



# FACTS & ISSUES

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League of Women Voters of the Houston Area Education Fund

## Public Defender Office for Harris County

### Proposals Under Consideration

In the spring of 2008, Harris County Commissioners Court asked its department of Management Services to study the feasibility of establishing a public defender office (PDO). In the fall of 2008, the department recommended a series of steps to establish a PDO to serve in a limited number of courts.<sup>1</sup> A first step was to empanel a study team, whose report was presented September 29, 2009, with the mid-year budget review.<sup>2</sup>

Also in the fall of 2008, the Commissioners Court hired a consulting firm to provide a systematic review of Harris County's criminal justice system. The consultant's preliminary report was made public in June 2009, and supports creation of a PDO and advances other improvements for indigent defense.<sup>3</sup>

One proposal is to create a Harris County Public Defense Board (PDB) of 15 persons. The PDB would oversee the public defense system, including the development and operation of a PDO and the appointment of a chief public defender.

On September 29, 2009, the Commissioners Court officially approved the concept and referred the matter to the new Harris County Criminal Justice Coordinating Council to implement creation of the PDO and make recommendations in time for the Fiscal Year 2010-2011 budget process.

### Legal Requirements, Guidelines

#### ***Constitutions promise a right to counsel***

The U.S. Constitution states: "...in all criminal prosecutions, the accused shall...have the assistance of counsel for his defense."<sup>4</sup> The Texas Constitution states: "In all criminal prosecutions, the accused... shall have the right of being heard by himself or counsel."<sup>5</sup> The U.S. Supreme Court and

the highest criminal court of Texas have interpreted these constitutional guarantees to require the government to provide attorneys to criminal defendants unable to pay for private counsel when the potential punishment includes a loss of liberty.<sup>6</sup>

#### ***Texas Code of Criminal Procedure***

The Texas Fair Defense Act (2001) substantially reformed Texas law. Texas now requires that defendants are promptly informed of their rights. Counties and courts must establish and publicize an indigent defense plan and procedures. Courts must report indigent defense expenditures. A state Task Force on Indigent Defense (Task Force) now oversees the counties' compliance, administers grants for start-up costs for PDOs and other projects, and provides policy makers with evidence-based studies and research.<sup>7</sup>

#### ***Standards and principles***

In 2002, the The American Bar Association ([ABA](#)) published the *Ten Principles of a Public Defense Delivery System*, a guide for those charged with creating and funding new or improved indigent defense delivery systems.<sup>8</sup> The ABA believes these ten principles constitute the fundamental criteria necessary to provide effective, efficient, high quality, ethical, conflict-free legal representation for criminal defendants unable to afford an attorney. Ethical rules for attorneys also affect indigent defense.<sup>9</sup>

### Approaches to Indigent Defense

#### ***Primary approaches***

Three primary approaches to matching poor people with criminal defense lawyers are:

- Private attorney appointment – a judge assigns an attorney to handle particular

cases. This is sometimes called a *pro hoc* assignment.

- Contract Method – the government contracts with a law firm or non-profit group to provide counsel for poor people over an extended period of time. When a Texas county makes a periodic payment regardless of the number of cases handled or the workload involved in the time period, the Task Force reports this as “contract” expenditures.
- PDO – Typically, a PDO is a governmental agency that employs attorneys and staff, although it may be a non-profit agency. A PDO can handle different types of cases, or it can be set up to specialize in particular courts or to defend a particular segment of the defendant population.

A government may use one delivery system for certain types of cases and a different system for other types of cases. For instance, counties in west Texas have created a PDO to handle only death penalty cases. Counties in central Texas have a PDO to handle appeals. Fort Bend County has obtained a grant to open a Mental Health Defender Program to start handling cases in December 2009.

