



## **Cameron County Monitoring Report: Additional Observations on Attorney Qualifications**

### **Introduction**

TIDC has historically monitored how counties admit attorneys to appointment lists, but not how counties review attorney performance.<sup>1</sup> TIDC is piloting an additional monitoring component that measures 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 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 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 approved procedures, the requirements of the Texas Code of Criminal Procedure and administrative regulations, and applicable rules of ethics. The County’s district and statutory county judges are charged with overseeing the objective qualifications that attorneys must maintain to remain on the appointment list. A majority vote is required to remove an attorney who no longer meets the objective qualifications. The judges may use their discretion to remove an attorney from one or more lists while continuing to remain on other appointment lists in the County.

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<sup>1</sup> 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).

## Part I. Performance Indicators

### *Performance Review*

TIDC reviewed the indigent defense plans (ID Plan) for the Cameron County District Courts and County Courts,<sup>2</sup> as well as the Juvenile Court<sup>3</sup> and interviewed local officials and staff to learn about oversight procedures. County stakeholders updated the minimum attorney qualifications in 2023, which are listed in the ID Plan.<sup>4</sup> Minimum qualifications for appointment lists are based on charge level, with increasing levels of skill and experience required for more serious cases. The District and County Courts appointment lists consist of:

one misdemeanor list; one state jail felony list; one second- and third-degree felony list; one first-degree and 3(g) felony list; one appellate list for state jail and third-degree felonies; and one appellate list for first, second, and 3(g) felonies.<sup>5</sup>

Attorneys may apply to be included on one or more of the public appointment lists; in addition, they must complete a minimum of seven requirements, including completing six hours of criminal CLE annually.<sup>6</sup> In addition to these requirements, there must be a majority vote by the sitting district judges for an attorney to be placed on the appointment list.<sup>7</sup> After an attorney is placed on the list, the Judge presiding over the case may remove or suspend the attorney at any time, as appropriate.<sup>8</sup>

Under the ID Plan, the County's Pre-Trial Services Office (PTS) oversees the authority to appoint counsel once an individual is determined to be indigent and closely monitors the wheel of appointments to prevent excess caseloads or any perception of favoritism. Juvenile indigency determinations are decided by the Juvenile Court Judge.<sup>9</sup> The Cameron Juvenile Board Plan lists the minimum qualifications for taking juvenile appointments and additional requirements for more serious cases.<sup>10</sup>

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<sup>2</sup> District and County Court Plan : <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=205>

<sup>3</sup> Juvenile Court Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=489>

<sup>4</sup> Supra note 2.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Juvenile Plan

<sup>10</sup> *Id.* (As mentioned in the Policy Monitor report, beginning January 2025 PTS began handling all appointments in juvenile cases).

Around 1999, the Cameron County Juvenile Board established a Juvenile Public Defenders Office (PDO) on a full-time basis.<sup>11</sup> Juvenile appointments for Cameron County are managed by the Juvenile Court and Juvenile Board.<sup>12</sup> If the Juvenile PDO is unable to represent an indigent juvenile, the Juvenile Judge will appoint an attorney from the public appointment list. To be on the appointment list for juvenile cases, attorneys must complete six hours of juvenile CLE and must be approved by a majority of the county's Juvenile Board.<sup>13</sup> The Juvenile Board is charged with monitoring attorney performance and assuring the competency of attorneys on the list. TIDC Staff created an anonymous questionnaire to send to the local criminal defense bar in Cameron County. The questionnaire asked several questions that allowed attorneys to give insight from their perspective as to what can be improved. Many of the responses were centered around similar issues: the lack of investigation in cases due to courts denying requests to pay for such services; barriers at the jail preventing attorneys from meeting with detained clients; client access to mental health professionals; and challenges on receiving approval for voucher submissions. The responses are broken down further by category throughout this report. All responses to questions presented by TIDC Staff can be found at the end of this report.

### ***Caseloads***

To perform their basic duties, attorneys need sufficient time and resources.<sup>14</sup> TIDC sought to answer the question of what constitutes “sufficient time and resources” by partnering with the Public Policy Research Institute at Texas A&M University. The Public Policy Research Institute and TIDC published a study examining the maximum number of cases a Texas<sup>15</sup> attorney should represent per year while fulfilling the Constitutional, statutory, and ethical duties owed to their clients. 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. Assuming a 2,000-hour work year, this corresponds to 8.8 hours per misdemeanor case, 15.6 hours per felony case, or 64.1 hours per appeals case.

The County ID Plans do not currently have caseload limits. However, there are maximum costs allowed per case (\$750 for all criminal cases except murder), in which

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

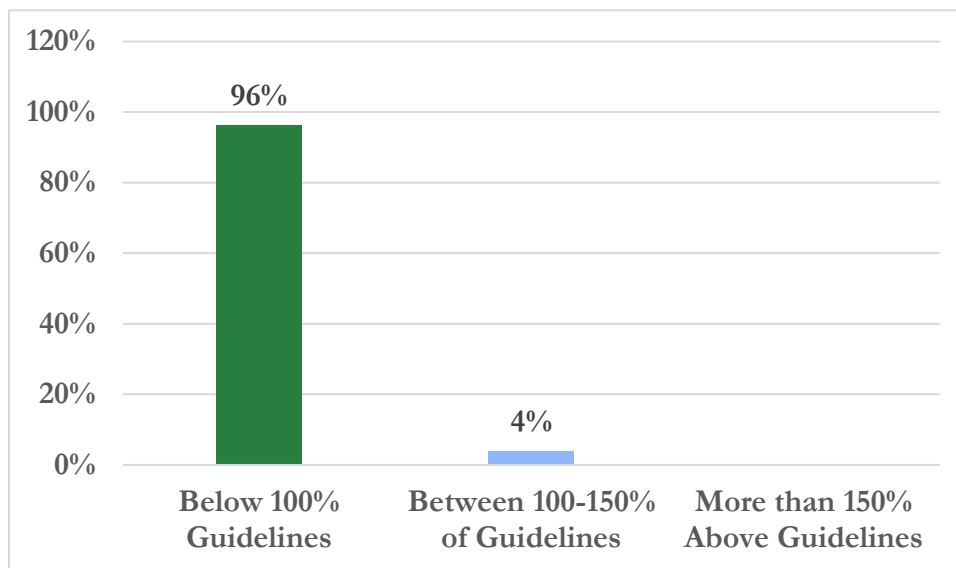
<sup>14</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01. (See commentary: “A lawyer's workload should be controlled so that each matter can be handled with diligence and competence.”)

<sup>15</sup> <https://www.tidc.texas.gov/media/kzfd5tup/guidelines-for-indigent-defense-caseloads-01222015.pdf>

appointed attorneys must seek special permission to exceed.<sup>16</sup> If an attorney were to make a one hour jail visit and spend two hours in court, a maximum of seven out-of-court hours are available to complete the case. As a rough estimate, the fee schedule caps non-murder cases at ten hours per case, unless the attorney obtains special permission from the court.

TIDC examined FY24 appointed attorney caseloads in Cameron County. Seventy-nine (79) attorneys disposed of felony, misdemeanor, juvenile, and appellate cases. Of these, 96% had cumulative appointed caseloads below TIDC Guidelines, and 4% had caseloads above the guidelines.<sup>17</sup> When the attorneys' non-appointed work is included, 8% had caseloads above the guidelines, and 3% had caseloads more than 150% above guidelines.<sup>18</sup> While the majority of attorneys appeared to have reasonable caseloads, some attorneys' caseloads were above the state guidelines (see charts below).

### **Cameron County Attorneys' FY24 Statewide Appointed Caseloads vs. Texas Guidelines**



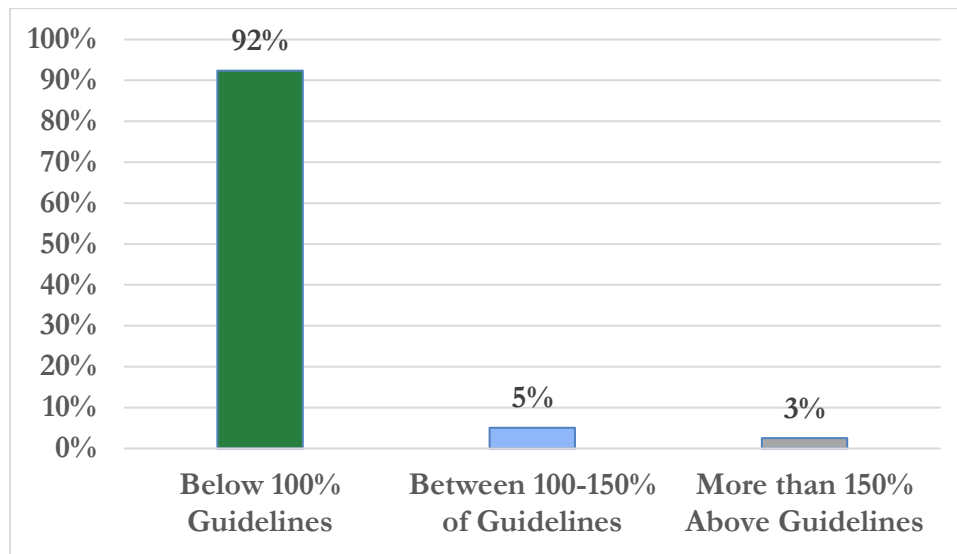
<sup>16</sup> The adult fee schedule is available at

<https://tidc.tamu.edu/IDPlanDocuments/Cameron/Cameron%20District%20and%20County%20Court%20Attorney%20Fee%20Schedule.pdf>.

