



Lubbock County Monitoring Report: Additional Observations on Attorney Qualifications

Introduction

Historically, TIDC has monitored how counties admit attorneys to appointment lists, but not how counties review attorney performance.¹ TIDC is piloting a monitoring procedure for tracking key performance indicators related to attorney representation—caseloads, investigation, mental health resources and client contact—to assess counties’ procedures for ensuring effective and ethical representation. For this supplemental report TIDC relies on counties’ expenditure reports, indigent defense plans, as well as interviews and surveys of appointed counsel.

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

Part I. Performance Indicators

Performance Review

TIDC reviewed the indigent defense plans (ID Plans) for Lubbock County’s District and County Courts² and interviewed local officials and staff to learn about local attorney oversight procedures. Lubbock County Commissioner’s Court and Judges have contracted with a managed assigned counsel program (MAC) to oversee much of their indigent defense system. The MAC program was founded as a non-profit organization, the Lubbock Private Defenders Office (LPDO), that functions as the appointing authority in felony and misdemeanor cases. LPDO was designed to provide a level of oversight and quality control not obtainable under the assigned counsel system. The

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).

² District and County Court Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=36>

program is managed in accordance with its plan of operation³ which has been incorporated in the county's ID plan.⁴ Juvenile appointments remain the responsibility of the Lubbock County Juvenile Courts.⁵

LPDO maintains six appointment lists and sets the minimum qualifications for each list based on charge level, with increasing levels of skill and experience required for more serious cases.⁶ The panel has two misdemeanor levels, three felony levels, and a mental health designation. These qualifications are covered in more detail in the Policy Monitoring Review Report. LPDO also requires attorneys admitted as panel members to meet seven requirements, including completing 12 hours of criminal CLE annually and being a member of the Lubbock Criminal Defense Lawyers Association.⁷ LPDO ensures cases are assigned on a rotating basis amongst qualified attorneys based on charge offense level.⁸ They closely monitor attorney assignments to prevent excessive workloads and any perception of favoritism.⁹ An attorney may be removed, suspended or reinstated, as appropriate, under procedures set forth by LPDO's plan of operations.¹⁰

LPDO emphasizes panel attorney training.¹¹ The office tracks each attorney's continuing legal education (CLE) credits, offers annual CLE courses specific to defending clients suffering from mental health issues, and has implemented a professional mentoring program. There are twelve (12) designated mentoring attorneys who provide professional development assistance to panel attorneys. Program participants are required to complete additional CLE courses featuring guest speakers. The assistance and support of experienced mentors and additional CLE requirements provide valuable assistance and support to participating panel attorneys as they learn how to become a successful private practitioner while providing quality representation to their indigent clients.

³ Lubbock Private Defenders Office Written Plan of Operations:

<https://tidc.tamu.edu/IDPlanDocuments/Lubbock/Lubbock%20District%20and%20County%20Court%20Managed%20Assigned%20Counsel%20Plan%20of%20Operation.pdf>

⁴ District and County Court Plan : <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=36>

⁵ Lubbock Juvenile Board Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=45>

⁶ Lubbock Private Defenders Office Attorney Qualifications: <https://www.lpdo.org/panel-application-and-process>

⁷ Lubbock Private Defenders Office Written Plan of Operations:

<https://tidc.tamu.edu/IDPlanDocuments/Lubbock/Lubbock%20District%20and%20County%20Court%20Managed%20Assigned%20Counsel%20Plan%20of%20Operation.pdf>

⁸ *Id.*

⁹ *Id.*

¹⁰ Lubbock District Court and County Court Plan:

<https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=36>

¹¹ Lubbock Private Defenders Office Written Plan of Operations:

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As previously noted, LPDO is not the appointing authority for juvenile cases. Juvenile appointments are managed by the Lubbock County Juvenile Courts and minimum attorney qualifications are set forth in the Lubbock County Juvenile Board Plan.¹² The Juvenile Plan requires the attorney whose name is first on the list be appointed, unless the court makes a finding of good cause on the record for appointing an attorney out of order. The Juvenile Board is charged with monitoring attorney performance and ensuring the competency of attorneys on the list(s). To be admitted on the list, attorneys must have attended an orientation class and complete a mentoring program. The Juvenile Plan provides for attorneys to be removed or suspended, as appropriate, from one or more appointment lists by a majority vote of Judges.

Caseloads

Attorneys must devote adequate time and attention to each of their clients to fulfill the ethical duties owed them.¹³ In partnership with the Public Policy Research Institute at Texas A&M University, TIDC studied the maximum number of cases an attorney could handle in a year while providing ethical representation.¹⁴ The study found that, in Texas, a private attorney should dispose of no more than 226 misdemeanors, 128 felonies, 31 appeals, or a weighted combination of these cases, annually. LPDO's Plan of Operation limits panel attorneys to a maximum of 65 open cases. Further, panel attorneys can place themselves on "voluntary hold" as necessary to manage their workloads. This flexibility emphasizes the program's focus on quality representation and ensuring effectiveness is not compromised by high caseloads.

TIDC examined FY22 appointed attorney caseloads. In Lubbock County 88 appointed attorneys disposed felony, misdemeanor, juvenile, or appeals cases. Of these, 85% had statewide appointed caseloads below TIDC Guidelines, 15% carried caseloads above Guidelines, and 2% had appointed caseloads more than 150% above the Guidelines.¹⁵ When the attorneys' non-appointed cases are included, 80% had caseloads below TIDC's Guidelines, 20% had caseloads above the Guidelines, and 11% had caseloads more than 150% above Guidelines.¹⁶ While the majority of attorneys appeared to maintain reasonable caseloads, some attorney's caseloads were well above TIDC Guidelines.

¹² Lubbock Juvenile Board Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=45>

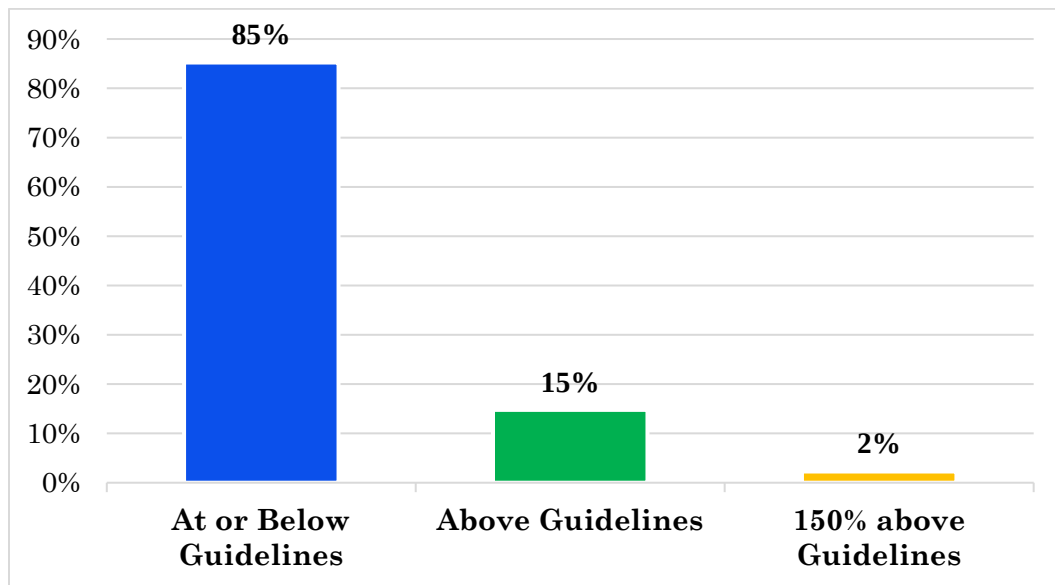
¹³ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01. (See commentary: "A lawyer's workload should be controlled so that each matter can be handled with diligence and competence.")

