



JEFF R. BRANICK  
County Judge

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August 5, 2014

Mr. Joel Lieurance  
Policy Monitor  
Texas Indigent Defense Commission  
209 W. 14<sup>th</sup> Street, Room 202  
Austin, Texas 78701

Re: Jefferson County Monitoring Review

Mr. Lieurance,

I am submitting our attached responses to your committee's review of the Jefferson County indigent defense program. I very much appreciate your cooperation and, should you have any questions or require anything further, please contact me or Fred Jackson.

Sincerely yours,

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Jeff R. Branick, County Judge

**Jefferson County Responses to Audit Conducted by the Texas Indigent Defense Commission conducted between September 30 and October 4, 2013.**

Requirement 1: Conduct prompt and accurate magistration proceedings.

Response: Jefferson County will provide prompt and accurate magistration proceedings as required by Art. 15.17 to comply with the recommendations No's 1,2 and 3 of the Commission.

Requirement 2: Determine indigence according to the standards directed by the defense plan.

Response: Recommendation 1 - The Jefferson County misdemeanor and felony courts will assure that the indigent defense plan standards are before the respective judges when conducting indigence hearings. On page 18 you referred to "out-of-court" requests for counsel but we do not know what is intended by this reference.

Recommendation 2 - Court personnel who attend the daily magistrations will assure that requests for counsel for persons arrested on out-of-county warrants are timely transmitted to the appointing authority (Judge) of the county issuing the warrant.

Recommendation 3 - The Judges will work with the jail staff to ensure that, at the Art. 15.17 hearings or prior to such hearings, reasonable assistance is provided to defendants to assist them in completing the forms for requesting counsel.

Requirement 4: Appoint counsel promptly.

Response to Recommendation 5: The felony courts will take all actions necessary to assure that this recommendation is implemented. This will include a requirement that all defendants who do not post bond or who remain in custody for over 24 hours can be assured that their request for counsel form is reviewed for completeness and magistrate's warnings is promptly reviewed.

Requests for counsel and the affidavit of indigence will be placed in the District Clerk's file so that the District Judge will have access to all such requests. Jefferson County will also coordinate with the Sheriff to assure that the necessary documents are completed with such assistance as may be necessary. In this regard the District Judges shall coordinate with the jail staff, for all defendants appearing at Art. 15.17 hearings each morning, to ensure that they have completed the Affidavit of Indigence form. Such form will be promptly forwarded to District Clerk and place in the defendants' case files. If such forms are not completed due to lack of cooperation by the defendants, the District Judges shall ensure that the forms are completed and a determination of indigence and appointment of attorney will be made at the defendants' first appearance in District court.

Recommendation 6. The misdemeanor courts will provide the affidavit of indigency forms at the time the defendants are seen by the Magistrate and the appointing judge will make a determination as to indigency upon receipt of these forms.

Recommendation 7. The misdemeanor courts will rule upon requests for counsel within 24 hours.

Recommendation 8. The misdemeanor courts will rule upon requests for counsel within 24 hours.

Requirement 7: Ensure that contracts meet Contract Defender Rules.

Response: Regarding caseload limits, the County will ensure that all felony defender contracts will be updated at the end of their terms to include a maximum number of cases the attorney will be allowed to handle pursuant to such contract. The maximum number for the rotation wheel lawyers will include a maximum caseload of 150 cases and the “public defender” contract attorneys shall be set at a maximum of 250 because the public defenders assigned workload only requires that they interview defendants to determine if they wish to dispose of their cases quickly and without a trial. If a defendant requests a trial, those defendants almost universally request that their case be transferred to an attorney from the rotation wheel list.