<sup>17</sup> 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.

<sup>18</sup> 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.

## Cameron County Attorneys' FY24 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.<sup>19</sup> Regardless of a client's wish to admit guilt and enter a plea, this duty includes determining whether the charges are factually and legally correct and informing the client of potential defenses.<sup>20</sup> 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.<sup>21</sup> Also, an attorney may need additional investigation 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) be spent on investigation.<sup>22</sup> One method of evaluating investigator utilization is examining the amount paid to investigators for indigent defense investigations.

In FY2024, Cameron County's investigator expenses from the public appointment list and the juvenile public defender office were:<sup>23</sup>

<sup>19</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

<sup>20</sup> STATE BAR OF TEXAS PERFORMANCE GUIDELINES FOR NON-CAPITAL CRIMINAL DEFENSE REPRESENTATION GUIDELINE 4.1(A).

<sup>21</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 3.08.

<sup>22</sup> These recommendations are for cases that do not go to trial. More investigation time is recommended for cases that go to trial.

<sup>23</sup> Cameron County FY2024 Indigent Defense Expenditure Report:  
<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:4c4adcd9-4046-4ad9-8a00-898482992df3>.

- 0% of misdemeanor costs (0%, \$0 of \$728,630.19)
- 0% of felony expenses (0%, \$0 of \$967,876.09)
- 0% of juvenile payments (0%, \$0 of \$225,586.86)

Several attorneys, responding to the survey discussed later, noted they rarely or never use an investigator on appointed cases. TIDC encourages judges and attorneys to increase investigator utilization.

### ***Client Contact***

Attorneys have a duty to communicate with clients about their cases.<sup>24</sup> Attorneys should be in regular contact, especially when clients are in custody.<sup>25</sup> They should attempt to contact out-of-custody clients and discuss their cases outside of court to ensure confidentiality<sup>26</sup> and sufficient time to prepare.<sup>27</sup> 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 devoted to client communication.<sup>28</sup>

The Cameron County ID Plan requires that attorneys make every reasonable effort to contact the defendant by telephone, letter, or electronic communication by the end of the first working day after the date on which the attorney is appointed in accordance with Texas Code of Criminal Procedure Article 26.04(j)(1).<sup>29</sup> If a defendant feels an attorney has not promptly made contact, the defendant can contact PTS, and PTS will attempt to verify whether the attorney promptly made contact.<sup>30</sup> Most attorney fee vouchers are paid hourly. The Cameron District and County Court Judges have set hourly rates for initial jail visits that are above other out-of-court activity.<sup>31</sup> These vouchers allow the judge to track if and when attorneys make client visits. This system encourages defendants to promptly

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<sup>24</sup> 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.

<sup>25</sup> *Id.*

<sup>26</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.05.

<sup>27</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

<sup>28</sup> These recommendations are for cases that do not go to trial. More communication time is recommended for cases that go to trial.

<sup>29</sup> TEX. CODE CRIM. PROC. ART. 26.01(j)(1).

<sup>30</sup> The Adult Indigent Defense Plan states:

The defendant will be given a business card by the Pre-Trial Officer. If the defendant has not been contacted by his / her court-appointed attorney within 24 hours, the Pre-Trial Services Office will attempt to verify this information through jail visitation records and / or communication with appointed attorney and request verification that the attorney has complied with the provisions immediately above.

<sup>31</sup> Initial jail visits are paid at \$91 per hour. Out-of-court hours are generally paid at \$65 per hour.

make initial jail visits and puts in place a method to ensure attorneys promptly contact their clients.

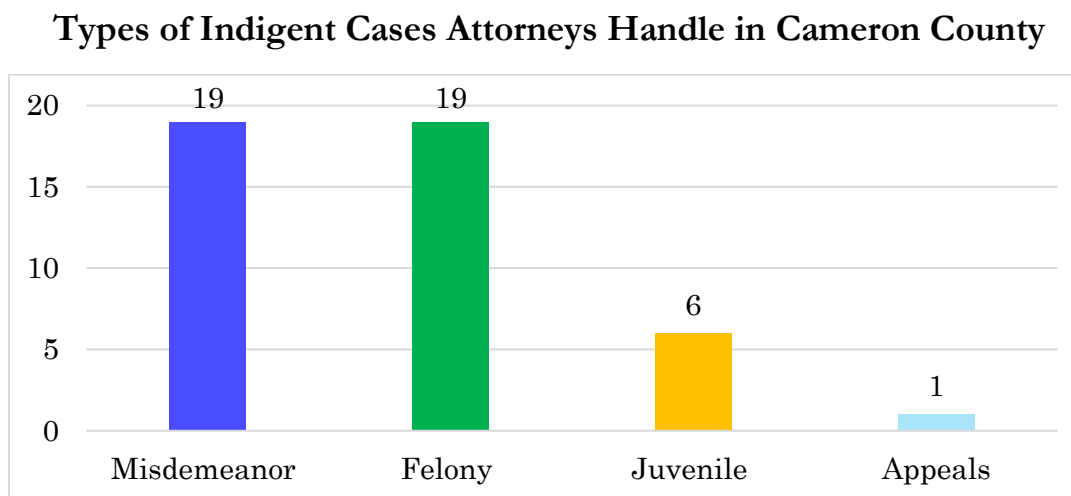
### ***Summary***

Cameron County's continued support of the PDO and appointment wheel provides attorneys with the needed support, oversight, and access to vital resources to provide effective assistance of counsel. Per the County's ID Plan, the County's district judges, with the help of PTS, have taken responsibility for monitoring attorney qualifications and ensuring attorneys make reasonable and timely contact with their appointed clients. However, if this role has been designated to the County's PTS department, the ID Plan needs to reflect that designation. The County has taken a proactive role in ensuring the attorneys taking appointed cases are trained and qualified to provide quality representation. The County attempts to ensure that attorneys taking appointments promptly meet with clients.

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

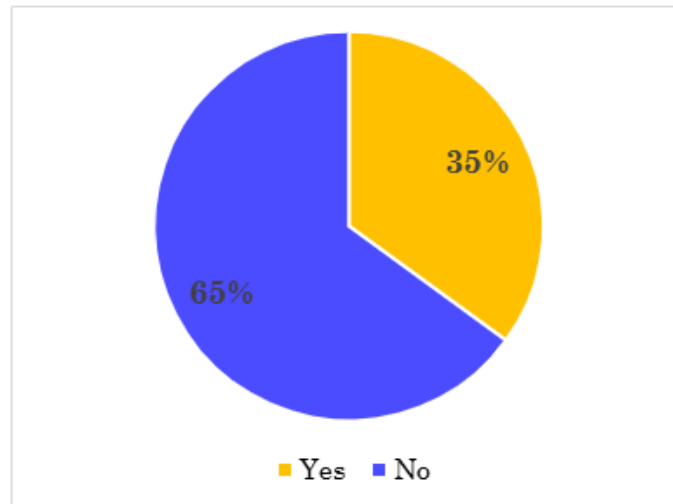
In September 2024, TIDC distributed an online survey to Cameron County indigent defense attorneys and received 22 responses. The survey addressed topics including the use of investigators and online courts, client communication, mental health resources, and general indigent defense system feedback. All respondents (n=22) identify as “Private Practitioners appointed.” 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 the practices of indigent defense attorneys in Cameron County.

The survey asked what types of appointed cases attorneys take in Cameron County. Most of the attorneys handle misdemeanors (n=19) and felonies (n=19) (see chart below).



The attorneys in Cameron County are not only taking cases in Cameron, but 35% (n=7) of the attorneys stated they handle cases in other counties, while 65% (n=15) do not (see chart below). When asked the average time spent traveling from their office to case-specific work in other counties, the average reported time was 20% of billable time.

