



Proposal to Lavaca County, Texas

for a Public Defender Program

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II. Introduction

For almost fifty years, Texas RioGrande Legal Aid (“TRLA”) has been delivering quality legal services to indigent Texans. TRLA, a non-profit Texas corporation, was organized and began operations in nine South Texas counties in 1970. With over 180 lawyers, it has now grown to become the nation’s largest federally-funded legal aid program, providing civil legal services throughout Texas and in six southern states, and indigent criminal defense services in eight South Texas counties through its Texas Rural Defender Services program.

Unlike most other public functions performed by the County, the provision of counsel for the poor in criminal proceedings is required by the Texas and United States Constitutions. No county resident has a constitutional right to a paved road, but every person facing criminal charges has a constitutionally protected right to counsel.¹ This not only protects the innocent, but

¹ Since the nation's founding, the Constitution has affirmed that a person charged with crime has a right to a lawyer. "In all criminal prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his defence." U.S. CONST., Amend.VI.

To implement this provision when defendants are unable to afford counsel, the Supreme Court required publicly-funded counsel, first in death penalty cases, *Powell v. Alabama*, 287 U.S. 45 (1932), next in all other felony cases, *Gideon v. Wainwright*, 372 U.S. 335 (1963), and finally in all misdemeanor cases that carry a potential jail sentence, *Argersinger v. Hamlin*, 407 U.S. 24 (1972). The Supreme Court explains why:

The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him. A defendant's need for a lawyer is nowhere better stated than in the moving words of Mr. Justice Sutherland in *Powell v. Alabama*: "The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.

Gideon, 372 U.S. at 344-345.

Similarly, Texas has long recognized the need for "the guiding hand of counsel." Every Texas Constitution since 1836 guarantees the right to counsel. TEX. CONST. Art. I, Sec. 10. At least 106 years before *Gideon*, Texas law required that "When the defendant is brought into Court, for the purpose of being arraigned, if it appears that he has no counsel, and is too poor to employ counsel, the Court shall appoint one or more practicing attorneys to defend him." TEX. CODE CRIM. PROC. (1857). Today, the law remains that every person charged with a criminal offense must be afforded representation through direct appeal if the offense carries incarceration or death as a potential penalty. TEX. CODE CRIM.PROC. Art. 1.051(c).

it also promotes respect for the law by building public confidence in the results reached by our criminal justice system.

For decades the State of Texas placed the financial burden for indigent criminal defense entirely upon its county governments. TRLA, in its role as advocate for the poor in our communities, long recognized that most rural South Texas counties, without substantial assistance from the state, lacked the tax base necessary to provide constitutionally adequate defense services for their indigent residents. Compounding the problem, in many rural counties there were simply insufficient numbers of attorneys in private practice who were willing and competent to handle criminal cases.

The adoption by the Legislature of the Fair Defense Act, S.B. 7, 77th Legislature, in 2001 ushered in a new era for indigent defense. For the first time, the state contributed a small share of funding for the indigent defense costs previously borne entirely by the counties. The Task Force on Indigent Defense, and its successor agency, the Texas Indigent Defense Commission (“TIDC”), began granting funds to counties to improve indigent defense services. A formula grant program provides approximately 12-14% of the total costs for indigent defense in the state; all counties are eligible for that funding. With a bar dues increase on lawyers, a discretionary grant program was inaugurated several years later to encourage counties to develop experimental programs to improve defense services. From that effort was born the Texas Rural Defender Services Program, a regional public defender program managed and operated by a non-profit corporation for counties with populations under 100,000.

Texas is one of a handful of states that still relies mostly upon court-appointed or court-assigned private attorneys to represent indigent defendants. The only advantage of the court-appointed system is cost, but only if the private attorneys are being paid less than one-fourth of their market rates, which, unfortunately, is the norm in Texas. If, on top of that, the appointed lawyer has to travel 200 miles round-trip to make an appearance in Hallettsville, at her own cost, reliability becomes a factor of concern for the court. More importantly, inadequately paid private attorneys often do not provide a constitutionally adequate defense for the client.

