



## **Supplement to Galveston County Monitoring Report: Additional Observations on Attorney Qualifications**

### **Part I. Performance Indicators**

TIDC has historically monitored how counties admit attorneys to lists, but not how counties review their performance.<sup>1</sup> TIDC is piloting key performance indicators related to attorney representation—caseloads, investigation, and client contact—to assess counties’ procedures for ensuring effective and ethical representation. For this supplemental report, TIDC relies on counties’ expenditure reports and indigent defense plans, as well as interviews, surveys.

During this pilot period, the following observations about attorney performance are not policy monitoring findings and do not affect TIDC funding. No response is required, though TIDC welcomes feedback.

Since its passage, the Fair Defense Act has required local jurisdictions to review qualifications for attorneys on the appointment list. Under Article 26.04(b)(5) of the Code of Criminal Procedure, counties must adopt procedures that

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

#### *Performance Review*

TIDC reviewed the indigent defense plan for the Galveston County District Courts and County Courts<sup>2</sup> and interviewed local officials and staff to learn about procedures for performance review. The plan lists the minimum qualifications for appointment lists based on charge level, with increasing levels of skill and experience required for more serious cases. The Criminal Courts Board, consisting of county and district court judges hearing criminal cases, meets annually to review whether attorneys should stay on lists. County staff indicated that the annual reviews are not always conducted. The plan requires the indigent defense coordinator forward “any written charges, complaints, or concerns” about list attorneys to the Criminal Courts Board for its consideration. Motions are available in the jail for defendants to request a new attorney by name and are forwarded to the bond and pretrial office on receipt.

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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).

<sup>2</sup> <http://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=291>

## *Caseloads*

Attorneys need to spend enough time on each case to perform their basic duties.<sup>3</sup> TIDC, in partnership with the Public Policy Research Institute at Texas A&M University, studied the maximum number of cases an attorney could handle in a year while providing ethical representation.<sup>4</sup> 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.

Galveston County does not have caseload limits. In FY2021:<sup>5</sup>

- 99 Attorneys were paid for appointments in adult misdemeanor, felony, and juvenile cases.
- The median statewide indigent defense caseload of Galveston County appointed attorneys was about 63% of the guidelines.
- About 9% (9 of 99) of attorneys paid for indigent felony, misdemeanor, or appellate cases in Galveston County had statewide indigent defense caseloads above the Texas caseload guidelines.<sup>6</sup>
- Including non-indigent-defense cases, seven attorneys had total caseloads more than twice the guidelines, and 12 attorneys had caseloads over 1.5 times the guidelines, with one attorney's caseload over 5 times higher than the caseload guidelines.<sup>7</sup>
- During interviews with TIDC, Galveston staff expressed concerns about the limited number of attorneys accepting appointments on criminal cases, especially first- and second-degree felonies.

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<sup>3</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.")

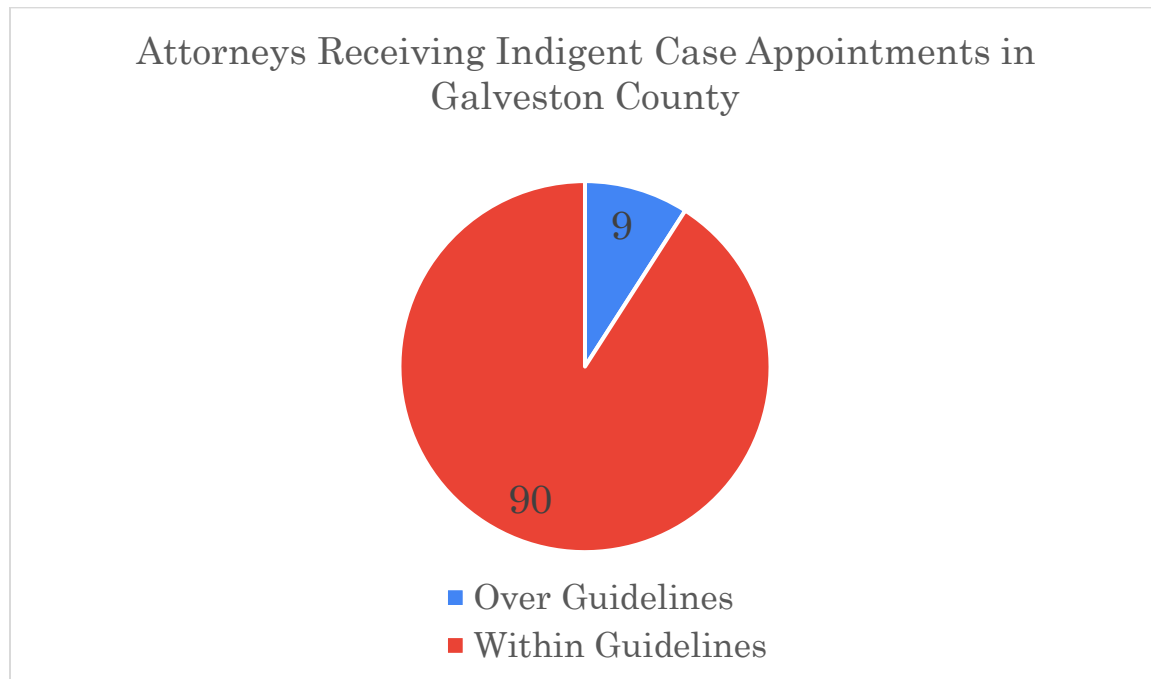
<sup>4</sup> <http://tidc.texas.gov/caseloads>

<sup>5</sup> <http://tidc.tamu.edu/Public.Net/Reports/AttorneyCaseLoad.aspx>

<sup>6</sup> This estimate is from county auditor data, available at <http://tidc.tamu.edu/public.net/Reports/AttorneyCaseLoad.aspx>. This estimate does not include civil appointments or retained cases.

