

Bexar County
Managed Assigned Counsel Office

Written Plan of Operations

August 23, 2022



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A. Introduction

The Bexar County Managed Assigned Counsel (MAC office) was proposed to enhance the quality of representation of indigent people accused of crimes in Bexar County. This document fulfills the Written Plan of Operation requirements pursuant to the Code of Criminal Procedure, Art. 26.047 Sec.1(c) referring to governance and structure of a “Managed Assigned Counsel Program”.

B. Staffing and Position Descriptions

1. Executive Director

The Executive Director will develop and oversee all MAC office operations, including the budget, staffing, approval of attorneys to be on assignment wheels, training, and voucher processing and approval. The Executive Director will represent the MAC office before Commissioners Court, the Judiciary, and with stakeholders. This individual will have a strong background in indigent and holistic defense, demonstrate quality leadership skills, and possess the ability to develop and maintain relationships with key stakeholders that will benefit the program’s mission, both within and outside of government.

Duties and Responsibilities

Prepare a Written Plan of Operations as required by Texas Code of Criminal Procedure Article 26.047(c), and direct the administrative and operational functions of the office consistent with the stated goals of the MAC office.

Establish policies and procedures relating to the administration of indigent defense in consultation with the Advisory Board.

Provide guidance, mentorship and strategic advice to assigned counsel, manage administrative functions of the office including budgeting, human resources, purchasing, resource planning, and hold the fiscal and administrative responsibility of the MAC office.

Facilitate the development, training and education of assigned counsel by providing a Continuing Legal Education (CLE) program, implementing a training curriculum consistent with current trial and investigative techniques including ethics related to criminal law, and establishing a mentorship program.

Oversee the assignment of legal representation of indigent defendants in Bexar County and work closely with elected officials and policy-making entities to fulfill the objectives of the MAC office.

Represent the MAC office before Commissioners Court, the Judiciary, elected officials, and stakeholders.

Represent the MAC office on various committees, work groups, and participate in community outreach at governmental, judicial and community functions.

Present the annual report of MAC office operations to Bexar County Commissioners and the Texas Indigent Defense Commission, and quarterly reports to the Texas Indigent Defense Commission and Advisory Board.

Maintain a database for potential expert witnesses; files on recurring witnesses for the state, such as police officers; motion and brief banks; legal research files; CLE materials; and performance measures for the MAC office.

Respond to inquiries and complaints by the judges and public and investigate such complaints

Review legislative updates and legal opinions, and adapt existing policies and procedures to address changes.

Measure and provide to the MAC Advisory Board the required Quarterly Reporting Metrics for independent third-party evaluation of MAC Program Goals. The required Quarterly Reporting Metrics are attached as Attachment A.

Performs other duties as assigned.

2. Trial Division Director

The Trial Division Director is responsible for ensuring the quality of counsel appearing in County Court at Law and District Courts and for reviewing requests for investigators and experts in felony and misdemeanor cases. The Trial Division Director will be a liaison to the County Court at Law and District Courts and will address concerns raised by these courts. The Trial Division Director will assist the Executive Director in determining which attorneys and investigators may receive felony and misdemeanor assignments and will work with the Resource Attorneys to develop performance improvement plans for those needing to improve the quality of their representation. The Trial Division Director will determine if an attorney's performance falls below established standards and whether that attorney should be removed from appointments, assigned lower-level offenses, or counseled. The Trial Division Director will work with the Professional Development and Holistic Defense Director to implement training and mentorship programs for assigned counsel. The Trial Division Director will supervise Resource Attorneys; address conflicts between the Resource Attorneys, clients, and/or assigned counsel; assist counsel with trial and litigation strategy; and serve as second chair as needed.

Duties and Responsibilities

Serve as subject matter expert in trial and litigation,

Assist in the development of MAC office policies, processes, and procedures necessary for the implementation of the program including, but not limited to, the establishment of caseload guidelines, development of metrics, payment of vouchers/invoices, and other program functions.

Support, develop, and foster a culture of quality, client-centered, effective, and ethical defense.

Provide guidance and support to panel attorneys when needed including the initial client interview, pretrial release proceedings, competency to stand trial issues, investigation, discovery, development of the theory of the case, trial strategy, attorney-client relations, plea negotiations, general trial preparations, and post-trial proceedings.

Evaluate the performance of panel attorneys, together with the Executive Director and Professional Development and Holistic Defense Director.

Create and maintain effective and cooperative professional relationships with panel attorneys, the judiciary, local bar associations, county officials and personnel, community partners, clients and other stakeholders.