¹⁴ <http://tidc.texas.gov/caseloads>

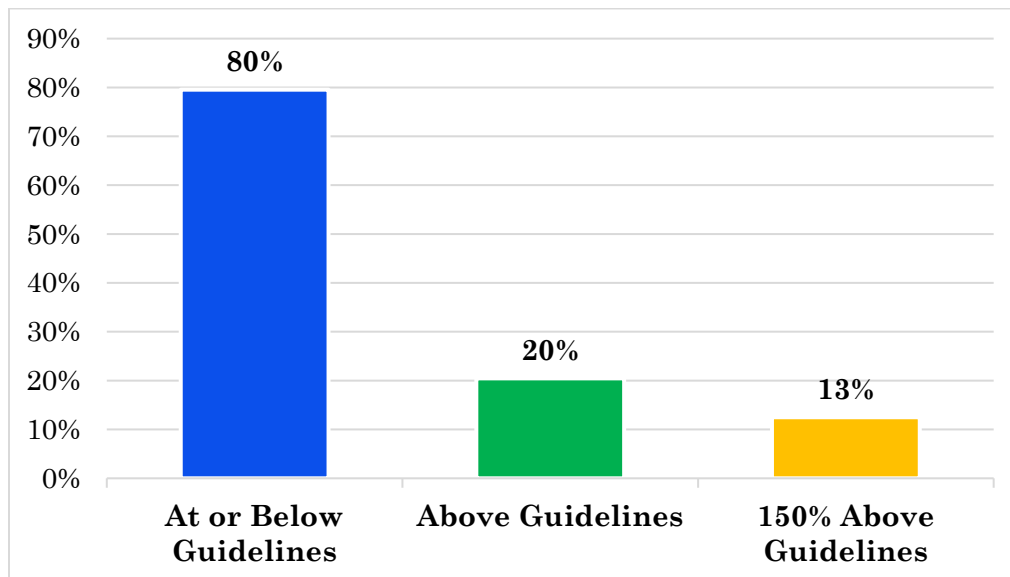
¹⁵ This calculation uses statewide appointed cases paid as reported by county auditors. It does not factor capital or juvenile appointments, civil appointments, or retained cases.

¹⁶ This calculation combines county auditor data with data from attorneys on the percent of their practice time dedicated to indigent defense, 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.

Lubbock County Attorneys' FY22 Statewide Appointed Caseloads vs. Texas Guidelines



Lubbock County Attorneys' FY22 Statewide Caseloads Based on Reported Time Spent on Appointed Cases vs. Texas Guidelines



Use of Investigators

Attorneys have a duty to investigate the facts of each case.¹⁷ Regardless of the client's wish to admit guilt by entering a plea, the duty to investigate includes determining whether the charges are factually and legally supported and informing the client of potential defenses.¹⁸ Some investigations can be performed by attorneys, other matters require a separate individual to conduct the investigation. For example, an attorney cannot testify to facts that the attorney has investigated.¹⁹ An attorney may also need additional investigative assistance or specialized skills.

TIDC's caseload guidelines recommend that, on average, 5.3% of misdemeanor case time (28.5 minutes) and 7.7% of felony case time (85.3 minutes) should be spent on investigation.²⁰ One measure of investigator utilization is the amount paid to investigators for indigent defense investigations.

In FY2022 Lubbock County's investigator expenses were:²¹

- Slightly over 0.5% of misdemeanor costs (0.5%, \$4,474.28 of \$915,792.58)
- 2.0% of felony expenses (2.0%, \$64,482.18 of \$3,209,061.92)
- 0% of juvenile payments (0%, \$0 of \$104,185)

LPDO strongly encourages the use of investigators and expert witnesses throughout the duration of a case.²² They currently have two on staff investigators available for panel attorney use. The attorney will send a request for an investigator through the attorney portal request for experts/investigators. LPDO's Chief Defender will review the request and approve. It then goes to both investigators for one of them to acknowledge receipt and assign in house. If they have a conflict, then they will refer it to an outside contract investigator. LPDO maintains a current list of available investigators, experts, and mitigation specialists. All investigators, experts, and mitigation specialists are interviewed by LPDO prior to being assigned to cases.

¹⁷ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

¹⁸ STATE BAR OF TEXAS PERFORMANCE GUIDELINES FOR NON-CAPITAL CRIMINAL DEFENSE REPRESENTATION GUIDELINE 4.1(A).

¹⁹ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 3.08.

²⁰ These recommendations are for cases that do not go to trial. More investigation time is recommended for cases that go to trial.

²¹ Lubbock County FY2022 Indigent Defense Expenditure Report (IDER): https://tidc.tamu.edu/ExpenditureReport2/FGExpenditureReport.asp?County_ID=152&FiscalYear=2022 . The amount of investigation expenses is likely larger given the IDER does not include the salary for the two on staff investigators with LPDO.

²² LPDO Plan of Operation: <https://tidc.tamu.edu/IDPlanDocuments/Lubbock/Lubbock%20District%20and%20County%20Court%20Managed%20Assigned%20Counsel%20Plan%20of%20Operation.pdf>

Client Contact

Attorneys have a duty to communicate with clients about their cases.²³ Attorneys should be in regular contact, especially when clients are in custody.²⁴ They should attempt to contact out-of-custody clients and discuss their cases outside of court to ensure confidentiality²⁵ and allow sufficient time to prepare.²⁶ 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 should be spent on client communication.²⁷

The Lubbock County plan and Article 26.04(j) of the Texas Code of Criminal Procedure requires attorneys make every reasonable effort to contact their client by the end of the first working day after appointment and interview their client defendant as soon as practicable thereafter, but no later than seven working days after appointment. LPDO tracks initial attorney contact by listing the initial contact date on the attorneys' voucher submission form.

LPDO's Chief Defender is charged with reviewing and responding to complaints. The Chief Defender will respond by mail. Based on the nature of the complaints, responses vary from informing the client that LPDO is aware of their concerns and will reach out to their attorney to providing the client a window of when to expect a visit from their attorney. All complaints are also forwarded to the lawyer with instructions to reply to LPDO as soon as possible. If a complaint alleges the lawyer has not had any contact with an incarcerated client, LPDO reviews jail visitation logs. If the complaint is substantiated, absent compelling mitigation, the lawyer will be suspended from the panel. LPDO also receives oral complaints which go through LPDO's Chief Defender. LPDO's Chief then requests updates on the concerns from the attorney.

Summary

Lubbock County's continued support of LPDO provides private attorneys needed support, oversight, and access to vital resources to provide effective assistance of counsel. LPDO has taken on the burden of maintaining attorney qualifications and ensuring attorneys access to resources. LPDO has taken a proactive role in ensuring the attorneys taking appointed cases are trained and qualified to provide quality

²³ 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.

²⁴ *Id.*

²⁵ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.05.

²⁶ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

²⁷ These recommendations are for cases that do not go to trial. More communication time is recommended for cases that go to trial.

representation, evidenced in their mentorship program, CLE programs, and CLE tracking. The MAC ensures attorneys taking appointments adequately meet with clients by monitoring initial client meetings and reviewing and addressing client complaints. Attorney caseloads are also managed to ensure they are not overwhelmed, while giving attorneys a chance to pause new appointments and further control their caseload. Most attorneys reported satisfaction with LPDO and the services it provides, in TIDC's survey. While caseload guidelines recommend allocating between 5% and 7% of case work on investigation, the County currently spends .5% of its misdemeanor indigent defense budget and 2% of its felony indigent defense budget on criminal defense investigation. TIDC acknowledges that this number is lower than usual as it does not include the salary of the two on staff investigators provided by LPDO. Since panel attorneys have access to these investigators, there is likely more investigation use that is not being reported as an expense in the IDER.