<sup>7</sup> This estimate combines county auditor data with data from attorneys on the percent of their practice time dedicated to indigent defense. TIDC extrapolates the attorneys FULL caseload from the number of reported statewide indigent cases (excluding juvenile and capital cases) and the percentage of practice time each attorney reported is devoted to indigent criminal cases.

## Galveston County FY21 Attorney Statewide Caseloads vs. Texas Guidelines<sup>8</sup>



### *Use of Investigators*

Attorneys have a duty to investigate the facts of each case.<sup>9</sup> That duty, regardless of the client's wish to admit guilt, includes determining whether the charges and sentence are factually and legally correct, and informing the client of potential defenses to the charges.<sup>10</sup> Some investigation can be performed by attorneys.<sup>11</sup> Other investigation requires an investigator, because, for instance, attorneys cannot testify to facts that the attorney has investigated, or because of the need for added capacity or specialization. One response to the attorney survey illustrated the challenge for Galveston practitioners:

Good and seasoned investigators won't get involved. They are GROSSLY underpaid. They do not want the hassle of being underpaid and timely paid.<sup>12</sup>

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<sup>8</sup> This chart reflects statewide appointments to attorneys taking Galveston County appointments.

<sup>9</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

<sup>10</sup> STATE BAR OF TEXAS PERFORMANCE GUIDELINES FOR NON-CAPITAL CRIMINAL DEFENSE REPRESENTATION GUIDELINE 4.1(A).

<sup>11</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 3.08.

<sup>12</sup> Indigent Defense Attorney Survey Results page 11, "Have you had any difficulties receiving adequate funding for investigation?"

TIDC's caseload guidelines recommend that, on average, for misdemeanors, 5.3% of case time (28.5 minutes) is spent on investigator investigation and, for felonies, 7.7% (85.3 minutes).<sup>13</sup>

The Galveston County plan provides for payment for investigators but does not speak to when they should be used. The courts do not track attorneys' use of investigators. In FY2021<sup>14</sup>

- Less than 1% of total misdemeanor expenditures (0.82%, \$3,515 of \$431,281, for 2,627 cases) were for investigators.
- Less than 2% of total felony expenditures (1.46%, \$18,811 of \$1,285,763, for 2,334 cases) were for investigators.
- 64% of attorneys practicing criminal law in Galveston County surveyed by TIDC responded they have never requested an investigator on a misdemeanor, compared to felony cases, where 28% of attorneys said they have never requested an investigator for a felony. Twenty four percent of attorneys request an investigator in 11% to 25% of their felony cases.
- Interviews with attorneys and survey responses highlighted concerns with:
  - Lack of qualified local investigators;
  - Bureaucratic process for getting investigators;
  - Paying for investigators out of their own pocket; and
  - Low compensation rates for appointed investigative work.

### *Client Contact*

Attorneys have a duty to communicate with clients about their case.<sup>15</sup> Attorneys should be in regular contact, especially with clients who are in custody.<sup>16</sup> They should also attempt to contact out-of-custody clients and discuss their cases out-of-court to ensure confidentiality<sup>17</sup> and time to prepare.<sup>18</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 is spent on client communication.<sup>19</sup>

The Galveston County plan requires attorneys to make every reasonable effort to contact clients not later than the end of the first working day after the appointment is

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<sup>13</sup> These recommendations are for cases that do not go to trial. More investigation time is recommended for cases that go to trial.

<sup>14</sup> <http://tidc.tamu.edu/public.net/Reports/CountyFinancialReport.aspx?cid=226&fy=2019>

<sup>15</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>16</sup> *Id.*

<sup>17</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.05.

<sup>18</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

<sup>19</sup> These recommendations are for cases that do not go to trial. More communication time is recommended for cases that go to trial.

received (as required by Code of Criminal Procedure Art. 26.04(j)(4)(1)) and interview the client within 15 days of appointment. In interviews, staff reported that the County tracks attorney visits with detained clients.

### *Summary*

Galveston County's courts do not track attorneys' caseloads; however, they do track visits with detained clients. Many attorneys surveyed and interviewed do not regularly use investigators for their appointed cases and expressed concerns over the lack of qualified local investigators, challenges obtaining court approval, and low compensation paid by courts. The indigent defense coordinator receives and forwards complaints about attorneys' performances to the Criminal Courts Board, which addresses issues raised.

## Part II. Indigent Defense Attorney Survey and Interview Results

In August 2022, TIDC distributed an online survey to Galveston County indigent defense attorneys and received 26 responses. Respondents were self-selected and may not be representative of local views. Full responses are below, alphabetized and numbered. Notable observations included:

- **Investigation.**
  - **In misdemeanor cases, attorneys responded:**
    - 64% never request an investigator
    - 32% said they request an investigator in 1% to 10% of cases;
    - 4% request an investigator in 26% to 50% of cases
  - **In felony cases attorneys responded:**
    - 28% never request an investigator
    - 44% request an investigator in 1% to 10% of cases
    - 24% request an investigator in 11% to 25% of cases
    - 4% request an investigator in over 50% of cases
- **Client Communication.** 76% of attorneys said they can “always” or “often” communicate effectively with clients.
- **Online Courts**
  - Over half of attorneys (54.2%) have represented clients in virtual court hearings in the last year
- **Payment Vouchers.** Most attorneys reported not billing for out-of-court time on misdemeanor cases, and 66.7% said they do not bill for out-of-court time on felony cases. Several attorneys expressed concerns with the current compensation rates for appointed counsel.