Coordinate with MAC office staff to investigate and respond to inquiries and comments from clients, attorneys, the judiciary, and the public.

Enhance skills by attending training required to practice law.

Assist with grant writing and data acquisition to seek additional funding.

Assist with drafting reports, papers, and other publications.

Perform any other duties deemed necessary by the Executive Director.

3. Professional Development and Holistic Defense Director

The Professional Development and Holistic Defense Director is responsible for developing a training program that includes mentorship in order to ensure quality, client-centered representation for persons accused of crime in Bexar County. Members of the Judiciary and the Resource Attorneys may refer individual panel attorneys identified as being in need of development of specific skills to the Professional Development and Holistic Defense Director.

Duties and Responsibilities

Serve as subject matter expert in professional development and holistic defense.

Develop and implement a comprehensive high quality and client-centered training program for panel attorneys.

Design a mentorship program following current guidelines and innovations.

Develop and implement internal processes and procedures for social work and mental health components of the MAC office to connect clients to available services.

Identify opportunities to leverage MAC office strengths with new opportunities.

Evaluate the performance of panel attorneys with the Executive Director and Trial Division Director.

Create and maintain effective and cooperative professional relationships with panel attorneys, the judiciary, local bar associations, county officials and personnel, community partners, clients and other stakeholders.

Coordinate with MAC office staff to investigate and respond to inquiries and comments from clients, attorneys, the Judiciary, and the public.

Enhance skills and leads MAC office-training initiatives by attending training required to practice law, and includes initiatives to enhance the effectiveness of the office.

Assist with grant writing and data acquisition to seek additional funding.

Assist with drafting reports, papers, and other publications.

Perform any other duties deemed necessary by the Executive Director.

4. Program Manager

The Program Manager is responsible for the daily operations and performance of indigent criminal defense representation provided via the MAC office.

Duties and Responsibilities

Serve as subject matter expert in operations and program management, individually motivated and operating with a sense of urgency and personal accountability.

Execute daily operations, including implementation and performance of the terms of applicable contracts for the provision of indigent legal defense to all individuals eligible for the provision of legal services for County, District, and Juvenile courts.

Collaborate with the leadership to establish, review, and refine policies and procedures to address the concerns of indigent defendants assigned to counsel through the MAC office, and interprets policies to make administrative decisions as appropriate.

Administer the assignment of cases to panel attorneys in a timely manner, ensure prompt notification of assignment to attorney and court personnel, and maintain electronic records and assignment data according to established policy.

Develop application processes for initial application and renewal of panel attorneys.

Prepare an annual report on the operations of the MAC office.

Update and monitor panel attorney qualifications, caseloads, and conflicts routinely.

Investigate, evaluate, and respond to inquiries and comments of the public, indigent clients, attorneys, and members of the judiciary as they relate to the quality of representation provided by program attorneys.

Monitor compliance with the Bexar County Indigent Defense Plan on record with the Texas Indigent Defense Commission.

Assist and review applications, renewals, and advancement of panel attorneys.

Approve voucher payments for panel attorneys, investigators, expert witnesses, and other experts in accordance with the internal policies and procedures of the MAC office.

Attend training programs to acquire education to ensure the best practices of the MAC office in ethics, management, and program administration are pursued.

Maintain and advance professional relationships with appropriate components of the criminal justice system in Bexar County, including but not limited to courts and their administration, government leaders, local law enforcement agencies, and other indigent defense organizations in order to secure and share information beneficial to the operation of the MAC office.

Advise the Executive Director on software required to maintain and advance the office.

Keep MAC office staff apprised of changes to normal procedures in a timely manner.

Cross-train with other administrative staff to perform all duties in case of absence.

Assist with grant writing and data acquisition and seek additional funding.

Perform any other duties deemed necessary by the Executive Director.

5. Office Manager

The Office Manager will assist the Executive Director in all matters pertaining to human resources and will emplace systems for smooth MAC office operations including 16 staff members and 500 panel attorneys.

Duties and Responsibilities

Serve as subject matter expert in human resource management.

Assign and supervise the work of other administrative staff, including one Administrative Assistant and one Data Analyst, to include cross-training.

Verify electronic recordkeeping, including caseloads of panel attorneys, to ensure all records are digitally retained.

Develop periodic performance reports which track expenditures and procurements, voucher submissions, overall budget analysis, detailed financial reporting, correlate attorney qualifications to panel assignments, and review contracts for approximately 500 panel attorneys.

Establish and maintain human resources policies that improve the functionality and efficiency of the MAC office.

