

HIDALGO COUNTY PUBLIC DEFENDER'S OFFICE



Policy and Procedures Manual
(Revised August 11, 2006)

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Policy and Procedures Manual

This manual is designed to function as the working guide to the operation and utilization of the Hidalgo County Public Defender's Office. The policies and procedures outlined in this manual have been developed by the Public Defender under the guidance of the Hidalgo County Commissioner's Court Oversight Committee. These guidelines are subject to the organizational agreement between the Public Defender and the Commissioner's Court. Policies and procedures described in this manual are subject to change on an "as needed" basis as the needs and capabilities of the office and the county change.

I. PERSONNEL

Detailed job descriptions for each position in the Public Defender's office are attached as Appendix "A" to this document. The positions that are envisioned for the Public Defender's Office are:

A) Attorneys

- a. Chief Public Defender;
- b. First Assistant Public Defender; and
- c. Assistant Public Defender.

B) Investigation

- a. Chief Investigator

C) Support Staff

- a. Administrative Assistant

D) Conduct/ Ethical Guidelines

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

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

E) Sick/ Vacation/ Cover Leave

Sick and vacation leave are to be governed under the guidelines and policies of Hidalgo County. "Cover leave" is to be governed by the PDO. Whenever an attorney or a member of the support staff are requesting leave, either sick or vacation, they will try to the best of their ability to have another attorney or support staff cover their court docket or office duties. A "cover request" is to be filed out, if possible, by both the employee requesting leave and the employee accepting covering duties. The "cover request" is then to be submitted to either the

Chief Public Defender or 1st Assistant for approval. A copy of the "cover request" is attached as Appendix "B".

F) Outside Employment

Employees may not accept or continue outside employment that would give rise to, or the appearance of, a conflict of interest without the Chief Public Defender's approval. Employees may not accept or continue legal employment involving restricted clients (inmates/ clients, inmate's/ client's immediate families, or individuals referred by inmates/ clients or their families) or restricted defendants (state and federal governments, state agencies, cities, municipalities, and counties) or legal employment in an area of law with high potential for conflict (Deportation, Expungements, Family Law, Immigration, and Misdemeanor Appeals) without the Chief Public Defender's approval.

Employees may accept legal employment in an area of law with low potential for conflict without the Chief Public Defender's permission except when such employment gives rise to or may give rise to a conflict of interest or the appearance of impropriety. In those instances, the employee must obtain the Chief Public Defender's approval.

If the nature of an employee's outside employment changes such that it becomes, or the employee learns that it is or may be a conflict of interest to continue such employment, the employee must notify the Chief Public Defender and obtain his approval for continuing said employment.

The use of county assets in support of outside employment is strictly prohibited. This prohibition includes local and long distance telephone use and both incoming and outgoing calls. Outside employment is not to be conducted while on county time or on county property; with the exception that the use of private cell phones to contact clients or employers, courts, etc. Outside employment is allowed on county property during scheduled breaks or lunchtime.

II. TRAINING

Training is an integral part in developing personnel who can provide vigorous and zealous defense of their clients. Although all office personnel share a responsibility of providing services to the client, these needs are most keenly felt at the attorney and investigator positions. An overview of the proposed training program for these positions follows. This plan is subject to modification depending upon the skills and training already possessed by new employees.

A) Attorney Training

a. Mentoring / Training Program and Practice Guidelines

The best way of learning various aspects of criminal defense work is to observe an experienced attorney as he works. For that reason, each new attorney in the Public Defender's Office will be assigned a senior attorney to act as a mentor. The purpose of having a mentor is to give a new attorney access to someone familiar with the practice of criminal law in Hidalgo County. The mentor and the attorney will meet regularly to discuss various aspect of working as a public defender. These would include:

- i. The mentor being responsible for introducing the new attorney to the judges, court personnel and other actors in Hidalgo County's criminal justice system;

- ii. The mentor will show the new attorney the location of the various courts, offices and jail facilities of Hidalgo County, including jail operations and visitation;
- iii. The mentor will take the new attorney to the District Attorney's Office, introduce them to the members of that office and instruct the new attorney in the interaction between the PDO and the DAO, such as viewing client files and plea negotiations;
- iv. The new attorney will attend court hearings with the mentor and participate in any cases that go to trial;
- v. The mentor and the new attorney will meet to discuss each other's cases with the mentor providing guidance and insight on how the new attorney should proceed on a particular case; and
- vi. The mentor will be available to answer questions that the new attorney might have about various aspects of PDO procedures.

The purpose of having this program is to provide guidance and instruction to new attorneys. The mentor's role is not to handle the new attorney's caseload, but to help the new attorney understand the issues that might arise in a particular case, as well as to evaluate the options that might exist in getting the case resolved. In short, the new attorney will be responsible for the case, subject to the mentor's insight.

B) Continuing Legal Education

Under the Texas Fair Defense Act, as adopted by Hidalgo County, any attorney requesting appointments to represent indigent defendants must have at least ten (10) hours of continuing legal education in the field of criminal law each calendar year and be an active member of the State Bar of Texas to maintain eligibility to receive appointments.

The PDO will cover all expenses in sending its attorneys to CLE seminars in order to meet with appointment requirements. The PDO will also cover the expense for membership dues to the State Bar of Texas, The Hidalgo County Bar Association and the Texas Criminal Defense Lawyer's Association. The PDO also maintains a library of legal manuals and materials centering on improving trial skills, criminal procedure, mental health and immigration issues.

C) Investigator Training

The investigator will receive her training and certification under the guidelines of the National Association of Investigative Specialists (NAIS). The investigator will need to become proficient in interviewing skills, with the use of a digital camera and voice recorder, and with scene or location sketches or diagrams. The investigator will also need to review and become familiar with common investigative manuals and procedures utilized by local law enforcement agencies to assist the attorneys in strategy planning before trial.

III. THE PRACTICE OF LAW - ASSIGNMENT OF CASE TO INVESTIGATION

A) Assignment and Flow of Cases

In order to provide the most efficient use of resources and facilitate the speedy representation of the client, cases should be processed in the following manner. These guidelines are subject to ongoing review and change when necessary to insure that service to the client is accomplished in a timely and cost-effective manner.

a. Initial Intake

The case flow process within the Public Defender's Office begins when the notice of appointment is first received from the Indigent Defense Office. The appointment is given to the administrative assistant. She takes the information on the appointment form and opens up a case file on the computer system.

If the client is in custody, the administrative assistant makes a jail packet for the Assistant Public Defender on jail duty rotation. The packet will be generated from the following windows off the Able Term system (See Able Term Operations Manual): Hearing page, person information page, prior history menu, jail history, jail information page, jail charge / bond page, and booking photo. The jail packet will be delivered to the jail duty attorney for visitation within 24 hours.

If the client was released from custody on bond the administrative assistant will make a client packet consisting of the same information found in the jail packet.

Those packets made for "bonded – out" clients will remain in the administrative assistant's care until the D.A.'s office files criminal charges.

The administrative assistant will do daily checks of all "bonded-out" and jail cases with the D.A.'s office for criminal filings.

When a case is filed with the D.A.'s office, the administrative assistant will create a physical file that includes the case's cause or court number and the jail or client packet.

If the filing is for a client who "bonded-out," the administrative assistant will hand the physical file to the attorney handling the court where the case falls. It will be up to that attorney to do periodic checks for arraignment settings. The administrative assistant will mail a letter to those "bonded-out" clients to contact the PDO for a client – attorney interview.

b. Conflict Checks

It is axiomatic in law that a lawyer cannot effectively represent a client when there exists a conflict of interest. In criminal defense work, that conflict most often arises when you have been appointed to represent someone and you already represent the victim, a co-defendant, or adverse witness in the case. In order to avoid that situation, a conflicts check is to be conducted on each case early in the appointment process.

The administrative assistant, or the attorney assigned to the case, should enter in the names of the client, victim(s), co-defendant(s), if any, and any known witnesses into the conflict checking software. If additional victims, witnesses, etc. are later uncovered, they should also be entered into the software program to see if a conflict arises.

In the event a potential conflict is uncovered, the attorney needs to view the nature of the conflict and then make a professional judgment as to whether withdrawal is required. If in doubt, the attorney should discuss it with the Chief Public Defender or the First Assistant for guidance.

B) Establishing an Effective Attorney – Client Relationship

Establishing an effective attorney – client relationship is integral to a successful outcome in a case. When dealing with clients in this office, it is important to remember several key things. First, your client didn't pay or choose your services, you were appointed as his/her attorney. This can lead to a great deal of suspicion on the part of the client. Second, your client is in a situation that, whether he admits it or not, is frightening to him.

Both of these feelings can serve to seriously complicate having an effective attorney-client relationship, especially when they lead to hostility on the part of the client. In some cases, you will not be able to overcome these obstacles. However, in the majority of cases, it is possible to build a relationship based on a degree of trust on the client's part. Once you have accomplished that, it becomes possible to get the client to listen to your advice on the case. This is especially true in most cases. Without overcoming the client's innate skepticism of a court –

appointed attorney or public defender, you will not be able to serve your client to the best of your ability.

This will seem like an obvious point, but the best way to establish an effective attorney – client relationship is to spend time communicating with your client, whether it is in the jail or over the phone. In the most serious cases, it is best to start with face-to-face contact. However, in a great many cases the client will have received the news that you are going to be representing him before you get the file. Talking to the client before you get the file is a judgment call, but remember that the client may have important information that needs to be acted on quickly. Granted, it is hard to know the value of the information when you haven't seen the file, but it might be best to err on the side of caution and speak to the client.

It is always important to remember what you are trying to accomplish: the best outcome for the client, based on the situation that exists. There are times when this will involve trying to get the client to accept that spending a long time in prison is the “best” alternative (or at perhaps the “least worst” alternative). No one wants to think about spending years of their life in prison, but if you've built an effective relationship with the client, it can be easier to convince them that your opinion on their situation needs to be taken into account.

The way to do this is to be honest with the client. If your objective evaluation of the case leads you to a conclusion that you know the client will not like, it is nonetheless your obligation to give him your opinion. You can build trust with a client by keeping the promises you make to him. The flip side of this is to not make promises that you can't keep. If you tell the client that you're going to accept his calls, accept them. If he wants a copy of the arrest affidavit, make sure it gets sent to him. Send him copies of the investigation so he knows what you know. If he's got some ridiculous offer to make to the prosecution, make sure you tell the DA about it. No attorney can promise a client an outcome of the case, but you can promise to work hard and then show the client you mean it. A little attention to the client can pay big dividends.

a. The Initial Client Interview

The initial client interview will depend in large part on the amount of information you have about the case. Unfortunately, there are going to be cases where you don't have the arrest affidavit, despite the best efforts of the support staff. If you have the arrest affidavit, you are in a better position to ask questions relevant to the case. If you don't, you'll have to try and get as much from the client as you can.

