



Denton 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 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, indigent defense plans, and interviews and surveys with local attorneys.

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 Texas 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 Plans) for the Denton County District Courts² and County Courts³ and interviewed local officials and staff to learn about procedures of oversight. The plans list the minimum qualifications for appointment lists based on charge level, with increasing levels of skill and experience required for more serious cases. The appointing court appoints the first qualified attorney whose name appears on the list, unless the court makes a finding of good cause for the appointment of an attorney out of order. The ID Plans provide for attorneys to

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 Denton District Court Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=169>

³ Denton County Court Plan : <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=73>

be removed or suspended, as appropriate, from one or more appointment list(s) by a majority vote of the District and County Judges in Denton County.

Juvenile appointments are managed by the Juvenile Courts.⁴ The Denton Juvenile Board Plan (Juvenile Plan) lists the minimum qualifications for taking juvenile appointments and additional requirements for more serious cases. 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 provides reasons for attorneys to be removed or suspended, as appropriate, from one or more appointment lists.

Caseloads

Attorneys need to spend enough time on each case to perform their basic duties.⁵ In partnership with the Public Policy Research Institute at Texas A&M University, TIDC studied the maximum number of cases an attorney could handle in a year while providing ethical representation.⁶ 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.⁷ Denton County's ID Plans do not list maximum caseloads for attorneys on appointment lists. The Denton District Court Plan allows for attorneys to be placed on a temporary suspension due to "excessive caseloads." In August of 2022, the Indigent Defense Office began handling the indigency screenings. The office tracks attorney caseloads and will reduce caseloads upon attorney request.

TIDC examined FY23 appointed attorney caseloads in Denton County. Ninety-four attorneys disposed appointed felony, misdemeanor, juvenile, and appellate cases. Of these, 20% had caseloads between 100% and 150% of the guidelines, with 6% of those appointed attorneys having caseloads of more than 150% above the guidelines.⁸ When the attorneys' non-appointed work is included, 21% had caseloads between 100% and 150% of the guidelines, with 20% having caseloads more than 150% above the

⁴ Denton Juvenile Board Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=438>

⁵ 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.")

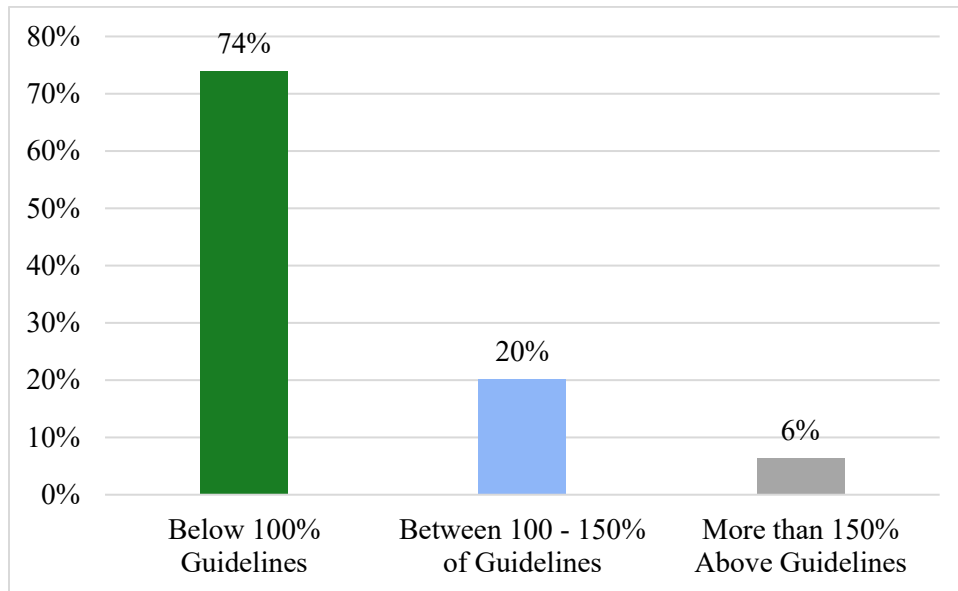
⁶ Public Policy Research Institute at Texas A&M University, Guidelines for Indigent Defense Caseloads (2015), <https://www.tidc.texas.gov/media/kzfd5tup/guidelines-for-indigent-defense-caseloads-01222015.pdf>

⁷ Public Policy Research Institute at Texas A&M University, Guidelines for Indigent Defense Caseloads 29-30 (2015), <https://www.tidc.texas.gov/media/kzfd5tup/guidelines-for-indigent-defense-caseloads-01222015.pdf>

⁸ 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.

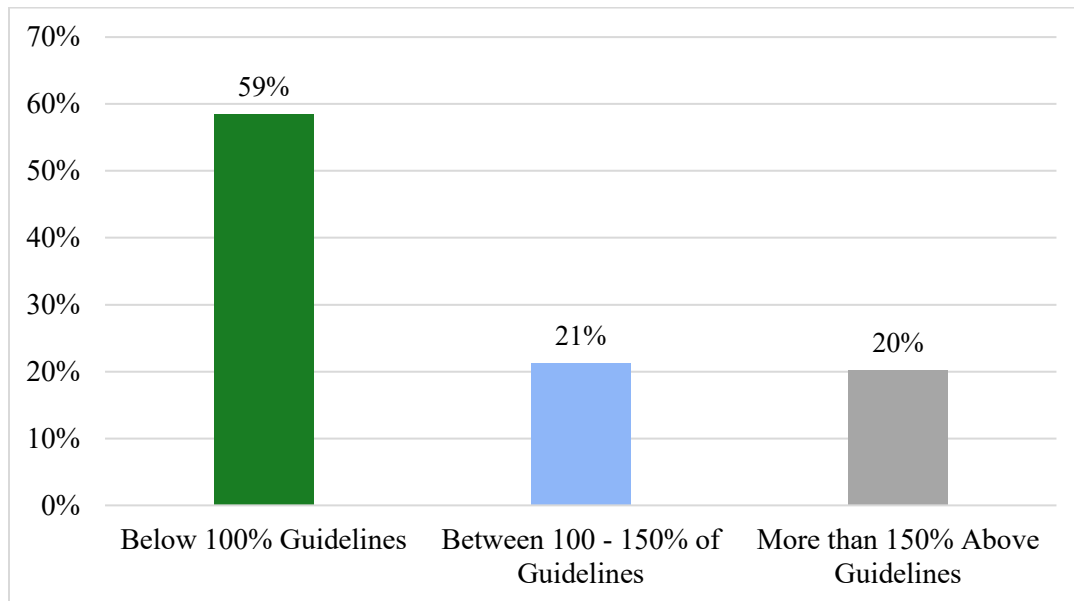
recommended limits.⁹ While the majority of attorneys appeared to have reasonable caseloads, some attorneys' caseloads were well above the state guidelines.

Denton County Attorneys' FY23 Statewide Appointed Caseloads vs. Texas Guidelines



⁹ 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.

Denton 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.¹⁰ Regardless of the client's wish to admit guilt by entering a plea, that duty includes determining whether the charges are factually and legally correct and informing the client of potential defenses.¹¹ While some investigations can be performed by attorneys, other matters require a separate investigator to conduct the investigation. For example, an attorney cannot testify to facts that the attorney has investigated.¹² Also, an attorney may need additional assistance or specialized skills to properly conduct the investigation.

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.¹³ One measurement of investigator utilization is the amount paid to investigators for indigent defense investigations.

¹⁰ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

¹¹ STATE BAR OF TEXAS PERFORMANCE GUIDELINES FOR NON-CAPITAL CRIMINAL DEFENSE REPRESENTATION GUIDELINE 4.1(A).

¹² TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 3.08.

