



Potter & Armstrong County Public Defender

900 S. Polk, Ste. 206 | Amarillo, TX 79101 | 806.242.3415

POLICIES AND PROCEDURES MANUAL

Public Defender Office Personnel

NAME	POSITION
Jason Howell	Chief Public Defender
Amy Conner	Paralegal
Natasha George	Assistant Public Defender
Lakeshia Wilson	Assistant Public Defender
Nicole Amos	Assistant Public Defender
Alton Estrada	Assistant Public Defender
Ben Gifford	Assistant Public Defender
Kai Vrede	Mental Health Caseworker

Managed Assigned Counsel Personnel

NAME	POSITION
Vaavia Rudd	Director
Haley Hotchkiss	MAC Manager
Samantha Wilson	Paralegal
Brianna Gamez	Fellowship Attorney
Ethan Colley	Fellowship Attorney
Yvonne Spriggs	Mental Health Caseworker

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I. GENERAL PROVISIONS

A. Mission Statement

The Potter and Armstrong County Public Defender (PD) and Managed Assigned Counsel (MAC) Offices are zealous advocates and trial lawyers serving the needs of our clients with qualified, compassionate, and holistic solutions. Our offices strive to mirror the hard-working demographics of the Texas Panhandle area with a resolute determination, a heart for service, and a justice-seeking spirit.

B. Purpose

1. This manual is here to answer most questions you might have regarding the operation of our office. It is informational, and not designed to tell you how to do your job, nor to tell you what you cannot do, nor – in any way – to restrict your creativity. If something is missing, it can be added. If something needs changing, it can be changed. If something does not feel right, we can talk about it. We are a group of adults, commonly bound by our collective purpose, and the joy of that is something to celebrate, not arbitrarily restrict.

2. Some questions have important, county-specific, procedural answers (“How do I claim mileage reimbursement?”); some questions are better suited to the office and the dexterity of your mind (“When should I file a Motion to Suppress?”); and some questions need not be asked (“Do I need to be on-time for Court?”). If you have a question that is unanswered here, remember that our mission statement informs *every* decision we make – a glance at it might be the best starting point.¹ Mental Health Caseworkers, please refer to the Potter & Armstrong County Indigent Defense Mental Health Caseworker Manual for specific day-to-day workflow.

3. This manual serves as a supplement to the general administrative policies and procedures set forth in the Potter County Policy & Procedure Manual that includes information on vacation time, sick leave, holidays, mileage reimbursement, computer policies, etc. These are located in the P Drive under “Manuals.”

From there, just be a good person: kind, honest, humble, and considerate. Ask questions. Remember that striking the right balance between silence and curiosity is perhaps the most wonderful human combination.

¹ Where this manual remains silent, Article 26.044 of the Code of Criminal Procedure provides important statutory guidance.

II. INTRODUCTION

A. The Office

1. We operate according to a few guiding principles:
 - our Mission is our purpose, it informs *everything* we do;
 - we will represent thousands of clients, but will have one reputation;
 - we believe that we can only be client-centered if we support each other first;
 - we *will* make mistakes – when we do, we will not shy away from accountability; we will embrace it, directly and professionally.
2. We are officially called the **Potter & Armstrong County Public Defender**, and our address is:

900 S. Polk St., Ste. 206
Amarillo, TX 79101
Public hours are 8:30am – 5pm, Monday through Friday.

B. Personnel

All employees of Potter & Armstrong County Public Defender (PAPD) work under the authority of the Chief Public Defender and the Potter & Armstrong County Indigent Defense Oversight Board. The Chief may delegate responsibilities to PAPD employees, except the authority to hire and terminate employees. The Chief Public Defender and Assistant Public Defenders are responsible for all case-related oversight delegated by the Potter & Armstrong County Indigent Defense Oversight Board.

