail as it has in other counties and/or will drive all the skilled private attorneys away from representing indigent defendants for misdemeanors.
58	It will be nice to see less favoritism, but my biggest concerns are that some beaurocrat is going to have a say on our pay when the current crop of judges are doing a great job. My second concner is that we are going to be making less money.
59	It will result in a fair distribution of cases to eligible attorneys
60	Its a good idea.
61	Looking forward to it. There are some horrific appointed lawyers doing misdemeanor cases who have been coddled by judges and allowed to make a living when they don't deserve to represent anyone charged with a speeding ticket.
62	more transparency, needs to be more objective
63	N/A
64	N/A
65	N/A
66	N/A
67	n/a - I do not practice in misdemeanor court.
68	N/A, I do not practice in the misdemeanor courts.
69	Needs to happen.
70	No
-	
98	

99	no I don't handle appointed misdemeanor cases.
100	No comment
101	No comments because I don't know much about it.
102	no I do not handle misdemeanors
103	No, I am not familiar with the system.
104	No, I don't handle misdemeanor cases.
105	No, I don't handle misdemeanor cases.
106	No.
107	No.
108	No.
109	No.
110	No.
111	No.
112	No. Don't handle appointed misdemeanor cases.
113	No. I do not work in county courts on an appointed basis.
114	No; only rarely in misdemeanor courts.
115	None
116	None
117	None
118	Not applicable
119	Not applicable. Don't do misdemeanors.
120	Not at this time.
121	Not at this time.
122	Not enough information has been given to defense attorney's about the system
123	Not in favor of having some uninformed bureaucrat deciding who gets a lawyer and who that lawyer will be
124	Not sure how it is going to work.
125	Please ensure it has enough social services resources! And it should provide for therapy for unaddressed trauma for clients, too.
126	See above.
127	Terrible mistake
128	The system should be created as a resource for appointed attorneys and only intervene if there are complaints regarding attorney performance.
129	They person chosen should have an understanding of the indigent defense system and private practice.
130	Too early. Seems to be a great deal of hassle but if it provides help then it could work out alright. Hope it is not like Travis County.
131	Too many attorneys on the list now; Judges, coordinators, and lawyers will not be happy with random assignments.
132	Total joke. The pay scale is absurdly low.

133	Unsure - I have not done enough research on the topic.
134	When it comes, I'm out. I'm not going to have someone that beat his wife to a bloody pulp, grade my ability because I could only get his case dismissed if he agreed to take a class. Clients could be qualified to say their attorney does not respond to calls or emails, but they are not qualified to grade legal ability. People are mad because I ALWAYS get picked up by a court and am never without work. Well, maybe there's a reason for that. Is it cause I bring donuts? NO, it's because I am good at what I do. The Judges and the court staff know who works hard and treats their court appointed cases no differently than hired....
135	When will it ever start?
136	Why mess with what works. Another layer of government.
137	Why the change? Applicants were due in 12.2019 and now it's being redone? Smells of political fix
138	Yes it would suck!
139	Yes many

34. How could TIDC help improve indigent defense in Harris County?

1	A lot of the same attorneys get the same appointments in certain courts. It is not until after these attorneys will say there is a conflict, and nothing has been done on a case, that the PDO gets appointed. At that point, some of the time-sensitive investigative information is deleted and was never obtained by the previous attorney.
2	Appoint good quality lawyers with years of experience and get out of their way and let them do their jobs.
3	as above
4	Better funding
5	Better pay. Caseload caps. Judges should not be signing or approving vouchers--that should be left to independent bureaucrats with no direct connection to the case. The system is still rife with abuse and potential for same. Judges have no incentive to appoint lawyers that they think will spend too much or fight too hard on a case. Withholding pay until the end of the case is essentially financial extortion of defense counsel to coerce a plea
6	Bring DA & Judges back to Court
7	Bring a managed assigned counsel system to the felony courts.
8	By raising the pay and keeping the lawyers from seeking more outside work.
9	Cap the number of cases attorneys are receiving.
10	Collect and distribute this type of data.
11	Continue studying and funding the PDO.
12	Continue to grow the Harris County PDO - resources are managed very efficiently, and we have better access to resources that private appointed attorneys do not.
13	Created guidelines and standards
14	Don't know
15	Don't know
16	Don't know enough to properly answer this question.
17	Don't know.
18	Don't micromanage and let us work.
19	Educate judges about case count recommendations. Encourage different pay implementation.
20	encourage Commissioner's Court to increase pay for indigent defense
21	encourage the current system
22	Felony MAC.
23	Fewer cases for assigned attorneys
24	Get some basic rules. allow everyone in the courtroom on zoom, not in waiting rooms.
25	Get State funding for Zoom meetings at jails with attorneys so we do not have push back from jails saying we have Securus. Attorneys generally do not trust Securus. Our clients for the Harris County Public Defender's Office have a number on the back of our cards to call us. We cannot call them. The ability to schedule a Zoom appointment allows us to talk to them when we need to and avoid Securus.
26	Helping courts understand the time it takes to do thorough investigations.