Manage the preparation for and onboarding of staff, maintenance of correspondence, studies, forms, manuals, and publications.

Notify court personnel of assignments and other MAC office activities to include review of Commissioners Court hearing notices and agendas.

Assist in preparation of financial information for continuation of Texas Indigent Defense Commission grants, as well as researches and engages in other grant funding opportunities for indigent and holistic defense in coordination with Bexar County Budget and Finance Department.

Interpret policies and procedures and makes administrative decisions as appropriate.

Coordinate calendars, meetings, trainings, and other activities for the Executive Director and other director-level staff.

Create and maintain effective and cooperative professional relationships with panel attorneys, the judiciary, local bar associations, court and county officials and personnel, community partners, clients and other stakeholders.

Advise the Executive Director on software required for office operations.

Keep MAC office staff apprised of changes to normal procedures in a timely manner.

Cross-train with other administrative staff to perform all duties in case of absence.

Perform any other duties deemed necessary by the Executive Director.

6. Administrative Assistant

The Administrative Assistant will perform daily office functions for the MAC office and will assist the Program Manager and Office Manager in their duties and assignments where applicable.

Duties and Responsibilities

Represent MAC office by greeting, welcoming, and directing visitors appropriately.

Maintain front desk communications including notification of visitor arrival to MAC office personnel.

Maintain responsibility for purchasing and procurement, payroll, and other human resource and office functions.

Assist with panel attorney assignments, voucher review and payments.

Manage telephone and calendars.

Organize and maintains control of office supplies.

Organize meetings and conference calls.

Disseminate information and reports.

Interface with attorneys, investigators, the public, and contacts within the county for general purposes related to the office.

Support the Program Manager and the Office Manager.

Perform other duties as assigned.

7. Resource Attorneys

Resource Attorneys are responsible for supporting MAC office panel attorneys. Resource Attorneys will be available to sit with assigned counsel as first or second chair, if feasible and no conflict of interest exists. They will be responsible for monitoring and maintaining legal resources made available through the MAC office – physically and electronically – for assigned counsel in their work of assigned cases. Resource Attorneys are responsible for managing and monitoring intake assessment and appropriate assignment of attorneys to cases. They are responsible for reviewing financial claims, monitoring adherence to caseload guidelines, and provide support, when needed, with pretrial matters, litigation, and/or trial issues. They will assist the Executive Director, Trial Division Chief, and Director of Professional Development & Holistic Defense with training, publications, and other duties as needed.

Duties and Responsibilities

Support MAC office panel attorneys.

Serve as the primary liaison between MAC office and each individual court.

Assist panel attorneys as first or second chair counsel if feasible and no conflict of interest exists.

Monitor and manage legal resources made available through the MAC office – physically and electronically – for panel attorneys in their work of assigned cases.

Monitor and manage intake assessment and appropriate assignment of attorneys to cases.

Review financial claims and monitor adherence to caseload guidelines.

Provide support to panel attorneys, when needed, with pretrial matters, litigation, or trial issues.

Assist the Executive Director, Trial Division Director, and Director of Professional Development and Holistic Defense with training, publications, and other duties as needed.

8. Law & Technology Resource Attorney

The Law & Technology Resource Attorney is responsible for training and supporting MAC office panel attorneys in effective data and process methodologies to enable streamlining of workflows, reduction of operating costs, and enhancing efficiency. The Law and Technology Resource attorney is responsible for designing effective data models and data pipelines for the MAC office that will enable the extraction of robust business intelligence and reporting of key performance indicators. The Law and Technology Resource Attorney will be responsible for communicating with Bexar County data administrators, court coordinators, information technology services, and outside data vendors to identify procedural bottlenecks and to reduce difficulties in the capture and analysis of relevant information by the MAC office and panel attorneys.

Duties and Responsibilities

Identify innovative machine learning, artificial intelligence, automation, database models, workflow issues, and case management systems, and create guides for implementation into panel attorney practices.

Develop internal processes and procedures for data management for data and panel attorney oversight.

Identify and recommend the ideal case management system to the Executive Director.

Represent the MAC office in CLE presentations relating to innovations in legal technology as they pertain to indigent defense.

Collaborate with Bexar County Information Technology (BCIT) staff and court administrators to determine data requirements and facilitates the implementation of standardized data acquisition practices across all platforms.

Develop a glossary of event codes and other applicable terms to assist with attorney reporting and the training of MAC office staff.

Assist BCIT with identification of data and deployment of electronic systems utilized by panel attorneys, and facilitates training for the panel attorneys on such systems.