Chief Public Defender – Salary up to \$130,000.00

The Chief Public Defender is charged with supervisory authority over all the assistant public defenders, mental health and social services workers, support staff, and interns in his or her PAPD office. The Chief Public Defender:

1. Meets with county officials when so requested and prepares the PAPD budget;
2. Assigns cases to Assistant Public Defenders;
3. Presides over team meetings;
4. Acts as lead counsel in all cases assigned to her or him and also in any case where appropriate because of the complexity or gravity of the case as it has developed;
5. Drafts and submits reports as regularly required or otherwise requested;
6. Implements or approves implementation of changes in this policy of operations, subject to the overseeing authority of the Potter & Armstrong County Indigent Defense Oversight Board;
7. Handles his or her caseload;

8. Makes decisions regarding reassignment and collaboration on open cases; and
9. Performs any such other administrative or supervisory duties that arise and assigned by the Potter & Armstrong County Indigent Defense Oversight Board.

Assistant Public Defender – Salary up to \$94,500.00

The Assistant Public Defender (APD) is an employee of Potter County who represents indigent clients assigned to the Public Defender Office (PDO). The Assistant Public Defender:

1. Represents clients accused of felony and misdemeanor offenses in Potter or Armstrong County. May have appellate or juvenile cases as assigned by the PDO Director.
2. Assures zealous representation for indigent clients.
3. Meets with indigent clients for initial interviews, to explain the law, give legal advice, explain legal options, and discuss plea offers or trial strategies.
4. Reviews discovery and evidence, including police reports, witness statements and interrogations, dashcam and surveillance video, cellphone records, forensic reports and other discovery and evidence.
5. Researches, analyzes and interprets issues of law. Prepare memoranda, motions, and other pleadings. Review drafts of pleadings, motions, and memoranda prepared by legal staff.
6. Appears in court for trial, pleas, and other hearings.
7. Works with other APDs in the formulation of legal strategies and options for clients.
8. Communicates with clients, witnesses, prosecutors, and law enforcement as required, including regular trips to jails and prisons. Includes magistration appearance with recently arrested clients when possible.
9. Assists fellow public defenders in researching legal issues and in preparing memoranda, pleadings and motions.
10. Prepares cases for jury trials, bench trials, open pleas, and contested motion hearings.
11. Works with the social services and mental health coordinator to get clients into appropriate social and behavioral health services. Work for alternative dispositions such as specialty courts, mental health treatment, pre-trial diversion, and other options.
12. Negotiates with prosecutors on behalf of clients.
13. May have appellate or juvenile cases as assigned by the PDO Director.
14. Maintains good standing with the State Bar of Texas along with all required CLE.

Assistant Public Defender Requirements

- J.D. degree and license in good standing to practice law with the State Bar of Texas.
- Minimum of 2 jury trials to verdict.
- Good trial skills and/or a willingness to develop such skills are required.
- Effective organizational and time management skills.
- Ability to manage a trial schedule and caseload that complies with Texas Indigent Defense Commission Guidelines.
- May require evening and weekend hours. Travel may be required as well.
- Must have or obtain by date of hire a valid driver's license and reliable transportation.

Mental Health Staff – Salary up to \$52,500.00

The Public Defender Mental Health Staff is an employee of Potter County who assists the office in its representation of indigent clients assigned to the Public Defender Office (PDO). The Mental Health Staff:

1. Maintains and enhances the Public Defender Office's commitment to zealous representation of our indigent clients.
2. Advocates on behalf of clients to receive social and behavioral health services and for mitigation purposes.
3. Interviews clients, collect and complete required documentation and determine eligibility for assistance based upon a variety of service regulations and procedures. May make home or jail visits on an 'as needed' basis for clients unable to come to the service site.
4. Provides basic needs counseling and problem-solving assistance or case management services for clients. Assesses client needs including social history, clinical assessment, and mental status examination. Develops casework/service plans, monitor progress and follow-up.
5. Coordinates with other agencies, organizations, and vendors to provide information and referrals for clients. Serve as an advocate on behalf of client. Interprets eligibility requirements, policy and procedures to clients, other agencies, vendors and governmental entities;
6. Deals effectively with persons experiencing crises and stress. Works effectively and courteously under high-pressure circumstances;
7. Assists attorneys in reviewing and preparing clients and cases;
8. Maintains strict confidentiality and documentation of all client services rendered;
9. Attends and participates in meetings, training, and information sessions;

10. Performs such other related duties as may be assigned by the PD Director;

11. Maintains a safe, cordial, and healthy work place environment.

Mental Health Staff Requirements

- Bachelor's Degree in Social Work, Psychology, Sociology, or other related mental health field plus 2 years relevant experience.
- Ability to work both independently and as a team
- Knowledge of Federal, State and Local program laws and requirements.