¹³ These recommendations are for cases that do not go to trial. More investigation time is recommended for cases that go to trial. See Public Policy Research Institute at Texas A&M University, Guidelines for Indigent Defense Caseloads Appendix K, 1 (2015), <https://www.tidc.texas.gov/media/kzfd5tup/guidelines-for-indigent-defense-caseloads-01222015.pdf>

In FY2023, Denton County's investigation expenses were:¹⁴

- 1.0% of felony expenses (1.0%, \$36,410.49 of \$3,574,208.58)
- 0.07% of misdemeanor expenses (0.07%, \$1,080 of \$1,446,375.52)
- 0% of juvenile expenses (0%, \$0 of \$257,842.92)

In two in-person interviews with two Denton County attorneys, one mentioned that he'd never been approved to hire an investigator in any of his appointed misdemeanor cases, while another mentioned the extra steps to hiring an approved investigator on an appointed case can be frustrating, and ultimately, may disincentivize their use in appointed cases. Indeed, investigation expenses for FY2023 fell below the recommended guidelines. TIDC encourages judges and attorneys to increase investigator utilization.

Client Contact

Attorneys have a duty to communicate with clients about their cases.¹⁵ Attorneys should be in regular contact, especially when clients are in custody.¹⁶ They should attempt to contact out-of-custody clients and discuss their cases outside of court to ensure confidentiality¹⁷ and have/maintain sufficient time and information to prepare for case responsibilities.¹⁸ TIDC's caseload guidelines recommend that attorneys spend, 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.¹⁹

The Denton County Court plan requires attorneys to contact the defendant by the end of the first working day after the date on which the attorney is appointed.²⁰ The District Court Plan requires attorneys to contact their client within 24 hours of notice of appointment and failure to do so can be cause for removal from the appointment list.²¹ Complaints received from clients are monitored by each individual court. The Indigent Defense Office may receive complaints, which they then forward to the specific court and attorney in which the case is being heard.

¹⁴ County FY2023 Indigent Defense Expenditure Report:

https://tidc.tamu.edu/ExpenditureReport2/FGExpenditureReport.asp?County_ID=61&FiscalYear=2023

¹⁵ 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.

¹⁶ *Id.*

¹⁷ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.05.

¹⁸ TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01.

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

²⁰ Denton County Court Plan : <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=73>

²¹ Denton District Court Plan: <https://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=169>

Summary

With the implementation of the Indigent Defense Office, Denton County Courts have more assistance in interviewing individuals requesting appointment of counsel. Though the Indigent Defense Office assists with interviews, each judge still maintains all authority to appoint attorneys and handle complaints. The District Court Administration Office monitors attorneys' CLE and TIDC reporting requirements. While caseload guidelines recommend allocating between 5% and 7% of case work on investigation, the County currently spends 1% of its felony and 0.07% of its misdemeanor indigent defense budget on criminal defense investigation. TIDC recommends that attorneys and judges increase the use of defense investigators and continues to encourage the County to support the Indigent Defense Office to help streamline interviews and appointment procedures for all courts.

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

In September 2024, TIDC distributed an online survey to the roughly 94 Denton County indigent defense attorneys and received 29 responses.²² The survey addressed topics including the use of investigators and online courts,²³ client communication, mental health resources, and general indigent defense system feedback. All respondents [100% (n=29)²⁴] identify as "Private Practitioners." 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 Denton County.

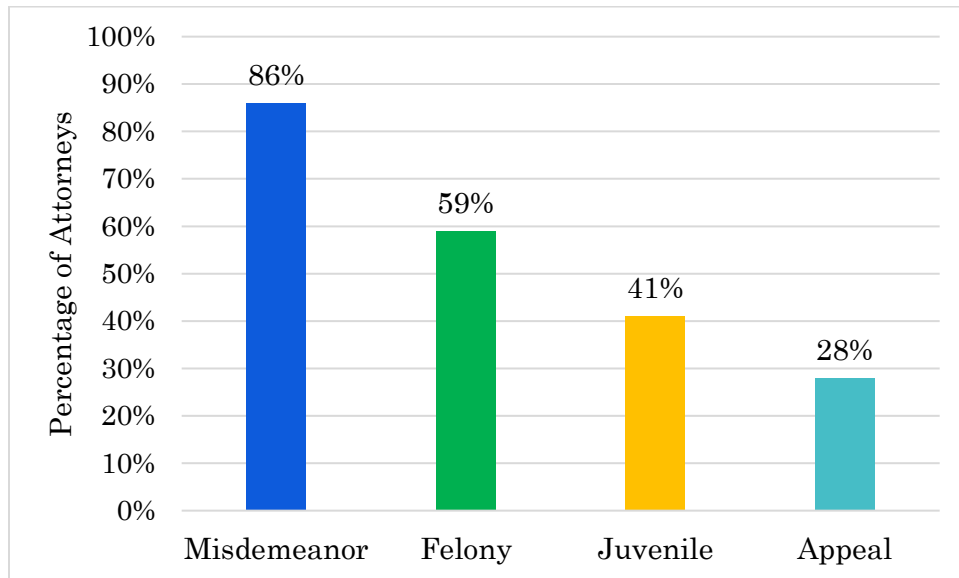
The survey asked what types of appointed cases attorneys take in Denton County. Responding attorneys handle misdemeanors (n=25), felonies (n=17), juveniles (n=12), and appeals (n=8). (See chart on following page).

²² TIDC used emails provided by the county. There were several emails that bounced back so not all 94 attorneys might have received the survey.

²³ "Online Courts" refers to the Texas Courts authorization to "conduct any hearing or court proceeding remotely through teleconferencing, videoconferencing, or other means. See Office of Court Administration, Background and Legal Standards – Public Right to Access to Remote Hearings During COVID-19 Pandemic, <https://www.txcourts.gov/media/1447316/public-right-to-access-to-remote-hearings-during-covid-19-pandemic.pdf>

²⁴ The value "n=" describes the number of observations for the specific data point.