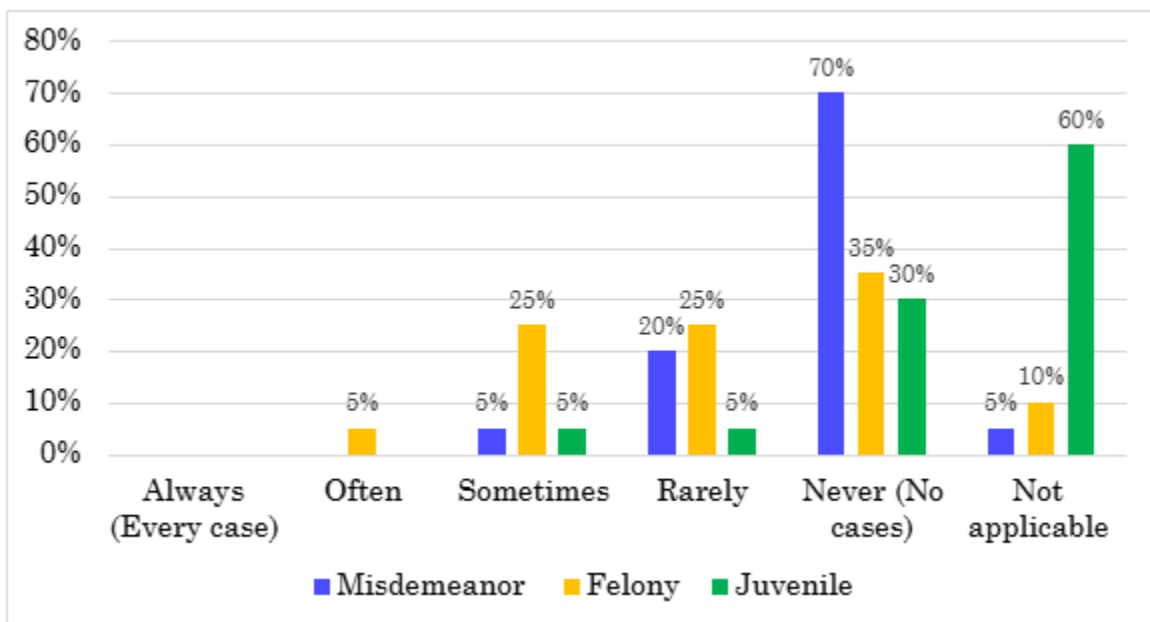
### Percentage of Attorneys Who Take Cases in Counties Outside of Cameron County



### *The Use of Investigators*

Several questions addressed the use of funding for investigation in Cameron County. The survey asked questions regarding the frequency of use of investigators in the County in misdemeanor, felony, and juvenile cases (see graph below).

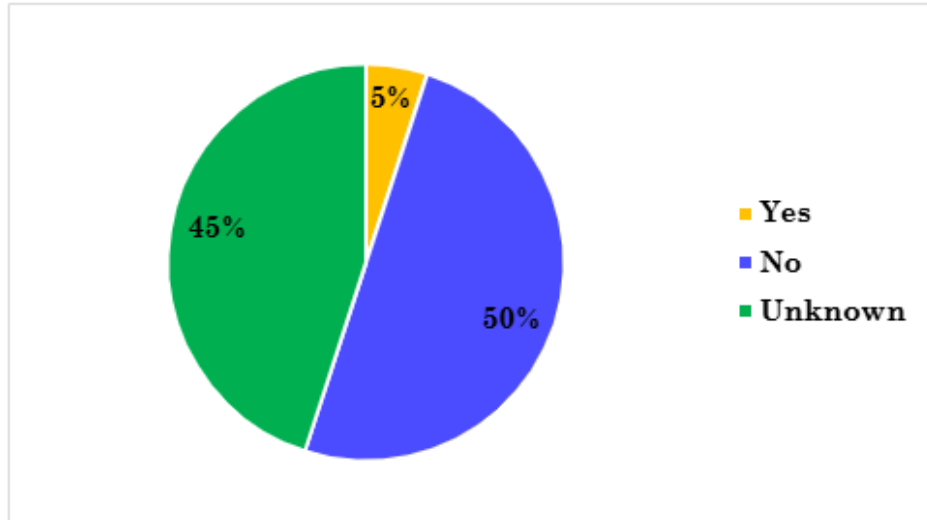
### Frequency of Investigator Use by Case Type



In **misdemeanor cases**, 70% of the private attorneys (n=15) reported never using an investigator, while 25% (n=5) reported sometimes using an investigator. The remaining 5% either left that answer blank or stated use of investigators in misdemeanor cases was

not applicable. In **felony cases**, 35% of the private attorneys (n=7) reported never using an investigator, while 25% (n=5), the second largest group of private attorneys, reported using an investigator sometimes or rarely. While in **juvenile cases**, 90% of private attorneys (n=18) reported never using an investigator or that it was not applicable. The second highest response was 10% (n=2), who reported using an investigator sometimes or <sup>32, 33</sup>.

**Attorneys' Knowledge About Whether Cameron County  
Reimburses Investigative Expenses Without Prior Court Approval**



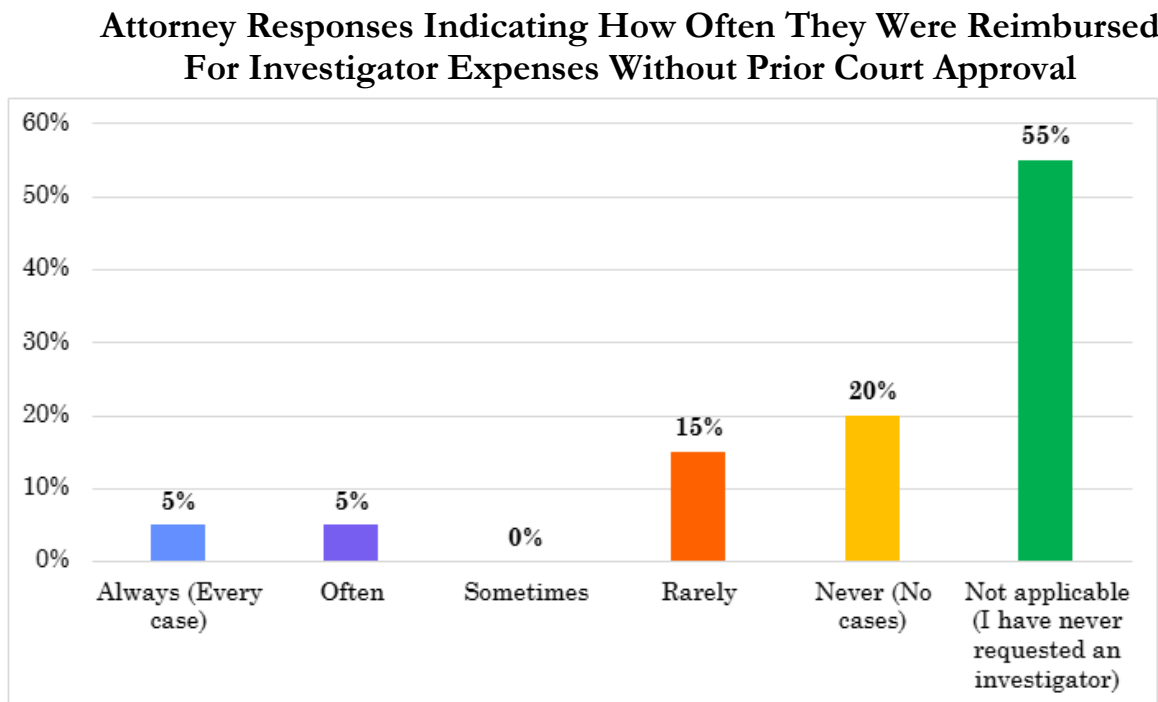
Additionally, the survey asked defense attorneys about whether the court reimburses investigative expenses incurred without prior approval. Forty-five percent (45%) of attorneys answered “unknown,” 50% said no, and 5% said yes (see ee chart below). They were also asked how often they were reimbursed for investigative expenses incurred without prior approval. Most of the private attorneys (n=11) said it was not applicable (I have never requested an investigator), while several other attorneys (n=7) stated never or rarely (see chart above).

Moreover, the survey asked attorneys how often they were reimbursed for investigative expenses without prior court approval in their cases. The responses reflected that more than half of the attorneys found this question not applicable because they do not utilize investigators (n=11); 10% of attorneys said they have always been reimbursed in every case or often. The remainder of the attorney responses (n=7) indicated that they

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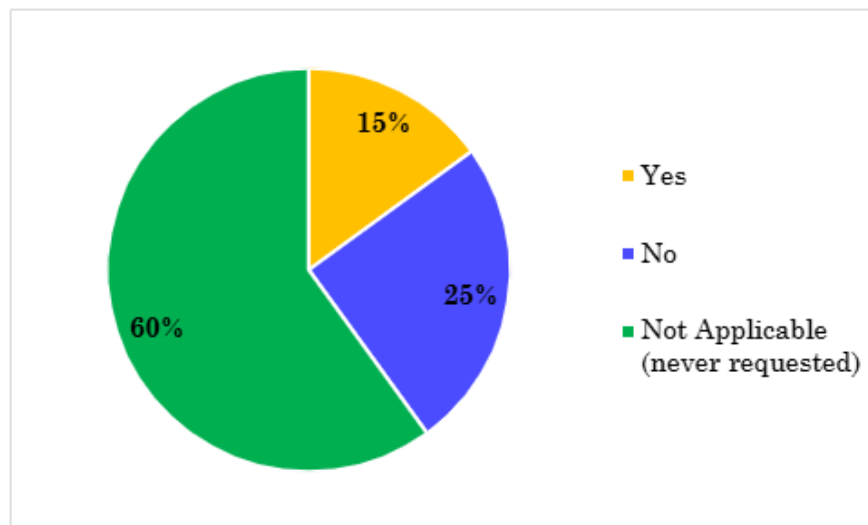
<sup>33</sup> After compiling the data of responses to the online survey sent by TIDC staff, it was later discovered that the list of attorneys who take appointed cases that was provided to staff did not include the two staff attorneys at the Juvenile Public Defenders Office. In a previous meeting with the Juvenile PD Office staff, they mentioned they often have to conduct their own investigation and work in conjunction with their social worker on staff.

have rarely been reimbursed without prior court approval or have never been reimbursed without prior court approval (see chart below).



When asked if they have had any difficulties receiving adequate funding for investigators, 25% of attorneys said no (n=5) (see chart below).

