



Supplement to Travis County Monitoring Report: Additional Observations on Attorney Qualifications

Part I. Performance Indicators

TIDC has historically monitored how counties admit attorneys to appointment 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 relies on counties’ expenditure reports and indigent defense plans, as well as interviews and surveys.

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 the indigent defense plan for the Travis County District Courts and County Courts² and interviewed local officials and staff to learn about procedures for performance review. The plan lists the minimum qualifications for the Capital Area Private Defender Service (CAPDS) appointment lists based on charge level, with increasing levels of skill and experience required for more serious cases, and requires the Public Defender’s Office and Mental Health Public Defender’s Office to establish and maintain specific qualifications for their staff attorneys.

According to the indigent defense plan, CAPDS attorneys are reviewed annually by the program’s review committee. The review process includes annual evaluations of all appointed attorneys by Travis County judges, and provides for probation, suspension, or removal from the appointment list for performance below expectations.

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 <http://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=31>

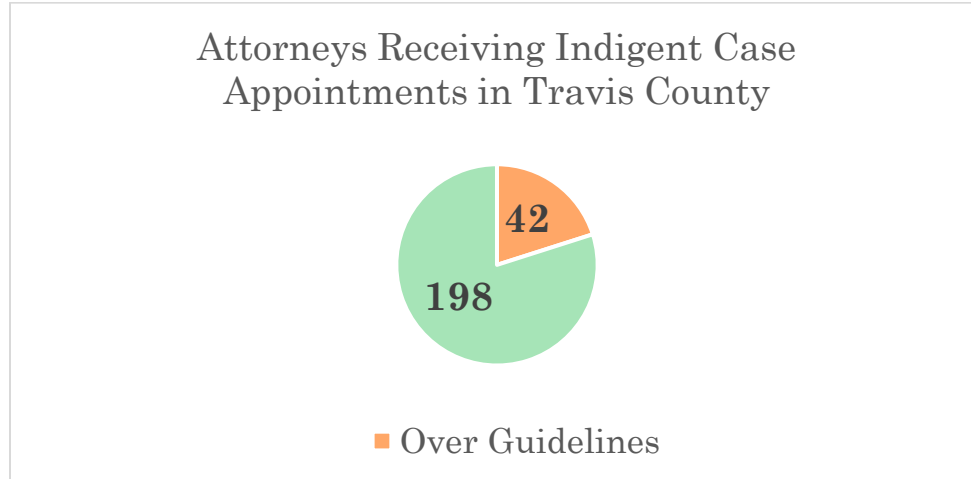
Caseloads

Attorneys need to spend enough time on each case to perform their basic duties.³ 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.⁴ 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.

Travis County requires its public defender programs to set caseload standards for their attorneys. CAPDS is also required to maintain caseload standards for panel attorneys based on the TIDC Guidelines for Indigent Defense Caseloads. According to its plan of operation, CAPDS caseload standards limit panel attorneys to 100 open misdemeanor cases or 90 open felony cases at any one time.

- 198 Attorneys were appointed in adult misdemeanor, felony, and appellate cases.
- The median statewide indigent defense caseload of attorneys paid for indigent cases in Travis County was 61.6% of the guidelines.
- About 21.2% (42 of 198) of attorneys paid for indigent felony, misdemeanor, or appellate cases in Travis County had statewide indigent defense caseloads above the Texas caseload guidelines.⁵

Travis County FY21 Attorney Statewide Caseloads vs. Texas Guidelines⁶



³ 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.")

⁴ <http://tidc.texas.gov/caseloads>

⁵ This estimate is from county auditor data, available at <http://tidc.tamu.edu/public.net/Reports/AttorneyCaseLoad.aspx>. This estimate does not include juvenile cases, civil appointments, or retained cases.

⁶ This chart reflects statewide appointments to attorneys taking Travis County appointments.

Use of Investigators

Attorneys have a duty to investigate the facts of each case.⁷ Regardless of the client's wish to admit guilt, that duty includes determining whether the charges and sentence are factually and legally correct and informing the client of potential defenses to the charges.⁸ Some investigation can be performed by attorneys.⁹ Other investigation requires an investigator. For example, an attorney cannot testify to facts that the attorney has investigated. Also, an attorney may need additional investigation capacity or specialization.

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) is spent on investigation.¹⁰ One measurement of investigator usage is the amount paid to investigators for indigent defense investigation.

In FY2021:¹¹

- Managed Assigned Counsel (CAPDS) spent
 - Slightly over 1% of misdemeanor expenditures (1.04%, \$16,007 of \$1.5 million) on investigators
 - Slightly over 2% of felony expenditures (2.1%, \$101,409 of \$4.6 million) on investigators
- Public Defender's Offices spent
 - Over 5% of juvenile expenditures (5.34%, \$126,318 of \$2.3 million) on investigators
 - Slightly over 4% of misdemeanor expenditures (4.1%, \$72,606 of \$1.8 million) on investigators
 - Almost 3% of felony expenditures (2.77%, \$35,761 of \$1.3 million) on investigators
- Most attorneys practicing criminal law in Travis County surveyed by TIDC responded that they do not request an investigator on misdemeanor and felony cases.

⁷ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

⁸ STATE BAR OF TEXAS PERFORMANCE GUIDELINES FOR NON-CAPITAL CRIMINAL DEFENSE REPRESENTATION GUIDELINE 4.1(A).

⁹ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 3.08.

¹⁰ These recommendations are for cases that do not go to trial. More investigation time is recommended for cases that go to trial.

¹¹ <http://tidc.tamu.edu/public.net/Reports/CountyFinancialReport.aspx?cid=227&fy=2021>

Client Contact

Attorneys have a duty to communicate with clients about their case.¹² Attorneys should be in regular contact with their clients, especially when clients are in custody.¹³ They should also attempt to contact out-of-custody clients and discuss their cases outside of court to ensure confidentiality¹⁴ and time to prepare.¹⁵ 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 be spent on client communication.¹⁶

The Travis County plan requires attorneys to make a reasonable effort to contact clients not later than the end of the first working day after the appointment is received (as required by Code of Criminal Procedure Art. 26.04(j)(4)(1)). Attorneys are required to visit incarcerated clients at the earliest possible time, but not later than five days (for misdemeanors) or ten days (for felonies) from assignment notification. The visits are documented in the Assignment Management Portal ("AMP"). Prior to CAPDS AMP, there were reports of attorneys billing for client visits that did not occur.

Summary

Travis County's appointed counsel programs have oversight procedures and monitor attorney caseloads. They also track visits with detained clients. Most attorneys surveyed and interviewed regularly use investigators for their appointed cases. However, attorneys surveyed voiced concerns, including challenges visiting detained clients and acquiring accurate contact information for clients on bond.

¹² 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.

¹³ *Id.*

¹⁴ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.05.

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

¹⁶ These recommendations are for cases that do not go to trial. More communication time is recommended for cases that go to trial.

Part II. Indigent Defense Attorney Survey and Interview Results

In October 2022, TIDC distributed an online survey to Travis County indigent defense attorneys and received 51 responses. Respondents were self-selected and may not be representative of local views. Full responses are below, alphabetized, and numbered. Notable observations included:

- **Investigation.**

- **In misdemeanor cases**, most attorneys (43.8%) reported requesting an investigator in between 1% to 10% of their cases.

% Attorneys responding	Request an investigator
43.8%	1 to 10% of cases
20.8%	11 to 25% of cases
18.8%	26 to 50% of cases
10.4%	Over 50% of cases
6.3%	Never request an investigator

- **In felony cases**, over a third of attorneys (38.8%) reported requesting an investigator in over 50% of their cases.

