

## THE MORE YOU KNOW...



# THE CASE FOR CONTROLLING INDIGENT LEGAL COSTS

### THE PROBLEM

Every American has the right to legal representation in court. But that right does come at a cost, especially for those unable to pay for such assistance. And the cost to taxpayers to guarantee legal representation to all varies wildly, depending on the type of legal aid given.

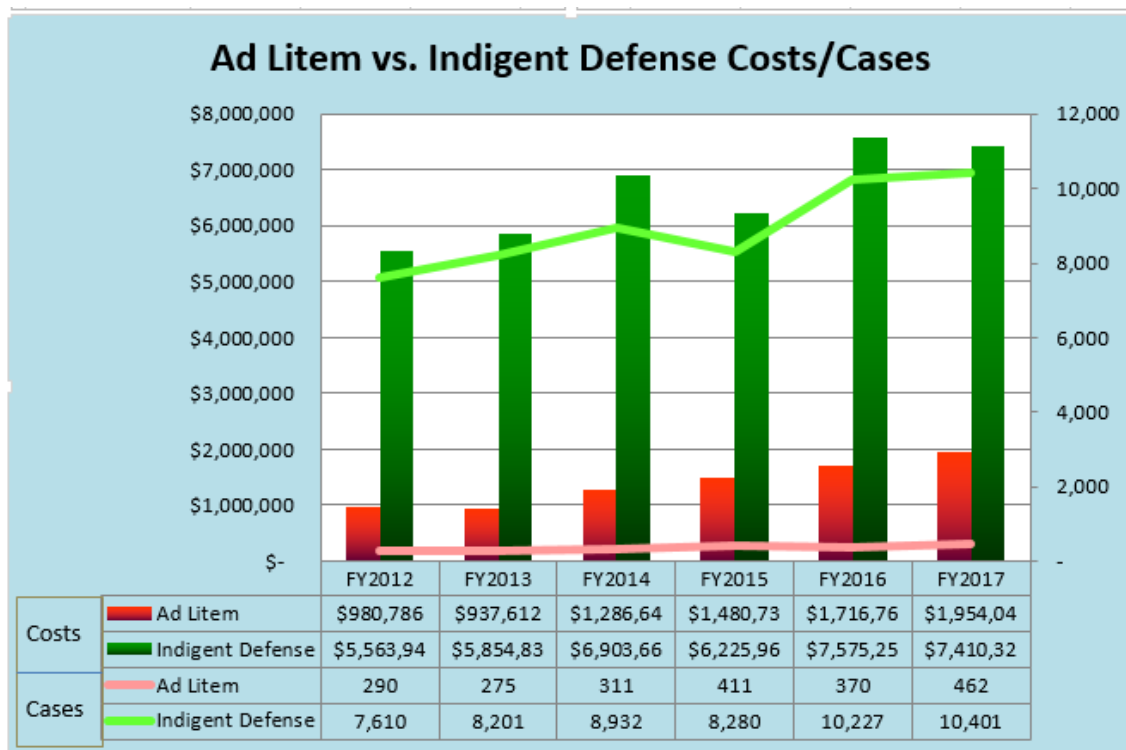
There are two basic types of representation we as taxpayers are required to pay for:

**Indigent Defense:** Legal aid for qualifying low income defendants in criminal prosecutions. The methods of determining who represents these defendants and how much they may charge are authorized by state law (Texas Code of Criminal Procedure Article 26.04).

**Guardian Ad Litem:** Legal aid for qualifying low income individuals involved in certain parent/guardian relationships and their children. The method of determining who represents these individuals is authorized by the Texas Rules of Civil Procedure (Rule 173).