27	I believe indigent defense in Harris county is already top notch.
28	I do not know.
29	I don't know
30	I don't know enough about TIDC to answer the question.
31	I don't know. Maybe sponsor legislation?
32	I think it is important to get input from the lawyers that have been doing indigent work for years. To use their knowledge and experience to assist in formulating the procedures that are to be used to implement the program. It is called working together for a common purpose, excellence.
33	I think it will inhibit
34	I think the judges should perform an annual review of attorneys accepting indigent representation and determine if there are ineffective attorneys who need to be removed from the list. I think the judges should have the power to remove someone from the list in emergency situations, as well.
35	I would be in favor of an Office of Case Management System. I believe that this could help some attorneys from receiving and accepting more cases than they can effectively handle.
36	I would like to see specific indigent defense CLE's.
37	IDK
38	In a Post-COVID world, indigent defense attorneys often lose touch with their clients so perhaps requiring contact information on indigency forms so that attorneys can have more than just the PR paperwork to find/track down clients.
39	Increase fee amounts for lawyers and fund it
40	Indigent defense does not pay well. To begin to ensure quality representation attorneys who are QUALIFIED and INSPIRED must be appointed. There are good and bad public defenders. There are good and bad appointed lawyers. It is misguided to think that one particular system or another of assigning cases is going to eliminate deficiencies.
41	Invoke a meaningful way of determining if someone is truly indigent
42	Involve more attorneys in brainstorming ways to make the system work.
43	Issue a regulation imposing caseload limits.
44	It is the pandemic crisis that has made human contact dangerous and keeps attorney from client communication easily
45	Judges who an attorney never practices before should not be in control of who is promoted on the list and who isn't. TIDC needs to help us get paid better. The only way we can work a reasonable case load is if we are fairly paid. If we are not fairly paid, we will continue taking more cases than we should.
46	Keep offering programs and assistance.
47	Leave it alone.
48	Leave it alone. Judges and court staff are in a better position to evaluate those attorneys that are good and effective at their job.
49	Low cost CLE for attorney's that do indigent defense work. CLE is too expensive!!!
50	MAC system for felony courts.
51	make more resources available to defense counsel/ experts, pay for counsel
52	more defense lawyers

