

Overview: Review of El Paso County's Indigent Defense System

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Areas for review:

- *Timing of article 15.17 hearings (magistrate warnings)*
- *Process for assisting arrestees with completion of paperwork for requesting counsel*
- *Procedure for determining indigence*
- *Timing of assignment of counsel*
- *Review process to obtain waiver of counsel*
- *Review of attorney appointment lists and qualifications*
- *Review of attorney selection process including distribution of attorney appointments*
- *Review of local practices and records for measuring quality of counsel including attorney-client meetings, attorney caseloads, case outcomes, and client complaints*
- *Review utilization of the public defender office*
- *Review utilization of pre-trial services*
- *Compare cost of public defenders to assigned counsel*
- *Review payment procedures to attorneys*
- *Review of use of investigators and expert witnesses*
- *Compare local records with what was reported to state*
- *Review of El Paso federal litigation settlement agreement ("El Paso Plan") and interplay with Fair Defense Act*

Hearings to observe:

- Article 15.17 hearings
- Felony arraignment docket
- Misdemeanor arraignment docket
- Juvenile detention hearing docket
- Juvenile docket

Persons to interview:

- Auditor and staff
- District court judges, juvenile court judges, statutory county court judges
- Court administration staff
- Defense attorneys for criminal / juvenile matters
- Public defender staff
- Magistrates
- Juvenile probation staff
- Jail administrators
- Pre-trial services staff
- Felony / misdemeanor / juvenile prosecutors
- County attorney

Data to collect:

- Attorney CLE hours
- Attorney fee vouchers
- Details of information reported in the indigent defense expense report to the Commission including case and payment information for each appointed attorney
- Felony / misdemeanor case files – arrest date, date of magistrate’s warning and whether counsel was requested, date of determination of indigence, bonding information, waiver of counsel, notice of retained counsel, case disposition
- Juvenile case files - juvenile detention hearing form showing whether an attorney was appointed/present at the detention hearing. If a petition was filed, whether an attorney was appointed within five working days of the petition being served on the juvenile.
- Procedures for appointment of counsel in each court

Schedule and Timeline

May 5, 2014: first on-site meeting (overview)

June 2, 2014: meeting with key stakeholders and TIDC team

June 2-6, 2014: on-site work to begin

June/July 2014: on-site follow-up meeting(s) as necessary to collect remaining data, interview remaining persons, and to observe remaining hearings

July/August 2014: write report

September/October 2014: publish final report