



May 18, 2022

Mr. Joel Lieurance  
Senior Policy Monitor  
Texas Indigent Defense Commission

Written Response to TIDC's Finding 3 for Juvenile Cases (set out on pages 15 and 16 of the Policy Report)

Dear Mr. Lieurance:

*TIDC's Policy Report Finding 3 for Juvenile Cases*, sets forth the challenges faced by Tom Green, and other counties across Texas – a lack of qualified and available attorneys to represent indigent parties. TGC's Juvenile System uses a rotation method to assign qualified attorneys that are willing to represent juvenile offenders. Unfortunately, this pool of qualified attorneys has become smaller over the years, due to retirement, death and fewer attorneys willing to take appointments.

An additional challenge in appointing attorneys in juvenile cases is that a qualified attorney who agrees to accept a new juvenile case, must also be available to represent that juvenile in a detention hearing, scheduled for that same day. This means that all attorneys who represent juveniles must not only be qualified and willing to take juvenile appointments, but the attorney must also be *available* for the same-day detention hearing. Hence, due to these challenges TGC has a very limited pool of attorneys who are qualified, willing and available to take a juvenile case on a moment's notice.

In an attempt to address these challenges, TGC has worked with TIDC to open the Concho Valley Public Defenders Office. This office will represent adult and juvenile offenders. Additionally, TGC has had some new attorneys appointed to the list. TGC hopes that by gaining new attorneys on the juvenile appointment list, in combination with the opening of the Concho Valley Public Defenders Office tentatively in three weeks on June 6th, new avenues of qualified, willing and available counsel will be present, which were not previously available to us in 2019.

Best regards,

Judge Stephen C. Floyd

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## Initial Response from Tom Green County Misdemeanor Courts 5/18/22

The Tom Green County Court at Law #1 and #2's initial response to Findings 1 and 2 on page 15 of the fiscal monitoring report will be to ensure that requests for counsel are either granted or denied within the 3 working days.

In the past some individuals would fail to properly complete the form requesting attorney or fail to provide any supporting documentation regarding their financial status and their applications would be held open while they were instructed to provide more information. For those individuals who fail to properly complete the form requesting attorney completely or fail to provide documentation, the request will now be denied within 3 working days and the individual will be informed of the necessary steps to follow to resubmit their request.

For individuals who submit a request for counsel prior to arraignment and, after arraignment inform the Court of their desire to withdraw the request and sign a waiver of attorney, those applications will be noted as denied and included in the file. This should provide the paper trail showing an informed waiver of counsel according to statute.

All participants in the process of taking and reviewing the applications will be instructed to continue to move the requests through the system as quickly as possible so as to provide counsel to those who qualify within 3 working days.

Judge Ben Nolen  
Tom Green County Court at Law