Public Defender Support Staff – Salary up to \$42,000.00

The Public Defender Support Staff is an employee of Potter County who assists the office in its representation of indigent clients assigned to the Public Defender Office (PDO). The Support Staff:

1. Maintains and enhances the Public Defender Office's commitment to zealous representation of our indigent clients.
2. Assists attorneys in reviewing and preparing documents and cases.
3. Maintains strict confidentiality.
4. Reviews cases for potential conflicts of interest.
5. Provides broad administrative and office support; screen visitors and telephone calls.
6. Creates and proofreads a wide variety of reports, letters, memos, tables and charts.
7. Composes correspondence for review and signature by staff.
8. Prepares various legal documents for attorney review.
9. Assists attorney staff with case preparation.
10. Calendars hearings and meetings for attorneys.
11. Prepares agendas; attends and participates in meetings, training, and information sessions.
12. Performs such other related duties as may be assigned by the PD Director.
13. Maintains a safe, cordial, and healthy work place environment.

Support Staff Requirements

- Certification as a paralegal, court coordinator/administrator, or 2+ years as a legal secretary.
- Ability to work both independently and as a team.
- Effective organizational and time management skills required to execute duties.
- Good technological abilities.
- Good oral and written communication skills.

As employees of PAPD, staff members are bound by the same ethical standards as attorneys. First and foremost, this includes the attorney-client privilege. Anything we learn from a client is confidential and will not be shared with anyone outside this office without the client's permission. This includes friends and family of the client.

Secondly, all members of the PAPD should be respectful of the witnesses and other parties that we come across during the course of our representation of a client. While there will be individuals who will make it difficult or impossible to do, always go into the situation as respectfully as possible. You should show respect to the victims who agree to speak with us. Finally, you should seek a parent or guardian's permission before speaking to a juvenile witness or victim.

C. Accomplishments

Our jobs are hard. Keep track of things you are proud of and celebrate the good work of your colleagues. Share stories over email and in meetings. (Keep a record of these things so that the Chief Public Defender can include them in his quarterly report to the Texas Indigent Defense Commission.)

III. WORKPLACE CONDUCT

A. Personal Appearance

You can find the official Potter County dress code in the Potter County Manual on the P Drive. We are a new office and there will be days that work clothes should be the dress of the day. If you have court, or are meeting clients, please dress appropriately. We will have casual days where you can wear jeans and a TCDLA shirt, polo, or button-down shirt. If you have a question about dress code, please ask.

B. Confidentiality

Although we are a public organization, the information contained in our files and records or otherwise obtained by virtue of our employment is strictly CONFIDENTIAL. Employees are prohibited from discussing or providing written or verbal information on any aspect of a pending or closed case or internal procedures and operations with or to any person unless such information has previously been or required to be discussed in a legally recognized manner, e.g. a judicial proceeding or a proper request under the Texas Open Record Act.

Requests for Information contained in our files or records should be made in writing. Any questions on this policy and all written requests for information under the Texas Open Records Act shall be directed immediately to the Chief Public Defender.

Under no circumstances are employees of the Potter & Armstrong County Public Defender to provide confidential information to any person outside of our organization. Failure to strictly adhere to this policy will result in immediate disciplinary action, up to and potentially including termination.

C. Conduct Affecting Performance

If you have been notified that you are the subject of an investigation, or if you have been arrested, please report any such matters to the Chief Public Defender within twenty-four (24) hours. Refer to the Potter County Policy & Procedure Manual for information regarding the drug and alcohol policy.