It's best to start any client interview with the same basic information, introduce yourself, assure your client that the attorney/client privilege will protect the confidentiality of anything he tells you, the charge and the possible range of punishment. Emphasize that you're doing the latter only for informational purposes and not because you think he's guilty. Tell him you just want him to know the possible consequences for someone in his position. Always interview a client alone if possible. Family members tend to interfere with the interview process and influence the client's answers to your important questions.

Next, it can be helpful to get some general background information from the client. If he is married or not, has any children, how far he got in school, is he employed, any medical problems, etc. This can also be useful to help establish some trust on the part of the client-never forget that he didn't get to pick his attorney. All of this may account for nothing in the long term, but there's no way to know what's important at the start. Furthermore, some of this information may provide you a clue as to whether there are any mental health issues that will need to be explored in more detail.

C) Special Needs Clients (See Section 46 of the CCP)

Special needs clients are typically those who are mentally ill or mentally retarded. It is always important to be aware of the possibility that a client may be mentally ill or retarded. A

clients mental health problems can affect a case in several different ways, but the two most important are sanity and competency. Sanity, of course, deals with the client's mental status at the time the offense was allegedly committed. Competency is an issue of fairness and can arise at any time. A client might be competent when you first see him, then deteriorate and become incompetent. While the Code of Criminal Procedure permits other parties to raise the issue of incompetency, as a practical matter that responsibility falls on the shoulders of the person who has the most contact with the defendant: the defense attorney. The best preparation for this is to read *Mental Illness, Your Client and the Criminal Law*. Much of the information that follows is taken from that publication which is available within the PDO's library materials.

Determining whether your client is mentally ill is not always easy. Many times, the client who is up front about hearing voices is malingering (the term of art for faking). Generally speaking, the mentally ill will seek to hide this from people around them. They will often be able to pass a superficial interview. However, the more time you spend with the client, the more likely it is that signs of mental illness will show up. Among these can be:

a. The type and facts of the offense

- i. Many of the mentally ill will not have a place to live. Consequently, crimes like criminal trespass, criminal mischief and other similar crimes may be a sign of mental illness. Obviously, this isn't always true but repeated arrests for the same thing can be a warning sign. The arrest affidavit may also yield some clues in that one that describes strange behavior on the part of the client is also suggestive of mental illness.

b. Behavioral/Physiological Clues

- i. A mentally ill person, including one who is on medication, can appear slow, inattentive or sluggish. Other signs to look for are rapid eye blinking, vacant stares, tics or tremors, or unusual facial expressions. The client might be excessively uncooperative, very agitated or tense.

c. The nature of the client's conversations

- i. When asking the client to relate what his version of events are, pay attention to whether he is making sense. Oftentimes, a person with mental illness will not be able to maintain a logical flow to their conversation.

d. Use of mental health terms

- i. The client may refer to counselors or caseworkers, previous treatment at Texas Tropical Health, MHMR or the State Hospital. He may mention medications that are used to treat mental illness. **DO NOT IGNORE ANY OF THESE!**

e. Paranoid statements

f. Speech/Language problems

- i. These could include incoherence, nonsensical speech or non sequiturs. They may change the subject in mid-sentence, speak tangentially or persistently repeat themselves. They could exhibit rapid, racing speech. Some could give monosyllabic answers; others could give rambling, empty answers.

g. Memory and attention issues

- i. Look for limited attention span, selective inattention on some issues or no memory. These can also be signs of head injury.

h. Inappropriate emotional tone

- i. Fear and concern are natural for someone in jail or charged with a criminal offense. However, suspicion, hostility, irritability or depression might suggest mental illness. Especially note that having little or no emotion or being flat can also be a sign.

i. What to look for during the interview:

If you suspect your client has a mental illness, you need to follow up on it. As noted before, many of the mentally ill will try and hide it because they don't want to go to mental hospital or be forced to take medication. They may also fear being victimized in the jail. Others may have never been diagnosed or treated and not know they have a mental illness. Be aware that the jail environment itself can cause a client's condition to deteriorate.

If your client will discuss his history with you, you can ask directly about his condition and treatment, both past and present. Ask if they've ever been diagnosed and what kind of medications they may be taking or have taken in the past. Ask if they've ever been hospitalized for a mental health problem.

It is important to know the names of some of the state hospitals. The one most common for this area would be the one in Vernon, but others include Texas Tropical Health and Advocacy Inc. A client who has been to one of those institutions could be mentally ill.

If your client won't be forthcoming about his situation, be more tactful in your approach. Ask if they've been on medication. Did they attend special classes in school and why. Do they get disability or SSI income? Have they ever been to Texas Tropical Health?

It is important to be patient. You must speak simply and be ready to repeat the same question over and over again to get an answer. Let your client know when you don't understand. Don't let yourself get frustrated because it is important to build a relationship of trust with your client. Don't argue with your client if he says bizarre things: instead, ask them to follow up on what they've said.

j. Incompetency

If you suspect that your client is incompetent, you have an obligation to have him evaluated. It is the policy of the office that all questions of competency are resolved in favor of having the evaluation done. Competency proceedings that begin after January 1, 2004, are governed by chapter 46B of the Code of Criminal Procedure. If you inherit a case where competency proceedings began before that date, then chapter 46 of the Code of Criminal Procedures applies.

The current motion requesting a competency evaluation is available from your Chief or 1st Assistant. Please note that you cannot request a competency evaluation while the case is still at the J.P. level. There must be an indictment or information filed in a felony case or information filed in a misdemeanor case. In felony cases, it may be possible to have the prosecutor file an information rather than waiting for an indictment. If your client is in bad shape, it may save time to ask the prosecutor about filing an information in order to get the competency evaluation started.

Once the motion is filed, the experts will have 30 days in which to conduct the examination and provide a report to the court. It may be necessary for you to become involved in the process if your client refuses to cooperate with the doctors. You may need to counsel with your client about the need for the examination or you may need to get your client to sign release forms permitting the doctors to get documentation of previous hospitalizations or treatment.

k. Ex Parte Mental Health Evaluation

There are times when it may be appropriate to file for a mental health evaluation on an ex parte basis. Typically, this will be in a case where you're concerned about whether your client is exaggerating (the term of art is "malingering") and you don't want to risk the prosecution getting this information. There may also be cases where you find the assistance of a defense expert can provide useful information. Regardless of the reason, it is appropriate to approach the trial court on an ex parte basis. For more information on doing that, please see the section on "Use of Experts."

l. Articles 16.22 and 17.032 – The PR Option

Articles 16.22 and 17.032 are innovative statutes that support a growing need for diversion of appropriate individuals with mental illness and/or mental retardation from the criminal justice system through the use of personal bonds.

The first step in any evaluation for release on personal bond under Articles 16.22 or 17.032 of the Texas Code of Criminal Procedure is the simple recognition of mental illness or mental retardation. In some cases, a defendant's behavior may flag the need to pursue whether he or she has a mental illness. In other cases, jail personnel may discover during intake that a defendant's name appears on a list of prior MHMR clients.

When determining appropriateness for release on personal bond, the required recommendations regarding appropriate treatment should take the following clinical issues into account: Complexity of mental health needs; Availability of services; Willingness to accept treatment; Availability of support systems; Risk assessment; and Service planning. Motions are available from the Chief or 1st Assistant Public Defender.

D) Immigrants / Non-citizens

In addition to whatever criminal penalties may be assessed, immigrants and non-citizens face possible deportation if convicted of certain offenses. Detailed information on these is beyond the scope of this manual, but our office maintains manuals and published books that address these issues. These resources should be consulted when you run across this situation.

E) Reviewing the D.A.'s File

Once the attorney has received the case file, he or she should begin the investigation process. The assigned attorney should review the case file, including the indictment of information and the affidavit for arrest. If the client is in jail, and a client interview has not already been conducted, the investigator or attorney should go to the jail to conduct an in-person interview. If possible, these interviews should be conducted no later than 24 hours after opening the case file.

The attorney should next arrange to go and view the DA case file. It is usually best to call or e-mail the ADA in charge of the case to arrange a time to view the file. If no file has been brought over to the DA's office, then there will be nothing to view. As a general rule, if your client is in jail and has been there for 30 days or more and the DA's office still has not received a file from the police or DPS, then you may want to file for either a PR bond or Examining trial. While there is no guarantee that you will be able to get your client released, it is about all you can do at this point to get them out of jail.

The District Attorney's Office has an "open file" policy, which means that you can review all the materials they have: police reports, lab reports, etc. Please note that you will not be allowed to photocopy the contents of the file, except for the information / indictment and client statements, although you can take notes.

F) Bond Setting and Reduction

Motions regarding bail generally fall into two categories: reducing bail or getting bail set. What motion to file depends on what you're trying to accomplish; most of the time, that's going to be asking a court to reduce your client's bail. In situations where your client is asking for a bail reduction, first look at what amount of bail he currently has. There's nothing that prevents you from asking that the bail be reduced, and it can be useful to go ahead and file the motion, particularly if you have a difficult client.

If the client's bail seems high, the next step is to ask the client how much bail he believes he can make. If the client can't make bail, you should tell him that getting his bail reduced, while possible, isn't going to get him out of jail. There are some clients who will hope that winning a series of bail reductions will ultimately lead to an amount of bail they can make. Experience will teach you that this is not the case.

In preparation for the bail reduction hearing, you should have your client contact several bail bond companies with an eye towards finding out how much they would charge for bail that the client could afford, and the best way to do this is by quoting prices from one or more bonding companies. You should also contact family members, employers, etc., who might be able to testify favorably for the client.

At the hearing, it is permissible to have the client testify for the limited purpose of the bail reduction motion without waiving his privilege against self-incrimination and in most cases, the client will have to as you will not be able to locate anyone who can testify for the client. You should prepare the client by telling him that you will be asking him questions about where he would live, employment opportunities, financial status, health problems, etc. If he has a criminal record or has had previous bond forfeitures, rest assured that the prosecutor will ask your client about it. Note also that the rules of evidence do not apply to a bail reduction hearing, although evidence from the State that denies your client the right to confront the witnesses against him is probably objectionable on that basis.

There are a few other things to note. There are a lot of myths about bail that float around the jail. No client is entitled to bail he can make, nor is he entitled to a bail reduction after 90 days in jail (this is often confused with being entitled to bail you can make or a personal bond if the State hasn't filed an information/indictment within the legal time frame). Remember that you are under no obligation to file a motion that you believe will be waste of the court's time. Consequently, you should counsel with your client if his ideas about bail are unreasonable. The other side of this is that filing a motion to reduce that you know is futile may help your relationship with a difficult client.

Motions to set bail are typically used in cases where a client is in jail for allegedly violating his community supervision. If the client is on deferred adjudication community supervision, he is entitled to bail as he has not yet been convicted. Some judges will set the bail at the same amount it was prior to the client being placed on deferred. Others will require a hearing. Be sure and check on the practice of the particular court that has jurisdiction over the client's case.