% Attorneys responding	Request an investigator
38.8%	Over 50% of cases
30.6%	26 to 50% of cases
16.3%	11 to 25% of cases
14.3%	1 to 10% of cases
0%	Never request an investigator

- **Client Communication.** Almost 60% of attorneys said they can “always” or “often” communicate effectively with clients.
- **Online Courts.** All attorneys responding to the survey have represented clients in virtual court hearings, with most respondents’ comments indicating virtual hearings are effective for routine, uncontested matters.
- **Payment Vouchers.** Among attorneys submitting vouchers, 40% reported billing for out-of-court time on misdemeanor cases and almost all reported billing for out-of-court time on felony cases.

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Investigation

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18. If you don't typically include out-of-court time, why not?19
19. If you have other comments on payment vouchers, please share them here: ...20

Travis County's Indigent Defense System

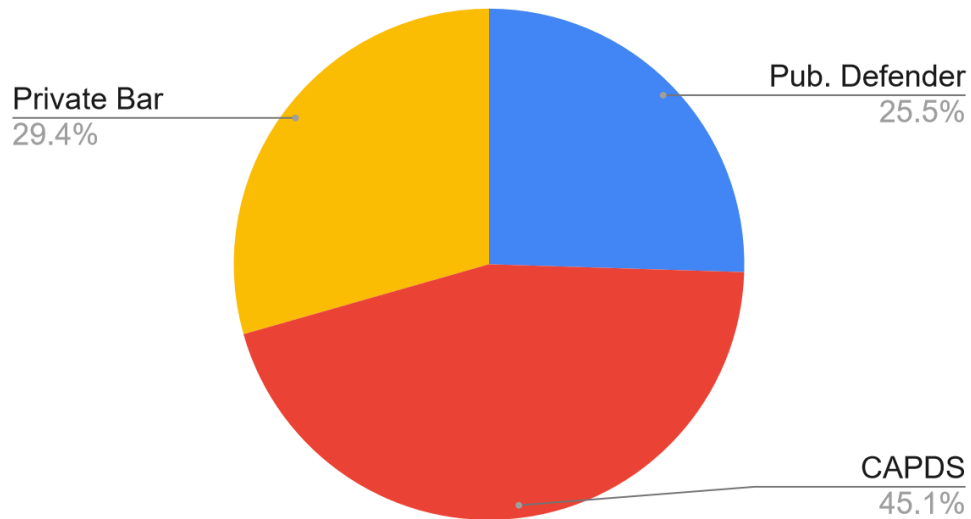
19. What is working well in the County's indigent defense system?21
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23. What suggestions do you have for improving the delivery of indigent defense services in the County?	26
24. TIDC provides programs to improve indigent defense. How could TIDC help improve indigent defense in the County?.....	27

Background

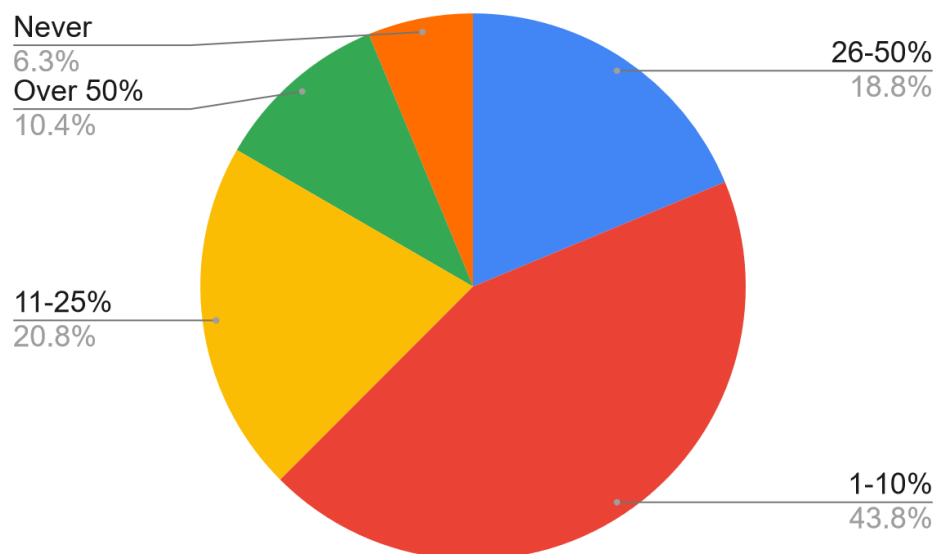
1. Which best describes your criminal defense practice?

[Provided answers: Private Practitioner, CAPDS, Public Defender, I don't handle criminal cases currently]

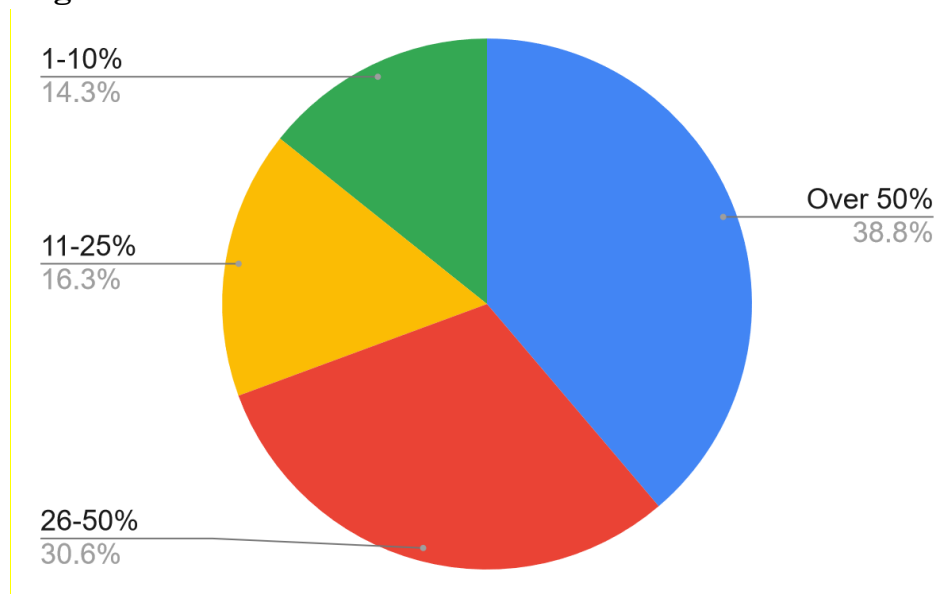


Investigation

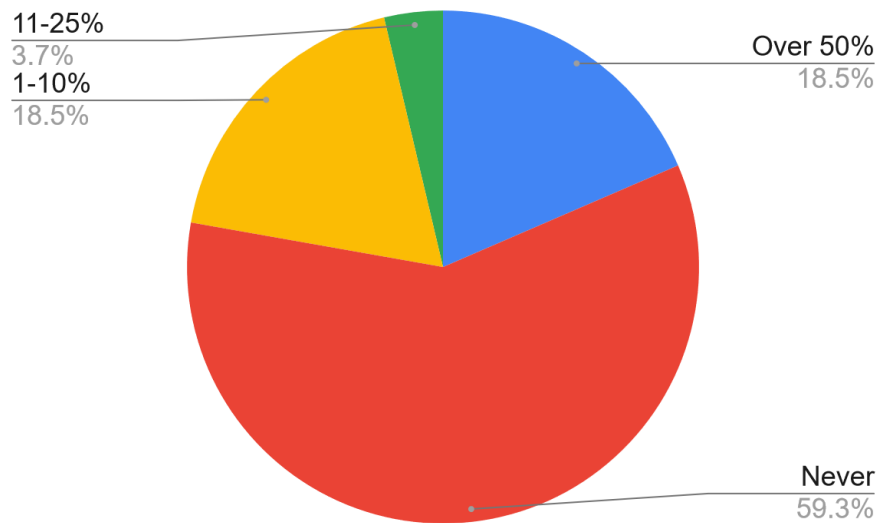
2. In what percentage of your misdemeanor cases do you request an investigator?



