



Potter 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.¹ TIDC is piloting an additional monitoring component measuring 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.

Part I. Performance Indicators

Performance Review

TIDC reviewed the indigent defense plans (ID Plan) for the Potter County District Courts and County Courts² and interviewed local officials and staff to learn about oversight procedures. On December 12, 2022, Potter County celebrated the opening of the Potter & Armstrong County Public Defender/Managed Assigned Counsel office (PD and MAC office) and the County’s ID plan was updated to incorporate the operation plans for both offices.³ The PD and MAC offices were designed to provide a level of

¹ Attorney qualifications for appointment lists are one of six core Fair Defense Act requirements that TIDC monitors. 1 TEX. ADMIN. CODE § 174.28(c)(3).

² District and County Court Plan : <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=642>

³Potter & Armstrong County Public Defender, Policies and Procedures Manual:
<https://tidc.tamu.edu/IDPlanDocuments/Armstrong/Armstrong%20Potter%20District%20and%20County%20Court%20Public%20Defender%20Plan%20or%20Proposal.pdf>

oversight and quality control not obtainable under the previous assigned counsel system. The Potter MAC office manages felony and misdemeanor appointments in Potter and Armstrong Counties.⁴ Juvenile appointments for those counties are managed by the Juvenile Courts and Juvenile Board.⁵

The MAC established the minimum attorney qualifications which are part of its plan of operation and are also listed in the ID Plan,⁶ minimum qualifications for appointment lists are based on charge level, with increasing levels of skill and experience required for more serious cases. The panel has one misdemeanor level, three felony levels, an appeals panel, and a mental health designation. In addition, panel attorneys must complete a minimum of ten requirements, including completing 10 hours of criminal CLE annually.⁷ For cases not assigned to the PD Office, the MAC ensures cases are assigned on a rotating basis amongst qualified attorneys based on offense level.⁸ They closely monitor attorney caseloads to prevent excess caseloads or any perception of favoritism. An attorney may be removed or suspended as appropriate by the Judge presiding over the case or by the Director of the MAC Office.

Under the ID plan, the PD Office is appointed to all felony cases unless good cause exists to appoint private counsel.⁹ If there is an accompanying misdemeanor, the PD Office is also appointed to that case. If a co-defendant requests appointment of counsel and is indigent, the MAC appoints a panel attorney. In misdemeanor cases, panel attorneys are appointed unless good cause exists to appoint the PD Office. The MAC appoints a panel attorney from among the next five names on the misdemeanor appointment list, unless the court or MAC Director makes a finding of good cause on the record of why an attorney should be appointed out of order. The MAC Director also has discretion to appoint MAC Office fellowship attorneys in accordance with the standards set forth in the ID Plan.

Juvenile appointments are managed by Potter County Juvenile Courts and Juvenile Board, not the MAC. The Potter Juvenile Board Plan lists the minimum qualifications for taking juvenile appointments and additional requirements for more serious cases.¹⁰ The Juvenile Plan requires the attorney whose name is first on the list be appointed, unless the court makes a finding of good cause on the record for appointing an attorney out of order. The Juvenile Board is charged with monitoring attorney performance and assuring the competency of attorneys on the list. The Juvenile Plan

⁴ District and County Court Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=642>

⁵ Potter Juvenile Board Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=644>

⁶ Armstrong Potter District and County Court Managed Assigned Counsel Plan of Operation, Page 10.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Potter Juvenile Board Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=644>

provides for attorneys to be removed or suspended, as appropriate, from one or more appointment lists by a majority vote of the Judges.

Caseloads

To perform their basic duties, attorneys need sufficient time and resources.¹¹ 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 attorney could represent per year¹² 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. The PD and MAC Office Plan of Operations limits the caseloads of public defenders and panel attorneys to a maximum of 138 felony cases, 239 misdemeanor cases, 200 juvenile cases, or any weighted combination of the three. Further, attorneys are encouraged to notify the Chief Public Defender and MAC Director¹³ if they feel that their caseload is unmanageable at the current level. This policy highlights the program's focus on quality representation and dedication to ensuring that attorney effectiveness is not compromised by high caseloads.

TIDC examined FY23 appointed attorney caseloads in Potter County as well as all other counties the attorney accepted cases. Sixty panel attorneys disposed of felony, misdemeanor, juvenile, and appellate cases. Of these, 73% had cumulative appointed caseloads below TIDC Guidelines, 27% had caseloads above the guidelines, and 7% had appointed caseloads more than 150% above the guidelines.¹⁴ When the attorneys' non-appointed work is included, 40% had caseloads above the guidelines, and 27% had caseloads more than 150% above guidelines.¹⁵ While the majority of attorneys appeared to have reasonable caseloads, some attorney's caseloads were well above the state guidelines.

¹¹ 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.")

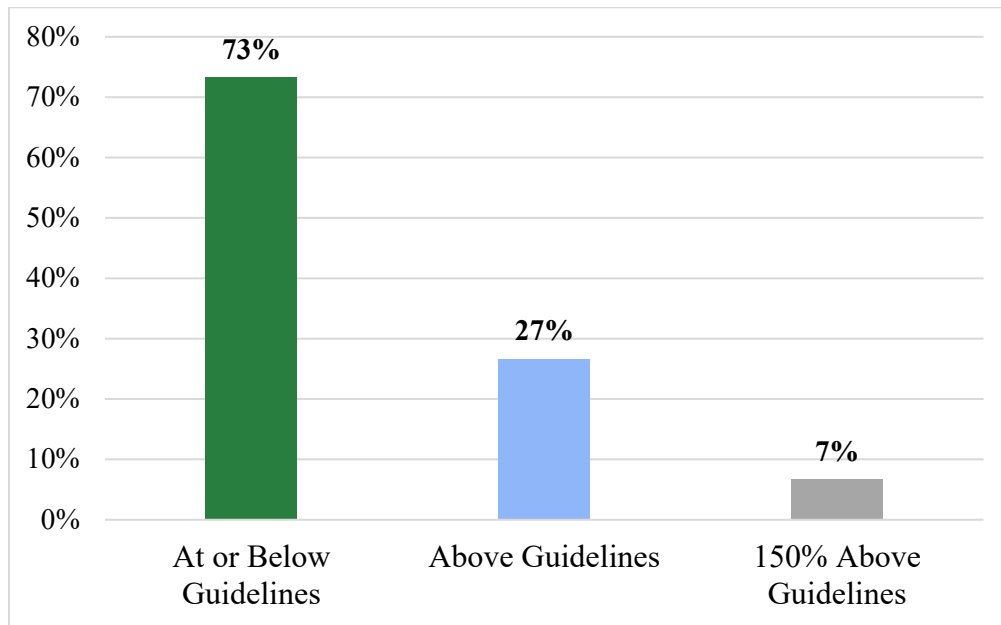
¹² <http://tidc.texas.gov/caseloads>

¹³ Potter & Armstrong County Public Defender, Policies and Procedures Manual: <https://tidc.tamu.edu/IDPlanDocuments/Armstrong/Armstrong%20Potter%20District%20and%20County%20Court%20Public%20Defender%20Plan%20or%20Proposal.pdf> and Armstrong Potter District and County Court Managed Assigned Counsel Plan of Operation, page 14.