In cases where the client is on adjudicated community supervision, bail is at the discretion of the court. Unless the prosecutor agrees to some bail amount, you will have to file a motion and get a hearing set in order to have a chance to get bail set. Again, you can prepare for the hearing much like the bail reduction hearing. Your goal should be to give the court some compelling reasons to set bail in your client's case.

Regardless of what kind of community supervision your client is on, you should think twice about getting bail set. If the client is in on technical violations, it may be that any money he could spend on bail would be better spent at the community supervision and corrections department

getting caught up on what he owes them. However, never have a client or his family pay any money to CSCD without making sure that the prosecutor will agree to dismiss the motion to revoke. If money is paid and there is no such agreement, there is no way for the family to get the money back. Never have money paid without knowing it will help the client's situation.

a. Examining Trials

A client who is charged with an unindicted felony case is entitled by statute to an examining trial. In theory, an examining trial is an opportunity to challenge the state to provide the magistrate (typically the justice of the peace) with probable cause to hold the defendant. It can also provide the defense with an opportunity to discover some aspects of the state's case, particularly the main witnesses.

However, there is usually a period of several weeks between the time you file the motion and the scheduled date for the hearing. Thus, the reality of examining trials in Hidalgo County is that it will almost certainly lead to your client being indicted. This will cut off the client's right to an examining trial since the grand jury will have already made the probable cause determination. On occasion, the prosecutor may decline to show up and the charge against your client will be dismissed. This doesn't mean the case is gone forever. The prosecutor could still present the case to the grand jury and get an indictment. Your client will then be rearrested. Given this reality, it is probably a mistake to file for an examining trial unless you have a compelling reason since few clients will be well-served by forcing the prosecution to indict them without a thorough review of the case.

G) Obtaining a Plea Recommendation

It is a fact of life in criminal law practice that only a small percentage of criminal cases will go to a jury trial. The overwhelming majority are either dismissed or disposed of via plea-bargain. Your role as attorney and counselor is to make sure that your client is fully informed of the charges, the possible consequences if convicted, and any plea offers made by the District Attorney. While you are charged to counsel your client on the pros and cons of any offer, it is not your decision to make whether to accept any particular offer. With experience you will learn that clients will sometimes take plea bargains they would most likely be better off rejecting and refusing offers you believe they should accept. You must always remember that regardless of the client's decision, they are the ones who will live with the consequences so as long as you keep them informed and worked to get them the best offer possible, you have done your job.

You will find that the actual plea offers made to your clients can vary widely based upon the actual offense, your client's criminal history, and who is the prosecutor. You do not have to be best friends, or even personally like the prosecutor, but it is in your and your client's interest to maintain a cordial and professional relationship with all of the prosecutors with whom you will work. Due to the adversarial nature of our profession, it is normal for conflicts between you and the district attorney's office to occasionally arise. Just remember it is not about you, it is about the client. If you can separate the personal from the business, you will go a long way toward benefiting all your clients and making for a much better work environment.

a. Examples of Common Codes Used In Plea Recommendations

The D.A.'s "regular" probation recommendation is coded as follows: Fine + Court Costs + Days in Custody / length of probation + classes to attend + community services hours + any special conditions (Ex: \$500 + CC +30/180 + AC + 40 hrs csr + MADD Classes).

The D.A.'s deferred probation recommendation is coded as follows: Fine + Court Costs + Length of probation + classes to attend + community services hours + any special conditions (Ex: \$500 + CC +DA/180 + AC + 40 hrs csr + Stay Away From Victim).

The D.A.'s time served recommendation is coded as follows: Fine + Court Costs + Length of time in custody + Time in custody already spent + any special conditions (Ex: \$500 + CC + 17 days Hidalgo County Jail + Credit for 17 days in Hidalgo County Jail).

Common acronyms include, but are not limited to, the following:

ABLE or AT =	Able Term System;
AEC =	Alcohol Education Classes;
AM =	Anger Management;
CC =	Court Costs;
DA =	Deferred Adjudication;
DEC =	Drug Education Classes;
FFW =	Forfeiture of Weapon;
GIL =	Guardian Interlock Device;
MADD =	Mother's Against Drunk Driving Classes;
MU =	Mujeres Unidas (Anger Management Classes);
PTD =	Pre-Trial Diversion;
REST =	Restitution Requested to Victim;
TDL =	Texas Driver's License Suspension;
TPC =	Theft Prevention Classes; and
UA =	Urine Analysis.

III. THE PRACTICE OF LAW – FROM CASE INVESTIGATION TO TRIAL

At this point you have interviewed your client, hopefully secured his release from prison, reviewed the District Attorney's file and obtained a plea recommendation. The next step is to conduct your case investigation. An independent investigation of the facts of an alleged offense is a duty a criminal defense attorney owes to each client. Existing case law suggests that this means more than simply reviewing the prosecution's file. More importantly, it is your obligation to give the client all the information about the case that you can. Since it is ultimately up to the client to decide how to plead, the only way he can make an intelligent decision is if he has as much information as possible. It is the attorney's responsibility to provide him that information.

A) Preparing an Investigative Request – Role of the Investigator

A thorough investigation of each case assigned to the investigator is the basis of almost all the courtroom success this office has enjoyed. Without the hard work of the investigator, it would be impossible for the attorneys to do their job effectively. Consequently, attorneys will rely on the investigator for their insight and initiative in conducting investigations.

It is the responsibility of the attorney to initiate an investigation through a written request. (Attached Appendix "C") This request should include the witnesses that need to be interviewed as well as guidance as to what kind of information the attorney is looking for; however, the investigator will need to be familiar with the case so that she can follow up on unanticipated information that the witness might have. It is entirely possible that the investigator will only have one opportunity to speak with the witness, so it's important to get as much information as possible.

Given the obligation of criminal defense attorneys to conduct an independent investigation into their client's case, the PDO attorneys are expected to utilize the investigator to conduct as thorough an investigation as practicable. However, it is important to note two things: first, that there is a finite number of cases that the investigator can handle at any one time, and two, that an investigator is not a substitute for the attorney in dealing with the client. Additionally, keep in mind that the more time the investigator has to work the case, the better the investigation will be. It is impossible for them to do their jobs if the attorney in charge waits until

the last minute to initiate an investigation. With that in mind, investigators uses include, but are not limited to: Conducting the initial client interview; Interviewing victims and witnesses; Reviewing prosecution files; and Drafting subpoenas.

B) Interviewing Potential Witnesses

Interviewing witnesses is best left to the investigator, but if you need to question a witness yourself, never do it alone. If a witness tells you one thing in an interview, then testifies differently at trial, you will not be able to impeach their testimony yourself because you won't be able to testify. You will need someone, either the investigator or another attorney, to witness the conversation. By so doing, you will be able to have them testify, should it become necessary. Of course, there is nothing wrong with going with the investigator to participate in the questioning of the witness.

All interviews should be conducted in a professional and respectful manner. In almost every case, we will need to stay on good terms with the witness in order to maintain their cooperation. All interviews should be recorded, unless the witness specifically asks that it not be done. The investigator should emphasize that recording the conversation protects both sides against any false claims that might be made about what happened during the course of the interview. If the witness will still not agree, the investigator should have someone from the office at the interview.

Although it has never been an issue, the investigator is not to put themselves in a situation where they might be concerned about their personal safety. The PDO represents people who are charged with serious crimes and some witnesses may be hostile or in less than safe environments. For this reason, it is important that the investigator be aware of their surroundings and formulate possible exit strategies for their own safety. The PDO does not expect any staff member to put themselves "in harm's way" for any client. If in doubt, take someone with you.

C) Issuing/Delivering Subpoenas

Subpoenas can be used in different ways. Most commonly, they are used to get a witness to come to court. The best practice is to subpoena all the witnesses you might need regardless of how willing they are to participate. If a witness tells you he will show up and then doesn't, you can have the court issue a writ of attachment, which means the sheriff's department will go looking for him, but only if there is a valid subpoena in the court's file. Having the witness under subpoena is without question the safest thing to do and protects both you and the client for a subpoena to be valid; it must request that a witness appear on a certain date and time. There are instances where this office uses subpoenas prior to trial. This will almost always involve records of some sort. We frequently use subpoenas duces tecum without a hearing date to attempt to get records. We are usually successful with these, but it is important to note that issuing a subpoena that requires the custodian to comply "instantly" has no validity and is subject to being quashed. Furthermore, if the party fails to comply with the subpoena, you have to wait to compel compliance. In situations like this, it might be best to have the case set for a pre trial hearing. You can then subpoena the records to the hearing. If not then, it will have to wait until the trial date.

a. Out of State Subpoenas

Criminal defendants can subpoena witnesses in other states, but the process is significantly more complicated than in-state subpoenas. It will require paperwork filed in a district court-equivalent in the state where the witness resides. It is best to start the process as soon as possible because of the length of time it can take. If you find that you need to subpoena a witness from out of state, notify the Chief Public Defender of the First Assistant as soon as possible.

D) Pre-Trial Motion Preparation

The Hidalgo County District Attorneys office has had an “open file” policy in place for several years in regards to their criminal cases. While this policy does give us large access to view the DA’s file on a case, there are some limitations. In most cases, you will not be allowed to make photocopies of the information. Instead, you must hand copy the information in the file. You also may not be given actual notice of your clients’ prior criminal history or the witnesses against him unless you have filed the proper requests and motions. The Hidalgo County D.A. will allow you to photocopy the complaint and any statements our client makes to law enforcement.

In all cases, the PDO maintains a set of standard “pre-trial” motions for use in practice. While these motions are generally sufficient for most cases there are some situations where additional motions may need to be filed. A comprehensive list of these motions can be obtained from the Chief Public Defender, 1st Assistant or from the Defender Data Case management System.

a. Motions to Suppress and Hearing

Suppression motions can be fruitful in a couple of different ways. First, of course, is the opportunity to exclude inculpatory evidence. Second, you can get the witnesses committed to a version of the facts. Before filing a suppression motion, consult with the Chief Public Defender or 1st Assistant to determine if there is a suppressible issue at hand.

The first decision will be whether to pursue the suppression issue pre-trial or wait to raise the issue during a trial. There are costs and benefits to each decision. If you raise the issue pre-trial and lose, the court’s ruling can be appealed even if the defendant accepts a plea bargain (note that the defendant can waive that right if he signs all of the pleas paper work the District Attorney’s Office typically prepares. Read it carefully and make sure the record reflects that the defendant can appeal the motion to suppress, assuming that’s part of the deal). Of course, most prosecutors will not be happy about your client’s appeal, so you may find him less willing to show the same kind of discretion he might in a pre-trial setting. If you lose the issue at trial, you can always raise it on appeal.

If you decide to raise the issue pre-trial, it is your responsibility to get the motion filed and a hearing set. Generally speaking, a motion to suppress evidence serves to shift the burden to the State to show that what happened was legal. Your preparation and presentation will be the key to any chance of success you might have. In cases where the defendant faces serious time, it is the best practice to go ahead and file suppression motions even though you know you’re going to lose. It’s best to have those things on the record and it will protect you from future ineffective assistance claims.

b. “Case Specific” Motions – Sex Offense

Sex offenses, especially those involving allegations of abuse to a child, are among the most difficult and involved cases. It is not unusual for allegations of sexual misconduct to surface months and even years after the alleged abuse took place. The courts have also allowed a lot of flexibility in fixing a date for the alleged abuse (anytime within 10 years prior to the date alleged in the indictment), making an alibi defense a practical impossibility.