Identify procedural bottlenecks in the assignment of panel attorneys to reduce the amount of time between assignment of panel attorneys and initial contact with their clients.

Serve as liaison between BCIT and the MAC office.

Ensure effective and accurate data capture to assist in the development of performance reporting.

Assist in the development of business process models, workflows, case management, and overview of MAC office operations.

Monitor and maintain existing data connections and processes to ensure consistent data integrity.

Influence stakeholder reporting in support of innovations and operational projects.

Deliver automation solutions to panel attorneys to foster continued innovation of indigent defense practice strategies.

Provides direct support to panel attorneys and serves as a liaison between MAC office and each individual court.

Assist panel attorneys as first or second chair counsel, if feasible and no conflict of interest exists.

Monitor and manage legal resources made available through the MAC office – physically and electronically – for panel attorneys in their work of assigned cases.

Monitor and manage intake assessment and appropriate assignment of attorneys to cases.

Review financial claims and monitor adherence to caseload guidelines.

Provide support to panel attorneys, when needed, with pretrial matters, litigation, or trial issues.

Assist the Executive Director, Trial Division Chief, and Director of Professional Development and Holistic Defense with training, publications, and other duties as needed.

9. Juvenile Resource Attorney

The Juvenile Resource Attorney is responsible for providing support to MAC office panel attorneys in juvenile matters. The Juvenile Resource Attorney will be available to sit with assigned attorneys as a first or second chair counsel in court, if feasible and no conflict of interest exists. The Juvenile Resource Attorney will physically and electronically monitor and maintain legal resources through the MAC office--for assigned attorneys. The Juvenile Resource Attorney will assist the Executive Director, Trial Division Chief, and Director of Professional Development & Holistic Defense with training, publications, and other duties as needed.

Duties and Responsibilities

Support MAC office panel attorneys in juvenile matters.

Serve as the primary liaison between the MAC office and the juvenile courts.

Assist panel attorneys as first or second chair counsel in court, if feasible and no conflict of interest exists.

Physically and electronically monitor and manage legal resources through the MAC office for panel attorneys in their work of assigned cases.

Monitor and manage intake assessment and appropriate assignment of attorneys.

Review financial claims and monitor adherence to caseload guidelines.

Provide support to panel attorneys, when needed, with pretrial matters, litigation, or trial issues.

Assist the Executive Director, Trial Division Chief, and Director of Professional Development and Holistic Defense with training, publications, and other duties as needed.

10. Immigration (*Padilla*) Resource Attorney

The Immigration (*Padilla*) Resource Attorney is responsible for providing support to MAC office panel attorneys in immigration matters. The Immigration Resource Attorney will provide immigration consultations with panel attorneys and clients; however, the Immigration Resource Attorney will not represent defendants in their immigration cases. The Immigration Resource Attorney will assist the Executive Director, Trial Division Chief, and Director of Professional Development & Holistic Defense with training, publications, and other duties as needed. The Immigration Resource Attorney will also keep MAC office and panel attorneys apprised of legislative changes and emerging issues in the field of immigration law.

Duties and Responsibilities

Provide immigration consultations with attorneys and clients.

Keep apprised of legislative changes and emerging issues in the field of immigration law and relay changes to MAC office.

Serve as the primary liaison between MAC office and immigration law matters.

Assist panel attorneys as first or second chair counsel if feasible and no conflict of interest exists.

Monitor and manage legal resources made available through the MAC office – physically and electronically – for panel attorneys in their work of assigned cases.

Monitors and manage intake assessment and appropriate assignment of attorneys to cases.

Review financial claims and monitor adherence to caseload guidelines.

Provide support to panel attorneys, when needed, with pretrial matters, litigation, or trial issues.

Assist the Executive Director, Trial Division Chief, and Director of Professional Development and Holistic Defense with training, publications, and other duties as needed.

11. Mental Health Resource Attorney

The Mental Health Resource Attorney is responsible for providing support to panel attorneys in mental health matters. The Mental Health Resource Attorney will be available to sit with assigned attorneys as first or second chair counsel in court, if feasible and no conflict of interest exists. The Mental Health Resource Attorney will be responsible for monitoring and maintaining legal resources made available through the MAC office--physically and electronically--for assigned counsel in their work of assigned cases. The Mental Health Resource Attorney will assist the Executive Director, Trial Division Chief, and Director of Professional Development & Holistic Defense with training, publications, and other duties as needed.

Duties and Responsibilities

Support panel attorneys in mental health matters.

Serve as the primary liaison between MAC office and the courts (mental health courts and all others).