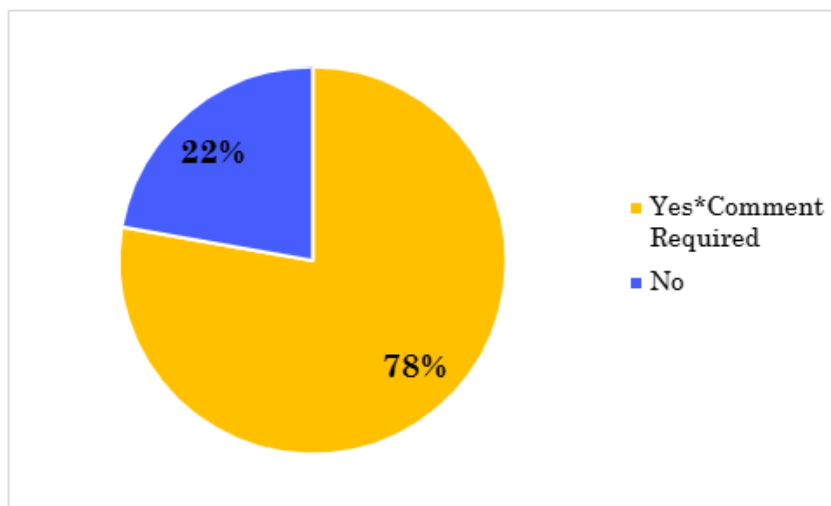
**Attorneys Who Report Having Difficulty Receiving Adequate  
Funding for Investigators**



Seventy-eight percent (78%) of attorneys (n=14) believe investigation use should be increased, while 22% do not. Comments reflect why investigation is important (see

chart below). An attorney stated, “it could be helpful to quickly dispose of a case or to gather witnesses and information at the inception of the case before too much time causes a loss of preservation of potential evidence and/or witnesses.” But attorneys also acknowledge, “an allotted fee amount without court approval would allow us to use [investigators] much more often.” A fee schedule is provided within the County’s ID Plan; however, it only acknowledges investigative expenses with court approval. Given the complete lack of investigation currently being used and the high number of attorneys who stated they have never requested an investigator, TIDC encourages Cameron County to revisit their ID Plan regarding fee schedules for these types of expenses, and to have more training on the importance of investigators and consider solutions to make investigators more accessible for defense attorneys.

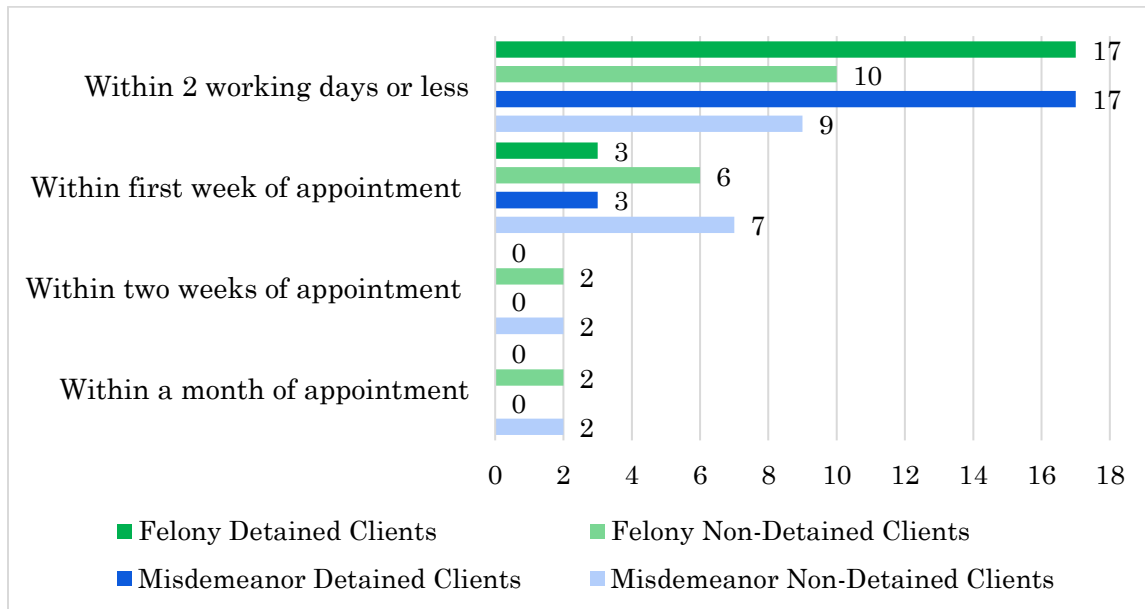
**Percentage of Attorneys Who Believe Investigator Use Should Be Increased**



### ***Client Communication***

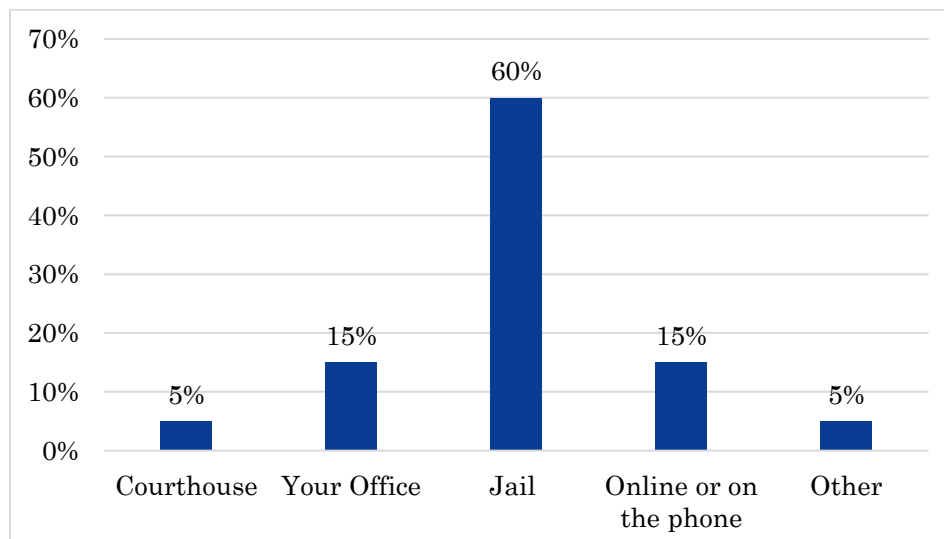
The survey asked questions about how quickly attorneys are able to meet with clients, the nature and location of attorney-client communications, including the biggest barrier to meeting with clients. The chart below reflects that most attorneys meet with their felony-detained clients (n=17) and misdemeanor-detained clients (n=17) within two working days or less.

### How Soon After Appointment Attorneys Meet with Detained and Released Clients by Case Type



The survey asked where attorneys met with clients (see chart below). Overall, the most frequent response for attorney-client meeting locations was at the jail, followed by their office, online or by phone, or at the courthouse. The survey asked respondents to share the biggest barriers to meeting with clients (both detained and released). Their verbatim responses are shared at the end of the report. Several attorneys highlighted one of the difficulties they have experienced in meeting with detained clients is the 7 p.m. visitation cut-off and the inability to bring in legal materials to interview clients.

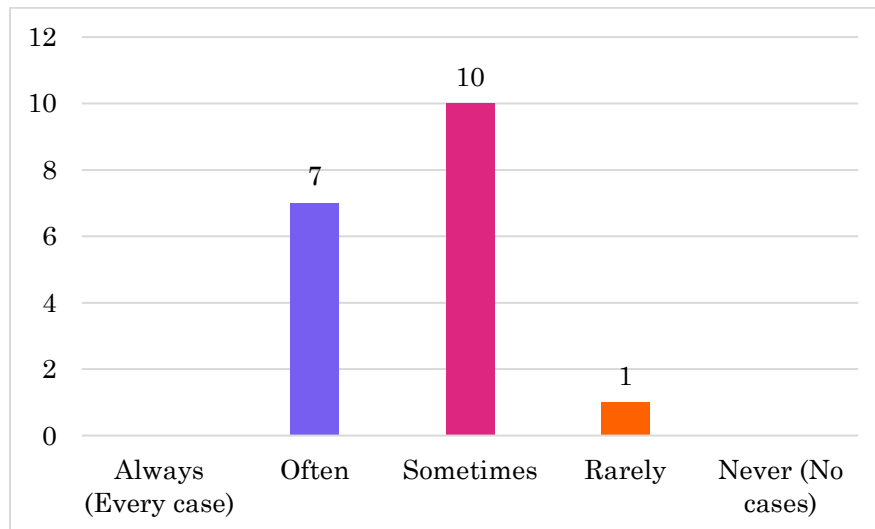
### Location of Client Meetings



### ***Mental Health Clients***

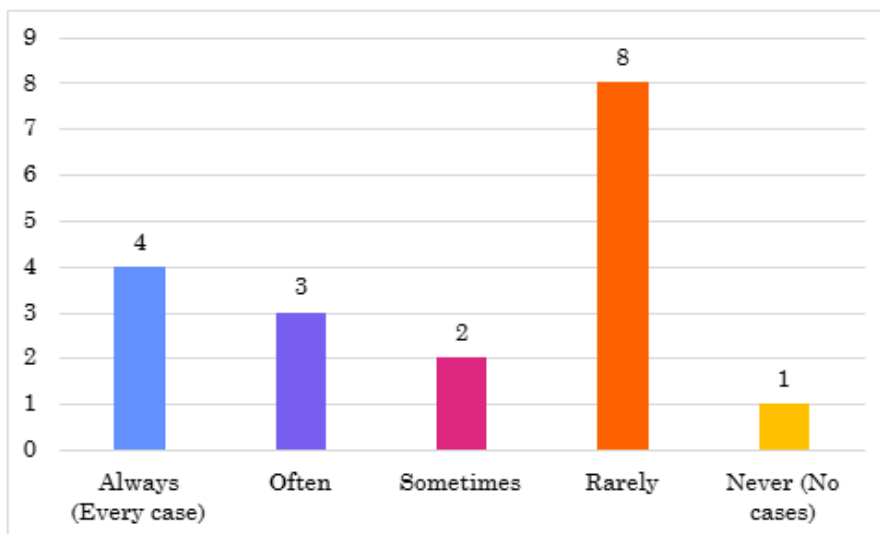
The survey asked attorneys about their experiences representing clients with mental health issues. The first inquiry focused on the frequency of appointed clients with mental health issues that impact a case. Overall, the largest groups of attorneys (n=10) stated their clients “sometimes” have serious mental health issues (see chart below).