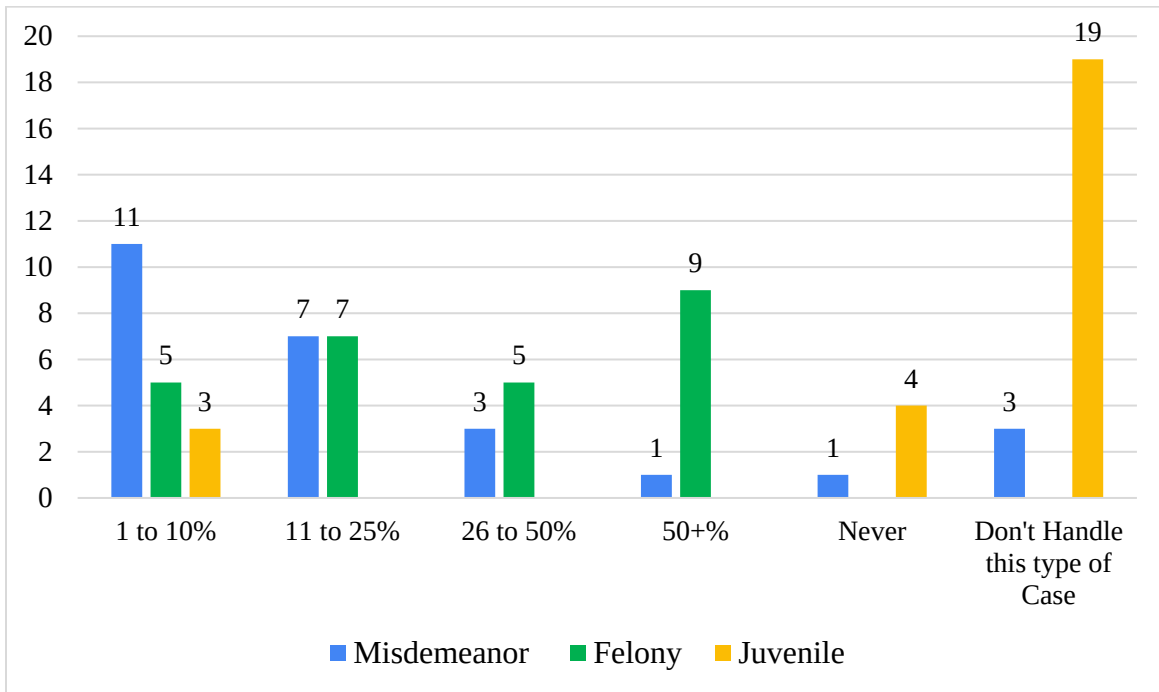
Part II. Indigent Defense Attorney Survey, Interviews, and Observations

In October 2023, TIDC distributed an online survey to Lubbock County indigent defense attorneys and received 26 responses. The survey addressed topics including the use of investigators and online courts, client communication, mental health, and voucher practices. 77% of respondents (n=20) identify as “Private Practitioners appointed by MAC” with 23% of respondents (n=6) identifying as “Private Practitioner.” The findings in this sample may not be generalizable, or representative of all indigent defense attorneys practicing in the county, but the sample does help give an initial understanding of practices of indigent defense attorneys in Lubbock County.

The Use of Investigators

Several questions address the use of and funding for investigation in Lubbock County. The survey asked questions regarding the frequency of investigator usage in misdemeanor, felony, and juvenile cases (See graph below).

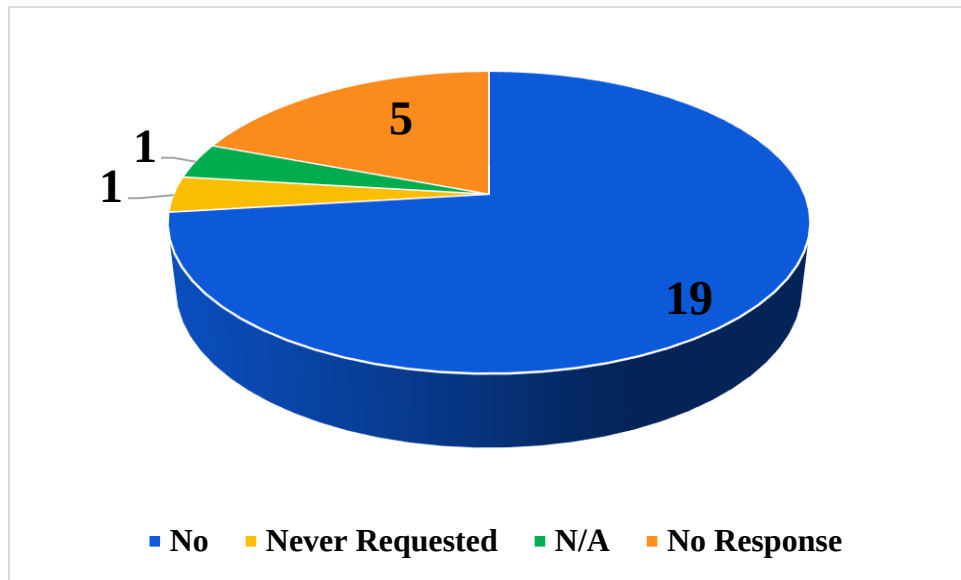
Percentages of Cases Attorneys Requested an Investigator, By Case Type



In **misdemeanor cases**, 42% of the attorneys (n=11) reported requesting an investigator in 1 to 10% of their cases, while about 27% (n=7) reported requesting an investigator in 11 to 25% of their cases. In **felony cases**, the largest group of attorneys (n=9) reported requesting an investigator in more than 50% of their cases. While in **juvenile cases**, the highest category (n=4) reported never requesting an investigator, the second highest (n=3) reported requesting investigators in 1 to 10% of cases. 19 of the respondents reported that they did not handle this type of case.

Additionally, the survey asked defense attorneys about difficulties being reimbursed for investigative expenses incurred without prior approval. (See pie chart below). A majority of attorneys (n=19) reported not having difficulty receiving adequate funding for investigators. When asked if they have had difficulties receiving adequate funding for investigation, 100% of the respondents said no. Many of the additional comments reflected how helpful LPDO's investigators are. An attorney stated, "The investigators I have used through the Lubbock Private Defender's Office have been extremely helpful in obtaining information that led to the rejection or dismissal of cases as well as better plea offers for my clients." This highlights most attorneys are comfortable requesting an investigator through the MAC.

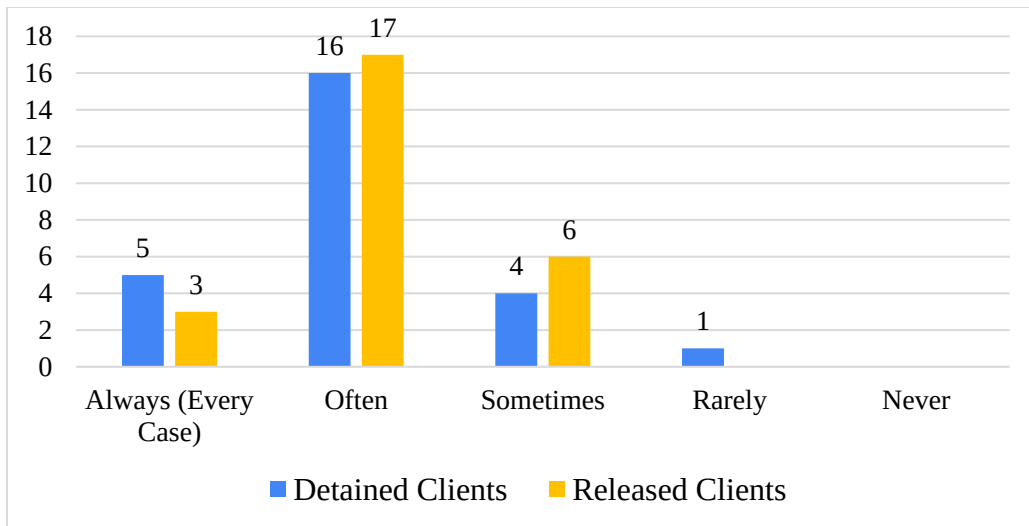
Attorneys Who Report Having Difficulty Receiving Funding for Investigators



Client Communication

The survey asked questions about the nature and location of attorney-client communications, including the biggest barrier to meeting with clients. The chart below reflects attorneys were “Often” able to communicate effectively with clients.