One of the first things you want to do is check if a medical evaluation by a doctor and SANE (Sexual Assault Nurse Examiner) nurse was done. They are routinely done if abuse is alleged to have occurred within the past 48 – 72 hours. If longer than that, there probably will not be an examination but you should always check to make sure. You need to be aware that in addition to the written report, there are often photos which need to be requested as well.

If the case involves allegations of abuse on a child, there will usually be an investigation by CPS. You should request these records in all cases involving children and you should request

investigation information for all cases investigated by CPS involving the defendant and complainant. If there are other children residing in the household, you may want to request on them as well as their guardian and/or parent. There is a special motion on file for requesting these records since they have to be done via "in-camera" inspection. You should use this form, with whatever modifications you need to make for the specifics in your case, when requesting these records. It can oftentimes take several weeks for CPS to retrieve the records and get them to the judge and sometimes longer for the judge to review them and turn them over to you, so you need to request them as soon as the case is indicted.

Another area of action in all sex offender cases is to have them evaluated by an expert for issues like future dangerousness and possible treatment options. This motion should be filed on an ex parte basis to protect the report from discovery by the state unless and until the expert testifies. Given the severity of the sentences in this county for sex offenders, a sex offender evaluation should be done in every case. The Chief Public Defender or the First Assistant can give you names of possible experts.

Lastly, you need to make your client aware of the consequences of a conviction for a sex offense. If placed on probation, he or she will be placed on the sex offender caseload and will be subject to a whole host of special conditions and restrictions above and beyond the standard probation. These are detailed out under §42.14 of the Code of criminal procedure. You also need to make sure your client is aware of the registration requirements he or she will be subject to as well. These are found under §62.01 et al. of that Code.

E) Legal Research

Legal research as discussed in this section deals with research of the law as it affects your case. The PDO works to maintain a library that is current not only with the most recent case law, but also having practitioner manuals, legal articles and motion practice files. We also have access to Lexis/Nexis, internet sites and resources, and the Hidalgo County law library on the 1st floor of the courthouse.

Another invaluable resource is the other attorneys within the office as well as a number of the private practice criminal defense lawyers in town. Lastly, there are several excellent criminal defense associations such as TCDLA, NCDLA, and NLADA which can provide benefits to its members.

IV. THE PRACTICE OF LAW – TRIAL

A) Trial Skills

While law school prepared you for learning about the law, it probably gave you little if any experience in the "practice" of criminal law. Trial skills are an important and necessary part of being an effective criminal defense lawyer, but the reality is that most of your cases will be settled either through dismissal or plea-bargain. However, the more effective you are at trial can greatly influence the quality of plea offers you are able to obtain for your clients. With that in mind, the goal of this office is to provide you with graduated training in the various aspects of trial work.

Hidalgo County's local Indigent Defense Office gives the local judges the responsibility for deciding what kinds of cases an attorney on the appointment list can receive. It is in the best interests of Hidalgo County and the PDO for every attorney in the office to be able to handle all non-capital cases. However, in the event that a new attorney is not approved for certain categories of cases, it is the policy of the PDO to provide that attorney the opportunity to get the training and experience necessary to handle all categories of cases in a prudent and effective manner. It is important to note that no attorney's ethical responsibilities will be compromised by

this training program. No attorney will be given cases that he is not prepared to handle. Conversely, no attorney will be prevented from handling a case that he is ready for.

Ideally, new attorneys in the PDO would move through a series of training steps in order to prepare for more responsibilities. However, it is the client's decision whether to take a plea bargain offer or go to a contested hearing (either a trial or a revocation hearing), making it impossible to know before hand which cases will give the attorney the required courtroom experience. This makes it impossible to have a timetable for these steps. Regardless, all new attorneys, assuming they have no previous experience, will proceed through the following steps:

- a. **Observing a mentor conduct a client interview;**
- b. **Reviewing a prosecutor's file in a case belonging to the mentor with the mentor;**
- c. **Observing plea negotiations by the mentor;**
- d. **Observing the plea hearing of the mentor's client;**
- e. **Conducting an interview of his own client with the mentor present;**
- f. **Conducting plea negotiations on his own case under the supervision of the mentor;**
- g. **Conducting a plea hearing of his own client under the supervision of the mentor;**
- h. **Participating in the preparation of a trial of the client of a mentor;**
- i. **Conducting some part of the trial of the client of a mentor; and**
- j. **If approved by the judge of the court, acting as lead attorney in a trial subject to the supervision of the mentor.**

Along with above steps, new attorneys will be sent to a criminal trial advocacy CLE course to go through a crash-course training program on conducting an actual trial.

Following these steps should prepare the new attorney for handling all non-capital cases. The new attorney will progress through these steps at the discretion of the mentor in consultation with the Chief Public Defender and the 1st Assistant. The steps may also be varies by the Chief Public Defender and 1st Assistant based on the experience level of the new attorney and the needs of the PDO.

B) Don't Forget the Investigator at Trial

Investigators are an integral part of the trial team. Investigators can assist at jury selection, trial notebook preparation, witness coordination and many other things that can come up during the course of the trial. Given that the investigator will have as good (or better) factual knowledge of the case, she can provide a non-lawyer's perspective on the case, which can greatly assist the attorney. For that reason, the investigator should not hesitate to bring their ideas and insight to the attorneys' attention.

V. CASELOAD ALLOCATION

The ability to provide zealous and effective representation of indigent citizens accused of crimes depends on the skill of the attorney, the quality of the support staff, adequate funding for investigators and experts, and sufficient time to adequately investigate, research and prepare the case. In order to allow sufficient time to be allocated to any individual case, the attorneys and support staff must not be responsible for representing too many clients at any one time, lest the representation of all should suffer. Counterbalancing the needs of the client is the need to be mindful of the limited resources available to the defense of indigent citizens. The caseload standards and allocation plan for fairly distributing cases amongst the attorneys of the public

defender's office seeks to maximize the number of cases that can be handled by the office while still maintaining a quality defense in line with ethical and professional standards.

A) Caseload Standards

Office Caseload standards (Developed through reference to other case management standards used by public defender and legal aid offices, including the National Legal Aid and Defender Association {NLADA}. These standards may be reevaluated later based upon actual experience by the Hidalgo County Public Defender's Office.)

a. Types of Cases

- i. Felonies – All degrees (No capital cases)
- ii. Misdemeanors – Class A & B

b. Caseload Limits

- i. 400 Cases/Year Per Attorney
- ii. These standards may be modified by agreement of the Commissioner's Overnight Committee, Board of Judges, and the Public Defender's office based upon:
 - 1. Number and type of support personnel;
 - 2. Actual mix of cases;
 - 3. Experience and position level of attorney; and
 - 4. Actual experience.

c. Case tracking

- i. Computer software program to track and monitor caseloads to determine most viable numbers will be implemented.
- ii. Records to be kept regarding number of each grade felony and misdemeanor assigned to office will be implemented.

B) Caseload distribution and court assignments amongst attorneys

The Public Defender's office is designed to provide indigent defense services for all levels of state criminal offenses from Class B misdemeanors up to 1st degree felonies. In order to most effectively provide these services, the Public Defender will assign one attorney to each county court at law. Each attorney assigned to a county court at law will be responsible for handling any felony cases associated with their Misdemeanor clients.

The particular court assignments shall be determined by the Chief Public Defender based upon the experience of the attorneys in the office and the needs of each court. In the event the Public Defender's Office is operating with less than six attorneys, the Chief Public Defender is also free to modify these cases assignments to meet the needs of the office and the Courts.

a. District Court

- i. Chief Public Defender and 1st Assistant will be assigned to all District Courts as needed.

b. Misdemeanor Court

- i. Cases will be assigned to the county court at law not to an attorney;
- ii. Assistant PD will be responsible for handling all stand alone misdemeanor cases in their county court at law.

VI. APPEALS

A) General Information

An appeal is the legal method used to review the validity of a conviction. Compared to the number of cases we handle, the number of appeals we actually do is very small. There are a couple of reasons for this. First, when someone pleads guilty in a plea bargain situation they give up their right to appeal except in very limited circumstances. Second, of our clients who go to trial and lose, not all of them wish to pursue an appeal. The decision to appeal is left to the client.

Every appeal is heard by a court of appeals. There are fourteen courts of appeals in Texas. The one which hears cases from Hidalgo County is in Corpus Christi. Court of Appeals must hear all the cases which come to them; they have no discretion. Once they reach a decision, the case can be appealed to the Court of Criminal Appeals, the highest court in Texas which hears criminal cases. Unlike the court of Appeals, the Court of Criminal Appeals can pick and choose which cases it will hear. When it chooses to hear a case, it grants discretionary review. For the purposes of our offices, the Court of Criminal Appeals is the highest court to which we can go.

B) How to Appeal

It is fairly easy to start an appeal. All a client has to do is give the trial court written notice that the client wants to appeal. But, like most things legal, there is more to it than that. Everything that happens in an appeal is tied to a timetable; that is, things must happen by certain dates. The timetable starts to run from the day sentence is imposed by the judge. This is not necessarily the same day the jury hands down the sentence, although it can be. Formal sentencing takes place when the judge signs a document called a judgment and sentence. No defendant is formally sentenced until the judgment and sentence is signed by the judge.

Once the judgment/sentence is signed, the timetable starts running. The first deadline comes 30 days after the J/S is signed. In that time, a decision must be made about how the appeal will proceed. Most of the time, all that will happen is that a formally, written notice of appeal will be filed with the trial court. This must be signed by the client. You also need to make sure and file the "Trial Court's Certification of Defendant's Right to Appeal." We also file a request for us to be appointed to handle the appeal and a pauper's oath, also signed by the client, which says that the client is too poor to pay an attorney, pay for copies of the papers filed in the case, or pay for the written version of the testimony given in court (statement of facts aka the transcript).

At the same time, we file request for two other things which are vital. First, we file a designation of the record, which is a request of the clerk (either district or county) to copy any requested documents on filed with the clerk. The items we ask for must be specifically described. Second, we file a request with the court reporter to put the testimony from the trial in written form (the statement of facts). Both of these must be done within the same 30 days period as notice of appeal. As a rule, we file everything at the same time.

Once all of this has been filed with the appropriate people, the appeal has been perfected (that is, all the proper steps have been taken). The next things that must be filed are the transcript (from the clerk) and the statement of facts (from the court reporter). These are both due 60 days after the Judgment and Sentence was signed by the judge. The transcript is usually ready within the allotted time; the court reporters need extra time. We will prepare and mail this motion and it is signed by the court reporter. Once the statement of facts is finished, it is our duty to mail to the court of appeals.