Public defender programs using managed and supervised staff attorneys to provide representation is by far the most common delivery system in use in the United States, and for good reason. A public defender office offers a staff that is dedicated to providing full-time, conscientious service to the client and to the court, supervised by an experienced Chief Defender. The Chief makes sure that each court has one or more defenders available for every docket call and scheduled hearing or trial, and that the attorneys are trained, prepared and ready to proceed. Coordination with the district and county clerks, court staff, sheriff’s office, juvenile and adult probation offices, and the local MHMR becomes part of the routine. The result is an efficient, cost-effective operation that moves cases expeditiously and reduces unnecessary county jail costs.

The 84th Texas Legislature authorized TIDC to grant sustaining, long-term funding for counties that wish to join a regional public defender program managed by a non-profit corporation. Tex. Govt. Code Sec. 79.037(e). Since the enactment of S.B. 1057 in 2015, it has been the practice of TIDC to award start-up grants to counties to join TRLA’s regional defender

under its discretionary grant program at 80% of the first year's cost of operations, 60% in the second year, and sustained funding at 50% in subsequent years. The discretionary grants at the higher rates in the first two years allows the county to transition to a defender program, since it has continuing financial liability to the lawyers who have not yet resolved their court-appointed cases.

With 50% in long-term sustainability funding from TIDC, the Lavaca County share of the cost of a defender program will be approximately the same as the current system, but with much greater budget predictability. In 2017, the county spent \$108,194 on indigent defense; the 50% county share of the defender budget, at 2017 caseload levels, would be \$106,547. Of course, with the state paying 80% of the cost in 2019, the county will save over \$60,000 that year and \$17,000 in 2020. Each year TRLA and the county will review the most recent 3 years of caseloads and apply the TIDC-required caseload guidelines to determine the staffing needs and budget for the following year.

Texas RioGrande Legal Aid offers the county a turn-key operation:

- A Chief Defender and staff attorneys will provide representation in 127 felonies, 372 misdemeanors, 9 juveniles and 3 appeals in the program year beginning October 1, 2018. If TRLA has a conflict of interest, the court will appoint a private attorney from the wheel. Historically, the conflict rate in TRLA defender programs has been approximately 8-15% of all cases.
- Using TIDC caseload standards, TRLA will provide adequate and reliable staffing for every court in the county.
- TRLA investigators will promptly interview inmates at the county jail, screening them for financial eligibility, potential conflicts of interest, and substantive facts.
- Any accused whose income falls below 125% of the current federal poverty guidelines, or who is receiving public benefits from an income-tested program, will be presumed eligible for TRLA services and TRLA will immediately enter its appearance in the case.
- If the accused is over the guidelines, has substantial assets, or is conflicted out from TRLA representation, she will be referred to the presiding judge to determine eligibility or for the appointment of private counsel from the wheel.
- Public defender attorneys will engage the prosecutors as early as reasonably possible to achieve a prompt, efficient resolution of the case
- TRLA will provide the following supporting services to the county: management, recruitment, hiring, training, supervision, caseload reporting, IT support, accounting and financial reporting.
- In addition to required reports to TIDC, TRLA will provide the county a copy of its annual independent audit of all funds received and expended during its last fiscal year beginning October 1.
- The budget will include funds for forensic experts and mental health services.

- Caseloads and budgets that are adjusted annually, using a 3-year running average to smooth out budget fluctuations.
- Wherever possible TRLA will use the resources of its civil legal services program to support its defender clients and their families holistically in such matters as immigration, mental health, public benefits, housing and employment.

III. Budget

**Texas RioGrande Legal Aid
Texas Rural Defender Service
Lavaca County Budget**

Personnel	FTE's	Salary	Fringe	Subtotal
Division Director	0.05	\$105,000	\$18,900	\$6,195
Chief Defender	1.00	\$70,000	\$12,600	\$82,600
Misd Staff Attorney	0.83	\$50,000	\$9,000	\$48,970
Attys	1.88			\$137,765
Investigators	0.63	\$35,000	\$6,300	\$25,881
Inv.	0.63			
Secretaries	0.47	\$35,000	\$6,300	\$19,411
Sec.	0.47			
Total FTE Staff	2.98			\$183,057