**Frequency of Appointed Clients with Mental Health Issues**



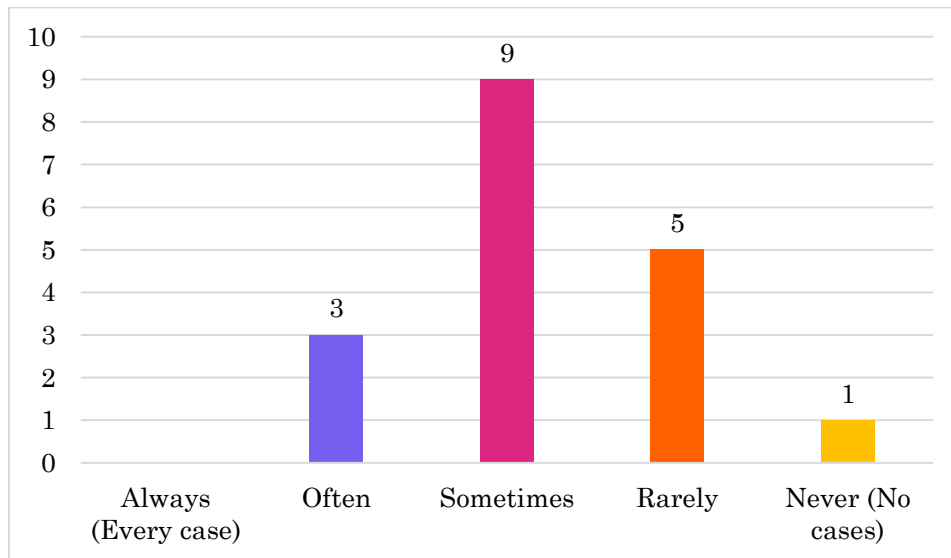
The survey next asked attorneys how often, for appointed clients, they receive Code of Criminal Procedure Article 16.22 mental health information after an evaluation is conducted. Most of the attorneys (n=8) reported receiving Article 16.22 information “rarely” (see chart below).

**Frequency of Cases where Attorney Receives Code of Criminal Procedure Art 16.22 Information**



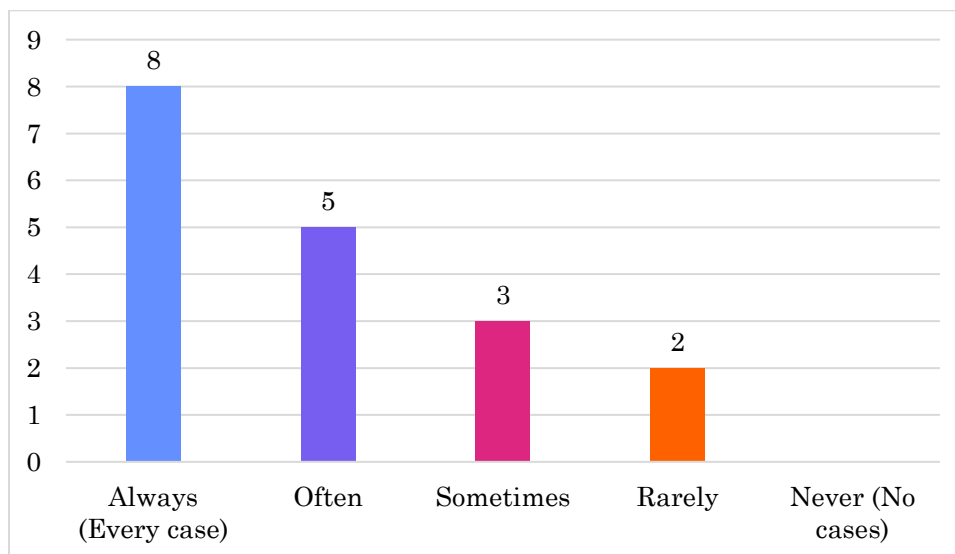
Attorney responses regarding successfully obtaining personal bonds for detained clients with mental health issues were mixed (see chart below). The largest category being “sometimes” (n=9).

**Attorneys' Success in Obtaining Personal Bonds for Detained Clients**



The survey asked attorneys how often they requested competency evaluations for appointed clients with serious mental health conditions. The responses are depicted in the chart below.

**Frequency of Appointed Clients Where Competency Examination is Filed**



Mental health concerns are always an important factor when representing appointed clients. Ensuring attorneys and clients have access to appropriate resources is essential to

a properly running indigent defense system. The survey asked attorneys what services can improve access to mental health services available for adults and juveniles in the community and detention facilities. Services attorneys identified that could benefit clients include:

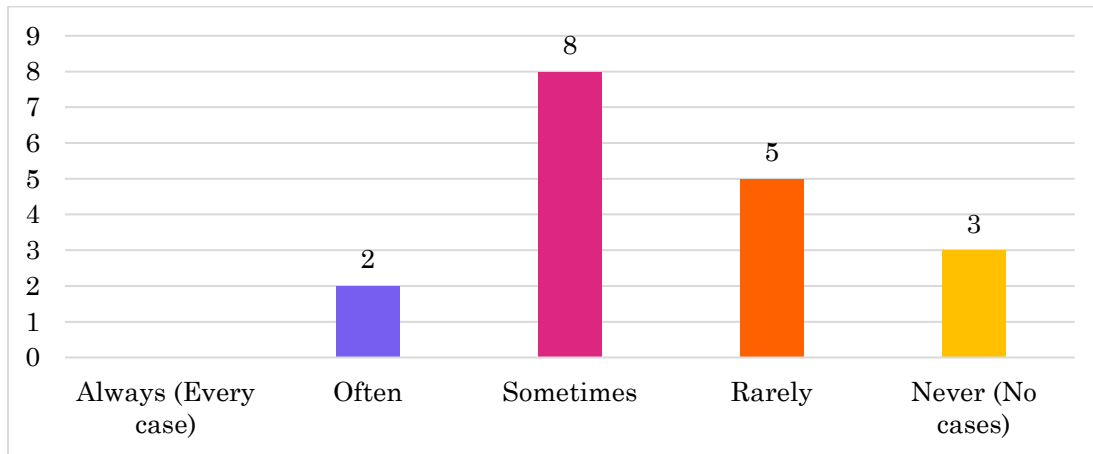
- “They need better accommodations for these clients, better access to medications, and they probably shouldn’t be with Gen Pop. There should be a mental health person on staff to make sure these people’s needs are met.”
- “They need a separate facility to place folks with mental health issues while awaiting their case. The Sheriff’s Office needs to provide medication to our clients. Texas Tropical staff need to prescribe medication. Some of these folks are homeless and do not have access to funds to pay for medication.”
- “Basic access. Mental health court also limits who they help. They don’t allow those with previous convictions, however repeat offenders continue for a reason, they never get proper help on the actual issues they have.”
- “The Jails need to be staffed with mental health professionals that can provide reports to both the DA’s Office and defense attorney (and Pre-Trial Services if applicable). This might provide DA’s Office some proper discretion on whether they should consider lowering bonds or dismissing cases where victims (usually family) are not willing to proceed with charges.”

### ***Online Courts***

The survey asked attorneys about online hearings. Often, access to online hearings can assist attorneys who cover multiple counties and increase access to courts. One attorney said, “Magistrate Court for Writs/Bond reductions should be online. The prosecutor for magistrate court needs to respond to email and agree/not agree to bond reductions before the hearings.”

