

GALVESTON COUNTY MISDEMEANOR MENTAL 1,012,592 HEALTH PUBLIC DEFENDER'S OFFICE PLAN

PURSUANT TO:
Tex. C. Crim. P. Art. 26.044(b-1), (c-1)

I. BUDGET

Galveston County MMHPDO Budget	Staff	Total
Total Staff Salaries	7	\$ 473,532
Chief Defender (\$113,000 salary)	1	\$ 113,000
Misdemeanor Defender (\$80,000 salary)	2	\$ 160,000
Licensed Clinical Social Worker (\$62,700)	1	\$ 62,700
Caseworker (\$48,000 salary)	2	\$ 96,000
Support Staff (\$41,832 salary)	1	\$ 41,832
Fringe (22.535%)		\$ 106,710
Health insurance (\$13,500/person)		\$ 94,500
Experts Budget		\$ 10,000
Investigator (contract)		\$ 5,000
Operating Costs (\$500/yr Tech, \$350/supply per employee)		\$ 5,950
Training (\$900 per atty; \$500 per social worker, investigator and caseworker and support staff)		\$ 4,700
Travel (\$100/attorney, investigator and caseworker)		\$ 7,200
Build Out Total (1/2 to be paid by County)		\$ 305,000
Estimated Total Cost for Public Defender		\$ 1,012,592
Additional Year-One Expenditures		
Computers		\$ 10,500
Printers		\$ 2,400
Desks & Chairs (7)		\$ 5,600
Misc Supplies (startup)		\$ 2,450
Total Startup Costs for Year One		\$ 20,950

II. PERSONNEL POSITION DESCRIPTIONS

Cases appointed to the Galveston County Mental Health Public Defender's Office (or Mental Health Public Defender's Office) will be assigned by protocols based on factors including, but not limited to, the complexity of the case and the individual mental health challenges of the appointed client matched with the particular strengths of the available members of the organization. All assignments will be approved by the Chief Public Defender. All clients will be assigned a team upon appointment. Client teams will be comprised of a licensed clinical social worker, a case worker and headed by an assistant public defender. Client teams will meet weekly unless approved by the Chief Public Defender to meet less often. For a detailed description of each personnel position in the Mental Health Public Defender's Office please see Appendix "A", attached to this document and incorporated herein. Also see the Galveston County Mental Health Public Defender's Office Policies and Procedures Related to Legal Representation, which further defines the foregoing and is 1,012,592 attached hereto as Exhibit "A" and incorporated herein for all purposes.

III. MAXIMUM ALLOWABLE ATTORNEY CASELOADS

Pursuant to *Guidelines for Indigent Defense Caseloads* published by the Texas Indigent Defense Commission and the Public Policy Research Institute at Texas A&M University, (2015), the maximum annual allowable attorney caseload will be no more than 216 Class A Misdemeanors or 236 Class B Misdemeanors (weighted appropriately). Caseload limits will be reviewed quarterly by the Chief Defender. 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 both the court or courts before whom the cases are pending, and the Galveston County Mental Health Oversight Committee, in writing.

IV. PROVISIONS FOR PERSONNEL TRAINING

- A. **Attorneys:** All Attorneys will be expected to know the Texas State Bar Guidelines for Defense Representation in Non-Capital Cases, (Including Guideline 1.3 (G-H), regarding conflicts of interest) upon their employment with the program. Further, each attorney (including the Chief Public Defender), at a minimum, will be responsible for completing the Texas State Bar mandated hours of MCLE by seeking out and completing courses relating directly to the representation of defendants with mental health issues. In addition, if applicable, the Chief Public Defender will be allowed to complete the minimum Texas State Bar mandated hours of MCLE required for continued Board Certification in Criminal Law by the Texas Board of Legal Specialization by seeking out and completing courses relating directly to the representation of defendants with mental health issues, if possible. All courses must be approved by the Chief Public Defender and will be funded by the Mental Health Public Defender's Office. In-house training for the attorneys will be provided by the Chief Public Defender, at a minimum, on a

