



## COUNTY AUDITOR

Fort Bend County, Texas

**Robert Ed Sturdivant**  
County Auditor

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January 13, 2017

Texas Indigent Defense Commission  
209 W. 14th Street, Room 202  
Austin, Texas 78701

Response to Follow-up Policy Monitoring for Indigent Defense Systems

**Appoint Counsel from Approved List (All)- Several payments were made to attorneys not on the approved appointment list.** The Indigent Defense Coordinator appoints attorneys from a rotating list. Each judge exercises his/her judicial authority to appoint counsel outside when specific experience is necessary in certain cases outside of the approved list.

**Attorneys on List Must Meet CLE Requirements (Juvenile) - A process is not in place to ensure all attorneys on the juvenile appointment lists had met their annual juvenile CLE requirements.** Attorneys representing Juveniles must now submit addendum D (Annual Affidavit Confirming CLE and Requesting to be continued on the Juvenile Indigent Appointment List for County Courts at Law) by December 31<sup>st</sup> annually to the Indigent Defense Coordinator to remain on the list. The form was created at the beginning of 2016 and added to the Juvenile Indigent Defense Plan. The update has not been approved by the Council of Judges but is scheduled to be submitted for approval in February.

**Attorney-of-the-Day Issues (continuity of counsel; ability to consult with counsel in advance of the hearing; description in the indigent defense plan) Misdemeanor - The attorney-of-the-day is still used in misdemeanor cases but is not described in the indigent defense plan. The monitor observed a docket where the attorney entered a guilty plea for a client. If the attorney-of-the-day represents clients, there is no assurance that (1) clients have sufficient ability to consult with his/her attorney in advance of a proceeding or (2) attorney-client relationship can last beyond the time of the hearing.** The County is working with the Council of Judges to add language regarding the attorney of the day into the Indigent Defense Plan. Judge Morales, County Court at Law #1 has suggested language that will be submitted to the Council of Judges at a meeting in February.

**Appoint Counsel Promptly (Felony) - Sample appointments in felony cases fell below the Commission's threshold for presuming a jurisdiction's processes ensure timely appointments.** Controls are being developed to ensure the timely appointment of counsel in felony cases. This will include but not limited to work flow and monitoring.

**Appoint Counsel Promptly at Detention Hearing (Juvenile) -Sample appointments at juvenile detention hearings fell below the Commission's threshold for presuming a jurisdiction's processes ensure timely appointments.** Controls are being developed to ensure the timely appointment of counsel in felony cases. This will include but not limited to work flow and

monitoring. The County will continue to use the Attorney of the Day in the circumstances where the parents are not cooperative to ensure representation for the Juvenile in a timely manner.

If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Ed Sturdivant". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Robert Ed Sturdivant  
County Auditor

**ANNUAL AFFIDAVIT CONFIRMING CLE AND  
REQUESTING TO BE CONTINUED ON THE JUVENILE INDIGENT  
APPOINTMENT LIST FOR  
COUNTY COURTS AT LAW**

**[ADDENDUM D]**

I, \_\_\_\_\_(Print or Type Attorney's Name), do hereby make the following statements under oath and request that my name be continued on the list of licensed attorneys eligible for appointment to indigent juvenile defendants charged with criminal offenses in Fort Bend County, Texas. I hereby certify as follows, to wit:

(    ) I have completed at least six (6) hours of CLE pertaining to the defense of juvenile defendants in criminal cases in the preceding calendar year, as required by the current **Fort Bend County Juvenile Plan and Local Rules for the Appointment of Counsel to Indigent Defendants in the County Courts at Law of Fort Bend County, Texas, Pursuant to Senate Bill 7 and the Texas Code of Criminal Procedure;**

**OR,**

(    ) I am currently certified by the Texas Board of Legal Specialization in Criminal Law, effective for the calendar year for which this affidavit applies;

**AND**

(    ) I am current with all other relevant CLE required by the State Bar of Texas and my membership in the State Bar of Texas is in good standing.

Executed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Attorney (Print or Type Name)

\_\_\_\_\_  
State Bar Card Number

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ Approved

\_\_\_\_\_  
Fort Bend County Court Services  
Coordinator / Designee

\_\_\_\_\_ Denied

Date:\_\_\_\_\_