Assist panel attorneys as first or second chair counsel in court, if feasible and no conflict of interest exists.

Monitor and manage legal resources made available through the MAC office--physically and electronically--for panel attorneys in their work of assigned cases.

Monitor and manage intake assessment and appropriate assignment of attorneys to cases.

Review financial claims and monitors adherence to caseload guidelines.

Provide support, when needed, with pretrial matters, litigation, or trial issues.

Assist the Executive Director, Trial Division Chief, and Director of Professional Development & Holistic Defense with training, publications, and other duties as needed.

12. Licensed Master Social Worker

The Licensed Master Social Worker (LMSW) will enable assigned counsel to provide holistic defense to qualified mental health clients by assisting in the design and implementation of specialized sentencing recommendations and provision of community sources. The LMSW will work collaboratively with MAC staff and panel attorneys to provide mitigation services and assist clients in connecting with housing, substance abuse, mental health, medical, employment, and other relevant services until final disposition of the client's case.

Duties and Responsibilities

Apply social work and counseling theory and practices to assist panel attorneys with best possible client outcomes.

Provide counseling and other assistance to clients experiencing grief, trauma, and/or other adverse life experiences.

Determine division of referred mental health clients between MHSW and Case Manager.

Manage a reasonable client caseload based on requests for social work assistance from assigned counsel.

Conduct client interviews and assessments in jail and while out of custody.

Identify and conduct interviews with family, friends, employers, and other support system members in the community who can aid in clients' success.

Coordinate necessary appointments to meet with attorney and client routinely and as needed by assigned counsel.

Attend and effectively track court hearings and settings of client.

Draft client correspondence, reports suitable for use in court proceeding.

Based on clinical review of assessment outcomes and interviews with family and other support systems, help develop individuated alternative sentencing plans that, in consultation with assigned counsel and client, recommend and advocate for community-based sentences and alternative community treatment as indicated.

Provide trial support with fact investigation and trial punishment mitigation as necessary.

Testify in court as required.

Acquire pertinent records relative to client's psychosocial history and mental health diagnoses and treatment, and reporting findings to assigned counsel.

Effectively coordinate with local social service agencies/organizations, criminal justice agencies and community.

Maintain knowledge of DSM IV/V updates and changes.

Attend mental health training sessions and related MAC office CLE.

Maintain positive professional relationships with stakeholders, clients, and panel attorneys.

Provide weekly caseload statistics to the Director of Professional Development and Holistic Services.

13. Mental Health Case Manager

The Mental Health Case Manager (MHC) will be responsible for providing consistent, high quality case management and services for indigent clients with a qualifying diagnosis on the mental health caseload. The MHC will work collaboratively with the Licensed Masters Social Worker, MAC Staff, and panel attorneys to provide mitigation services and assist clients in connecting with housing, substance abuse, mental health, medical, employment, and other relevant services until final disposition of the client's case.

Duties and Responsibilities

Manage a reasonable client caseload apart from the Licensed Masters Social Worker based on requests for Case Manager assistance from assigned counsel.

Conduct routine client interviews and intakes.

Identify and conduct interviews with family, friends, employers, and other support system members in the community who can aid in clients' success.

Coordinate necessary appointments to meet with attorney and client routinely and as needed by assigned attorney.

Attend and effectively track court hearings and settings of client.

Draft client correspondence, reports suitable for use in court proceeding.

Based on assessment outcomes and interviews with family and other support systems, helps develop specialized alternative sentencing plans in consultation with the assigned counsel and client, which recommend and advocate for community based sentences and alternative community treatment as indicated.

Provide trial support with fact investigation and sentencing mitigation as necessary.

Testify in court as required.

Acquire records relative to client's mental health and diagnoses, continually updating and providing to assigned attorney.

Effectively coordinate with local social service organizations, criminal justice agencies and community resources.

Maintain knowledge of DSM IV/V updates and changes.

Attend mental health training sessions and related MAC office CLE.

Maintain positive professional relationships with stakeholders, clients, panel attorneys, and community organizations.

Provide weekly caseload reports to the Director of Professional Development and Holistic Defense.

14. *Senior Data Analyst*

The Senior Data Analyst is responsible for the collection, maintenance, evaluation, statistical analysis, projections and presentation of justice information including, but not limited to, indigent defense policies and services and jail population.

Duties and Responsibilities

Identify MAC office data requirements.

Identify research needs.

Develop and pursue a research agenda.

Prioritize research projects.

Manage current MAC office datasets of indigent defense services.

Provide data and analysis in support of the MAC office needs.