## Survey Responses

### ***Background***

1. Which best describes your criminal defense practice?..... 9

### ***Investigation***

9

2. In what percentage of your misdemeanor cases do you request an investigator?9
3. In what percentage of your felony cases do you request an investigator? ..... 10
4. Have you had any difficulties being reimbursed for investigative expenses incurred without prior approval? If yes, please explain. .... 10
5. Have you had any difficulties receiving adequate funding for investigation? [Provided answers: Yes; No; Never requested; Other: Specify] ..... 11

### ***Client Communication***

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6. How often are you able to communicate effectively with detained clients? [Provided answers: Always (Every Case); Often; Sometimes; Rarely; Never (No Cases); Not Applicable]..... 12
7. How often are you able to communicate effectively with clients released in the community? [Provided answers: Always (Every Case); Often; Sometimes; Rarely; Never (No Cases); Not Applicable] ..... 12
8. Where do you most often meet with clients? Select all that apply:..... 13
9. What are your biggest barriers to meeting with clients (both detained and in the community)?..... 13
10. If you have other comments on client communication, please share them here:14

### ***Online Courts***

14

11. Please select the types of hearings in which you have had an online hearing in the last year: (Select all that apply) ..... 14
12. Which aspects of client representation have you performed in one or more online hearings in the last year? (Select all that apply) ..... 15
13. If you have other comments on online courts, and which hearings should or should not be held virtually, please share them here:..... 15

### ***Vouchers***

16

14. When submitting payment vouchers for misdemeanor cases, do you typically include out-of-court time? [Provided answers: Yes; No; Not Applicable]..... 16
15. When submitting payment vouchers for felony cases, do you typically include out-of-court time? [Provided answers: Yes; No; Not Applicable] ..... 16
16. If you don't typically include out-of-court time, why not? ..... 16
17. If you have other comments on payment vouchers, please share them here: ... 17

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

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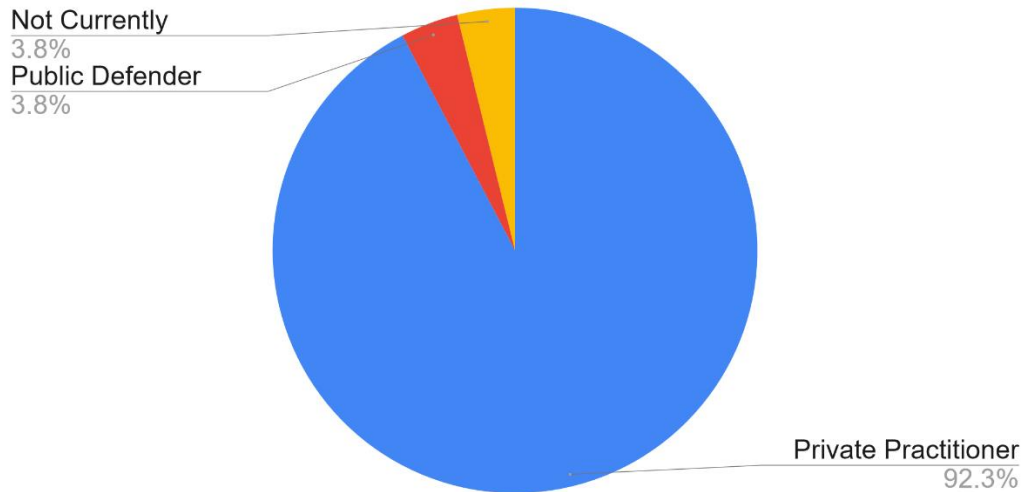
18. What is working well in the County's indigent defense system?..... 18
19. What is not working well in the County's indigent defense system? ..... 18
20. What is working well in the County's juvenile justice system? ..... 19
21. What is not working well in the County's juvenile justice system? ..... 20

|     |                                                                                                                       |    |
|-----|-----------------------------------------------------------------------------------------------------------------------|----|
| 22. | What suggestions do you have for improving the delivery of indigent defense services in the County?.....              | 20 |
| 23. | TIDC provides programs to improve indigent defense. How could TIDC help improve indigent defense in the County? ..... | 21 |

## Background

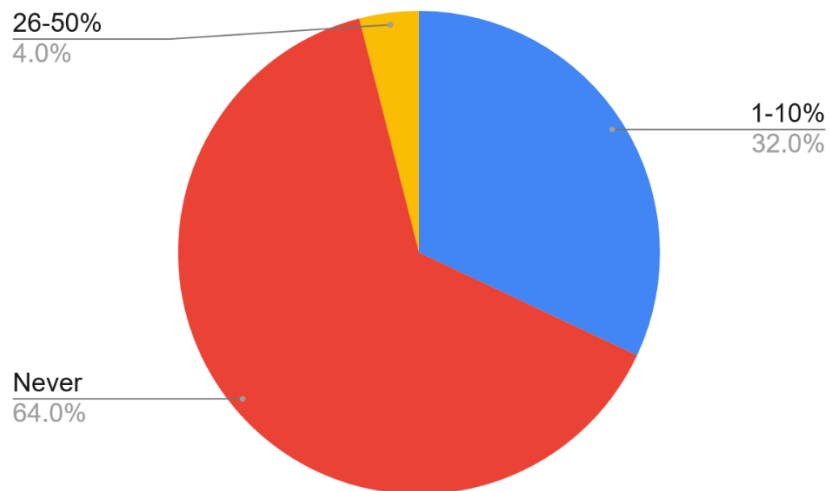
### 1. Which best describes your criminal defense practice?

