

Juvenile Courts Response to Task Force on Indigent Defense January 23, 2008 Report

Response to Pg. 4 and Pg. 23 – 24 – “The juvenile indigent defense plan states, “The 304th and 305th Juvenile District Courts shall create separate lists from which private attorneys are appointed to represent indigent children.” This may conflict with the Tex. Fam. Code § 51.102 requirement for the juvenile board to adopt procedures for including and removing attorneys from the appointment list and for appointing attorneys to individual cases. The Task Force will seek guidance on this issue as to whether individual courts may maintain their own list and not follow a central wheel established by the juvenile board.”

The 304th and 305th appointment lists are annually approved by the Juvenile Board and the Juvenile Board has adopted procedures for including and removing attorneys from the appointment list and for appointing attorneys on individual cases.

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Response to the Core #4 Recommendation (Pg. 20) – “The jurisdiction must establish procedures to ensure that Article 1.051 time deadlines are met.”:

Dallas County continues to have computer problems which cause many delays in information being received from the jail to the courts. The Adult Information System used by the jail does not always communicate with the mainframe system used by the Courts. The jail uses the AIS system to process defendants and the courts use the mainframe system to determine court appointments. At times there is a delay in importing information from AIS to the mainframe which can delay court appointments.

In addition, at times there is a delay in appointment of counsel because of personnel shortages or absences. This issue was addressed in January 2008. At that time, a system was implemented for continuous coverage of the appointment of counsel in the absence of a court coordinator.

Response to the Core #5 Recommendation (Pg. 26) – “The distribution of court appointments in the district courts needs to be reviewed to ensure that the system is fair, neutral, and non-discriminatory.”

Action Plan: Completion Date 2009

During 2007 and continuing into 2008, the Criminal District Court Judges have been monitoring the current appointment process to include:

- 1) Requesting and reviewing reports of attorney fees paid so they may regularly monitor and ensure the system is fair, neutral, and non-discriminatory and make changes if needed.
- 2) Notifying IT Services that the courts need the ability to access reports at any time without having to make a formal request with IT Services for the information. The reports would identify the case number, defendant's name, attorney appointed, date of appointment and magistration date.

Additionally, a committee was formed in February 2007 to research the feasibility of the forming of a central appointing authority. Information in regard to this will be discussed with the District Judges on April 4, 2008.

Responses to the Additional Recommendations not Included in the Quality Assessment (Pg. 31)

- A recommendation has been made for Pre-Trial Services or the Magistrate Court staff to assist defendants in filling out the Affidavit of Indigency forms. This would require additional staff. Currently cost evaluation is being researched.
- The Affidavit of Indigency form is in the process of being revised to include: whether the defendant requested court appointed counsel and more specific information that may be used in screening their qualifications of indigency.
- In November 2007, the Criminal District Court Judges increased the fee schedule for court appointed attorneys. This enables Dallas County to attract better qualified attorneys.
- In July 2007, the Criminal District Court Judges expanded the opportunity for completing Continuing Legal Education (CLE) training requirements by including the option to take 12 hours of Criminal Law yearly to remain qualified for the felony courts appointment wheel.
- More specific guidelines have been developed for the Attorney Removal process and Reinstatement to the felony courts appointment wheel.
- The retention of documents on unfiled cases is being studied to determine when and where they should be kept.
- The Criminal District Court Judges are in the process of approving a Standard of Indigence to be used in determining if persons are eligible for court appointed counsel.

The Dallas County Criminal District Courts are aware of the Core Requirements set forth by the Texas Task Force on Indigent Defense. The Criminal District Courts are working

diligently to improve and update existing processes in order that complete and timely services will be extended to the indigent.