Non-personnel per Atty

Space/Utilities	\$ 2,703	\$ 8,046		
Telephone/Data	\$ 1,010	\$ 3,006		
Travel	\$ 1,816	\$ 3,807		
Library/Legal Research	\$ 685	\$ 1,287		
Supplies	\$ 342	\$ 1,017		
Litigation Expenses	\$ 769	\$ 1,446		
Admin/IT	\$ 1,522	\$ 4,530		
Contract Svc. (Janitorial Service)	\$ 417	\$ 1,241		
Training	\$ 1,000	\$ 2,977		
Equipment	\$ 900	\$ 2,679		
				\$30,037

Total Cost

\$213,094

IV. Personnel Descriptions

The following TRLA personnel will be assigned to the Lavaca County operations:

Division Director. The current Division Director is Abner Burnett, a lawyer with over thirty years of experience in the practice of criminal and public interest law. He will have the responsibility of managing and supervising the Chief Defender, and all other public defender program offices at TRLA. Approximately 5% of his FTE² time will be assigned to the Lavaca County budget. He reports directly to the Executive Director of TRLA. Job description attached as Exhibit A.

Chief Defender. The Chief Defender is responsible for the management and supervision of all staff assigned to the Lavaca County regional office. The initial Chief will be Jessica Canter, a 2014 graduate of the University of New Hampshire Franklin Pierce Law Center. Ms. Canter began her legal career with TRLA in September 2014 as a staff public defender in Beeville. For the last two years she has been the First Assistant to the Chief Defender in the TRLA Bee Regional Public Defender office in Beeville. She will be a full-time chief defender and will not accept any outside employment in the practice of criminal law, nor will she accept anything of value other than her salary while so employed. She meets the requirements of Lavaca County for felony appointments under the TIDC approved county plan, and she has completed more than 10 hours of mandatory CLE in criminal law, including a State Bar approved legislative update seminar. 100% of her FTE time will be assigned to the Lavaca County office, and her job description is attached as Exhibit B.

Misdemeanor Staff Attorney. The misdemeanor attorney is usually a recent law school graduate who is undergoing on-the-job training under the immediate supervision of the Chief Defender, but who is also learning from other more experienced TRLA defenders. The job description is attached as Exhibit C.

Investigator. The investigator is responsible for the initial contact with new clients, most often by interviewing them within hours of their arrest and detention at the county jail. The investigator will conduct a full eligibility screening for income and assets, family history, immigration status, employment status and other information bearing on the bail bond decision by the magistrate. All information is entered into the TRLA case management system for review by the Chief Defender, and the investigator may be assigned forensic research and investigation tasks to prepare the case for trial, including witness interviews, photography and exhibit preparation. Job description is attached as Exhibit D.

Secretary. At least initially, secretarial tasks will be carried out by the secretaries in the Beeville regional office. Approximately ½ of a secretary's FTE time will be assigned to the Lavaca County office. When additional counties are added to the Lavaca region, a full-time secretary may be hired for that office. Job description is attached as Exhibit E.

² Full Time Equivalent, i.e., one person working 40 hours per week.

V. Workload Management Plan

The following caseload data is taken from the TIDC website and is derived from reports made by Lavaca County to the Office of Courts Administration for adult felonies and misdemeanors and juvenile cases. The appeals data is derived from the OCA data, using a 2% appeals rate based upon TRLA history.

Lavaca County Public Defender Program Workload Management Plan

Lavaca County	Felony Cases Added	Misd Cases Added	Juvenile Cases Added	Appeals 2% Rate	Total Caseload
2017	90	319	11	3.77	424
2016	145	367	5	3.35	520
2015	147	431	12	2.58	593
3-year Average	127.3	372.3	9.3	3.23	512
Appointment Rate	87.4%	45.0%	297.2%		
PD Caseload	111	168	27.7	3	310
TIDC Caseload Std	128	226	168	31	
No. Lawyers Needed	0.87	0.74	0.17	0.10	1.88

The appointment rates are the average over the period 2015-2017, resulting in an average of 127.3 felonies over the same period, 372.3 misdemeanors, and 9.3 juvenile cases. As a condition of receiving a grant from TIDC, their caseload guidelines are required to be followed. Dividing the projected PD Caseload by the TIDC Caseload Standard results in the number of lawyers needed for each category of cases, expressed as a Full Time Equivalent.