Types of Indigent Cases Responding Attorneys Handle in Denton County

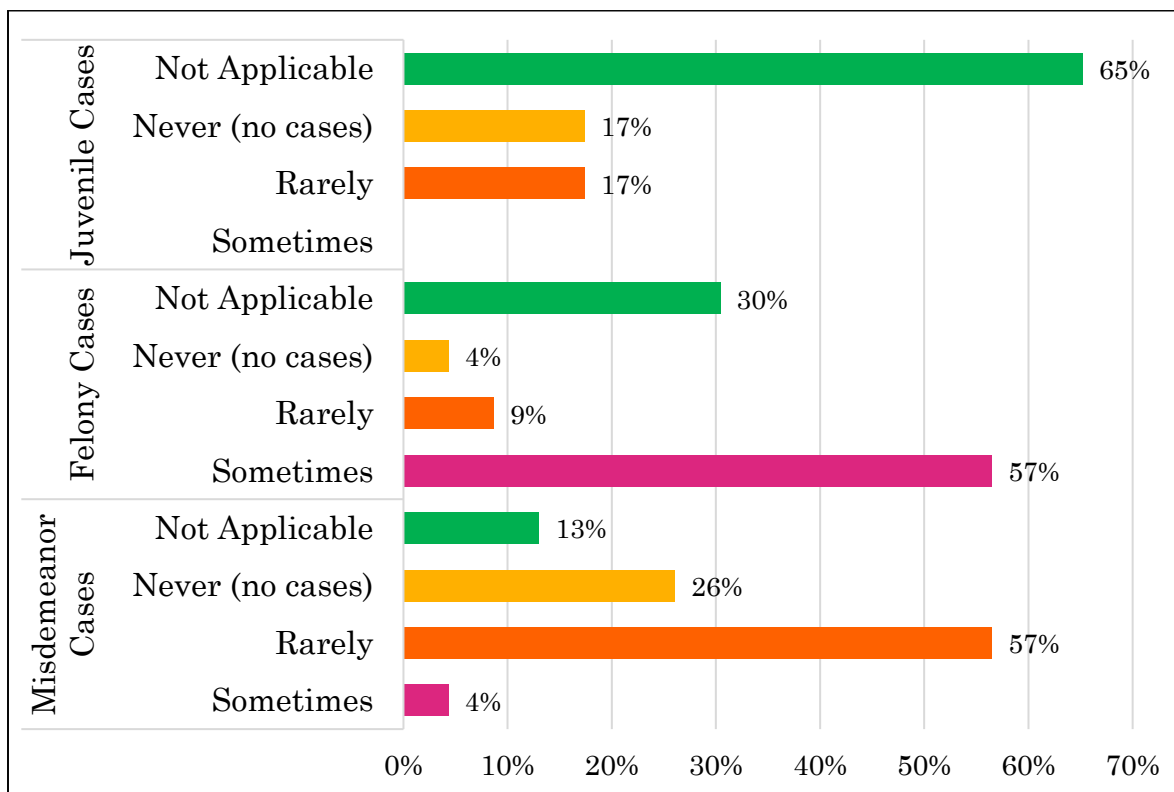


The attorneys in Denton County are not only taking cases in Denton, but 34% (n=10) handle criminal or juvenile cases in other counties, while 66% (n=19) of attorneys stated they do not handle cases in other counties. When asked the average time spent traveling from their office to case specific work in other counties, the average reported time was 25% of billable time. The maximum was 60% of billable time.

The Use of Investigators

Several questions addressed the use of investigators and funding investigations in Denton County. The survey asked questions regarding the frequency of use of investigators in the County in misdemeanor, felony, and juvenile cases (See graph on following page).

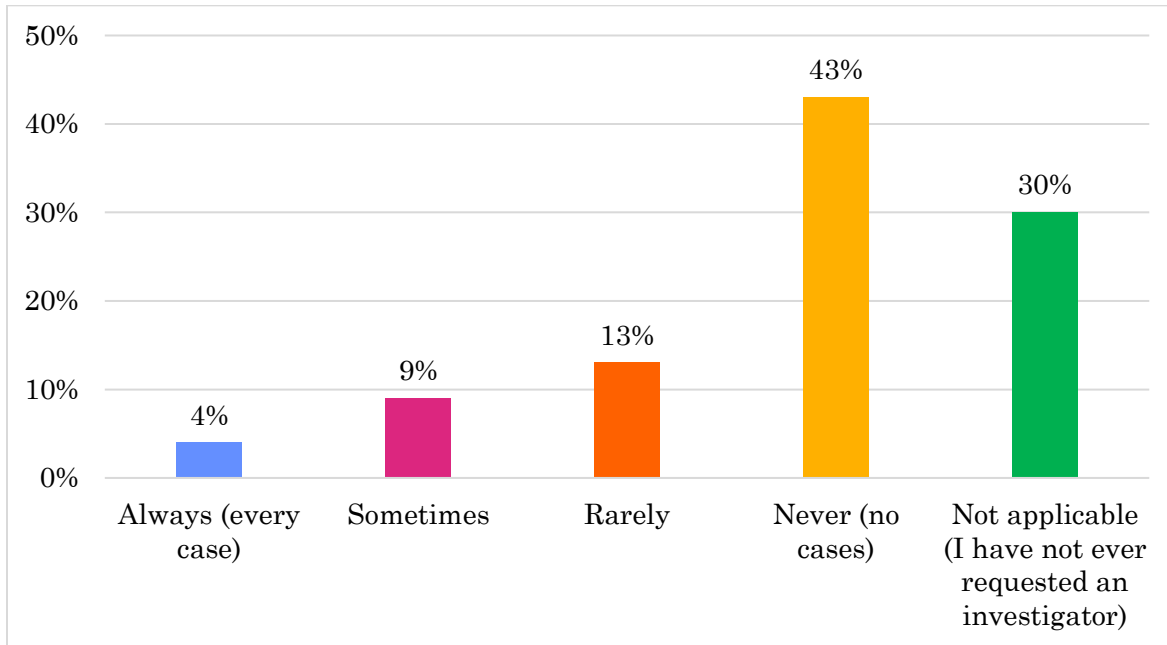
Frequency of Investigator Use by Case Type



In **misdemeanor cases**, 57% of attorneys (n=13) reported rarely OR 26% of attorneys (n=6) reported never using an investigator. In **felony cases**, more than half of the attorneys (n=13) reported using an investigator sometimes. While in **juvenile cases**, 17% of attorneys (n=4) reported never or rarely using an investigator, 65% of attorneys reported that it was not applicable as they do not take juvenile cases.

Additionally, the survey asked defense attorneys about whether the court reimburses investigative expenses incurred without prior approval. Seventy-four percent of attorneys answered no, 17% said unknown and 9% said yes. They were also asked how often they were actually reimbursed for investigative expenses incurred without prior approval. Most of the attorneys (n=10) said never (no cases) (See chart on following page).

Frequency of Reimbursement for Investigative Expenses Incurred Without Prior Approval