3. In what percentage of your felony cases do you request an investigator?



4. In what percentage of your juvenile cases do you request an investigator?

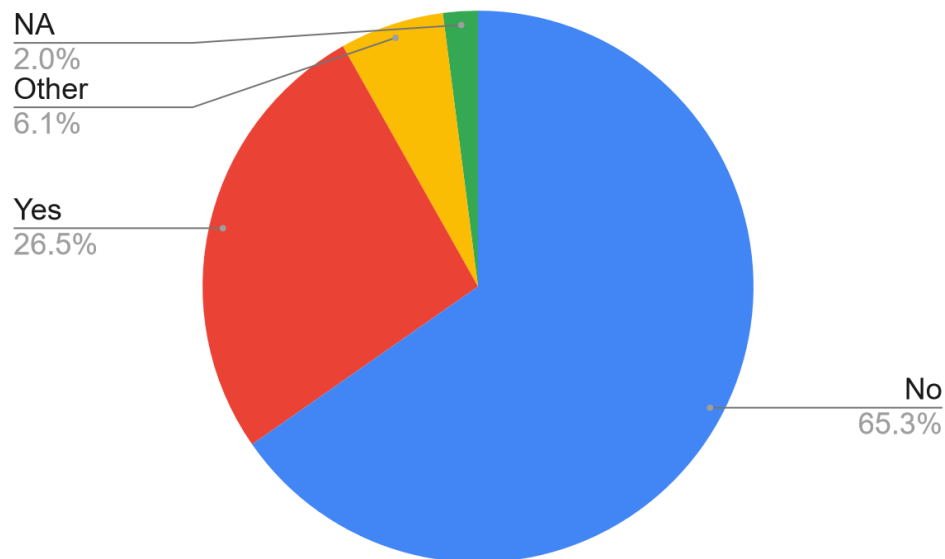


5. Have you had any difficulties being reimbursed for investigative expenses incurred without prior approval? If yes, please explain.

	Responses listed alphabetically:
•	I always ask for approval
•	I do not incur expenses until approved. I do not like the difficulty and the delay getting approval.
•	I have only incurred investigate expenses with prior approval.
•	n/a
•	n/a
•	n/a
•	n/a
•	n/a -TCPDO
•	NA
•	N/A. My office has in-house investigators
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No
•	No.
•	No
•	No
•	No.
•	no, we have investigators on staff
•	No, this isn't an issue at TCPDO
•	None
•	None - We do not receive services prior to approval
•	The new hourly billing system is difficult and will actually lower fees. Thanks a lot.
•	This situation has not occurred.

•	Yes
•	Yes. CAPDS takes weeks to approve the investigator then complains when the investigator bills for work which needs to be done asap. This is primarily due to the inexperience of the CAPDS bureaucrats.
•	Yes. Sometimes it takes 2-3 weeks to get approval. I need an investigator to begin immediately and can't wait that long. CAPDS doesn't take these requests serious enough to approve them in a timely manner.
•	Yes. The system for getting funding is poorly designed and staffed by indifferent lawyers who never respond to requests

6. Have you had any difficulties receiving adequate funding for investigation? [Provided answers: Yes; No; Never requested; Other: Specify]

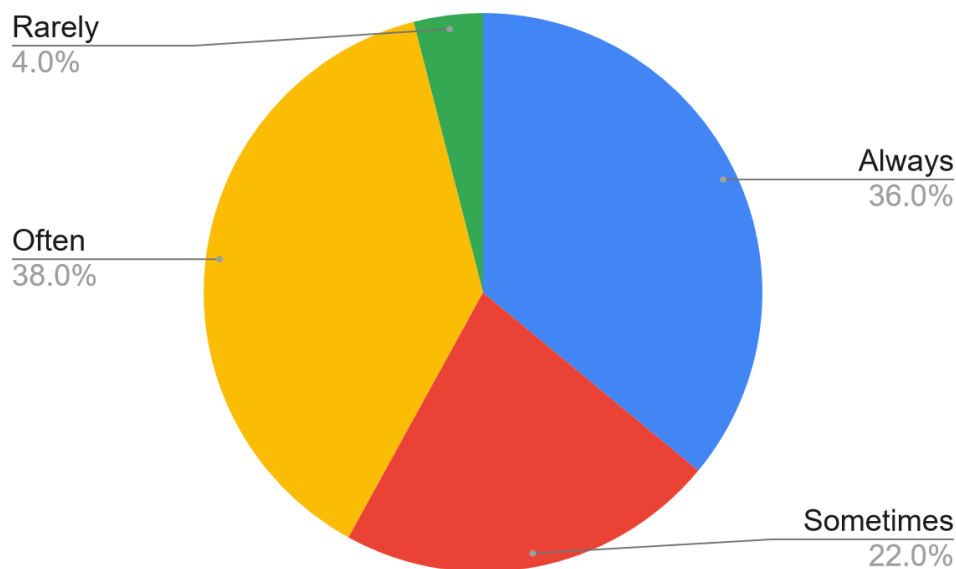


•	“Other” responses listed alphabetically:
•	Access through CAPDS has enhanced indigent representation
•	Access through CAPDS has enhanced indigent representation
•	I generally do not take free-standing misdemeanor appointments.
•	I think the TCPDO does not have enough investigators on staff which leads to excessive workload. I also don't think the investigators on our staff get paid enough for the amount of work they do and the skill level required.
•	Investigation funds are doled out in small chunks, usually about \$500 each request.
•	I do not do juvenile cases, which is why the answer there is "never".
•	its always better to have more investigators
•	Never requested
•	N/A. My office has in-house investigators

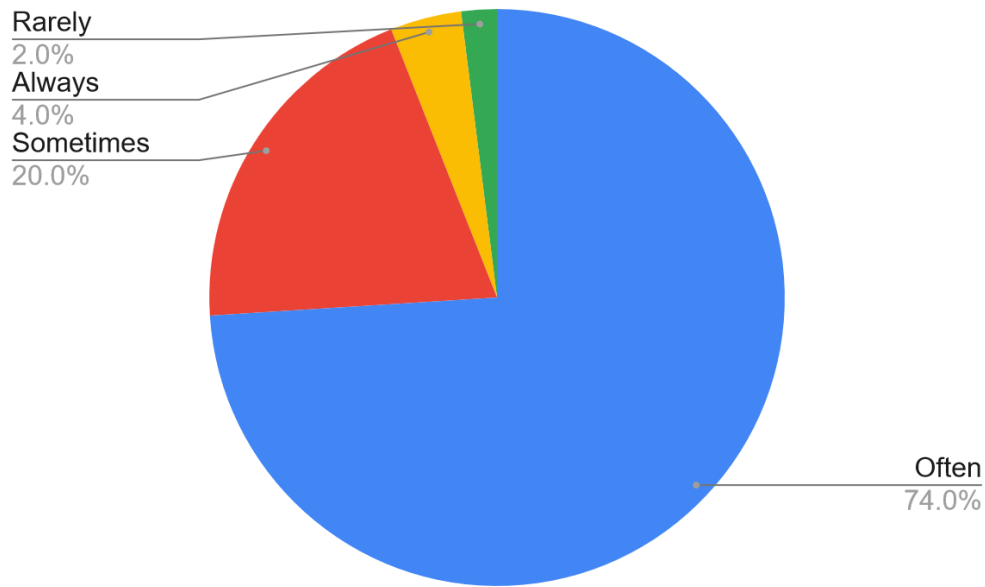
•	None
•	Pre-approval versus additional approval
•	The bureaucrats at CAPDS don't understand the immediate need for investigators.
•	The delay getting investigator expenses approved in the past is the biggest issue with the system.
•	There is insufficient investigator capacity at the public defender's office. More funding is required to meet need.
•	They don't pay the investigators enough.
•	Our investigators work very hard and should be compensated better.
•	Our office has 2 investigators on staff
•	We have staff investigators, but we do not have enough of them to timely meet all of the investigatory needs of our office.
•	We need more investigators