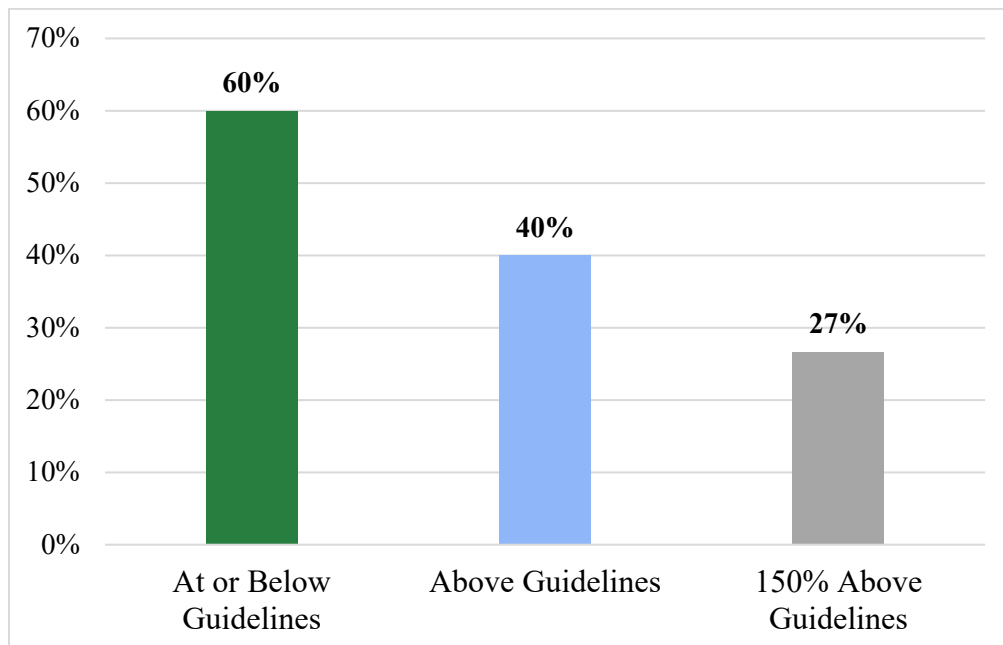
¹⁴ This calculation uses statewide appointed cases paid as reported by county auditors. It does not factor capital or juvenile appointments, civil appointments, or retained cases.

¹⁵ 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.

**Potter County Attorneys' FY23 Statewide Appointed
Caseloads vs. Texas Guidelines**



**Potter County Attorneys' FY23 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.¹⁶ 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.¹⁷ Some investigation can be performed by attorneys, other matters require that a separate individual conduct the investigation. For example, an attorney cannot testify to facts that the attorney has investigated.¹⁸ 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.¹⁹ One method of evaluating investigator utilization is examining the amount paid to investigators for indigent defense investigations.

In FY2023 Potter County's MAC and juvenile investigator expenses were:²⁰

- 0% of misdemeanor costs (0%, 0 of \$395,747.30)
- 1.6% of felony expenses (1.6%, \$18,931.00 of \$1,164,018.70)
- 0% of juvenile payments (0%, \$0 of \$145,740.00)

The PD Office and MAC strongly encourage the use of investigators and expert witnesses throughout the duration of a case.²¹ The PD office is planning to employ in-house investigators to assist attorneys in felony and misdemeanor cases, but the FY23 Expenditure report reflects they had not yet hired any investigators. Since then, the PD Office hired two staff investigators in March 2024. TIDC encourages judges, the MAC program, and attorneys to increase investigator utilization.

¹⁶ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

¹⁷ STATE BAR OF TEXAS PERFORMANCE GUIDELINES FOR NON-CAPITAL CRIMINAL DEFENSE REPRESENTATION GUIDELINE 4.1(A).

¹⁸ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 3.08.

¹⁹ These recommendations are for cases that do not go to trial. More investigation time is recommended for cases that go to trial.

²⁰ Potter County FY2023 Indigent Defense Expenditure Report:
https://tidc.tamu.edu/ExpenditureReport2/FGExpenditureReport.asp?County_ID=188&FiscalYear=2023

²¹ Potter & Armstrong County Public Defender, Policies and Procedures Manual:
<https://tidc.tamu.edu/IDPlanDocuments/Armstrong/Armstrong%20Potter%20District%20and%20County%20Court%20Public%20Defender%20Plan%20or%20Proposal.pdf> and Armstrong Potter District and County Court Managed Assigned Counsel Plan of Operation, page 19.

Client Contact

Attorneys have a duty to communicate with clients about their cases.²² Attorneys should be in regular contact, especially when clients are in custody.²³ They should attempt to contact out-of-custody clients and discuss their cases outside of court to ensure confidentiality²⁴ and sufficient time to prepare.²⁵ 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.²⁶

The Potter County plan requires 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; and interview the defendant as soon as practicable thereafter, but no later than seven working days after appointment. The MAC office tracks attorney initial contact by including the initial contact date on the payment voucher form.

The Potter/Armstrong MAC Director is charged with reviewing and responding to complaints. The MAC Director has direct access to complaints from detained clients submitted through the jail's iPad system. After receiving a complaint, the Director contacts the assigned attorney and sets a date for the attorney to contact their client, as necessary. When a complaint indicates the lawyer has not had any contact with a detained client, the MAC Director will review jail visitation logs, and remove the attorney from the case for meritorious and substantiated complaints.

Summary

Potter County's continued support of the PD and MAC Office, provides attorneys needed support, oversight, and access to vital resources to provide effective assistance of counsel. The Potter/Armstrong MAC has taken responsibility for monitoring attorney qualifications and ensuring attorney access to investigative and mental health resources throughout the pendency of their cases. The MAC has taken a proactive role in ensuring the attorneys taking appointed cases are trained and qualified to provide quality representation. The MAC attempts to ensure attorneys taking appointments promptly meet with clients by monitoring initial client meetings and reviewing client complaints. Attorney caseloads are also managed to ensure they are manageable. As to investigation, guidelines recommend allocating between 5% and 7% of case work on investigation, the County's MAC program currently spends 0% of its misdemeanors and

²² 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.

²³ *Id.*

²⁴ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.05.

²⁵ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

²⁶ These recommendations are for cases that do not go to trial. More communication time is recommended for cases that go to trial.

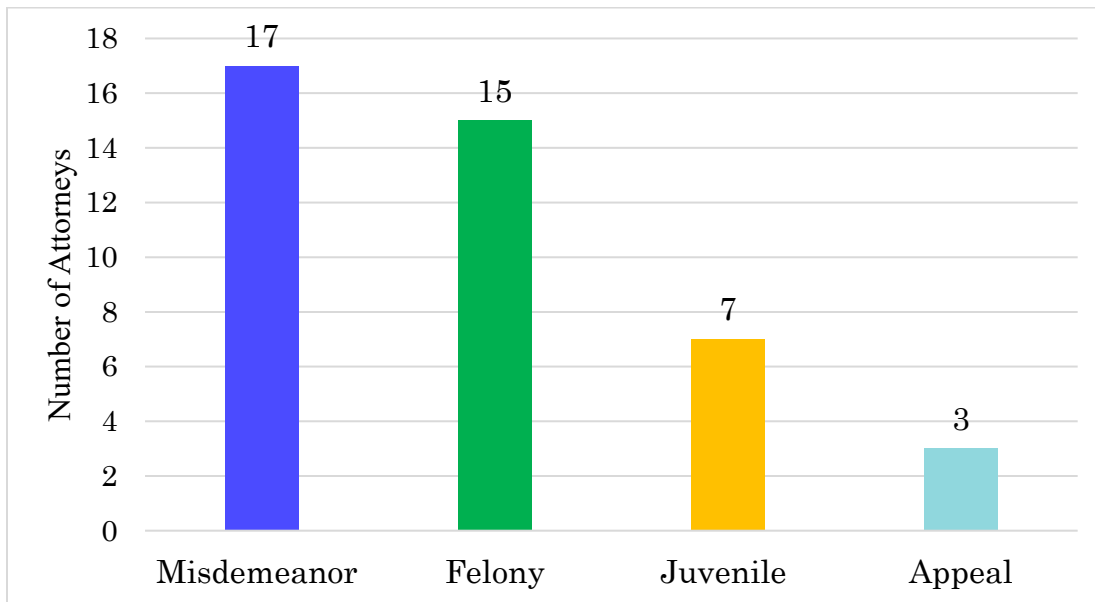
1.6% of its felony indigent defense budget on criminal defense investigation. The PD Office has increased investigation use for their staff attorneys since the hiring of two full staff investigators.