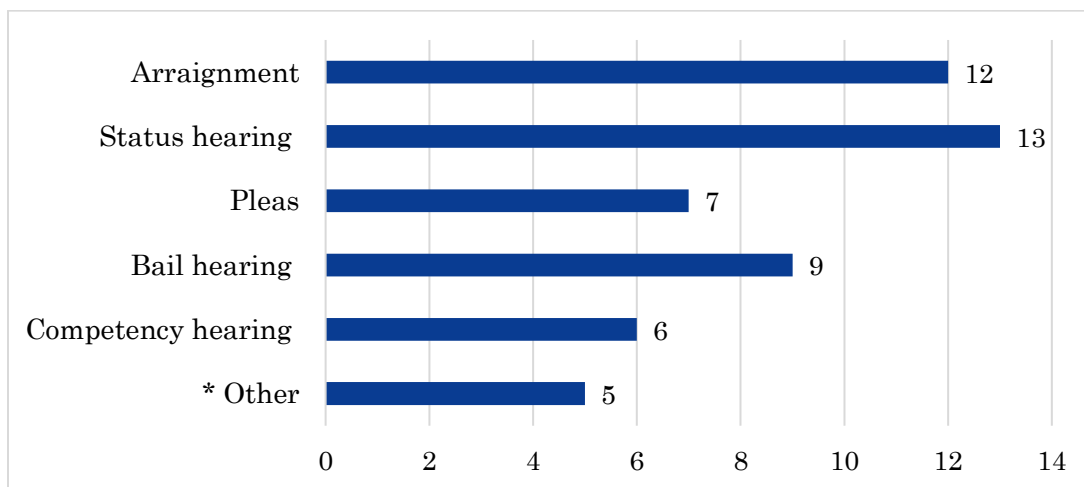
Overall, many attorneys (n=7) reported participating in online hearings “sometimes” in the past year (see chart on following page).

### Frequency of Court Proceedings Online in the Past Year



Attorneys were also asked which of the following, if offered online, would help with efficiency in their criminal practice. Most attorneys stated status hearings, arraignment, and bail hearing (see chart below).

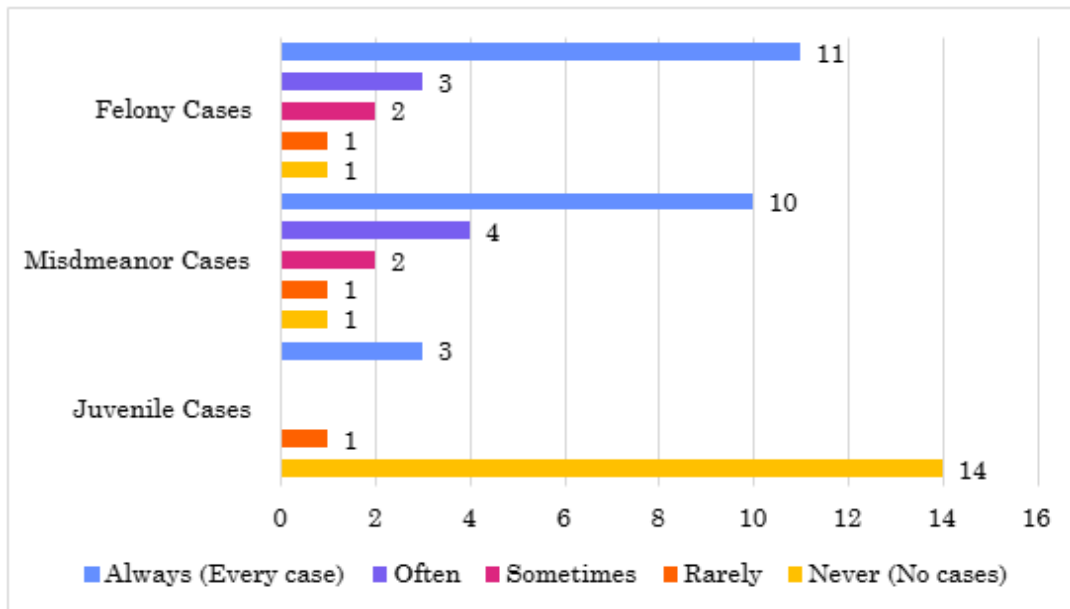
### Types of Online Hearings That Would Increase Efficiency in Criminal Practice



### ***Vouchers***

The survey asked a series of questions about including out-of-court time on payment vouchers for misdemeanor, felony, and juvenile cases (see graph on following page). Most respondents reported that they include out-of-court time in felony and misdemeanor case vouchers.

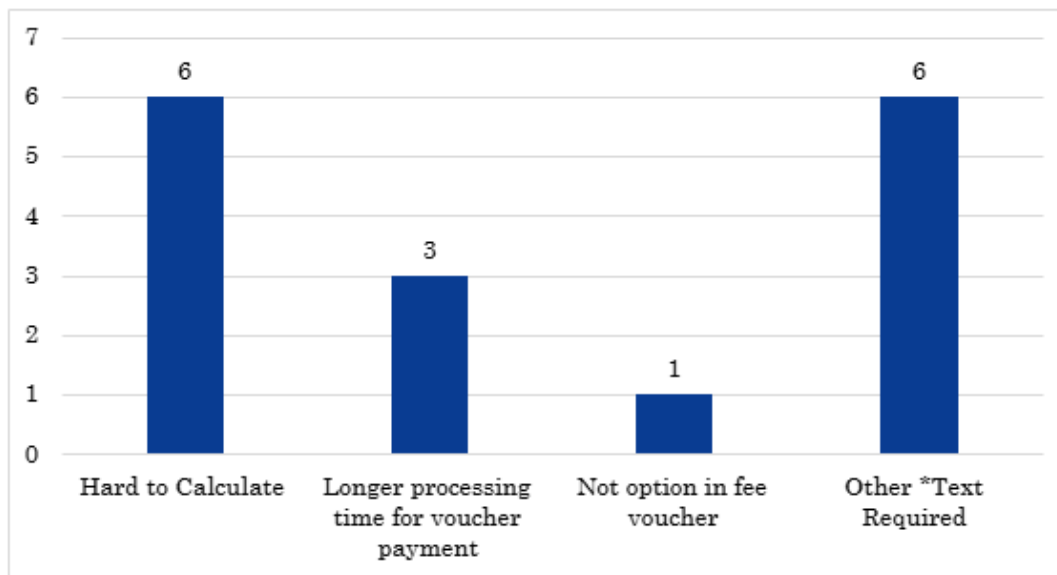
### Frequency of Out-of-Court Time Included in Voucher Submissions in the Past Year



The question was followed by asking if out-of-court time was not included, which of the following reasons is most applicable. Most attorneys (n=6) stated it is “hard to calculate” (see chart below). Additionally, many attorneys selected “other” (n=6), and along with those who selected “hard to calculate,” stated:

- “Pushback from courts to explain and resubmit voucher despite not having a *[sic]* requested a very large amount on the voucher. One judge does not sign vouchers or motions for several months.”
- “Long waiting periods for judge’s approval and processing of checks.”
- “I got appointed to so many cases and didn’t even submit because they get hard to calculate.”
- “It’s not always easy to remember all communications with clients or family members of clients. Courts need to be mindful of how often attorneys leave out information spent on these types of out-of-court time.”

### Reasons Out-of-Court Time Would Not Be Included on Vouchers



### *Cameron County Process Feedback*

The last section of the survey asked three questions requesting feedback on how Cameron County and TIDC can improve indigent defense in Cameron County. The first question listed categories that the attorney can select to provide additional comments. The chart below shows a summary of which categories attorneys had feedback on.

## Categories for Additional Feedback

The full text narrative of all survey responses is listed as follows:.

### Index to Questions requesting narrative responses.

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

#### *Investigation*

- *Do you think investigation use should be increased? If so, how? -Yes - Text*
- *If you have other comments on the use of investigations, please share below.*

#### *Client Communication*

- *What barriers are there to meeting with detained and non-detained clients?*
- *If you have other comments on client communication, please share below.*

#### *Mental Health Clients*

- *What services can improve access to mental health services available for adults in the community and detention facilities in Cameron County, please explain.*
- *What services can improve access to mental health services available for juveniles in the community and detention facilities in Cameron County, please explain.*
- *If you have other comments on mental or behavioral health issues, please share below.*

#### *Online Courts*

- *If you have other comments on online courts or virtual hearings, please share them here:*

#### *Vouchers*

- *Which of the following are reasons why an attorney would not include out-of-court time in their fee voucher? - Other – Text*
- *If you have other comments on payment vouchers, please share them here:*

#### *Cameron County's Indigent Defense System*

- *Which of the following do you have any feedback?*
- *Do you have any suggestions on how Cameron County can improve their criminal and/or juvenile courts?*

- *TIDC provides programs to improve indigent defense. How could TIDC help improve indigent defense in Cameron County?*

### Investigation

**Do you think investigation use should be increased? If so, how? -Yes - Text**

|   |                                                                                                                                                                                                                                                                                                                                   |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                                                                                                                                                                                                                           |
| • | An allotted fee amount without court approval would allow us to use this much more often. It would be very helpful!!!                                                                                                                                                                                                             |
| • | Freer granting of funds for investigators, mitigation specialists, and expert witnesses.                                                                                                                                                                                                                                          |
| • | I believe if we could obtain investigators at the felony level pre-indictment for purposes of an examining trial, it could be helpful to quickly dispose of a case or to gather witnesses and information at the inception of the case before too much time causes a loss of preservation of potential evidence and/or witnesses. |
| • | I don't understand the question.                                                                                                                                                                                                                                                                                                  |
| • | IF NEEDED THEN ASK THE COURT                                                                                                                                                                                                                                                                                                      |
| • | It would aid as an addition resource to the defense of our clients                                                                                                                                                                                                                                                                |
| • | More readily available through financial support or even making some available solely to court appointed cases.                                                                                                                                                                                                                   |
| • | On felony cases yes.                                                                                                                                                                                                                                                                                                              |
| • | Should be easily available and offered for every case                                                                                                                                                                                                                                                                             |
| • | Should be used in felony cases more frequently                                                                                                                                                                                                                                                                                    |
| • | The DA has investigators so we should in serious/complex cases                                                                                                                                                                                                                                                                    |
| • | Would aid in a defense of our clients                                                                                                                                                                                                                                                                                             |
| • | Would be helpful in some serious cases                                                                                                                                                                                                                                                                                            |
| • | Yes, to obtain mitigating facts, and prepare better defenses.                                                                                                                                                                                                                                                                     |