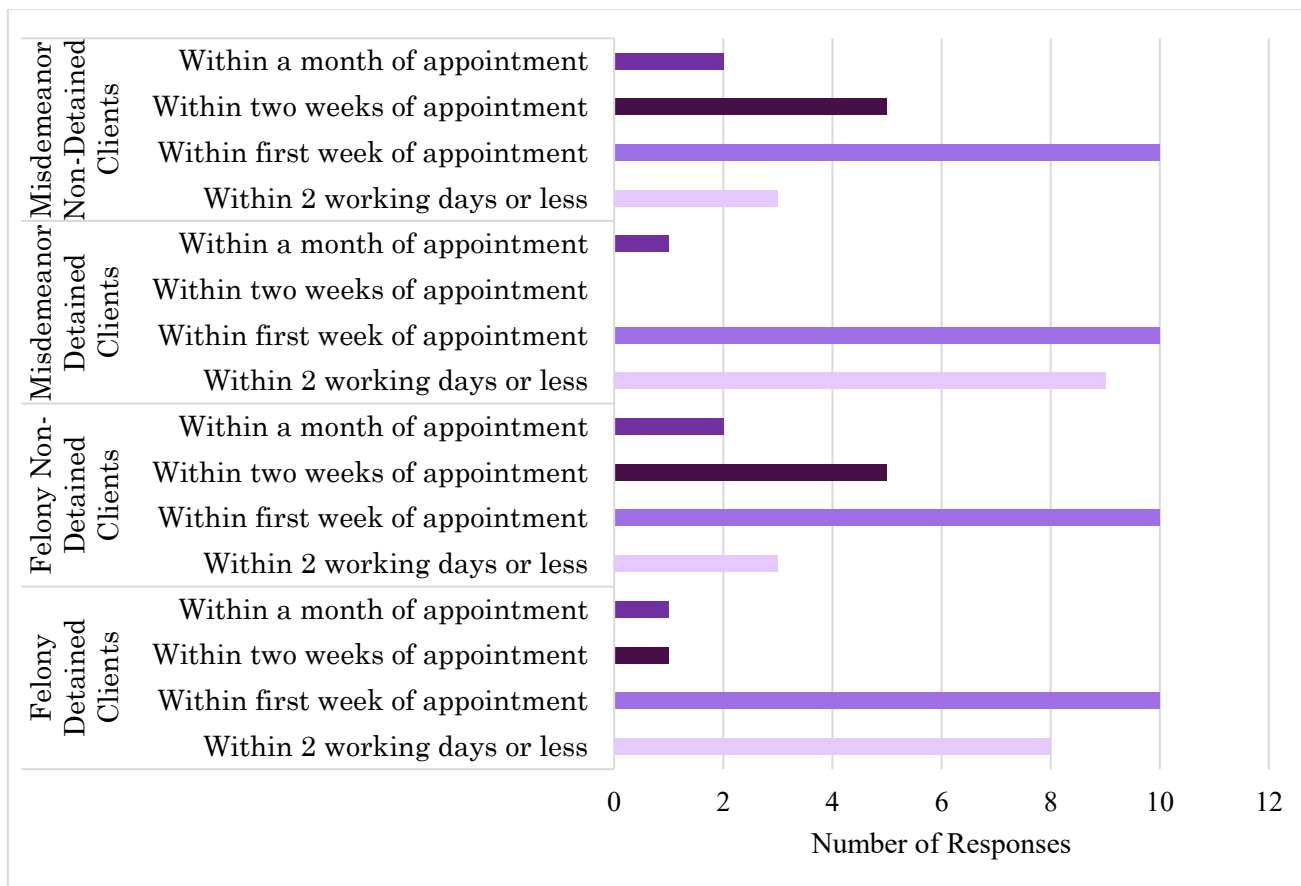


When asked if they have had any difficulties receiving adequate funding for investigators, 48% of attorneys said no (n=11), 26% (n=6) reported yes, and 26% (n=6) reported not applicable (never requested). Seventy-four percent of attorneys (n=17) believe investigation use should be increased, while 26% did not. Comments reflect why investigation is important. One of the surveyed attorneys responded, “When I was a prosecutor, I had the help of an investigator available for every case that I needed one in, every trial. It would make defending indigent clients better if an investigator was expected for every trial and most felony cases.” But attorneys also acknowledge, “The court could provide clear guidelines about how much they would reimburse for specific types of investigation. Or make a list of ‘approved’ investigators and their rates.” Given the low amount of investigation currently being used, TIDC encourages judges to have more training and guidance on the importance of investigators and how attorneys can request investigators.

Client Communication

The survey asked questions about how quickly attorneys can meet with clients, the nature and location of attorney-client communications, and barriers to meeting with clients. The chart on the following page indicates that most attorneys meet with their detained and non-detained clients within the first week of appointment.

How Soon After Appointment Attorneys Meet With Clients by Case Type

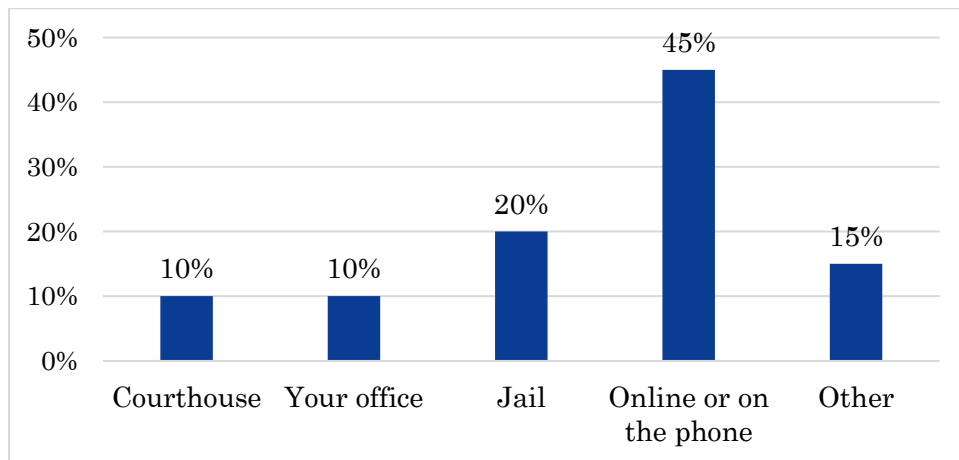


The survey asked where attorneys met with clients (See chart on following page). Overall, the most frequent response for attorney-client meeting locations was online or on the phone, followed by jail, other, courthouse, and the attorney's office. The survey asked respondents to share the biggest barriers to meeting with clients (both detained and released). Their direct responses are shared at the end of the report, but generally their responses displayed a marked dissatisfaction with their ability to visit detained clients.

Several attorneys highlighted the difficulties they have experienced meetings with detained clients. One stated, "The jail has recently prevented lawyers from bringing phones into the jail, which is huge obstacle in looking up addresses, phone numbers, court dates, etc. provided or inquired about by the client. Additionally, the areas where we are required to meet with clients is small and prevents multiple attorneys from seeing their clients at the same time. Relatedly, the jail is understaffed, and it is not uncommon to wait 45 minutes (sic) to an hour to see a detained client." The technology restrictions inhibit an attorney-client relationship and prevent attorneys from discussing and reviewing discovery with clients, which every client has a right to review. Attorneys also mentioned the lack of accurate contact information on paperwork

so they cannot properly contact non-detained clients. Attorneys interviewed in-person expressed frustration with in-person jail visits that were delayed because attorney visitation areas aren't cleaned – “If there are no visitations, they don't clean” – and that delays in visits can lead to shortened visits with clients as attorneys usually schedule jail visits between court appearances.

Location of Client Meetings

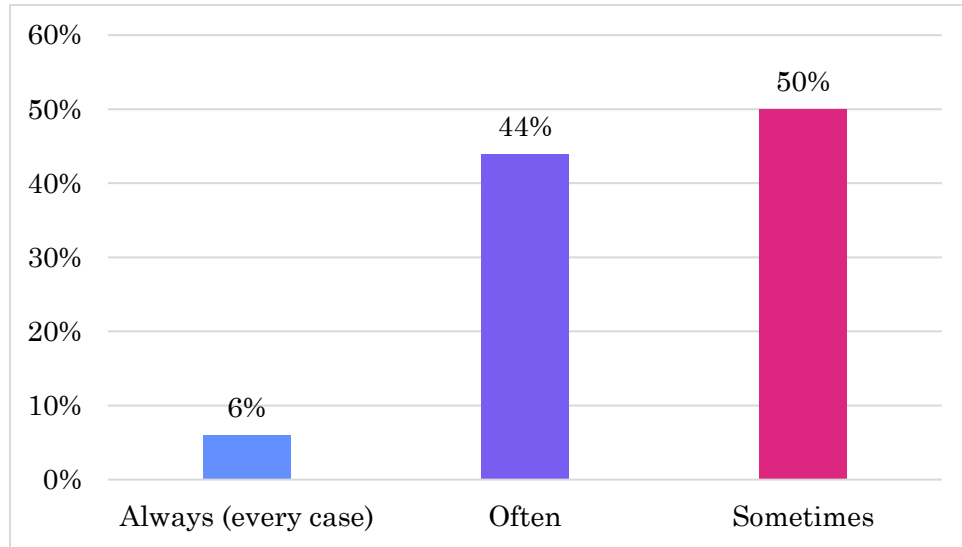


Mental Health Clients

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=9; 50%)²⁵ stated their clients “sometimes” have serious mental health issues, but 44% of respondents said their clients “often” have a serious mental health issue (see chart below).

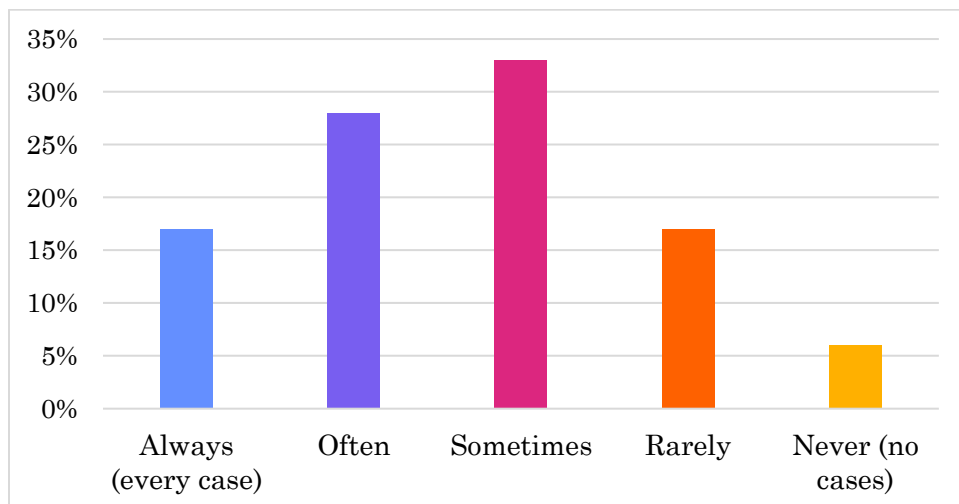
²⁵ Only 18 of the 29 attorneys responded to this question; 9 of the 18 attorneys reported their clients “sometimes have mental health issues.”