#### **Hybrid system required**

Even those governments that have a PDO must also utilize *ad hoc* appointments or have contract counsel available to provide a defense for those defendants that the PDO cannot handle. Ethical rules usually prohibit a PDO attorney from representing two or more defendants accused in the same criminal episode. Ethical rules also prohibit accepting a case when an attorney’s workload is so heavy that the attorney lacks time to provide an adequate defense.

#### **Funding**

Funding of indigent defense is a hotly debated public policy question nationwide. A recent report concluded that “inadequate financial support continues to be the single greatest obstacle to delivering ‘competent’ and ‘diligent’ defense representation as required by the rules of the legal profession and ‘effective assistance,’ as required by the Sixth Amendment.”<sup>10</sup>

The source of funding (state or local taxes) varies by state. Roughly one-third of the states have statewide public defender systems, and many other states have regional or local public defender systems. In Texas, approximately 15% of the funding comes from the state and 85% from the counties.<sup>11</sup> Before 2001 and the passage of the Fair Defense Act, almost 100% of indigent defense was funded by the counties. The Fair Defense Act also resulted in a significant increase in the overall amount spent on indigent defense in Texas.

#### **Indigent Defense Today**

##### **Harris County is unique**

Public defender offices are the primary delivery system in most of the nation’s largest cities and counties. Thirty years ago, 90 of the largest 100 counties had PDOs. Houston, the fourth largest city in the U.S., is the largest U.S. city not served by a PDO.

Most Harris County courts appoint private attorneys. A few felony courts use a contract method for some types of cases.

##### **Many criminal courts**

Indigent defendants facing possible loss of liberty can find themselves before several different courts. Felony cases (where punishment can be incarceration in prisons or state jails) are heard in 22 criminal district courts. Misdemeanor cases (where the sentence can be up to one year in county jail and fines can go up to \$4,000) are heard in 15 county criminal courts at law. Three district juvenile courts consider criminal charges against youth under age 17. Two courts of appeals sit in Houston and consider criminal appeals (except death penalty cases) from ten counties. Death penalty appeals go to the Court of Criminal Appeals sitting in Austin. Appellate counsel is appointed and supervised by the district and county courts. When considering whether the county should establish a PDO, the first question may be: for which courts and what kind of cases?

##### **Felony courts’ plan**

###### **Three methods available**

The Indigent Defense Plan<sup>12</sup> for the 22 felony courts allow for three methods of appointing counsel: (1) individual case appointment (*ad hoc* appointments); (2) term assignment (contract terms of one week to a

full year); or (3) limited term assignment (attorney stands available to take whatever cases turn up on a particular day or each day in a week). Judges must post which method, or combination of methods the court will use. The plan and each court's procedures are available on the internet. The courts that do contracts for term assignments can designate what kinds of cases will be handled under the contract and how long the term contract will last. In 2008, only three courts reported paying more to contract counsel taking term assignments than to appointed counsel. In 2009, the vast majority of indigent defense counsel in Harris County felony courts have been appointed *ad hoc*.

#### **Felony court attorney "wheel"**

In an attempt to ensure that appointed counsel is capable of doing a good job, the criminal district courts' plan requires an attorney to have a certain amount of experience, pass a special test, and attend 10 hours a year of continuing legal education in criminal law. The level of required experience rises as the seriousness of the crime alleged increases. The judges vote by secret ballot on whether an attorney will be allowed to take assignments. The courts use a computer system (the "wheel") to generate lists of available qualified attorneys. Judges (or staff) pick from the list to make case-by-case or limited term assignments. Judges are free to skip over attorneys who come up on the wheel. That is, judges are allowed to avoid assigning cases to particular defense counsel. The plan also allows a loophole: "Regardless of its adopted appointment method, the court may make individual case assignments at any time." The rules limit attorneys from accepting more than five new clients a day when on a limited term assignment, and no more than two individual case assignments in one day. However, the court administrators and judges do not keep track of an attorney's overall caseload.