Frequency of Effective Communication With Detained and Released Clients

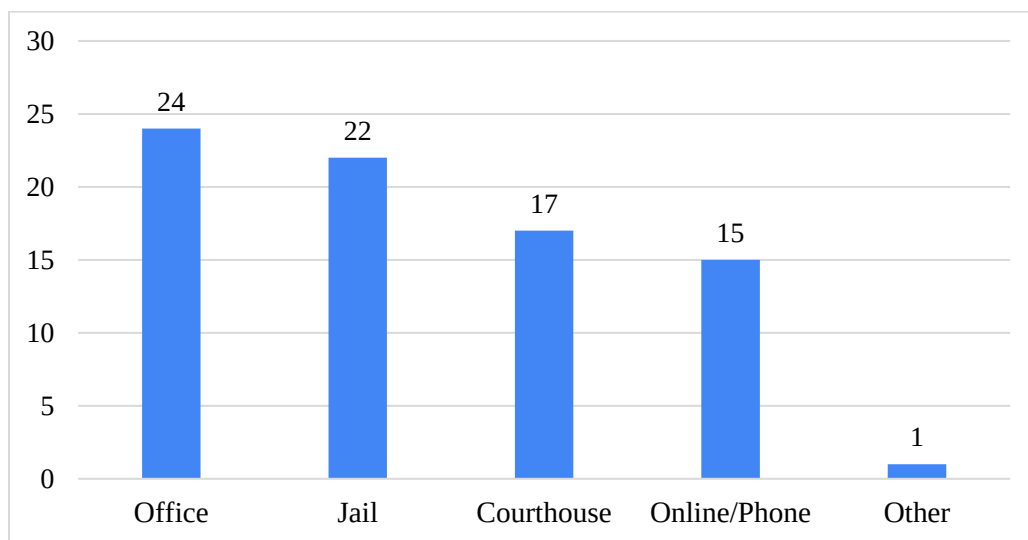


Attorneys reported they were “often” (n=16) or “always” (n=5) able to communicate with **detained clients**. Similarly, they were “often” (n=17) or “sometimes” (n=6) able to communicate effectively with **released clients**.

The survey asked respondents to share the biggest barriers to meeting with clients (both detained and released). Their direct responses are shared at the end of the report. Several attorneys highlighted difficulties they have experienced meeting with clients at the jail, especially scheduling, overbooking, and need for remote visitation due to the distance of the local jail. Several attorneys mentioned the need to bring back courthouse visitation booths, with one noting, “We used to have videos at the courthouse (which were not monitored by an out-of-state 3rd party) which were easy to use and saved time/money.”

The survey asked where attorneys met with clients (See chart below). Overall, the most frequent response for attorney-client meeting locations was office, followed by the jail, courthouse, and online/phone. “Other” was an attorney noting meeting with clients through the “Smart Messenger w/Inmates in County Jail.”

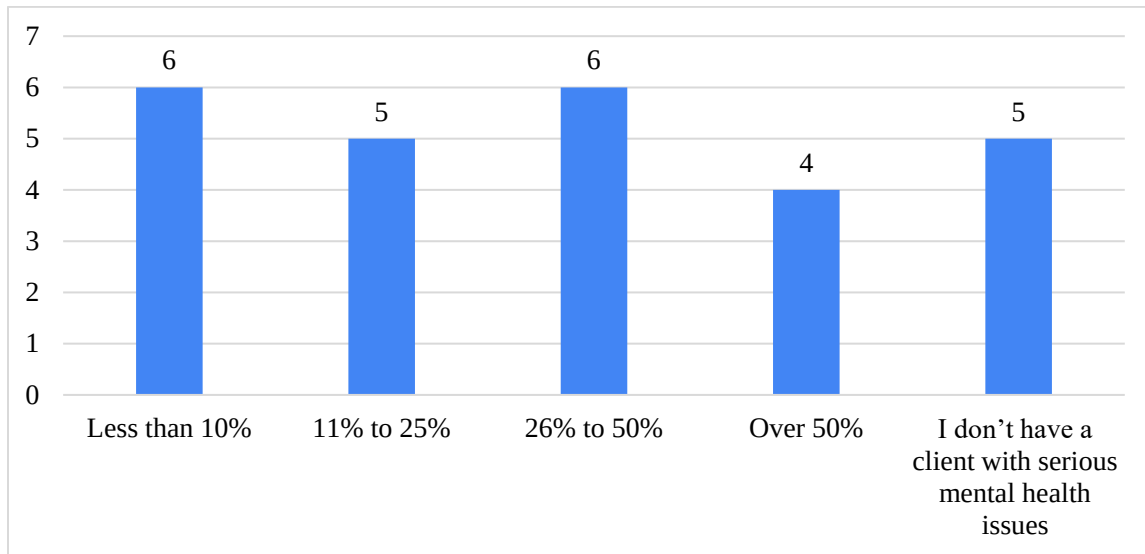
Location of Client Meetings



Mental Health Clients

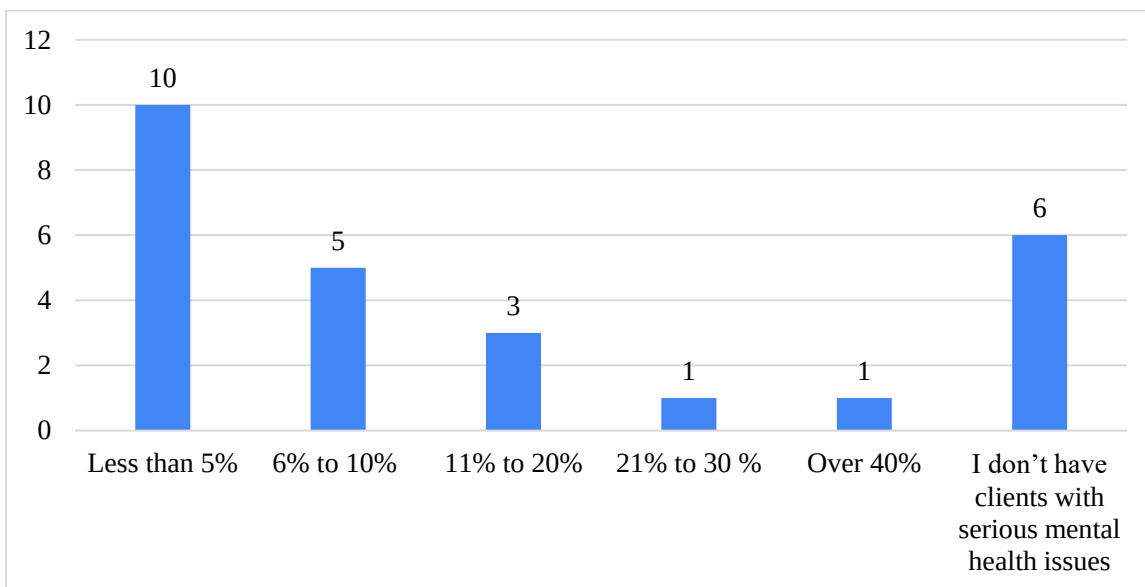
The survey asked attorneys about their experiences representing clients with mental health issues. The first inquiry focused on the percentage of appointed clients with serious mental health issues. Overall, the largest groups of attorneys (n=6) stated “Less than 10%” and “26 to 50%” of their clients have serious mental health issues (See chart below).