Recommend data-informed policies or initiatives that could substantively improve the Bexar County criminal justice system.

Create and manage a performance measurement, evaluation, and reporting system.

Contribute to team efforts within the MAC office and across the Bexar County criminal justice system.

Facilitate the development, implementation, integration and/or modification of the MAC office assignment and case management systems in collaboration with the Program Manager and the Law & Technology Resource Attorney and Program Manager.

C. Caseload Requirements

The MAC office will monitor attorney caseloads to ensure assigned cases receive quality representation and impose maximum caseloads based on the best practices and current evidence-based standards recognized in the indigent defense community. The gravity, nature of the case, and number of retained and assigned cases, both in- and

out-of-county, will be considered, and attorneys will be expected to report their full caseload.

Caseloads may be reduced according to an attorney's preference (for example, the attorney may request fewer assignments due to preference or a planned vacation), lawyer experience, or for any other reason that may cause the attorney's caseload to become unmanageable. The presumed threshold number of cases may be deviated from if necessary for the best interest of the client, case outcomes and attorney well-being. The matters that contribute to the need to alter an attorney's caseload are monitored regularly to ensure attorneys on the panel are not overloaded and can administer quality representation.

Currently, the best practices and evidence-based standards are reflected by the publication *Guidelines for Indigent Defense Caseloads: A Report to the Texas Indigent Defense Commission*.¹ According to the report, an attorney should carry an annual full-time equivalent caseload of no more than the following:

Criminal Cases

77 first degree felonies,

105 second degree felonies,

144 third degree felonies,

174 state jail felonies,

216 Class A misdemeanors,

236 Class B misdemeanors,

or an equivalent combination of cases not to exceed 128 felonies and 226 misdemeanors

Juvenile Cases – With Investigator Support

¹ Dottie Carmichael et al., *Guidelines for Indigent Defense Caseloads: A Report to the Texas Indigent Defense Commission*, TEXAS A&M UNIVERSITY (2015).

230 conduct indicating a need for supervision/misdemeanors,
127 non-determinate sentence/non-certification felonies,
36 determinate sentence/certification felonies,
or an equivalent combination of cases.

Juvenile Cases – Without Investigator Support

210 conduct indicating a need for supervision/misdemeanors,
108 non-determinate sentence/non-certification felonies,
30 determinate sentence/certification felonies.

Although the MAC office will make every effort to balance caseloads and assignments, in the event it is identified that an attorney has accumulated an unmanageable caseload, the MAC office will utilize the Second Chair assignment process. This process is advantageous to not only to First chair counsel, but careful selection of the Second Chair assignment provides opportunities for in-house mentoring and training.

The MAC office will establish and make public specific written policies:

- a. Ensuring that attorney caseloads are kept at or under the maximum caseload,
 - i. Taking into account the attorney's full caseload; and
 - ii. Taking into account the complexity of the cases;
- b. Ensuring that caseloads can be limited according to attorney preference;
and
- c. Ensuring that attorneys do not maintain an inappropriate or over burdensome caseload that interferes with the attorney's ability to zealously represent clients assigned through the MAC office.

D. Assignment of Cases

Attorneys will be assigned to panel wheels based on their level of qualification. These panel wheels will be delineated by type of crime and will allow the MAC office to use

specialized panel wheels as resources permit. These panels will include, but are not restricted to, misdemeanors, and first, second, and third degree felonies. The MAC office will maintain, at a minimum, one panel wheel for juvenile cases. The MAC office will conduct an initial review to determine the highest level of offense associated with a particular request for counsel, whether the client has any particularized needs, and whether a case is associated with any specialized assigned list.

Although every attempt is made to maintain the systematic assignment process, certain deviations may be necessary to accommodate various issues that may arise, including but not limited to:

- Overloading an attorney with cases that are out of the ordinary in complexity or gravity;
- Honoring temporary holds from receiving assignments;
- Honoring requests for exemption from a specific offense type (i.e. crimes against children, aggravated sex etc.);
- Clients with specific language barriers or disabilities (i.e. hearing impaired);
- Re-assignments due to attorney / client conflicts.

The MAC office will establish and make public specific written policies to ensure:

1. Any separate attorney list is specified and justified;
2. Attorneys receive a fair number of assignments, adjusting for the assignments the attorney may receive from other lists and particularized need for specialized services of attorneys on the particular list,
3. The process for departing from the assignment list when an attorney refuses an assignment, fails to meet requirements for the complexity of the case, has a conflict of interest with a client, or is otherwise unable to represent a client; and
4. Auditing the assignment regularly to ensure that cases are distributed fairly and evenly, accounting for attorney caseload preferences and specialized caseloads.