#### **Special drug docket**

In late 2008, the criminal district courts advertised that they would employ three attorneys for six-month term appointments to handle all cases involving indigent defendants on an Expedited State-Jail Felony Docket. This is a separate docket to

provide expedited disposition of state-jail felony drug cases.

#### **Misdemeanor courts' plan**

The county criminal courts at law have a separate computerized attorney wheel system.<sup>13</sup> The 15 judges review applications monthly. Attorney qualifications are defined by experience and continuing legal education, but no test is involved. Judges meet monthly and approve attorneys by majority vote. An attorney can be removed from the list by a majority of the judges. Every quarter, the Court Manager's Office makes random weekly and daily assignments to the courts. Assignments are supposed to be reasonably and impartially distributed among the approved attorneys and in a manner that assures each attorney an equal number of assignments. An emergency *ad hoc* list is used to replace an absent attorney or to avoid exceeding case limitations. Each attorney may be assigned between three and seven cases a day. Judges can pass over an attorney by asking for one substitution on the choices provided by the wheel.

#### **Juvenile courts' plan**

The three juvenile courts operate under their own Fair Defense Act Plan.<sup>14</sup> Like the felony district courts, the attorney lists are graduated so more experienced attorneys are appointed when the youth could be sent to the Texas Youth Commission or to adult criminal courts. Attorneys must take 12 hours a year in continuing legal education related to juvenile law. The judges approve attorneys by a secret ballot. Judges are allowed to use (1) an individual case appointment method, or (2) hire a contractor for a term, or a combination. In 2008, all three courts paid assigned counsel, and none contracted for a term. A Central Appointment Coordinator takes attorneys' requests for appointments through the Internet. A judge submits requests to the Coordinator and is to be given five randomly selected names per request. A judge should pick from the five names given, but is free to regularly pass over attorneys.

#### **Pay schedules**

Each of the three court plans includes a fee schedule with rate ranges per day, per week and per hour. Attorneys submit

itemized forms detailing services and the judge makes findings and orders fees and expenses to be paid by the county. Counsel may not be paid for all time expended on a case because the court has discretion to review and adjust the bill. When counsel wishes to hire investigators or experts at the county's expense, counsel can seek pre-approval of those expenses in a motion that the prosecution does not see. Otherwise, the appointed counsel must front the expenses in the hope of being reimbursed. When pre-approval is denied, the judge's reasons for the denial are filed under seal with the case. The Code of Criminal Procedure requires appointed counsel fees to be paid from the general fund of the county. A defendant found guilty may be required to pay all or part of the costs of the legal services provided.

## **Needed Improvements**

Harris County Commissioners Court has been actively studying the county's criminal justice system and addressing much more than the issue of counsel for the indigent. Jail overcrowding is one impetus for these studies. In September 2008 the Commissioners Court approved a study of the criminal justice system prepared by the Justice Management Institute (JMI). In July 2009, just two weeks after the preliminary study report was issued, a new Criminal Justice Coordinating Council was formed and former felony court judge Caprice Coper was named Director of the Office of Criminal Justice.

In June 2009 the U.S. Department of Justice Civil Rights Division issued a report on its 2008 investigation of the Harris County Jail. The county responded in August 2009.<sup>15</sup> Concerns about the quality and cost effectiveness of the defense provided indigents and the pressure on defendants to plea bargain to limit jail time regardless of guilt have been a frequent topic in local news reports and editorials.

## **Comparing Effectiveness**

### **Costs per case**

The Task Force On Indigent Defense (Task Force) staff and consultants have told policymakers that "cost per case for public defenders is almost always lower (by roughly 59%) than costs for assigned counsel in the

same county.<sup>16</sup> The Task Force presents the explanation that PDOs are more efficient in the same way that private law firms can be more efficient than a collection of solo practitioners. Sharing overhead, support staff, legal libraries, computers and the like saves money. Critics of PDOs offer another explanation: PDOs are often assigned huge case loads that can only be managed by using the "efficiency" of quick plea agreements.