Percentage of Appointed Clients with Serious Mental Health Issues



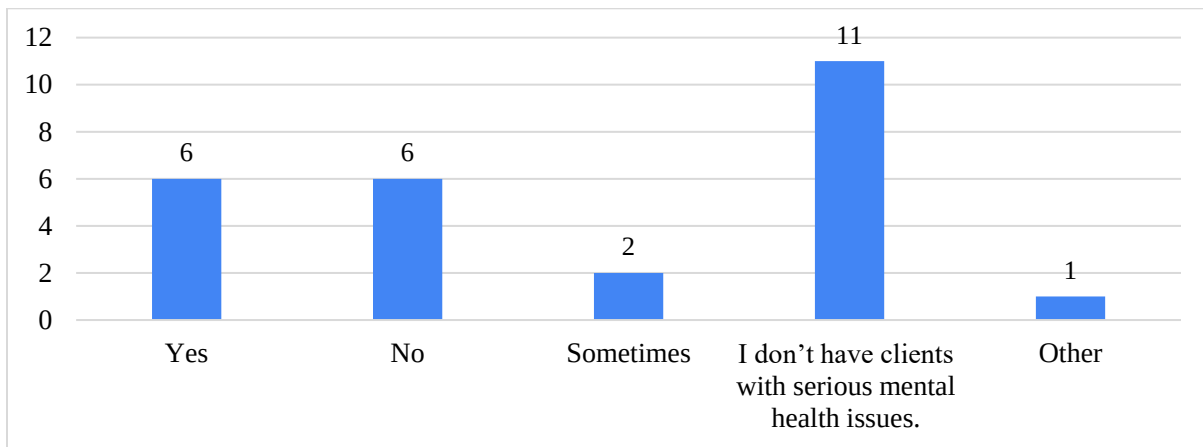
The survey next asked attorneys what percentage of their appointed clients receive Code of Criminal Procedure Article 16.22 mental health information. Most of the attorneys (n=10) reported receiving Article 16.22 information in less than 10% of cases (See chart below). It is important to highlight LPDO has their own Mental Health Wheel composed of attorneys who apply and qualify to take mental health appointments. This may result in panel attorneys being assigned to represent clients with mental health issues less frequently.

Percentage of Cases where Attorney Receives Code of Criminal Procedure Art 16.22 Information



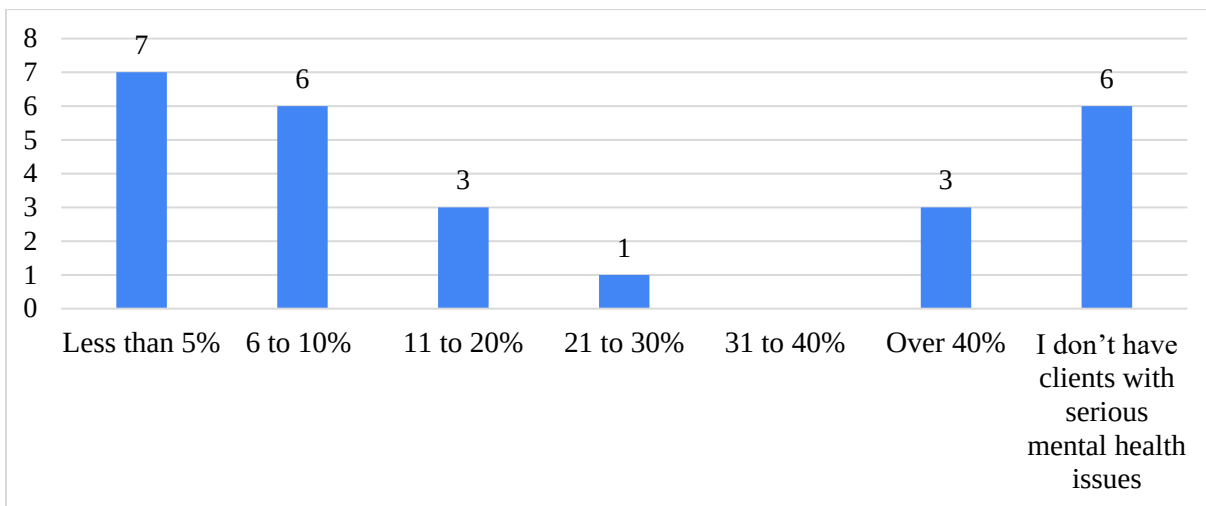
Most attorneys (n=11) reported not having clients with serious mental health issues (See chart below). There was a mixture of attorneys who were successful in obtaining personal bonds for detained clients with mental health issues (See chart below). One attorney noted, “It is very difficult. It basically only happens when they have a strong support system, and I can tell the DAs I know their family or group home will allow my client to go home.”

Attorneys Success in Obtaining Personal Bonds for Detained Clients



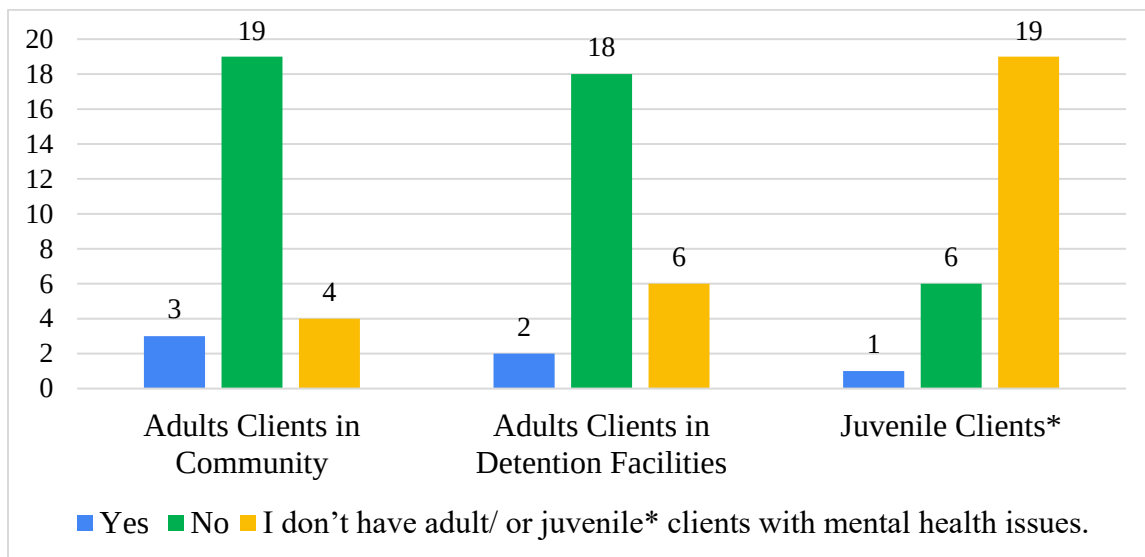
The survey asked attorneys for the percentage of appointed cases where they requested clients with serious mental health conditions be examined for competency to stand trial. The responses are depicted in the chart below.

Percentage of Appointed Clients where Competency Examination is Filed



The survey asked attorneys whether they believed there were adequate mental health resources for both adults in the community and detention facilities, and for juvenile clients. A majority of attorneys (n=19) responded “no” to adult clients having adequate mental health resources in the **community** (see chart below). A majority of attorneys (n=18) responded “no” to adult clients having adequate mental health resources in **detention facilities**. Most attorneys (n=6) who take appointed juvenile work responded “no” to clients having adequate mental health resources.

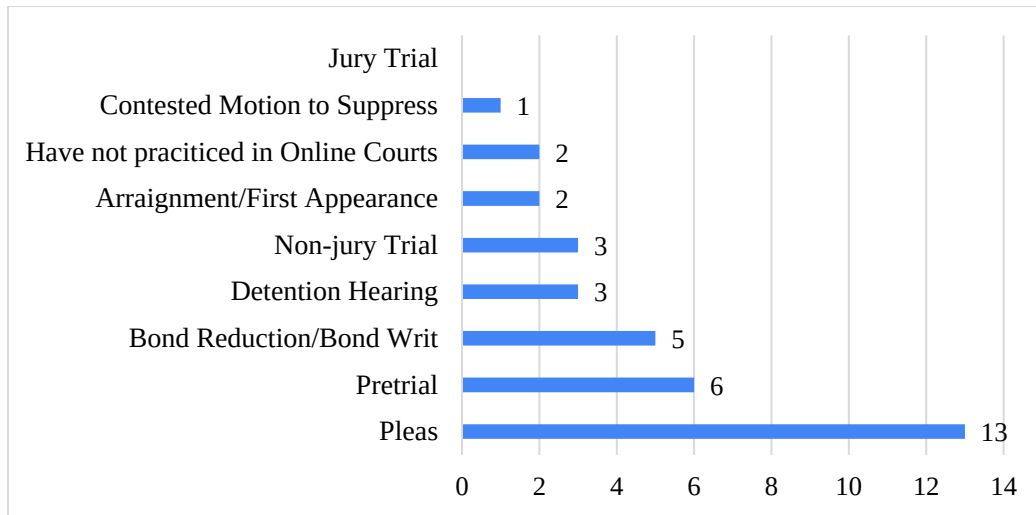
**Perception on Adequate Mental Health
Resources per Case Type**