E. Conflicts of Interest

The MAC office will attempt to avoid assignment of attorneys with conflicts of interest with a particular client. It is every attorney's responsibility to identify conflicts within

cases as early as possible following receipt of a new case. Upon learning of a conflict of interest affecting a particular client, an attorney must immediately alert the MAC office so new counsel can be assigned. Where co-defendants both qualify for assignment of counsel, the MAC office will assign a separate attorney to each defendant. Assigned attorneys who are in the same law firm shall not represent co-defendants.

No attorney shall be assigned to represent a client where the assignment would cause a conflict of interest, including causing the attorney to:

1. Represent more than one of the parties involved in a prosecution with multiple defendants;
2. Represent a person who was a complainant or material witness in a former client's case;
3. Represent a person who has a direct conflict of interest with the attorney, whether it is financial, ethical, or otherwise; or
4. Represent a person who has any other conflict of interest with the attorney not specified here.

Exceptions to the policy may be made after obtaining, in writing, informed consent from the individual client and approval from the MAC office. Exceptions will only be made when it is demonstrated it is in the best interest of the client to permit an attorney with the outward appearance of a conflict to represent a particular client.

The MAC office will establish and make public specific written policies to ensure:

1. Potential conflicts are identified by the MAC office and assigned in a manner that avoids potential conflicts of interest where possible;
2. Attorneys are required to notify the MAC office when a conflict is identified;
3. The process by which clients are reassigned after the detection of a conflict; and,
4. The exceptions to the conflict policy, if any, and requirements to ensure informed consent of the client involved and standards ensuring departures from the conflict policy are made only in exception circumstances, if ever.

F. Training

Prior to acceptance onto the MAC office assignment panel, attorneys must complete a thorough application. Inclusion on the panel requires meeting the prescribed minimum Continuing Legal Education (CLE) hours annually, and be in good standing with the State Bar of Texas.

All panel attorneys will be required to obtain a minimum of 20 hours of CLE hours on criminal defense specific topics annually. The Professional Development and Holistic Defense Director will assess each panel attorney's experience and skill level and may assign additional CLE requirements as necessary for acceptance onto the panel, advancement onto specialized panels, or as determined by the Executive Director. To ensure that attorneys have the requisite experience and skill commensurate with representing clients, the MAC office will establish and make public specific written policies requiring attorneys meet experience, knowledge, and skill requirements before receiving assignments, handling more serious cases, or handling specialized cases. These policies may require attorneys to demonstrate their suitability through methods including, but not limited to, examination, attorney observation, and other methods of evaluation.

The Professional Development & Holistic Defense Director will facilitate annual CLE requirements. The CLE will address the training needs of panel attorneys, and offer specific training related to technology in law, juvenile justice, immigration, mental health, and other topics deemed necessary to establish quality defense delivery system as required by the mission of the MAC office. In addition, the MAC office will implement a professional mentoring curriculum designed to help attorneys who may not meet established requirements, the requirements for advancement for more complex cases and specialized dockets, or who may need opportunities to refine specific skills.

Annually the MAC office will provide a training centered on skills training or programs that enable attorneys to best utilize MAC office resources, as well as other programs that promote the MAC office missions of client centered, holistic representation and

improving the defense of those too poor to hire counsel. These programs may be mandatory for all attorneys, some attorneys, or any attorney needing additional training.

The MAC office will establish and make public specific written policies ensuring that:

1. Mentorship and training programs are implemented in a way that is fair and helpful both to attorneys seeking to represent clients and to attorneys currently representing clients;
2. Attorneys meet minimum continuing legal education requirements as well as specific training or continuing legal education requirements the MAC office may impose;
3. Attorneys have the required training, skill, and experience to be placed on any assignment list; and
4. Attorneys have a path and clear expectations in order to be placed on panel lists for more serious cases.

G. Investigators and Expert Witnesses

The MAC office strongly encourages the utilization of investigators and/or expert witnesses throughout the duration of a case. Because cases have various angles and strategies that an attorney alone cannot realistically investigate, panel attorneys are encouraged to utilize investigators and/or experts in varying instances, including but not limited to, the work up of facts and defense and for trial and mitigation purposes.

The Professional Development & Holistic Defense Director will maintain a current list of recommended investigators, experts, and mitigation specialists that an attorney may request from the MAC office to aid in a case. Prior authorization for the aforementioned services is required from the MAC office. In an effort reduce the time and difficulty in obtaining, and encourage the use of investigators, experts, and mitigation specialists, prior Court approval will not be required in most routine cases.