### **Cost to the system**

#### **Pre-trial detention**

In smaller counties, the most significant cost savings to the county from a PDO have been found in decreased pretrial incarceration costs because a public defender was monitoring the jail population for indigent detainees.<sup>17</sup> The JMI study complimented the Harris County Criminal Justice System's "highly efficient front-end case processing." Indigent defendants are appointed counsel promptly under the current system. Therefore, the savings small counties have experienced may not necessarily occur in Harris County simply through creation of a PDO.

One suggested improvement for indigent defense in Harris County is to provide counsel when a detainee's bond is set at the first probable cause hearing before a magistrate. This is difficult to accomplish with an assigned counsel system because the operation extends 24 hours a day. The state is represented by the district attorney at this stage. Theoretically, a PDO with a wide mandate and adequate staffing could provide representation at this early stage. Some studies in other states have found that when law students represented the indigent at bond hearings, the costs of pretrial incarceration were reduced because more indigents were released on personal recognizance bonds.

#### **Budgeting & administration**

The Task Force has concluded that public defender budgeting is simpler and more predictable than budgeting for payment of private attorneys. The Task Force also reports that "Judges and county administrators find that less administrative work is necessary to oversee indigent defense under a public defender model than

under their previous models.” Under the present system, judges must approve the bill for each assigned counsel.

### **Proficiency**

#### **Advantages of a group practice**

The Task Force reports: “Public defender offices operate for the defense in the same way that district and county attorney offices operate in every Texas county for the prosecution, and they do so for the same reason: proficiency. This proficiency explains why most civil lawyers work in law firms rather than operate individual offices. Group law practice not only allows attorneys to share office and library space and administrative functions like billing, but it also improves the ability to learn from one another, match staff experience to work demands, develop and preserve institutional methods of performing work, and avoid ‘reinventing the wheel’ for each new case.” The Task Force also suggests that a PDO can attract resources not available to private attorneys such as grants, fellowships, and law student assistance.

The analogy to civil group practice used by the Task Force may not take into account a major difference between civil litigation and criminal defense. Much of the work of civil litigators involves discovery (requesting and reviewing documents and deposing witnesses). Rarely is formal discovery extensive in criminal cases, and then only for very serious charges. The Harris County District Attorney has an open file policy so that the defense attorney can usually see at the outset what is being claimed by the police and what forensic experts have concluded.

#### **Familiarity with particular courts**

Proponents of a PDO for Harris County predict that the office would assign its staff so that they worked in the same courtrooms regularly, as do the assistant DAs. They say this will “level the playing field” so that both sides have the same experience and knowledge about the preferences of a particular judge.

The private bar in Harris County has many opportunities to share information and experiences through several bar associations, including the Harris County Criminal Lawyers Association and a state-

wide association, which provide continuing legal education. Local attorneys can attend a weekly lunch-time presentation at the Criminal Justice Building to hear a summary of the latest appellate court rulings.

### **Specialization**

A PDO can be organized to specialize in a particular area of the law, such as criminal appeals. The relatively new Bexar County PDO was created to handle appeals for Bexar County and was expanded to handle appeals for all district courts that fall within the San Antonio Court of Appeals. This office recently received a favorable evaluation.<sup>18</sup> Dallas County considered dissolving its appellate PDO division, but the local judges and a Task Force study convinced the Commissioners Court otherwise. For appeals work, the Task Force calculated that public defenders cost \$72 per hour while appointed attorneys cost \$100 an hour.<sup>19</sup> Eleven of the Harris County felony court judges are willing to use a PDO to handle appellate appointments in their courts.

Appointed criminal defense lawyers can also specialize. They can choose to accept only appeals or only death penalty cases.