Client Communication

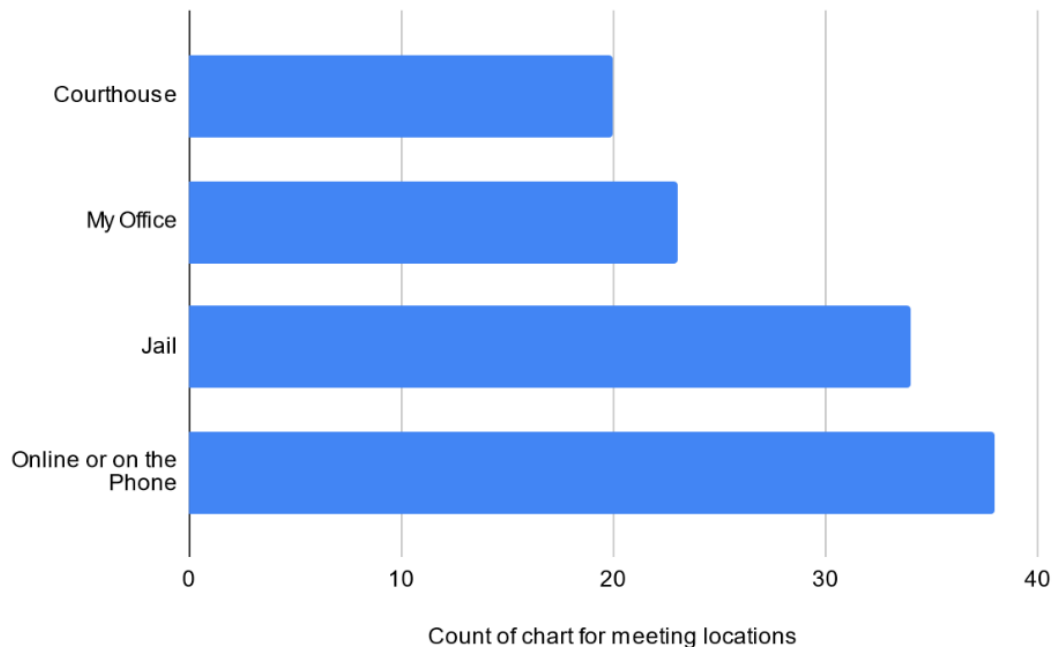
7. How often are you able to communicate effectively with detained clients? [Provided answers: Always (Every Case); Often; Sometimes; Rarely; Never (No Cases); Not Applicable]



8. How often are you able to communicate effectively with clients released in the community? [Provided answers: Always (Every Case); Often; Sometimes; Rarely; Never (No Cases); Not Applicable]



9. Where do you most often meet with clients? Select all that apply:



	Other Responses listed alphabetically:
•	Combination of jail, court and video (video is unreliable)

•	Jail, I have prescribed times call and jailed defendants have no problem keeping in touch with me.
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10. What are your biggest barriers to meeting with clients (both detained and in the community)?

•	Responses listed alphabetically:
•	Ability to contact them
•	As to free world, many of my clients do not have a phone. Nearly all do not utilize voicemail.
•	Availability due to other clients' needs
•	Clients do not have a constant number or means for us to get in contact with them.
•	clients not having stable housing or access to cell phones can make it difficult to contact unhoused clients.
•	clients often switch phones or get their phones turned off
•	Clients on bond often forget appointments or have inadequate phone access.
•	Client responsibility to maintain communications.
•	Court administration collects incorrect information. Clients give incorrect info on client interview. The jail has been awful. Unable to get timely returned calls. The jail video visitation since changing to ViaPath is horrendous.
•	Detained: Getting the jail to have my client call me when I've requested that they do so. Community: Clients often do not have consistent contact information.
•	
•	For detained clients, there are multiple barriers: 1) that we don't have live interpreters with expertise in legal Spanish. Language line is often not effective communication due to the quality and in TCJ they often won't let attorneys meet with a client without the glass between them to even use language line. 2) space is sometimes an issue because there are only 4 meeting rooms with doors. Otherwise, we're in an open area with no expectation of privacy and no meaningful meeting can be had. 3) there are constant delays at the jails, making client meetings there a scheduling headache. They have said that one officer covers up to 4 areas and therefore cannot help get a client to the visitation room. If the jail is on lockdown, if it's raining/lightning, etc., clients often won't be brought and we just have to wait.
•	Functionality of technology at the jail
•	Getting them to keep appointments
•	Good contact information, video and phone visits not working
•	health concerns during covid, due to my age and history of lung health issues.
•	Heavy workload combined with clients' expectations.
•	Homelessness
•	Homelessness
•	Insufficient space in jail and inaccurate contact info for out of jail
•	Jail staffing shortages and a video system that is broken, unreliable and useless.
•	Lack of access to phone, difficulty scheduling time to go to the jail
•	Lack of time to do so.
•	My health does not permit jail visits or personal contact.
•	No working phone number.
•	Not receiving adequate contact information when appointed

•	phone calls - phone numbers always changing
•	Private space at TCCC, limited internet access at TCJ, clients not having phones
•	Released defendants don't keep in touch, change phone numbers, don't have a stable place to live, and often don't return to Court despite reminders.
•	scheduling
•	staffing at jail; released clients changing phone numbers without notice
•	TCSO staff create arbitrary barriers to access to our clients, such as refusing to provide access to face to face meetings in confidential spaces, for example during lockdowns (which have been almost daily occurrences) or if they are accusing my clients of behavioral issues. When TCSO staff are willing to facilitate a visit, there is very limited space both at Travis County Jail and Travis County Correctional Complex for confidential visits, causing unreasonable wait times.
•	The new Viapath system in Travis County is terrible. It's worst than Securus
•	The new video visitation needs a lot of improvement.
•	The staffing issues at the jail
•	The video system and call back system at the jail are inconsistent and unreliable. The only way I can guarantee seeing a client is going in person. If there's another COVID spike, that will make my job more difficult if I don't feel safe seeing clients in person. My biggest barrier for clients in the community are changing phone numbers and mentally ill clients who are hospitalized. Some contact me and let me know what's going on, but others do not.
•	There are not enough private rooms for visiting clients in custody at TCCC which makes it difficult to have confidential meetings and causes longer waits. Having to meet with clients in custody at TCJ over a phone and through glass makes it difficult to involve other advocates (investigators, social workers, co-counsel, etc) in meeting with clients and makes it difficult to review documents together or get things signed; all documents have to be passed via a guard and it often causes long delays. For out of custody clients, they sometimes don't have working phones or stable addresses which makes communication difficult. Being able to provide cell phones to clients who need them would be a huge help in maintaining client communication. Additionally, there are insufficient private meeting rooms at the CJC to meet with clients in court. Often the rooms that could be available are locked and we must search several floors to find a space to meet.
•	They are often homeless and have no means of communication.
•	Time
•	Transportation / Client poverty
•	Travis County contracted with a criminally inadequate company to provide video visitation at the jails. For my clients in the community, many are not able to consistently afford their cell bill and their service is suspended.
•	Transportation to my office or having an internet device capable of using Zoom.
•	VIA PATH is HORRIFIC Jail makes it abundantly difficult to call / speak with clients or do video visits
•	Viapath's crappy video conference service
•	Video conference system went downhill and is limited
•	Video set up in the jail doesn't work
•	Wait time at jail

