

Texas Indigent Defense Commission
FY 2020 Discretionary Grant

Program Title: [Collin County Private Defender / Managed Assigned Counsel Program](#)

Estimated Program Cost: [\\$350,000](#)

Estimated County Cash Match: [\\$70,000](#)

Estimated Grant Amount for First Year: [\\$280,000](#)

Problem Statement

While the current Collin County assigned counsel ("ad hoc") program seemingly works well, the county is unable to guarantee that we are providing the best possible defense services for indigent defendants appointed with counsel. The lack of systematic training, supervision, and performance standards for attorneys, along with the dearth of caseload data, may be resulting in gaps in services. Additionally, the current, judicially-managed system places the responsibility for attorney screening and compensation, as well as approval for investigators and experts, on the already overburdened courts, which results in the defense function not being independent from the judiciary.

Objectives

Implementation of a Private Defender / Managed Assigned Counsel (MAC) Program will improve the quality of representation for indigent defendants charged with felonies through the provision of more robust and comprehensive services. The program should improve oversight and accountability of indigent defense; enhance independence of the defense function; improve data collection; ensure consistent standards/procedures are applied to attorney training, caseloads, performance, and compensation; and reduce judicial administrative burden.

1. Establish a selection committee by October 31, 2019.
2. Implement full functional MAC program and begin serving clients by March 1, 2020.
3. Decrease number of jail days by expediting cases.
4. Increase timeliness of PR bonds.
5. Reduce the number of attorney complaints filed by defendants by 50%.

Activities

Establishment of a Private Defender / Managed Assigned Counsel program for felony cases would put Collin County indigent defense services more in line with the American Bar Association's Ten Principles for the delivery of indigent criminal defense. This type of program, authorized under Texas Code of Criminal Procedure Article 26.047, would allow Collin County to blend the advantages of both the assigned counsel and public defender systems while minimizing the weaknesses of each.

Implementation Activities

1. Establish selection committee
 - Form a selection committee by October 31, 2019.
 - Develop job description, interview, and select the Chief Defender.
2. Implement Private Defender / MAC Program
 - Select and hire Chief Defender by November 30, 2019.
 - Chief Defender will develop a written plan of operation by December 31, 2019.
 - Establish attorney, investigator, and expert performance standards by January 15, 2020.
 - Hire remaining MAC staff by February 15, 2020.
 - Begin serving clients by March 1, 2020.

Program Activities

1. Assign counsel
 - Utilize rotating wheel system, matching attorneys with cases, to appoint eligible defendants with counsel within one working day after request.
 - Assigned counsel will make initial contact with the client no later than the end of the first working day and conduct initial interview no later than five business days after the date on which counsel is appointed.
2. Review investigator and expert assistance requests
 - Review requests for investigators and expert assistance.
 - Assign investigator, if applicable, to perform fact finding investigations as part of the defense representation within two working days following receipt of request.
3. Oversee program administration
 - Monitor attorney compliance with standards including wheel assignment, caseload, conflict of interest, initial contact, and initial interview.
 - Provide staff training.
 - Review and approve compensation requests by counsel, investigators, and experts within 5 business days of receipt.
 - Prepare monthly, quarterly, and annual written performance reports as required by TIDC, Board of Judges, and Collin County Administration.

Evaluation

Program implementation success will be based on accomplishing the tasks assigned within the designated timeframe. Data to be reported will include dates for selection committee establishment, meetings, staff hire, completion of performance standards, and start of client services.

Ongoing program success will be assessed based on timeliness of PR bonds, reduction in jail days and attorney complaints, and evaluation of attorney performance, caseloads, and compensation. Data to be reported includes number of cases assigned and disposed (by type and result), cases per attorney, average cost per case, number of days to first contact and initial interview, days in jail to disposition and/or bond release, contacts made by jail advising of bond eligibility, number of attorney complaints filed by defendants, and number of fee vouchers processed with percentage approved within 5 business days.