

SUBJECT: Studying caseloads of lawyers appointed for indigent criminal defendants

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Herrero, Carter, Canales, Leach, Moody, Toth

1 nays — Schaefer

1 absent — Hughes

1 present, not voting — Burnam

SENATE VOTE: On final passage, April 25 — 27-1 (Hancock)

WITNESSES: For — Andrea Marsh, Texas Fair Defense Project; Ana Yanez Correa, Texas Criminal Justice Coalition; (*Registered, but did not testify:* Yannis Banks, Texas NAACP; Rebecca Bernhardt, Texas Defender Service; Matt Simpson, ACLU of Texas)

Against — None

On — Allen Place, Texas Criminal Defense Lawyers Association; (*Registered, but did not testify:* Wesley Shackelford, Texas Indigent Defense Commission)

BACKGROUND: Code of Criminal Procedure (CCP), art. 26.04, requires judges to adopt and publish countywide procedures for appointing attorneys to represent indigent defendants arrested for, charged with, or appealing felonies and misdemeanors punishable by confinement. Under Government Code, sec. 79.036, counties are required biennially to submit to the Texas Indigent Defense Commission (TIDS) information about their system to provide attorneys to indigent defendants.

DIGEST: SB 592 would require attorneys appointed under CCP, art. 26.04 to represent indigent defendants to submit, in an annual report to the county, information describing their caseload for the preceding fiscal year, including cases taken on retainer.

Counties would have to submit annually to the Texas Indigent Defense Commission information about the caseloads of attorneys appointed to represent indigent clients in the preceding fiscal year.

The bill would add to the list of items that had to be submitted annually to the TIDC. Counties would have to submit information about :

- plans or protocols submitted to a commissioners court about a public defender's office;
- plans or protocols submitted to a commissioners court about a managed assign counsel program;
- contracts for indigent defense services related to contract defender programs; and
- revisions to this information .

The TIDC would have to conduct and publish a study to determine guidelines for establishing a maximum total caseload for defense attorneys that allowed attorneys to give each indigent defendant the time and effort to ensure effective representation. The study would have to be based on policies, performance guidelines, and best practices.

The bill would take effect September 1, 2014, and would apply to criminal proceedings that commenced on or after that date.