IV. ADMINISTRATIVE ISSUES

A. Overhead and Start Up Budget

	Budget
1) Personnel – Salaries (Total Number of FTEs: 12)	\$449,375.00
2) Fringe Benefits	\$189,266.00
3) Travel and Training	\$15,000.00
4) Equipment (First Year Only)	\$97,480.00
5) Supplies	\$28,200.00
6) Contract Services	\$47,000.00
7) Office Space Cost (First Year Only)	\$50,000.00
8) Indirect	\$17,526.00
Total Proposed Cost	\$893,847.00
Less County Contributions (all participating counties)	\$446,924.00
Total Amount Funded by Commission	\$446,923.00

B. Current Year Budget

Per our guidelines, we must include our annual budget as part of this policy manual. Below is the Potter County approved budget for Fiscal Year 2023.

Salary- Chief Public Defender	\$ 115,500.00
Salaries- Assistants	\$ 567,000.00
Salary Stipends and training	
Group Insurance	\$ 101,376.00
Retirement	\$ 105,180.00
Social Security Tax	\$ 52,220.00
Workers` Compensation Insurance	\$ 2,800.00
Unemployment Insurance	\$ 690.00
Education & Travel	\$ 12,500.00
Investigator Fees	\$ 20,000.00
Contract Services: Software Maint	\$ 8,000.00
Stationery & Office Supplies	\$ 3,000.00
Subscriptions & Publications	\$ 4,200.00
Dues	\$ 5,000.00
Non-capital Equipment	\$ 12,000.00
Equipment Rental-leases Copier	\$ 1,800.00

C. State Bar dues

At this time, we will cover your state bar dues.

D. Books

We will have certain codebooks, practice manuals, and other materials available in the office. If there is something you feel would benefit the office or a specific resource request, contact the Public Defender Support Staff. Our budget is limited but we will do our best to give you all the tools you need to serve our clients.

E. Continuing Legal Education

Under the Texas Fair Defense Act, any attorney requesting appointments to represent indigent defendants must have at least ten (10) hours of continuing legal education in the field of criminal law each calendar year and be an active member of the State Bar of Texas to maintain eligibility to receive appointments. There are also other State Bar of Texas CLE hour requirements for all attorneys. This includes our office. Keep up with your CLE hours and make sure you are reporting them correctly to the State Bar of Texas. We will provide opportunities for CLE, but if you have a specific seminar, conference, or other training opportunity, please bring the course outline and talk with the Chief Public Defender.

F. COVID protocol

If you have symptoms, or are around anyone that has tested positive, please make sure you let the Chief Public Defender and Public Defender Support Staff know, and we will plot the course ahead in accordance with whatever the most recent governing protocol is. You will certainly need to test negative before returning to anything in-person. The last couple of years have taught us how to operate remotely, and we will always err on the side of caution when it comes to addressing COVID. Above all, your health (and life) matters tremendously – we will do nothing to endanger it.

G. Email signatures

We have uniform email signatures in the P Drive folder under “Manuals” that has instructions for how to set these up correctly. For what it’s worth, the mindset is that everything we do makes our office appear detail-oriented. Please note: if you want to include pronouns in your signature, please do so – that piece of it is entirely up to you.

H. Equipment

You will get an office-issued laptop please take care of it. Are there other things that you would like to have? Ask us, and we will talk about them.

I. Inclement Weather

Our office is presumed open except on County Holidays and weekends. Potter County policy is to close county offices when Amarillo Independent School District (AISD) does so. If school is not in session, the decision comes from the County Judge, Nancy Tanner. When we have inclement weather, keep up with the local news about office closures. If in doubt, call the Chief Public Defender or Public Defender Support Staff.

J. Information Technology

Andrews & Associates is our county contracted IT service provider. If you have a computer, phone, or other electronic question or issue, please ask someone in our office first. If we cannot get the issue resolved in-house, send a work ticket to helpdesk@mypottercounty.com. Our main office phone number is 806-242-3415. Use this number as your main line contact information for correspondence. When dealing with clients and cases, document everything in LegalServer.

Andrews & Associates requires you to restart your laptop/computer every Thursday in order to install updates adequately.

K. Quarterly Reports

Part of maintaining compliance with our grant requires the quarterly submission of data and narrative to the Texas Indigent Defense Commission. The Chief Public Defender is ultimately responsible for this, though each person will have a role in ensuring that the data input into our case management system is current and accurate.