The next thing filed in the court of appeals is the brief we have written on the client's behalf. A brief contains a list of the mistakes we believe happened during the trial, and why they affected the outcome of the trial. The brief must be filed within 30 days after the statement of

facts has been sent to the court of appeals. Once our brief has been filed, the state has 25 days in which to file a brief which responds to what we have alleged. Both sides may, if necessary, request extensions of time in which to file their brief.

After both briefs are filed, the case is set for submission to the court of appeals. Submission is the day the court of appeals begins to consider the briefs. Both sides may also request oral argument in the case. During oral argument, which is before the court of appeals, both sides argue their positions to the court and answer questions from the court.

With the case under submission, both sides wait until the court decides the appeal. The court may uphold the conviction (affirm the conviction), or it may overturn the conviction (reverse the conviction) and order a retrial, or it may find the evidence insufficient and order the person set free. The outcome of a reversal depends upon what kind of problems the defendant said occurred. Besides deciding the case, the court of appeals also issues an opinion, which is a written explanation of why the court reached a particular decision.

All opinions by the court of appeals are dated, and this is important because another timetable starts running. Either party can ask the court of appeals to reconsider its opinion. This motion for rehearing must be filed within 15 days after the opinion of the court of appeals. After getting the motion for rehearing, the court of appeals may overrule, which lets the original opinion stand or it may grant it and issue a new opinion, or sometimes it even asks for new briefs on another argument or point of error that was raised.

C) Court of Criminal Appeals

If you have been denied relief at the court of appeals level, the next step is to try to get the court or criminal appeals to hear the case. Once again, there is a deadline for filing such a request, which is called a Petition for Discretionary Review (PDR). The time limit for filing PDR is 30 days, and the 30 days begins to run the day the Court of Appeals issues its opinion in the case unless a motion for rehearing has been filed in the court of appeals, in which case the PDR must be filed within 30 days of the date the motion for rehearing was overruled.

A PDR is not a brief. Instead, it lists reasons why the Court of Criminal Appeals should hear the case. As noted earlier, the Court of Criminal Appeals can pick and choose which case it will look at, so the first step is getting them interested in our case. If they refuse PDR, they are turning down the case and what we can do on an appeal is over. If they grant PDR, it means they will review the case, and we still have a chance. After review has been granted, the party seeking review has 30 days in which to file another brief. The other side must file a reply brief within 30 days of the filing of the first brief. Then the case is set for formal submission to the Court of Criminal Appeals.

It is important to note that a PDR does not get mailed directly to the Court of Criminal Appeals in Austin, instead, it goes to Ft. Worth, and a copy of the opinion of the Court of Appeals must be attached to the PDR. Also, a copy of the PDR must be mailed to the State Prosecuting Attorney (SPA), whose office is in Austin.

D) Motion for New Trial

The timetable just discussed applies to almost all cases, with one exception. In so cases a Motion for New Trial is filed in the trial court and this will push back the start of the appeal. It only affects when the notice of appeal must be filed. A motion for new trial (MFNT) is a mini-appeal to the trial judge which lists mistakes we believed happened during the trial if the judge grants it, the case is back where it started; i.e., awaiting trial.

The MFNT trial must be filed within 30 days of the date of sentencing. The trial judge must rule on it within 75 days of sentencing. If he doesn't make a ruling, the law considers it overruled after 75 days have passed. The defendant must then file notice of appeal within 90

days of sentencing. Once notice of appeals is given, and all the other paperwork is done, the timetable runs normally.

VII. CASE MANAGEMENT/ PERFORMANCE GUIDELINES

The provision of criminal defense services is not one that easily lends itself to pure numerical analysis. While the process of determining the dollars and cents it costs to provide defense services for "x" number of cases is ascertainable, determining the actual quality of those services is more difficult. The Constitution guarantees all citizens accused of jail able offenses the effective representation of counsel. Mindful of that guarantee, the goal should be to provide a high quality of representation at a reasonable cost and not the bare minimum at lowest possible cost. While there is no one standard to determine effective representation, the Public Defender should seek to measure, to the extent possible, those items that the office and the Commissioner's Court agree provide some measure of the success in providing criminal defense services. These measurements and reports are subject to ongoing revision based upon the capabilities of the equipment available to capture the information and the determination of the parties as to what constitutes valid measurement criteria.

For more objective measurements of the PDO's performance, reports relaying the following information are under development. In the event that the computer software used by the office is unable to prepare this information, alternative reports shall be developed.

A) Effectiveness of Representation

a. Monthly case flow

- i. Number of cases received;
- ii. Number of cases closed; and
- iii. Pending case load

b. Length of time from:

- i. Arrest to appointment;
- ii. Arrest to complaint signed by D.A.'s Office;
- iii. Arrest to release from custody with judgment or dismissal;
- iv. Appointment of case to release from custody with judgment or dismissal; and
- v. Appointment to disposition of case

VII. USE OF EXPERTS

Owing to the diversity of criminal offenses that may be prosecuted, there are many situations that will arise where the attorney may be ill-equipped to zealously defend his client because of a lack of training in certain specialties. While the particular specialties required will vary from case to case, they most often will be medical, psychological or involve forensic testing in numerous areas. The cost in using such experts can vary widely depending upon the particular discipline, geographical location of the expert, and their background. Attorneys should never hesitate to try and arrange for expert assistance if truly required, but should be mindful of expense in determining who to use.

- A) When is an expert appropriate?**
- a. Detailed policies regarding the use of and expert will be developed by Public Defender staff. For the present time, these summarized guidelines, in consultation with the Chief and First Assistant Public Defender are to be used.**
 - b. Types of cases that experts are most likely to be of benefit:**
 - i. Mental Illness / Competency
 - ii. Sex Offenses
 - 1. Pre-Trial Evaluation
 - 2. Polygraph?
 - iii. Injury / Assault
 - iv. Firearm Cases
 - v. Drug Analysis
 - vi. DWI / Intoxilyzer
 - c. If the state has an expert, you probably need one too.**
- B) How to obtain an expert**
- a. Locating potential expert witnesses**
 - i. Referrals from other attorneys; and
 - ii. Referrals from professional organizations
 - b. Interviewing and evaluating**
 - c. Allow sufficient time to obtain one**
 - d. Motion to court**
 - i. Preparation of motion;
 - ii. What to include; and
 - iii. Obtaining funds
 - 1. Estimating costs for evaluation;
 - 2. Travel;
 - 3. Courtroom testimony (time and travel); and
 - 4. Be prepared to make multiple requests for funds (i.e. once for investigation, again for testimony, etc.).
- C) How to most effectively utilize the expert**
- a. Try to use local people when qualified and available;**
 - b. Work to minimize travel time; and**
 - c. Assist the expert as much as possible in obtaining records or client information, to the extent applicable.**

APPENDIX A

Hidalgo County Public Defender's Office
Job Description

CHIEF PUBLIC DEFENDER

DEFINITION

Under the commissioner's court direction, is to perform legal defense work for clients needing publicly assisted representation in serious criminal cases accepted by the Public Defender, including felony and misdemeanor charges. Performs professional, management, supervisory and legal work. Responsibilities include supervising, leading, and counseling subordinate attorneys and acting as a lead counsel on the most difficult and challenging cases.

CLASS CHARACTERISTICS

The Chief Public Defender is assigned to develop legal and departmental policy and procedural guidelines, incumbents are held accountable for exercising substantial initiative, judgment and expertise in administering criminal defense programs and managing a professional staff. General policy direction is received from the Public Defender Oversight Committee and the Hidalgo County Commissioner's Court.

EXAMPLES OF DUTIES (Illustrative Only)

- Supervises the work of subordinate attorneys in felony and misdemeanor cases.
- Schedules, supervises and reviews assignments of legal assistants and investigators assigned to the operational unit.
- Establishes operational goals, objectives, policies and procedures to facilitate effective workflow.
- Instructs, assigns, reviews and plans the work of others.
- Monitors standards.
- Coordinates activities.
- Allocates personnel.
- Responsible for employee reassignments, promotions, and salary increases as appropriate.
- Authorizes, reviews, and approves Department payroll.
- Prepares and submits full cost accounting budgets; monitors expert witness expenditures.
- Responsible for planning and presenting mandated continuing legal education (MCLE) training programs in house.
- Acts as lead counsel in the most challenging, high profile cases.
- Prepares and reviews formal legal opinions.
- Makes recommendations concerning the advisability of writs and appeals.
- Advises and assists attorneys on methods of approach, tactic, and policies in resolving difficult and complex cases.

- Resolves complex legal judgment questions.
- Studies, interprets, and applies statutes, ordinances, court decisions, and legal opinions.
- Prepares and provides administrative reports.
- Assigns or assists in assigning routine felony or misdemeanor cases to attorneys.
- Acts as liaison with other criminal justice agencies or public organizations.

EMPLOYMENT STANDARDS

Juris Doctor Degree, supplemented by three (3) years of progressively responsible experience involving criminal trial services, and which includes some experience in leading, coordinating, and/or supervising professional staff.

Current active membership in the State Bar of Texas required.

KNOWLEDGE OF:

- The authority, limitations, and functions of the workings of the Public Defender's Office.
- Legal principles and practices in criminal defense, including felony and misdemeanor legal defense.
- Rules of evidence.
- Legal research methods and procedures related to the conduct of court proceedings.
- Computer applications related to the work.
- Standard legal office practices and procedures.
- Techniques for dealing with individuals of varying races, genders, ethnicities and ages, some of whom may have physical or emotional problems and who appear to be difficult, confused or hostile.
- Supervisory principles and practices

SKILL IN:

- Interviewing a variety of individuals and soliciting needed information to determine facts and circumstances.
- Developing effective defense strategies.
- Analyzing cases and applying legal principles.
- Presenting statements of law clearly and logically in written and verbal form.
- Presenting an effective defense in Court.
- Preparing clear, concise, accurate and effective legal, policy and procedural guidelines.
- Using sound independent judgment within established legal, policy and procedural guidelines.
- Communicating logically and effectively with a diverse group of clients, witnesses, Judges, law enforcement officials, other attorneys and employees of various agencies and departments.

- Demonstrating patience, tact, courtesy and compassion.
- Establishing and maintaining effective working relationships with those contacted in the course of work.
- Working cooperatively with colleagues to accomplish the policies and goals of the office.
- Organizing, coordinating and motivating a team comprised of attorneys, investigators, and legal assistant to effectively and creatively represent clients and accomplish the mission of the office.

