**Far West Texas Regional Public Defender Plan**

**Prepared Pursuant to Tex. Code Crim. P. Art. 26.044(b-1), (c-1)**

1. *a budget for the public defender's office including salaries;*

See Appendix “A”

1. *a description of each personnel position, including the chief public defender position;*

See Appendix “B”

1. *the maximum allowable caseloads for each attorney employed by the public defender's office;*

Caseloads for each attorney shall be consistent with the *Guidelines for Indigent Defense Caseloads* published by the Texas Indigent Defense Commission and the Public Policy Research Institute at Texas A&M University. Specifically, the following annual limits will be followed, weighted according to attorney practice:

• 236 Class B Misdemeanors

• 216 Class A Misdemeanors

• 174 State Jail Felonies

• 144 Third Degree Felonies

• 105 Second Degree Felonies

• 77 First Degree Felonies

Caseload limits will be reviewed at least quarterly by the Chief Defender and the Oversight Committee. If the Public Defender's Office's caseload becomes so large that it is unable to satisfactorily meet these performance guidelines, the Chief Public Defender shall inform the court or courts before whom the cases are pending, and the Public Defender Oversight Committee

1. *provisions for personnel training;*

All public defenders will be expected to carefully review the Texas State Bar Guidelines for Defense Representation in Non-Capital Cases upon their employment with the program. The Chief Public Defender will be responsible for training all employees on program policies and procedures related to defense representation. The Chief Public Defender will coordinate with appropriate Culberson County staff to provide additional finance, administrative, and human resources required training as needed.

All public defenders will must complete at least 8 hours of CLE regarding criminal law each year. The Chief Public Defender must approve all expenses associated with CLE in advance. Training for the attorneys includes either attendance at the Rusty Duncan CLE, presented by the Texas Criminal Defense Lawyers Association or the Advance Criminal Law CLE, presented by the State Bar of Texas every other year. The Chief Public Defender will develop and have approved in-house CLE to provide for at least half of an attorney’s CLE hours required for license maintenance. There may be instances of specific areas of CLE that an attorney is allowed to attend pending approval by the Chief Public Defender. The attorneys will also attend the free CLE for public defenders presented on the day before the Rusty Duncan seminar. There are also free or low-cost CLE events available to attorneys through the Texas Criminal Defense Lawyers Association, and the attorneys are encouraged to attend.

An attorney should provide competent, quality representation, be familiar with the substantive criminal law and the law of criminal procedure and its application, including changes and developments in the law. Where appropriate, attorneys will consult with more experienced attorneys to acquire knowledge and familiarity with all facets of criminal representation, including information about practices of judges, prosecutors, probation officers, and other court personnel.

(5) *a description of anticipated overhead costs for the public defender's office;*

Brewster County will provide office space in Alpine, TX for the FWTRPDO. Overhead will need to include, but is not limited to, office furniture, office supplies, computers, copier/printer/scanner, telephone system, internet and wifi service, a small legal library, videoconferencing equipment, mileage, legal research, and a case-management system. Some of these expenses will be one-time or annual costs. Travel from Brewster County to Culberson and Hudspeth Counties will utilize the most cost-effective method, including the use of rental cars and ride-sharing.

1. *policies regarding the use of/icensed investigators and expert witnesses by the public defender's office;* and

 The FWTRPDO will not have staff investigator upon commencing operations. Attorneys will petition the court for both investigators and expert witnesses as needed to ensure effective representation. *Ex parte* motions for experts and investigators must be reviewed and approved by the Chief Public Defender before presentation to the court.

1. *a policy to ensure that the chief public defender and other attorneys employed by the public defender's office do not provide representation to a defendant if doing-so would create a conflict of Interest that has not been waived by the client.*

FWTPDO staff must be alert to all potential and actual conflicts of interest that would impair one's ability to represent a client. Where appropriate, seek an advisory opinion on any potential conflicts. Whenever an attorney recognizes a potential conflict between defendants that are represented by the office that fact should immediately be brought to the attention of the Chief Public Defender. If a conflict develops during the course of representation, notify the client and the court. The Chief Public Defender will file with the trial court a written statement that the appointment must be refused because a conflict of interest exists. The conflict will be identified in the motion if permissible under the ethical rules applicable to Texas-licensed attorneys. The trial court will then determine if the Chief Public Defender “has demonstrated adequate good cause for refusing the appointment.” If good cause is found for refusing the appointment, the trial court may then reassign the appeal to the next attorney available on the appointment “wheel,” or otherwise as the local rules may require.

In providing legal representation to clients, observe applicable rules of professional conduct governing the disclosure and avoidance of conflicts of interest.

In the performance of administrative duties, avoid conflicts of interest. A conflict of interest arises when a defender employee knows that he or she (or the spouse, minor child residing in the defender employee's household, or other close relative) might be so personally or financially affected by a matter that a reasonable person with knowledge of the relevant facts would question the ability to properly to perform administrative duties.

When a defender employee knows that a conflict of interest may be presented in the performance of duties, promptly inform the Chief Public Defender. If the conflict involves a conflict between or among clients, consider withdrawal from one or more representations, or other appropriate remedial actions, as necessary to comply with applicable rules of professional conduct.