Frequency of Appointed Clients with Mental Health Issues



The survey next asked attorneys how often, for appointed clients, do they receive Texas Code of Criminal Procedure Article 16.22 mental health information after an evaluation is conducted.²⁶ Most of the attorneys (6 out of 18) reported receiving Article 16.22 information “sometimes” (see chart below).

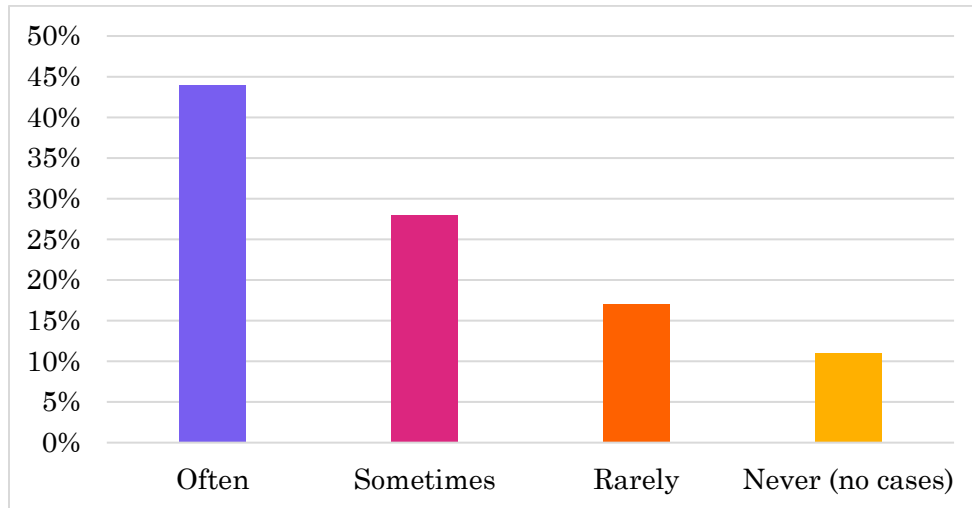
Frequency of Cases where Attorney Receives Code of Criminal Procedure Art 16.22 Information



²⁶ TX CRIM P. Art. 16.22 is an early-stage assessment by a mental health authority of arrestees who may present with mental illness or intellectual disability at the time of arrest. Results of this assessment should be shared with the defense, prosecution, and the trial court.

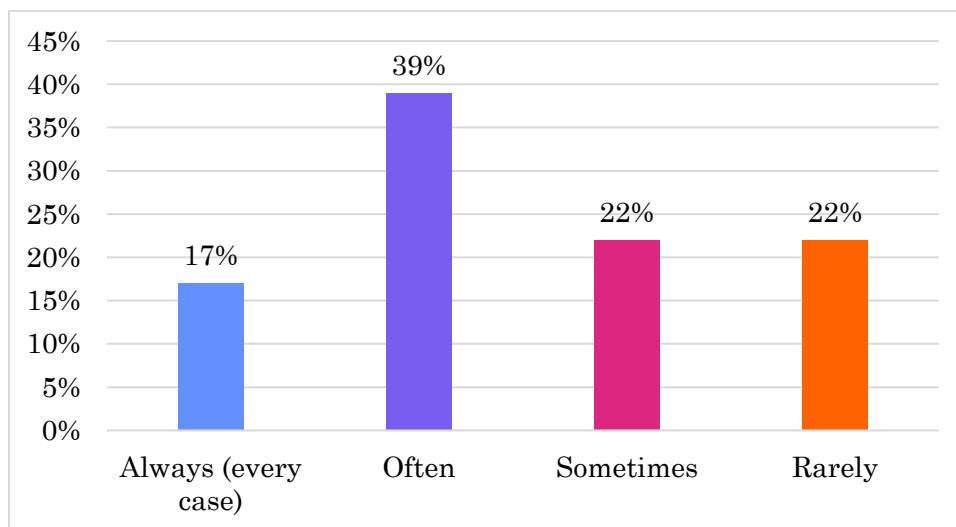
Attorney responses regarding successfully obtaining personal bonds for detained clients with mental health issues were mixed (see chart below). The highest category was “often” (n=8).

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

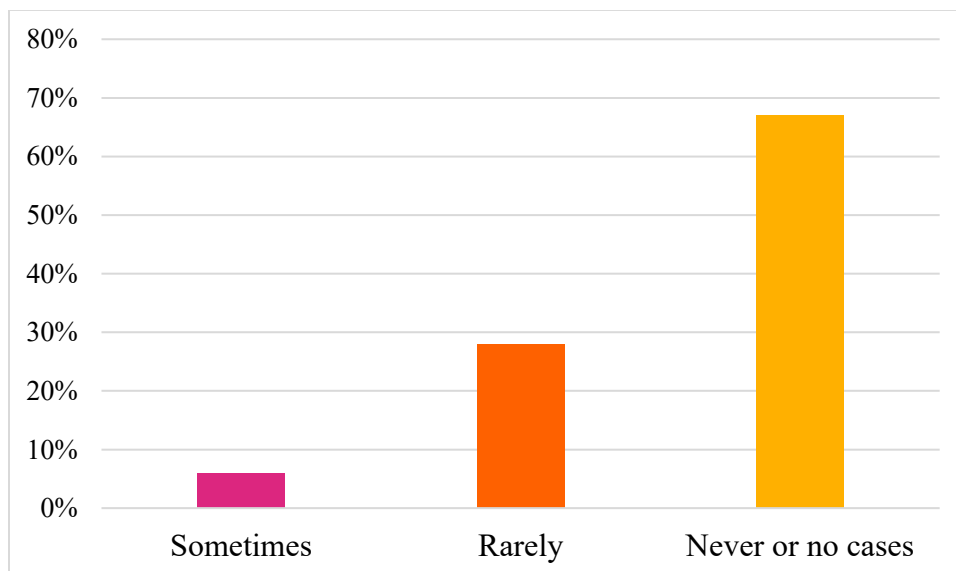


Mental health concerns are always an important factor when representing appointed clients. Ensuring attorneys and clients have access to proper resources is essential to a properly run indigent defense system. The survey asked attorneys what services can improve access to mental health resources available for adults and juvenile in the community and detention facilities. All their responses are listed at the end of the report, but two attorneys specifically mentioned increasing access to mental health services for detained clients. Attorneys interviewed in-person lamented the difficulty and delay with getting treatment for clients who have mental health issues, who sometimes get worse or decline with treatment delays while in custody. One mentioned that his client had waited over 800 days for a competency evaluation. They noted that there's a mental health coordinator in the misdemeanor courts, which has made coordinating services easier, but conversely, there is no coordinator in the felony/district courts, so those clients with more severe mental illnesses have fewer resources and longer wait-times for assessments, treatments, or case motions.

