

Subject: Community Impact Travis County remains hopeful about creation of public defender's office, despite setbacks

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Travis County remains hopeful about creation of public defender's office, despite setbacks

By Emma Freer | 6:26 pm Feb. 19, 2019 CST

Community Impact

Following the resignation of four work group members and running up against a deadline, Travis County commissioners remain hopeful they can create a public defender's office.

"This is our biggest constitutional responsibility as a county, the criminal and civil justice system," said Travis County Judge Sarah Eckhardt at a Feb. 14 Commissioners Court meeting. "Let's carry on."

Earlier this month, four members of the work group, which was formed last fall at the recommendation of the Texas Indigent Defense Commission, resigned. Each of the members was associated with the Austin Criminal Defense Lawyers Association.

"[O]ur members were disregarded, discounted and vilified by non-legal activists lacking the technical expertise and experience necessary to build a legal services organization," the ACDLA wrote in a Feb. 4 memo.

While commissioners acknowledged the concerns of the defectors—Eckhardt called them "legitimate" and mentioned at an earlier meeting the need to build trust between the activists and legal professionals in the group—they also affirmed the importance of the office they are trying to create.

"We can't let perfect get in the way of good. We are building something good here," Precinct 1 Commissioner Jeff Travillion said.

Travillion added that "it would be a tragedy" if those in need of legal counsel do not receive it because of infighting within the work group.

The TIDC has discretionary funds to assist counties in developing public defender offices. The deadline to apply for these funds, in the form of a grant, is March 11. Travis County commissioners would need to approve the application at its March 5 meeting.

"I want to work as quickly as possible in order to make this deadline," Eckhardt said while addressing members of the work group.

As it stands, the Capital Area Private Defender Services assigns private counsel to indigent clients—individuals charged with a crime who are unable to afford legal counsel. At issue: the quality of CAPDS' legal representation as caseloads soar.

Should a Travis County public defender's office be created as proposed, it would handle about 30 percent of misdemeanor and noncapital felony cases. CAPDS would manage the remaining 70 percent.

Amanda Woog, executive director of the Texas Fair Defense Project and chair of the work group, suggested the group may be able to meet the March deadline.

"I think the majority of the work group members are invested in moving forward," she said.