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

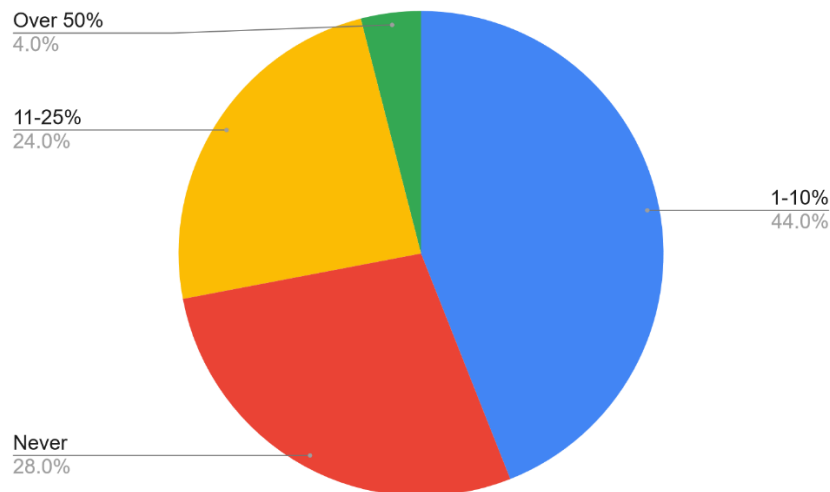


## Investigation

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



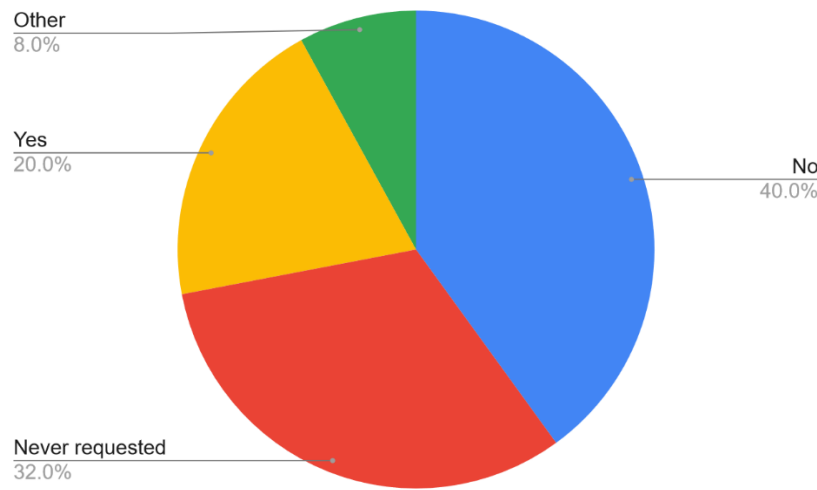
**3. In what percentage of your felony cases do you request an investigator?**



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

| Responses listed alphabetically: |                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| •                                | I always seek prior approval.                                                                                                                                                                                                                                                                                                           |
| •                                | I include receipts with my voucher and a detailed accounting but they are never paid and without explanation. Years ago I stopped wasting my time.                                                                                                                                                                                      |
| •                                | never incurred expense without prior approval                                                                                                                                                                                                                                                                                           |
| •                                | NO                                                                                                                                                                                                                                                                                                                                      |
| •                                | No                                                                                                                                                                                                                                                                                                                                      |
| •                                | No                                                                                                                                                                                                                                                                                                                                      |
| •                                | No                                                                                                                                                                                                                                                                                                                                      |
| •                                | none                                                                                                                                                                                                                                                                                                                                    |
| •                                | One time, a judge wanted me to use the services of another private investigator (whom I did not know, and with whom I have never worked). The judge delayed the approval of my preferred private investigator, holding up the work on the case.                                                                                         |
| •                                | one investigator bill was denied. it was approved by judge but denied by administrative staff. no explanation necessary, I just paid the bill because it was less expensive to pay the bill than to require the investigator to participate in my reimbursement.                                                                        |
| •                                | Yes                                                                                                                                                                                                                                                                                                                                     |
| •                                | Yes. Judges know its reversible error not to appoint one but the money supplied is GROSSLY inadequate. Judges are more worried about lowering their budget to use as a reelection point than seeking the truth. Multiple experienced investigators have removed their names from the list because they can't get paid timely or fairly. |

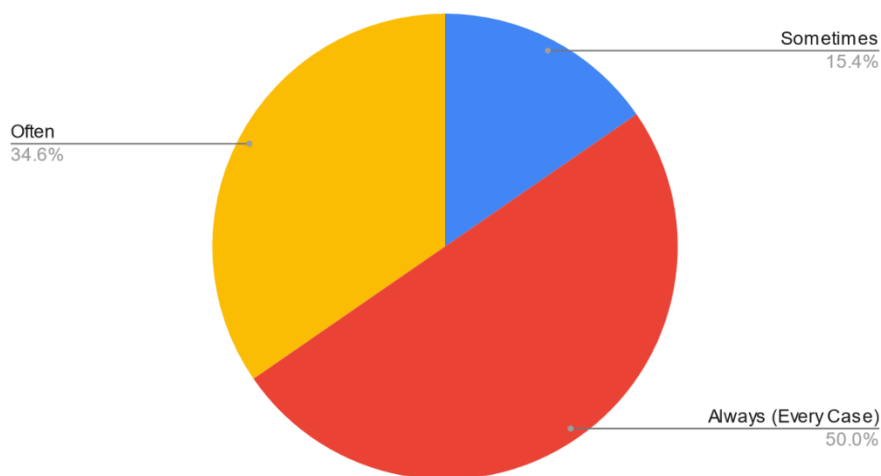
5. Have you had any difficulties receiving adequate funding for investigation? [Provided answers: Yes; No; Never requested; Other: Specify]