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

|   |                                                                                                                                      |
|---|--------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                              |
| • | Availability of experienced investigators would be helpful                                                                           |
| • | N/a                                                                                                                                  |
| • | Some types of investigation cannot be done by the lawyer alone.                                                                      |
| • | The county should probably compile a list of people they prefer to use so attorney's have a place to begin looking for investigators |

## Client Communication

**Which of the following places are you most likely to meet a client pre-hearing? – Other - Text**

|  |                                                                                                                                                    |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Responses listed alphabetically:</b>                                                                                                            |
|  | <ul style="list-style-type: none"> <li>•Jail if they're there, otherwise phone, and I'll let them know they can have an office meeting.</li> </ul> |

**What barriers are there to meeting with detained and non-detained clients?**

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Responses listed alphabetically:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|  | <ul style="list-style-type: none"> <li>•Availability at the jails.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|  | <ul style="list-style-type: none"> <li>•Barriers to meeting with detained Clients is the long wait times due to improper jail staffing or improper priority standards by the jail to accommodate attorneys first. As for non-detained Clients, it is the Client's specific schedule or that of the attorney.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|  | <ul style="list-style-type: none"> <li>•Contact information</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|  | <ul style="list-style-type: none"> <li>•detained clients we lack the ability to take electronic devices with us to share information versus non detained</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | <ul style="list-style-type: none"> <li>•it's not easy to meet the jailed clients during the windowed time, because they stop letting you go in at 5. And Old County is the worst, they take forever to bring the client and then you cant even hear them through the glass, DC1 is probably the best because they accommodate you very well and are super-fast compared to the others.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|  | <ul style="list-style-type: none"> <li>•Jail, delay in getting the clients. Client in isolation or have behavioral issues that place guards in danger.<br/>TO REVIEW DISCOVERY - YOU HAVE TO REQUEST SPECIAL TIME. WOULD PREFER FOR ATTORNEY TO BE ALLOWED TO TAKE LAPTOP TO REVIEW WITH INMATE CLIENTS WITHOUT THE HASSLE OF MAKING AN APPOINTMENT.<br/><br/>PLUS - NOW ATTORNEYS IN CAMERON COUNTY ARE NOT ALLOWED TO BRING "PURSE, BRIEF OR CT BAG" TO INTERVIEW WITH CLIENTS. SO YOUR ALL PURPOSE BAG (WITH FORMS/PLEA PAPERWORK) HAS TO REMAIN IN THE CAR. CAN NOT DO INSTANT - LET'S SIGN PAPERWORK TO GET THIS CASE GOING.<br/><br/>NON DETAINED CLIENT- PHONE NUMBERS ARE NO GOOD. NEED TO ASK FOR EMAIL ADDRESS. NEED TO ASK THAT PERSON, TO GO TO THE ATTORNEY'S OFFICE AND MAKE APPOINTMENT OR SET UP MEETING. PUT THE BURDEN ON THEM.</li> </ul> |
|  | <ul style="list-style-type: none"> <li>•My heavy workload.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| •N/A (3 responses)                                                                                                                                                                                                                                                  |
| •No barriers with detained clients (just visit the jail); as for non-detained clients, I often have difficulty with out-of-state clients on older cases, and even with in-state clients that are homeless.                                                          |
| •Non detained clients lack of means of communication. Detained clients wait times to meet with them can be quite long                                                                                                                                               |
| •None (2 responses)                                                                                                                                                                                                                                                 |
| •On detained clients, Jail limits visiting hours until 7pm                                                                                                                                                                                                          |
| •sometimes you have to wait a while                                                                                                                                                                                                                                 |
| •The jail telephones do not work and the jail is understaffed and won't arrange meetings with clients. The jail loses their clothes. A judge must bring the client to the courthouse for a suitable hearing.                                                        |
| •Time                                                                                                                                                                                                                                                               |
| •Time is the biggest barrier.                                                                                                                                                                                                                                       |
| •Time. We have to work all day with clients or court. We also have personal responsibilities. The 7pm visitation cut off limits what we can do in one working day.                                                                                                  |
| •With detained clients- I cannot bring in any electronics into the jail so I cannot show them the evidence against them! I have to coordinate a time for jail staff to bring them into court.<br>Non-detained clients- usually do not have reliable transportation. |

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

|                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Responses listed alphabetically:</b>                                                                                                                                                                                                                       |
| •Jail is for the most part spectacular when it comes to visiting via video application                                                                                                                                                                        |
| •N/A                                                                                                                                                                                                                                                          |
| •NEED ZOOM VIDEO CONFERENCE WITH INMATES - CAMERON COUNTY, TEXAS TO BE AUTOMATIC.                                                                                                                                                                             |
| •Not all client retain their phone or cellphone numbers. Often times, a Client will lose contact due to not paying for their cellphone service and often times Clients relocate and move without notifying attorneys.                                         |
| •Old county is bad. No phones to communicate with clients                                                                                                                                                                                                     |
| •Sometimes it is easier and more efficient to just have phone contact. We can get to working on what we need to so much quicker. Jail visits are such a hassle, they take forever, make you lose access to your phone, and limit you with 7pm access cut off. |
| •We need to be able to call the jailed defendants. Over the phone, to update them on their case without having to worry about being able to get there on time and waste a bunch of time waiting.                                                              |

## Mental Health Clients

**What services can improve access to mental health services available for adults in the community and detention facilities in Cameron County, please explain.**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Responses listed alphabetically:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| •Access to qualified mental health staff                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| •Better training for law enforcement to seek medical intervention prior to incarceration.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| •Cooperative share services with surrounding counties to extend services                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| •I believe the Jails need to be staffed with mental health professionals that can provide reports to both the District Attorney's Office and the defense attorney (and Pretrial services if applicable). This might provide the District Attorney's Office some proper discretion on whether they should consider lowering bonds or dismissing cases where victims (usually family members) are not willing to proceed with the charges.                                                                                   |
| •I don't understand the question.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| •Long waiting periods for Defendants that require hospitalization.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| •More counselors at the jail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| •More doctors and psychologists.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| •More mental providers need to be available to the court system                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| •N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| •Our clients need more access to licensed professionals to monitor their mental health conditions while they are in detention. They need to be able to get their medications once they are diagnosed.                                                                                                                                                                                                                                                                                                                      |
| •There are counselors in the jail, but the clients have to be the ones to reach out or make the request. Oftentimes because of their mental illness they are not capable of making that request themselves. Additionally, they'll end up in isolation away from the general population, but that alone won't solve anything. Having more accessible counselors/psychologists that can have consistent and meaningful contact would be helpful especially if their attorneys or jail staff can put in the request for them. |
| •They need better accommodations for these clients, better access to meds, and they probably shouldn't be with Gen Pop. There should be a mental health person on staff to make sure these people's needs are met, if there isn't already, I don't know.                                                                                                                                                                                                                                                                   |
| •Tropical services in Carrizales.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| •Unknown                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| •Working with Tropical, Palms Behavioral, etc                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**What services can improve access to mental health services available for juveniles in the community and detention facilities in Cameron County, please explain.**

|                                                                                                     |
|-----------------------------------------------------------------------------------------------------|
| <b>Responses listed alphabetically:</b>                                                             |
| •Access to those in the community allowing parents to get their children help and prevent crimes.   |
| •Any services that are in-house and available at the jail.                                          |
| •Cooperative share services with surrounding counties to extend services                            |
| •I do not handle juvenile cases.                                                                    |
| •I don't do Juvy.                                                                                   |
| •I don't know.                                                                                      |
| •I'm no expert.                                                                                     |
| •Juvenile mental health services in Cameron County are MUCH better than adult services.             |
| •Mental health services such as the ones provided by Tropical.                                      |
| •Mental providers                                                                                   |
| •More doctors and psychologists.                                                                    |
| •N/A (6 responses)                                                                                  |
| •Parents are limited on what they can do. Need facility just for juveniles to address their issues. |

**If you have other comments on mental or behavioral health issues, please share below.**

|                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Responses listed alphabetically:</b>                                                                                                                                                                    |
| •The DA should be better at taking these things into consideration and there need to be more programs for these defendant's treatment.                                                                     |
| •About 33% of court-appointed defendants have serious mental issues. Another third have substance abuse issues.                                                                                            |
| •too often the clients get worse while in jail                                                                                                                                                             |
| •The majority of repeat offenders suffer from mental health issues. The system is adamant on punishment not rehabilitation. That's why they keep coming back they're labeled as criminals and thrown away. |
| •N/A (2 responses)                                                                                                                                                                                         |
| •None                                                                                                                                                                                                      |
| •We struggle to get PR bonds or low bonds on these unless there is a family member that can vouch that they will be in their care. I have had several homeless clients that are                            |

|  |                                                                                                   |
|--|---------------------------------------------------------------------------------------------------|
|  | homeless due to their mental illness and lack of family that makes it difficult to get a PR bond. |
|--|---------------------------------------------------------------------------------------------------|

