

Montgomery County District and County Court at Law Joint Resolution for Managed Assigned Counsel Program

RESOLVED: That the following be recommended for action to the Commissioners Court of Montgomery County:

Montgomery County seeks to establish a managed assigned counsel program (MCMAC), in accordance with Texas Code of Criminal Procedure Art. 26.047 (to become effective September 1, 2011) and in accordance with the Texas Administrative Code standards of a public defense delivery system. Through a contracted entity, indigent defendants in felony cases, and indigent parties in cases involving the Texas Department of Family and Protective Services (CPS), will be provided with qualified attorneys and defense team members. The MCMAC will oversee the entire indigent defense process, ensuring quality representation and saving taxpayer resources.

Program Objectives:

Objective 1: Establish a fully functional managed assigned counsel program (MCMAC) dedicated to representing indigent adult defendants charged with a felony criminal offense in Montgomery County, and indigent parties in CPS cases, by January 1, 2012.

Objective 2: MCMAC will establish attorney, investigator and expert performance standards by January 2, 2012.

Objective 3: MCMAC will monitor compliance with established attorney, investigator and expert performance standards by October 1, 2012 and annually thereafter.

Objective 4: For those individuals determined to meet financial eligibility, the court shall notify the MCMAC of the client's need for counsel, within one working day of determining indigence for an attorney.

Objective 5: MCMAC will provide expert qualified counsel from the criminal defense bar and family law bar to all those referred by the court, except those cases in which a conflict exists, within one working day of receiving information from the court.

Objective 6: Assigned counsel will make initial contact with the client (in custody) not later than the end of the first working day after the date on which counsel is appointed.

Objective 7: Assigned counsel will diligently conduct the initial interview with the client not later than three working days after counsel receives notice of assignment to the client's case.

Objective 8: MCMAC will review requests for investigators and expert assistance and make a determination of those requests (including assignment of investigator/expert if applicable) within two working days of receiving request for assistance.

Objective 9: MCMAC will review and approve fee requests by counsel, investigators and experts within five business days of receiving the request.

Objective 10: MCMAC will distribute payments for approved services within five business days of approval of the request.

Objective 11: Montgomery County Office of Court Administration will conduct a survey of judges to determine the opinion of the quality of representation by attorneys being provided through MCMAC by October 1, 2012 and annually thereafter.

Objective 12: MCMAC and Montgomery County Office of Court Administration will produce annual statistical reports of activities for submission to the Judiciary and Commissioners Court by March 1, 2013 and annually thereafter.

Project Design:

1. An oversight board will be formed to oversee the MCMAC contract. The board will consist of a representative from or designee of :
 - a. Montgomery County District Courts selected by the majority vote of the District Judges;
 - b. Montgomery County Courts at Law selected by the majority vote of the County Courts at Law Judges;
 - c. Montgomery County Commissioners Court selected by the Commissioners Court;
 - d. A member of the Montgomery County Criminal Defense Bar Association selected by the President of the Montgomery County Criminal Defense Lawyers Association who practices primarily in the area of criminal defense and is not a principal in a prospective MAC group and will not apply to receive appointments to represent indigent defendants in criminal cases;
 - e. A member of the Montgomery County Bar Association selected by the President of the Montgomery County Bar Association who practices primarily in the area of family law and who is not a principal in a prospective MAC group and who will not apply to accept appointments in Child Protective Services cases;
 - f. A representative selected by the board of the local board of Texas Department of Family and Protective Services.

The Board will be responsible for recommending to the Commissioners Court the appointment of the governmental entity, nonprofit corporation or bar association to operate the MCMAC. The Board will also oversee the development of a contract between the two entities.

2. The appointed entity will make every attempt to hire an attorney director, satisfying at least the minimum qualifications for that position, to begin employment on or before January 1, 2012.
3. By January 1, 2012, the Director shall develop a written plan of operation including the information required in HB 1754 and Texas Administrative Code Chapter 174.10-174.25 (Indigent Defense Policies and Standards) or any rules promulgated by the Commission for Indigent Defense pursuant to 26.047, and any other requirements listed in the contract with Montgomery County.
4. The Director shall make every attempt to hire the staff needed so that they can begin employment on or about January 2, 2012.
5. The MCMAC shall begin accepting case referrals on January 2, 2012, and providing quality representation in those cases.
6. MCMAC shall provide annual statistical reports detailing information from the plan of operation and other requirements listed in the contract with Montgomery County by March 1, 2013 and annually thereafter.

Budget Narrative:

All costs will be expended by Montgomery County through a contract with the entity providing MCMAC services, all funds will be placed in this line item. Anticipated costs include:

- a. Contract attorney services;
- b. Administrative personnel costs (director, investigators, accounting);
- c. Travel and training;
- d. Equipment;
- e. Supplies;

Office space for MCMAC administrative staff will be provided by Montgomery County.

Signed this 15th day of August, 2011.



MICHAEL SEILER
435TH JUDICIAL DISTRICT COURT
Administrative Judge, District Courts



PATRICE McDONALD
COUNTY COURT AT LAW THREE
Administrative Judge, Statutory County Courts



LISA MICHALK
221ST JUDICIAL DISTRICT COURT



DENNIS WATSON
COUNTY COURT AT LAW ONE



KATHLEEN HAMILTON
359TH JUDICIAL DISTRICT COURT



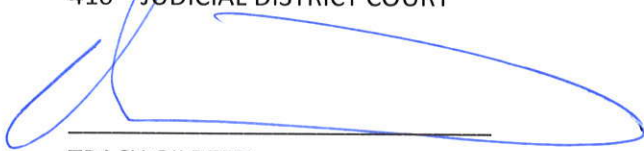
MARYANN TURNER
COUNTY COURT AT LAW FOUR



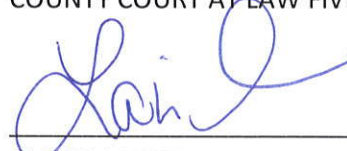
K. MICHAEL MAYES
410TH JUDICIAL DISTRICT COURT



KEITH STEWART
COUNTY COURT AT LAW FIVE



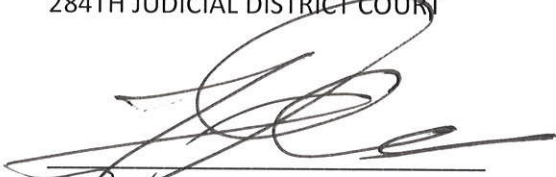
TRACY GILBERT
418TH JUDICIAL DISTRICT COURT



CLAUDIA LAIRD
COUNTY COURT AT LAW TWO



CARA WOOD
284TH JUDICIAL DISTRICT COURT



FRED EDWARDS
9TH JUDICIAL DISTRICT COURT