In situations where there is a novel or specific need for an investigator, expert, or mitigation specialists that is exceedingly expensive and outside the norm, the attorney may be required to file a specific *Ake* Motion requesting indigent defense funds with the

specific Court, however, the MAC office will full support legitimate requests for these important resources.

H. Budget A *(MAC Improvement TIDC Grant – Modified 4/28/22)*

Costs	Amount
SALARIES (Maximum salaries for 12 employees: Executive Director, Trial Division Director, Professional Development & Holistic Defense Director, Program Manager, Office Manager, Administrative Assistant, three Resource Attorneys, Law & Technology Resource Attorney, Juvenile Resource Attorney, Immigration Resource Attorney)	(\$1,103,712.00)
FRINGE BENEFITS (Includes FICA/Medicare, health insurance, workers compensation, unemployment insurance, and retirement for all positions)	(\$458,375.00)
TRAVEL AND TRAINING (Includes professional memberships, continuing education, and travel for all positions)	(\$32,000.00)
STARTUP AND EQUIPMENT (Includes computers and equipment, including monitors, docking stations, and accessories; phones; furniture, including desks, task chairs, and guest chairs)	(\$130,400.00)
SUPPLIES (Includes office supplies, custom printing, signage, postage, and equipment rentals such as copiers and/or fax)	(\$5,600.00)
CONTRACT SERVICES (Includes case management software)	(\$96,800.00)
INDIRECT COSTS	(\$36,000.00)

TOTAL PROJECTED COSTS	(\$1,862,887.00)
Funding	Amount
TOTAL AMOUNT FUNDED BY TIDC FY 2022	\$1,490,310.00
INITIAL PLANNED COUNTY FUNDING FY 2022	\$372,577.00
TOTAL ANTICIPATED FUNDING, ALL SOURCES FY 2022	\$1,862,887.00

Budget B *(Mental Health Division– TIDC Grant # MHMAC22015)*

Costs	Amount
SALARIES (Maximum salaries for 3 employees: Mental Health Resource Attorney, Mental Health Licensed Social Worker, Mental Health Case Manager)	(\$466,697.00)
FRINGE BENEFITS (Includes FICA/Medicare, health insurance, workers compensation, unemployment insurance, and retirement for all positions)	(\$187,352.00)
TRAVEL AND TRAINING (Includes professional memberships, continuing education, and travel for all positions)	(\$12,000.00)
STARTUP AND EQUIPMENT (Includes computers and equipment, including monitors, docking stations, and accessories; phones; furniture, including desks, task chairs, and guest chairs)	(\$18,150.00)

SUPPLIES (Includes office supplies, custom printing, signage, postage, and equipment rentals such as copiers and/or fax)	(\$19,776.00)
CONTRACT SERVICES (Includes case management software)	(\$49,392.00)
INDIRECT COSTS	(\$0.00)
TOTAL PROJECTED COSTS	(\$753,367.00)
Funding	Amount
TOTAL AMOUNT FUNDED BY TIDC FY 2022	\$753,367.00
INITIAL PLANNED COUNTY FUNDING FY 2022	\$0.00
TOTAL ANTICIPATED FUNDING, ALL SOURCES FY 2022 (BUDGET A & B)	\$2,616,254..00

Attachment A

Quarterly Reporting Metrics

The MAC office shall provide quarterly reports of the following metrics to the MAC Oversight Board for third-party evaluation of program goals. These metrics include, but are not limited to, the data points required to be measured pursuant to the Evaluation section of the 2022 Bexar County Improvement Grant Application Narrative and are as follows:

1. Time from appointment to first contact with defendant - will measure the time from receipt of the order of assignment to the first contact with defendant
2. The number of meetings with defendant
3. Days from arrest to release
4. Days until disposition (jail/bond)
5. Disposition type
6. Type of conviction
7. Sentence imposed
8. Use of experts
9. Amount of money spent on experts
10. Types of experts hired
11. Amount of money spent on mitigation
12. Use of investigators and amount spent
13. Annual Survey of Judges - to address overall impressions of quality of indigent defense services and attorney performance
14. Annual Survey of Users - to gauge overall satisfaction with representation through the MAC
15. Type of Bonds - broken down by case type and bond type
16. Caseload review - the number of active cases assigned to attorneys
17. Cases disposed
18. Average caseload summary
19. Individual attorney caseload
20. Average cost per case
21. Total number of cases assigned though the MAC
22. Other metrics determined by the evaluator