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

In May 2024, TIDC distributed an online survey to Potter County indigent defense attorneys and received 20 responses. The survey addressed topics including the use of investigators and online courts, client communication, mental health resources, and general indigent defense system feedback. 71% (n=12) identify as “Private Practitioners appointed” with 29% of respondents (n=5) identifying as “Public Defender.” The findings in this sample may not be generalizable, or representative of all indigent defense attorneys practicing in the county, but the sample does help give an initial understanding of practices of indigent defense attorneys in Potter County.

The survey asked what types of appointed cases attorneys take in Potter County. A majority of the attorneys handle misdemeanor (n=17) and felonies (n=15) (See chart below).

Types of Indigent Cases Attorneys Handle in Potter County

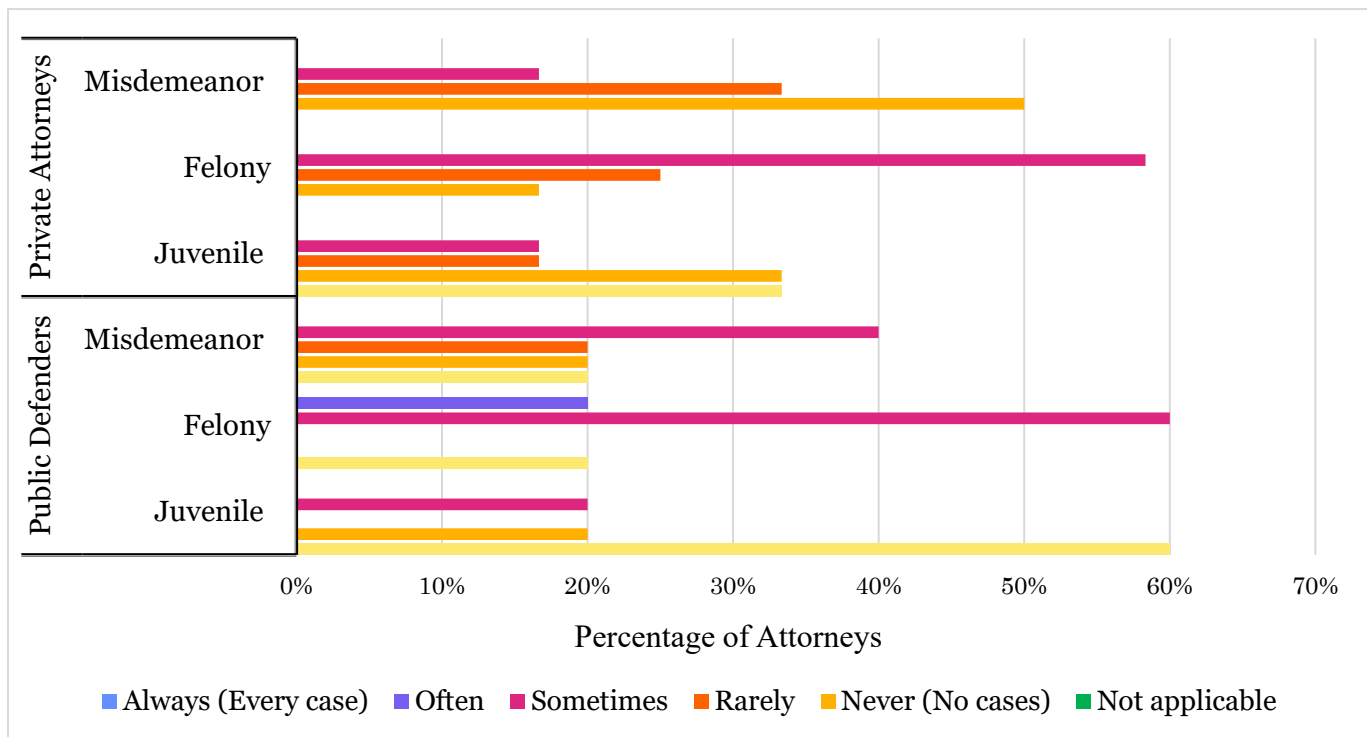


The attorneys in Potter County are not only taking cases in Potter, but 88% (n=15) of the attorneys stated they handle cases in other counties, while only 12% (n=2) do not. When asked the average time spent traveling from their office to case specific work in other counties, the average reported time was 32% of billable time.

The Use of Investigators

Several questions addressed the use of and funding for investigation in Potter County. The survey asked questions regarding the frequency of use of investigators in the county in misdemeanor, felony, and juvenile cases (See graph below). We also separated the responses from the five public defenders who responded, as they now have investigators on staff.

Frequency of Investigator Use by Case Type

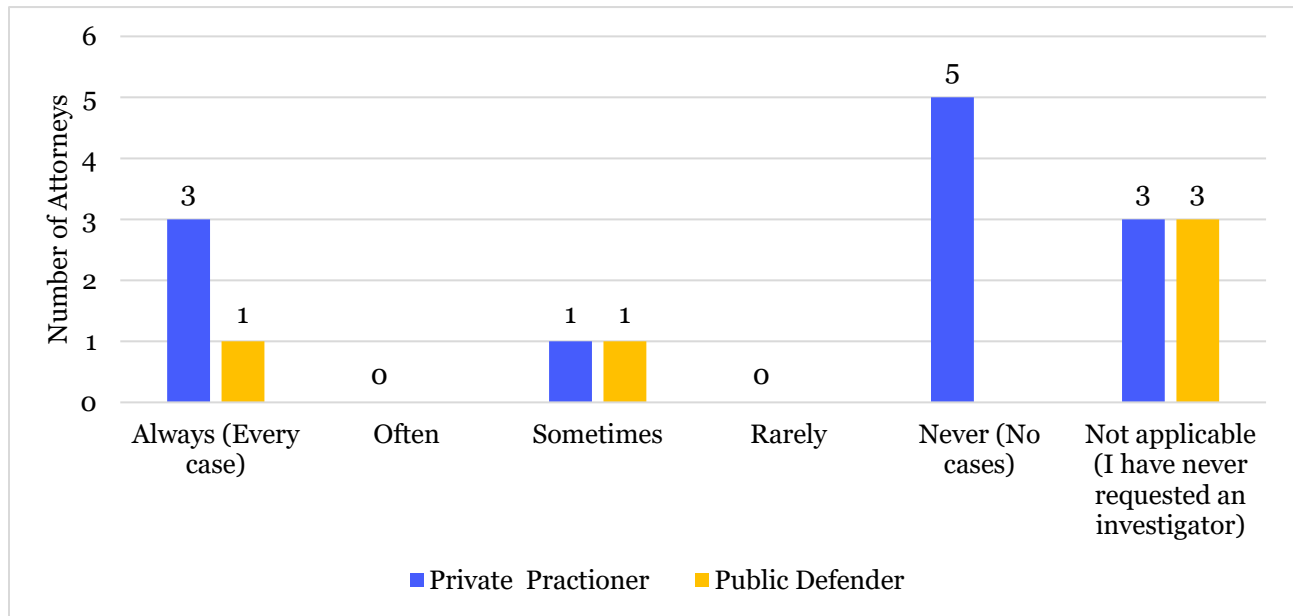


In **misdemeanor cases**, 50% of the private attorneys (n=6) reported never using an investigator, while 40% (n=2) reported sometimes using an investigator. In **felony cases**, the largest group of private attorneys (n=7) and public defenders (n=3) both reported using an investigator sometimes. While in **juvenile cases**, 33% of private attorneys (n=4) reported never using an investigator and it was not applicable, the second highest (n=2) reported using an investigator sometimes and rarely. Most of the public defenders responded (n=3) responded as not applicable as most of them do not take juvenile cases.