Online Courts

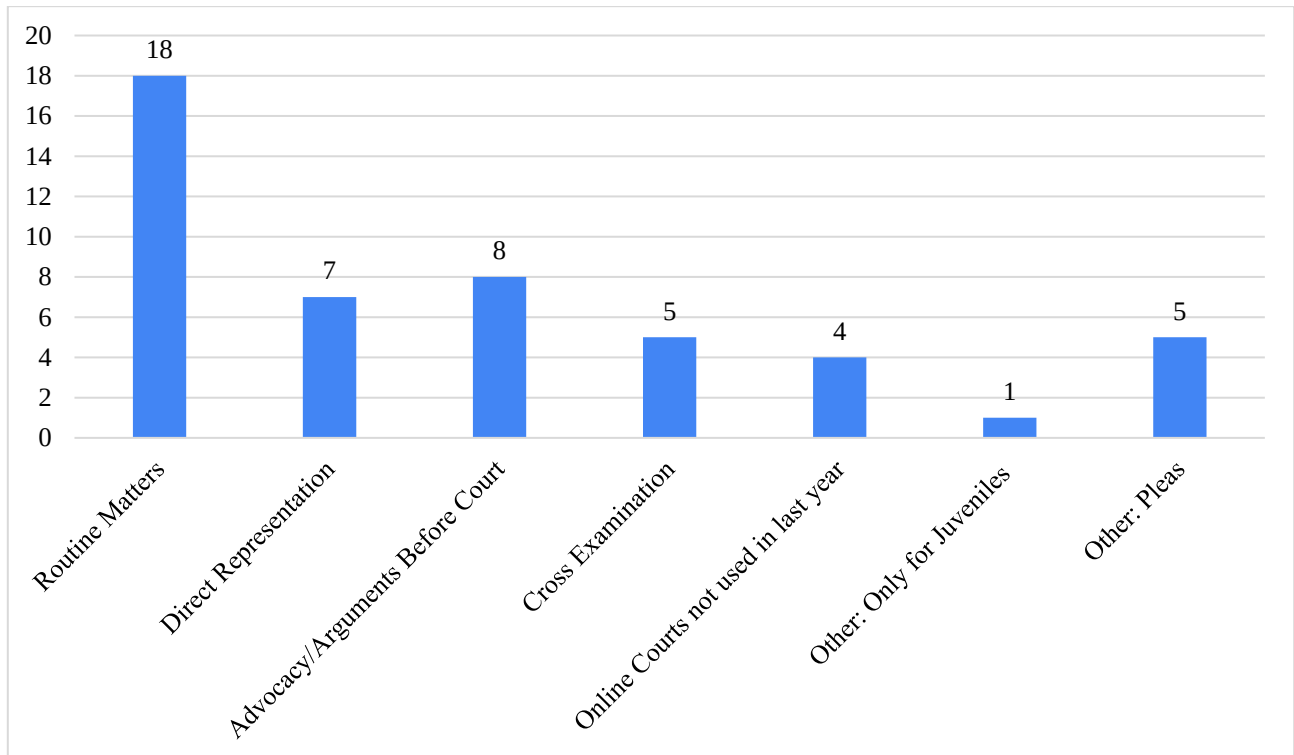
The survey asked attorneys about online hearings. The first inquiry focused on the types of hearings conducted online. Overall, a majority of attorneys (n=13) stated they had participated in pleas online (See chart below).

Types of Hearings Generally Online



The next question explored aspects of client representation occurring in online hearings.

Types of Client Representation Occurring Online

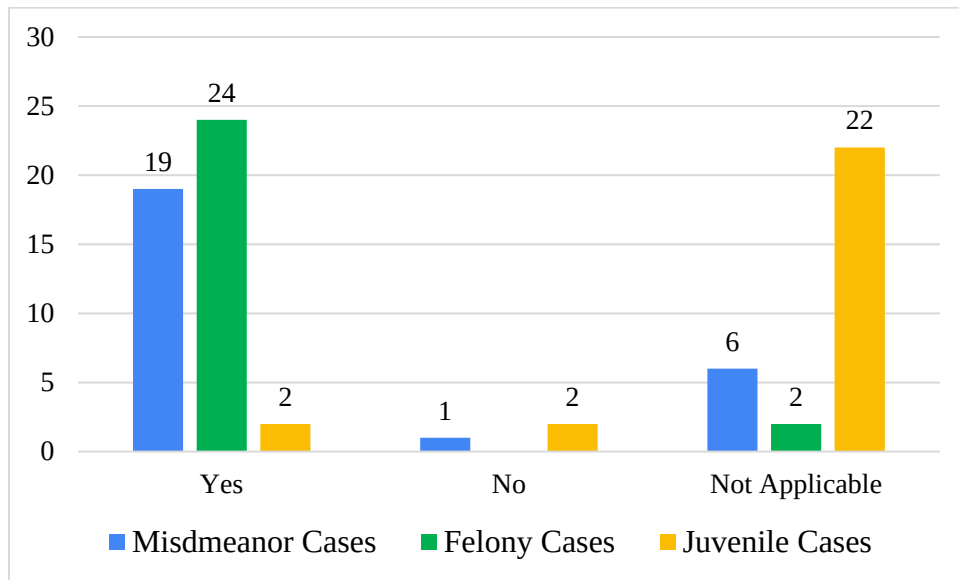


The chart above illustrates the most frequent response was online courts were used for Routine Matters (n=18), followed by Advocacy/Arguments Before Court (n=8). Notably, several attorneys reported participating in online Direct Representation (n=7).

Vouchers

The survey asked a series of questions about the inclusion of out-of-court time on payment vouchers for misdemeanor, felony, and juvenile cases (See graph below). Overall, a majority of respondents reported including out-of-court time in felony (n=24) and misdemeanor (n=19) case vouchers.

Out-of-Court Time Included on Vouchers, by Case Type



The full text of narrative survey responses are listed in the following pages.

Index to Questions requesting narrative responses.

For each question, the full text of respondent's feedback is included.

Investigation

- *If you have other comments on investigations, please share them here:*

Client Communication

- *What are your biggest barriers to meeting with clients (both detained and in the community)?*
- *If you have other comments on client communication, please share them here:*

Mental Health Clients

- *If there are not adequate resources for adult clients with mental health issues generally available in the community in your jurisdiction, please explain.*
- *If there are not adequate resources for adult clients with mental health issues generally available in detention facilities in your jurisdiction, please explain.*
- *If there are not adequate resources for juvenile clients with mental health issues generally available in your jurisdiction, please explain.*

Online Courts

- *If you have other comments on online courts, and which hearings should or should not be held virtually, please share them here:*

Vouchers

- *If you don't typically include out-of-court time, why not?*
- *If you have other comments on payment vouchers, please share them here:*

Lubbock County's Indigent Defense System

- *What is working well in the County's indigent defense system?*
- *What is not working well in the County's indigent defense system?*
- *What is working well in the County's juvenile justice system?*
- *What is not working well in the County's juvenile justice system?*
- *What suggestions do you have for improving the delivery of indigent defense services in the County?*
- *TIDC provides programs to improve indigent defense. How could TIDC help improve indigent defense in the County?*

Investigation

If you have other comments on investigations, please share them here:

	Responses listed alphabetically:
•	Always had excellent experience working with investigators through LPDO.
•	Don't like having to ask for mitigation 5 hours at a time.
•	I believe more investigators would benefit the indigency program
•	I have always received excellent work quickly from our investigator.
•	The investigators I have used through the Lubbock Private Defender's Office have been extremely helpful in obtaining information that led to the rejection or dismissal of cases as well as better plea offers for my clients.
•	Used Eldon a few times, he's great and is quick and efficient. Appreciate all of the work he does!!!
•	Wish I didn't have to re-request assistance every 5 hours, but I begrudgingly understand
•	Would be nice to choose our own sometimes

Client Communication

What are your biggest barriers to meeting with clients (both detained and in the community)?