Online Courts

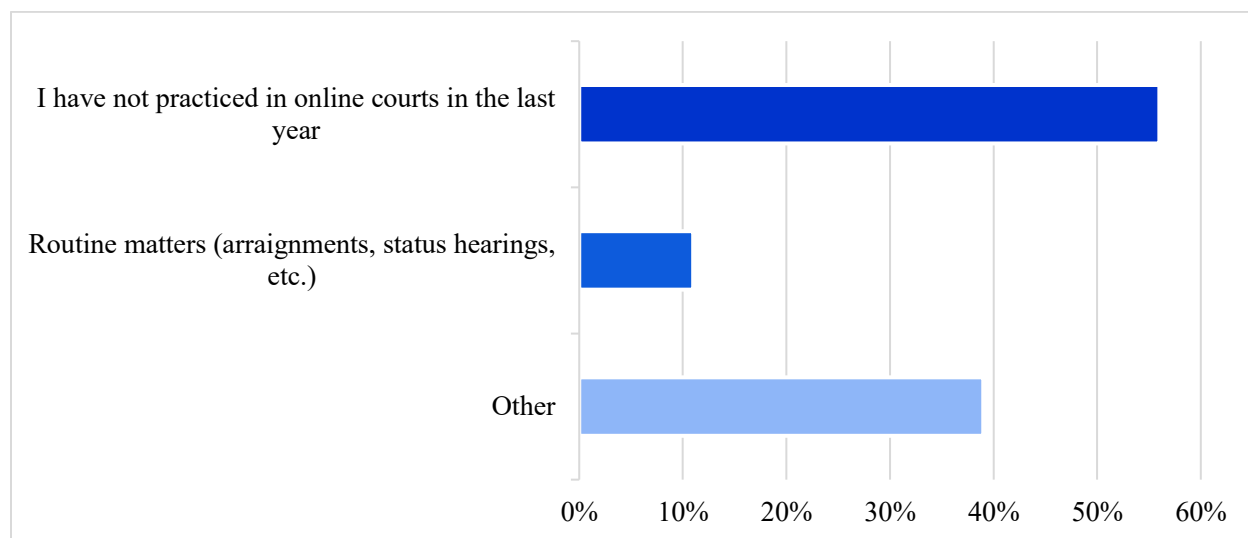
The survey asked attorneys about online hearings. Access to online hearings often benefits attorneys who serve multiple counties and enhances access to the courts. Overall, a majority of attorneys (n=12) reported participating in online courts “never or no cases.” (See chart below)

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



The next question explored aspects of client representation occurring in online hearings. The responses are depicted in the chart below.

Types of Client Representation Occurring Online

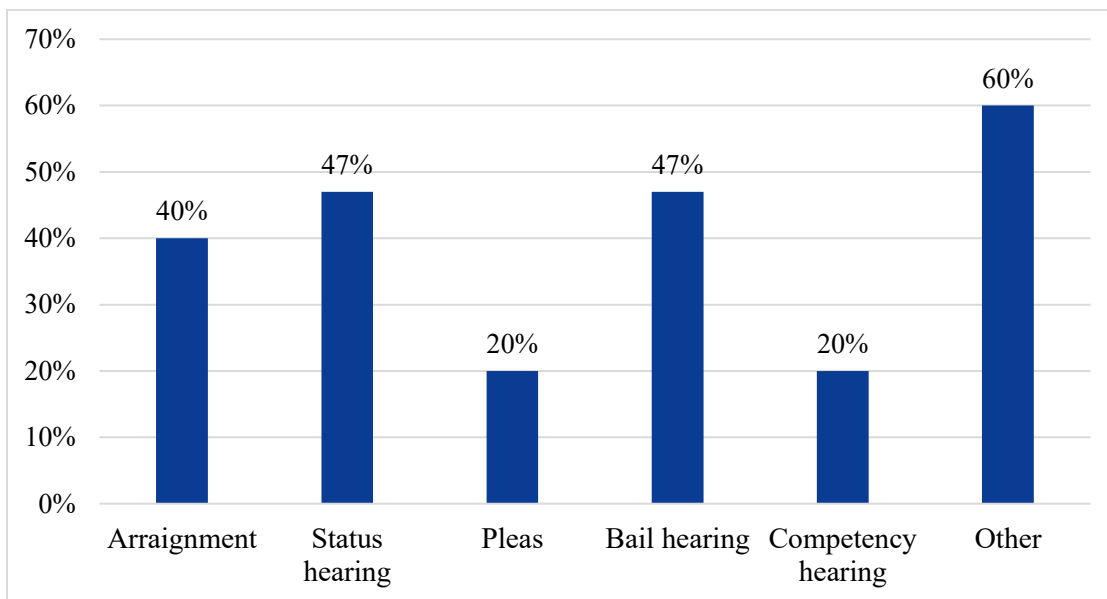


The chart above illustrates online courts were not frequently used in the past year (n=10) and if they were used it was only for routine matters (n=7). Those who answered “other” mentioned using online hearings for the following:

- “ALR hearings, municipal courts.”
- “Bond hearings for unfilled cases.”
- “Re-commitment hearings for competency restoration.”
- “All of my proceedings have been in person. Though out-of-state parents have been allowed to zoom in on juvenile proceedings.”
- “Had forced medication hearings in the Probate court online.”
- “Online hearing with appellate client incarcerated at TDCJ.”

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, and bail hearings (see chart on the page below). Nine attorneys answered “other,” five of which were not in favor of online hearings.

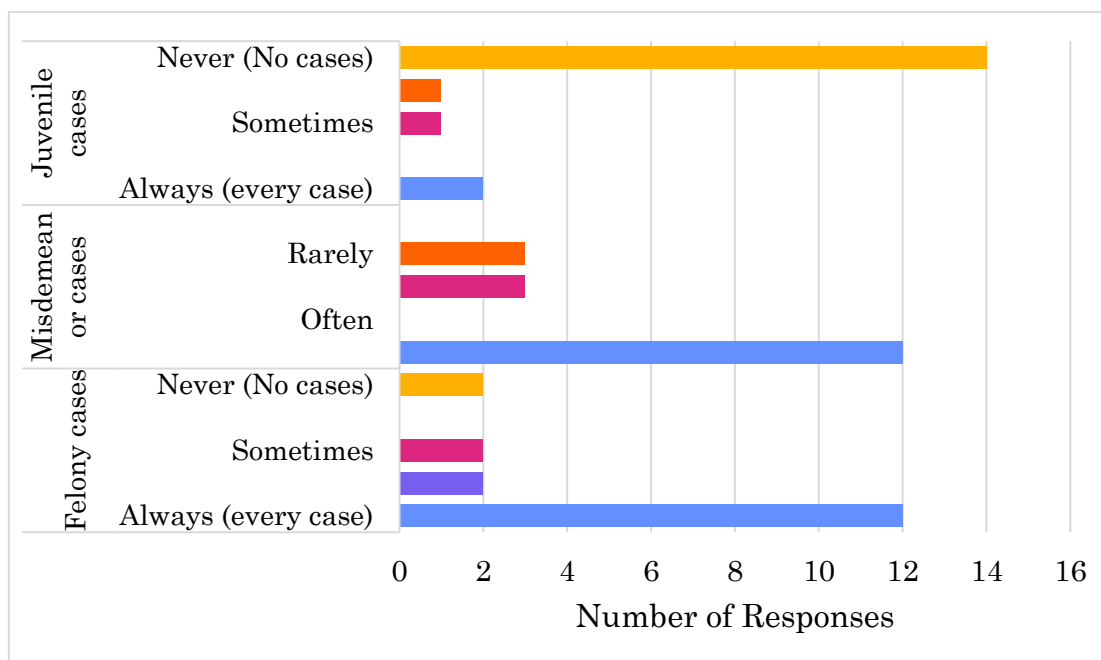
Types of Online Hearings That Would Increase Efficiency in Criminal Practice