Additionally, the survey asked defense attorneys about whether the court reimburses investigative expenses incurred without prior approval. 47% of attorneys answered “unknown”, 35% said no and 18% said yes. They were also asked how often they were reimbursed for investigative expenses incurred without prior approval. Most of the private attorneys (n=5) said never (no cases), while most of the public defenders

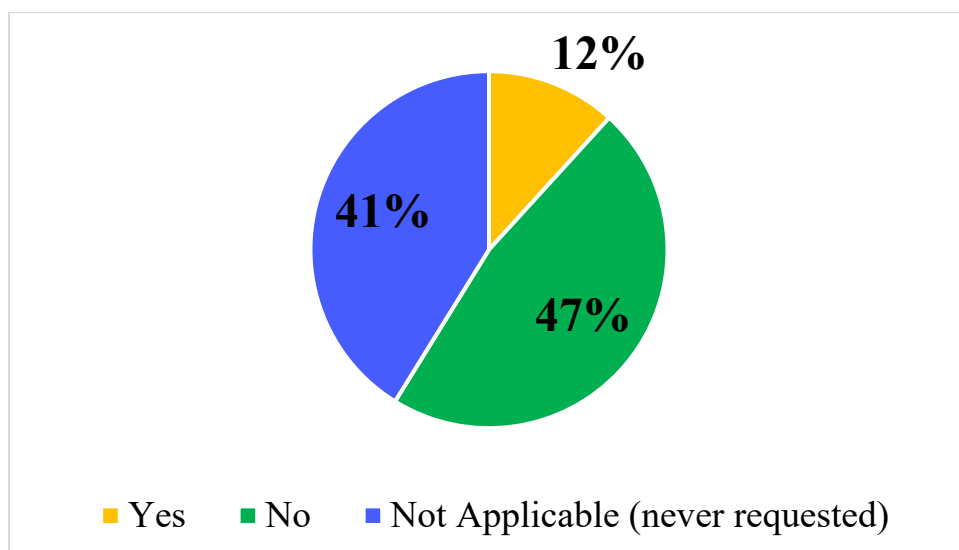
(n=3) stated it was not applicable (I have never requested an investigator) (See chart below).

Frequency of Reimbursement for Investigative Expenses Incurred Without Prior Approval



When asked if they have had any difficulties receiving adequate funding for investigators 47% of attorneys said no (n=8).

Attorneys Who Report Having Difficulty Receiving Adequate Funding for Investigators

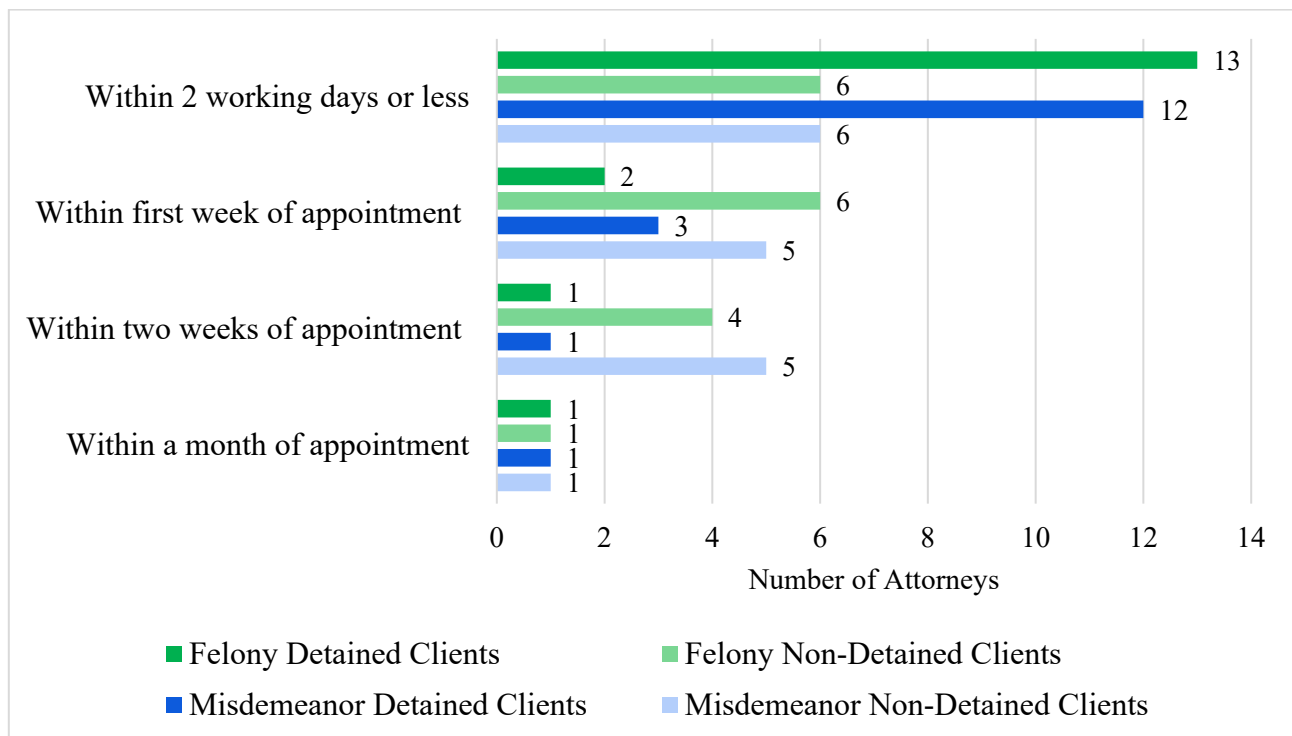


47% of attorneys (n=8) believe investigation use should be increased, while 53% do not. Comments reflect why investigation is important. An attorney stated, “More investigation should be used in order to properly explore all avenues of a fair and adequate defense.” But attorneys also acknowledge, “I think it's often overlooked as a real option and should be discussed more”. Given the low amount of investigation currently being used in the by MAC attorneys and the high number of attorneys who stated they have never requested an investigator, TIDC encourages the MAC to have more training on the importance of investigators and how they can request investigators with the MAC.

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 most attorneys meet with their felony detained clients (n=13) and misdemeanor detained clients (n=12) within 2 working days or less.

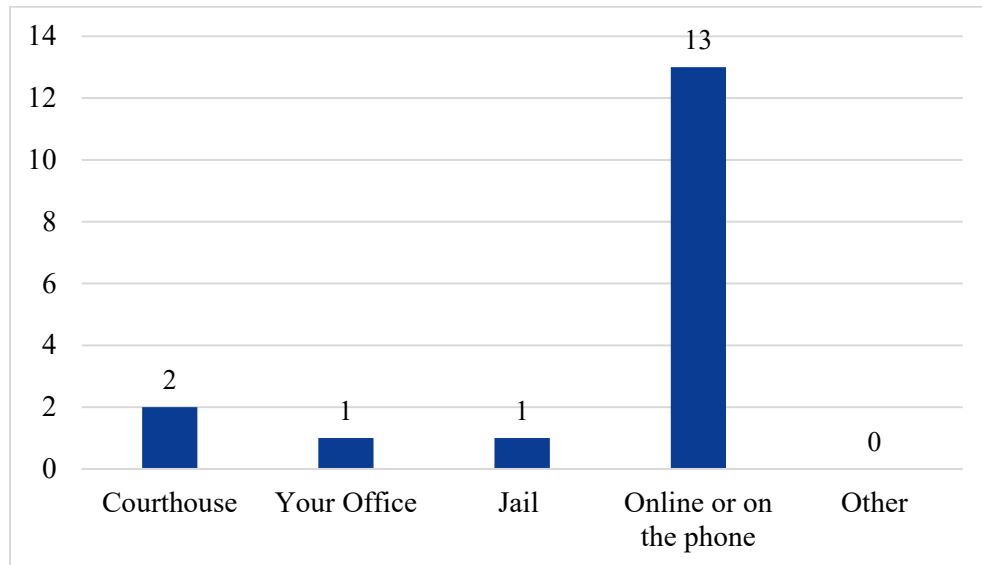
How Soon After Appointment Attorneys Meet With Detained and Released Clients by Case Type



The survey asked where attorneys met with clients (See chart below). Overall, the most frequent response for attorney-client meeting locations was online or on the phone, followed by courthouse, their office, and jail. The survey asked respondents to share the biggest barriers to meeting with clients (both detained and released). Their

direct responses are shared at the end of the report. Several attorneys highlighted one of the difficulties they have experienced meeting with non-detained clients is “their phone numbers change extremely often or don’t stay in service for very long.” Two attorneys mentioned sometimes having language barriers with clients.