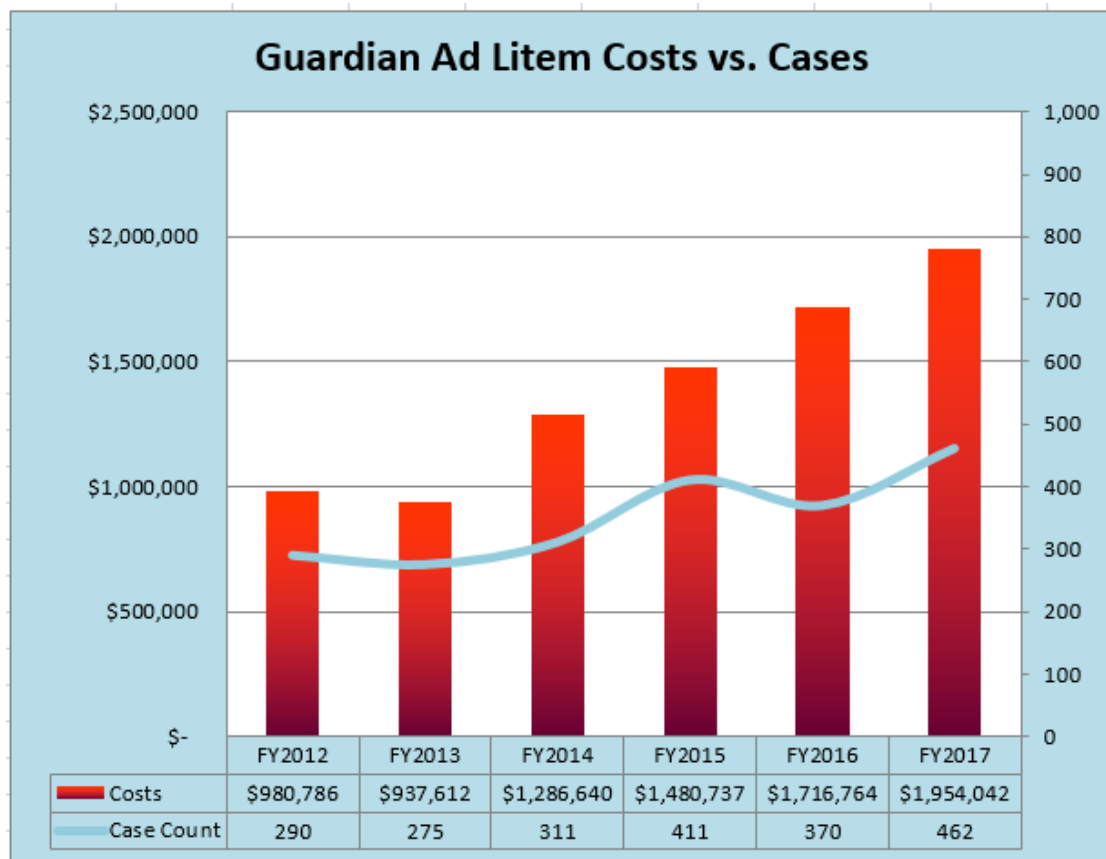
Note that Indigent Defense rules require that counties have a defined program in place governing the selection and reimbursement rates of criminal indigent counsel, whereas Guardian Ad Litem rules only defines who must be represented.

Which explains the following chart:



Notice how Indigent Defense costs fluctuate according to need (the number of cases) whereas Ad Litem costs keep rising even though the number of cases has remained relatively level.

The following graph shows Ad Litem costs versus cases more clearly:



Overall, from FY2012 to FY2017, cases have risen 59% while costs have gone up 99%.

### THE SOLUTION

Fortunately, the solution for uncontrolled escalating Ad Litem costs is simple: ask the Texas State legislature to enact similar administrative requirements to Ad Litem representation as it already has for Indigent Defense programs. Requiring counties to define rate guidelines to indigent civil cases applies consistent, equitable cost controls without restricting the quality and ability to represent those in need.

Makes sense, doesn't it?

### WHAT YOU CAN DO

Contact your state legislators and ask them to require guidelines for Guardian Ad Litem charges that state and county courts may follow. Now is the time for requiring reasonable indigent legal costs without impacting our counties' ability to protect the individual's right to representation.