Vouchers

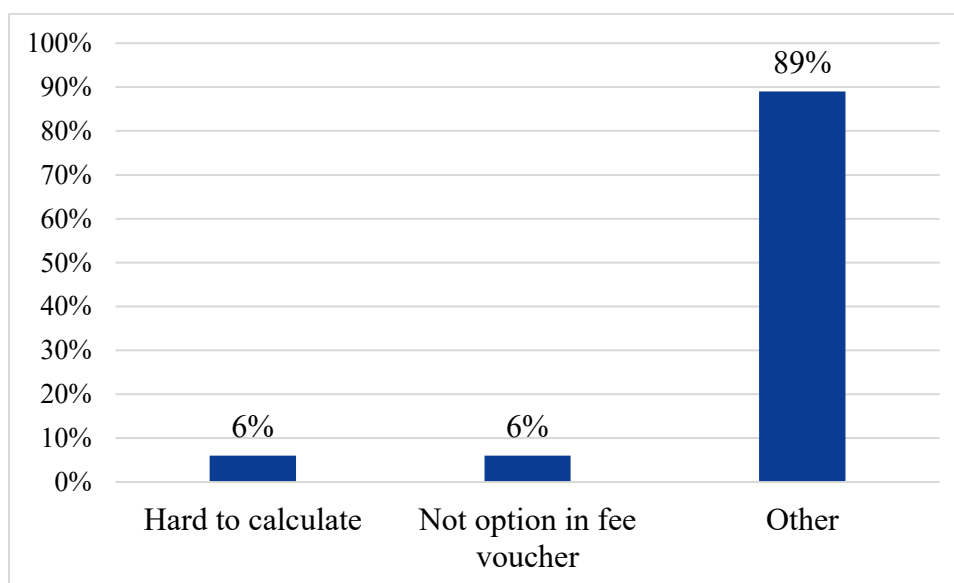
The survey asked a series of questions about including out-of-court time on payment vouchers for misdemeanor, felony, and juvenile cases (see graph below). A majority of respondents reported “always” including out-of-court time in felony and misdemeanor case vouchers. In juvenile cases, a majority of attorneys (n=14) reported “never (no cases)” including out-of-court time on vouchers.

Frequency of Reporting Out-of-Court Time by Case Type



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=16) listed “other” reasons for why attorneys would not include out-of-court time. (See chart below). All “other” text responses are listed at the end of the report.

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



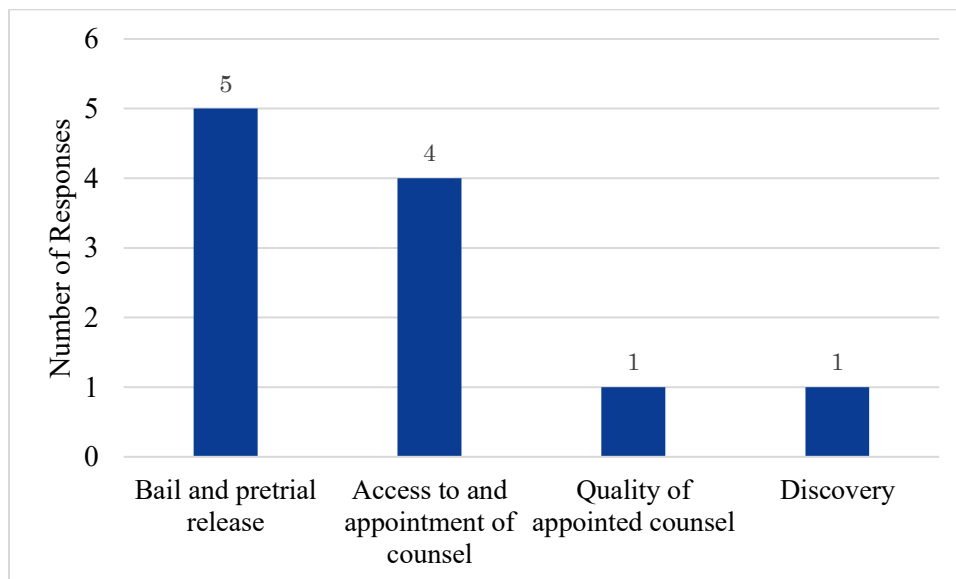
TIDC staff also had an opportunity to discuss vouchers with attorneys during the in-person visit. One attorney mentioned leaving the misdemeanor appointment list specifically because of the fee caps. He could put significant effort into preparing a case for trial multiple times, submit an itemized fee voucher, and still have it reduced without any clear explanation. He notes that clients also get overcharged with a felony and then the case gets pled down to a misdemeanor which leads to a pay cut. This often leads to experienced attorneys refraining from taking misdemeanor or state jail felony cases.

Judges should ensure the requirements of the ID Plans are followed. The ID Plans require the trial judge presiding over the proceedings to review the request for compensation and either approve or disapprove of the amount requested. If a judge disapproves a request for compensation, the judge shall make written findings, stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount. An attorney whose request for payment is disapproved or is not otherwise acted on by the 60th day after the date the request for payment is submitted may appeal the disapproval or failure to act by filing a motion with the presiding judge of this administrative judicial region.

Denton County Process Feedback

The last section of the survey asked three questions on feedback for how Denton County and TIDC can improve indigent defense in Denton County. The first question listed categories the attorney can select to provide additional comments. The chart below reflects attorneys' ranked feedback about the provided categories.

Categories for Additional Feedback



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

Denton County's Indigent Defense System

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

Investigation

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

•	Responses listed alphabetically:
•	Almost all felony cases have witnesses that need to be interviewed. However, this is very time consuming and expensive.
•	Be diligent.
•	DAs office fails to maintain adequate/updated Brady list.
•	Have contracted/approved investigators ready to appoint to defense counsel at a county rate.
•	I believe that it would be helpful to have investigators interview potential witnesses that haven't been interviewed by the police.
•	I don't have an opinion.
•	I have never had a request for an investigator denied.
•	I only use investigators when the case calls for it. I do not find they are necessary in all cases. When I ask for one, one does get appointed.
•	If we have witnesses that need to be tracked down, it is the attorney's responsibility to do so. That work should be offloaded to investigators to free up our time to focus on the case itself.
•	Minimum fees w/out approval should be increased.
•	Police often do an inadequate investigation. I'm not sure how to increase the use of investigation other than maybe it should be automatically an option in cases that get set for trial.
•	Process should be streamlined so that it is easier to approve and utilize them.
•	The court could provide clear guidelines about how much they would reimburse for specific types of investigation. Or make a list of "approved" investigators and their rates.
•	The process of having them hires on cases needs to be easier. It requires justification and is normally only allowed on cases that have 20 plus years of punishment or excessive complexity.
•	Use of investigators or experts likely would be increased if reimbursement occurred more regularly.
•	When I was a prosecutor, I had the help of an investigator available for every case that I needed one in, definitely every trial. It would make defending indigent clients better if an investigator was expected for every trial and most felony cases.
•	Yes.

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

	Responses listed alphabetically:
•	It appears that 98% of the cases are resolved by pleas of no contest, guilty or True (in juvenile cases). Therefor only 2% of the cases may require the use of investigators and this is more likely in felony cases than juvenile or misdemeanor.
•	Over the course of my practice, I have utilized investigators on appointed cases without issue.
•	The process currently is to file an ex parte motion for assistance on the appointed case and present it to the court along with the amount of fees anticipated. Very often, judges will reduce the amount of fees approved, but offer that additional fees could be provided if needed at a later date. This is a problem since most experts have a base fee they need in order to begin the work. In some misdemeanor courts, I have had the court ignore my choice of expert due to concerns over cost, and the court will appoint an expert of its choice. This is highly problematic. I have on several occasions paid for experts out of pocket, and then sought reimbursement later. These fees are paid most of the time, but often are cut. The ability to acquire experts without prior approval of the court would be a huge benefit.