ABILITY TO:

- Handle serious criminal cases.
- Lead a team of attorneys.
- Organize time and work accurately and swiftly under pressure.
- Work in a standard office environment.
- Use standard office and computer equipment.
- Analyze complex legal problems and effectively supervise, coach and counsel other employees in legal problem solving.
- Apply appropriate legal principles and practices and take effective courses of action.
- Communicate effectively both verbally and in written form to present statements of fact, points of law and argument concisely and logically.
- Read, comprehend and retain voluminous technical legal research.
- Analyze and make sound recommendations regarding legal and administrative matters.
- Think globally, develop goals and action plans.
- Bring people together around a common vision and set of goals.
- Prepare and maintain statistical management reports to effectively measure unit's performance.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, employees work within a typical office and/or court setting and are frequently required to sit and talk or hear. Employees are occasionally required to use hands to finger, handle or feel objects, tools or controls, and reach with hands and arms. Employees are required to use a computer to complete work-related tasks such as scheduling staff, and other office related tasks. Employees must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK CONDITIONS

Incumbents may be required to attend meetings off-site after regular business hours, and to work alone at night and in high crime areas. Positions may also require incumbent to be on-call on a 24-hour schedule.

**Hidalgo County Public Defender's Office
Job Description**

FIRST ASSISTANT PUBLIC DEFENDER

DEFINITION

Under direction, the purpose of the position is to perform legal defense work for clients needing publicly assisted representation in serious criminal cases accepted by the Public Defender, including felony and misdemeanor charges. Employees perform professional, complex legal work and are responsible for acting as a lead attorney on cases; perform related work as required.

CLASS CHARACTERISTICS

The First Assistant Public Defender is the most experienced professional attorney. The First Assistant is expected to perform supervisory and leadership functions and demonstrate excellent legal and courtroom skills. The First Assistant is expected to handle the most serious, complex and high profile cases, including acting as a lead attorney on trial cases. The First Assistant is expected to have extensive experience handling caseloads in a wide range of assignments within the Public Defender's Office and may also have assisted in the development and implementation of department policies and procedures.

EXAMPLES OF DUTIES (Illustrative Only)

- Supervise personnel; instruct, assign, review and plan work of others; monitor standards; coordinate activities; allocate personnel.
- Investigate cases.
- Interview clients and witnesses.
- Visit crime scenes, jails, prisons, and case related sites.
- Obtain documents by subpoena and other discovery methods.
- Identify any affirmative or *de facto* defenses and tactical procedural choices for clients.
- Negotiate with prosecutors, probation officers and judges.
- Research, prepare, file, present and argue motions.
- Prepare cases for court, and conduct trials.
- Advocate for leniency or alternatives at sentencing hearings.
- Provide misdemeanor and other case representation including arraignments, pleas, legal motions, jury trials, and post-judgments hearings.
- Screen for potential conflicts of interest.
- Provide narrative, descriptive entries in client files of opinions, impressions, and facts collected.
- Prepare concise, thorough investigation request for in-depth follow-up.
- Meet with investigators to monitor the progress of investigation.
- Negotiate with the District Attorneys and others involved in the court process.

- Advise clients on settlement offers, options, and potential for success at trial or other dispositions of cases.
- Advise clients of the constitutional rights waived by pleading guilty and the potential direct and collateral consequences of a guilty plea.
- Select a jury, examine and cross-examine witnesses, draft and argue jury instructions and argue the case to the jury.
- Staff the pleas, hearing settings and hearings assigned to the Court calendar.
- Advise non-citizen clients of the specific immigration consequences of criminal convictions.
- Respond to telephone calls from non-clients and walk-in customers, including private attorneys seeking advice and counsel.
- Direct the work of legal assistants and interns.
- Provide referrals for counseling, parenting classes, anger management, substance abuse treatment, low cost medical care, emergency shelter, bus schedules and fares.
- Conduct financial and factual intake interviews of prospective clients.

MINIMUM EMPLOYMENT STANDARDS

Juris Doctor degree or equivalent

Current active membership in the State Bar of Texas

Two (2) years of progressively responsible experience involving legal work as a criminal attorney or equivalent combination of training and experience.

Demonstrated ability to handle the most complex criminal cases, including acting as team leader in the preparation and presentation of cases involving the work of other attorneys, investigators, and support staff. Demonstrated leadership and supervisory ability.

Skill in

- Interviewing a variety of individuals and soliciting needed information to determine facts and circumstances
- Developing effective defense strategies
- Analyzing cases and applying legal principles
- Presenting statements of law clearly and logically in written and verbal form
- Presenting an effective defense in court
- Managing an assigned caseload
- Preparing clear, concise, accurate and effective legal, policy and procedural guidelines
- Using sound independent judgment within established legal, policy and procedural guidelines
- Communicating logically and effectively with a diverse group of clients, witnesses, judges, law enforcement officials, other attorneys and employees of various agencies and departments
- Demonstrating patience, tact, courtesy and compassion
- Establishing and maintaining effective working relationships with those contacted in the course of work

- Working cooperatively with colleagues to accomplish the policies and goals of the office.

Ability to

- Personally represent clients in serious criminal and complex Public Defender cases
- Supervise a team of attorneys or others on staff
- Be on call 24 hours per day for emergencies
- Serve leadership roles on special committees inside and outside the office
- Work accurately and swiftly under pressure

Physical Demands

The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee works within a typical office and/or court setting and is frequently required to sit and talk or hear. The employee is occasionally required to use hands to finger, handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

**Hidalgo County Public Defender's Office
Job Description**

ASSISTANT PUBLIC DEFENDER

DEFINITION

Performs legal defense work for clients needing publicly assisted representation in criminal cases accepted by the Public Defender. Employees perform professional legal work and are responsible for providing counsel on appropriate responses to legal actions, for thoroughly preparing assigned cases and clients for trial, providing legal advocacy, representing the County and acting as a legal resource person, and performing related work as required.

CLASS CHARACTERISTICS

Working under general supervision, employees in this class exercise considerable independent judgment and initiative in all areas of criminal defense work. Assistant Public Defenders appear in court daily in both felony and misdemeanor cases in all court levels.

EXAMPLES OF DUTIES (Illustrative Only)

The list of examples of duties, knowledge, skills, and abilities as outlined herein, is intended to be representative of the tasks typically performed. It is not necessarily descriptive of any one position. The omission of an essential function does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the position.

All Assignments:

- Investigates cases.
- Interviews clients and witnesses.
- Visits crime scenes, jails, prisons, and case related sites.
- Obtains documents by subpoena and other discovery methods.
- Identifies any affirmative or *de facto* defenses and tactical procedural choices for clients.
- Negotiates with prosecutors, probation officers and judges.
- Researches, prepares, files, presents and argues motions.
- Prepares cases for court, and conducts trials.
- Advocates for leniency or alternatives at sentencing hearings.
- Provides misdemeanor and other non-complex case representation including arraignments, pleas, legal motions, jury trials, and post-judgments hearings.
- Screens for potential conflicts of interest.
- Provides narrative, descriptive entries in client files of opinions, impressions, and facts collected.
- Prepares concise, thorough investigation request for in-depth follow-up.
- Meets with investigators to monitor the progress of investigation.

- Negotiates with Assistant District Attorneys and others involved in the court process.
- Advises clients on plea offers, options, and potential for success at trial or other dispositions of cases.
- Advises clients of the constitutional rights waived by pleading guilty and the potential direct and collateral consequences of a guilty plea.
- Selects juries, examines and cross-examines witnesses, drafts and argues jury instructions and argues cases to the jury.
- Staffs the pleas, hearing settings and hearings assigned to the Court calendar.
- Advises non-citizen clients of the specific immigration consequences of criminal convictions.
- Responds to telephone calls from non-clients and walk-in customers, including private attorneys seeking advice and counsel.
- Conducts factual intake interviews of prospective clients.

EMPLOYMENT STANDARDS

Juris Doctor degree or equivalent

Current active membership in the State Bar of Texas.

KNOWLEDGE OF:

- Criminal law and aspects of criminal law related to Public Defender work.
- Rules of evidence, procedure, and substantive law.
- Legal principles and research methods.
- State and local laws and ordinances.
- Legal research methods.
- Preparation of briefs.
- Computer applications related to the work.
- Standard legal office practices and procedures.
- The duties, powers and limitation of the Public Defender's Office.
- Techniques for dealing with individuals of varying races, genders, ethnicity and ages, some of whom may have physical or emotional problems and who appear to be difficult, confused or hostile.

ABILITY TO:

- Interview a variety of individuals and solicit needed information to determine facts and circumstances.
- Develop effective defense strategies.
- Analyze cases and applying legal principles.
- Present statements of law clearly and logically in written and verbal form.
- Present an effective defense in court.
- Manage an assigned caseload.
- Prepare clear, concise, accurate and effective legal, policy and procedural guidelines.
- Use independent judgment within legal, policy and procedural guidelines.

- Communicate logically and effectively with a diverse group of clients, witnesses, judges, law enforcement officials, other attorneys and employees of various agencies and departments
- Demonstrate patience, tact, courtesy and compassion.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Work cooperatively with colleagues to accomplish the policies and goals of the office.
- Recognize and evaluate approaches to situations of a potentially sensitive nature.
- Analyze legal principles and precedents and to apply them to complex factual legal problems.
- Present statements of fact, law and argument clearly and logically in written and oral form.
- Draft opinions, pleadings, and briefs.
- Work accurately and swiftly under pressure.
- Travel to locations within and outside of the County to interview individuals, gather information, attend training sessions and other job related meetings.
- Use standard office equipment, including computers and information systems utilized in the performance of the work.
- Work in a standard office environment.
- Keep detailed and accurate records.
- Compose and disseminate correspondence as required.

PHYSICAL DEMANDS AND WORK ENVIRONMENT

The physical demands and work environment described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee works within a typical office and/or court setting and is frequently required to sit and talk or hear. The employee is occasionally required to use hands to finger, handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

**Hidalgo County Public Defender's Office
Job Description**

INVESTIGATOR

DEFINITION

Under direction, to interview witnesses, clients and victims in the conduct of investigations; to obtain, preserve, record and analyze evidence for the defense of clients represented by the Public Defender's Office; and to do other work as required.

LEVEL SUMMARY

The Investigator is expected to exercise a high degree of initiative and independent judgment in securing information while conducting complex investigations of felony and misdemeanor charges. This classification series is required to be available for 24 hour on-call assignments.

FUNCTION

- Plans, directs and conducts investigations to support the legal defense of a wide variety of criminal cases including felony and misdemeanor charges.
- Establishes and maintains informant contacts to develop information relevant to cases.
- Conducts surveillance stakeouts as necessary.
- Identifies, locates and interviews clients to gather financial and factual statements for screening and intake purposes, witnesses, complainants, law enforcement officials and representatives of other agencies to gather information on events surrounding cases.
- Contacts and maintains liaison with outside agencies and expert witnesses as reference resources for potential testimony in highly specialized fields.
- Locates, obtains, evaluates and preserves documentary evidence from a variety of sources.
- Confers with attorneys on points of law and procedure.
- Writes and dictates reports of contacts and findings including statements, scene descriptions and analysis of physical evidence.
- Appears as a witness and testifies at trials, hearings and motions.
- Participates in training sessions.
- Operates and maintains a variety of photographic, tape, graphic and projection equipment.
- Prepares, presents, and maintains records and reports.

EMPLOYMENT STANDARDS

Three years of substantial criminal investigative experience, paralegal experience, or related education, training and/or investigative experience which provides the knowledge and skill requirements.

