

OFFICE OF COURT MANAGEMENT
HARRIS COUNTY CRIMINAL COURTS AT LAW



JUDGES

Hon. Alex Salgado
County Criminal Court
At Law Number 1

Hon. Ronnisha Bowman
County Criminal Court
At Law Number 2

Hon. Erica Hughes
County Criminal Court
At Law Number 3

Hon. Shannon Baldwin
County Criminal Court
At Law Number 4

Hon. David M. Fleischer
County Criminal Court
At Law Number 5

Hon. Kelley Andrews
County Criminal Court
At Law Number 6

Hon. Andrew A. Wright
County Criminal Court
At Law Number 7

Hon. Franklin Bynum
County Criminal Court
At Law Number 8

Hon. Toria J. Finch
County Criminal Court
At Law Number 9

Hon. Lee Harper Wilson
County Criminal Court
At Law Number 10

Hon. Sedrick T. Walker II
County Criminal Court
At Law Number 11

Hon. Genesis Draper
County Criminal Court
At Law Number 12

Hon Raul Rodriguez
County Criminal Court
At Law Number 13

Hon. David L. Singer
County Criminal Court
At Law Number 14

Hon. Tonya Jones
County Criminal Court
At Law Number 15

Hon. Darrell Jordan
County Criminal Court
At Law Number 16

STAFF

Ed Wells
Court Manager

Veronica Nelson
Staff Attorney

Hiana Mize
Office Manager

August 2, 2021

In response to action plans and recommendations outlined in the Texas Indigent Defense Commission Policy and Fiscal Monitoring Review of Harris County's Indigent Defense Systems (2021), the commentary below is offered on behalf of the Harris County Criminal Courts at Law.

RECOMMENDATION 1: Harris County must ensure that reasonable assistance in completing forms necessary to obtain appointed counsel is provided, so that all arrestees who request counsel can have the request ruled upon within statutorily required timeframes. Under Article 15.17(a), this duty falls on the magistrate presiding over the Article 15.17 hearing. Article 15.17 requires the magistrate transmit the forms requesting the appointment of counsel to the appointing authority within 24 hours of the request.

The County Criminal Courts at Law, are working in conjunction with the Harris County District Clerk, Harris County Pretrial Services and the District Courts, to develop an automated process to electronically capture, record and submit affidavits of financial condition for the determination of indigency for defendants who appear at an Article 15.17 hearing before a Criminal Law Hearing Officer. The process would expeditiously provide financial information needed for County Criminal Court Judges to timely review requests for appointment of counsel made at an Article 15.17 hearing. Representatives from each agency have met several times a month to ensure the process correctly captures the required data. Testing is currently being conducted. The automated process should be available for all County Criminal Courts by September 2021.

RECOMMENDATION 7 (MISDEMEANOR CASES): TIDC's sample of attorney appointments in misdemeanor cases fell below the Commission's threshold for presuming a jurisdiction's appointment system ensures timely appointment of counsel (90% timely). Article 1.051(c)(2) requires all statutory county courts rule on all requests for counsel within one working day (plus 24 hours allowed for transferring requests to the courts) of the request being made. The County must implement practices that satisfy Article 1.051(c)(2)'s timeline.

The County Criminal Courts at Law, are working in conjunction with the Harris County District Clerk, Harris County Pretrial Services and the District Courts, to develop an automated process to electronically capture, record and submit affidavits of financial condition for the determination of indigency for defendants who appear at an Article 15.17 hearing before a Criminal Law Hearing Officer. The process would expeditiously provide financial information needed for County Criminal Court Judges to timely review requests for appointment of counsel made at an Article 15.17 hearing. Representatives from each agency have met several times a month to ensure the process correctly captures the required data. Testing is currently being conducted. The automated process should be available for all County Criminal Courts by September 2021. With this automotive process, a Judge would be able to determine indigency much faster as all the information would be in his or her que to approve or disapprove at any time. This would also address issues of having defendants fill out multiple forms about both the 15.17 process and initial appearance in Court.

Once approved by the Judge, the Office of Managed Assigned Counsel (MAC) will implement an appointment system that assigns counsel to a client as soon as possible and which employs a transparent, neutral methodology to determine which Attorney will represent a client. As soon as the Judge has a list of all Clients requiring Attorneys for a given day, the MAC Office will coordinate with other county officials to ensure that Attorneys are present and ready to serve those Clients soon after the Client is deemed eligible for appointed counsel and the MAC Office is designated as the appointment authority.

RECOMMENDATION 11 (MISDEMEANOR CASES): TIDC recommends the statutory county courts implement a system that meets the Contract Defender Rules for all term assignments exceeding one week. This includes a notification for attorneys to apply and execute contracts containing all required terms.

The MAC is working to become fully operational in all 16 County Courts. As of now, the MAC operates in two of the sixteen courts but recently informed the County Court at Law Judges that their timeline to extend to all 16 court is moving up with additional access to court data. The MAC Office will continue to transition into the County Criminal Courts at Law on a rolling basis as the department grows and develops programming.

RECOMMENDATION 14: TIDC examined two cases in which payments were made without documentation of the services rendered by appointed counsel. Under Article 26.05(b), the Harris District and County Courts must follow the fee schedule set by the County and must include proper documentation for making payments under the fee schedule.

The MAC has implemented an operation plan that should address proper documentation and payments. In that operational plan, the MAC shall require payment of fees ONLY when Counsel submit the original invoice or receipt, along with any request for reimbursement. The MAC shall request payment on a form approved by the MAC Office and the County Auditor. Counsel shall submit the request for payment to the MAC Office. The payment request shall list all services performed by the attorney on behalf of the defendant. The MAC Office shall either (1) approve the amount requested or (2) enter written findings stating the amount the judge approves and each reason for approving an amount differing from the requested amount.

To be entitled to payment, appointed counsel shall provide the hourly rate, time must be itemized in tenths of one-hour, and counsel must prepare and maintain time records for each appointed client showing the date of service, nature of service rendered, and hours worked. In addition, the MAC will open up the submission of fee vouchers to include experts, and private investigators

Fee vouchers shall be submitted to the MAC Office not later than the 30th day after the date the case is disposed. The MAC Office may refuse to pay a previously approved claim for attorney fees, reimbursement, expert witness fees, or other litigation-related expenses, if the claimant fails to correct a claim returned by the county auditor.

The County Courts at Law have reviewed the TIDC monitor report and recommendations and feel confident we are readily handling any and all issues and recommendations. In the future, the MAC will be able to supervise a significant portion of Indigent Defense for the County Courts at Law, and their operational plan thoroughly addresses issues with speedy appointment of counsel, the Contract Defender Rules and any sufficient documentation of service rendered by appointed counsel. In addition, the County Courts at Law will soon have an automated system that will cut down on the amount of times a person has to fill out a financial affidavit and allows the judges to view and approve those affidavits prior to the defendant's first appearance. This method would then allow the MAC to appoint counsel prior to the initial setting.



Ed Wells
Court Manager