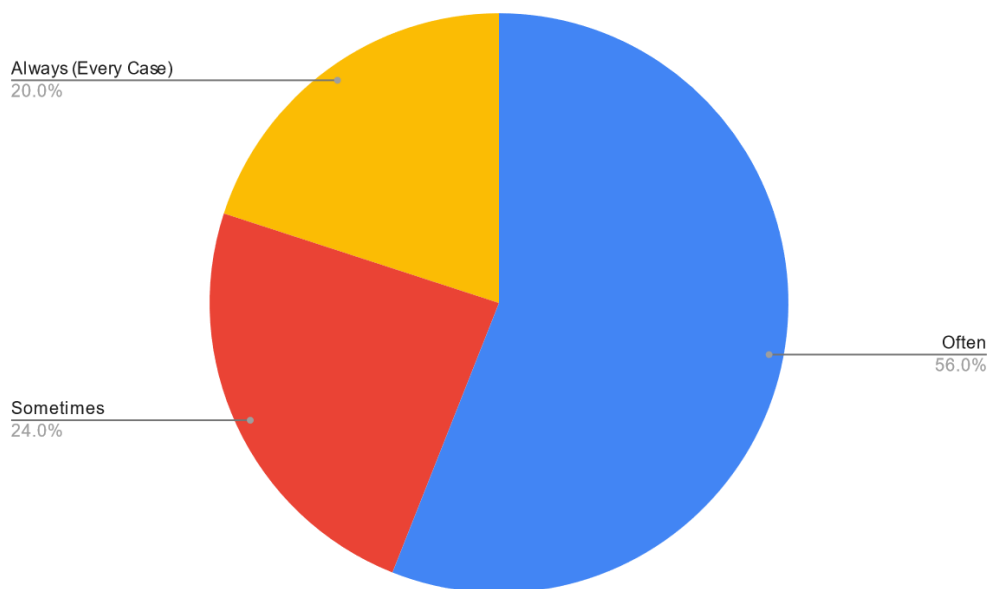
|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>“Other” responses listed alphabetically:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| • | A lot of hassle--have to file a motion and schedule it for hearing; add that to the time required to find one, get him on board and interact with him throughout, etc etc.                                                                                                                                                                                                                                                                                                                                                      |
| • | Except once, my requests have been granted. I wish the initial approval were for a higher amount. Several judges have dropped from 1,500 to 750.                                                                                                                                                                                                                                                                                                                                                                                |
| • | Good and seasoned investigators won't get involved. They're GROSSLY underpaid. They do not want the hassle of being underpaid and timely paid. Research Lonnie Cox in the 56th district court.                                                                                                                                                                                                                                                                                                                                  |
| • | I have not been on the appointment list for very long. The pandemic forced me to seek appointments again. It is always a hassle to secure adequate funds for investigative purposes. One court (21st) even has a police stating that counsel is expected to speak to witnesses and that that is not a proper function of a P.I. That stance is indicative of the courts' attitude towards expending funds in appointed cases. Most judges care a lot more about the bottom line than assuring the defense is adequately funded. |
| • | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| • | Need to be paid more                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| • | Some judges only allow for a small amount and I've been told by the investigator that it's not quite enough.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| • | There are not many and few have real experience.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Client Communication

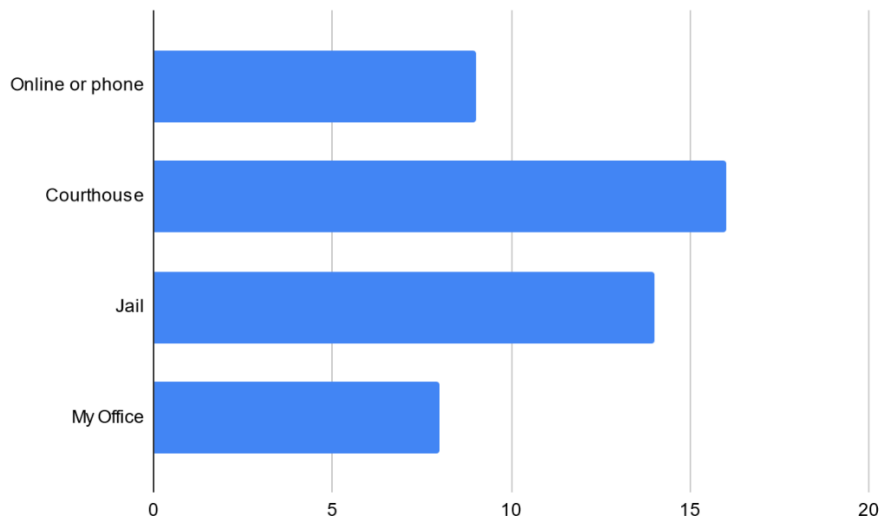
6. How often are you able to communicate effectively with detained clients? [Provided answers: Always (Every Case); Often; Sometimes; Rarely; Never (No Cases); Not Applicable]



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



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



|   |                                                         |
|---|---------------------------------------------------------|
|   | <b>Other Responses listed alphabetically:</b>           |
| • | Most of my bonded clients struggle with transportation. |

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

|   |                                                                                                                                                                          |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                                                                  |
| • | Accessing my clients for face to face visits. There are not enough attorney-client meeting areas in the jail. Having to wait in line to see your client is not uncommon. |
| • | Accuracy of information on their Notice of Appointment— usually have to contact their bondsman                                                                           |
| • | BAD CONTACT INFORMATION                                                                                                                                                  |
| • | client's lack of transportation when client is in the community                                                                                                          |
| • | Communications                                                                                                                                                           |
| • | Constant changing of phone numbers                                                                                                                                       |
| • | covid, separation/lockdown                                                                                                                                               |
| • | Getting a hold of them                                                                                                                                                   |
| • | Having bad phone numbers                                                                                                                                                 |
| • | Having go to jail. Better to come to coury                                                                                                                               |
| • | I normally don't experience barriers to accomplishing the the meeting.                                                                                                   |
| • | Limited space and time to meet. 10 lawyers and 5 rooms etc.                                                                                                              |
| • | Missed Appointments                                                                                                                                                      |
| • | No problem meeting detained clients because I make jail visits in off-hours. Released clients are harder to meet; they prefer by phone.                                  |
| • | scheduling and language barriers                                                                                                                                         |