Client Communication

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

	Responses listed alphabetically:
•	Accurate contact information for non-detained clients, the jail in general for detained clients.
•	At whim of jail.
•	Being provided accurate contact information to be able to reach the client.
•	Contact info being inaccurate/incomplete or the client not responding to me.
•	Detained clients are difficult to see at the jail due to how long it takes to get processed and actually have the client brought out. Non-detained clients are easy to meet with as long as the client actually wants to. Many court-appointed clients on bond don't answer their phones and many miss appointments.
•	For clients that are not detained, there is often poor contact information on the paperwork I receive.
•	Honestly the biggest barrier is often the client. Unlike retained clients, appointed clients are less likely to return phone calls, less likely to be willing to set up an in-person meeting and less likely to keep that appointment.
•	Inadequate contact visitation. Inadequate space to review discovery.
•	It take (sic) a lot of time to visit with detained clients due to transportation of them within the jail and jail staff inefficiency.
•	Jail Staff

•	None. (2 responses)
	The jail being slow in bringing detained clients for atty meetings.
•	The jail has recently prevented lawyers from bringing phones into the jail, which is huge obstacle in looking up addresses, phone numbers, court dates, etc. provided or inquired about by the client. Additionally, the areas where we are required to meet with clients is small and prevents multiple attorneys from seeing their clients at the same time. Relatedly, the jail is understaffed, and it is not uncommon to wait 45 mins to an hour to see a detained client.
•	The jail is a madhouse. Non-detained meetings in the courthouse are horrible because we have little privacy. They were supposed to have rooms for us to meet with them when they built the courthouse. That shortly went away because those rooms were converted to offices for court coordinators, bailiffs, etc.
•	The jail is not allowing us to take phones inside. The wait at some of the jails is burdensome.
•	There is not a lot of visitation room and the jail is incredibly understaffed. Waiting to meet with a client can last up to an hour after request.
•	There is nowhere to meet with juvenile clients in the Denton Juvenile courthouse building. There is no area for confidentiality for attorneys and clients to even share with other attorneys and clients.
•	Waiting at the jail for detained clients. None for clients on bond.
•	Waiting for jail inmates to be brought to visitation.

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

	Responses listed alphabetically:
•	For court appointments, the application usually does not contain a valid phone number so it can be impossible to make contact.
•	Homewav has facilitated jail communications. It would be nice if the email system was protected under attorney client communications as confidential so we could send client more constant communications.
•	The paperwork should have sufficient contact information for the client with numerous backup contact information (relatives, friends, etc.). If a client is out on a PR bond, it is often impossible to reach them due to the lack of contact information.

Mental Health Clients

What services can improve access to mental health services available for adults in the community and detention facilities in Denton County? Please explain.

	Responses listed alphabetically:
•	Denton County is on the right track, but extra funding and mental health coordinators would help.
•	Denton County MHMR and the hospitals don't like to work with the jailed clients. Unfortunately getting indigent clients the help they need is almost impossible.
•	I don't know.
•	I mainly handle juveniles.
•	I think the services are available. However, a client with mental health issues will not access the services most of the time. When incarcerated, it should not take as long as it does now for the client to see the psychiatrist.
•	Information about services being provided to the defendants and defense counsel.
•	MHMR could do their job instead of wasting everyone's time. NTSB is the same. We need a better place to put these people than the jail. Jailers do not provide proper care at all. It takes forever for a client to see a psychologist.
•	More dedicated facilities that can actually take inmates. Right now, the wait for beds is very long.
•	More in jail access. Very limited services available in jail.
•	More thoughtful review of cases at intake.
•	More visits when they are MHMR clients.
•	Not sure.
•	On-site treatment, timely provision of medication.
•	Police can be better trained at spotting mental health issues. Jailing is not always the answer.
•	Staff who actually tend to the needs of these clients, particularly in the jail.
•	Typically, clients with MH issues who are released on PR bonds are required to attend appointments with UBH in Denton and check in with pretrial services. This is a good idea, but fails often, as MH issues seem an impediment to getting either of these things done. Where such appointments are missed, a warrant issues, and the process begins again. On misdemeanors, there are courts with a MH docket, which includes a MH coordinator, the State, defense attorney, and the judge. These would also be a good idea in the district courts, as they are a good way to resolve missed appointments, address issues with transportation, etc. that come up.
•	Unknown.
•	We desperately need access to competency restoration services - outpatient and inpatient.

What services can improve access to mental health services available for juveniles in the community and detention facilities in Denton County? Please explain.

	Responses listed alphabetically:
•	Don't know (3 responses)
•	Easier admission to programs.
•	I do not handle juvenile cases. (4 responses)
•	I think it would be helpful to have a contract with something like Denton County MHMR for access to counseling and to help assist in expediting the medication procedures for juveniles in the detention facility.
•	N/A (6 responses)
•	Not sure. (2 Responses)
•	Same answer as above.
•	They are on top of mental JV cases always.

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

	Responses listed alphabetically:
•	MHMR is rampant in the juvenile court system and getting help for these families only seems to occur when they're found or plead true to the offense. We need pre-adjudication counseling.
•	None.

Online Courts

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

	Responses listed alphabetically:
•	During Covid I found the online proceedings in criminal cases to not be as productive as in person.
•	I don't know why online court settings are not used more for matters like status hearings. These are typically quick, do not require the accused to go in front of the judge for more than a minute or two, and the biggest obstacle they pose is for the client to be able to get to court. It would be much easier for the client if the setting were online.
•	I hate them. Zoom is just not a good platform for hearings.
•	I like everything in person always.
•	I'm already at the courthouse daily. Moving some hearings online and having others in-person would not help my efficiency at all.

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:
•	Failed to log it.
•	I am not sure. It seems easy to keep track of, and our fee vouchers have a blank for out of court time.
•	I count out of court time as part of the representation.
•	I do not know why an attorney would not keep out of court time.
•	I don't know.
•	If they aren't keeping track of their time as they are performing the work.
•	If they didn't keep track of their time, or if they are claiming a flat rate bill.
•	Inadequate tracking of time/case file.
•	N/A
•	Requesting the minimum fee.
•	Sometimes it's just little things that I don't bother to add up.
•	Take the flat fee option.
•	The flat fee on misdemeanors is why I don't include out of court time. The flat fee is quick, easy, and a fair value.
•	The only time I do not bill specifically for out of court time is when I submit a flat fee bill, which does not require itemization. We have the option of either submitting an hourly bill with itemization of both in court and out of court work hours, or submitting a flat fee bill with no itemization.
•	There is no reason I can think of.
•	Won't get paid.

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

	Responses listed alphabetically:
•	No issues.
•	The max amount allowable for misdemeanors is too low. There have been a number of times that regular representation caused my time to exceed the max allowed.

Denton 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>	
•	Bail is a mess, generally. Major reforms are needed, including mandatory PR bonds for certain offense and for (most) first time offenders. Our jails are too crowded and the jail is understaffed, so it seems easy enough to fix the problem: require fewer inmates to be held pretrial.
•	Requiring indigent clients to pay \$60 a month in pre-trial supervision fees is counterintuitive.
•	The new bail rules that went into effect in the last couple of years have made it more difficult to get a bond set.
•	They need to get better contact info from the defendants. And type it, don't use badly written handwriting.
•	This has become an area that requires a lot more time than it used to and courts won't always pay you for your time working on these issues.
<i>Access to and appointment of counsel</i>	
•	Courts should be conducting more thorough indigency tests.
•	Occasionally I will be appointed for an "indigent" person who lives in an expensive home. And I wonder how they qualified for an appointed counsel to begin with.
•	The pool of attorneys needs improvement.
•	Too many people are getting appointed attorneys when they live in very expensive houses.
<i>Quality of appointed counsel</i>	
•	Not high..... sorry.
<i>Discovery</i>	
•	Prosecutors have no clue and fail to even look at it to see any problems. When you point them out, they will work on it, but they do nothing with it on their own.

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

	Responses listed alphabetically:
•	Not sure.
•	The judges could actually follow the law and quit catering to the prosecutors.
•	Too many criminal cases and dockets with conflicting settings. Attorneys must wait in long lines in court and in the holding area of the courthouse because so many cases and dockets are being held at the exact same time.

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

	Responses listed alphabetically:
•	Address the bail situation (above), the MH release situation (discussed previously), and the expert situation (listed in order of importance and the impact they would have).
•	Get information to the defense counsel about what is available.
•	Help figure out why some fee vouchers get lost and it is up to the attorney to track payment, figure out which vouchers get lost, contact auditor, contact clerks, contact courts to be paid.
•	Juvenile court does not provide forms for parents to fill out for affidavits of indigency and parent information in Spanish.
•	Not sure.
•	Without knowing what is available, can't comment.