



Managed Assigned Counsel Programs Frequently Asked Questions

To learn more about this model, read TIDC's *Primer on Managed Assigned Counsel Programs* and supplement, *Managed Assigned Counsel Programs in Operation*.

1. What is a managed assigned counsel program?

A managed assigned counsel program (MAC) is an entity (bar association, nonprofit, or county department) charged with appointing counsel to indigent defendants. MACs also determine what attorneys are on the appointment list; fulfill requests for investigators and experts; provide resources to defense counsel; process attorney vouchers; and ensure the quality of defense services. MACs are defined at Texas Code of Criminal Procedure, art. 26.047.

2. Are there other MACs in Texas?

Yes. Lubbock created the first MAC in Texas in 2009. There are also MACs in Collin and Travis Counties, and soon, Harris County.

3. Is a MAC the same as a public defender office?

No. MACs rely on private attorneys and investigators, who are assigned on a case-by-case basis, while public defender offices directly employ attorneys and investigators.

4. Is a MAC the only system possible in a county?

No. A MAC can be used with other public defense systems, such as a public defender office.

5. How do MACs benefit counties?

MACs improve counties' public defense by (1) increasing accountability; (2) preserving independence; (3) increasing resources available to attorneys and clients; and (4) controlling attorney caseloads.

6. How do MACs benefit judges?

MACs remove administrative work—like appointing counsel, approving investigators and experts, and reviewing fee vouchers—so that judges can focus on performing their judicial functions. MACs also increase the amount of information available on attorney performance. Judges can directly report attorney performance problems to the MAC director, who will determine if attorneys need (1) supportive training; (2) movement to a different appointment list; or (3) removal from assigned counsel lists entirely. If a complaint arises, the MAC will investigate and address any concerns with attorneys.

7. How do MACs benefit defendants?

MACs benefit defendants by ensuring their attorneys have the tools to defend their case to the fullest and reasonable caseloads to meet professional standards of representation. MACs also provide an avenue to file complaints and to help facilitate attorney-client communication if there is a breakdown.

8. How do MACs benefit the private bar?

MACs provide increased access to support staff, social workers, *Padilla* attorneys, and investigators. MACs can also provide access to meeting space, legal research tools, and training opportunities. Depending on how they are set up, MACs may also help new attorneys gain experience through second-chair and mentorship opportunities.

9. How do MACs remain neutral and independent?

MACs remain neutral and independent by creating a diverse oversight board that is not controlled by any one group or organization. MACs are also legally required to have a written plan of operation to ensure transparent operations and impartially allocated appointments.

10. How do we ensure that the MAC director is doing his or her job?

MAC oversight boards often have the power to set policy, approve budgets, and oversee MAC directors, including recommending the appointment or removal of the director. There should be active and ongoing communication between the MAC director, Commissioner's Court, the judiciary, and the private bar, to ensure important information is shared.