L. Time Off

If you have reasons that you cannot work or would like to take time off work, email the Chief Public Defender and Public Defender Support Staff with your request – your wellbeing is of paramount importance to us. Do not be afraid to ask if you need off. Please work with co-workers to get your responsibilities covered while you are out. When you are away from the office, *be* away from the office. I might suggest turning your phone off and disabling notifications. If you have questions about time off, please check the Potter County Manual on the P Drive.

We are THE voice for the defense. This should not be a job, but a mission you get paid to do. Gone are the days of functional institutions pretending there is merit in banking a bunch of vacation hours you never get to use. Presuming that the sole function of being alive has to do with your job or thinking that a badge of honor comes with ignoring your mental health is asinine. Be good to yourself, spend time with your family, and actually take that beach or mountain vacation.

M. Training and Community Outreach

We are an office full of people perpetually striving to be better – how can we help with that? We have money specifically dedicated to training, and we want to use it. Is there a conference you want to attend? Do you want to study Spanish? Do you want to become a paralegal? Email the Chief Public Defender and Public Defender Support Staff.

We want the Community to know all the great things going on in our office. Do you want to do a job fair at a local high school? Did the local Kiwanis Club ask you to do a presentation? If you have a Community Outreach idea, please let the Chief Public Defender know. The World should see how we are improving our clients' lives and the Panhandle as a whole.

N. Use of Public Defender Property for Personal Business

Office supplies, computer, software and hardware, internet/email access, copy equipment, telephone services, etc., are provided to Potter & Armstrong County Public Defender employees for furtherance of official business purposes. These items are not for personal use. They are not an informal fringe benefit of employment with the Potter & Armstrong County Public Defender. The reasonable use of telephone for personal local calls of short duration is allowed. Personal long distance telephone calls (including FAX) are prohibited when charged to the Potter & Armstrong County Public Defender.

O. Wages & Salaries

Payday is the 15th and last day of each month. You will receive your paystub through the email address you give to Human Resources and Payroll. Our time keeping system is TimeClock Plus. You will have access to this system through your office-issued laptop and the County Intranet. If working remotely, we will have to manually input your time in the system. Please work with the Chief Public Defender and Public Defender Support Staff to make sure your time, vacation days, and sick days on TimeClock Plus is correct. For information about the workweek, check the Potter County Manual. As long as you put in your required time and you get your work done, we

can discuss your exact hours spent physically in the office. We reward special skills and extra duties. If you are bilingual, upon verification, we will give you a stipend. If you are serving as an official mentor, we will give you a stipend. To earn a stipend for your extra skills and mentorship, please check with the Chief Public Defender as to what will be required of you. The stipend amount may vary based on the budget, but we want to encourage and reward you developing your special skills and for taking on extra duties.

P. Website

The MAC Manager is in charge of our website. If you have content ideas, designs, or suggestions get with the MAC Manager and see if they are possible. Then, talk with the Chief Public Defender for final approval.

V. ETHICS OF PUBLIC SERVICE

A. Acceptance of Gifts

The practice of accepting gifts or gratuities is not only unnecessary and undesirable, but also contrary to the public interest and law. Therefore, all employees are prohibited from accepting gifts, gratuities or favors from clients, their families or friends.

All attempts to provide gifts, favors, services or other things of value to employees of the Potter & Armstrong Public Defender shall be immediately reported to the Chief Public Defender.

B. Caseload Restrictions

TIDC guidelines for indigent defense recommends caseloads for attorneys, with the understanding that the attorney is not to exceed these numbers. Attorneys will handle no more than 138 felony cases, 239 misdemeanor cases, 200 juvenile cases, or any weighted combination of the three. The Chief Public Defender and Public Defender Support Staff will assign cases based on TIDC protocol. We want you to serve our clients to the best of your ability. Please notify the Chief Public Defender if you find that the caseload is overwhelming you. We are grant-funded, and in accordance with the terms of our grant, we are restricted to handling a certain number of cases across our two-county service area. Each attorney will have limitations. Given our infancy as an office, the specific numbers are difficult to estimate. However, it is essential to our function as an office to handle each case ethically. We will be monitoring caseloads closely.