### **Special needs populations**

One consequence of de-institutionalizing mental health care has been a huge increase in the numbers of mentally ill persons confined in our jails and prisons. The mentally ill are often “repeat visitors,” jailed for minor, non-violent offenses such as trespassing. Meeting the medical needs of this population is also a strain on our overcrowded jail.<sup>20</sup> In Austin, a PDO was given an assignment to represent mentally ill defendants and is having reported success in implementing promising new programs. Fort Bend County will establish a Mental Health Defender Program in December 2009 with the help of a state grant. The 15 Harris County misdemeanor court judges have proposed that a Mental Health Division of a PDO be assigned a ratio of cases involving mentally ill and disabled defendants.<sup>21</sup> The ratio would be determined by the judges and the PDO director. The remaining cases would be assigned *pro hoc*.

### **Comparing performance is difficult**

Cost efficiency and proficiency are two basic goals. The overriding goal must be to

provide a meaningful defense to the indigent as required by our constitutions. The effectiveness of PDOs has been the object of great debate. Whether the “free” attorney is appointed by the judge or employed by a county PDO, many defendants try desperately to scrape up funds to pay a “free world” attorney. Indigent defendants often think that an assigned attorney “works for the judge.”

Several empirical studies have compared the effectiveness of public defenders and private criminal defense lawyers, with widely mixed results. These studies have defined effectiveness a variety of ways. Studies have compared a variety of statistics such as how soon the defense lawyers first met the client, the time from filing to disposition, plea bargaining rates, and conviction rates. Only a few of those studies tried to measure the length of incarceration (if any). It is not enough to compare trial outcomes because approximately 95% of cases are determined through plea bargaining. All measures of effectiveness have built-in biases that go against PDO attorneys. For instance, PDO clients may tend to remain in custody rather than on bond, which puts greater pressure on them to plea bargain. PDO clients may tend to have more prior felonies, subjecting them to greater penalties if convicted. Finally, some researchers have concluded that effectiveness of PDOs is hard to compare because of the existence of “marginally indigent” defendants who decide to hire private counsel at their own expense. “If you are a marginally indigent defendant, and you know not only that you are guilty but also that there is a very high probability that you will be convicted, ... it is not unreasonable to imagine that you will be less inclined to scrape together the money for private counsel than if, for example, you know you are wrongly accused.”<sup>22</sup>

An economist at Harvard University conducted a study of federal courts and compared salaried public defenders to private appointed attorneys paid by the hour. The study limited itself to randomly assigned cases. The study concluded that the lawyers paid by the hour were less qualified, let cases drag on, and achieved worse results for their clients, including sentences that

averaged eight months longer. The appointed lawyers cost taxpayers \$61 million more a year than the salaried public defenders would have cost. Possible reasons for the differences in performance were that salaried public defenders have better credentials, handle more cases and have more interactions with prosecutors, so they may have a better sense of what they can negotiate for their clients.<sup>23</sup>

Critics of the proposed PDO for Harris County say that the experience of federal courts is not relevant because federal PDOs have been adequately funded. A federal PDO falls within the judiciary’s budget. Federal PDOs and the prosecution attorneys have relative parity in salary and staff resources. Locally funded PDOs seldom find themselves in funding parity with the prosecution.

## **The Role of Politics**

### ***Is the assignment system tainted?***

State judges are elected and Texas law allows judges to accept campaign contributions from attorneys who appear in their courtrooms. Local news accounts have matched campaign finance reports with county payment records and concluded that a few judges have assigned the bulk of indigent cases to those who financed their campaigns. A detailed review of campaign contributions by appointed counsel was beyond the scope of this study. The attorney wheels are designed to make the appointment process less open to bias, but judges are still able to withhold assignments from particular attorneys without explanation.

This study did not formally poll local attorneys or judges, but study committee members heard many anecdotal complaints that some judges will stop appointing an attorney who insists on going to trial rather than entering a bargained plea. On the other hand, many attorneys say most judges want defendants to be represented by competent attorneys and may pick the same attorneys over and over because those attorneys are well qualified and do a good job.