- quarterly basis. Training will include practical trial advocacy skills coaching during interactive trial simulations. The Mental Health Public Defender's Office will foster an environment of attorney mentorship within the organization. All assistant public defenders will be reviewed for job performance, by the Chief Public Defender, at least annually.
- B. Mental Health Social Workers: All social/case workers will attend organized training program(s) outside of the office relating directly to the aspects of their duties involving interaction with clients with mental health issues at least once a year. These courses must be approved by the Chief Public Defender and will be funded by the Mental Health Public Defender's Office. In-house training for all social/case workers will be arranged by the Chief Public Defender, at a minimum, on a quarterly basis. Further, more experienced social/case workers will be expected to train and mentor less experienced co-workers in a constructive and positive manner. All social/case workers will be reviewed for job performance, by the Chief Public Defender, at least annually.
- C. Administrative Assistant: The administrative assistant will be required to undergo training/ tutorials on any new or updated software that the Office installs. Training on the identifying of all potential conflicts of interest of representation upon appointment of new clients will be arranged, by the Chief Public Defender, at a minimum, on a quarterly basis. Additional in-house training for the administrative assistant will be arranged by the Chief Public Defender, as necessary. All administrative assistants will be reviewed for job performance, by the Chief Public Defender, at least annually.

V. ANTICIPATED OVERHEAD COSTS

All startup costs for the Galveston County Mental Health Public Defender's Office are set out above in "I. Budget". The overhead costs for year two and forward will include, but is not limited to, continuing fees on a legal case management system, continuing fees on an electronic legal research service, mileage, and depletable office supplies.

VI. LICENSED INVESTIGATOR AND EXPERT WITNESS POLICY

The Galveston County Mental Health Public Defender's Office Budget contains allotments for the retention of licensed investigators and experts on a contract basis, as necessary. Specifically, it sets out \$10,000.00 for experts and \$5,000.00 for contract investigation. All expenditures of these monies must be approved by the Chief Public Defender and will be made on a case-by-case basis. Should these funds become depleted, the Mental Health Public Defender's Office will seek funding for experts and/or investigation from the court.

VII. CONFLICT OF INTEREST POLICY

All employees of the Galveston County Mental Health Public Defender's Office must be

actively alert to all potential and actual conflicts of interest that would ethically prevent the Galveston County Mental Health Public Defender's Office from accepting, or continuing to represent, an appointed client. Training on the policies and procedures on identifying of all potential conflicts of interest of representation, and protocols to follow upon discovery of same, will be arranged by the Chief Public Defender, at a minimum, on a quarterly basis. Specifically, a database of all clients and co-actors will be created and maintained for conflict purposes. Upon receiving a client appointment, all relevant names from the new case will be compared to the existing database as soon as possible to expose any potential conflicts. Any potential conflicts will then be communicated to the appropriate public defender immediately for a legal conflict of interest analysis. If the public defender determines that a conflict does indeed exist then she will notify the client and court, in writing, and seek new representation for the client. The public defender will also take any other actions that are ethically necessary.

Appendix "A"

A. Chief Public Defender

Job Summary:

The Chief Public Defender is the top defense attorney for the Galveston County Misdemeanor Mental Health Public Defender's Office (GCMMHPDO or Public Defender Office) who directs the office that provides representation to clients diagnosed with a serious mental illness in Class A and B misdemeanor cases. Participates in planning programs, policies, procedures, and objectives for the county department and plans for future development. Provides legal representation for or ensures mental health clients are represented in criminal proceedings, and ensures their constitutional rights are upheld. Serves as lead counsel. Oversees and participates in preparation, presentation, and disposition of cases. The Chief Public Defender is a full-time position solely dedicated to working and providing the service of the GCMMHPDO. Outside legal or an alternative dispute resolution practice will not be permitted in this position.

Supervises: 2 Attorneys
 1 Licensed Clinical Social Worker
 2 Caseworkers
 1 Support Staff

Essential Duties and Responsibilities:

- Ensures the functions and services of the Public Defender's Office are provided in accordance with the requirements of both the State and Federal Constitution, State and Federal Law, and State Bar of Texas ethical rules.