	Responses listed alphabetically:
•	Bail bonds and the court are not getting accurate contact information for clients who are bonding out. They are not requiring an emergency contact either so there's no way to track down clients a lot of the time. The jail is not accommodating when trying to meet with multiple clients. They are saying that they are completely booked up when I've gone to the jail and been the only person in the attorney visitation area at a time they said was full.
•	Being able to speak with my clients in jail efficiently and effectively due to the court taking out the video phones they had connected between jail and courthouse
•	Clients do not have a stable address or phone. For those on bond, the bonding companies do not do their jobs.
•	Clients housed out of town, lack of appointment availability that fits my court schedule also, lack of rooms, attorney visit area also allows people, who many times have adverse positions, permitted in the same area, such as parole, probation, CPS caseworkers
•	For detained client: having to schedule in-person visits (many times I'm told that I can't get into the jail because all the attorney visitation rooms are already scheduled - this is particularly frustrating when I need to visit with a client for a very brief time); video visits with detained clients (the video/tablet works only about 50% of the time and we have to schedule video visits 24 hours in advance) - it is frustrating

	when I there is no availability for an in-person visit and I have to wait 24 hours for a video visit -- it would be greatly beneficial/efficient to bring back the visitation video booths at the courthouse!
•	Having clients returned to local jail when housed out of county is the greatest barrier. I get them back when I make enough noise, but LSO is initially refusing to transport unless defendant has a court date.
•	In jail: time constraints and being forced to go all the way to the jail for a 2 minute conversation.
•	In the community: Many of my indigent clients lack transportation. It is also common for my clients to either lack a phone, have a phone that is not currently in service, or to change phone numbers multiple times during the course of a case. For my detained clients, being placed in the SHU or ad seg causes problems having them transported to the attorney visitation area. Additionally, it is difficult to visit with clients at the Lubbock County Detention Center during the counts and shift changes. Certain times of day, the attorney visitation rooms are overbooked. There have also been issues involving understaffing at LCDC, making it hard to have inmates transported to the AV rooms. In the past several months, there have been issues due to overcrowding at LCDC, which has resulted in numerous inmates being housed out of county. After hours staff is not knowledgeable about the attorney visitation procedure. COVID and COVID quarantines have also been an issue off and on. And, having a client who is a trustee can sometimes make them unavailable for visits, especially if they are an outside trustee.
•	Jail staff (other than the visitation coordinator) are incompetent; clients get PR/PTS bonds and get lost in the wind.
•	Jail staff can be difficult. Clients on bond are without resources so meeting them can be difficult.
•	Jail staff not using resources appropriately and making it hard to see clients.
•	Locating on bond clients.
•	None
•	Not enough jail visitation rooms at the jail (Probation, parole, every other organizations gets to use the attorney visitation rooms). Only 1 visitation room at the jail capable of effectively taking a laptop to review videos
•	Scheduling
•	Scheduling at the jail
•	The jail being so far out of town, and the lack of remote visitation booths, the attorney visitation schedule never being followed by the jail
•	The Jail Procedures, especially with people are moved.
•	Their work hours and frequent issues related to their telephones. ie. "out of service"
•	time constraints and scheduling and wait times
•	Time. It easily takes an hour to communicate to a client in custody that there are no updates or to give them what should be a 5-10 minute update.
•	Time. Overload of cases.

•	When they are homeless and get released on a pretrial services bond. Or, when they bond out and want to pretend like they don't have a case pending.
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- **If you have other comments on client communication, please share them here:**

	Responses listed alphabetically:
•	At least 10% are abusive and rude. I can understand the client's going through withdrawals or that have mental health issues, but it has become a mechanism for some client's to get another attorney. They are hoping a second attorney will get them a better plea bargain.
•	Bring back the courthouse video visitation booths!
•	Defense attorneys would have less headaches and cases would be plead more efficiently if we had our jail clients brought to court instead of zoom.
•	Most client meetings would be 5 mins, but we have to drive to the jail (30 mins roundtrip), wait for client (10-15 mins). We used to have videos at the courthouse (which were not monitored by an out-of-state 3rd party) which were easy to use and saved time/money.
•	We need to bring back the visitation booths at the courthouse

Mental Health Clients

If there are not adequate resources for adult clients with mental health issues generally available in the community in your jurisdiction, please explain.

	Responses listed alphabetically:
•	Access to resources is always a problem. No central resources is available to inform, monitor and provide such services. Merely saying StarCare is available on the East side of Lubbock is a bridge too far for most.
•	Few resources. Little funding.
•	Jail is unfortunately the safest, best spot for lots of clients with mental health issues.
•	Lubbock needs better facilities and more programs. Especially for those who have mental health issue but aren't deemed "serious enough."
•	Mental health facility not separate from the county jail
•	Most mental health clients do not have access to the transportation necessary to reliably get where they need to go.
•	Need more doctors, more staff and more availability at the jail also
•	No place to put them if they have no family other than a homeless shelter or the streets.
•	The local MHA is seriously understaffed at the case manager level. Their system can be difficult to navigate if you don't have inside contacts.
•	The waiting period for clients that are found incompetent and require a lot of help is excessively long.
•	There are not enough doctors to do the competency evaluations in a timely manner. I believe this to be the case because Lubbock doesn't pay the doctors enough to make it worth their time to come from out of town. (We currently only have one doctor in town doing these evils.) In the community, it simply seems that there are not beds available, whether it be for rehab, sober living, homelessness, mental health facilities, etc.
•	There is no where for many of my mentally ill clients to live that is suitable for their needs. The group homes look for ways to send unruly mentally ill persons to jail and out of their hair. Nursing homes won't accept certain clients because of their histories. A long term living center for mentally ill persons is needed and would vastly cut down on their encounters with the criminal system.
•	There needs to be a better place for police to take clients who are in crisis other than the jail. When it is clear to everyone on scene that this client is struggling with their MH, they shouldn't be arrested "to get them services". We also need a MH group home type of place for qualifying people to be able to live in a structured environment that can help with medication management and such. We also need private guardians for people who are in need of a guardian, but who do not have family members able or willing to serve as guardian of the person.
•	Underfunded, under staffed, and neglected

If there are not adequate resources for adult clients with mental health issues generally available in detention facilities in your jurisdiction, please explain.

	Responses listed alphabetically:
•	Clients don't receive the meds they need and were prescribed in the free world.
•	Few resources. Little funding. Sheriff and Police Department really don't care.
•	Generally it requires the judge intervening to get adequate help
•	Lack of treatment
•	My clients are on the wait list for competency restoration for MONTHS in the jail. We defense attorneys are the one shouldering their wrath about this. For clients found NC/NR, there is a trend currently of finding Inpatient Commitment unnecessary. It appears this trend is correlated more to the wait list for a bed at the state hospital rather than the individual needs of our clients.
•	My clients tell me that mental health nurses/aides see them briefly and prescribe meds and with rare followup
•	Some people do not get the medication they need for far too long, months even. Maybe that is rare, but it happens too often.
•	The jail based competency restoration program is extremely backlogged at LCDC, making it take many months to even start the process and leaving some clients to time out in jail without ever completing the process.
•	The Lubbock Jail is better than most but still understaffed. Further, those that work in the jail have no empathy for those they serve with few exceptions.
•	The standard procedure is to put the inmates with serious mental health issues in solitary confinement.

If there are not adequate resources for juvenile clients with mental health issues generally available in detention facilities in your jurisdiction, please explain.

	Responses listed alphabetically:
•	Funding
•	I do not do juvenile work. I do however have many clients with trauma as a juvenile who did not receive help from the criminal justice system when encountering it as a juvenile. As an adult, that baggage still exists and leads them to get in trouble. Many of my clients were sent to juvenile facilities or on juvenile probation, and the punitive nature of those programs leads them to anger at law enforcement and more negative influences entering their lives. It is tragic.
•	Money, more money, and hiring those that want to serve
•	Same as above (Some people do not get the medication they need for far too long, months even. Maybe that is rare, but it happens too often.)
•	The juvenile clients I've had who had serious MH issues were able to find help, but it did seem to take longer than I expected for them to receive help.