### ***Is democracy the answer?***

Some argue that the court-appointed system in Harris County is superior because the system has democratic accountability.<sup>24</sup> The argument is that egregious problems

can be remedied at the ballot box. This argument assumes that voters can and will be well informed about judicial races and that contested elections will actually occur. Thirty-one criminal and juvenile judicial races will be on the ballot in 2010. For many years before 2008, many judicial races were uncontested in both the primaries and general elections.

## **Funding Issues**

A common problem in PDOs is inadequate funding. In an under funded PDO, the workload on attorneys becomes unmanageable and the quality of defense suffers. PDO attorneys often suffer burnout. Low pay also contributes to high turnover so that the goal of providing qualified, experienced counsel is not reached. The severe consequences of funding shortages are discussed at length in the reports [\*Justice Denied\*](#) and [\*Minor Crimes, Massive Waste, the Terrible Toll of America's Broken Misdemeanor Courts\*](#).<sup>25</sup> Lawsuits have been filed in many states to challenge a government's funding decisions. The suits assert that defendants are not getting the kind of meaningful defense the constitution requires.

There appears to be nothing inherent that causes PDOs to be under funded. Fees paid to compensate private appointed attorneys can also be set so low that quality of defense suffers. Fee caps per case or per day can provide an unhealthy incentive for private attorneys to take more appointments than they can ethically handle and to skimp on investigation.

### ***Who decides funding levels?***

In Harris County the level of compensation to private attorneys serving by appointment is set by the criminal court judges. Payments come from the county's general fund. PDOs set up before the Fair Defense Act (Dallas, El Paso and Randall Counties) have budgets directly controlled by their commissioners courts. PDOs set up in Texas after the Fair Defense Act are overseen by a local (or regional) public defense board, which develops the office's budget. The creation of such a board has been required by the Task Force in order to get state grants for start-up costs to create a PDO. How much control Commissioners

Court ultimately will have over the public defense board budget is a concern to those wary of creating a PDO here.

Recommendations from the JMI study and the goals of those who support creation of a PDO are to have a PDO office with funding "parity" with the District Attorney's office so that an assistant DA and an assistant public defender with equal years of experience would be on the same pay grade. "Parity" in support staff is also a stated goal. However, disparity in pay and support staff is a common problem throughout the country, particularly when a PDO is funded locally rather than through state funds.

## **Workload Issues**

Closely tied to the question of funding is the nationwide issue of excessive workload for those who provide counsel to indigents, whether they are public employees working for a PDO, contract attorneys or appointed attorneys. Some local news stories have gathered data to suggest that a few appointed defense attorneys accept so many cases that their case load far exceeds national case load recommendations.

Harris County has extensive computerized data available to monitor the number of cases assigned to each attorney, but the information has not been made readily available to the judges or staff operating the "wheels." In late August 2009, the District Clerk's office started keeping track of how many capital cases each court-appointed attorney is handling. Efforts to track case loads for all felony cases may be forthcoming. The county data is unlikely to include non-indigent cases or cases the attorney may handle in the surrounding counties. Ultimately, whether workloads of appointed counsel are reasonable depends in large part upon the self-restraint of private counsel to take only a load that he or she can ethically handle.

A PDO would be capable of monitoring attorney workload, but keeping load to a reasonable level will be a challenge, given the experiences nationwide. The Dallas County public defender system has been criticized for setting minimum caseloads for PDO attorneys at a rate that is about three times an often-cited national standard.

Excessive workloads affect the quality of defense and the public perception of fairness if it appears to the defendants and the public that defendants are being coerced or persuaded to plead guilty rather than stand trial simply because the assigned attorney does not have the time to go to trial.