### Online Courts

**Which aspects of client representation have you performed in one or more online hearings in the past year? (Select all that apply) - Other - Text**

|  |                                                                                      |
|--|--------------------------------------------------------------------------------------|
|  | <b>Responses listed alphabetically:</b>                                              |
|  | •All of these should be in open court.                                               |
|  | •Detention hearing for juvenile                                                      |
|  | •I do not like any proceedings online. I believe they actually slow down the courts. |

**If you have comments about online courts or virtual hearings, please share them here:**

|  |                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Responses listed alphabetically:</b>                                                                                                                                                                                                                                                                                                                                                                          |
|  | •Do not really like unless I am unavailable to be in court                                                                                                                                                                                                                                                                                                                                                       |
|  | •For resets or status hearings, zoom hearings would be ideal                                                                                                                                                                                                                                                                                                                                                     |
|  | •I believe online court or virtual hearings work.                                                                                                                                                                                                                                                                                                                                                                |
|  | •I do not like online proceedings at all. I prefer in person court proceedings, as the District Attorney can put a face to the name on the file, which in the past, would help expedite negotiations due to the District Attorney having a feel for the type of Client the defense attorney has. Online proceedings do not have the same organic feel to them, and it slows down the ability to negotiate cases. |
|  | •N/A                                                                                                                                                                                                                                                                                                                                                                                                             |
|  | •The judges stick everyone in a waiting room and we don't know what's happening. Sound and pictures are bad.                                                                                                                                                                                                                                                                                                     |
|  | •They are efficient and allow for better access to clients and get things done quicker. We need more.                                                                                                                                                                                                                                                                                                            |
|  | •Would speed up system                                                                                                                                                                                                                                                                                                                                                                                           |

### Vouchers

**Which of the following are reasons why an attorney would not include out-of-court time in their fee voucher? - Other – Text**

|  |                                         |
|--|-----------------------------------------|
|  | <b>Responses listed alphabetically:</b> |
|  | •N/A                                    |

|   |                                                                                                                                                                                       |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • | Pay is too low for out of court time to make it worth it to claim (unless case went to trial.)                                                                                        |
| • | Pushback from court to explain and resubmit voucher despite not having requested a very large amount on voucher. Also, one judge does not sign vouchers or motions for several months |
| • | They do not value their time and effort in working a case. Need to show everything.                                                                                                   |
| • | We submit out of court time.                                                                                                                                                          |
| • | Well a lot of times we need to                                                                                                                                                        |

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

|   |                                                                                                                                                                                                                 |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                                                                                                         |
| • | Cameron County juvenile fees are way too low! I often do not include my out of court time because it would take me longer to submit than would be worth in the pay.                                             |
| • | I did so many cases and didn't even submit bc they get hard to calculate.                                                                                                                                       |
| • | Increase pay rates both felony & misdemeanor cases                                                                                                                                                              |
| • | It's not always easy to remember all communications with Clients or family member of Clients. Courts need to be mindful of how often attorneys leave out information spent on these types of out of court time. |
| • | N/A                                                                                                                                                                                                             |
| • | One felony court (138th) has not signed a trial voucher since May. It is still in the judges queue                                                                                                              |
| • | The present voucher for the Juvenile court (Cameron County) is messed up (detailed services section). If make a spelling error need to retype everything.                                                       |
| • | Waiting for approval (judge's) and processing of checks                                                                                                                                                         |
| • | We're not getting paid for work on writs of Habeas Corpus.                                                                                                                                                      |

### **Cameron County's Indigent Defense System**

**Which of the following do you have any feedback?**

|   |                                                                                                                                                              |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically per topic:</b>                                                                                                            |
|   | <i><b>Bail and pretrial release</b></i>                                                                                                                      |
| • | Magistrate should be heard via zoom rather than in person                                                                                                    |
| • | The magistrate Courts are not always following the law on reducing bonds after 15, 30 and 90 days of detention with no ability to afford any amount of bail. |
| • | The time to visit clients in jail should be more than 24 hrs. In 48 hrs. the client has ample time to bond out.                                              |
| • | There is a presumption against bond.                                                                                                                         |

|                                                    |                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Access to and appointment of counsel</i></b> |                                                                                                                                                                                                                                                                                                                                             |
| •                                                  | Attorney rooms are needed in jails and longer hours for visitation.                                                                                                                                                                                                                                                                         |
| •                                                  | Clients get appointed well past the habeas deadline leaving them stuck in jail for unnecessary amount of time                                                                                                                                                                                                                               |
| <b><i>Quality of appointed counsel</i></b>         |                                                                                                                                                                                                                                                                                                                                             |
| •                                                  | If a lawyer has not tried a certain type of case, he should not get that appointment.                                                                                                                                                                                                                                                       |
| <b><i>Discovery</i></b>                            |                                                                                                                                                                                                                                                                                                                                             |
| •                                                  | The Cameron County District Attorney's Office and the Courts need to replace Odyssey as it is glitchy and often fails to process even basic information. Since all discovery is made available via Odyssey, defense attorneys often lose too much time waiting for Odyssey to work properly in order to receive any discovery at all.       |
| •                                                  | The portal system times out and is difficult to use. Encrypted matters are produced we can't access. Thousands of phone calls may be produced without advising what is to be offered so objections can be made.                                                                                                                             |
| <b><i>Pretrial motions practice</i></b>            |                                                                                                                                                                                                                                                                                                                                             |
| •                                                  | Examining Trials need to be held in one central county Magistrate Court rather than forcing defense attorneys to be at the mercy of the municipal courts and their very antiquated methods, which often result in no examining trial being had prior to indictment.                                                                         |
| •                                                  | Sometimes the judges won't give pretrial hearings on Daubert and suppression hearings.                                                                                                                                                                                                                                                      |
| <b><i>Mitigation of punishment</i></b>             |                                                                                                                                                                                                                                                                                                                                             |
| •                                                  | District Attorneys in Cameron County have no care for mitigation of punishment, and often times enhance any and every case where such is applicable in order to strongarm a plea.                                                                                                                                                           |
| •                                                  | Need to be able to hire professionals                                                                                                                                                                                                                                                                                                       |
| •                                                  | Resources for mitigation on non-death capital cases are rarely provided.                                                                                                                                                                                                                                                                    |
| <b><i>Other</i></b>                                |                                                                                                                                                                                                                                                                                                                                             |
| •                                                  | Voucher for Cameron County, Texas. If you file a voucher, client capias. They later show up, the client is given to someone else. if you are lucky to get reassign. When it is time for billing, you have to remind Techshare to include assignment on the Voucher section. if you do a Writ and file for payment. You are out of the case. |

**Do you have any suggestions on how Cameron County can improve their criminal and/or juvenile courts?**

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| • | Dockets are too congested. Courts are scheduling cases effectively                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| • | Eliminate all online hearings and bring all detained clients to court.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| • | Increase the pay for indigent representation to have parity with the percentage of the DA's budget that goes to prosecuting indigent cases. Appointment of lawyers who will try a case.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| • | N/A (2 responses)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| • | <p>Pay more money. Everyone got raises _ County Judges, workers and employees. Court Appointed attorneys still the same</p> <p>it is a joke to pay Juvenile Court appointed attorneys \$50.00 per hearing. In that court It is supposed to start at 1 pm. - She gets on the Bench by 2 and you are stuck there for one case till 5 pm. And you are only allowed to bill \$50.00. In juvenile court, you have to print out your plea paperwork. You have to meet with the Parents and Child to explain everything to them. Negotiations and then a court hearing that goes on and on.</p> <p>Oh, do not forget we have to Pray each day -the beginning of court. Pray at home.</p> |
| • | Pay us better.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| • | <ol style="list-style-type: none"> <li>1. Discovery room established at the Cameron County Jail to review videos with client (at each facility)</li> <li>2. Video chat between client/atty and NOT BILLED TO THE ATTORNEY or inmate.</li> <li>3. Increase the pay for court appointed attorneys</li> <li>4. Allow to do Writ Hearings, file voucher and not be automatically withdrawn from the case.</li> <li>5. have Judge sign vouchers within one week or sooner of being submitted via Techshare.</li> </ol> |
| • | Any form books that might contain changes in the law would be helpful.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| • | By helping attorneys on the wheel have access to further training and CLEs in order to provide a better defense.                                                                                                                                                                                                                                                                                                                                                                                                  |
| • | Educate the county commissioners and the judges. Sue the county for unconstitutional representation.                                                                                                                                                                                                                                                                                                                                                                                                              |

|   |                                                                                                          |
|---|----------------------------------------------------------------------------------------------------------|
| • | Get clients appointed in a timely manner- no one deserves to sit in jail because of a clerical oversight |
| • | Make investigators available for reasonable fees.                                                        |
| • | N/A                                                                                                      |
| • | Newsletters                                                                                              |
| • | Tell Cameron County to pay us better.                                                                    |