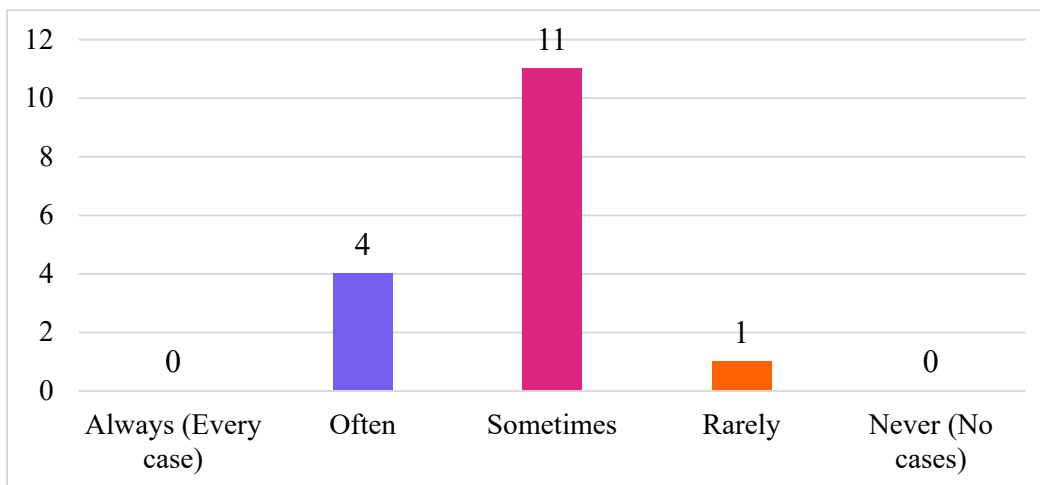
Location of Client Meetings



Mental Health Clients

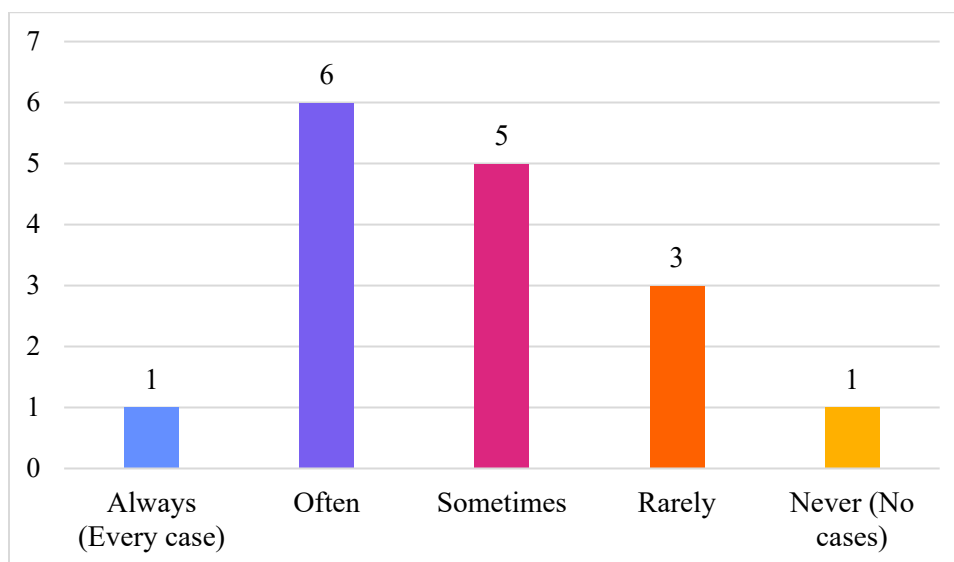
The survey asked attorneys about their experiences representing clients with mental health issues. The first inquiry focused on the frequency of appointed clients with mental health issues that impact a case. Overall, the largest groups of attorneys (n=11) stated their clients “sometimes” have serious mental health issues (See chart below).

Frequency of Appointed Clients with Mental Health Issues



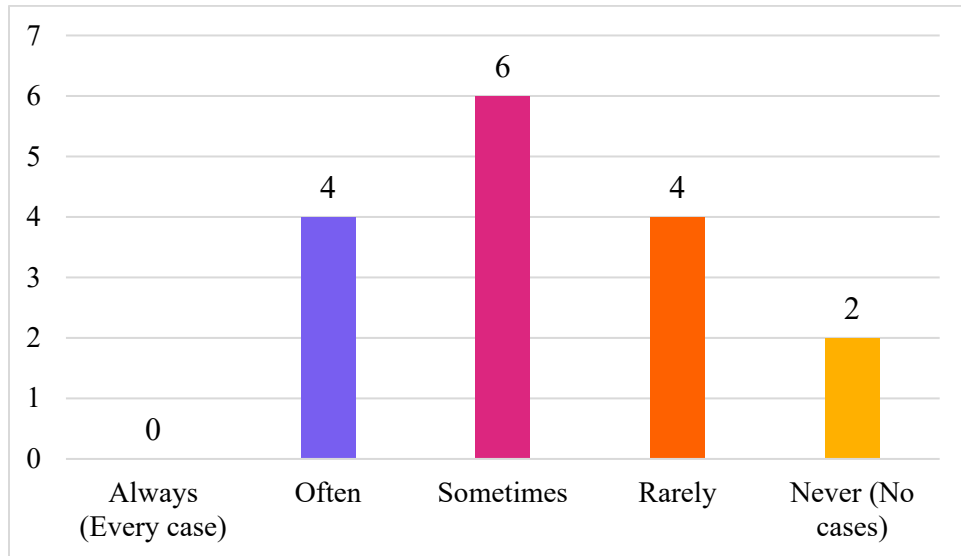
The survey next asked attorneys how often, for appointed clients, they receive Code of Criminal Procedure Article 16.22 mental health information after an evaluation is conducted. Most of the attorneys (n=6) reported receiving Article 16.22 information “often” (See chart below). It is important to note the MAC has a separate Mental Health Wheel composed of attorneys who apply and qualify to take mental health appointments. This may influence panel attorneys’ responses especially for the attorneys not on that specific wheel.

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



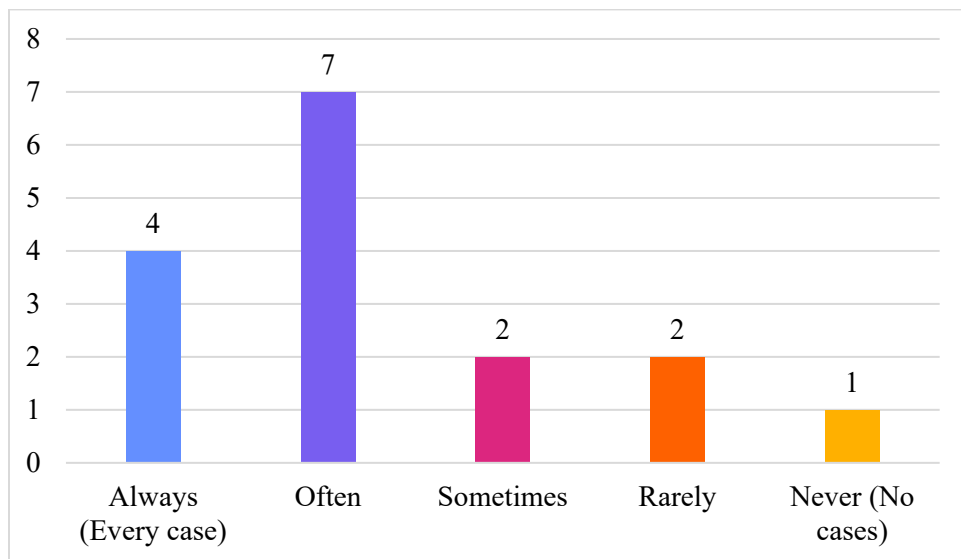
Attorney responses regarding successfully obtaining personal bonds for detained clients with mental health issues were mixed (See chart below). The largest category being “sometimes” (n=6).