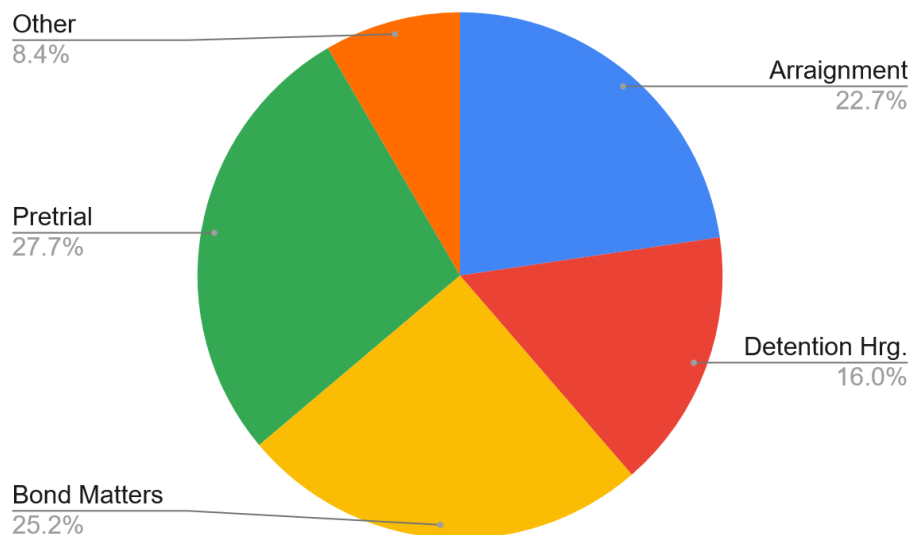
11. If you have other comments on client communication, please share them here:

•	Responses listed alphabetically:
	As the pandemic waned, I have been more and more able to communicate with my clients frequently. Daily if they like. They all have my cell number and are free to call me. Most of them have mental health issues, so this is necessary to allay their anxiety. Many clients are homeless - when they are,

	the county rarely has accurate/updated contact information. often, the homeless have no address, no phone number and no access to email.
•	Aspect of criminal defense that needs most improvement, in jail only. If client is out of jail they can contact me.
•	Client should sign some basic contract/acknowledgment/statement when assigned an attorney to establish some basic responsibility on their part to update and maintain contact.
•	Funding for cell phones or a computer area for clients that need phones/access to email would be very helpful.
•	It is more difficult to facilitate communication with homeless clients bc of their lack of reliable transportation, access to internet, phones, ...
	Need to make sure we get good info on client's phone, email, address etc
•	None
•	Not being able to see my client in person at any given time
•	The call in system of communicating with incarcerated clients works sporadically.
•	TCPDO desperately needs at least on Spanish interpreter on staff. We are dependent on Language Line, which is wholly inadequate for legal interpretation, and the unpaid assistance of our Spanish-speaking coworkers.
•	The quality of visits with detained clients is sometimes adversely impacted by inadequate meeting facilities (cramped spaces, "meeting" through glass, or meeting in non-private settings) as well as jail policies prohibiting laptops or other electronic devices needed to properly review discovery materials, as so much of it is digital. I refuse to communicate with detained clients over jail phones or jail-based video chats because of ongoing security/privacy concerns.

Online Courts

12. Please select the types of hearings in which you have had an online hearing in the last year: (Select all that apply)



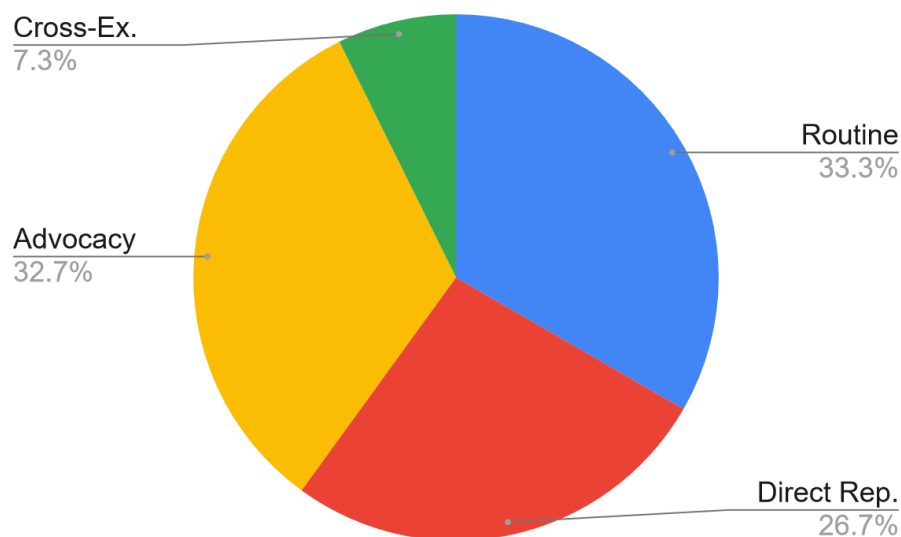
Other includes:

- Motion to Suppress
- Motion to Revoke Probation
- Non-Jury Trial
- Plea

- Restitution Hearing
- Extradition Hearing
- Status Hearing

	Additional comments listed alphabetically:
•	Travis County is not set up to conduct online criminal trials even though the technology is available for civil trials.

13. Which aspects of client representation have you performed in one or more online hearings in the last year? (Select all that apply)



	Additional comments listed alphabetically:
•	I utilize zoom to do discovery visits

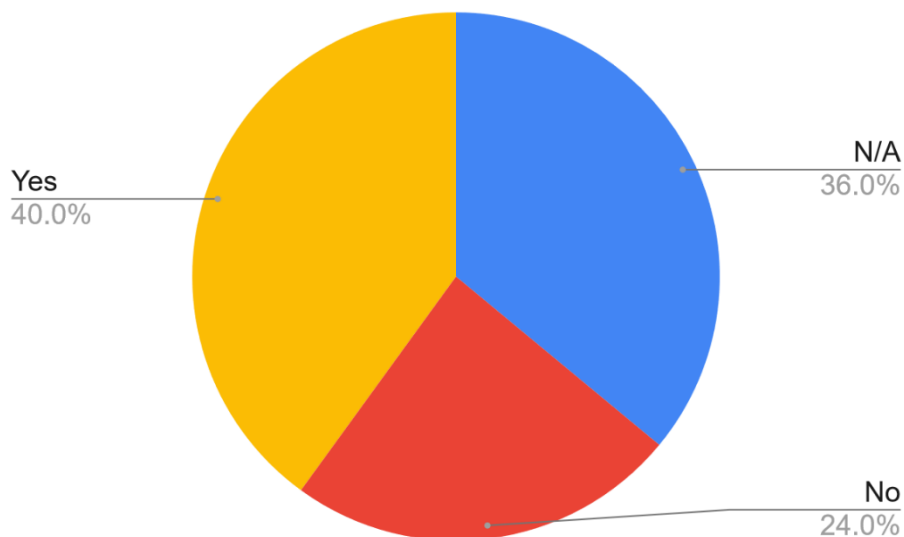
14. If you have other comments on online courts, and which hearings should or should not be held virtually, please share them here:

•	Responses listed alphabetically:
•	Acknowledge the futility of making everyone happy ;) I support virtual for "virtually" all uncontested settings, email check-in dockets not excluded.
•	Adequate for status settings, but not efficient for getting work done (auch as working out pleas)
•	all contested hearings should be done in person
•	All scheduling conferences and early pretrials w/o motions should be held online.
•	Appearing by video should be allowed for clients with transportation or illness issues.
•	Good for routine resets and far away settings
•	Hearings for resets and status should be kept online.
•	I believe that the vast majority of on the record hearings should be in person.