KNOWLEDGE

- Techniques, principles and methods used in criminal investigations.
- Methods and techniques of screening, evaluating and preparing evidence and exhibits for trials, i.e., laboratory procedure incident to the investigation of a crime including ballistics, toxicology, fingerprint comparison, chemical substance identification, and homicide pathology.
- Texas Penal Code and the Constitution, i.e., laws of arrest, rights of citizens, rules of evidence and court procedures.
- Various resources available in locating individuals.
- Mental defenses to a crime such as diminished capacity and legal insanity, including general knowledge of the subject of psychology, and psychological testing.
- The criminal justice system, state department of corrections and related agencies.

ABILITY TO:

- Keep accurate notes and records.
- Prepare and present clear, concise and comprehensive reports.
- Read and understand legal codes and cases and technical material in such disciplines as medicine, physical and social sciences.
- Obtain information through interview and interrogation.
- Assess the creditability of witnesses.
- Gather and analyze facts and evidence, and draw valid conclusions.
- Adjust to workload changes and work under stress to meet deadlines.
- Organize and prioritize workload to manage cases efficiently.
- Testify in court in a direct, clear and concise manner.
- Establish and maintain effective working relationships with attorneys, representatives of other agencies, clients, the public and co-workers.
- Ability to diagram to scale crime scene and to draft charts or other diagrams required for forensic use.
- Skill to operate photographic, recording and graphic equipment is desirable.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee is frequently required to walk, sit and talk or hear.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing and data base software; calculator; copy and fax machine; phone; mobile or portable radio; various photographic, tape, graphics and projection equipment. Requires hand - eye coordination necessary to operate computers and various pieces of office equipment.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

Work is performed in office settings and in the field. Investigations may require incumbents to work alone at night and in high crime areas, maintain confidentiality of information and documents related to cases. Willingness to attend meetings after regular business hours.

ADMINISTRATIVE ASSISTANT

DEFINITION

Under general supervision, to provide a variety of complex and technical legal document preparation and other secretarial support to attorneys, which are often confidential and may include the use of problem solving skills and independent decision-making; and to perform related work as assigned.

CHARACTERISTICS

Successful performance of the work requires a wide knowledge of legal documents, formats, terminology and, depending upon assignment, either criminal justice or court office practices and procedures.

EXAMPLES OF DUTIES (Illustrative Only)

Regardless of assignment:

- Working within critical deadlines, word processes a variety of legal documents, which may include pleadings, motions, orders, warrants, petitions, subpoenas, complaints and information, witness lists, jury instructions, voir dire questions, verdict forms, reports, general correspondence and other materials from drafts, notes, verbal instructions, prior documents and dictated tapes.
- Proofreads and edits drafts and completed materials for format, accuracy, grammar, spelling, punctuation, English usage and consistency.
- Performs a variety of general office support work on a relief or as-needed basis, including maintaining accurate records and files and providing coverage for other assignments.
- Uses a variety of office equipment such as computer terminals, printers, scanners, and copy reproduction and FAX equipment as well as standard office software such as word processing, spreadsheet and database applications.
- Provides a variety of support to attorneys, tracking and ensuring that all documents have been prepared and processed and appropriate actions taken in a timely manner; prepares periodic spreadsheets to track status of cases.
- Verifies case law and code citations and quotations found in motions and other documents, using the law library.
- Coordinates the scheduling of appointments between attorneys of the Public Defender's and District Attorney's Offices.
- Obtains and maintains records regarding prior convictions for clients.
- May assist with compilation of statistical data.

EMPLOYMENT STANDARDS

Any combination of education and experience that would provide the knowledge and skills listed. Typically, equivalent to Two years of experience in processing legal documents in a court, criminal justice or legal office setting.

KNOWLEDGE OF:

- Legal office and criminal justice system terminology, forms, documents and procedures.
- The standard format for a variety of legal documents and forms, including briefs, motions, opinions, subpoenas and warrants.
- Policies and procedures related to the department and specific function to which assigned.
- The use of specified computer applications involving word processing and standard report generation.
- Business arithmetic.
- Standard office practices and procedures, including filing and the operation of standard office equipment.
- Record keeping principles and practices.
- Correct business English, including spelling, grammar and punctuation.

SKILL IN:

- Independently preparing a variety of legal documents and forms.
- Being flexible and able to competently perform in a variety of assignment areas.
- Editing and reviewing for accuracy, format and correct English usage technical and complex legal and court documents.
- Using applicable legal office terminology, forms, documents and procedures in the course of the work.
- Using sound independent judgment in following and applying appropriate laws, codes, regulations, policies and procedures.
- Performing detailed legal office support work.
- Maintaining accurate legal office files.
- Composing correspondence or documents independently or from brief instructions.
- Organizing own work, setting priorities, working in a high volume setting and meeting critical deadlines.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.
- Word processing materials from standard printed copy at a net rate of 50 words per minute.

PHYSICAL DEMANDS

Mobility to work in a typical office or courtroom setting and use standard office equipment, strength to lift files weighing up to 15 pounds, vision to read printed materials and a computer screen, and hearing and speech to communicate in person and over the telephone.

APPENDIX B

Hidalgo County Public Defender's Office
Absence Form

Employee Name: _____ Date of Request: _____
(PRINT)

Reason for Leave Request: _____

It is my understanding that failure to return on the above date or failure to notify the County that I wish an extension can result in my separation from the County.

(Social Security #) Employee Signature

<p>_____ Department Head Signature</p> <p>Remarks: _____</p>

<p>I, _____, hereby agree to cover any and all duties (Printed Name of Employee Covering Absence) assigned to the above named employee in his/her absence.</p>	
_____ Date	_____ Signature

Request for Investigative Procedures

APPENDIX C

Case # : _____ Offense: _____

Defendant's Name : _____ Date: _____

Address: _____ City: _____

State: _____ Zip: _____ D.O.B.: _____ Age: _____

Name of Attorney Making Request

ACKNOWLEDGEMENT FORM

Hidalgo County Public Defender's Office

Date

I, _____, have read, understand and received a copy of the Hidalgo County Public Defender's Office Policy and Procedure Manual and understand I am expected to abide by the said policy.

Signature: _____

Social Security #: _____

For 01/01/14 - 01/31/15

Expenditure Summary Report

FJEXS01B

Periods 01 - 13

Standard Report Format

1001 - Standard Report Spec

Account Number / Description		Original Budget	Adjusted Budget	Y-T-D Encumbrance	Y-T-D Expended	Available Balance	Percent Used
1100 GENERAL FUND							
4-1100-412-30-085-003-0-112	PUBLIC DEFENDER-DEPT HEADS	89,981.00	89,981.00	.00	20,072.70	69,908.30	22.31
4-1100-412-30-085-003-0-113	PUBLIC DEFENDER-REG F/T EMPLOYEES	593,172.00	593,172.00	.00	131,847.23	461,324.77	22.23
4-1100-412-30-085-003-0-115	PUBLIC DEFENDER-LONGEVITY PAY	3,600.00	3,600.00	.00	848.09	2,751.91	23.56
4-1100-412-30-085-003-0-211	PUBLIC DEFENDER-HEALTH INSURANCE	81,648.00	81,648.00	.00	22,981.00	58,667.00	28.15
4-1100-412-30-085-003-0-212	PUBLIC DEFENDER-LIFE INSURANCE	378.00	378.00	.00	131.46	246.54	34.78
4-1100-412-30-085-003-0-220	PUBLIC DEFENDER-FICA	52,536.60	52,536.60	.00	11,174.25	41,362.35	21.27
4-1100-412-30-085-003-0-230	PUBLIC DEFENDER-RETIREMENT	74,787.40	74,787.40	.00	16,636.42	58,150.98	22.24
4-1100-412-30-085-003-0-250	PUBLIC DEFENDER-UNEMPLOYMENT COMP	3,914.49	3,914.49	.00	870.74	3,043.75	22.24
4-1100-412-30-085-003-0-260	PUBLIC DEFENDER-WOKERS COMP	709.27	709.27	.00	157.71	551.56	22.24
4-1100-412-30-085-003-0-341	PUBLIC DEFENDER-DATA MGMT & PROCESSING	6,724.00	6,724.00	5,974.00	1,506.00	-756.00	111.24
4-1100-412-30-085-003-0-342	PUBLIC DEFENDER-INFO & CREDIT SERVICES	2,438.00	4,350.00	2,250.00	375.00	1,725.00	60.34
4-1100-412-30-085-003-0-442	PUBLIC DEFENDER-EQUIP & VEHICLE RENTALS	.00	30.00	12.00	4.00	14.00	53.33
4-1100-412-30-085-003-0-529	PUBLIC DEFENDER-SURETY & NOTARY BONDS	142.00	213.00	.00	.00	213.00	.00
4-1100-412-30-085-003-0-531	PUBLIC DEFENDER-TELEPHONE	895.00	1,332.00	1,332.00	.00	.00	100.00
4-1100-412-30-085-003-0-535	PUBLIC DEFENDER-POSTAGE	524.00	2,024.00	.00	.00	2,024.00	.00
4-1100-412-30-085-003-0-583	PUBLIC DEFENDER-TRAVEL OUT OF COUNTY	.00	150.00	.00	134.40	15.60	89.60
4-1100-412-30-085-003-0-584	PUBLIC DEFENDER-REGISTRATION FEES	.00	1,499.00	299.00	1,200.00	.00	100.00
4-1100-412-30-085-003-0-601	PUBLIC DEFENDER-OFFICE & COMPUTER SUPPL	.00	1,870.00	648.74	336.63	884.63	52.69
4-1100-412-30-085-003-0-631	PUBLIC DEFENDER-BOTTLED WATER	57.00	174.00	93.00	24.00	57.00	67.24
4-1100-412-30-085-003-0-780	PUBLIC DEFENDER-CAPITAL LEASES	.00	2,300.00	1,660.74	465.80	173.46	92.46
4-1100-412-30-085-003-0-810	PUBLIC DEFENDER-DUES & MEMBERSHIPS	.00	1,700.00	.00	.00	1,700.00	.00
4-1100-412-30-085-003-0-831	PUBLIC DEFENDER-COURT COSTS & INVESTIGAT	.00	126.00	.00	.00	126.00	.00
003		911,506.76	923,218.76	12,269.48	208,765.43	702,183.85	23.94
1100 GENERAL FUND		911,506.76	923,218.76	12,269.48	208,765.43	702,183.85	23.94
1282 DESIGNATED PURPOSE GRANTS LVL 2							
4-1282-412-30-085-004-4-113	PUBLIC DEFENDER JUV SECT-REG F/T EMPL	.00	159,607.34	.00	39,713.00	119,894.34	24.88
4-1282-412-30-085-004-4-115	PUBLIC DEFENDER JUV SECT-LONGEVITY PAY	.00	367.00	.00	114.00	253.00	31.06
4-1282-412-30-085-004-4-211	PUBLIC DEFENDER JUV SECT-HEALTH INS	.00	13,114.40	.00	6,566.00	6,548.40	50.07
4-1282-412-30-085-004-4-212	PUBLIC DEFENDER JUV SECT-LIFE INSURANCE	.00	86.40	.00	37.56	48.84	43.47
4-1282-412-30-085-004-4-220	PUBLIC DEFENDER JUV SECT-FICA	.00	14,842.49	.00	2,907.03	11,935.46	19.59
4-1282-412-30-085-004-4-230	PUBLIC DEFENDER JUV SECT-RETIREMENT	.00	19,232.00	.00	4,337.20	14,894.80	22.55
4-1282-412-30-085-004-4-250	PUBLIC DEFENDER JUV SECT-UNEMPLOYMENT	.00	1,801.88	.00	227.00	1,574.88	12.60
4-1282-412-30-085-004-4-260	PUBLIC DEFENDER JUV SECT-WORKERS COMP	.00	96.68	.00	53.36	43.32	55.19
4-1282-412-30-085-004-4-342	PUBLIC DEFENDER JUV SECT-INFO & CREDIT	.00	3,962.00	.00	.00	3,962.00	.00