Because TRLA is a large, integrated law firm, lawyers from other TRLA offices may be assigned to cases in Lavaca County from time to time. For example, one requirement recently imposed by the Supreme Court on lawyers representing indigent criminal defendants is that they explain the collateral consequences of a criminal conviction on the accused's immigration status. *Padilla v. Kentucky*, 559 U.S. 356 (2010). TRLA has a lawyer in its Edinburg office who is dedicated to carrying out those responsibilities to its defender clients. She will prepare a memo for the staff defender explaining all the consequences to the client and his family of a plea or other conviction, and is available to consult with the defender as other options emerge in the course of representation.

Similarly, lawyers on the civil side of TRLA are available to provide advice and counsel on mental health issues affecting the criminal case. Still others may assist on public benefits issues, or employment problems, or landlord-tenant disputes that may jeopardize the family facing a criminal prosecution.

VI. Training

TRLA engages in extensive trial and advocacy training for its lawyers and investigators. Each lawyer receives a training stipend of \$1,000 per year to use to attend mandatory Continuing Legal Education workshops. In addition, TRLA often sponsors in-house training events for defenders, bringing in experts on jury selection, expert witness examinations, cross-examination techniques, and mental health issues. Defenders usually attend the annual Rusty Duncan training seminar sponsored by the Texas Criminal Defense Lawyers Association.

Because there are not many training opportunities in Texas for public defender investigators, TRLA has developed in-house capacity for the training of new investigators. Depending on whether the new hire has prior law enforcement experience, targeted training may be conducted on witness interviews, recording witness statements, forensic photography, court procedures, case management data entry, investigative tools, MS Office programs (Word and Excel), and the like. Other training may be on substantive legal issues, such as immigration rules and practice or criminal procedure. TRLA uses not only lawyers, but also its experienced investigators to provide the necessary training to complement the lawyers and provide essential liaison services to clients and the justice community.

VII. Overhead Cost Descriptions

Generally, the non-personnel cost items, or overhead, in the budget are calculated from TRLA's actual cost experience in the first seven months of the current fiscal year. Those are reduced to an annual cost per lawyer, then multiplied by the number of lawyers or total personnel in the office, depending on the item. For example, the space/utilities budget item is based on all the personnel in the office, while the litigation expenses are based on the number of lawyers (1.88) in the budget.

Space/Utilities includes office rental, electricity and city utilities.

Telephone/Data includes local and long-distance telephone, plus data transmission costs for TRLA's wide area network. Each office is connected to the internet via high-speed data links, and the charges for those systems are included on a pro rata basis.

Travel includes both local travel as well as overnight travel for training conferences and meetings.

Library/Legal Research includes both hard copy materials as well as electronic research through Lexis/Nexis or Westlaw.

Litigation Expenses includes the costs of forensic experts such as mental health practitioners. An exceptional case may require additional funding with the approval of the court.

Admin/IT includes a modest share of TRLA overhead costs for the management and supervision of the public defender program on a pro rata basis to total TRLA funding. In addition to management, reporting and accounting, it also includes the pro rata costs of the IT department.

Training includes the external and internal training costs for lawyers and investigators.

Equipment includes the one-time costs for setting up the office, including furniture, a laptop or desktop computer for each employee, and a networked printer/copier/scanner/fax.

VIII. Investigator and Expert Witness Policies

From the TRLA Policies and Practices Manual:

XIII. Representation policies – Public Defender

A. Jail interviews: Investigators from the Public Defender office will promptly interview persons arrested for crimes as soon as possible after the accused is placed in the county jail or detention facility. Unless there are extenuating circumstances, the initial interview should occur within 24 hours of the arrest. The initial interview shall consist of both eligibility screening as well as a substantive interview regarding the circumstances of the accusation. The investigator or attorney must obtain adequate information to determine whether TRLA has a conflict of interest with regard to the accused. Eligibility and conflict information shall be entered into a new case record in the CTS, and the duty attorney shall be notified by email, telephone call or text message, as appropriate, of the potential new case. The investigator should also obtain and record in the CTS any information regarding bail bonds. If the client has not been magistrates, record the date, time and location of the magistration and immediately notify the duty attorney.

