



TEXAS INDIGENT DEFENSE COMMISSION

August 30, 2019

CHAIR:

The Honorable Sharon Keller  
Presiding Judge  
Court of Criminal Appeals

EX OFFICIO MEMBERS:

Honorable Sharon Keller  
Honorable Nathan Hecht  
Honorable John Whitmire  
Honorable Brandon Creighton  
Honorable Nicole Collier  
Honorable Andrew Murr  
Honorable Sherry Radack  
Honorable Vivian Torres

MEMBERS APPOINTED BY GOVERNOR:

Mr. Alex Bunin  
Honorable Richard Evans  
Mr. Don Hase  
Honorable Missy Medary  
Honorable Chris Hill

EXECUTIVE DIRECTOR:

Geoffrey Burkhart

The Honorable Clay Jenkins  
Dallas County Judge  
411 Elm Street, 2<sup>nd</sup> Floor  
Dallas, TX 75202

Re: Texas Indigent Defense Commission

Dear Judge Jenkins:

At its August 29 meeting, the Texas Indigent Defense Commission (TIDC) Board passed a motion to close the Dallas County policy monitoring review. Dallas County has been submitting misdemeanor appointment data on a quarterly basis to TIDC since 2017. Data over the last year has shown significant improvement and now falls within TIDC's threshold for presuming a jurisdiction has a fair, neutral, and nondiscriminatory appointment system.

Enclosed is the most recent analysis of the misdemeanor appointment data presented at our August Board Meeting. For the last three quarters (October 2018 – June 2019), the top 10 percent of recipient attorneys received **2.8 times their representative share of cases**. This is inside of the threshold set by TIDC's administrative rules (3.0 times). The appointment distribution was the most even we have so far seen from Dallas County's misdemeanor courts. We have been encouraged by the improvement in how cases are distributed to attorneys on the appointment list and hope this continues into the future.

TEXAS INDIGENT DEFENSE COMMISSION

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If you have any thoughts or questions, please contact me at (512) 936-7560.

Sincerely,



Joel Lieurance  
Senior Policy Analyst  
Texas Indigent Defense Commission

cc: The Honorable Angela King, Local Administrative Statutory County Judge  
The Honorable Lisa Green, Presiding Statutory County Judge  
Ms. Patricia Johnson, County Criminal Courts Manager  
Mr. Darryl D. Thomas, Dallas County Auditor  
Ms. Vonda Owens, Dallas County Auditor's Office  
Mr. Geoff Burkhart, Executive Director, Texas Indigent Defense Commission  
  
(enclosure)

## Update of Dallas County Misdemeanor Appointments

- TIDC began a policy monitoring review in FY2007. During this review process, several issues were identified. One item remains to be verified as having been addressed: the distribution of misdemeanor appointments in cases without a foreign language designation.
- At its June 29, 2017 meeting, the Board passed a motion to request quarterly misdemeanor appointment data from Dallas County. This data will be presented at future Board meetings.
- TIDC Policy Monitoring Rules presume a jurisdiction's appointment process is fair, neutral, and non-discriminatory if the top 10% of recipient attorneys receive less than 3.0 times their representative share of appointments.

### Distribution of Misdemeanor Cases Paid

- For the period between October 2018 and June 2019, the **top 10% of recipient attorneys** (without a foreign language designation) **received 2.8 times their representative share** of appointments.
- This distribution is within our threshold (for the second time) and is the most even that Dallas County has reported since we required quarterly reports in 2017.

### Wheel Management Reports

- Dallas County has also submitted wheel management reports for each quarter. From these reports, the monitor created summary tables shown on the next page.
- We inquired about the ad hoc reasons for skipping the top attorney. See below.

Ad hoc Reason Description	Ad hoc Count
Attorney declines appointment	53
Attorney did not respond to contact attempts	25
Attorney fails to appear without notice	6
Attorney no longer on wheel	10
Conflict of interest	87
Case requires special skills or abilities	190
Defendant facing immediate incarceration	1
PD no longer in Court	2
Order MTW granted	10
Requires Special Language	12

## Wheel and Ad Hoc Appointments by Court

<b>April 2019 to June 2019</b>				
Court	# Wheel Appts	# Ad Hoc Appts	Sum of Wheel and Ad Hoc Appts	% Following Wheel (Wheel Appts / Sum of Wheel and Ad Hoc Appts)
MA	27	20	47	57%
MB	241	13	254	95%
MC	100	16	116	86%
MD	6	1	7	86%
ME	166	40	206	81%
MF	160	16	176	91%
MG	137	12	149	92%
MH	248	42	290	86%
MJ	155	48	203	76%
MK	162	12	174	93%
ML	197	23	220	90%
MM	65	46	111	59%
MN	326	16	342	95%
<b>Total</b>	<b>1,990</b>	<b>305</b>	<b>2,295</b>	<b>87%</b>

<b>July 2018 to June 2019</b>				
Court	# Wheel Appts	# Ad Hoc Appts	Sum of Wheel and Ad Hoc Appts	% Following Wheel (Wheel Appts / Sum of Wheel and Ad Hoc Appts)
MA	113	65	178	63%
MB	995	48	1,043	95%
MC	388	154	542	72%
MD	44	6	50	88%
ME	1,141	83	1,224	93%
MF	788	123	911	86%
MG	597	71	668	89%
MH	758	194	952	80%
MJ	836	79	915	91%
MK	702	61	763	92%
ML	1,369	88	1,457	94%
MM	218	126	344	63%
MN	826	116	942	88%
<b>Total</b>	<b>8,775</b>	<b>1,214</b>	<b>9,989</b>	<b>88%</b>

# Summary Attorney Appointment Management Report

From: 4/1/2019 To: 6/30/2019

Run Date: 08/02/2019

(1) Total Appointments from Wheel	(2) Total Wheel Replacements	(3) Total AdHocs Assignments	(4) Total Misdemeanor Assignments
1990	176	305	6542
(5) Total AdHocs W/O Exceptions		% of District Court Assignments not Following Wheel (5) / (4)	
305		4.66	

Court	(1) # Wheel Appts	(2) # Wheel Rplcmnts	(3) # AdHoc Appts	(4) # PV Appts	(5) # PD Appts	(6) Total Assignment for this Court (1)+(2)+(3)+(4)+(5)	% not Following Wheel (3)/(6)	# of Skips
MA	27	2	20	0	556	605	3.31	3
MB	241	11	13	0	353	618	2.10	20
MC	100	13	16	0	621	750	2.13	7
MD	6	6	1	0	260	273	0.37	8
ME	166	3	40	0	314	523	7.65	0
MF	160	3	16	0	311	490	3.27	26
MG	137	13	12	0	366	528	2.27	18
MH	248	19	42	0	371	680	6.18	29
MJ	155	14	48	0	280	497	9.66	10
MK	162	11	12	0	308	493	2.43	3
ML	197	17	23	0	6	243	9.47	190
MM	65	11	46	0	316	438	10.50	14
MN	326	53	16	0	217	612	2.61	11
<b>Totals</b>	<b>1990</b>	<b>176</b>	<b>305</b>	<b>0</b>	<b>4279</b>	<b>6750</b>	<b>4.52</b>	<b>339</b>

Wheel	Total Attorneys on Wheel	Total Wheel Assignments
MISD A	142	1107
MISD B	142	675
<b>Totals</b>		<b>1782</b>