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



The survey asked attorneys how often they requested appointed clients with serious mental health conditions be examined for competency to stand trial. 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. The PD's office has mental health case workers on staff which has helped attorneys immensely, however, panel attorneys do not always have this resource. Many attorneys who take juvenile cases think services are adequate, while a few suggested more mental health providers are needed. Services which attorneys identified that could benefit clients include:

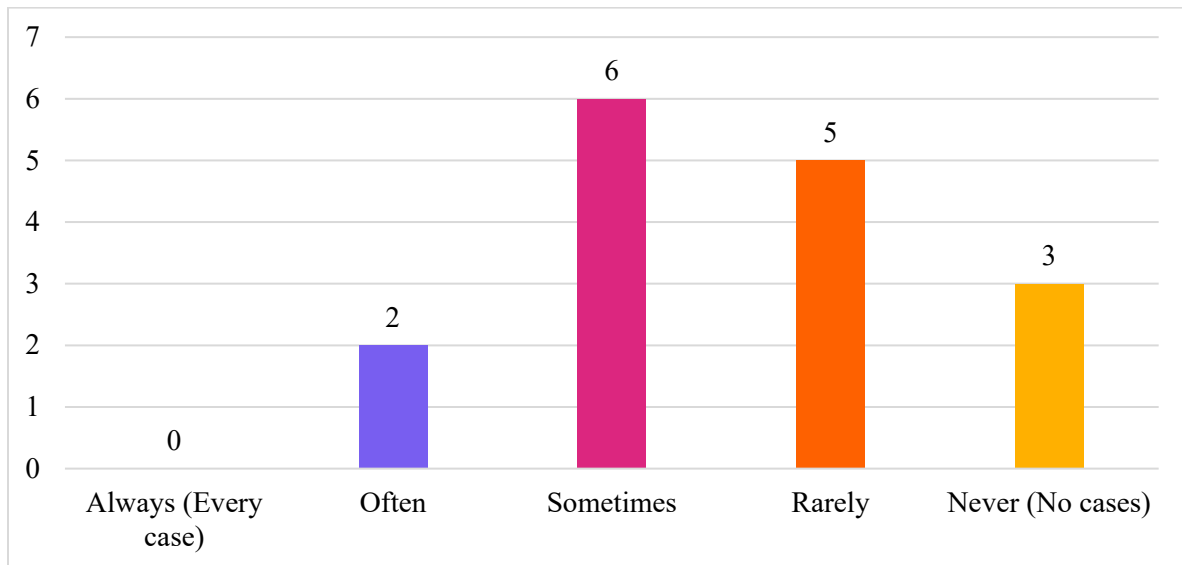
- "Maybe an inmate tele-med, where inmates could reach out directly to a mental health provider that is outside of the facility for a neutral preliminary evaluation."
- "Alternative options other than prison. Prison isn't the answer for many of these cases and they aren't likely to complete probation. Maybe a proactive case worker type probation like we use in MHMR type facilities. There has to be a better option. Potter has a mental health court which is helpful."
- "Better coordinating the services between the jail and the local mental health authority. Currently there are some gaps in getting the intakes done at the jail and doctor/therapist appointments scheduled prior to release."
- "Make the jail give them their medicine. Some become incompetent before they can get to trial due to jail conditions."

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, "I think zoom hearings are a great asset. They save travel time and help allow the saved time to be reallocated for use in other cases/matters. With zoom/online hearings, the attorney can work on other matters while waiting on the hearing to be called. When you travel to the courthouse, you basically can't do anything else except deal with the matters set in that hearing."

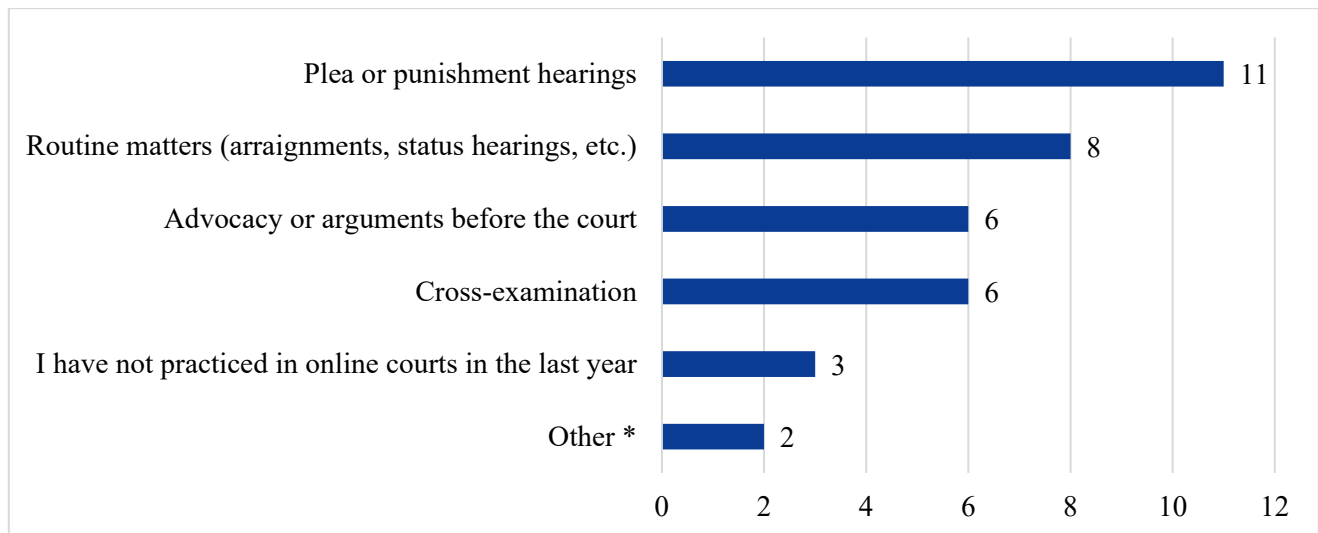
Overall, a majority of attorneys (n=6) reported participating in online hearings "sometimes" in the past year (See chart below).

Frequency of Court Proceedings Online in the Past Year



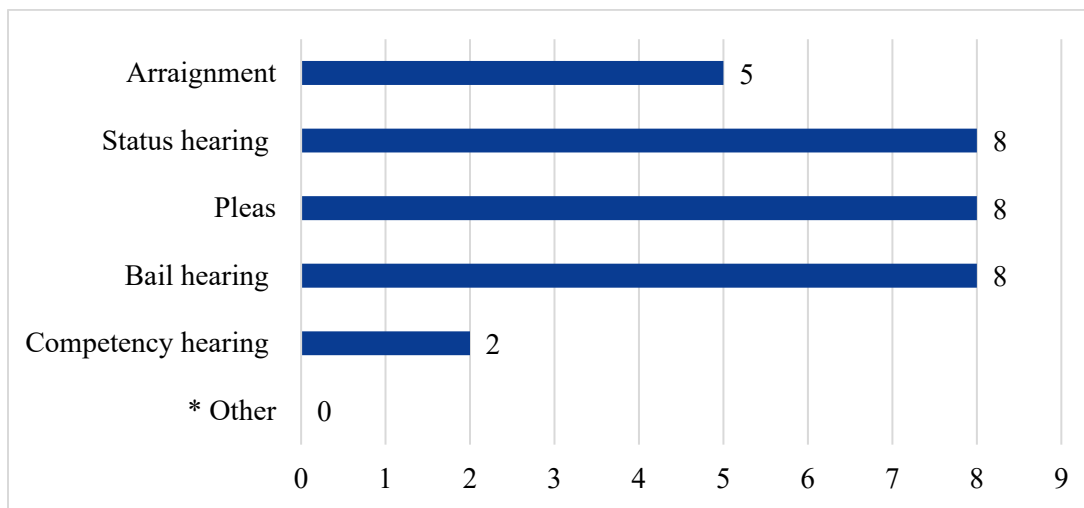
The next question explored aspects of client representation occurring in online hearings.