53	More funding for training, allow young blood in the courts
54	More funds, definitely under paid
55	More group CLE rather is than letting each lawyer fulfill their requirements individually
56	more money per case so attorneys can take less of a caseload to make ends meet.
57	More pay on subsequent settings on cases. \$50 just is not enough.
58	More relevant CLEs
59	More training - believe that there is never enough of that.
60	more transparency
61	N/A
62	N/A
63	N/a
64	N/a
65	no
66	No clue
67	NO COMMENTS
68	No idea
69	No ideas
70	No opinion.
71	not sure
72	not sure
73	Overall, I think the Harris County system operates reasonably well. However, there is still an issue with using the bail system as a tool of oppression in my opinion. If someone is dangerous, don't use the pending misdemeanor to make them pay for the alleged felony. Move through the process and if there's still a disagreement between parties, set it for trial and respect the result. Now, since there's a problem with setting trials at the moment, that shouldn't count against the accused. The party that should bear the brunt of the inconvenience is the State: the main reason being that the State has the large looming resources, organization, and staff to help with the prosecution. Most defense counsel do not have access to the same.
74	Pay more
75	paying better
76	Please provide an extra voice for revamping the payment structure for private appointed counsel.
77	Pressure on the DA to do their job
78	Provide a centrally located place near the courthouse (if the attorney ready room remains unavailable), where attorneys can meet, discuss cases, get assistance from other attorneys. Have lists of qualified investigators and expert witnesses for attorneys to access. Have social or educational events where the judges come and meet the attorneys who want to be appointed to cases, i.e. create better camaraderie between the judges and attorneys. Have a means by which attorneys here can communicate with criminal defense attorneys in other counties in order to get new ideas for defending clients.
79	Provide additional CLE training opportunities for attorneys taking appointments.

80	Provide crimmigration CLEs.
81	Provide guidance of the NUMEROUS logins and websites to newly approved indigent defense attorneys, or just consolidate websites into one portal where everything is kept (court information, case documents/evidence, calendar for availability to take appointments, vouchers, etc)
82	Provide more money for investigators, experts, etc... Pay attorneys more. Our pay has gone done exponentially with COVID because we are paid by the setting. There are many, many fewer settings so our pay is way down.
83	Provide more money post appointment
84	Provide more resources.
85	Provide resources, guides, and trainings for new court appointed attorneys as well as consistent procedures across misdemeanor courts and felony courts.
86	Provide training through free CLE.
87	Provide training to attorneys who represent indigent clients. Support legislation that forces Judges to approve funds for experts and investigators.
88	Quit trying to change the current system
89	raise the pay scale for defense attorneys
90	Realize that every county is different. What may work in one county may not work in another depending on things such as the size of the county
91	Recommend more pay for the lawyers taking these cases and have judges pay for quality experts
92	See above
93	See above.
94	Set standards and guidelines that make process more fair for both parties
95	Speak with the attorneys who do court appointed cases before making changes.
96	Stay away. Stay out of it. Systems of accountability are already in place.
97	Stay out of it. The system works well.
98	Stay out of the way. Let the elected district judges do the jobs they were elected to do.
99	Stop concentrating on graphs and statistics to back up your assumptions and stop listening to policy wonks who have never represented indigent clients and a summer pro bono stint with a large firm does not count as real experience. I can't believe how much garbage comes from people with opinions who have never looked a jury in the eye and taken a defendant's life into their hands and really defended a case. Those who can, do; those who can't, teach and that's what I see coming out of TIDC. Talk to real lawyers who defend indigent clients and who have the experience to back up what they say. If you're really interested.
100	Stop messing up the system just to help a dirty politician create a self-promoting legacy
101	SUPPORT HCCLA IN ITS EFFORTS TO STAND UP FOR ATTORNEY AND DEFENDANT RIGHTS DURING THE COVID-19 CRISIS. HELP PREVENT THE JUDGES FROM IMPLEMENTING RULES AND PROCEDURES (I.E. IN-PERSON COURT APPEARANCES, JURY TRIALS, ETC.) THAT ARE UNFAIR AND DANGEROUS.
102	Support higher pay
103	Support PDO more and ensure its consistency and current integrity.
104	Sustainment grants to the specialty and treatment courts. Let the judges work to improve some things on their own.

105	Take appointment powers away from judges
106	Tell Ellis his way is not the only way. Get defense bar involved in the changes, not just hand picked lackeys
107	That's a tough question. I would love to see resources for practical, skill-based training sessions and maybe clear standards for lawyer training, performance, etc.
108	Unknown at this time
109	Unsure
110	Unsure
111	We could get paid more. The majority of us work really hard for our clients, we carry a huge case load and genuinely care about each person we represent.
112	we need to be able to visit clients at jail and talk cases over. covid major hurdle
113	Without teeth or remedies, TIDC can merely advise.
114	Would not

35.If you would like TIDC to follow up with you, please provide your name and contact information:

[Answers redacted.]