- Oversees and provides representation of defendants with serious mental illness that are charged with Class A & B misdemeanor cases, to include both jury and non-jury matters, mental health personal bonds, and competency proceedings.
- Plans and participates in development and implementation of policies, procedures, and programs. Ensures activities are consistent with goals and objectives of the Program. Directs efforts to develop and improve day-to-day operations, work processes and customer service.
- Directs, plans, manages, and supervises professional and support personnel. Allocates resources for services, equipment, facilities, and finances. Plans for future services and budgetary needs of the office.
- Provides administrative oversight for the attorneys and other staff within the department, including hiring, performance evaluations, disciplinary actions, and dismissals.
- Prepares, monitors, and updates the procedure or operations manual for the GCMMHPDO.
- Supervises planning, development, preparation, and monitoring of annual budget, grant funding and statistical reports.
- Performs advanced legal work, including research, case preparation and Court appearances, as lead counsel on selected cases, including cases of difficulty or sensitivity.
- Directs and advises the department's legal staff on issues of law and the disposition of cases. Resolves problem case negotiations.
- Develops and maintains good working relationships with the judges of assigned courts while continuing to act as a vigorous advocate for the rights of clients being represented.
- Meets with judges regarding Court administration of the indigent mental health caseloads.
- Makes presentations to social and civic groups, incarcerated persons, and other organizations to explain, publicize, and promote the public defender program.
- Represents the Public Defender's Office in appropriate public and professional meetings and conferences; in interactions with state, county, and municipal officials; county and state bar associations; and citizen groups.
- Reports regularly to the GCMMHPDO Oversight Board and Galveston County Commissioners Court as requested.
- Performs other duties as assigned.

B. Assistant Mental Health Public Defender

Job Summary

Under the direction of the Chief Public Defender, represents clients assigned to the Galveston County Misdemeanor Mental Health Public Defenders Office. Advocates, in court, for Tex. C.

Crim. P. art. 17.032 mental health personal bonds (as well as other forms of pre-trial release). Fully explores whether clients are mentally competent to stand trial and promptly files any appropriate motions with the court and litigates same. Seeks advantageous resolution for these cases through opportunities uniquely available via the mental health docket while continuing to zealously fight the pending criminal charges (including by jury trial if necessary). Works collaboratively with the other members of the office to assist clients in being successful in complying with conditions of bond release and diversion programs and any other relevant tasks/achievements that the client must complete in order to ensure a favorable resolution to the case.

Essential Duties and Responsibilities

Provides superior criminal defense representation to indigent clients who have been assigned to the Galveston County Misdemeanor Mental Health Docket pursuant to a Tex. C. Crim. P. art. 16.22 evaluation. Initially interviews and meets frequently with clients whether in jail or after release. Prepares for and conducts all hearings for assigned clients. Uses all available local mental health resources to attempt to secure offers of pre-trial release, dismissals, diversions, and/or alternatives to conviction and/or incarceration. Reviews and helps develop case service plans for clients as they pertain to the case offer. Prepares for and tries jury trials for clients if necessary. Attends training and MCLE related to the representation of clients with mental health issues in an amount equaling or in excess of Texas State Bar mandates. Completes special projects and other duties as assigned by the Chief Public Defender. Performs other duties as assigned.

C. Licensed Clinical Social Worker

Job Summary

Under the direction of the Chief Public Defender, works directly with clients assigned to the Galveston County Misdemeanor Mental Health Public Defender's Office. Works collaboratively with the other members of the office to assist clients in connecting with housing, substance abuse, mental health, medical, employment and any other relevant services/benefits during comprehensive client-centered representation. Provides formal psychological assessments of clients as needed. Provides support for Assistant Public Defenders to advocate for pre-trial release, dismissals, diversions, and/or alternatives to conviction and/or incarceration.