Types of Client Representation Occurring Online



The chart above illustrates online courts were most frequently utilized for plea or punishment hearings (n=11), followed by routine matters (n=8), advocacy/arguments before court (n=6), and cross-examination (n=6). Those who answered “other” also identified “juvenile detention hearings”. Attorneys were also asked which of the following, if offered online, would help with efficiency in their criminal practice. A majority of attorneys stated status hearings, pleas, and bail hearing (See chart below).

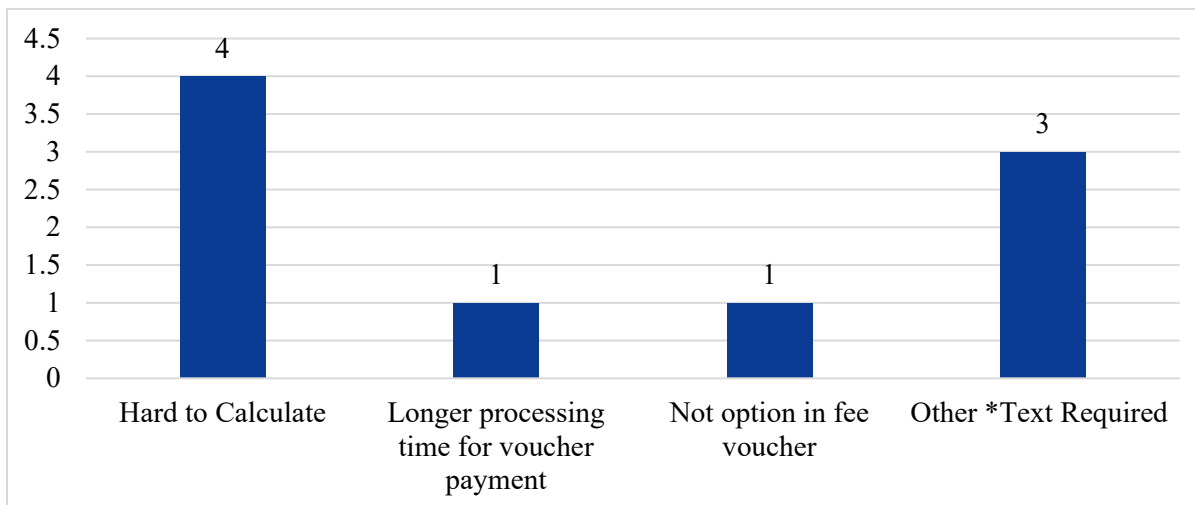
Types of Online Hearings That Would Increase Efficiency in Criminal Practice



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 below). A majority of respondents reported including out-of-court time in felony and misdemeanor case vouchers. The question was followed by asking if out of court time was not included, which of the following reasons is most applicable. The majority of attorneys (n=4) stated it is “hard to calculate” (See chart below). One attorney who selected “other” stated, “I keep my time on every case. If I am within range of the flat fee based on time, then I just do flat fee. However, most of the cases now have 10 plus hour of video and I bill hourly for watching those as well as all the other things I do.” All other responses are listed at the end of the report.

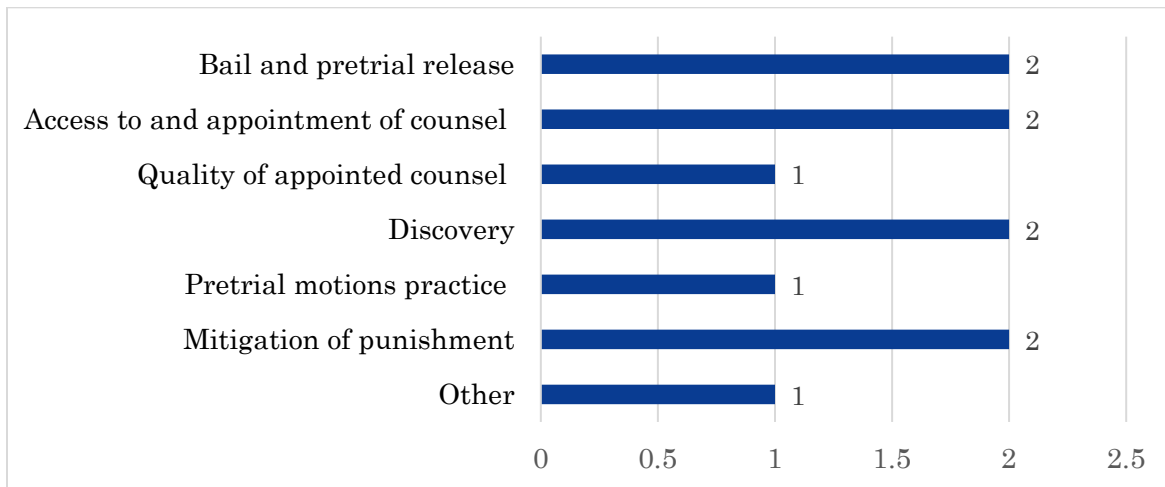
Reasons Out-of-Court Time Would Not Be Included on Vouchers



Potter County Process Feedback

The last section of the survey asked three questions on feedback for how Potter County and TIDC can improve indigent defense in Potter County. The first question listed categories 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 of narrative of all survey responses are listed in the following pages.

Index to Questions requesting narrative responses.

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

Investigation

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

Potter County's Indigent Defense System

- *Which of the following do you have any feedback?*
- *Do you have any suggestions on how Potter County can improve their criminal and/or juvenile courts?*
- *TIDC provides programs to improve indigent defense. How could TIDC help improve indigent defense in Potter County?*

Investigation

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

	Responses listed alphabetically:
•	All around more beneficial
•	Depends on case
•	I think it's often overlooked as a real option and should be discussed more.
•	More investigation should be used in order to properly explore all avenues of a fair and adequate defense.
•	The use of investigators to track down witnesses LEO missed as well as get statements or to review the investigative process LEO used in the case.
•	There should be a list of approved investigators, so you don't have to wait on a judge to give you a limited amount of money.
•	Tracking down witnesses' police didn't talk to.
•	We are facing a prosecution that has full time investigators that are available to the state any time they need. Often the investigator is present with the prosecutor helping with evidence, witnesses, and organization. If we want to provide fair representation, then that will include investigators. When the MAC/PD system was first discussed there was going to be investigator for all appointed counsel to use, they have never been hired or the money disappeared. We are told now to file a motion with the court for funds. thus, the people who think we are being overpaid and underworked are in charge of if we get help with the investigation.

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

	Responses listed alphabetically:
•	I am former law enforcement and conduct my own investigations in pretty much every case, including scene visits when important.
•	I think criminal defense attorneys should investigate cases themselves.
•	There are not any around here.
•	We now have two investigators at the Public Defender office on staff so do not further request investigator services.

Client Communication

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

	Responses listed alphabetically:
•	Clients' failure to update contact information
•	Correct numbers and returned calls
•	Detained clients whine too much and are given tablets to file bogus grievances which you don't get paid to answer or address. I file a motion to withdraw if they file a grievance. Not worth my time to get paid less than half of my hourly rate with the same inmate complaining about an issue that is not true, then spend the time addressing it and not getting paid. .
•	For detained clients, I can think of few barriers. For non-detained clients, their phone numbers change extremely often or don't stay in service for very long.
•	Language
•	No barriers for in-custody clients, except in Deaf Smith by phone. The clients have to call us to speak with them by phone. In jail visits are no issues. Tracking down and having clients who are on bond call or come to the office.
•	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 don't want to meet with us. IF they ever come to the office, it is after 2 or 3 no show. If they are with a bond company then i can get the bondsman to help me out but on PR bond, they are unlikely to ever come see me or show up to court. The number they give while in jail is often changed as soon as they are released so there is not contact possible.
•	None (3 responses)
•	Phone numbers no longer active.
•	Rarely, but occasionally language
•	Sometimes there are language barriers.
•	The main barrier is the client. Some show, some do not.
•	Them contacting us after we have sent letters, our finding them because they have changed contact info and not given it to us.
•	Unable to reach client to set up meeting.