B. Other Initial Interviews. If a potential client contacts TRLA after being released from detention, or if the client is assigned for representation by the court at a pre-trial hearing, a TRLA staff member shall promptly interview the applicant for both eligibility and substantive information regarding the alleged offense. All information shall be recorded in the CTS as soon as conveniently possible, including information regarding potential conflicts of interest.

C. Case Description. The case Description in the CTS is *dynamic*; it should change with every new fact revealed by investigation, interviews, and reports. The initial draft will be based almost exclusively on the information from the initial interview, often at the jail and with limited documentary info. Revise the Description as new facts are uncovered. Always include important dates and times; names of parties, witnesses, arresting officers, law enforcement agencies; enough information about locations to establish venue, such as the city or county where the offense occurred; and facts relevant to the offense charged, such as whether the client submitted to a breathalyzer and the results if she's charged with a DWI.

D. Conflicts of Interest. If TRLA has represented or is currently representing an alleged victim or his/her immediate family member, the identities of the victim or family members must be obtained, preferably including SSN, date of birth and residence address. If more than one person is accused of a crime arising from the same transaction or event, then only one such person should be interviewed until a determination is made whether a potential conflict of interest may result with regard to any others accused. If the applicant is accused of a family violence assault or related criminal conduct, and the event has occurred within the last 14 days, that fact should be noted in the Description in the CTS for consideration by Chief Defender whether a potential conflict may exist with the civil division of TRLA.

E. Appointment orders. TRLA will furnish the designated appointing authority in the jurisdiction all information relevant to the determination of eligibility, including any potential conflicts of interest. TRLA may recommend to the appointing authority whether the Public Defender should be appointed or not, or whether an eligibility question exists for determination by the court. TRLA shall also furnish the appointing authority a proposed order of appointment for its consideration. If, as in Willacy County, a standing order exists that permits TRLA to make the determination of eligibility and self-assign cases, TRLA may undertake representation immediately upon determining that the client is eligible and that no conflicts exist.

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TRLA Public Defender Policies:

Expert Witnesses. Any staff defender wishing to contract with an expert witness in a case shall first consult with the Chief Defender. If the Chief concurs with the need for an expert witness, the staff defender shall make the request to the Division Director, describing the witness to be retained, the evidence to be produced and an estimate of the cost for that witness. If the cost of the witness substantially exceeds the amount in the annual county budget for the petitioning office, the Division Director may seek approval from the presiding judge and exceptional payment from the county, or the Indigent Defense Commission, or other third party.

IX. Quality Representation

TRLA emphasizes high quality representation throughout its program, civil and defender. It enjoys a national reputation for exceptional advocacy and will bring that same commitment to the Lavaca County defender office. Quality representation begins with the recruitment of high quality lawyers and support staff. TRLA engages in a national recruitment effort for lawyers, seeking a mixture of talent from top-tier law schools (over 50% of TRLA lawyers are from the 20 highest ranked law schools in the country) and experienced lawyers from the local community. There is an emphasis on hiring staff members who are bilingual in English and Spanish. Not only does TRLA recruit outstanding lawyers, it keeps them -- the average experience level among the firm's lawyers is 17 years.

Although most criminal cases result in a plea agreement, TRLA defenders take approximately 4% of their felony cases to trial, and frequently find success in an acquittal. It is TRLA policy to bring the strongest possible representation to the courtroom in trials, generally bringing more experience trial lawyers in to work with less experienced advocates for on-the-job training purposes. More importantly, all cases, whether entering a plea or engaging in a trial, receive the same high level of attention and preparation, including adequate investigation and evidence review.

While adhering to the highest standards of the legal profession in the pursuit of justice for its clients, TRLA also emphasizes the need for its advocates to work well with other players in the justice community, including courts, prosecutors, law enforcement and those in other supporting roles. In all the jurisdictions where TRLA operates its defender programs, it enjoys respect not only for its advocacy but also for its professionalism. Indicative of that, in 2017, the Indigent Defense Commission awarded the TRLA Bee Regional Public Defender Program office

and its sponsoring counties its Texas Gideon Recognition for outstanding mutual performance by the counties and TRLA.