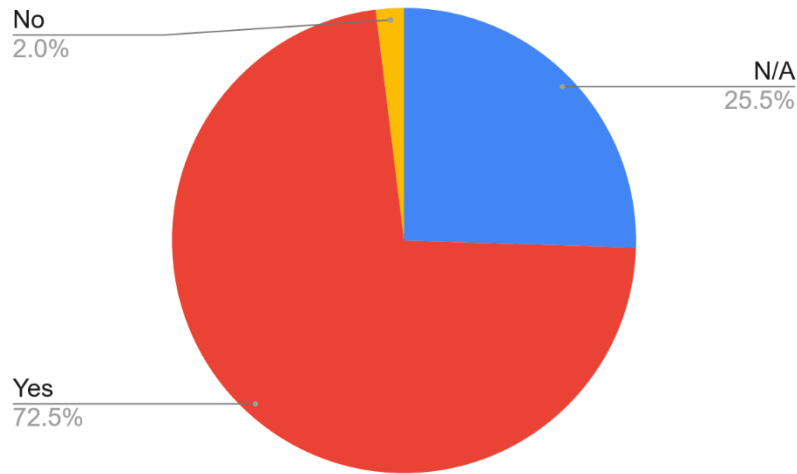
•	I dont think contested matters should be virtual, but I think TRavis County discarded virtual appearances for conferences, etc far too quickly, much to the detriment of clients who must now appear in court, pay for parking, arrange for child care, etc for settings in which nothing much happens solely because "thats how things are done."
•	I like zoom court for routine pleas and other routine matters. My clients have stated they enjoy them because all detained clients despise being sent to in-person court.
•	Evidentiary hearings are very difficult online. It is also hard to do online hearings because if your client is at another remote location, they cannot pass you notes, give you observations, etc.
•	None
•	Online dockets are less efficient now that I am back at the courthouse every day.
•	Online hearings are terrible
•	Online settings help encourage communication before appearance in court.
•	Status conferences and plea agreements are ok online. Otherwise, contested proceedings in criminal cases should NEVER be conducted online.
•	The impact of an argument and/or hearing is not the same when it is facilitated through a video screen
•	they are fading away. going to the real courthouse more and more often.
•	Travis County needs an online capacity to conduct witness settings and jury trials.

Vouchers

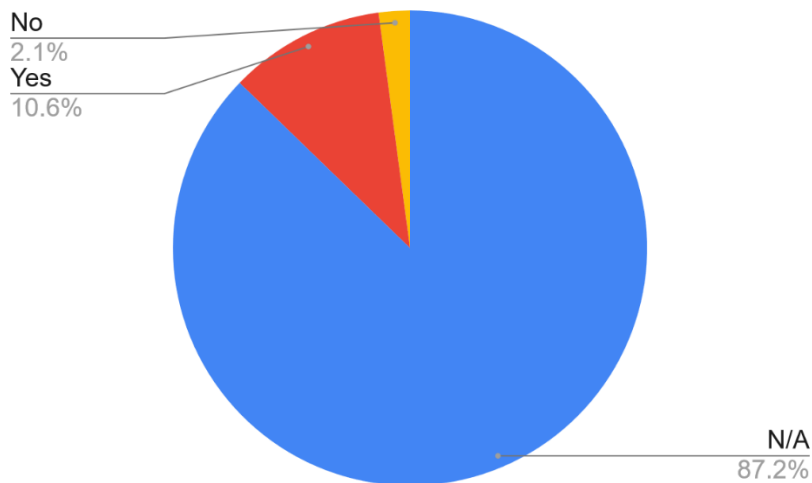
15. When submitting payment vouchers for misdemeanor cases, do you typically include out-of-court time? [Provided answers: Yes; No; Not Applicable]



16. When submitting payment vouchers for felony cases, do you typically include out-of-court time? [Provided answers: Yes; No; Not Applicable]



17. When submitting payment vouchers for juvenile cases, do you typically include out-of-court time? [Provided answers: Yes; No; Not Applicable]



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

	Responses listed alphabetically:
•	Flat fees for misdemeanors.
•	It's frequently ridiculous amounts of time.
•	Misdemeanor cases done on a flat-fee basis. Time out of court is spent on the case, but flat fee voucher submitted.
•	Misdemeanors have been paid on as flat fees until very recently.

•	Misdemeanors were typically paid on flat fee basis. Felony payment vouchers are paid on an hourly fee basis. Therefore, typically, felony payment vouchers include out-of-court time.
•	n/a
•	N/A
•	NA
•	Not applicable, I'm a public defender.
•	There are set fees for misdemeanors.
•	too hard to quantify
•	Too much work to submit a voucher.
•	We are paid flat fees on misdemeanors.

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

	Responses listed alphabetically:
•	CAPDS does a great job of assuring 2nd chairs for trial, but the 2nd chair payment system is not ideal.
•	Counsel should have the option to skip hourly billing and submit for payment of a flat fee.
•	Hourly Billing incentivizes attorneys to zealously advocate without concern for payment
•	I wish I could choose between a flat fee and a voucher. For some cases, it's not worth keeping track of time because the end fee is so low.
•	In the last year, misdemeanors did not pay by the hour. Some felonies did not pay by the hour. In those cases, no out-of-court time was billed to the county. Now, all felonies can be billed to the county for out of court time.
•	Most cases require at least an hour or more of preparation for each hour in court.
•	n/a
•	None
•	One duty of the CAPDS bureaucrats is to get us paid in a timely fashion. They can't do that half the time.
•	Our MAC questions our billings far too much.
•	Payment is slow and unnecessarily officious
•	Too time consuming, too difficult, takes more time than necessary. Scrutinized too much for so little money.
•	Travis County is very fair in getting us paid for all the work we do to help our clients.

Travis County's Indigent Defense System

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

•	Responses listed alphabetically:
•	Assigning appointments. Billing and getting paid.
•	Attorneys have a lot of support with substantive issues.
•	CAPDS
•	CAPDS is a great improvement over how things were run previously.
•	CAPDS is staffed with experienced practitioners who are very helpful to the attorney
•	Clients can call back at the jail. Or we can leave messages for them.
•	Dedication of the lawyers doing the tough work.
•	establishing a public defender's office.
•	Everything. ever since we went to the CAPDS system, and away from judge's reviewing all vouchers and deciding on us getting expert assistance.
•	I am paid promptly on felony trial vouchers and have excellent professional support.
•	In terms of the TCPDO - very little works well. Somehow, in spite of that, we are able to get good results for our clients.
•	juvenile courts
•	n/a
•	N/A
•	Not very much.
•	
•	Our office gets appointed rather easily and frequently. The court provides funding for experts as needed.
•	Payment of vouchers, resources for attorneys like investigators, etc...
•	Responsiveness of CAPDS
•	Support from the Capital Area Private Defender Service team: social workers to help with mitigation, experts, investigators.
•	The ability to use social workers and experts on the cases.
•	The creation and expansion of the Travis County Public Defender's Office. The decriminalization of small amounts of narcotics. The opportunity for some court appearances to continue to be virtual.
•	The lawyers
•	The number of dedicated attorneys willing to work long hours with difficult clients and tough cases. Despite the increase in pay and support staff, the work is difficult but the lawyers in this County, by and large, fulfill their duty with the commitment the public should be proud of.
•	The payment system is by far the best thing. Purse strings should never be in the hands of the Judges. I have been approved for every investigator and expert request. My vouchers are paid in full in a timely manner.
•	the Public Defender's Office
•	The Public Defender's Office is growing and increasing it's capacity.
•	The recent fee increase was long overdue. We have great MAC attorneys who care about indigent defense.
•	There is lots of work to be had.
•	Use of investigators
•	Very good group of lawyers that help each other.

•	very little if anything
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21. What is not working well in the County's indigent defense system?