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

	Responses listed alphabetically:
•	I think that any client who is appointed should have to report to the MAC or PD office weekly or more often until they confirm that have made contact with their court appointed attorney.
•	Clients on PR Bonds need to check in with someone weekly. Could be someone at the Jail or someone in the probation office

Mental Health Clients

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

	Responses listed alphabetically:
•	A system that gave literature to clients that are detained would be helpful.
•	Alternative options other than prison. Prison isn't the answer for many of these cases and they aren't likely to complete probation. Maybe a proactive case worker type probation like we use in MHMR type facilities. There has to be a better option. Potter has a mental health court which is helpful.
•	Better coordinating the services between the jail and the local mental health authority. Currently there are some gaps in getting the intakes done at the jail and doctor/therapist appointments scheduled prior to release.
•	Cenikor, TPC, PRPSC
•	Don't know. (3 responses)
•	Formal In-custody Restoration program
•	I can't think of any suggestions at the moment.
•	Make the jail give them their medicine. Some become incompetent before they can get to trial due to jail conditions.
•	Maybe an inmate tele-med, where inmates could reach out directly to a mental health provider that is outside of the facility for a neutral preliminary evaluation.
•	Mental health advisors
•	More training for jail personnel
•	Psychological that evaluates more thoroughly
•	Put counselor in jail.
•	The jail needs to realize that if they don't medicate the sick population then their job is harder. I am told that if they offer meds and they are rejected then they are never offered again unless a new order is made for meds.

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

	Responses listed alphabetically:
•	Cenikor, TPC, PRPSC
•	Don't know (3 responses)
•	Give them their medication as prescribed.
•	Have only dealt with one juvenile case which was later certified as an adult.
•	I can't think of any suggestions at the moment.
•	I don't handle juvenile cases, so I have no comment.
•	I don't handle Juvenile cases.
•	Maybe a juvenile facility tele-med, where detained juveniles could reach out directly to a mental health provider that is outside of the facility for a neutral preliminary evaluation.
•	Mental Health Advisors
•	N/a (2 responses)
•	None
•	Services for Juveniles are fairly adequate
•	The juv det center is in Randall County and they do a good job of getting them treatment and meds.

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

	Responses listed alphabetically:
•	Jailhouse talk can sometimes complicate representation. Sometimes clients have been misinformed that if they just claim mental health issues, that they can get some treatment and be released (legal problem over). There needs to be either a well-informed contact person, or easily understood information posted for defendants to read, that in plain terms shows the process of attempts to regain competency and then if successful, return to the justice system, etc. Possibly a flow chart of the process and possible outcomes. Keep it simple. Just a suggestion. This might help free up resources for folks who actually need treatment versus those simply malingering.
•	Potter County is improving in this area. Judges have concerns about mental health clients coming to court, but the use of the mental health court is an option which is celebrated for the most part.
•	The PD's office has mental health case workers on staff, which is very helpful. As for court-appointed attorneys, I'm not sure what options, if any, they have or utilize.

Online Courts

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

	Responses listed alphabetically:
	I think zoom hearings are a great asset. They save travel time and help allow the saved time to be reallocated for use in other cases/matters. With zoom/online hearings, the attorney can work on other matters while waiting on the hearing to be called. When you travel to the courthouse, you basically can't do anything else except deal with the matters set in that hearing. I think in-person dockets are almost a complete waste of time for many attorneys (it makes no sense to have 50 defendants and 12 attorneys show up to have 4 attorneys plead 4-8 people. Virtual hearings/dockets could be used to at least narrow down the number of people required to show-up in person.

Vouchers

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

	Responses listed alphabetically:
	- I do not have to submit fee vouchers at the public defender office. - I keep my time on every case. If I am within range of the flat fee based on time then I just do flat fee. However most of the cases now have 10 plus hour of video and i bill hourly for watching those as well as all the other things I do. I also have a civil practice and am set up to bill hourly. - If a case did not involve enough out-of-court time to make the value exceed that of the flat fee voucher. It also takes time to calculate.

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

	Responses listed alphabetically:
	- NA - Potter County has a MAC, but that didn't keep certain judges from slashing fees on older vouchers. If you did the work, you should get paid a fair fee. - The voucher often get lost or delayed. I think the commissioners court has complained about the number of vouchers and probably the \$ amount. I have had commissions comment (negatively) to me about be the high voucher winner that period. this makes me think that the mac hold vouchers so that they don't add up to so much.

Potter County's Indigent Defense System

Which of the following do you have any feedback?

	Responses listed alphabetically per topic:
<i>Bail and pretrial release</i>	
•	Bond Amounts should be lowered due to jail capacity.
•	Potter county has gone too far on PR bonds. perhaps they need to cut the bonds down some so people can make bond with bond company and they can help us find and talk with out clients
<i>Access to and appointment of counsel</i>	
•	I think that the "guidelines" are costing the system money. I have been appointed to represent people who have cash in the bank and household income about 100,000.00 per year but because there was a child on Medicaid in the house, they were given a "free" lawyer. If i am getting this sever time a month others must be too.
•	Over used
<i>Quality of appointed counsel</i>	
•	I think some of us do a great job and care. Others are not so qualified. The people who accept appointments on 1st and 2nd degree cases are overworked. I got off the list because there was no way to effectively represent all that i had.
<i>Discovery</i>	
•	No issues
•	On murder cases in Potter, we frequently do not receive discovery until long after indictment.
<i>Pretrial motions practice</i>	
•	Underpaid
<i>Mitigation of punishment</i>	
•	Investigator would help
•	This is what i would use an investigator mostly for.
<i>Other</i>	
•	Some of our smaller counties are beginning to come around to alternatives to incarceration, but it is still difficult with mental health and probation violation cases. The offers from the DA and the punishments the judges dole out are frequently harsh. It is improving, but will take time.

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

	Responses listed alphabetically:
•	Have a separate room for parole hearings at the PCDC. Arraignments/Magistration should not have to be disrupted for these types of hearings.
•	Having video chat for lawyers and clients in-custody would help the communication since jails are quite a trip for most attorneys.
•	Hold the prosecutors accountable for discovery/brady violations instead of covering for them.
•	I think judges and defense attorneys can be more proactive about releasing inmates that have been detained, pretrial, for months on end. There is no reason to deny citizens of their liberty any longer than necessary.
•	No

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

	Responses listed alphabetically:
•	Create a Special Master - an employee only of TIDC/Potter County, but not employed by the District or County Attorney. The Special Master and staff, should have the ability to see the State(prosecutor) work product, discovery of all information related to criminal cases, and be able to report to the Court and counsel for both the State and Defense, when a discovery violation has occurred or it appears may occur due to non-disclosure. The Special Master should not be there to advise either side nor to create an advantage/disadvantage for either side, but merely to serve as an effective compliance officer. If you have Judges who won't look into it, how do you get to the brady material until it's too late?
•	TIDC is extremely helpful to our office. Some of what TIDC could do is on the legislative end. Having a statewide online clerk's system where all counties use the same software would be invaluable to appointments, looking up client information/cases around the state, and prevent mistakes. Having a statewide software system for all jails to use would also be extremely helpful Right now, each county uses its own system for jail management which can be antiquated, not user-friendly, or utterly ineffective in finding information. Until the state mandates a statewide system, there will continue to be glitches and errors which disrupt and harm clients' lives and cost taxpayer money needlessly.
•	We get too many appointments. I can't keep up.