Essential Duties and Responsibilities

- Provides clinical expertise to support the legal position being presented in court.
- Conducts comprehensive psychosocial assessments in the community and local jail to determine clients' basic demographic information, living situation, relationship and family dynamics, legal status, education history, employment history, physical health, mental health, substance use history, and self-identified goals and needs. Attends collaborative meetings with the client and attorney. Reviews and helps develop case service plans. Initiates/facilitates referrals to mental health treatment and other services

for clients, as soon as possible, to ensure rapid engagement in services.

- Identifies and conducts interviews with family, friends, employers, and other support system members in the community who can aid in clients' success.
- Based on a clinical review of assessment outcomes and interviews with family and other support systems, helps develop individualized alternative sentencing plans that, in consultation with the case attorney and client, recommend and advocate for community-based sentences and alternative community treatment as indicated. Researches and recommends alternatives to incarceration through memoranda prepared for submission to judges and prosecutors through Assistant Public Defenders.
- Accompanies clients to court and participates in hearings, if requested by the defense attorney. Provides additional information and support, as required.
- Maintains ongoing pre-trial or pre-sentence updates on clients' progress through communication and collected documentation from community service providers and by conducting routine check-ins with clients.
- Fosters communication and connections with a wide array of community service providers while sustaining a comprehensive community referral network.
- Completes special projects and other duties as assigned by the Assistant Public Defenders and/or the Chief Public Defender. Performs other duties as assigned.

D. Mental Health Caseworker

Job Summary

- Under the supervision of the Chief Public Defender, works directly with clients assigned to the Galveston County Misdemeanor Mental Health Public Defender's Office. Works collaboratively with the other members of the office to assist clients in connecting with housing, substance abuse, mental health, medical, employment, and any other relevant services/benefits during comprehensive client-centered representation. Provides support for Assistant Public Defenders to advocate for pre-trial release, dismissals, diversions, and/or alternatives to conviction and/or incarceration. Provides trial support/investigation as necessary.

Essential Duties and Responsibilities

- Provides psychosocial data to support the legal position being presented in court.
- Conducts comprehensive interviews in the community and local jail to determine clients' basic demographic information, living situation, relationship and family dynamics, legal status, education history, employment history, physical health, mental health, substance use history, and self-identified goals and needs. Attends collaborative team meetings. Initiates/facilitates referrals to mental health treatment and other services for clients, as soon as possible, to ensure rapid engagement in services. Gathers factual mitigation data through interviews and obtaining and analyzing records.

- Identifies and conducts interviews with family, friends, employers, and other support system members in the community who can aid in clients' success.
- Provides trial support with fact investigation and trial punishment mitigation, as necessary. Accompanies clients to court and helps them generally understand and navigate the proceedings.
- Maintains ongoing pre-trial or pre-sentence updates on clients' progress through communication and collected documentation from community service providers and by conducting routine check-ins with clients.
- Fosters communication and connections with a wide array of community service providers while sustaining a comprehensive community referral network.

E. Administrative Assistant

Job Summary

Under the general supervision of the Chief Public Defender, manages electronic client case files for entire office while providing overall legal document support including electronically filing, and occasionally drafting, of legal motions. Also manages case discovery and overall office calendar/docket. Arranges any out-of-county extended travel. Provides in-house data processing training and support for entire office.

Essential Duties and Responsibilities

- Working within critical deadlines, word processes a variety of legal documents, which may include pleadings, motions, orders, warrants, petitions, subpoenas, witness lists, jury instructions, voir dire questions, verdict forms, reports, and/or general correspondence.
- Responsible for all electronic filing for the office.
- Responsible for initial conflict of interest client screening.
- Responsible for learning new data processing and case management programs and, in turn, training office personnel in same.
- Responsible for maintaining client files, including file indexing and document management.
- Provides in-house computer skill and tech support for entire office.
- Assists with compilation of statistical data.
- Assists teams with PowerPoint presentations for plea and/or trial purposes.
- Coordinates the scheduling of appointments for attorneys.

- Responsible for arranging out-of-county travel and preparing reimbursement forms for office.