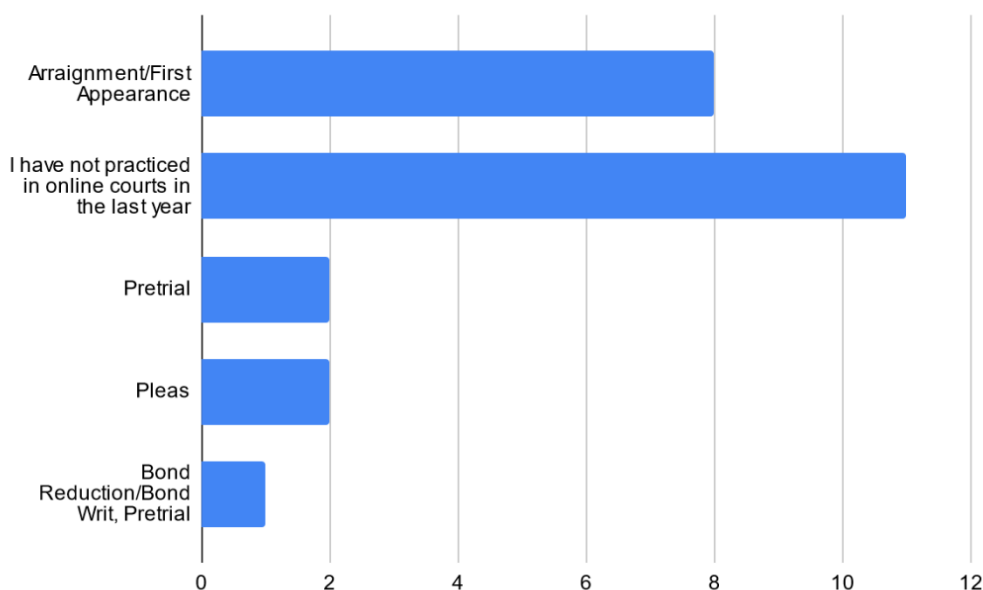
|   |                                                                                 |
|---|---------------------------------------------------------------------------------|
| • | The defendant themselves                                                        |
| • | They have unrealistic expectations and lack patience to review the case.        |
| • | Time                                                                            |
| • | Transportation for bonded clients, and client anxiety for incarcerated clients. |

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

|   |                                                                                                                                                                          |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                                                                  |
| • | Most have mental health and/or addiction issues causing focus problems.                                                                                                  |
| • | Most of my appointments occur after the client has already spoken with the DA and gotten an offer. Most clients do not understand the risk of talking with the DA first. |
| • | No                                                                                                                                                                       |

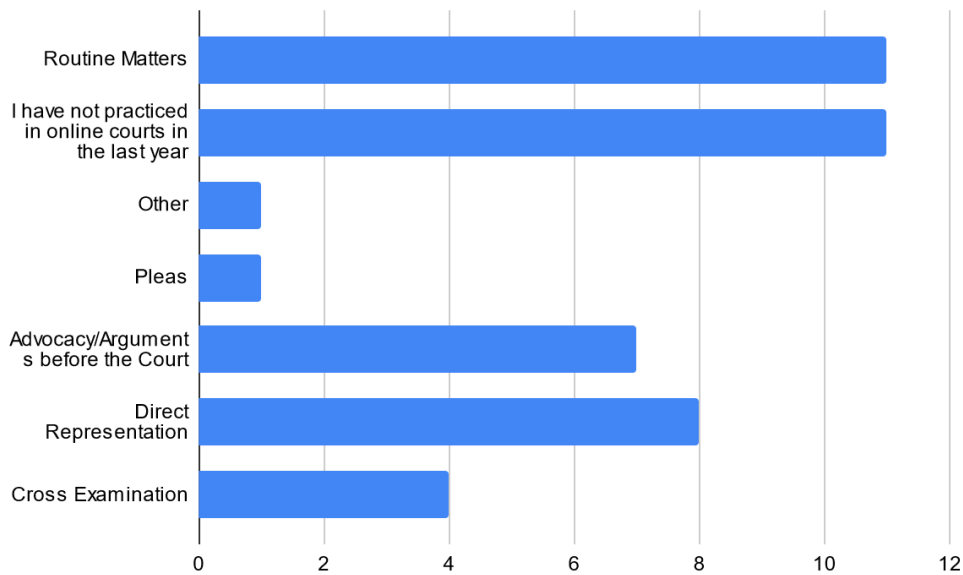
## Online Courts

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



|   |                                                                                                                                           |
|---|-------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Additional comments listed alphabetically:</b>                                                                                         |
| • | Misdemeanor pleas in the jail with the Judge on screen and a glass between my client and the rest of us, prosecutor other lawyers and me. |
| • | There were a few hearings in most of the courts initially, but the number diminished fairly quickly.                                      |
| • | Yea                                                                                                                                       |