A side benefit to its defender program is easier access for indigent residents of the county to the TRLA civil legal services programs. Over 160 lawyers working in 44 practice areas are available to provide access to justice, and they will be available through the Hallettsville office. The defender program only has funding to pay 63% of the investigator's salary, but the balance can be paid by the civil side of the program to provide intake access for Lavaca residents who have domestic violence, veteran's, employment, public benefits or a host of other civil legal services needs.

X. Case Management Technology

For more than two decades TRLA has relied upon its custom-written case management system, the TRLA Client Tracking System. The application was developed by the TRLA IT Department and adapted to the needs of the public defender program when that became operational in 2007. The IT director who wrote the program retired earlier this year (although he is still available for consulting on the CTS), and TRLA is considering options for commercial case management systems that would be compatible with TRLA's needs in both the civil and defender sides of the program. It is likely that at least a year, or perhaps more, will be required before a replacement for the CTS becomes available. In the meantime, the CTS is still fully operational and adequately meets the needs of the defender program, including reporting case statistics for the county and TIDC.

XI. Conclusion

TRLA is fully prepared to offer Lavaca County the efficiency and benefits of its public defender program, starting on October 1, 2018.

SUBMITTED by the following duly authorized representative of Texas RioGrande Legal Aid, Inc. on September 12, 2018.


Robert W. Doggett
Executive Director

PUBLIC DEFENDER DIVISION DIRECTOR

The Public Defender Division Director is recruited and hired by the TRLA Executive Director and has the overall responsibility for the direction and smooth functioning of the Public Defender operations.

Primary duties and responsibilities of this position include:

1. Supervises and directs the work of the Chief Public Defenders;
2. Ensures that the quality and quantity of the work at each Public Defender office are adequate;
3. Serves as counsel of record in roughly 100 felony cases, 20 misdemeanor cases, and 5 appellate cases;
4. Serves as lead counsel at trial in serious felony prosecutions and as supporting, mentoring counsel for less experienced lawyers in trials;
5. Approves training and travel reimbursement requests of the Chief Defenders;
6. Attends a legislative update seminar in any calendar year that the Texas Legislature meets;
7. Responds to attorney, bar, and public inquiries concerning TRLA's public defender work.

Minimum qualifications:

1. Licensed to practice law in Texas for at least five years;
2. Has substantial experience in the practice of criminal law.

Preferred additional qualifications:

1. Has a strong academic background with demonstrated legal skills;
2. Has worked in a public defender office;
3. Has tried to verdict as lead or co-counsel three or more felony cases, two or more of which have been jury trials;
3. Has briefed or argued two or more cases before a Texas or federal appellate court; and,
4. Has completed ten or more hours of continuing legal education in criminal law within the past year, including carryover from one previous year only.

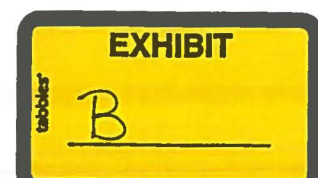


Chief Public Defender

The Chief Public Defender has general responsibility for the management and administration of a discrete Public Defender office serving a single county or a consortium of counties as a Regional Public Defender Office. The jurisdiction served by a Public Defender office is determined by the grant or contract between TRLA and the county or counties served. The Chief Defender is hired by the Executive Director of TRLA, in consultation with the Director of the TRLA Defender Division, and in accordance with the terms and conditions of the defender contract with the jurisdiction. The Chief is under the direct supervision of the Defender Division Director.

Responsibilities include:

1. Assists the Executive Director and the Division Director in the recruitment, hiring, and training of Assistant Public Defenders;
2. Supervises and directs the work of all staff assigned to the Public Defender office;
3. Ensures that the quality and quantity of each attorney's work are adequate under the workload management plan contained in the grant agreement between TRLA and the county;
4. Reviews the caseloads of Assistant Public Defenders and Investigators on at least a quarterly basis and adjusts caseloads as necessary and appropriate to promote the efficient operations of the office;
5. Conducts formal evaluations of all staff in the office on an annual basis;
6. Serves as lead counsel in felony, misdemeanor or juvenile cases as appropriate, and serves as supporting counsel to Assistant Public Defenders as needed;
7. Approves training and travel reimbursement requests for all staff in the office, and assures that each attorney in the office meets all Continuing Legal Education requirements of the Bar and the Public Defender grant agreement;
8. Attends at least 15 hours of Continuing Legal Education events in criminal law each year; including a legislative update seminar on criminal law in the twelve months after the Texas Legislature meets;
9. Trains staff in office practices and procedures;
10. Either personally or by delegation assures that all database information in the Client Tracking System is accurate and current and that template forms for document assembly are consistent with state law and local practices;
11. Within five days of the end of each month, reviews all cases closed in that month to assure that information for monthly Progress Reports is complete and accurate and assists the TRLA Grants Manager in the submission of accurate reports to county officials and the Texas Task Force on Indigent Defense;
12. Coordinates the work of the Defender Office with the judiciary, bar, prosecutors, County Commissioners Court(s), and other public officials, and serves as the spokesperson for the office with the public in the jurisdiction served; and promptly informs the Executive Director, the Division Director,



and the Director of Communications of any significant developments, events or activities that may have a material impact on the office or TRLA as a whole.

Minimum qualifications:

1. is admitted to the Bar of the Supreme Court of Texas, or is seeking admission at the earliest practicable date;
2. has practiced law for at least three years; and,
3. has substantial experience in the practice of criminal law;
4. has tried to verdict as lead or co-counsel three or more felony cases, two or more of which have been jury trials; and
5. is committed to ethically and zealously protecting the rights of persons accused of crimes.

Preferred additional qualifications:

1. has a strong academic background with demonstrated legal skills;
2. knows and has personal ties to the community being served, who is bi-lingual, and who has worked in a public defender office;
3. has briefed or argued two or more cases before a Texas or federal appellate court; and,
4. has completed ten or more hours of continuing legal education in criminal law within the past year, including carryover from one previous year only.

Staff Public Defender

The position of Staff Public Defender is a professional one with duties and activities which are commensurate with the provision of criminal defense representation to eligible individuals. A Staff Public Defender works under the supervision of the Chief Public Defender of the office to which assigned. The primary duties of the Staff Public Defender may include the following and any other such duties and related activities:

1. Represents clients in accordance with the Disciplinary Rules of Professional Conduct of Texas and consistent with TRLA standards of practice;
2. Serves as counsel of record in felony, misdemeanor and juvenile cases, as well as in appeals;
3. Refines and streamlines eligibility and pre-trial procedures;
4. When appropriate, coordinates criminal representation with civil legal services practice area teams in an effort to deliver services in as holistic a manner as reasonably possible;
5. Supervises and/or works with investigators and legal secretaries as assigned;
6. Complies with all case reporting requirements, including timekeeping and case activities.
7. Keeps current on the state of the law and procedures within the area of criminal law.
8. Fulfills all requirements necessary to remain in good standing to practice law in the assigned jurisdiction, including but not limited to, compliance with the minimum requirements for Continuing Legal Education in criminal law.

Minimum qualifications include:

- licensed to practice law in Texas or willing to take the next available Texas bar exam;
- one year of criminal litigation experience or comparable academic or clinical experience in criminal law;
- proficiency in the Windows Operating System, Microsoft Word, Excel and PowerPoint, and legal research software;
- completion of ten hours of continuing legal education in criminal law within the first year of employment with TRLA and meets minimum CLE requirements each year thereafter; and
- Spanish language fluency preferred



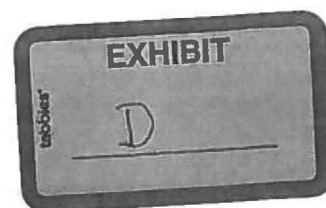
PUBLIC DEFENDER INVESTIGATOR

The primary duties and activities of a Public Defender Investigator may include the following:

1. Conduct initial interviews with potential defendants to determine eligibility, mental health status, and factors affecting bail.
2. Locate and interview victims, witnesses, and law enforcement personnel.
3. Locate and gather records, reports and documents, and serve subpoenas.
4. Visit and recreate crime scenes by measuring, photographing, and sketching.
5. Establish and maintain good working relationships with individuals and agencies that interact with the office.
6. Prepare written reports.
7. Testify in court.
8. Notarize legal documents;
9. Maintain accurate and complete client files and administrative records, including data entry into client database and other requirements, such as timekeeping;
10. Prepare administrative reports required by TRLA;
11. Any other duties required by the Chief Public Defender,

