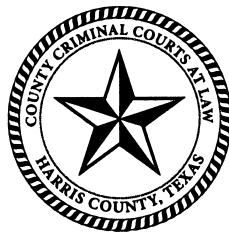


OFFICE OF COURT MANAGEMENT
HARRIS COUNTY CRIMINAL COURTS AT LAW



STAFF

Ed Wells
Court Manager

Peyton Peebles
Staff Attorney

Hiana Mize
Office Manager

JUDGES

Hon. Paula Goodhart
County Criminal Court
At Law Number 1

Hon. William Harmon
County Criminal Court
At Law Number 2

Hon. Natalie C. Fleming
County Criminal Court
At Law Number 3

Hon. John Clinton
County Criminal Court
At Law Number 4

Hon. Margaret S. Harris
County Criminal Court
At Law Number 5

Hon. Larry Standley
County Criminal Court
At Law Number 6

Hon. Pam Derbyshire
County Criminal Court
At Law Number 7

Hon. Jay Karahan
County Criminal Court
At Law Number 8

Hon. Analia Wilkerson
County Criminal Court
At Law Number 9

Hon. Dan Spjut
County Criminal Court
At Law Number 10

Hon. Diane Bull
County Criminal Court
At Law Number 11

Hon. Robin Brown
County Criminal Court
At Law Number 12

Hon. Don Smyth
County Criminal Court
At Law Number 13

Hon. Mike Fields
County Criminal Court
At Law Number 14

Hon. Jean Spradling Hughes
County Criminal Court
At Law Number 15

Hon. Darrell Jordan
County Criminal Court
At Law Number 16

March 15, 2017

Hon Sharon Keller
Chair, Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, TX 78701

Hon. Olen Underwood
Vice Chair, Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, TX 78701

Mr. Jim Bethke
Executive Director, Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, TX 78701

Re: Response to TIDC Policy Monitor's Request for Additional Information

Judges Keller and Underwood and Mr. Bethke:

On behalf of the 16 Harris County Criminal Court at Law judges, I submit the attached response to your office's request for additional information dated January 20, 2017. We appreciate the Commission's continued support for improving indigent defense in Harris County.

Should you need additional information, please do not hesitate to contact me.

Sincerely,

Hon. Natalie Fleming, Co-Presiding Judge
County Criminal Courts at Law
Harris County, Texas

cc: Hon. Ed Emmett, Harris County Judge
Hon. Rodney Ellis, Harris County Precinct One Commissioner
Hon. Jack Morman, Harris County Precinct Two Commissioner
Hon. Steve Radack, Harris County Precinct Three Commissioner
Hon. R. Jack Cagle, Harris County Precinct Four Commissioner
Mr. Bill Jackson, Harris County Budget Management Director
Mr. Michael Post, Harris County Auditor

HARRIS COUNTY CRIMINAL COURTS AT LAW

Reply to TIDC’s “Comments and Requests for Additional Information Related to Harris County’s Response to the Texas Indigent Defense Commission’s Monitoring Report” Issued on January 20, 2017

The Harris County Criminal Courts at Law (CCCL) offer the following response to TIDC’s “Comments and Requests for Additional Information Related to Harris County’s Response to the Texas Indigent Defense Commission’s Monitoring Report” issued on January 20, 2017. The CCCL appreciate the Texas Indigent Defense Commission’s continued cooperation and desire to improve indigent defense in Harris County.

The CCCL offer the following responses to the requests for information made by the Monitor on January 20, 2017, related to Recommendations 2-4 (reprinted here):

REQUIREMENT 2: DETERMINE INDIGENCE ACCORDING TO STANDARDS DIRECTED BY THE INDIGENT DEFENSE PLAN

RECOMMENDATION 2: The county courts must follow the indigence standard set in the local indigent defense plan.

RECOMMENDATION 3: Per Article 26.04(p), determinations of indigence may only be reconsidered if there is a material change in the defendant’s financial circumstances.

RECOMMENDATION 4: As required by Article 26.04(j)(2), unless there is a finding of good cause entered on the record, the attorney-client relationship cannot be disturbed.

Response to Request for Additional Information Regarding Recommendations 2-4: The Monitor has accepted the CCCL’s plans to address the listed recommendations. In response to the county’s reference to appointments in the interest of justice, however, the Monitor requested a list of all misdemeanor cases disposed during FY2014 (October 2013 — September 2014) in which an appointment of counsel was made in the interest of justice without a determination of indigence.

The CCCL respond that that the various county systems that capture data related to criminal case filings do not currently identify, in a searchable manner, the basis upon which counsel was appointed: (1) interest of justice; (2) indigence; or (3) both. As the monitor correctly notes, the form order used to appoint counsel provides both options from which a judge can choose. Those forms can be manually collected and searched for each case, but the task will require great time and resources.

The CCCL understand the Monitor to request an automated search and resulting case list. The county cannot provide the requested list because such an undertaking is impossible under its current data system. The county will await further direction in the event the Monitor decides to request, despite the county's plan to address identified concerns, copies of every appointment of counsel document executed in a misdemeanor case during the relevant time period.