C. Conflicts (Motions to Withdraw)

Conflicts are a part of our practice, and we take them seriously. Over time, our case management system will allow us to conduct an increasingly robust conflict check. Until then, the process will be manual. Public Defender Support Staff will be doing an upfront conflict check, but may not have enough information to spot all issues. Currently, we are checking in LegalServer and the discovery software for potential conflicts. However, we may miss some occasionally. Do you think there is a conflict? Talk to the Chief Public Defender first. If you believe you have other reasons to withdraw (e.g., client communication), again, please discuss it with the Chief Public Defender before filing any Motions to Withdraw.

D. Media requests

We are bound to field media requests. Before giving any statement or posting any articles on behalf of or while representing the office, let the Chief Public Defender know. We will discuss the best next step. Sometimes it is in our best interests (and our clients') to speak, other times, not. These cases will be handled case-by-case. Make sure that we discuss it internally before we address the public. There is nothing wrong with getting contact information, taking a message, inquiring about a deadline, and returning a call.

E. Outside and Self Employment

All employees must have the written approval of the Chief Public Defender prior to beginning any outside employment or self-employment. Outside employment and self-employment are defined as work for personal economic remuneration. The Chief Public Defender may give such approval only if the following items are understood and agreed to by the employee:

1. There is no conflict of interest between the Public Defender job and the proposed outside work;
2. The proposed outside work will not interfere with the employee's regular work schedule;
3. The proposed work will not, in the opinion of the Chief Public Defender, interfere with the quality or quantity of the employee's regular Public Defender work.

The employee should understand that after approval has been granted, if the preceding items are not met, the employee will be asked to resign either from the outside work or from the Public Defender. A request for permission to enter outside or self-employment must be initiated by the employee in writing and shall provide detailed information as to the nature of the outside work and the hours to be worked.

Any change in the nature or hours of previously approved outside work or self-employment shall be communicated in writing to the Chief Public Defender for the purpose of determining continued approval.

Under no circumstances are employees to conduct outside self-employment activities on the Public Defender premises during times for which they are being compensated by the Public Defender. Employees are not to disrupt or interfere with the productivity of coworkers in furtherance of outside work or self-employment.

Assistant Public Defenders are not allowed to perform criminal legal work outside the scope of their work for the office or which is in violation of Article 26.044, Code of Criminal Procedure.

VI. CASE MANAGEMENT

A. Experts

If your case would benefit from the use of an expert, please see the Chief Public Defender. Be prepared to discuss what you are looking for, how it would be useful to our clients, and the research you have done on who might be available (and cost-effective). Do not shy away from considering the use of an expert because of cost; quite the opposite, get creative.

B. Investigators – In House and Contract

If you need investigation such as witness interviews, finding potential witnesses, video or call review, or other basic investigation assistance, contact the Chief and or Public Defender Support Staff. For more complex investigations, make a request with the Chief for outside investigators. We will contact the MAC Director for licensed and approved investigators. We will approve investigators up to \$1,500.00 upon request. If you estimate that the cost of services will exceed \$1,500.00, it will be necessary to prepare and file a motion and order for the judge to sign. Be prepared to explain the necessity of extensive investigation. Complete the request form on the website so that the use of investigators may be tracked.

C. Lexis+

We have a legal research system for the office. You will get your own account. Make sure your research meets your duty of candor to the court and responsibilities to your clients.

D. LegalServer

This is our case management system. Document everything. Do it expediently and often. This protects our clients, you, and the office. We may have to cover for each other on cases, and the more information you document the better our team will be when the need arises. The guiding principle should be ensuring that *anyone* in the office at *any* moment should be able to see *exactly* what is happening in each case. If having issues with LegalServer, please reach out to Public Defender Support Staff or the MAC Manager. When in doubt, document it.

Potter & Armstrong County Public Defender

I, _____, have read, understand, and been provided an electronic copy of the Potter & Armstrong County Public Defender Policies and Procedures Manual and understand I am expected to abide by the said policy.

Signature

Date