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



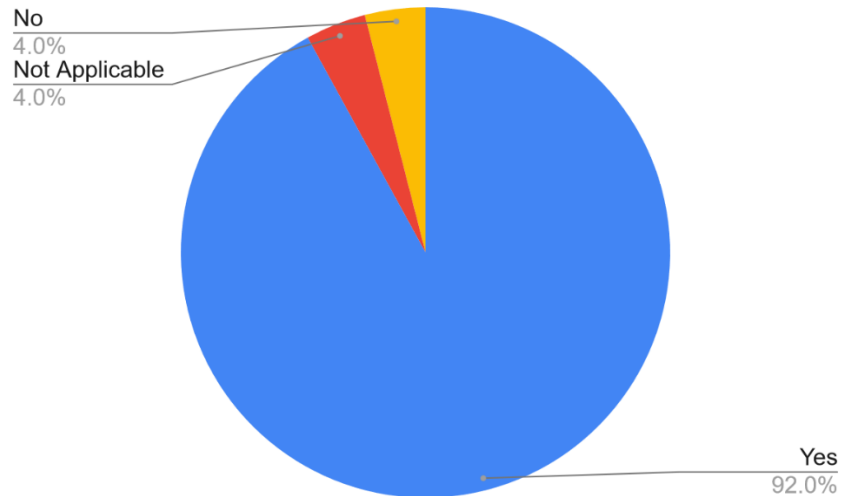
|   |                                                          |
|---|----------------------------------------------------------|
|   | <b>Additional comments listed alphabetically:</b>        |
| • | Criminal matters were answered in the previous question. |

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

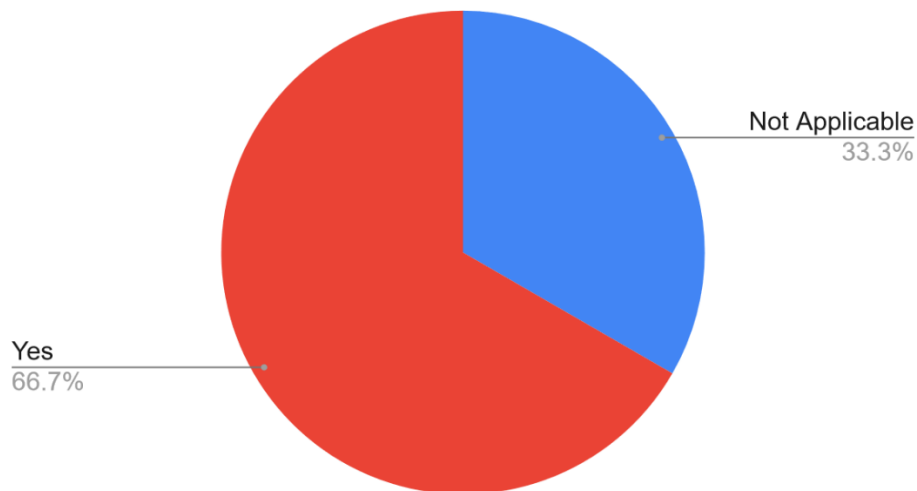
|   |                                                                                                         |
|---|---------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                 |
| • | So far, my misdemeanor incarcerated clients have not complained to me about the Judge appearing online. |
| • | They suck.                                                                                              |
| • | Unless I'm plra                                                                                         |

## Vouchers

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



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



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

|   | Responses listed alphabetically:                                                                                                                                                                                                                                |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • | If the time is for research, and I think that I should be familiar with the subject, I don't include in the submission. Also, I normally don't include most of the voluminous numbers of call that I receive from inquisitive relatives and significant others. |

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

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| • | Galveston County is stingy with appointed counsel: (\$75-\$85) dollars an hour.                                                                                                                                                                                                                                                                                                                                                                                                        |
| • | Galveston doesn't pay enough.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| • | Need a raise                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| • | Once a voucher is approved by the court, it is vetted through several offices, set on a commissioner's court agenda and then mailed by U.S. post. Thus, vouchers are slow to receive. One month from court approval to placing the voucher in the mailbox is the usual, but the largest problem is that one can't track them. One does not know when or if they are processed or mailed.                                                                                               |
| • | Payments are erratic.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| • | The rate is an insult.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| • | There are some judges that cut vouchers. There is no good reason for this and I take offense to it as I am an officer of the court just as they are. I work hard for all of my clients and court-appointed cases do not pay enough. The pay is certainly not compensatory with the amount of work that must be done for an effective representation. On top of the low pay (as Galveston county is one of the lowest around), some Judges still cut vouchers. I believe it's shameful. |
| • | There is no way to know if a voucher was sent, lost or held because of an error.                                                                                                                                                                                                                                                                                                                                                                                                       |
| • | We have not had a raise in years MANYMANY YEARS!!!!!!                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| • | We need a raise                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## Galveston County's Indigent Defense System

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

| Responses listed alphabetically:                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • All, except exceptions                                                                                                                                                                                                                                                                   |
| • appointment notices                                                                                                                                                                                                                                                                      |
| • Appointments                                                                                                                                                                                                                                                                             |
| • Court Administration is responsive to checking on payments.                                                                                                                                                                                                                              |
| • Court staff and judges are wonderful to work with. Generally, attorneys on both sides work together to resolve what we can.                                                                                                                                                              |
| • Good quality indigent representation from attorneys that seem to be very conscious of their duty. Judges that seem to be conscious of the problems associated with delivery of legal services to those needing the services. An efficient and knowledgeable clerical/coordinator system. |
| • I have never had a judge deny me an investigator in a criminal case.                                                                                                                                                                                                                     |
| • I like the email information received about new appointed clients and the online discovery                                                                                                                                                                                               |
| • Judges seem to care                                                                                                                                                                                                                                                                      |
| • People are trying                                                                                                                                                                                                                                                                        |
| • The 212th and the 10th apply the appointment system fairly.                                                                                                                                                                                                                              |
| • The defense attorneys                                                                                                                                                                                                                                                                    |
| • The flexibility in the scheduling of hearings, trials, and jail docket.                                                                                                                                                                                                                  |
| • THE SYSTEM RUNS VERY EFFECTIVELY                                                                                                                                                                                                                                                         |
| • The wheel.                                                                                                                                                                                                                                                                               |
| • the wheel                                                                                                                                                                                                                                                                                |
| • They keep the costs down.                                                                                                                                                                                                                                                                |