Run Date 04/03/14 11:05 AM

Hidalgo County

Page No 2

For 01/01/14 - 01/31/15

Expenditure Summary Report

FJEXS01B

Periods 01 - 13

Standard Report Format

1001 - Standard Report Spec

<u>Account Number / Description</u>	<u>Original Budget</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumbrance</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
1282 DESIGNATED PURPOSE GRANTS LVL 2						
4-1282-412-30-085-004-4-550 PUBLIC DEFENDER JUV SECT-PRINTING & BIND	.00	300.00	.00	.00	300.00	.00
4-1282-412-30-085-004-4-583 PUBLIC DEFENDER JUV SECT-TRAVEL OUT OF C	.00	3,935.02	415.48	1,119.67	2,399.87	39.01
4-1282-412-30-085-004-4-584 PUBLIC DEFENDER JUV SECT-REGISTRATION	.00	800.00	.00	500.00	300.00	62.50
4-1282-412-30-085-004-4-601 PUBLIC DEFENDER JUV SECT-OFFICE & COMP	.00	1,449.62	10.00	.00	1,439.62	.69
4-1282-412-30-085-004-4-640 PUBLIC DEFENDER JUV SECT-REFERENCE MATER	.00	82.50	.00	.00	82.50	.00
4-1282-412-30-085-004-4-780 PUBLIC DEFENDER JUV SECT-CAPITAL LEASE	.00	1,978.78	1,538.18	439.48	1.12	99.94
4-1282-412-30-085-004-4-810 PUBLIC DEFENDER JUV SECT-MEMBERSHIP DUES	.00	720.00	.00	.00	720.00	.00
4-1282-412-30-085-004-4-811 PUBLIC DEFENDER JUV SECT-LICENSES & PERM	.00	65.00	.00	.00	65.00	.00
004	.00	222,441.11	1,963.66	56,014.30	164,463.15	26.06
1282 DESIGNATED PURPOSE GRANTS LVL 2	.00	222,441.11	1,963.66	56,014.30	164,463.15	26.06
4 YEAR 2014	911,506.76	1,145,659.87	14,233.14	264,779.73	866,647.00	24.35

Public Defender's Office

Anticipated Overhead Costs

GENERAL FUND – OPERATING EXPENSES

DESCRIPTION	2014 APPROVED BUDGET	2014 ADJUSTED BUDGET	ANTICIPATED OVERHEAD COSTS
DATA MGMT & PROCESSING	6724.00	6724.00	11,000.00
INFO & CREDIT SERVICES	2,438.00	4,300.00	4,500.00
EQUIP & VEHICLE RENTALS	0.00	30.00	30.00
SURETY & NOTARY BONDS	142.00	213.00	213.00
TELEPHONE	895.00	1,332.00	3,500.00
POSTAGE	524.00	2,024.00	2,200.00
TRAVEL IN-COUNTY	0	0	2,000.00
TRAVEL OUT-OF-COUNTY	0	150.00	4,500.00
REGISTRATION FEES	0	1,499.00	3,000.00
OFFICE & COMPUTER SUPPLIES	0	1,870.00	3,500.00
BOTTLED WATER	57.00	174.00	250.00
CAPITAL LEASES	0	2,300.00	2,300.00
DUES & MEMBERSHIP	0	1,700.00	2,000.00
REFERENCE MATERIALS	0	0	4,000.00
COURT COSTS & INVESTIGATION	0	126.00	3,500.00
TOTAL	10,780.00	22,442.00	46,493.00

Public Defender's Office

Anticipated Overhead Costs

JUVENILE SECTION – OPERATING EXPENSES

DESCRIPTION	2014 APPROVED BUDGET	2014 ADJUSTED BUDGET	ANTICIPATED OVERHEAD COSTS
INFO & CREDIT SERVICES	0	3,962.00	3962.00
PRINTING & BINDING	0	300.00	300.00
TRAVEL OUT-OF-COUNTY	0	3,935.02	5000.00
REGISTRATION FEES	0	800.00	2500.00
OFFICE & COMPUTER SUPPLIES	0	1,449.62	3000.00
OFFICE EQUIPMENT	0	0	2000.00
CAPITAL LEASES	0	1978.78	2000.00
DUES & MEMBERSHIP	0	720.00	720.00
REFERENCE MATERIALS	0	82.00	1000.00
LICENSES & PERMITS	0	65.00	65.00
TOTAL	.00	13,292.42	20,547.00

Hidalgo County

Department of Budget & Management

2014 Salary Schedule

COMMISSIONERS COURT

1100-412-30-085-003-0

PUBLIC DEFENDER

Slot #	Obj Code	POSITION TITLE	2013 BUDGETED SALARY	2014 ADJUSTED SALARY	2014 BASE SALARY	% INC	AMOUNT INCREASE	OTHER INCREASE	2014 APPROVED BUDGETED SALARY	2014 ACTUAL SALARY	Other Allowances					2014 ACTUAL TOTAL COMPENSATION
											Longevity 115	Interpret. 116	Supplem. 117	Auto A. 118	Clothing 119	
0001	113	PUBLIC DEFENDER II	\$53,822.00	\$0.00	\$53,822.00	0	\$0.00	\$0.00	\$53,822.00	\$53,822.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$53,822.00
0002	113	ADMINISTRATIVE ASSISTANT I	\$24,087.00	\$0.00	\$24,087.00	0	\$0.00	\$0.00	\$24,087.00	\$24,087.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$24,087.00
0003	112	CHIEF PUBLIC DEFENDER	\$89,981.00	\$0.00	\$89,981.00	0	\$0.00	\$0.00	\$89,981.00	\$89,981.00	\$660.00	\$0.00	\$0.00	\$0.00	\$0.00	\$90,641.00
0004	113	1st ASSISTANT PUBLIC DEFENDER	\$67,800.00	\$0.00	\$67,800.00	0	\$0.00	\$0.00	\$67,800.00	\$67,800.00	\$360.00	\$0.00	\$0.00	\$0.00	\$0.00	\$68,160.00
0005	113	PUBLIC DEFENDER II	\$52,002.00	\$0.00	\$52,002.00	0	\$0.00	\$0.00	\$52,002.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0006	113	PUBLIC DEFENDER II	\$52,002.00	\$0.00	\$52,002.00	0	\$0.00	\$0.00	\$52,002.00	\$52,002.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$52,002.00
0007	113	PUBLIC DEFENDER II	\$52,002.00	\$0.00	\$52,002.00	0	\$0.00	\$0.00	\$52,002.00	\$50,487.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,487.00
0008	113	PUBLIC DEFENDER II	\$56,238.00	\$0.00	\$56,238.00	0	\$0.00	\$0.00	\$56,238.00	\$56,238.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$56,538.00
0009	113	INVESTIGATOR I	\$44,583.00	\$0.00	\$44,583.00	0	\$0.00	\$0.00	\$44,583.00	\$44,583.00	\$540.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45,123.00
0010	113	INTAKE CLERK	\$32,769.00	\$0.00	\$32,769.00	0	\$0.00	\$0.00	\$32,769.00	\$32,769.00	\$420.00	\$0.00	\$0.00	\$0.00	\$0.00	\$33,189.00
0011	113	ADMINISTRATIVE ASSISTANT III	\$36,257.00	\$0.00	\$36,257.00	0	\$0.00	\$0.00	\$36,257.00	\$36,257.00	\$1,320.00	\$0.00	\$0.00	\$0.00	\$0.00	\$37,577.00
0012	113	PUBLIC DEFENDER II	\$52,002.00	\$0.00	\$52,002.00	0	\$0.00	\$0.00	\$52,002.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0013	113	CLERK I	\$19,121.00	\$0.00	\$19,121.00	0	\$0.00	\$0.00	\$19,121.00	\$19,121.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$19,121.00
0018	113	PUBLIC DEFENDER II	\$50,487.00	\$0.00	\$50,487.00	0	\$0.00	\$0.00	\$50,487.00	\$50,487.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,487.00
Totals			\$683,153.00	\$0.00	\$683,153.00		\$0.00	\$0.00	\$683,153.00	\$577,634.00	\$3,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$581,234.00

Hidalgo County

Department of Budget & Management

2014 Salary Schedule

COMMISSIONERS COURT

1282-412-30-085-004-4

PUBLIC DEFENDER - JUVENILE SECTION

Slot #	Obj Code	POSITION TITLE	2013 BUDGETED SALARY	2014 ADJUSTED SALARY	2014 BASE SALARY	% INC	AMOUNT INCREASE	OTHER INCREASE	2014 APPROVED BUDGETED SALARY	2014 ACTUAL SALARY	Other Allowances					2014 ACTUAL TOTAL COMPENSATION
											Longevity 115	Interpret. 116	Supplem. 117	Auto A. 118	Clothing 119	
G001	113	PUBLIC DEFENDER III	\$60,655.00	\$0.00	\$60,655.00	0	\$0.00	\$0.00	\$60,655.00	\$60,655.00	\$480.00	\$0.00	\$0.00	\$0.00	\$0.00	\$61,135.00
G002	113	PUBLIC DEFENDER II	\$52,002.00	\$0.00	\$52,002.00	0	\$0.00	\$0.00	\$52,002.00	\$52,002.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$52,002.00
G003	113	SOCIAL WORKER	\$41,280.00	\$0.00	\$41,280.00	0	\$0.00	\$0.00	\$41,280.00	\$41,280.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$41,280.00
G004	113	ADMINISTRATIVE ASSISTANT I	\$24,087.00	\$0.00	\$24,087.00	0	\$0.00	\$0.00	\$24,087.00	\$24,087.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$24,087.00
Totals			\$178,024.00	\$0.00	\$178,024.00		\$0.00	\$0.00	\$178,024.00	\$178,024.00	\$480.00	\$0.00	\$0.00	\$0.00	\$0.00	\$178,504.00