	Responses listed alphabetically:
•	!) The Sheriff's Office is preventing the presence of counsel at magistration/first appearance. 2) The Public Defender's Office is not funded sufficiently which is causing excessive caseloads for attorneys and other advocates and not having the tools and resources needed to do our jobs at the level that we are being asked to. 3) Much of the Travis County criminal legal system is organized and structured to accommodate far few cases and mostly private attorneys who were retained or appointed. The resulting processes (many of which are informal, convoluted, and rely on defense attorneys doing significant amounts of work that court staff normally complete in other jurisdictions) are infeasible for the larger caseloads Travis County now experiences and also for an institutional public defender's office. This causes numerous delays and obstacles, especially during jail release.
•	A- panel hourly rate is substantially lower than other jurisdictions
•	access to meet with clients in jail, not enough attorneys on A list
•	Access to prosecutors
•	All of the internal work-flow systems that are employed by Pretrial Services, Court administration, and the Sheriff's Office. They are archaic (carbon copies instead of electronic) and have way too many steps. Errors happen constantly that result in people being kept in jail.
•	can't think of anything
•	CAPDS STAFF and leadership
•	CAPDS now has a bloated, dysfunctional bureaucracy who is unresponsive to the lawyers who do the everyday hard work of the defense bar. They do not respond to emails, phone calls, texts, or any other mode of communication in a timely manner. Some spend their day "observing" court proceedings for a six-figure salary. Their duties are not defined and some often spend their days in front of the computer doing who-knows-what. The days of the previous Executive Director are sorely missed. The current staff should at least be cut in half.
•	Clients being magistrated with no representation; some private defense attorneys not providing high quality representation; the TCSO's staffing issued effecting client representation; the fact there are so many barriers for new attorneys or attorneys new to this jurisdiction to learn the county's procedures. So much of it is informal and not written down anywhere that someone could learn about it or that someone could monitor to see if procedures are being followed.
•	Communication barriers exist in large part due to the jail. We're told some of these problems are because of jail staffing shortages. The court administration should also provide more reliable contact information.
•	Effective communication with incarcerated clients
•	Everything else
•	For me, I have no issues
•	getting investigation expenses approved at all and in a timely fashion. communication with in custody client when convenient for the attorney. video communications with in custody clients limited to discovery only. the inability/unwillingness of felony courts to continue virtual appearances.
•	I don't know.
•	I sometimes don't receive appointments that later show to be my cases. This has happened more than once.
•	It seems the more indigent and a child's non-white demographic results in their being detained and receiving harsher results.
•	jail communication
•	Judge's use of virtual and in-person appearance sockets at the same time. Video visitation system is beyond terrible,

•	magistration and appointment of counsel in adult cases
•	Magistration would be very helpful in the shortening the very long process that it currently takes to get a client out on bond.
•	Mental health screening is ad hoc and flawed.
•	Much of the work is administrative, rather than substantive.
•	n/a
•	N/A
•	Our MAC is a mess. It is an unmitigated, unambiguous mess. CAPDS employs many, many staff attorneys but I can't name, and neither can they, their explicit duties. This makes getting the attention of any one of them next to impossible. As we have to copy them all on an email for example, they all think the others have taken care of it, and the matter is never addressed. I think I've had one email answered since the pandemic began and, simultaneously, the former executive director retired and then later departed this earth. CAPDS is governed by a handful of standards, policies, and procedures contained in a handful of documents. These should be in one document, but the bigger issue is none of these seem to be wholly in effect. Complaints about attorneys are not handled according to the stated policies in place. The judges have far, far, far too much power over how CAPDS deals with the judges' complaints about attorneys, to a potentially unlawful extent. CAPDS is removing attorneys from cases at judges' requests without addressing it with the clients or the attorneys. Judges are also able to bypass CAPDS and remove attorneys from cases, but CAPDS refuses to get involved. Attorneys are being summarily suspended from appointments at the request of judges without any notice -- at any time, even months after they are suspended -- and they aren't allowed the avenues to respond outlined in the policies. Even if one is not concerned about the defense attorneys themselves, nor the possibility judges are interfering with cases and prejudicing defendants, intentionally or recklessly - the remaining defense attorneys who can take appointments is now shockingly low and their case loads are off the charts. The last concern I'll list, but not the last I have, is staff attorneys' blatant disregard for the ethical practice of law. They speak directly to our clients outside of our presence, apparently not considering the question of privilege, showing no concern if privilege extends to them or the possibility they are making themselves witnesses in the cases. The most egregious examples though are the many instances during the pandemic in which CAPDS staff attorneys spoke to the state directly about our cases - without our consent, our knowledge, our presence, or our input. These staff attorneys then contacted defense attorneys asking why we had not accepted the state's offers, many times explicitly stating we were neglecting the cases and the clients by refusing time served offers, no matter the life altering detrimental consequences the convictions would carry, instead complaining we were "letting" our clients sit in jail.
•	Payment is much more complicated on appellate and post-conviction work, which makes it difficult to make ends meet.
•	PD's Office is financed at a much higher rate in terms of cost per case, This is unfair for indigent clients that are not assigned to a PD that only accepts 15% of appointed cases.
•	Pre Trial services communicating ex parte with the court. TCSO has arbitrary, constantly changing rules that are never communicated. The failure of the program to afford counsel at first appearance is an incredible let down. The county and other agencies are not committed to improving indigent defense.
•	pre-trial services.
•	Pre-trial services, the total reliance on Integral Care and their inability to meet client's needs, lack of clarity on when court's are in person/virtual, and who is re
•	The unreliable communication and virtual visitation system with the jail leads to more time being wasted on the frequent trips back and forth to Del Valle. It's not the indigent system's fault, but it makes the job unnecessarily more difficult. It also disproportionately affects our clients.

	The payment system. I would prefer the option to accept a set fee or a voucher on an APR (for example) instead of keeping track of time. Some of those went from fees to vouchers in the last few hours, and I didn't realize that.
•	the low hourly pay rate
•	The lazy CAPDS bureaucrats.
•	There is a severe lacking of funding for the public defender's office. The lack of key positions, like social workers, investigators, information technology professionals, and other positions cause severe gaps in representation and reduce the quality of representation.
•	Things are running well.
•	Travis County is a bureaucratic hellscape. There are too many agencies that exist to surveil our clients and keep them locked in cages. Pre-trial services, constantly advocates for our clients to be locked behind bars by reporting on our clients' smallest mis-steps (for example, reporting a bond violation when a client on GPS monitoring left for work at 5:55 a.m. instead of 6 a.m.; repeatedly asking judges to revoke bonds, even when judges have already ruled that they are declining to do so). TCSO, Pre-Trial Services and the Court Clerks all institute arbitrary policies and refuse to communicate with each other, often leading to delays in our clients' release. For example, TCSO won't accept personal bonds unless they have been stamped by pre-trial services, even when a judge has signed the bond and a court date has been assigned. TCSO refuses to staff their bonding desk, so that when judges do grant personal bonds, the attorney has to wait for an hour to turn the bond in. Pre-trial services refuses to send TCSO judge's cards ordering our clients to be released. The Clerks' office does not report court orders from docket (such as, a client has been sentenced to time served) until 7pm, so that our clients are released from jail during odd, late hours. Simultaneously, judges do very little to facilitate our clients' release. No judges of routine bond dockets, where attorneys are expected to address their clients' bonds and advocate for release and reduction if a client has been unable to pay for their release. Judges do not receive or review motions filed on the Travis County e-filing system. In order to make an adequate written record, defense attorneys must efile their motion and proposed order, then email the judge a copy (often repeatedly to get a ruling), then e file the signed/granted copy of the order. Defense attorneys are doing the work of court clerks in these instances, and those hours should be spent on advocacy. Pre-trial services deems impoverished people "not-qualified" for indigent defense, leaving them to languish in jail without representation, and there is no system for reviewing those decisions. Unrepresented, incarcerated defendants, many of whom do not speak English, don't see a judge for months, sometimes a year, because the judges do not review those indigency decisions or the magistrates' bond settings. So much of the money spent to keep people in cages could be diverted to helping people instead of harming them.
•	ViaPath should be dropped. Bonding is a NIGHTMARE and no one at the jail makes it easier
•	We need to manage client expectations better to avoid clients unnecessarily requesting new attorney. Expectations should be set by entity with authority and not individual attorney.