Qualifications:

1. Bilingual in English and Spanish.
2. High school graduate or equivalent
3. Car, driver's license and automobile insurance
4. Resourcefulness, creativity, initiative and drive, tact, and discretion
5. Knowledge of computer applications preferred
6. Basic working knowledge of social work and public benefits programs preferred



LEGAL SECRETARY

Duties of the legal secretary include, but are not limited to, the following, some of which tasks may be assigned to one or more legal secretaries within an office:

1. Type, file and handle all clerical office matters for the casehandlers to whom assigned;
2. Maintain client files and applications and complete assigned work on case files within the required time frame;
3. Make copies of documents as requested;
4. Create files for all new cases;
5. Notarize documents;
6. Maintain office law library;
7. Communicate with clients and other lawyers as requested;
8. Coordinate schedules and maintain case requirements calendar of casehandlers, as requested;
9. Prepare standard pleadings for review by attorneys;
10. Set hearings, depositions and other appointments with clients and other attorneys as requested;
11. Compose routine correspondence;
12. Obtain information from data base and check conflict of interest;
13. Make appropriate disposition of applications as instructed by assigned attorney;
14. Answer office telephone as required, and take messages for other staff;
15. Handle incoming and outgoing mail, ensuring that all income mail is distributed to the appropriate parties and that outgoing correspondence is prepared in time and is placed in the appropriate location for mailing;
16. Assist in overflow work to ensure smooth office operations;
17. Maintain office equipment by replenishing toner in copiers and printers when necessary and refilling copier and printer paper trays as needed; and respond to equipment breakdowns, distracting office conditions and other office conditions



requiring management attention;

18. Maintain office supply inventory and requisitions supplies and office equipment when necessary;
19. Maintain trust accounts according to standard accounting procedures, including typing of trust account checks or receipts or reporting, whichever is assigned by the branch manager;
20. Orient new employees on office procedures and briefs employees on policy and procedure changes;
21. Coordinate staff leave and travel arrangements for staff;
22. Verify time sheets and distributes payroll checks and other compensation;
23. Translate;
24. All other secretarial duties as may be requested by the immediate supervisor.

Qualifications

1. Type minimum of 45 words per minute;
2. Experience with word processing
3. Preference given to persons with high school degree or equivalent;
4. Minimum of two years secretarial experience;
5. Bilingual in English and Spanish.

STATE OF TEXAS §

COUNTY OF LAVACA §

AFFIDAVIT

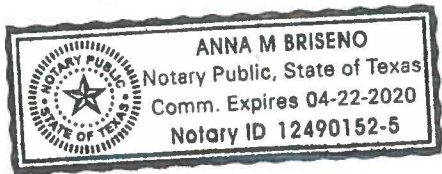
BEFORE ME, the undersigned authority, on this day personally appeared Robert W. Doggett known to me to be the person whose name is subscribed to the following, who, upon oath, says:

I am the Manager, Secretary or other agent or officer or the principal of the Bidder in the matter of the bids to which this affidavit is attached, and I have full knowledge of the relations of the Bidder with the other firms in this same line of business, and the Bidder is not a member of any trust, pool or combination to control the price of supplies bid on, or to influence any person to bid or not to bid thereon.

I further affirm that the Bidder has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted bid.

[Signature]
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME by the above Affiant, who, on oath states that the facts contained in the above are true and correct, this 12th day of September, 2018.



Anna M. Briseno
Notary Public in and for
Travis County, Texas

Name of Bidder: Texas RioGrande Legal Aid
Signed by: Robert Doggett Executive Director
Address: 4920 North IH-35, Austin, TX 78751
Telephone Number: 512-374-2700 Date: 9/12/18

NOTE: BIDS NOT ACCOMPANIED BY THIS AFFIDAVIT WILL NOT BE CONSIDERED.

The County of Lavaca does not discriminate on the basis of race, color, national origin, sex, religion, age, and disability in employment or the provision of services.