Online Courts

If you have other comments on online courts, and which hearings should or should not be held virtually, please share them here:

	Responses listed alphabetically:
•	Guilty Pleas should not be in virtual
•	Jury trials, contested pretrial hearings
•	None. Covid is over. We should be at the Courthouse.
•	Only guilty pleas can be adequately handled online. Any type of online hearing where there is a contested matter and testimony is taken should never be online because of the inability to see and hear what is going on in the hearing. Note. I once had a hearing (Juvenile Certification) where I was alone in the courtroom and when I objected to the witness's testimony I literally was shouting AND was jumping up and down while waving my arms. Nobody other than the deputy in the courtroom heard me or saw me. The witness was talking nonstop.
•	They should not be virtual. It is an extreme hinderance to attorneys being able to meaningfully communicate with their clients as needed during hearings. Issues always arise. If we want to get things done right, and in a way that respects our clients fundamental rights, hearings need to be in person.

Vouchers

If you don't typically include out-of-court time, why not?

	Responses listed alphabetically:
•	I do not have the staff and time to get it all turned in
•	I have never submitted a payment voucher
•	Represent few juveniles. They are almost always in detention.
•	There's flat fees that incentivize defense attorneys to rush the case through. I don't do that, but you can't get a judge to sign a bill for 4K after you've worked a sjf case for a year, even if it results in dismissal. I went off the appointed list about six months ago and only take retained now
•	They won't pay it.
•	We are paid \$600 for misdemeanor pleas and \$800 for felony pleas. The amount of time to cover misdemeanors and state jail felonies is usually sufficient at a rate of \$150 per hour for these clients.

If you have other comments on payment vouchers, please share them here:

	No Responses provided
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Lubbock County's Indigent Defense System

What is working well in the County's indigent defense system?

	Responses listed alphabetically:
•	Administration is much better. Shannon is doing a terrific job.
•	As far as I am concerned; it all works very well. Particularly Shannon, Rusty and the staff.
•	I think the client's are getting quality representation quickly.
•	I think we are doing the best we can at the moment, but it seems like not much is going well right now. Almost every task for every case is taking longer than it used to and that is starting to build up (to get information, to get hearings scheduled, to hear back from the DAs, etc.)
•	In my opinion, this is the best system going for both clients as well as the taxpayers
•	LPDO management is top notch; staff are responsive to issues that arise in representation
•	LPDO; Starcare, different providers
•	Obtaining support (investigators, psychologists, etc - support from the office with difficult cases and clients)
•	Our mental health team is very good
•	Private Defender Office
•	Private Defender Office, Magistrate McNamara
•	Prompt appointment of attorneys
•	System of appointments, mental health case workers
•	The defense attorneys. We are all exhausted and overloaded. And still we keep going.
•	The LPDO is the best! Makes everything very easy to use and navigate as a new attorney.
•	The Lubbock Private Defenders Office provides great support for appointed attorneys. The in-house MH caseworkers and investigators are extremely helpful in providing services to clients and attorneys. Invoicing and payment through LPDO for appointed attorneys is very efficient. The staff at LPDO also maintains great communication with the Courts and the criminal defense bar to keep us apprised of all things important to our practice. Resources everywhere are strained, but I can't imagine a better place to practice indigent criminal defense than Lubbock County. I credit the LPDO and local criminal defense bar for that. It is a very supportive atmosphere to work.
•	The MAC is great.
•	There is incentive to work harder on cases because we are paid hourly. We make more than working for a public defender's office.
•	Unity and comradery between the panel

What is not working well in the County's indigent defense system?

	Responses listed alphabetically:
•	Bond and mental health issues. In the past year and a half there appears to be a concerted effort to make bonds higher and to not reduce them. I believe the primary mental health issue is slow treatment and that it is attributable to a shortage of mental health caregivers at the state level.
•	Bonds are too high. The competency process is so backlogged that it has become ineffective. Understaffing at LCDC and the criminal district attorney's office make it difficult to visit clients and resolve cases, respectively.
•	Everything else
•	Everything else. Courts are lazy, prosecutors are unreasonably difficult, little concern for the rights of the poor.
•	Getting help early for an incompetent defendant
•	I think that where an attorney starts at on the appointment list should be looked at on a case by case basis. Some attorneys have experiences that are not trial based that should be taken into consideration.
•	MH case managers lack drive.
•	Not enough attorneys
•	Not enough attorneys for the population. Overworked and overwhelmed.
•	One thing that seems like it could actually be fixed is having the ability to meet with in jail clients over a secure video line again. That saved a lot of time that we have to bill for. We could cut out the need to drive out to the jail just to convey and offer and then again to go over plea paperwork a few days later. Also, bonds are ridiculous.
•	Our DA's office.
•	Prompt appointment of attorneys doesn't allow them time to go out and even try to hire an attorney
•	The Jail procedure and their is just an overall lack of understanding of mental health.
•	The Tyler portal. Bonds being set unreasonably high. The lack of private video phone communication between attorneys at court and clients at the jail.
•	Too many poor folks stuck in jail
•	Universe of mental health diagnoses which trigger assignment of a mental health caseworker is too limited

What is working well in the County's juvenile justice system?

	Responses listed alphabetically:
•	Being paid by hearing without submitting a formal bill is nice
•	I think the juvenile DAs are on top of things and are able to get things to us in a timely manner.
•	N/A
•	Nothing
•	Our juvenile detention facility is very good.

What is not working well in the County's juvenile justice system?

	Responses listed alphabetically:
•	2 responded "N/A"
•	Access to mental health professionals, scheduling, evaluations of juveniles include interviews of parents regarding specific facts or allegations of the offense, these reports are creating unsworn statements and hearsay and could be wrong, especially since the file is not released for the parents' review
•	Communication between the attorney, the DA, the juvenile probation office, and the client all seem to get jumbled a lot. A few juvenile probation officers seem to think they are the DA.
•	Everything
•	Prosecutors and lack of advocacy in the courts
•	The DA's Office handles juveniles like they are simply short adults. Also, I stopped because I believe the PO's were frequently not telling the truth.

What suggestions do you have for improving the delivery of indigent defense services in the County?

	Responses listed alphabetically:
•	Are you kidding? Would take a book
•	Better crisis response for our MH clients in the community, so that we don't keep criminalizing MH episodes and using the jail as a MH service provider.
•	Make current chief defender felony chief defender and add a misdemeanor chief defender. This would allow misdemeanor chief to work closely with baby lawyers to get them trained up right, and free up the felony chief for better oversight on serious cases.
•	Mitigation specialists salaried by the LPDO. Investigators salaried by the LPDO instead of hourly. More investigators, still. We need at least 4.
•	More mental health records access, more access to clients at jails
•	None
•	None other than get the DA to do their job. Answer phones, return calls and emails.
•	Possibly considering allowing non-attorneys to handle
•	Treat poor people like those with means
•	Who has time for this? I could write a book

TIDC provides programs to improve indigent defense. How could TIDC help improve indigent defense in the County?

	Responses listed alphabetically:
•	CLEs on practical advice for seeking the concrete local resources that indigent defendants need access to—with detailed steps on how to best deliver those resources
•	Don't know.
•	I'm not sure what services TIDC provides, so I'm not sure.
•	Investigate some of the stuff happening at the DA's/LPD/Sheriff's Office. Help us know how to fight the nasty harassing behavior of some police officers to clients. There is lots of corruption happening and where there is that, justice is even more removed than usual. The jail is "overcrowded." Yet the sheriff has ceased giving 2 for 1 credits. Instead people are being shipped to other jails and our county is paying millions for it. This seems a scheme to have a bigger jail built.
•	Keep giving us money.
•	More funding for additional misdemeanor chief defender position
•	More money
•	Start a regular meeting to promote cooperation between mental health professionals and defense attorneys, mainly to have everyone start with analyzing the needs and making sure they are being met
•	You've already done it.