## Accountability

Critics of the current assigned counsel system now in place say that it provides no assurances that lawyers discharge their obligations to clients. It is difficult to assess private attorneys. Judges see what happens in the courtroom, but the timing or extent of attorney-client contact, efforts to obtain pretrial release, the number of days elapsed before discovery is obtained, and the frequency and appropriateness of case settlements occur behind closed doors. Some believe “A public defender office would enable the county to track attorney conduct while preserving defense counsel’s independence.”<sup>26</sup>

## Summary

The current system for providing constitutionally guaranteed defense to the indigent facing incarceration has been criticized on a number of grounds, but it still has some strong supporters, particularly among the local criminal defense bar. Proposed alternatives, including creation of a PDO, have strengths and weaknesses studied in depth in recent national reports. A few felony court judges are ready to accept PDO attorneys in their courts should the Harris County Commissioners Court create a PDO. If a PDO is created, more courts may eventually request that the office be expanded and PDO attorneys appear in their courts as well.

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## Endnotes

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2 Raycraft, Dick, “[Mid-Year Review](#)” September 25, 2009, pg. 13-14.

3 Mahoney, Barry & Nugent-Borakove, Elaine, “Harris County Criminal Justice System Improvement Project Preliminary Report” June 2009.

4 U. S. Const. amend. VI.

5 Tex. Const. Art. I § 10.

6 *Gideon v. Wainwright*, 372 U.S.335 (1963); *Ex Parte King*, 550 S.W.2d 691 (Tex. Crim. App. 1977).

7 The web site for the [Texas Task Force On Indigent Defense](#) is very informative.

[www.courts.state.tx.us/tfid/](http://www.courts.state.tx.us/tfid/).

8 ABA Standing Committee on Legal Aid and Indigent Defendants. “[Ten Principles](#) of a Public Defense Delivery System” (2002).

9 E.g. ABA Comm. On Ethics and Prof’l Responsibility, Formal Op. 06-441 (2001).

10 Justice Denied: America’s Continuing Neglect of Our Constitutional Right to Counsel (The Constitution Project 2009) at [www.tcpjusticedenied.org](http://www.tcpjusticedenied.org).

11 Jim Allison, General Counsel, County Judges Commissioners Association, speech to the 6<sup>th</sup> Annual Indigent Defense Workshop, October 23, 2008, available online as Video 29 at <http://www.courts.state.tx.us/tfid/videos.htm>.

12 Harris County District Courts Trying Criminal Cases, Standards and Procedures Appointment of Counsel for Indigent Defendants (2008). [Felony Court Plan](#).

13 Harris County Criminal Courts at Law – Alternative Plan Implementing the Texas Fair Defense Act (2007). [County Court Plan](#).

14 Fair Defense Act Standards and Procedures for Appointment of Counsel for Juvenile Respondents. [Juvenile Court Plan](#)

15The department of justice [Jail Report](#) is found at its website. The County’s 454 page [response](#) was posted by the Harris County Attorney in August 2009.

16[Blueprint](#) for Creating a Public Defender Office in Texas (2008).

17 An [Evaluation](#) of the Bexar and Hidalgo County Public Defender Offices: Final Report, May 15, 2009.

18 Id.

19 Article. “Dallas County to Keep Public Defender’s Appellate Division”. *The Dallas Morning News* 28 July 2008.

20 The U.S. Department of Justice concluded that the county does not adequately address mental health care for the 2000 jail detainees who receive psychotropic medications each day. See Note 15, above.

21 Raycraft, Dick, “[Mid-Year Review](#)” September 25, 2009, pg. 14.

22 Hoffman, Rubin, Shepherd, *An Empirical Study of Public Defender Effectiveness: Self-Selection by the “Marginally Indigent.”* 3 Ohio State J. of Criminal Law 223, 224.

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24 Hochglaube, Mark & Mitcham, David, “Pros & Cons: A Public Defender’s Office Opinion” *The Defender* (2009).

25 Note 10, supra; National Association of Criminal Defense Lawyers. “[Minor Crimes, Massive Waste: The Terrible Toll of America’s Broken Misdemeanor Courts](#)” April 2009.

26 Texas Fair Defense Project, [Benefits](#) of a Public Defender Office” Sept. 2009.