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

| Responses listed alphabetically:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • A few things. The DA's office adds time to indigent defense billing because they are mostly unprepared for court, meaning to make an offer, and the case has to be reset again and again. I used to ask for offers before the court date to work it out by the court appearance, but that was considered rude and mostly created hostility with the ADAs. I used to bill an hour for each appearance, but it was crazy to bill 12 hours for a plea. And as for the Austin Toxicology Lab, the backlog is insane. Instead of appearing and resetting because the lab report is not in, I request resets by email for 60 days out, multiple times. I don't bill for that time, though my time includes checking Genetec for the report, sending a couple of emails to the ADA before getting a response (agreement) then email the court and wait for a response and contacting the client with a new court date. That's on me. |
| • Court setting Status Conferences pre-indictment. State has not sent discovery and no info to share with client. Also, PC affidavits not available to Defense                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| • Defense should brought to court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • | lack of response from ADA to both phone calls and emails, frequent turn over in assigned ADA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| • | low pay                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| • | Method of payment— direct deposit, or a debit card, or gusto would be eliminating a huge draw back of the program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| • | OBTAINING DISCOVERY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| • | online meetings with clients in jail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| • | pay is to low                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| • | providing zero updates to defense counsel as to newly assigned ADA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| • | The administration of justice due to a lack of appreciation for criminal defense. The defense bar could also use formal cle classes to teach the basics for aging lawyers who haven't tried a case in awhile.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| • | The 405th, 56th, and 122nd do not appear to be applying the system fairly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| • | the amount being paid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| • | The community needs mental health court to accept a broader group of defendants. Disqualifying facts or criminal history should be considered on a case by case basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| • | The judges                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| • | They keep the costs down to a minimum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| • | Timely payment of attorneys fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| • | Too many clients who are able to afford to pay a bond do not have to. Many clients are able to obtain a mental health bond or a pretrial bond. They are under no obligation to pay anything for their defense although some are clearly able to afford it. I've had felony clients who post bond although I am appointed to their case, re-offend and post bond again. They should have to pay for an attorney. The taxpayers should not have to provide legal defense for most of the people charged, but that is the way it is now. By allowing some many people out on bond takes potential money away from attorneys. No one has to hire an attorney these days.<br>The system of bond review. |
| • | Too slow                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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

|   |                                             |
|---|---------------------------------------------|
|   | <b>Responses listed alphabetically:</b>     |
| • | Judge moves cases                           |
| • | N/A                                         |
| • | n/a                                         |
| • | NA                                          |
| • | Not applicable. I don't take juvenile case. |
| • | notice and access to ADA's                  |
| • | only do retained here                       |
| • | People actually try to save the juveniles   |
| • | quick discovery                             |
| • | The facility is workable                    |

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

| Responses listed alphabetically:                   |
|----------------------------------------------------|
| • Availability of funds for alternate dispositions |
| • Better working with da                           |
| • CPS participation                                |
| • N/A                                              |
| • n/a                                              |
| • NA                                               |
| • Not applicable.                                  |
| • The clerk had too much power                     |
| • the pay                                          |

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

| Responses listed alphabetically:                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • Bail bonds step up on keeping track of their clients.                                                                                                                                                                                                                                                                                      |
| • Get da to work there cases fasyet                                                                                                                                                                                                                                                                                                          |
| • HIGHER PAYMENT                                                                                                                                                                                                                                                                                                                             |
| • I think the calls from the jail should be free and privileged for attorneys. I also think we should be able to visit them on the jail monitors remotely, without having to be in the lobby of the jail.                                                                                                                                    |
| • I would like available resources for food and water so our clients are not so hungry they can't participate in their defense or make good decisions. I would like to see resources for housing, court clothing and public transportation. I would also like access to a calm room or maybe pet a service animal.                           |
| • I would like to see a more thoughtful (Read into this, restrictive) notification of mental problems believed to be suffered by defendants.                                                                                                                                                                                                 |
| • I would like to see indigent defendants who cannot make bail in Galveston County have the same options that defendants who make bail have. Defendants who cannot make bail are not offered probation or PTIP in their cases. That would be the one thing I would truly like the County to give as an option to those who cannot make bail. |
| • online meetings with detained clients                                                                                                                                                                                                                                                                                                      |
| • Pay appointed counsel a better wage. It will improve the quality of representation by drawing in new, better, attorneys, and motivating those already on the list.                                                                                                                                                                         |
| • Stated above                                                                                                                                                                                                                                                                                                                               |
| • Take the power to reduce fees from the judges and have a fair scale. make it independent from the courts                                                                                                                                                                                                                                   |
| • The courts have to understand that even if "the guy is clearly guilty and needs to take a plea," it still takes time to adequately fulfill a lawyer's duty to the client.                                                                                                                                                                  |
| • Timely discovery from the District Attorney. Plea offers pre-indictment or even timely post-indictment. Too many resets for the State to make an offer or size up case.                                                                                                                                                                    |
| • Timely payment of attorney fees                                                                                                                                                                                                                                                                                                            |

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

|   |                                                                                                                                     |
|---|-------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Responses listed alphabetically:</b>                                                                                             |
| • | fund online meetings with detained clients                                                                                          |
| • | I would like to see training for all judges and lawyers in the effects of trauma on decision making, common triggers and treatment. |
| • | increase the attorney pay                                                                                                           |
| • | Meeting each other mire                                                                                                             |
| • | Move cases                                                                                                                          |
| • | No idea they had anything to offer.                                                                                                 |
| • | none                                                                                                                                |
| • | Send the judges a wage survey.                                                                                                      |
| • | Timely payment of attorney fees                                                                                                     |