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

•	Responses listed alphabetically:
•	Do not work in the juvenile system
•	Excellent juvenile probation staff and Juvenile public defender's office
•	Fast turnaround. Some services.
•	Flexibility to work around issues and provide needed services to the children.
•	I do not take juvenile cases. I attempted to, but the process to represent juveniles was too daunting. I took the 2 day CLE trying to take juvenile appointments, but nobody would respond and it was not very clear. There is no online explanation of the process. It appears to be very cryptic. It needs to change.
•	I have no juvenile clients.
•	I've only had one appointed juvenile case this year (and haven't submitted that voucher yet as the matter is still pending), but it seems like things are running smoothly.
•	juvenile public defender
•	NA
•	N/A
•	N/A
•	not applicable.
•	Overall it's working OK
•	The virtual visit system is fantastic. The call backs are also reliable when you can't get down to visit a client in person. The virtual court appearances are also very efficient. Instead of waiting in line for hours to see the judge, you get in and get out with everyone in place.
•	Unknown

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

	Responses listed alphabetically:
•	Ami Larson (juvenile judge)
•	appointment of counsel on cases the public defender has conflict. there are a sparse number of attorneys on the juvenile appointment list
•	I don't know.
•	It seems the more indigent and a child's non-white demographic results in their being detained and receiving harsher results. We need more Spanish-speaking service providers.
•	Na
•	NA
•	n/a
•	n/a
•	n/a
•	N/A
•	N/A
•	not applicable
•	Not even placements or rehabilitative services. Not enough Spanish speakers. Burdens on the family and parents getting them to all the hearings and court appointments.
•	Nothing at this time. For the last several years, it took the juvenile system months to pay a voucher. My most recent voucher was paid in a couple of weeks, so that was very much appreciated. I'm hoping that's the new trend.

•	Same
•	see above.
•	Sometimes there is a delay from the referral to court appointment
•	Unknown

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

	Responses listed alphabetically:
•	1. Have court staff (court coordinators, clerks, pretrial) complete bond paperwork--PR bonds, judge's cards, orders, etc. it's inefficient to have individual defense attorneys be responsible for this. 2. Allocate more money for support staff--paralegals, legal secretaries, interpreters--so that attorneys are more freed up to do more attorney level work.
•	A good start would be implementing meaningful written SOPs that govern in practice and reality. They should be supplemented to delineate the duties of each staff attorney, for example how common issues must be handled and by whom. They should also be supplemented further to provide rules that CAPDS can use to keep the judges from having any authority they decide over indigent defense. If they personally don't feel they can keep the judges at bay, they need rules they can cite to back them off. Lastly, they need to be trained and governed by specific policies based on the rules of ethics, tailored to common problems they face, designed to steer them from unethical practices -- not for esoteric reasons or simply for principles' sake but to ensure they do not prejudice defendants by acting in the best interests of the county, however intentional that might be.
•	allow attorney call in to clients, or make jail phone contact system more reliable. Increase availability of zoom communications with clients in jail. Add CAPDS personnel to timely approve investigative expenses. Increase investigative approvals. Make or keep virtual services such as TCCES classes available online. Offer free classes to anyone with appointed counsel without additional judicial permission. expand the delivery of Lyft transportation to court and other in person meetings. Add virtual witness hearings and jury trials to criminal cases. continue the pre-existing practice of virtual docket settings. improve the responsiveness of the DA's office to post-conviction issues. make release on personal bond mandatory after a short (appropriate) time for offenses that do not include allegations of violence, regardless of criminal history. Improve the access that attorneys and investigators have to client's electronic devices (if that device is not in evidence).
•	Bring back magistration, overhaul Pre-Trial Services,
•	Bring in a consultant to make a wholesale overhaul of the systems that are in place for releasing people, getting documents filed, getting items to the court, posting bonds, every administrative steps needs an overhaul.
	Consolidate all indigent defense under public defender
•	Continue making resources available to us and consider a bigger budget for quality experts.
•	Continue recruiting and training criminal defense lawyers.
•	Continue to expand the public defender's office and provide more funding.
•	Continue to fund indigent defense at a liveable wage for defense attorneys.
•	Cut the CAPDS staff in half and give the savings to the investigators and lawyers who do the real work.
•	Duty Attorney at the jail for magistration and addressing bonding issues. Should be mandatory for ct apptd attorneys to do 1 day p/mo or two
•	Expand the size and scope of the Travis County Public Defender's Office and use it provide counsel at magistration/first appearance for all defendants. Increase funding for the Travis County Public Defender's Office to reduce caseloads and attract/retain personnel with the right skills and experiences in all positions.
•	expansion of the public defenders. Travis County has 3 separate public defenders; this is not very efficient

•	get more lawyers practicing what we do.
•	Higher quality of representation across the board. Allowing the PDO to fill out additional roles. TCSO getting on board with the project.
•	improve in jail communication
•	Increase funding for the Travis County Public Defender's Office in order to provide positions that will fill key gaps in representation in order to increase the quality of representation.
•	Jail video needs to work.
•	juvenile system
•	Less bureaucracy
•	More attorneys are needed.
•	Need more spanish speakers.
•	Proper funding of the managed assigned counsel program.
•	Quicker appointment of counsel to indigent clients
•	Reduce staffing shortages at the jail, require judges to coordinate dockets for in person versus virtual appearances (perhaps have in person in the morning and virtual settings in the afternoon)
•	Replace the current staff of CAPDS bureaucrats.
•	The PD office could take more 1st degree felonies
•	We have to get the video visitation at the jail working. It is causing big problems

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

	Responses listed alphabetically:
•	A grant with specific requirements about overhauling the internal county systems that create errors that keep people in jail.
•	Assistance in finding and sourcing housing for clients
•	Assistance with review of patrol car videos and body cams. If we had paralegals to review videos like the State does, it would save attorney fees and save time for attorneys to work on more important issues. CAPDS has social workers and investigators. Why not paralegals?
•	Continue the grant of the PDO office to encourage more and better advocates - Social Workers, Investigators, Attorneys, etc.
•	
•	get involved with the effort to have counsel at first appearance. Observe the practices of private defense counsel and write a report about all the shortcuts they take and the ways they are not client-centered.
•	Give stipends directly to the lawyers and investigators handling the worst cases and bypass CAPDS. Condition further funding of CAPDS on the management staff justifying their bloated and inefficient management style.
•	Greater funding, greater accountability for other players in the system.
•	help with setting up magistration for adult cases; assistance with technology for the public defender offices
•	Increase funding for the Travis County Public Defender's Office in order to provide positions that will fill key gaps in representation in order to increase the quality of representation.
•	Make the mail comply with video visitation
•	More effective oversight and training for the CAPDS staff. Their inexperience is evident every day.
•	not sure.

•	Not sure
•	Support criminal defense lawyers with the very challenging job of representing the county's indigent defendants.
•	The PD office could take more 1st degree felonies
•	The PD office could take more 1st degree felonies
•	Train CAPDS. Ensure there are robust policies and procedures in place. If its possible, there should be some mechanism to evaluate MACs including the ability to hear and address complaints. Train all defense lawyers in Texas on the limits of the judiciary's power to remove defense attorneys and how defense attorneys can push back.
•	Work with CAPDS to provide these programs to us.